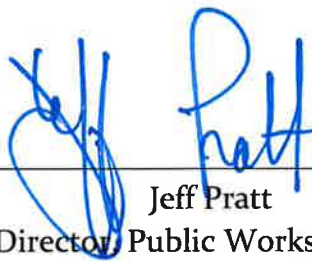





VENTURA COUNTY
PUBLIC WORKS AGENCY
TITLE VI PLAN
2016



Jeff Pratt
Director, Public Works Agency



David Fleisch
Title VI Coordinator

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Title VI

The Ventura County Public Works Agency (VCPWA) has adopted a Plan to ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.

Federal-aid recipients, subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services whether these programs, activities and services are federally funded or not. The VCPWA's Title VI Coordinator is responsible for providing leadership, direction and policy to ensure compliance with Title VI.

I. Non-Discrimination Policy

It is the policy of VCPWA that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving federal funds on the grounds of race, color, national origin, sex, age, disability, or income, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal-aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disability Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166.

II. Authorities

Title VI of the 1964 Civil Rights Act provides: "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." (42 U.S.C. 2000d.) The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

III. Title VI Plan Organization and Staffing

Agency Administrator

The Director of the VCPWA, Jeff Pratt (Agency Administrator) is responsible to ensure compliance with VCPWA's policy of non-discrimination and applicable laws. The Agency Administrator shall appoint a Title VI Coordinator to perform Title VI functions.

Title VI Coordinator

The Agency Administrator has appointed David Fleisch, Director of the Transportation Department, to perform the duties of the Title VI Coordinator and ensure implementation of VCPWA's Title VI Federally Funded Transportation Program. As authorized by the Agency Administrator, the title VI Coordinator is responsible for initiating, monitoring, and ensuring VCPWA's compliance with Title VI requirements. Coordinator shall have direct access to the Agency Administrator. The Title VI Coordinator's responsibilities are:

- Process Title VI complaints as they are received;
- Review programs or projects receiving federal funds to ensure compliance with Title VI requirements;
- Work with staff to develop and disseminate Title VI program information to employees and subrecipients, including contractors, subcontractors, consultants, and subconsultants.
- Provide training related to Title VI requirements for staff who are responsible for Title VI compliance.
- Make recommendations to Agency Administrator on ways to achieve compliance with title VI requirements.
- Develop information regarding this Title VI Plan for dissemination to the general public and where appropriate.
- Review and update VCPWA's Title VI Plan as needed or required.
- Provide translation services to individuals with "Limited English Proficiency" and provide reasonable accommodations.

IV. Title VI Complaint Procedures

How to file a complaint

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 Title VI complaint with VCPWA. The

complaint must be filed within 180 days of the date of the alleged discrimination. The "Title VI Complaint Form" is available online in English and Spanish at www.vcpublishworks.org (see appendix C) and should be used to detail the complaint, but is not mandatory. A complaint form may also be obtained by downloading the form, or by calling (805) 654-2049. Written complaints may be sent to:

County of Ventura, Public Works Agency
Hall of Administration Bldg., 3rd Floor
Attention: David Fleisch – Title VI Coordinator
800 S. Victoria Avenue #1620
Ventura, CA 93009

How complaints are processed by VCPWA

All complaints alleging discrimination based on race, color or national origin will be recorded on VCPWA's Complaints Database. This database shall include the date of the investigation, lawsuit, or the date the complaint was filed; a summary of the allegation; the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint. Upon receipt of the complaint, VCPWA will determine whether it has jurisdiction over the complaint, whether the required information has been provided, and whether the complaint merits an investigation. The complainant will receive an acknowledgement letter within fifteen (15) days informing her/him whether the complaint will be investigated by our office.

All complaints will be investigated promptly. Upon completion of the investigation, the Title VI Coordinator will complete a final report. The investigation process and final report should take no longer than ninety (90) days after receipt of the complaint. If a Title VI violation is found to exist, a Determination letter will be issued which summarizes the allegations and the interviews regarding the alleged incident, and explains the remedial steps as appropriate and necessary to be taken. If no Title VI violation is found, Complainant will receive a closure letter which summarizes the allegations and states that there was no a Title VI violation and that the case will be closed.

If the Complainant wishes to appeal the decision, she or he has 30 days after the date of the letter to do so. Complainant may contact the U.S. Department of Justice, Office of Civil rights, Attention: Federal Coordination and

Compliance Section – NWB, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530; Phone No. (888) 848-5306.

All records regarding discrimination complaints and remedial actions taken shall be maintained in VCPWA's Complaint Database for a period of not less than three years from the final date of resolution of the complaint.

V. List of Investigations, Complaints, and Lawsuits

VCPWA does not have any investigations, complaints, or lawsuits with regards to Civil rights Violations.

VI. Self-assessment and remedial action procedures for Agency and Sub-Recipient.

1. Title VI Self-Assessment Federal-aid Highway Funds. VCPWA will conduct Title VI self-assessment of its programs and activities. Where applicable, revise policies, procedures and directives to include Title VI requirements.
2. VCPWA Remedial action. When irregularities occur in the administration of Federal-aid highway programs, corrective action will be taken to resolve identified Title VI issues. Take affirmative action to correct any deficiencies found by VCPWA, Caltrans, or the Federal Highway Administration (FHWA) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this plan.
3. Consultants, Contractors, Subcontractor Reviews and Remedial actions. VCPWA will periodically conduct Title VI compliance reviews of Consultants, Contractors and Subcontractors. The review of selected recipients of Federal-aid highway or other Federal funds, will be conducted to ensure adherence to Title VI requirements. VCPWA shall confirm guidelines provided to consultants, contractors, and subcontractors including Title VI language, provisions, and related requirements, as applicable.

VII. Public Outreach

The purpose of public participation is to help ensure that the citizens of Ventura County are kept informed and involved in VCPWA's various programs, projects and activities. VCPWA is committed to ensuring it serves the citizens in Ventura County by delivering efficient, responsive, and cost-

effective public works services that protect and enhance the safety, health, and quality of life in Ventura County. VCPWA values public participation and encourages involvement by the community.

Listed below are the outreach strategies that will be implemented by VCPWA in an effort to reach the citizens of Ventura County and provide equal access to up-to-date information and promote an active channel of communication.

1. Title VI Program Information: The Title VI Plan, Notice to the Public, Title VI Policy Statement, Complaint Process and Forms and Title VI Brochure is posted on VCPWA's website. VCPWA's Title VI Policy Statement shall be included in bid specification packages, construction and consultant contracts and shall be posted at the front counters of the VCPWA main office, Operation & Management Division Office, and the Moorpark Operations Office.
2. VCPWA Website: VCPWA maintains a well-organized website that is accessible to the public. The website provides information regarding the different departments within Public Works, news & events, online services, downloadable materials, Board meeting calendar and agenda, reports, citizen brochures, County road closures, updates on projects and programs, information regarding public transportation, Ventura County's Capital Improvement Plan, Policies & Program information, etc. VCPWA provides Spanish translation of its website content.
3. Social Media Network: VCPWA has obtained consultant services, currently Consortium Media Services, to support our public outreach efforts. Together we have successfully launched media forums such as Facebook and Twitter to disseminate information to the public on events, programs, news releases, media advisories, construction project information, informational videos, new services, etc. Through Facebook, the public can find out about plans and projects as well as communicate their needs. Facebook has the capabilities for first time users to choose the option of their desired language which allows individuals with Limited English Proficiency (LEP) equal access to information allowing VCPWA to continue promoting a culture of dialogue between the public and VCPWA.
4. Public Notices: VCPWA will include notations in all their public notices in appropriate non-English languages that will provide contact information for translation services if language assistance is required.
5. Public Meetings: Any meetings that are open to the public will be published on VCPWA's website and Facebook, and fliers. All meetings will be held in locations accessible to individuals with disabilities. Upon request, translators

can be provided free of charge to those individuals with limited English Proficiency.

VIII. Title VI Implementing Program Activities

Consultant Contract Activities

1. **Consultant Contracts Administration:** The Director of Transportation is responsible for recommending consultant firms to the Agency for final selection, negotiation, and award. VCPWA's Transportation Department administers awarded consultant contracts.
2. **Consultant Selection Process:** The Transportation staff will request qualifications from consulting firms specializing in various areas that may relate to public works projects and the development of construction plans and special provisions for roads and bridges, performing environmental studies or preparing National Environmental Policy Act of 1969 (NEPA) documents. Title VI language is included in all request for proposals (RFP) and contracts.
3. **Title VI Assurances and Provisions:** Title VI assurances and provision language is included in all federally funded consultant contracts. Transportation staff will review documents and language to ensure compliance with current laws and regulations.

Design/Environmental Review Process and Title VI

1. The scope, complexity, and impacts of a project will determine which National Environmental Policy Act (NEPA) Environmental Document will be prepared: (1) A Categorical Exclusion (CE) for those actions that have been deemed legislatively or administratively exempt from NEPA; (2) an Environmental Assessment (EA) and finding of No Significant Impact (FONSI) for actions that will not result in adverse environmental effects; and (3) an Environmental Impact Statement (EIS) for actions that will potentially involve adverse environmental effects.
2. VCPWA will ensure compliance with Title VI requirements in all aspects of conducting an EIS or EA. During the review process, adequate time will be given for appropriate review and comments, as applicable, on draft EIS/EA, to ensure there are no violations of the Federal Civil Rights Act, as amended.
3. In order to ensure dissemination of information and foster participation from affected populations when preparing an EA or EIS, VCPWA's staff and/or

Consultants will place public notices in the applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominating minority communities. VCPWA will ensure that the public will be provided with information pertaining to their rights and given contact information to address environmental concerns.

Environmental Justice

VCPWA strives to identify and address the transportation needs of the citizens of Ventura County and ensures that the benefits and burdens of transportation investments are being fairly distributed. Safety is VCPWA's primary concern. Pedestrian safety improvement projects such as new sidewalks, traffic signals, crosswalks, and bicycle lanes improve neighborhood accessibility and livability in Ventura County for all residents. Installation of bus stops and bus shelters provide residents with greater access to jobs, schools, and facilities.

A large number of residents in Ventura County who reside in neighborhoods with high concentrations of low-income or minority populations are dependent on transportation modes such as walking, bicycling and transit services. VCPWA, in conjunction with the transit providers in Ventura County, strives to improve transit connectivity by assisting the transit providers with constructing bus pads & shelters to accommodate new bus routes. VCPWA aggressively pursues funding for bicycle and pedestrian programs to improve access to transit systems as well as offers viable options of non-motorized transportation so that residents in Ventura County can have greater access to jobs, schools, and facilities.

Environmental Justice as it pertains to projects subject to CEQA/NEPA

1. Executive Order 12898 directs federal agencies to identify and address the disproportionately high and adverse human health and environmental effects of their actions on minority and low-income populations. Subrecipients are required to comply with the federal government's Environmental Justice (EJ) policy by integrating EJ principals into their programs. Environmental justice means ensuring that plans, policies, and action do not disproportionately affect low income and minority communities.
2. Whether projects are federally or locally funded, they are all subject to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA) process. The relationship between the CEQA/NEPA process and environmental justice involves both fundamental and procedural considerations. Both CEQA and NEPA include environmental justice components that address the effects of a proposed action on environmental

elements, specifically on minority and low-income populations. Any proposed project that will have a disproportionately high and adverse effect on minority or low-income populations will be required to include analysis and provide mitigation measures or alternatives that would avoid or reduce the high and adverse effect when practical.

3. To comply with CEQA/NEPA, public involvement and community outreach is necessary throughout the entire environmental documentation process, from project scoping to circulation of the draft and final documents for public review and comment. Through this process, Environmental Justice is reinforced and offers protection to the low-income and minority communities from discrimination and ensures their full participation

Right-of-Way Activities

1. Real Property Services. VCPWA's Real Estate Division manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works projects. The right of way acquisition process entails appraisal of property, negotiation of terms, and conditions for acquisition, and assistance in the relocation of displaced individual, business, farm operations, nonprofit organization, and property management.
2. Right-of-Way Activities and Title VI
 - a. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements.
 - b. Follow adopted procurement policies in the acquisition of contracted services.
 - c. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits, and leases to ensure the inclusion of the appropriate clauses, including Title VI assurances.
 - d. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
 - e. If applicable, ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
 - f. Assist with communications with property owners, lessees, renters, and others, as appropriate, to help ensure we evaluate applicability of, and compliance with, Limited English Proficiency and Environmental Justice requirements for projects. Provide access to information in alternative languages when needed.

- g. Maintain statistical data, including race, color, national origin, age, gender, disability, LEP and income levels on all relocates affected by federally funded projects, and provide quarterly to the Title VI Coordinator.

Construction Activities

1. Construction Management Section. VCPWA's Transportation Department is responsible for the planning, design, funding, operating and maintaining of 543 miles of roadway, 158 bridges, and drainage and related transportation facilities. The Transportation Department is responsible for administration of all new construction contracts.
2. Operations and Maintenance. The Transportation Department is responsible for operating and maintaining roads, bridges, drainages, and related facilities by utilizing in-house personnel, the resources of contractors, vendors, equipment and materials.

Construction Activities and Title VI.

- a. Review all federally funded projects for application of disadvantaged Business Enterprise (DBE) goals. As appropriate, include DBE provisions in those projects with designated goals.
- b. Include Title VI language and provision language in all federally funded construction contracts. Documents and language shall be periodically reviewed to ensure compliance with current laws and regulations.
- c. Review and ensure all appropriate Title VI language is placed in bid announcements and applicable construction documents, consistent with the County's Title VI Policy Statement (Appendix A) and Title VI Assurances (Appendix E)
- d. Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI and DBE language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- e. Ensure that prime contractors with DBE requirements award contracted work to qualified DBE's that perform commercially useful functions.
- f. Interview Contractor Staff to assure compliance with prevailing wage requirements.
- g. Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
- h. Work closely with communication, environmental, and other staff to avoid or minimize the environmental impact of a project during construction and, as needed, to address any Limited English Proficiency or Environmental Justice issues.

- i. Coordinate the gathering of construction information regarding DBE participation for the Annual Title VI Report; and provide to the title VI Coordinator.

IX. Limited English Proficiency (LEP) Plan

Background

In order to avoid discrimination against LEP persons on the grounds of national origin, VCPWA shall take reasonable steps to ensure that such persons have meaningful access to the programs, services and information.

Language barriers prohibit LEP persons from obtaining services and information relating to a variety of services and programs because they may not be able to read instructions or correspondence written in English and may not understand verbal information. When LEP persons receive legal documents, they often do not understand the contents of the correspondence and its implication to their daily lives.

The two foreign languages that are most frequently used in the County's geographic area is Spanish and Mixteco Bajo. Mixteco is an indigenous language from Mexico that doesn't have written form.

Goals

The key to providing meaningful access to LEP persons is to ensure that LEP persons can communicate effectively and act appropriately based on that communication. Minimum reasonable measures would be to ensure that LEP persons are given adequate information, are able to understand that information, and are able to participate effectively in programs or activities.

VCPWA's Bilingual Certification Program

VCPWA provides three-levels of certification for employees that successfully pass an oral examination. The bilingual certification process is voluntary and results in an additional monetary compensation to approved employees. Spanish is the language that most Department employees attain. The County does provide bilingual certification testing for a small number of other languages.

The bilingual certification is very specific in terms of what an employee attaining this certification can do and is expected to be able to fulfill in the scope of his or her job duties. An explanation from the County Human Resources Department outlining the requisites for Level 1, 2, and 3 is included as Appendix D.

LEP Strategies

At a minimum, VCPWA will implement the following strategies to serve as guidelines for engaging LEP persons.

- Provide language identification forms (I speak cards) which invite LEP persons to identify their language needs to VCPWA Staff. The top five languages used within the County's geographic area are Spanish, Mixteco, Mandarin, Korean, and Farsi.
- Assure LEP persons have access to staff that are trained and competent in the skill of interpreting/translation.
- Contract with an outside interpreter service for trained and competent interpreters, as needed.
- Arrange for the use of a telephone language interpreter service as needed.
- Translate forms, informational and other written materials into appropriate non-English languages by competent translators if requested.
- Statements are included in letters sent out to the public offering translation services free of charge.
- Establish uniform procedures for timely and effective communication between staff and LEP persons. This includes instructions for English-only-speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to LEP persons.
- When VCPWA schedules a meeting for which the target audience is expected to include LEP individuals, then documents and agenda's will be printed in Spanish based on the known LEP populations. Interpreters may be available as needed.

X. Staff Training

Training for front-line staff members, who are often the first point of contact with LEP individuals will be provided to staff to include:

1. Information on Title VI procedures and LEP responsibilities.
2. Identifying and documenting language needs of LEP persons.
3. How to deliver services effectively to LEP persons.
4. Procuring interpreter services needed.
5. Description of language assistance services offered to the public

6. Documentation of language assistance requests.
7. How to handle a potential Title VI/LEP Complaint

APPENDIX A – TITLE VI POLICY STATEMENT

March 22, 2016

Watershed Protection District
Tully K. Clifford, Director

Transportation Department
David L. Fleisch, Director

Engineering Services Department
Herbert L. Schwind, Director

Water & Sanitation Department
David J. Sasek, Director

Central Services Department
Janice E. Turner, Director

NON-DISCRIMINATION TITLE VI POLICY STATEMENT

Ventura County Public Works Agency (VCPWA), under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, sex, disability, religion, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

VCPWA further assures that every effort will be made to ensure nondiscrimination in all of its program and activities, whether those program and activities are federally funded or not.

The Director of VCPWA and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of Title 23 Code of Federal Regulations (CFR) 200 and Title 49 CFR 21.



Jeff Pratt, Director Public Works Agency



APPENDIX B – TITLE VI NOTICE TO THE PUBLIC

April 2016

Watershed Protection District
Tully K. Clifford, Director

Transportation Department
David L. Fleisch, Director

Engineering Services Department
Herbert L. Schwind, Director

Water & Sanitation Department
David J. Sasek, Director

Central Services Department
Janice E. Turner, Director

Notifying the Public of Rights Under Title VI Ventura County Public Works Agency

The Ventura County Public Works Agency (VCPWA) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the VCPWA.

For additional information on VCPWA's civil rights program, and procedures to file a complaint, visit our website at www.vcpwpublicworks.org, call (805) 654-2049, or write to: County of Ventura Public Works Agency, Attention: David Fleisch – Title VI Coordinator, 800 S. Victoria Avenue #1620, Ventura, CA 93009.

In addition to the Title VI complaint process with VCPWA, a complaint may be filed directly with the U.S. Department of Justice by filing a complaint with the, Office of Civil Rights, Attention: Federal Coordination and Compliance Section – NWB, 950 Pennsylvania Avenue, N.W., Washington D.C. 20530.

If information is needed in another language, please contact (805) 654-2049.



APPENDIX C – TITLE VI COMPLAINT FORM



Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground 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."

The requested information will assist us in processing your complaint. Please let us know if you require any assistance in completing this form.

Complete and return this form to:
County of Ventura - Public Works Agency
Hall of Administration Bldg., 3rd Floor
Attention: David Fleisch - Title VI Coordinator
800 South Victoria Avenue #1620
Ventura, CA 93009

1. Complainant's Name:

Address:

City:

State:

Zip Code:

Contact Number:

2. Person discriminated against (if someone other than the complainant)

Name:

Address:

City:

State:

Zip Code:

Contact Number:

3. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

a. Race/Color:

b. National Origin:

4. What date did the alleged discrimination take place?

5. In your own words, describe the alleged discrimination. Explain what happened and who you believe was responsible.

6. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes: No:

If yes please check each box that applies:

Federal agency

Federal court

State agency

State court

Local agency

7. Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Address:

City:

State:

Zip Code:

Contact Number:

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

Complainant's Signature

Date



Titulo VI Forma de Queja

El Titulo VI de los derechos civiles de 1964 exige que "Ninguna persona en los Estados Unidos, por motivos de raza, color nacional, ser excluírá de la participación en, ser negado los beneficios de, o ser objeto de discriminación bajo cualquier programa o actividad que reciba asistencia financier federal."

La información solicitada nos ayudará en la tramitación de su queja. Por favor, háganos saber si necesita ayuda para completar este formulario.

Llenar y devolver este formulario al:
County of Ventura - Public Works Agency
Hall of Administration Bldg., 3rd Floor
Attention: David Fleisch - Title VI Coordinator
800 South Victoria Avenue #1620
Ventura, CA 93009

1. Nombre del reclamante:

Dirección:

Cuidad:

Estado:

Código Postal:

Numero de contacto:

2. Persona de discriminacion (si alguien que no sea el reclamante)

Nombr

Dirección

Cuic

Estado:

Código Postal:

Numero de contacto:

3. ¿Cuál de las siguientes opciones describe mejor la razón usted cree que la discriminación ocurrió? ¿Fue debido a su:

a. Raza/Color:

b. Origen Nacional:

4. ¿En qué fecha la discriminación alegada ocurrió?

5. En sus propias palabras, describir la discriminación alegada. Explicar lo que ocurrió y a quién usted cree que fue el responsable.

6. ¿Ha presentado esta queja con cualquier otra agencia gubernamental, o algún tribunal federal o estatal? Sí: No:

Si la respuesta es si, marque cada que se aplica:

Agencia federal

Tribunal Federal

Organismo estatal

Tribunal estatal

Agencia Local

7. Por favor proporcione la información sobre una persona de contacto en la agencia o tribunal donde la queja fue presentada.

Nombre:

Dirección:

Cuidad:

Estado:

Código Postal:

Numero de contacto:

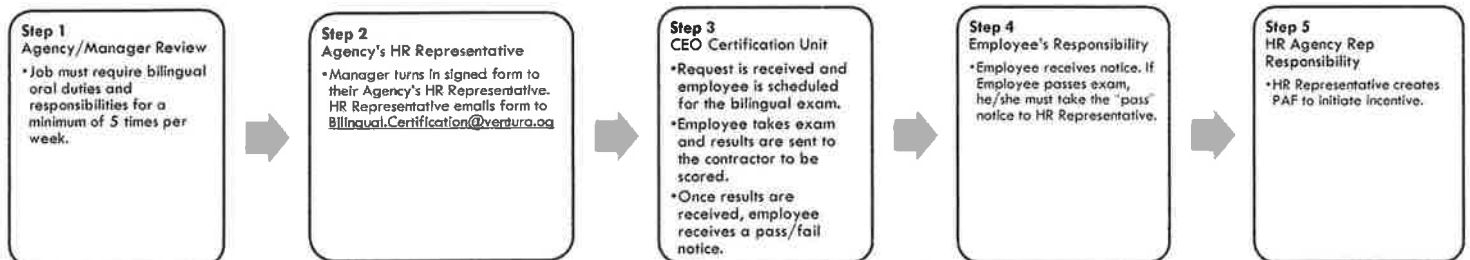
8. Por favor firme abajo. Usted puede incluir cualquier material escrito u otra información que usted cree es pertinente a su queja.

Firma del Reclamante

Fecha

APPENDIX D – BILINGUAL CERTIFICATION

COUNTY OF VENTURA BILINGUAL TESTING PROCESS



BILINGUAL LEVEL I CERTIFICATION

The County's designation of a bilingual position as a level I is dependent upon the services offered by the department/agency, and the duties and responsibilities required of each bilingual position. The bilingual designation level is not determined by the proficiency level of the employee in the position.

A position will be given a level I bilingual designation if the job requires the use of bilingual oral duties and responsibilities for a minimum of five (5) times per week.

Level I

A level I requires employees to have the ability to communicate very simple information/directions/instructions to clients, and should be able to understand and use very basic colloquialisms in both languages.

I, _____, certify that the position
(Print Name of Supervisor)

held by _____, Employee ID _____
(Print Name of Employee)
meets the minimum requirements of a bilingual level I designation.

Signature - Supervisor

Agency

Language (Farsi, Tagalog, Sign Language, Vietnamese)

Date

Instructions: Please turn in your form to your Agency's HR Representative. Your HR Representative will email this signed form to Bilingual.Certification@ventura.org. Candidates without authorization will not be allowed to participate in the examination process.

BILINGUAL LEVEL III CERTIFICATION

210The County's designation of a bilingual position as a level III is dependent upon the services offered by the department/agency, and the duties and responsibilities required of each bilingual position. The bilingual designation level is not determined by the proficiency level of the employee in the position.

A position will be given a level III bilingual designation if the job requires the use of a higher level of oral fluency than level I/II bilingual oral duties and responsibilities a minimum of five (5) times per week.

Level III

A level III requires employees to have an extensive vocabulary and be able to read and write in Spanish and English; be able to interpret from one language to another; and be able to translate written documents from one language to another.

I, _____, certify that the position
(Print Name of Supervisor)
held by _____, Employee ID _____
(Print Name of Employee)
meets the minimum requirements of a bilingual level I/II designation.

Signature - Supervisor

Agency

Date

Instructions: Please turn in your form to your Agency's HR Representative. Your HR Representative will email this signed form to Bilingual.Certification@ventura.org. Candidates without authorization will not be allowed to participate in the examination process.

BILINGUAL LEVEL I/II CERTIFICATION

The County's designation of a bilingual position as a level I/II is dependent upon the services offered by the department/agency, and the duties and responsibilities required of each bilingual position. The bilingual designation level is not determined by the proficiency level of the employee in the position.

A position will be given a level I/II bilingual designation if the job requires the use of bilingual oral duties and responsibilities for a minimum of five (5) times per week.

Level I

A level I requires employees to have the ability to communicate very simple information/directions/instructions to clients, and should be able to understand and use very basic colloquialisms in both languages.

Level II

A level II position requires strong bilingual oral fluency in both Spanish and English languages with the ability to communicate effectively in both languages.

I, _____, certify that the position
(Print Name of Supervisor)
held by _____, Employee ID _____
(Print Name of Employee)
meets the minimum requirements of a bilingual level I/II designation.

Signature - Supervisor

Agency

Date

Instructions: Please turn in your form to your Agency's HR Representative. Your HR Representative will email this signed form to Bilingual.Certification@ventura.org. Candidates without authorization will not be allowed to participate in the examination process.

APPENDIX E – TITLE VI ASSURANCES

Exhibit A – Fair Employment Practices Addenda

1. In the performance of this Agreement, VCPWA will not discriminate against any employee for employment because of race, color, sex, sexual orientation, religion, ancestry or national origin, physical disability, medical conditions, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. VCPWA will take affirmative action to ensure that employees are treated during employment without regard to their race, sex, sexual orientation, color, religion, ancestry, or national origin, physical disability, medical conditions, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. VCPWA shall post in conspicuous places, available to employees for employment, notices to be provided by state setting forth the provisions of this Fair Employment section.
2. VCPWA, its Contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.), and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12900 (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. Each of VCPWA's contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.
3. VCPWA shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.
4. VCPWA will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this AGREEMENT.
5. Remedies for Willful Violation:
 - a) STATE may determine a willful violation of the Fair Employment provisions to have occurred upon receipt of a final judgement to that effect from a court in an

action to which VCPWA was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that VCPWA has violated the Fair Employment Practices Act and had issued an order under Labor Code Section 1426 which has become final or has obtained an injunction under labor Code Section 1429.

- b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this AGREEMENT either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by VCPWA and by the surety under the performance bond, if any, and STATE may deduct from any moneys due or thereafter may become due to VCPWA, the difference between the price named in the Agreement and the actual cost thereof to STATE to cure VCPWA's breach of this AGREEMENT.

Exhibit B - Nondiscrimination Assurances

Ventura County Public Works Agency (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from STATE, acting for the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964’ (hereinafter referred to as the REGULATIONS), the Federal-aid Highway Act of 1973, and other pertinent directives, to the end that in accordance with the ACT, REGULATIONS, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, national origin, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Federal Department of Transportation and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) of the REGULATIONS.

More specifically and without limiting the above general assurance, the Recipient gives the following specific assurances to its Federal Aid Highway Program:

1. That Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23 (e) and 21.23 (b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That Recipient shall insert the following notification in all solicitations for bids for work or material subject to the REGULATIONS made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

The Recipient hereby notifies all bidders that it will affirmatively insure that in any agreement entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, religion, age, or disability in consideration for an award.

3. That the Recipient shall insert the clauses of Exhibit A of this assurances in every agreement subject to the ACT and the REGULATIONS.
4. That the Recipient shall insert the clauses of Exhibit B-1 of this Assurance shall be included as a covenant running with the land, in any deed effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set for in Exhibit 3 and Exhibit 4 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the ADMINISTERING AGENCY with other parties:
 - (a) For the subsequent transfer of real property acquired or improved under the federal-aid Program; and
 - (b) For the construction or use of or access to space on, over, or under real property acquired, or improved under the federal-aid Program.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property or real property or interest therein, or structures, or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods:
 - (a) The period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - (b) The period during which Recipient retains ownership or possession of the property.
9. That the Recipient shall provide for such methods of administration for the program as are found by the U.S. Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that the Recipient, other recipients, sub-grantees, applicants, sub-applicants, transferees, successors in

interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the ACT, the REGULATIONS, this Assurance and the Agreement.

10. That the Recipient agrees that the United States and the State of California have a right to seek judicial enforcement with regard to any matter arising under the ACT, the REGULATIONS, and this Assurance.
11. The Recipient shall not discriminate on the basis of race, religion, age, disability, color, national origin or sex in the award and performance of any STATE assisted contract or in the administration on its DBE Program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in the award and administration of STATE assisted contracts. The Recipient's DBE implementation Agreement is incorporated by reference in this AGREEMENT. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved DBE Implementation Agreement, STATE may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1985 (31 USA 3801 et seq.)

THESE ASSURANCES are given in consideration of and for the purpose of obtaining any and all federal grants, loans, agreements, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by STATE, acting for the U.S. Department of Transportation, and is binding on it, other recipients, sub grantees, applicants, sub-applicants, transferees, successors in interest and other participants in the federal-aid Highway Program.



Jeff Pratt
Director of Public Works Agency



Date

Exhibit B-1 - Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers and Manufacturers

VCPWA will insert or add the following clauses into every contract subject to the ACT and REGULATIONS associated with the receipt of Federal financial assistance:

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

- 1) Compliance with Regulations: The Contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the REGULATIONS), 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, shall not discriminate on the grounds of race, color, sex, national origin, religion, age, or disability in the selection and retention of sub-applicants, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the REGULATIONS, including employment practices when the agreement covers a program set forth in Exhibit B-2 of the REGULATIONS.
- 3) Solicitations for Sub-agreements, Including Procurements of Materials and Equipment: In all solicitation 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 sub-applicant or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the REGULATIONS relative to nondiscrimination on the grounds of race, color, or national origin.
- 4) Information and Reports: The Contractor shall provide all information and reports required by the REGULATIONS, or directives issued pursuant thereto, and shall permit access to the Contractor's books, records, accounts, other sources of information, and its facilities as may be determined by STATE or FHWA to be pertinent to ascertain compliance with such REGULATIONS or directives. Where any information required of the Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to VCPWA or the FHWA as appropriate, and shall set forth what efforts the Contractor has made to obtain the information.

- 5) Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, VCPWA shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
- (a) Withholding of payments to the Contractor under the contract within a reasonable period of time, not to exceed 90 days; and/or
 - (b) Cancellation, termination or suspension of the contract, in whole or in part.
- 6) Incorporation of Provisions: The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the REGULATIONS, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as VCPWA or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event that the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request that VCPWA, enter into such litigation to protect the interests of VCPWA and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

Exhibit B-2 - Granting and Habendum Clauses

When VCPWA is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clause shall be included in any and all deeds affecting or recording the transfer of property:

GRANTING CLAUSE

NOW, THEREFORE, VCPWA as authorized by law will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of federal-aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with the regulations pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto VCPWA all the right, title, and interest of the U.S. Department of Transportation in, and to, aid lands described in Exhibit B-4 attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto VCPWA, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on VCPWA, its successors, and assigns.

VCPWA, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns,

1. That no person shall on the grounds of race, color, sex, national origin, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (;) (and)*
2. That VCPWA shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the Department of

Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (;) and

3. That in the event of breach of any of the above-mentioned nondiscrimination conditions, the U.S. Department of Transportation shall have a right to re-enter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this deed.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964

Exhibit B-3 – Lease Provisions

The following clauses shall be included in any and all licenses, leases, permits, or similar instruments entered into by VCPWA, pursuant to the provisions of Assurance No. 7 of Exhibit B, Nondiscrimination Assurances.

The LESSEE/LICENSEE/PERMITTEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LICENSEE, LESSEE, PERMITTEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulation, U.S. Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as Regulations may be amended.

Include in Licenses, Leases, Permits, Etc.*

That in the event of breach of any of the above nondiscrimination covenants, VCPWA shall have the right to terminate the (license, lease, permit etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964

Exhibit B-4 - Nondiscrimination Covenants

The following shall be included in all licenses, leases, permits, or similar agreements entered by VCPWA, pursuant to the provisions of Assurance No. 7 of Exhibit B.

The LICENSEE/LESSEE/PERMITEE for himself, his personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that:

1. no person on the ground of race, color, sex, national origin, religion, age or disability, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in the use of said facilities;
2. that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, national origin, religion, age or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and
3. that the LICENSEE/LESSEE/PERMITEE shall use the premises in compliance with the Regulation.

Include in licenses, leases, permits, etc.*

That in the event of breach of any of the above nondiscrimination covenants, VCPWA shall have the right to terminate the (license, lease, permit, etc.) had never been made or issued.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of