

California Department of Transportation (Caltrans)
Division of Local Assistance (DLA)
City of Costa Mesa, Department of Public Works
Title VI Program Compliance Review September 22-24, 2015
Compliance Review Findings and Recommendations

The California Department of Transportation (Caltrans) provides to the City of Costa Mesa, Department of Public Works a report developed by the Division of Local Assistance based on the compliance review conducted on September 22-24, 2015. Caltrans conducted the Title VI Program review under the authority provided in 23 Code of Federal Regulations (CFR), Part 200, Section 200.9(b)(7).

The scope of the review focused on the City of Costa Mesa's adherence to the FHWA's Title VI Program, which includes the six protected classes of race, color, national origin, age, sex, and disability. In addition, the City of Costa Mesa is required to comply with Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency."

Caltrans				
Item #	Issue Reviewed	Observations / Findings	Recommendations / Conclusions	Comments
	Existence of Title VI Program (Title VI and Related Statutes Nondiscrimination Policy and Procedures pursuant to 49 CFR 21). The review included:			
1	Verification of a City of Costa Mesa Title VI Coordinator [23 CFR 200.9(b)(1)]	The City of Costa Mesa has designated Lance Nakamoto, as the Title VI Coordinator.	The Title VI Coordinator, Lance Nakamoto, as designated by Ernesto Munoz, Public Services Director. The Title VI Coordinator will necessitate clarification and training on the role and responsibilities as the coordinator.	The Title VI Coordinator, was appointed as a result of a 2012 FTA Grant. The Title VI Coordinator minimal time is spent performing Title VI duties.
2	Existence of City of Costa Mesa Title VI Program Plan, and Policy Manuals. [28 CFR 42.415]	A Title VI Nondiscrimination Program Plan was presented. The Plan that was presented was written for a specific grant obtained in 2012. The plan existed on paper only as there was no evidence of implementation. Additionally, the Plan does not include adherence: to the Federal Highway Act of 1973 (<u>Sex</u>), the Age Discrimination Act of 1975 (<u>Age</u>) and the Americans with Disabilities Act of 1990 (<u>Disability</u>) and Section 504 of the Rehabilitation Act of 1973.	<ul style="list-style-type: none"> • Update Title VI Nondiscrimination Policy within 60 days. Develop and implement a Title VI Program Plan that includes adherence to Federal Highway Act of 1973 (<u>Sex</u>), the Age Discrimination Act of 1975 (<u>Age</u>) and the Americans with Disabilities Act of 1990 (<u>Disability</u>) and Section 504 of the Rehabilitation Act of 1973. The Title VI Program Plan should also contain: • Update Title VI Policy and post at public counters and City of Costa Mesa's website homepage. 	A sample program plan was provided to the City of Costa Mesa for review.
3	Title VI Aids and Procedures	The City of Costa Mesa did not present any Title VI Aids.	<ul style="list-style-type: none"> • Develop Title VI Posters and Brochures informing the public of their rights under Title VI and the related statutes – (1) Posters posted within the City of Costa Mesa's premises in highly visible locations and (2) Brochures for distribution to the public available in multiple languages. [23 CFR 200.9(b)(12); Federal Register Vol. 70 No. 239] 	Samples were provided
4		The City of Costa Mesa has a procedure for Title VI Complaints: Procedures on (1) How to file a Title VI complaint? and (2) Resolution of Title VI complaints. [23 CFR 200.9(b)(3); 28 CFR 42.405; 49 CFR 21.11(b)] The procedure for Title VI Complaints is not easily accessible.	<ul style="list-style-type: none"> • Make Title VI information available via the homepage of the City of Costa Mesa's website and at all public counters: - Procedures on (1) How to file a Title VI complaint? and (2) Resolution of Title VI complaints 	
5	Environmental Justice – Environmental Justice addresses, identifies, or mitigates disparate impacts to low income or minority communities as a result of transportation decisions. The City of Costa Mesa does not address Environmental Justice on federally funded projects. However, the City of Costa Mesa is responsible for ensuring compliance with Executive Order 12898.	City of Costa Mesa does not have a plan for addressing Environmental Justice	<ul style="list-style-type: none"> • Develop and implement a plan for addressing Environmental Justice - City of Costa Mesa's outreach for Public Involvement, i.e. informing the Public and gaining their participation. 	Review Chapter 6 of the Local Assistance Procedures Manual
6	Limited English Proficiency Plan [Executive Order 13166; Federal Register Vol. 70, No. 239]	City of Costa Mesa does not have a plan to address Limited English Proficiency (LEP) the information provided in the Costa Mesa Program Plan was a delegated to OCTA. The City of Costa Mesa has a list of Certified interpreters.	No documentation was provided to indicate that the City of Costa was equipped to provide translations services. Interpreters are not readily available at public meetings. The City of Costa should be equipped to provide: (1) translated documents for public use and (2) interpreters (3) a list certified employees is available however, develop a volunteer interpreters list as well increase the number languages available for interpretation at public counters and for telephone use purposes (incoming callers) (4) Make the use of "I speak cards and resources available at public counters	The City of Costa has utilized the Ernesto Munoz at Board Meetings to interpret.

7		There is no Title VI information available on the City of Costa Mesa's website.	<ul style="list-style-type: none"> • Make Title VI information available via City of Costa Mesa's website: <ul style="list-style-type: none"> - Title VI Policy - Procedures on (1) How to file a Title VI complaint? and (2) Resolution of Title VI complaints - Environmental Justice – Local Agency's outreach for Public Involvement, i.e. informing the public and gaining their participation. 	The City of Costa Mesa was provided with (1) the latest Webpages of the Title VI Program administered by another City as an example and (2) "Local Agency Requirements on Title VI Compliance," a four-page document prepared by Caltrans.
8	Title VI Training for City of Costa Mesa Public Services Staff [23 CFR 200.9(b)(3); 28 CFR42.415]	The City of Costa Mesa currently does not have Title VI training for their 485+ staff.	<ul style="list-style-type: none"> • Institute a Title VI training program for the 485+ Staff: Training rank and file every 2 years, Managers/Supervisors annually, newly hired or promoted within 6 months. 	The City of Costa was provided a four-page document on "Local Agency Requirements on Title VI Compliance," which was prepared by Caltrans and includes guidance on Title VI training. The document, in its first page, includes an overview of Title VI, which could be incorporated as part of the Title VI training material.
9	Title VI Assurances in Contract Documents and Agreements: Title VI Contract Language as presented in "Appendix A to Exhibit B" of LAPM, Exhibit 4-C	One Consultant Contract and two Construction Contracts were requested for the Title VI review:	The City of Costa Mesa shall incorporate the Title VI contract language in the Public Works' Federal-aid contract documents and agreements.	
		<ul style="list-style-type: none"> • Both Construction Contracts contained the required Title VI Contract Language. 		
		<ul style="list-style-type: none"> • The Consultant Contract did not contain the required Title VI Contract Language. 		

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