CITY OF PISMO BEACH ADMINISTRATIVE POLICY

Policy Name:
Title VI Plan

Policy Number:
AP-RM-003

Purpose:
Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." This policy establishes the City's commitment to non-discrimination in its practices and establishes related procedural protocols, in part to facilitate eligibility for federal funding for certain types of projects.

Original Adoption Date:
August 21, 2025
Revision Date(s):
November 6, 2025

City Manager Approval:



I. PURPOSE

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." This policy establishes the City's commitment to non-discrimination in its practices and establishes related procedural protocols, in part to facilitate eligibility for federal funding for certain types of projects.

II. APPLICABILITY AND RESPONSIBILITY

A. Applicability

All City Departments, Divisions, employees and officials.

B. Responsibility

The City Engineer shall be generally responsible for the administration of this Policy.

III. DEFINITIONS

"City" means the City of Pismo Beach, a municipal corporation.

"City employee" means a regular or contract employee of the City.

"City Manager" means the City Manager or designee.

"City official" means an appointed or elected City official.

“Title VI” means Title VI of the federal Civil Rights Act of 1964.

"Title VI Analyst" means the Public Works Senior Management Analyst or designee.

"Title VI Coordinator" means the City Engineer or designee.

"Title VI Liaison" means Public Works Engineering Division staff.

IV. PROVISIONS

A. Non-Discrimination Policy Statement

1. The City of Pismo Beach is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964 and other non-discriminatory authorities, such that no person shall be excluded from participation in or be denied the benefits of any program or activity conducted by the City of Pismo Beach on the grounds of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by state or federal law.

   Further, no person shall be subjected to discrimination under any program or activity conducted by the City of Pismo Beach, on the grounds of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by state or federal law.

   Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C §2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

B. Non-Discriminatory Legislation

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 C.F.R. Part 21, including any amendments thereto.

2. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

3. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 C.F.R. Part 27;

4. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);

5. Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);

6. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

7. Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;

8. The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

9. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 U.S.C. § 1681 et seq);

10. Executive Order 12898 addresses Environmental Justice regarding minority and low-income populations and requires agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations; promote nondiscrimination in federal programs substantially affecting human health and the environment; and provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment;

11. Executive Order 13166 addresses improved access to services for persons with limited English proficiency (LEP). Agencies are directed to evaluate services provided and implement a system that ensures that Limited English Proficiency persons are able to meaningfully access the services provided consistent with, and without unduly burdening, the fundamental mission of the local agency. Agencies are directed to ensure that recipients of federal financial assistance provide meaningful access to programs, services, and information to their LEP applicants and beneficiaries free of charge.

C. Title VI Plan Organization and Staffing

1. The City of Pismo Beach has assigned the roles of Title VI Coordinator, Title VI Analyst, and Title VI Liaisons to City staff. The roles and responsibilities are as follows:

    a. Title VI Coordinator: The City Engineer (Title VI Coordinator) is responsible for compliance with the City's policy of non-discrimination and applicable laws. The Title VI Coordinator ensures implementation of the Title VI Program and is responsible for initiating, monitoring, and ensuring the City's compliance with Title VI requirements. The Title VI Coordinator's responsibilities include:

        i. Process Title VI complaints as they are received
        ii. Review programs or projects receiving federal funds to ensure compliance with Title VI requirements
        iii. Work with staff to develop and distribute Title VI program information to employees and sub-recipients, including contractors, subcontractors, consultants and subconsultants
        iv. Make recommendations on ways to achieve compliance with Title VI requirements
        v. Develop information regarding this Title VI Plan for distribution to the general public and where appropriate
        vi. Review and update the Title VI Plan as needed or required

    b. Title VI Analyst: The Public Works Senior Management Analyst (Title VI Analyst) is responsible for compliance with Title VI reporting requirements and distribution of information to the public. The Title VI Analyst's responsibilities include:

i. Prepares and coordinates Title VI Plan and Annual Report submission
ii. Develops Title VI information for dissemination to the public
iii. Ensures that Title VI Assurances have been incorporated into all federal-aid contracts and agreements
iv. Develop procedures for collection and analysis of statistical data of participants in, and beneficiaries of, federally funded roadway projects
v. Analyze data collected to determine effectiveness of outreach methods to avoid group exclusion, and encourage group participation
vi. Develop complaint procedures, complaint log, and ensures that all applicable staff are properly trained in the complaint reporting procedures.

c. Title VI Liaison: The Public Works Engineering Division staff (Title VI Liaison) are responsible for ensuring contractors, public stakeholders, and other relevant parties adhere to the City's Title VI policy requirements. The Title VI Liaison responsibilities include:

i. Work directly with contractors, stakeholders, and other relevant parties to ensure that Title VI protections are maintained
ii. Report complaints through the City's complaint procedure
iii. Incorporates required Title VI language into federal-aid contracts and agreements

D. Title VI Complaint Procedures

1. Procedure for Filing a Complaint

Any person who believes that they have, individually, or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by state or federal law may file a Title VI complaint with Public Works. The complaint must be filed within 180 days of the date of the alleged discrimination. A complaint can be filed by completing the "Title VI Complaint Form", which is available online at www.pismobeach.org/TitleVI. A complaint form may also be obtained in person at City Hall by contacting the Engineering Division (805) 773-7456.

Written complaints may be sent to:

City of Pismo Beach
Eric Eldridge, City Engineer
760 Mattie Road
Pismo Beach, CA 93449

Once the Title VI complaint is received, the Title VI Analyst will forward the complaint to Caltrans, to be submitted to the Federal Highway Administration (FHWA) Division Office. The Title VI Analyst will also begin processing the complaint by entering said complaint into the City's Title VI Discrimination Complaint Log, and the Title VI Coordinator will conduct an internal investigation. Once a finding has been determined/received, the City's Title VI Coordinator will provide said finding to the complainant within ten (10) business days via letter and/or email.

All records regarding discrimination complaints and remedial actions taken shall be maintained in Public Works' Complaint Log for a period of not less than three (3) years from the final date of resolution of the complaint.

2. Complaints Processed Under the Federal Highway Administration

Title VI complaints filed with the California Department of Transportation (Caltrans) in which Caltrans is named as the Respondent will be forwarded to the Federal Highway Administration (FHWA) Division Office. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

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

3. Caltrans Office of Civil Rights (OCR) Investigation Process

If OCR is delegated the responsibility of performing an investigation, OCR has ninety (90) days to investigate the

complaint. If additional time is needed, OCR will call the Complainant and inform them.

If more information is needed to resolve the case, the OCR investigator may contact the Complainant. The Complainant has ten (10) business days from the date of the letter to send the requested information to the investigator assigned to the case.

If the investigator is not contacted by the Complainant or does not receive the additional information within ten (10) business days, OCR can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

OCR will consult with HCR regarding the disposition of the complaint. Disposition of Title VI complaint will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties via the Division Office.

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

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

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

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

E. Public Participation Plan

1. The purpose of public participation is to help ensure that the residents and other community members of the City of Pismo Beach are kept informed and involved in Public Works' various programs, projects and activities. The City is committed to ensuring it serves the people of the Pismo Beach by delivering efficient, responsive, and cost-effective services that protect and enhance the safety, health, and quality of life in the City of Pismo Beach. The City values public participation and encourages involvement by the community.

   Following are the outreach strategies that will be implemented by the City in an effort to reach the people of the City of Pismo Beach and provide equal access to up-to-date information and promote an active channel of communication.

2. Title VI Program Information

   a. The Title VI Plan, Public Notice, Non-discrimination Title VI Policy Statement, Complaint Process and Forms are posted on City's website. The City's Title VI Policy Statement shall be included in bid specification postings, construction and consultant contracts.

3. City of Pismo Beach Website

   a. The City of Pismo Beach maintains a well-organized website that is accessible to the public. The website provides information regarding the different departments, divisions and services within the city; news and events; online services; downloadable materials; City Council meeting calendar and agenda; reports; brochures; updates on projects and programs; 10-Year Capital Improvement Plan; Policies and Program information, etc. The public can also find out about bid projects and plans as well as communicate their needs through a customer service ticketing portal.

4. Social Media Networks

   a. The City of Pismo Beach has a social media network presence on Facebook, Instagram, X, and YouTube to support its public outreach efforts. The City will use these media forums to disseminate information to the public on events, programs, news releases, media advisories, construction project information, informational videos, new

services, etc. Facebook, Instagram and X allows for users to choose the option of their desired language which enables an individual with Limited English Proficiency (LEP) equal access to information, allowing the City to continue promoting a culture of dialogue between the public and the City.

F. Limited English Proficiency

1. A Limited English Proficiency (LEP) person is a person that does not speak English as a primary language and has a limited ability to read, write, or comprehend English. Per Executive Order 13166, agencies which receive federal funding must examine their federally-funded services and develop and implement processes that will allow LEP persons to meaningfully access said services. Executive Order 13166 also requires that agencies receiving Federal funding must establish guidance for providing meaningful access for LEPs, prepare a plan to overcome language barriers in federally-funded programs and activities, and ensure that stakeholders have adequate opportunity to provide input.

   The foreign language that is most frequently used in the City's geographic area is Spanish and the City has multiple bilingual staff that can assist with both verbal and written communications in Spanish.

   The City provides an additional monetary compensation to eligible bilingual employees. Spanish is the language that the Department currently has under the program.

2. LEP Strategies

   a. At a minimum, the City will implement the following strategies to serve as guidelines for engaging LEP persons:
      i. Arrange for the use of a telephone language interpreter service, as needed
      ii. 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.

3. Staff Training

   a. Training for front-line staff members, who are often the first point of contact with LEP individuals, will be provided to staff, to include:
      i. Information on Title VI procedures and LEP responsibilities
      ii. How to deliver services effectively to LEP persons
      iii. Procuring interpreter services needed
      iv. Description of language assistance services offered to the public
      v. Documentation of language assistance requests
      vi. How to handle a potential Title VI/LEP Complaint

G. Title VI Implementing Program Activities

1. Consultant Contract Administration

   The City Manager is responsible for recommending consultant firms to the City Council for final selection, negotiation, and award. Title VI language is incorporated in the City's consultant contracts and compliance is verified through periodic compliance reviews.

2. Environmental Justice

   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. EJ is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

   In accordance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), City staff will identify and address the environmental effects of programs, policies, and activities on minority and low-income populations for federally-funded projects. Staff will consider demographic data during project design and involve the public in the planning and development process to assess the environmental impacts of projects on the community. The public's input and demographic data analysis will enable staff to develop measures to mitigate any potential adverse effects on minority and low-income populations.

CONSTRUCTION ACTIVITIES

Public Works' many divisions are responsible for the planning, design, funding, operating and maintaining of roadways; bridges; buildings; water and wastewater facilities; drainage and related transportation facilities; and water resources. New construction contracts are used as well as in-house personnel, the resources of contractors, vendors, equipment, and materials. Public Works construction project information can be found at the Public Works website with translation capabilities and contact information.

Public Works will ensure Title VI compliance of construction projects as follows:

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. Monitor all maintenance and construction operations to ensure non-discrimination throughout all operations
d. Work closely with environmental, and other staff to avoid or minimize the environmental impact of a project during construction
e. Address any LEP or EJ issues

H. Annual Reporting

1. The City of Pismo Beach will annually monitor program goals and accomplishments. The Title VI Analyst will ensure that language translation services continue to be available, public participation is optimal, and appropriate Title VI signage is posted. This also includes updating community statistics and corresponding with state and federal agencies as necessary.

   The City of Pismo Beach will conduct periodic Title VI self-assessment of its programs and activities for compliance. Where applicable, the City will revise policies and procedures to include Title VI requirements.

2. Remedial Action

   a. When irregularities occur in the administration of Title VI programs, corrective action will be taken to resolve identified

Title VI issues. Swift action will be taken to correct any deficiencies found by the City, Caltrans, or the FHWA, not to exceed ninety (90) days, in order to implement Title VI compliance in accordance with this plan.

The City will periodically conduct Title VI compliance review 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. The City shall confirm guidelines provided to consultants, contractors, and subcontractors including Title VI language, provisions, and related requirements as applicable.

V. REFERENCES

1. Title VI of the 1964 Civil Rights (42 U.S.C. 2000d.) and 49 C.F.R. Part 21
2. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §4601 et seq.)
3. The Rehabilitation Act of 1973, Section 504 (29 U.S.C. Chapter 16) and 49 C.F.R. Part 27
4. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107)
5. Airport and Airway Improvement Act of 1982, (49 U.S.C. §471, Section 47123)
6. The Civil Rights Restoration Act of 1987 (Public Law 100-209)
7. Titles II and III of the Americans with Disabilities Act, (42 U.S.C. §§12131 – 12189) and Department of Transportation regulations (49 C.F.R. Parts 37 and 38)
8. The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. §47123)
9. Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et seq.)
10. Executive Order 12898 (issued February 11, 1994)
11. Executive Order 13166 (issued August 16, 2000)

VI. APPENDICES

Title VI Complaint Form
Title VI Public Notice

760 Mattie Road, Pismo Beach, CA 93449
(805) 773-4657 | PismoBeach.org

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." If you wish to submit a Title VI complaint to the City of Pismo Beach, please complete the below information and submit this form to:

City of Pismo Beach
Eric Eldridge – City Engineer
760 Mattie Road
Pismo Beach, CA 93449

Name:		
Address:		
City:	State:	Zip Code:
Phone Number:	Email:	

Name, title, and description of person(s) who allegedly discriminated against you:

Check the box(es) for the type(s) of discrimination that was experienced:

☐ Race	☐ Sex	☐ Religion
☐ Color	☐ Age	☐ Sexual Orientation
☐ National Origin	☐ Disability	☐ Gender Identity
☐ Other (Please Describe):		

Date(s) of the alleged event(s):
Location(s) where the alleged event(s) took place:
Is the alleged discrimination still ongoing:

Please describe the alleged discrimination, explain what happened, and who you believe is responsible:

Please list any person(s) we may contact for additional information to provide further information for your complaint:

Have you filed this complaint with any other federal agency, state agency, federal court, or state court? If yes, please check all that apply:

- ☐ Federal Agency
- ☐ State Agency
- ☐ Federal Court
- ☐ State Court

Please provide the name, phone number, and email of the contact persons at the agency/court where the complaint was filed:

Please sign and date this form. It additional space is needed to provide information about this complaint, please attach additional pages to the this form.

Signature

Date

760 Mattie Road, Pismo Beach, CA 93449
(805) 773-4657 | PismoBeach.org

Public Notice

YOUR RIGHTS AGAINST DISCRIMINATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED NON-DISCRIMINATORY AUTHORITIES

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The following additional authorities provide protection against discrimination on the basis of sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by State or Federal law:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601)

Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, and 49 C.F.R. Part 27

The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.)

Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended

The Civil Rights Restoration Act of 1987, (PL 100-209)

Titles II and III of the Americans with Disabilities (42 U.S.C. §§12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38

The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123)

Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681 et seq);

Executive Order 12898

Executive Order 13166

Any person who believes that they have been discriminated against may file a written complaint with the City of Pismo Beach, within 180 days of the alleged discrimination. Additional information and Title VI Complaint Forms can be obtained on the City of Pismo Beach's website at: www. pismobeach.org/TitleVI. Title VI Complaint Forms can also be obtained from City Hall.

To file a Title VI discrimination complaint, please use the following contact information:

City of Pismo Beach
Eric Eldridge – City Engineer
760 Mattie Road
Pismo Beach, CA 93449