

Title VI of the Civil Rights Act of 1964

City of Merced

2022/2023

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City of Merced
Civil Rights Title VI Federal-Aid Program
Attn: Contract Compliance
678 West 18th Street, 1st Floor, City Clerk's Office
Merced, California 95340

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TITLE VI RELATED STATUTES NONDISCRIMINATION STATEMENT

The City of Merced, 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 or age, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any programs or activities it administers.

STEPHANIE DIETZ
CITY MANAGER

Date

City of Merced

EQUAL EMPLOYMENT OPPORTUNITY NON-DISCRIMINATION POLICY

It is the continuing policy of the City of Merced to recruit and retain the best qualified individuals without regard to race, color, creed, national origin, age, gender, sexual orientation, disability, or status as a disabled veteran. The City will make every effort to ensure that its workforce is representative of the population from which it is obtained.

The City of Merced Equal Employment Commission shall be responsible for monitoring the implementation of this equal opportunity policy concerning employment practices.

Responsibility for the implementation of the City of Merced Equal Employment Opportunity Non-Discrimination Policy rests with the Human Resource Manager. However, all department heads are responsible for carrying out this policy within their department. The City Manager expects each department head, manager, and supervisor to ensure compliance with the Equal Opportunity Policy.

A. INTRODUCTION

The City of Merced (City) is a sub-recipient of financial assistance from federal-aid programs. Sub-recipients of this financial assistance are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Title VI of Civil Rights Act of 1964 forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving federal funds. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the grounds of sex. The Civil Rights Restoration Act of 1987 defines the word "program" to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance.

The City is to ensure that none of its activities or programs treats any part of the community any differently than another. The City expects every manager, supervisor, employee, and vendor and contractor sub-recipient of federal-aid funds administered by the City to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA) requires recipients of federal-aid highway funds to prepare and implement a program to clarify roles, responsibilities, and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The City's Title VI Program Plan focuses on functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

B. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED AUTHORITIES

Title VI of the 1964 Civil Rights Act 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 (implementation through 23 CFR 200.9 and 49 CFR 21).

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) added the requirement that there be no discrimination on the grounds of sex.

Section 504 of the Rehabilitation Act of 1973 provides nondiscrimination under Federal grants and programs.

The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination on the basis of age in programs & activities in federally assisted programs.

The Civil Rights Restoration Act of 1987, P.L. 100-209 - provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (It restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not).

Executive Order 12898 (issued February 11, 1994) addresses environmental justice regarding minority and low-income populations. Agencies must 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.

Executive Order 13166 (issued August 16, 2000) improves access to services for persons with limited English proficiency. Agencies are directed to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons can access meaningfully 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. Language barriers have the potential of prohibiting LEP persons from:

- Obtaining services and information relating to transportation services, programs, and projects;
- Taking advantage of the transit system, which could affect their jobs and social opportunities;
- Understanding the benefits to which they are entitled when their home or business property is acquired through eminent domain.

C. ORGANIZATION, STAFFING, AND RESPONSIBILITIES

Title VI Coordinator

The Human Resources Manager (Program Manager) is responsible for the overall Title VI program implementation and performs the lead and participatory role in the development and implementation of Title VI program compliance. This Program Manager is appointed by and reports to the City Manager. The Program Manager provides guidance and technical assistance

on Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures and monitoring for:

- Promptly processing and resolving Title VI complaints;
- The collection of statistical data (race, color, national origin, sex, age, and disability) of participants in and beneficiaries of the City's federal-aid programs, activities, and services;
- The identification and elimination of discrimination when found to exist;
- Promptly resolving areas of deficiency;
- Pre-grant and post-grant approval reviews for compliance with Title VI requirements;
- Conducting annual Title VI reviews of the City's federal-aid program areas;
- Ensuring that Title VI requirements are included in policy directives, and that the procedures used have built-in safeguards to prevent discrimination;
- Coordinating the development and implementation of Title VI and related statutes training program;
- Providing an annual report of City's Title VI accomplishments and upcoming goals, including an annual update to the Title VI Program that reflects organizational, policy, and implementation changes;
- Assisting program personnel to correct Title VI problems or discriminatory practices or policies, and when conducting self-monitoring and review activities;
- Developing Title VI information for public dissemination, where appropriate, in languages other than English.

D. DESIGNATION OF TITLE VI COORDINATOR

In complying with Title VI of the Civil Rights Act of 1964, and other federal mandates, I hereby designate the Program Manager as the City of Merced Title VI Coordinator.

STEPHANIE DIETZ
CITY MANAGER

Date

E. FEDERAL-AID TITLE VI IMPLEMENTATION

1. Public Participation/Outreach Activities
 - a. The City will develop and publish a Notice to the Public that as a sub recipient of federal-aid funds the federal-aid programs are equal opportunity programs, and indicating that Federal law prohibits discrimination.

- b. The City will disseminate Title VI information and related statutes to the general public and, where appropriate, in languages other than English stating that the City administers programs subject to the nondiscrimination requirements of Title VI, summarizing those requirements, noting the availability of Title VI information from the City, State and Federal agencies, stating persons' rights under the law, and briefly explaining the procedures for filing complaints. The City will develop and publish a Title VI brochure to provide the public with this Title VI information. The brochure will also be translated into Spanish and Hmong. This brochure will be offered for distribution to the general public and other parties or individuals participating in or otherwise benefiting from Federal-aid programs. The brochure will be made available in mediums other than the written word upon request, and the brochure will be periodically reviewed, and revisions will be made as appropriate. Where feasible, the brochure and other materials relevant to Title VI programs will be displayed prominently in reasonable numbers and places. The City will also include information on Title VI requirements, complaint procedures, and the rights of beneficiaries in handbooks, manuals, pamphlets and other material which are ordinarily distributed to the public to describe the federal-aid programs, and the requirements for participation by recipients and beneficiaries.

- c. Where a significant number or proportion of the population eligible to be served or likely to be directly affected by a federal-aid program (e.g., affected by relocation, community meetings, public hearings) needs service or information in a language other than English in order to be effectively informed of or to participate in the program, the City shall take reasonable steps, considering the scope of the program and the size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies to written material of the type which is ordinarily distributed to the public.

- d. A City of Merced Civil Rights Title VI Program web page is set up that contains this Title VI federal-aid Program and other information and publications regarding Title VI and related statutes. The web page will be accessible to all City employees via the intranet and to the public via the internet.

- e. Site and Facility Location - The City shall not make a selection of a site or location of a facility for participants in and beneficiaries of the City's federal-aid programs if that selection could exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination on the grounds of race, color, or national origin, or could substantially impair the accomplishment of the objectives of non-discrimination on the aforesaid grounds.

- f. Upon request from persons served by or participating in federal-aid programs administered by the City, the City will provide sign language interpreters and make information available to the public in alternate formats, such as braille. The following language is included in the City's contract solicitation notices to the public and will be incorporated into all Public Participation/Outreach materials.

Individuals requiring reasonable accessibility accommodations may request written materials in alternate formats, physical accessibility accommodations, sign language interpreters, or other reasonable accommodations by contacting the City of Merced City Clerk Division at (209) 388-8650, from 8:00 a.m. to 5 p.m., Monday through Friday (excluding holidays). Persons who are deaf or hard of hearing may make contact by first dialing the California Relay Service at 7-1-1. Requests should be made at least one week in advance to ensure availability.

2. City Programmatic Activities

a. Limited English Proficiency Program

In accordance with Executive Order 13166 ("Improving Access To Services For Persons With Limited English Proficiency"), the City will develop an evaluation and implementation program to ensure that Limited English Proficiency (LEP) persons who are served by federal-aid programs administered by the City are provided, free of charge, meaningful access to programs, services, and information to without unduly burdening the fundamental mission of the City. Specifically, the LEP program will address language barriers that could prevent LEP persons from obtaining services and information relating to services, programs, and projects.

For federal-aid programs administered by the City, the City will conduct an LEP Needs Assessment using the four factor analysis recommended by the United States Department of Transportation to identify reasonable steps to ensure meaningful access to its programs and activities by LEP persons in accordance with the guidance described in Attachment A.

b. Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"), the City will develop strategies to address disproportionately high and adverse human health or environmental effects on minority and low-income populations, to promote nondiscrimination in federal-aid programs substantially affecting human health and the environment, and to 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.

c. Site and Facility Location

The City shall not make a selection of a site or location of a facility for participants in and beneficiaries of the City's federal-aid programs if that selection could exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination on the grounds of race, color, or national origin, or could substantially impair the accomplishment of the objectives of non-discrimination on the aforesaid grounds.

d. Data Collection

The City will gather, analyze, and maintain statistical data on race, color, national origin, sex, age, and disability of participants in and beneficiaries of the City's federal-aid programs (e.g. relocatees, affected populations, and participants) to determine the investment benefits and burdens to the eligible population, including minority and low-income populations. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data administration. The City will regularly analyze and evaluate the data collected, and data-gathering procedures to determine the effectiveness of outreach methods in meeting the requirements of the Title VI Program to ensure that no group is excluded during the decision-making process, or is not given an opportunity to voice their opinions or concerns. Data collection shall be conducted in accordance with the guidance described in Attachment B.

e. Complaint Process

The City will ensure that no employee or agent of the City or other person shall intimidate, retaliate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege to file a complaint, or because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing arising thereunder. If any individual believes that s/he or any other federal-aid program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color, national origin, sex, age or disability, s/he may exercise their right to file a complaint with the City of Merced. The City has published a link to the State's website for procedures for prompt processing and disposition of Title VI complaints that incorporate appropriate due process standards and which provide for the prompt and equitable resolution of complaints that allege discrimination on basis of race, color, national origin, age, sex, or disability. The procedures will provide for the identification of each complainant by race, color, sex, or national origin; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of the disposition; and other pertinent information. The City will maintain records of each

such complaint and its disposition. The identity of complainants shall be kept confidential except to the extent necessary to carry out any investigation, hearing, or judicial proceeding arising thereunder. A copy of the complaint, together with a copy of the City's report of investigation, shall be forwarded to the appropriate State and Federal offices.

f. Training

The City will provide training on Title VI and its related statutes, including the Executive Order on Limited English Proficiency, for managers, supervisors, and staff with frequent public contact in the administration of federal-aid programs.

g. Title VI Construction Contract Provisions

The City shall include the provisions indicated in Appendix A of Exhibit B of the "Administering Agency-State Agreement for Federal-Aid Projects Master Agreement" of the Local Assistance Program Manual (LAPM) in contracts and agreements, where applicable, between the City and contractors.

Federal-aid construction contracts must include provisions, which require compliance with Title VI. The specific contract provision language is included in the Federal Highway Administration (FHWA) Form 1273 that is physically inserted in the federal-aid construction contract (See Chapter 12, "Plans, Specifications and Estimate", of the LAPM).

The "Local Agency Construction Contract Administration Checklist" (Exhibit 15-A of the LAPM) confirms that DBE and labor/EEO compliance requirements are performed and documented in the project files. Exhibit 15-A of the LAPM documents that the local agency will meet all of the requirements prior to the award of a construction contract (See Chapter 15, "Advertise and Award Project", of the LAPM).

The "Resident Engineer's Construction Contract Administration Checklist" (Exhibit 15-B of the LAPM) is completed by the local agency Resident Engineer. The purpose of this checklist is to assist the local agencies in administering federal-aid highway construction projects. It also provides a record that the EEO/Wage Rate/False Statements posters are being posted at specific locations, that employee interviews will be conducted in accordance with the Labor Compliance/EEO interview form, and that DBE requirements are met. The local agency submits Exhibit 15-B, along with the Award Package, shortly after award of the construction contract (See Chapter 15, "Advertise and Award Project", of the LAPM).

h. Consultant Procurement

City contracts contain the following language regarding Compliance with Civil Rights Laws:

Compliance with Civil Right Laws

Contractor hereby assures that it will comply with Subchapter VI of the Civil Rights Act of 1964, 42 USC Sections 2000 (e)(1) through 2000 (e)(17), to the end that no person shall, on the grounds of race, creed, color, sex, religion, ancestry, age, condition of physical disability, marital status, political affiliation, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Contract or under any project, program, or activity supported by this Contract. Contractor shall comply with its EEO Certification (Form PW-7).

3. Program Assessment

The City will perform a periodic assessment of each of the Public Participation/Outreach and City Programmatic Activity areas in relation to the major federal-aid program areas to determine the City's effectiveness in ensuring that no person, shall on the grounds of race, color, national origin, sex, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any federal-aid programs or activities it administers. Title VI compliance issues, if found to exist, will be addressed by immediate action or by revision of or addition of Public Participation/Outreach and City Programmatic Activity areas.

4. Annual Work Plan

The City will develop an annual report of the City's Title VI accomplishments and upcoming goals, including an update to the Title VI Program that reflects organizational, policy, and implementation changes, and a work plan outlining Title VI monitoring and review activities planned for the coming plan year.

ATTACHMENT A: LIMITED ENGLISH PROFICIENCY NEEDS ASSESSMENT GUIDANCE

The City of Merced, as a sub-recipient of federal-aid funds from the United States Department of Transportation (DOT), is required to take reasonable steps to ensure meaningful access to its programs and activities by Limited English Proficiency (LEP) persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

- (1) Number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the City;
- (2) Frequency with which LEP individuals come in contact with the program, activity, or service;
- (3) Nature and importance of the program, activity, or service to people's lives; and
- (4) Resources available to the City and costs.

The intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small businesses, small local governments, or small nonprofit organizations. After applying the above four-factor analysis to the various kinds of contacts a recipient has with the public, the City may conclude that different language assistance measures are sufficient to ensure meaningful access to the programs, activities, and services it offers. For instance, some of the City's activities will have a greater impact on or contact with LEP persons than others, and thus may require more in the way of language assistance. The flexibility that the City has in addressing the needs of the LEP populations it serves does not diminish, and should not be used to minimize, the obligation that those needs be addressed. Sub-recipients of federal-aid funds from the United States Department of Transportation (DOT) should apply the above listed four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons. The City has evaluated the needed for LEP individuals in *Part 1. Determination of Need*, then how this is implemented in *Part 2. Implementation Plan on Language Assistance* shown below.

PART 1. Determination of Need

- (1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

To determine the population of LEP persons, the City referred to the U.S. Census Bureau website to obtain the data conducted by the 2020 American Community Survey (ACS). Table 1 below identifies those who speak English “less than very well” as Limited English Proficient individuals.

The data displays the population for the three area codes within the City of Merced with respect to the languages spoken at home for people that are 5-years and older. Besides

English, there are five other languages that frequently spoken in the City, they are: Spanish (36%), Other Indo-European (2%), Chinese (1%), Tagalog (1%), and Other Asian and Pacific Island (6%). Although there are other languages spoken besides English, the table also shows that most of the language categories also speak English very well. Table 2 “Population Speaking English Less than “Very Well” displays the results for individuals who do not speak English “very well”

Table 2 below displays the results for individuals who speak English less than “very well” taken from the 2020 ACS for population of 5-years and older. The results show that Spanish-speakers are the only population representing 5 percent or more for any individual population, that identifies as not speaking English “very well”.

Table 1 – Language Spoken at Home by Ability to Speak English for the Population 5-Years and Over.

	Area Code: ZCTA5 95340	Area Code: ZCTA5 95341	Area Code: ZCTA5 95348	Total	Percent
Label	Estimate	Estimate	Estimate		
Total:	33,890	30,927	32,217	97034	-
Speak only English	22,141	12,076	17,746	51963	54%
Spanish:	9,397	15,951	9,586	34934	36%
Speak English "very well"	7,036	8,455	6,731	22222	23%
Speak English less than "very well"	2,361	7,496	2,855	12712	13%
French, Haitian, or Cajun:	68	0	39	107	0%
Speak English "very well"	53	0	31	84	0%
Speak English less than "very well"	15	0	8	23	0%
German or other West Germanic languages:	46	7	55	108	0%
Speak English "very well"	46	3	55	104	0%
Speak English less than "very well"	0	4	0	4	0%
Russian, Polish, or other Slavic languages:	104	18	54	176	0%
Speak English "very well"	104	18	54	176	0%
Speak English less than "very well"	0	0	0	0	0%
Other Indo-European languages:	445	458	924	1827	2%
Speak English "very well"	389	380	634	1403	1%
Speak English less than "very well"	56	78	290	424	0%

Korean:	132	0	0	132	0%
Speak English "very well"	105	0	0	105	0%
Speak English less than "very well"	27	0	0	27	0%
Chinese (incl. Mandarin, Cantonese):	309	16	385	710	1%
Speak English "very well"	266	0	238	504	1%
Speak English less than "very well"	43	16	147	206	0%
Vietnamese:	85	201	45	331	0%
Speak English "very well"	70	116	27	213	0%
Speak English less than "very well"	15	85	18	118	0%
Tagalog (incl. Filipino):	199	82	337	618	1%
Speak English "very well"	188	49	292	529	1%
Speak English less than "very well"	11	33	45	89	0%
Other Asian and Pacific Island languages:	831	2,115	2,656	5602	6%
Speak English "very well"	383	1,385	1,875	3643	4%
Speak English less than "very well"	448	730	781	1959	2%
Arabic:	89	0	355	444	0%
Speak English "very well"	60	0	260	320	0%
Speak English less than "very well"	29	0	95	124	0%
Other and unspecified languages:	44	3	35	82	0%
Speak English "very well"	44	3	35	82	0%
Speak English less than "very well"	0	0	0	0	0%

Source: American Community Survey (ACS) 2020
Tables C16001

Table 2 – Population Speaking English Less than “Very Well”

	Area Code: ZCTA5 95340	Area Code: ZCTA5 95341	Area Code: ZCTA5 95348	Total	Percent
Label	Estimate	Estimate	Estimate		
Total:	33,890	30,927	32,217	97034	
Speak only English	22,141	12,076	17,746	51963	54%
Spanish:	9,397	15,951	9,586	34934	36%

Speak English less than "very well"	2,361	7,496	2,855	12712	13%
French, Haitian, or Cajun:	68	0	39	107	0%
Speak English less than "very well"	15	0	8	23	0%
German or other West Germanic languages:	46	7	55	108	0%
Speak English less than "very well"	0	4	0	4	0%
Russian, Polish, or other Slavic languages:	104	18	54	176	0%
Speak English less than "very well"	0	0	0	0	0%
Other Indo-European languages:	445	458	924	1827	2%
Speak English less than "very well"	56	78	290	424	0%
Korean:	132	0	0	132	0%
Speak English less than "very well"	27	0	0	27	0%
Chinese (incl. Mandarin, Cantonese):	309	16	385	710	1%
Speak English less than "very well"	43	16	147	206	0%
Vietnamese:	85	201	45	331	0%
Speak English less than "very well"	15	85	18	118	0%
Tagalog (incl. Filipino):	199	82	337	618	1%
Speak English less than "very well"	11	33	45	89	0%
Other Asian and Pacific Island languages:	831	2,115	2,656	5602	6%
Speak English less than "very well"	448	730	781	1959	2%
Arabic:	89	0	355	444	0%
Speak English less than "very well"	29	0	95	124	0%
Other and unspecified languages:	44	3	35	82	0%
Speak English less than "very well"	0	0	0	0	0%

Source: American Community Survey (ACS) 2020
Tables C16001

(2) The Frequency with which LEP Individuals Come in Contact with the Program, Activity, or Service

The City of Merced experience with LEP individuals is primarily Spanish speakers. However, the City of Merced does have a large Hmong community and does come into contact with the portion of the Hmong community that does not speak English “very well”.

The City offers translators for both Hmong and Spanish that any LEP individual may request through an employee from the City. The City publishes a contact list for all employees that have been certified as a translator. This list is available to City employees via the intranet (company City website). As the City is a public agency, constant contact with the public is had including the LEP persons. It is important that staff has the translation contact list when the need comes.

At public “speaking” events such as town hall meetings, Council meetings, or any type of neighborhood meeting, translators for both Spanish and Hmong (mostly offered but can be upon request) are present. At the start of the meetings, the individual languages are announced by the translator stating information on if the service is needed, its available. The translators are part of a non-profit local organization called “*Heathy House*” that the City has a contract with for providing translation services for such events.

Healthy House offers translation services for the City mainly for assisting with public speaking events or translating documents in Spanish and Hmong. However, they have assisted the City with other languages in the past such as Chinese. Although there services are for assisting with events and translating documents, they are willing to assist if the need comes that the City encounters another LEP person other than Spanish or Hmong..

(3) The Nature and Importance of the Program, Activity, or Service Provided by the Program

The City of Merced is a diverse City with results showing that the Spanish speaking (and Hmong) population are among the most frequent languages spoken in Merced, other than English. It is important that the LEP population is served fairly ensuring that their access to the City’s offered programs is the same as for the population that speaks English “very well”.

The City of Merced has developed an Administrative Policy and Procedure for a Bilingual Assistance Program (Policy P-26 “*Bilingual Assistance Program*”) as an incentive for City staff to become certified in speaking or writing in other languages. This policy would let eligible employees be tested by an independent examiner for their oral and/or writing skills for the respective language. These tests are administered through a program offered by Merced Junior College. Passing the test would allow the individual to be placed on a list that is distributed to City employees. Yearly re-certification is required.

As mentioned above, the City ensures translators are present at speaking events such as town hall meetings, Council meetings, or any type of neighborhood meeting. At the start of these events, the translator announces that translation to either Spanish, Hmong (typically offered but may be requested) and even American Sign Language.

(4) The Resources Available to the Recipient and Costs

The City of Merced provides translation services for LEP individual for the Spanish and Hmong speaking community, and upon request, additional language translation may be provided depending if available through the City's consultant Healthy House.

Written translation services are also provided by either certified staff or Healthy House. Important Information the City sends out are translated in Spanish and sent automatically. If requested, the City may translate to additional languages if it is available by either certified staff or Healthy House.

The City provides an incentive for staff that are willing and able to become certified in either Spanish or Hmong. An Administrative Policy and Procedure for a Bilingual Assistance Program (Policy P-26 "*Bilingual Assistance Program*") was established to compensate staff on their oral or writing skills in Spanish and Hmong. Staff can get paid up to \$100 per month once certified, re-certification is yearly. Certification is performed by an independent examiner provided by Merced Junior College. A list of certified staff is distributed throughout the City for use.

For City events and written newsletters, the City utilizes a local non-profit organization called Healthy House. Healthy House provides translation services for both oral and writing needs. Their services are provided for City meetings such as council meetings, town hall meetings, neighborhood meetings, and even City sponsored meetings such as public meetings pertaining to the High-Speed Rail. An agreement was re-new on July 1, 2022 for 3-years of service. This would pay the consultant for their time for interpreting service and translation of documents/flyers.

PART 2. Implementation Plan on Language Assistance

(1) Identifying LEP persons who require language assistance:

As stated in Part 1 above, the most significant LEP group requiring language translation services is the Spanish and Hmong speaking community. Results generated from the American Census Community indicated that the Spanish speaking individuals (13%) that speak English less than "very well" are the largest group of LEP individuals requiring translation service, but through local experience, Hmong speakers (2%) have also requested assistance. The City will continue to monitor the needs of LEP persons, and if necessary, design our communication and public participation efforts to include the additional LEP services.

(2) Providing Language Assistance:

As mentioned, The City of Merced provides translation services to LEP individuals to ensure meaningful equal opportunities to all residents. Results shows that the Spanish speaking community makes up a total of 13% of the population which is the only population group that is greater than the 5% requirement for LEP services. Given that the City has a large Hmong community, translation services are routinely offered in Hmong as well.

With help from both certified City staff and Healthy House, the City has important information sent to public, and website translated to Spanish. For public events, translation services are typically offered in Spanish and Hmong (also American Sign Language). If additional LEP services are requested, the City may contact Healthy House for their services. On one occasion, Healthy House was utilized to translate for a resident speaking Chinese.

At all times, City Staff has access to a list that is sent to staff and published on the intranet with the names and extension for the persons that have been certified in either Spanish or Hmong. If additional language translation services for an LEP individual is needed, the City Clerk's office can be contacted to assist in providing services through Healthy House, if available.

LEP individuals have several ways to access material in Spanish or Hmong. Typically, everything is translated into Spanish, such as newsletters and the City website, but upon request, may be translated into other languages (information, not website), which has a large community in Merced. From experience, if LEP persons needs assistance, they typically ask any City staff, and they would know how to assist them based on the language required. Staff would refer to the provided certified staff translator list for Spanish and Hmong or contact City Clerk to contact Healthy House.

(3) Training Staff:

Many employees for the City of Merced are bi-lingual and can become certified translators for the City and be compensated for their skill. Yearly tests are administered through a program with Merced Junior College on certifying staff on their oral and writing skills in either the Spanish or Hmong language. An incentive of up to \$100 per month can be paid to staff depending if they can translate orally, in writing or both.

Yearly emails are sent out to all staff to become certified or re-certified as a translator. An application may be filled out that will then require testing to become certified. Once all testing is complete, a list is generated and sent via email to all staff.

(4) Providing Notice to LEP Persons:

The City of Merced will continue to inform the public which includes LEP persons on their rights under Title VI in a number of ways:

- Notification of rights under Title VI for Spanish and Hmong,
- Information and Title VI report available on website,

- Copy of Title VI report filed with City Clerk available to the public,
- Complaint procedure and link for forms to State website translated in Spanish and Hmong,
- Routine printing in Spanish for important letters or information sent to the Public, and ability to translate to other Languages upon request,

- End of Attachment A -