

REPORT

**To the Honorable Mayor and City Council
From the City Manager**

July 22, 2013

SUBJECT

Redwood City's Title VI Policy and Limited English Proficiency Plan

RECOMMENDATION

Adopt, by motion, Redwood City's Title VI Policy and Limited English Proficiency (LEP) Plan and authorize the City Manager to implement federal and state mandates pertaining to Title VI and LEP. Additionally, authorize the City Manager to update Redwood City's Title VI Policy and LEP Plan from time to time as may be required by future changes to or clarifications of related federal and state guidelines and regulations.

BACKGROUND

All recipients and all sub-recipients of federal funding must follow federal requirements, including Title VI requirements. 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 (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

From time to time Redwood City receives federal funding for various projects and programs, either as a recipient or a sub-recipient. For example, federal funding from the Congestion Mitigation and Air Quality Improvement Program (CMAQ) has been made available for the "Making the Last Mile Connection" (Last Mile) pilot program, through the Metropolitan Transportation Commission's OneBayArea Climate Initiatives Program. SamTrans, as the Last Mile project lead, is required to monitor project partners (sub-recipients) for compliance with the following four areas under Title VI and LEP:

- Title VI Policy:
 - Title VI Notice to Public: a notice to the public (available on the sub-recipient's website) that the sub-recipient complies with Title VI and instruction to the public on how to file a discrimination complaint
 - Title VI Complaint Process: procedures (available to members of the public upon request) for investigating and tracking Title VI complaints
 - Record of Title VI Investigations, Complaints, and Lawsuits: annual submission to SamTrans of a record of all Title VI investigations, complaints, and lawsuits for the agency (whether or not applicable to the Last Mile project)

- Limited English Proficiency (LEP) Plan: a plan that describes how the recipient is providing meaningful access to persons with LEP

Similar and related compliance is typically required for other federally-funded grant projects and programs, including both transportation projects and non-transportation projects. For example, the City receives Federal Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) entitlement funds from the U.S. Department of Housing and Urban Development. These funds are then made available to organizations providing assistance to low and moderate income households residing within Redwood City.

ANALYSIS

Redwood City has been and remains committed to upholding the provisions of Title VI and LEP policies and to taking positive and realistic affirmative steps to ensure the protection of rights and opportunities for all persons affected by City programs. Redwood City's processes and guidelines are consistent with the spirit and intent of Title VI and LEP. Although Title VI policies have been formalized in Redwood City's project-specific funding agreements from time to time, no overarching City policy is in place specifically pertaining to federal funding requirements. Formalizing its practices and adopting a citywide (all departments) Title VI Policy and an LEP Plan will maintain consistency with existing City policies, practices, and guidelines while streamlining future federally-funded grant applications, funding agreements, and related documents.

Redwood City's Title VI Policy and LEP Plan and related policies pertain to all City departments and as such must be administered citywide to ensure consistency. Staff recommends that the Council-adopted Title VI and LEP policies and plans reside within the City Attorney's office, which will manage updates as required by federal or state mandate. The public communications function within the City Manager's office may serve as the key point of contact for communications pertaining to Title VI, LEP, and pertinent federal and state mandates.

ALTERNATIVES

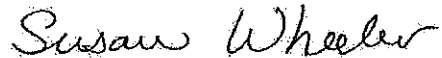
1. Direct staff to modify the draft Redwood City Title VI Policy and/or LEP Plan and return to Council.
2. Adopt the draft Redwood City Title VI Policy and/or LEP Plan with changes as directed by Council.
3. Not adopt a formal Title VI Policy and/or LEP Plan. Staff does not recommend this alternative as not adopting a plan may impact future federal grant funding.

FISCAL IMPACT

No fiscal impact is anticipated as a result of adopting a formal Title VI Policy or LEP Plan.

ENVIRONMENTAL REVIEW

Formal adoption of a Title VI Policy and LEP Plan is not a project under CEQA.



SUSAN WHEELER
MANAGEMENT ANALYST



BILL EKERN
COMMUNITY DEVELOPMENT DIRECTOR



ROBERT B. BELL
CITY MANAGER

ATTACHMENTS

1. Draft, City of Redwood City Title VI Policy
2. Draft, City of Redwood City Limited English Proficiency (LEP) Implementation Plan

RELATED DOCUMENTS IN CITY CLERK'S OFFICE

1. None

Attachment 1
City of Redwood City Title VI Policy

In accordance with Title VI of the 1964 Civil Rights Act and related federal and state regulations, the City of Redwood City (City) is committed to ensuring that no person shall be excluded from the equal distribution of its services and amenities on the basis of race, color, or national origin, including Limited English Proficiency.

Policy:

Redwood City's public notice is as follows (this statement will be posted on the City's website):

The City of Redwood City hereby gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964. Redwood 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 (including Limited English Proficiency) as protected by Title VI of the Civil Rights Act of 1964, and 49 Code of Federal Regulations Section 5332.

Filing complaints:

Any person who believes that he or she has, individually, or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, or national origin, may file a complaint with the City of Redwood City. A complaint must be filed within 180 days after the date of the alleged discriminatory incident, and may be filed via email, through U.S. Mail, in person, or via telephone. Telephone complaints may be submitted by calling the City of Redwood City at 650-780-7000. Complaints may be mailed to, or submitted in person at, the following address:

City of Redwood City
Title VI Officer
1017 Middlefield Road
Redwood City, CA 94063

Complaints may also be filed with an external entity such as the Department of Transportation, another federal or state agency, or a federal or state court. Should a complaint be filed simultaneously with the City of Redwood City and an external entity, the external complaint shall supersede the City of Redwood City complaint and the City of Redwood City complaint procedures will be suspended pending the external entity's findings.

Complaint processing:

Within 10 working days of receipt of a formal complaint, a staff member will be assigned to notify the complainant of receipt and to begin an investigation (unless the complaint is

filed with an external entity first or simultaneously). The investigation will address complaints against any Redwood City department(s) or its contractors. The investigation will be conducted in conjunction with and under the advice of Redwood City legal staff.

The investigation may include discussion(s) of the complaint with all affected parties to determine the nature of the complaint. The complainant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation.

The investigation will be conducted and generally completed within 60 days of receipt of the formal complaint. Based upon all the information received, an investigation report will be written by the staff investigator for submittal to the City Manager or his/her designee. The complainant will receive a letter stating the final decision, generally by the end of the 60-day time limit.

The complainant shall be notified of his/her right to appeal the decision. Appeals can be made to the City Manager up to 60 days after receipt of a decision letter. Appeals may also be made to the United States Department of Transportation, the Equal Employment Opportunity Commission, the U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity (FHEO), or the California Department of Fair Employment and Housing as appropriate.

Record of complaints:

The City of Redwood City will maintain a record of all Title VI investigations, complaints, and lawsuits.

Attachment 2

City of Redwood City Limited English Proficiency (LEP) Implementation Plan

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 (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be Limited English Proficient and therefore are entitled to language assistance with respect to a particular type of service, benefit, or encounter. Recipients of federal funding must take reasonable steps to ensure meaningful access to their programs and activities by Limited English Proficiency (LEP) persons.

The City of Redwood City's (City) contact with LEP persons may include those persons' daily or occasional use of City services, in-person visits to City facilities, attendance at City-sponsored community meetings and public hearings, telephone contact with City employees, use of electronic materials and media provided by the City, and other forms of contact. The frequency of contact with LEP individuals varies significantly, so a scaled or flexible approach is used by Redwood City. A frequency-of-contact system is based on review of historical access, demographic data, and other community factors.

Data was gathered from the 2010 U.S. Census and from City-Data.com to collect information on persons who speak languages other than English at home and who speak English less than "very well" and who would be classified as limited English proficient or "LEP". A review of this data concludes that in Redwood City approximately 32% of the population speaks Spanish at home, and approximately 19% does not speak English very well and would constitute the LEP population of Redwood City. Less than 4% of the Redwood City population speaking English less than very well speaks languages other than Spanish.

Redwood City has had a large Spanish-speaking population for many years and this population has many and frequent contacts with City staff, programs, and activities. The City has focused on ways to enhance participation within LEP communities. In addition to the traditional methods of offering translation services, Redwood City provides the following services:

- Including a Spanish-language notation regarding available translations in Land Use Public Hearing Notices when applicable
- Providing bi-lingual City employees who can act as interpreters
- Providing notice of language assistance through means such as language identification cards or posting of signs in select public areas
- Offering interpretation services for citizens at select public hearings and meetings
- Providing a link on the City website to one or more online services that provide free and instant language translation of text and web pages

- Providing translators at community meetings and workshops as appropriate or as requested
- Providing some materials in Spanish as well as English

Redwood City will continue to regularly assess the need for language assistance to ensure proper public access to its programs and services. Various language assistance services will be evaluated from time to time (including cost assessments) to identify proper use of resources as well as opportunities for improved efficiency including the use of new or evolving technology, sharing of materials and services, utilization of bilingual staff resources and contract services, and community participation. From this information, Redwood City will continue to evaluate the projected financial resources and personnel needed to provide LEP services.