

**RESOLUTION NO. 2025-1497**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,  
ADOPTING THE TITLE VI PLAN AND AUTHORIZING THE PUBLIC WORKS  
DIRECTOR/CITY ENGINEER TO IMPLEMENT THE TITLE VI PLAN.**

**WHEREAS**, Title VI of the Civil Rights Act was created in 1964, prohibiting discrimination upon race, color or national origin; and,

**WHEREAS**, multiple similar statutes were created at later dates extending discrimination protections for sex, age, disability, religion, sexual orientation, gender identity, and other categories; and,

**WHEREAS**, the local agencies are required to comply with Title VI and other related statutes as a condition of receiving Federal aid from the Federal Highway Administration (FHWA); and,

**WHEREAS**, as a sub-recipient of this financial assistance from FHWA, the City of Laguna Niguel is mandated by the United States Department of Justice (DOJ) to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964; and

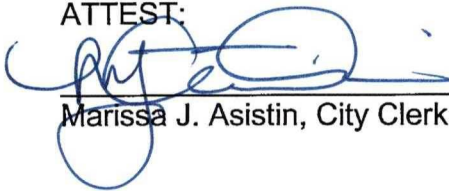
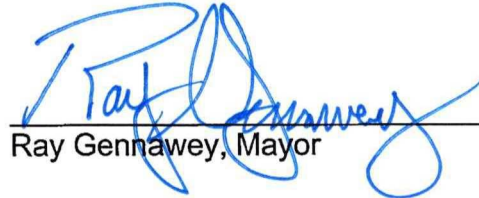
**WHEREAS**, the FHWA requires the City to adopt a Title VI Plan that provides guidance for compliance with Title VI and other related statutes.

**NOW, THEREFORE**, the City Council of the City of Laguna Niguel does hereby resolve as follows:

The City Council hereby adopts the City of Laguna Niguel Title VI Plan attached as Exhibit "A." The Public Works Director is hereby authorized to execute all Title VI documentation and implement the Plan on behalf of the City.

**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of March, 2025.

ATTEST:

  
\_\_\_\_\_  
Marissa J. Asistin, City Clerk  
\_\_\_\_\_  
Ray Gennawey, Mayor

Exhibit(s):

A. City of Laguna Niguel Title VI Plan

}

**EXHIBIT A – CITY OF LAGUNA NIGUEL TITLE VI PLAN**



# Laguna Niguel

CALIFORNIA

## Title VI Plan

March  
2025



## INTRODUCTION

This document was prepared by the City of Laguna Niguel to comply with Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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 (42 U.S.C. Section 2000d).

Recipients and subrecipients of United States Department of Transportation (USDOT) funding through the Federal Highway Administration (FHWA), and the California Department of Transportation (Caltrans), are required to develop policies, programs, and practices that ensure Federal dollars are used in a manner that is nondiscriminatory as required under Title VI.

The City of Laguna Niguel Public Works Department is a recipient of USDOT funding, with Caltrans acting as a passthrough agency, and is therefore subject to the Title VI compliance conditions associated with the use of these funds.

This document details how the City of Laguna Niguel Public Works Department, incorporates nondiscrimination policies and practices in providing programs and services to the public and other stakeholders. The City of Laguna Niguel Public Works Department is a recipient of financial assistance from Federal-aid programs through the USDOT. Recipients and subrecipients of Federal aid are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964.

23 CFR § 200.9 (a), requires Federally assisted subrecipients to submit an annual Title VI certification and assurances.

The City of Laguna Niguel Public Works Director has signed the Standard USDOT Title VI Assurances in accordance with USDOT 1050.2A and is attached as [ATTACHMENT A \(Appendices A-E\)](#).

### **List of Locations Where Title VI Notice Is Posted**

The City of Laguna Niguel notice to the public will be posted at City Hall.

The Title VI notice and program information will also be provided on the City of Laguna Niguel website at [www.cityoflagunaniguel.org](http://www.cityoflagunaniguel.org).

## About the City of Laguna Niguel

The City of Laguna Niguel Public Works Department provides many services to its residents and businesses including but not limited to parks, streets, trail maintenance, drainage, streetlights, events, a regional provider of water, as well as general maintenance.

The City of Laguna Niguel Public Works Department strives to ensure nondiscrimination in all of its activities and programs. Through a focused effort, the City of Laguna Niguel Public Works Department has made managers, supervisors, employees, contractors, vendors, and sub-recipients of Federal-aid funds aware of and apply the intent of Title VI of the Civil Rights Act of 1964 and related statutes<sup>1</sup> in performing assigned duties, Jurisdiction and Authorities.

---

<sup>1</sup> Including, but not limited to, the Federal Highway Act of 1973 (Sex), the Age Discrimination Act of 1975 (Age), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Disability), Executive Order 13166, and Executive Order 12898.

## TABLE OF CONTENTS

I.	Non-Discrimination Policy Statement .....	5
	Non-Discriminatory Legislation .....	6
II.	Organization, Staffing, and Structure .....	7
III.	Title VI Complaint Procedures .....	9
	Title VI Complaint Reporting .....	10
	Procedimientos de Quejas .....	12
IV.	Data Collection and Analysis Methods .....	21
	Four Factor Analysis .....	22
V.	Public Participation .....	23
VI.	Notice of Rights .....	24
VII.	Limited English Proficiency Program .....	26
VIII.	Environmental Justice in Minority and Low-Income Populations .....	28
IX.	Training .....	29
X.	Annual Work Plan (Goal and Accomplishment Report) .....	29
XI.	Attachments .....	30
	A. Assurances .....	31
	Appendix A .....	35
	Appendix B .....	37
	Appendix C .....	39
	Appendix D .....	40
	Appendix E .....	41
	B. Organizational Chart .....	43



## **I. Non-Discrimination Policy Statement**

It is the policy of the City of Laguna Niguel 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 subjected to discrimination in any operation of the Laguna Niguel as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the City of Laguna Niguel, including its contractors and anyone who acts on behalf of City of Laguna Niguel. This policy also applies to the operations of any department or agency to which the City of Laguna Niguel extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

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.

---

City of Laguna Niguel Public Works Director

---

Date

## Non-Discriminatory Legislation

**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 (as implemented 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.)** – Prohibits discrimination on the basis of sex by recipients and sub-recipients of Federal financial assistance.

**Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of disability by recipients and sub-recipients of Federal financial assistance.

**The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.)** – Prohibits discrimination on the basis of age by recipients and sub-recipients of Federal financial assistance.

**The Civil Rights Restoration Act of 1987 (Public Law 200-209)** – Clarifies that the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973 was to apply the non-discrimination statutes to all programs and activities of Federal-aid recipients, sub-recipients, contractors and vendors, whether all such programs are federally assisted or not.

**Executive Order 12898 (issued February 11, 1994)** – 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.

**Executive Order 13166 (issued August 16, 2000)** – Addresses improved 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 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 program, services and information to their LEP applicants and beneficiaries free of charge.



## **II. Organization, Staffing, and Structure**

The City of Laguna has designated a Title VI Coordinator for the overall implementation of the Title VI Plan.

The City of Laguna Niguel Public Works Department Title VI Coordinator reports to the City of Laguna Niguel's Public Works Director on all Title VI matters and is responsible for initiating and monitoring all Title VI activities within the City of Laguna Niguel Public Works Department.

Under the authority of the City of Laguna Niguel's City Council, the City of Laguna Niguel's Public Works Senior Management Analyst, Kelli Everett, will serve as the Public Works Department Title VI Coordinator and be responsible for ensuring implementation of the Department's Title VI program.

The Title VI Coordinators Responsibilities include but are not limited to:

- Process the disposition of Title VI complaints received.
- Ensuring that Title VI requirements are included in policy directives and that the procedures used have built in safeguards to prevent discrimination.
- Collect statistical data (race, color, or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
- Conduct or facilitate training programs on Title VI and other related statutes for agency employees.
- Prepare a yearly report of Title VI accomplishments and goals, as required by CalTrans Local Assistance Procedures Manual.
- Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 business days.

The Title VI Coordinator oversees the day-to-day administrative requirements of the City of Laguna Niguel's Title VI Program. The Title VI Coordinator also serves as the individual to whom complaints alleging discrimination are submitted and is responsible for communicating and coordinating with the City of Laguna Niguel Public Works Department managers and supervisors on all activities subject to Title VI, as well as coordinating training for staff.

The Title VI Coordinator is also responsible for working with the City of Laguna Niguel Public Works Department directors to monitor procedures and practices related to the City of Laguna Niguel Public Works Department projects and services to ensure the programs are operated and

the services are provided fairly, equitable, and in a nondiscriminatory manner in accordance with Title VI.

The City of Laguna Niguel Public Works Department organizational chart shows the Title VI Coordinator has direct access to the agency's highest authority on all Title VI matters and is attached as ATTACHMENT B.

For more information on the City of Laguna Niguel Public Works Department organization and staffing please visit: [www.cityoflagunaniguel.org](http://www.cityoflagunaniguel.org).



### **III. Title VI Complaint Procedures**

The complaint procedures are available on the City of Laguna Niguel's website. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI may file a formal complaint with the City of Laguna Niguel Public Works Department Title VI Coordinator. A copy of the Complaint Form is available on the City of Laguna Niguel Public Works Department web page and may be accessed electronically at: [www.co.cityoflagunaniguel.org](http://www.co.cityoflagunaniguel.org).

## Title VI Complaint Reporting

The complaint must be filed within 180 days of the alleged discrimination and include the date the alleged discrimination became known to the complainant or the last date of the incident.

The complaint must be written and signed by the complainant and shall include:

The Complainant(s) name, address, and phone number;

- A detailed description of the alleged incident that led the complainant to believe discrimination occurred;
- The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date or the date the conduct was discontinued;
- The names and job titles of those parties involved in the complaint;
- The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (i.e., race, color, national origin, sex, age, disability, income status or retaliation);
- Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations; and
- The corrective action being sought by the complainant. Complaints may be filed by one of the following methods:
  - By completing and signing the Complaint Form and delivering it in person or by mail;
  - By emailing or faxing the Complaint Form and sending the signed original to the Title VI Coordinator; and
  - For the disabled, by calling the Title VI Coordinator where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature, and return.

Upon receipt of a completed complaint, the Title VI Coordinator will determine authority, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.

- Caltrans has sole authority for and will adjudicate all complaints filed against Caltrans sub-recipients;
- Complaints against the City of Laguna Niguel Public Works Department in USDOT funded programs will be referred to Caltrans and/or USDOT for processing; and
- Complaints under all other federally funded programs fall under Caltrans' authority and jurisdiction.

For acceptance, a complaint must be:

- Timely filed;
- Involve a covered basis (i.e., race, color, or national origin); and

Complaints may be dismissed if the complainant:

- Requests the withdrawal of the complaint;
- Fails to respond to repeated requests for additional information;
- Fails to cooperate in the investigation; or
- Cannot be located after reasonable attempts to reach the complainant have been made.

Complaints that fall under the jurisdiction of USDOT – Caltrans Civil Rights Officer, will forward a copy of the complaint and preliminary finding to USDOT-HCR within 60 days. Once USDOT-HCR issues its final decision, it will notify Caltrans and, Caltrans will notify all parties involved.

All allegations of discrimination will be taken seriously, and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with Caltrans' determination, the complainant may file a complaint directly with the appropriate USDOT modality:

US Department of Transportation, Federal Highway Administration, California Division 650  
Capitol Mall, Ste. 4-100, Sacramento, CA 95814;

## Procedimientos de Quejas

Los procedimientos de queja están disponibles en el sitio web del Ciudad de Laguna Niguel y cubren lo siguiente:

- Título VI de la Ley de Derechos Civiles de 1964
- Artículo 504 de la Ley de rehabilitación de 1973
- Ley de restauración de los derechos civiles de 1973
- Ley de restauración de los derechos civiles de 1987
- Ley de Estadounidenses con Discapacidades de 1990
- Orden Ejecutiva 12898
- Orden Ejecutiva 13166

Cualquier persona, clase específica de personas o entidad que crea que han sido objeto de discriminación según lo prohibido por las disposiciones legales del Título VI sobre la base de la raza, el color o el estado de origen nacional pueden presentar una queja formal ante el Departamento de Obras Públicas del Ciudad de Laguna Niguel, El Coordinador del Título VI. Una copia del Formulario de Queja está disponible en el sitio web del Ciudad de Laguna Niguel y se puede acceder electrónicamente a: [www.cityoflagunaniguel.org](http://www.cityoflagunaniguel.org).

### **Título VI Presentación de informes de quejas**

La denuncia debe presentarse dentro de los 180 días siguientes a la presunta discriminación e incluir la fecha en que el denunciante conoció la presunta discriminación o la última fecha del incidente.

La queja debe ser escrita y firmada por el denunciante e incluirá:

El nombre, la dirección y el número de teléfono del reclamante;

Una descripción detallada del supuesto incidente que llevó al autor a creer que se había producido discriminación;

La fecha del presunto acto de discriminación, la fecha en que el denunciante o denunciantes conocieron la presunta discriminación, la última fecha de la conducta o la fecha o la fecha en que se suspendió la conducta;

Los nombres y cargos de las partes involucradas en la queja;



Los hechos y circunstancias que rodean la supuesta discriminación y el fundamento de la queja (es decir, raza, color, origen nacional, sexo, edad, discapacidad, estado de ingresos o represalias);

Nombres e información de contacto de las personas con las que el investigador puede ponerse en contacto para obtener información adicional que respalde o aclare las acusaciones; y

Las medidas correctivas solicitadas por el demandante. Las quejas pueden ser presentadas por uno de los siguientes métodos:

- Completando y firmando el Formulario de Queja y entregándolo en persona o por correo;
- Enviando por correo electrónico o fax el formulario de queja y enviando el original firmado al Coordinador del Título VI; y
- Para los discapacitados, llamando al Coordinador del Título VI, donde la información obtenida se utilizará para completar el Formulario de queja y, posteriormente, se enviará al reclamante para su revisión, firma y devolución.

Al recibir una queja completa, el Coordinador del Título VI determinará la jurisdicción, aceptabilidad o necesidad de información adicional y, dentro de los cinco días, acusará recibo de la queja y el curso de acción previsto.

- Caltrans tiene la autoridad exclusiva y adjudicará todas las quejas presentadas contra los sub-destinatarios de Caltrans;
- Las quejas contra La Ciudad de Laguna Niguel en los programas financiados por USDOT se remitirán a Caltrans y / o USDOT para su procesamiento; y
- Las quejas bajo todos los demás programas financiados por el gobierno federal caen bajo la autoridad y jurisdicción de Caltrans.

Para la aceptación, una queja debe ser:

- Presentado oportunamente;
- Involucrar una base cubierta (es decir, raza, color u origen nacional); y

Las reclamaciones pueden ser desestimadas si el demandante:

- Solicita el retiro de la queja;
- No responde a las repetidas solicitudes de información adicional;
- No coopere en la investigación, o
- No se puede localizar después de que se hayan hecho intentos razonables de llegar al demandante.

Las quejas que caen bajo la jurisdicción de USDOT – Caltrans Civil Rights Officer, enviarán una copia de la queja y el hallazgo preliminar a USDOT-HCR dentro de los 60 días. Una

vez que USDOT-HCR emita su decisión final, notificará a Caltrans y Caltrans notificará a todas las partes involucradas.

Todas las acusaciones de discriminación se tomarán en serio y se hará todo lo posible por proporcionar una determinación justa e imparcial. En los casos en que haya insatisfacción con la determinación de Caltrans, el reclamante puede presentar una queja directamente con la modalidad USDOT apropiada:

- Departamento de transporte de los E.E.U.U., administración federal de la carretera, alameda del capitolio de la división 650 de California, Ste. 4-100, Sacramento, CA 95814;
- US Department of Transportación, Federal Highway Administration, Office of Civil Rights 1200 New Jersey Ave. SE, Washington, DC 20590;
- Departamento de los E.E.U.U. del transporte, oficina federal del TLC de la administración de tránsito de las derechas civiles, avenida de 1200 New Jersey. SE, Washington, DC 20590

# CITY OF LAGUNA NIGUEL

## TITLE VI COMPLAINT FORM

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

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to the City of Laguna Niguel Public Works Department, Attn: Title VI Coordinator, 30111 Crown Valley Parkway, Laguna Niguel, CA 92677.

<b>SECTION 1: <i>Please write legibly</i></b>		
Complainant Name:		
Street Address:		
City:	State:	Zip Code:
Phone (home):	Phone (cell or other):	

<b>SECTION 2:</b>		
Are you filing this complaint on your own behalf?	Yes*	No
*If you answered "yes," go to Section 3.		
If you answered "no," what is the name of the person for whom you are filing this complaint?		
What is your relationship with this individual?		
Please explain why you have filed for a third party:		
Have you obtained permission of the aggrieved party to file on their behalf?	Yes	No



<b>SECTION 3:</b>	
I believe the discrimination that I experienced was based on ( <i>check all that apply</i> ):	
<input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color <input type="checkbox"/> Age <input type="checkbox"/> Sex <input type="checkbox"/> Disability	
Date of alleged discrimination ( <i>mm/dd/yyyy</i> ):	Time of incident:

In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. You should include specific details such as names, dates, times, route numbers, witnesses, and any other information that would assist us in our investigation of the allegations. Please provide any other documentation that is relevant to this complaint. If more space is needed, please attach additional sheets of paper.

---



---



---



---



---



---



---

<b>SECTION 4:</b>		
Have you previously filed a Title VI Complaint with the City of Laguna Niguel?	Yes	No
Have you filed a lawsuit regarding this complaint?	Yes	No

<b>SECTION 5:</b>	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> YES* <input type="checkbox"/> NO	
*If "yes," check all that apply:	
<input type="checkbox"/> Federal Agency:  <input type="checkbox"/> State Agency:  <input type="checkbox"/> Local Agency:	<input type="checkbox"/> Federal Court:  <input type="checkbox"/> State Court:

If you answered "yes" to the above, provide the information about a contact person at the agency/court where the complaint was filed.		
Name:	Title:	
Agency:		
Address:		
City:	State:	Zip:
Telephone:	Email:	

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

Signature

Date

If you are not able to sign, please check here: [ ]

Mail or deliver this form to:

City of Laguna Niguel  
Public Works Department  
Attn: Title VI Coordinator  
30111 Crown Valley Pkwy  
Laguna Niguel, CA 92677  
[TitleVICoordinator@cityoflagunaniguel.org](mailto:TitleVICoordinator@cityoflagunaniguel.org)

Date Received:	By Whom:
----------------	----------

## CITY OF LAGUNA NIGUEL

### TITLE VI FORMA DE QUEJA

El Título VI de la Ley de Derechos Civiles de 1964 establece que "Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, será excluida de la participación, se le negarán los beneficios o será objeto de discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal".

Por favor, proporcione la siguiente informacin necesaria para procesar su queja. La asistencia está disponible bajo petición. Complete este formulario y envíelo por correo o entréguelo a la División de Carreteras del Ciudad de Laguna Niguel, Attn: Title VI Coordinator, 30111 Crown Valley Parkway, Laguna Niguel, CA 95341.

<b>SECCIÓN 1: <i>Escriba en forma legible</i></b>		
Nombre:		
Dirección:		
Ciudad:	Estado:	Código postal:
Teléfono:	Teléfono secundario (opcional):	

<b>SECCIÓN 2:</b>		
Está presentando esta queja en su propio nombre?	Sí*	No
*Si usted contesto "Sí," vaya a la Sección 3.		
Si usted contesto "no," cuál es el nombre de la persona por quien está presentando esta queja?		
Cuál es su relación con este individuo:		
Por favor, explique por qué han presentado para una tercera parte:		
Por favor, confirme que ha obtenido el permiso de la parte agraviada en el archivo en su nombre.	Sí	No

**SECCIÓN 3:**

Creo que la discriminación que he experimentado fue basado en (marque todas las que correspondan):

☐ Raza    ☐ Origin nacional    ☐ Color    ☐ Edad    ☐ Sexo    ☐ Discapacidad

Fecha de supuesta discriminación: (mm/dd/yyyy):

Teimpo de discriminación:

Explique lo más claramente posible lo que ocurrió y por qué usted cree que fue Discriminado. Describa todas las personas que han participado. Incluya el nombre y la información de contacto de la(s) persona(s) que discriminaron contra usted (si se conoce), así como los nombres y la información de contacto de los testigos. Si se necesita más espacio, por favor adjunte hojas adicionales de papel.

---

---

---

---

---

---

---

**SECCIÓN 4:**

Anteriormente ha presentado un Titulo VI denuncia con la City of Laguna Niguel?

Sí

No

Ha presentado una demanda respecto a esta queja?

Sí

No

**SECCIÓN 5:**

Ha presentado esta queja con cualquier otra agencia local, Estatal o Federal, o con cualquier corte Federal o Estatal?    ☐ Si\*    ☐ No si la respuesta es si

\*Si usted contesto "Sí," marque todo lo que aplique:

☐ Agencia Federal:

☐ Tribunal Federal:



[ ] Agencia Estatal:		[ ] Tribunal Estatal:	
[ ] Agencia Local:			
Si usted contesto "si" a la #15, p proporcione información acerca de una persona de contacto en la agencia/tribunal donde se presentó la denuncia.			
Nombre:		Titulo:	
Organismo:			
Dirección:			
Ciudad:	Estado:	Código postal:	
Teléfono:	Correo electronico:		

Usted puede adjuntar cualquier material escrito u otra información que considere relevante para su reclamación.

Firma

Fecha

Si no puede firmar por favor marque aquí: [ ]

Por favor, envíe este formulario en persona o por correo este formulario a la siguiente dirección:

City of Laguna Niguel  
Public Works Department  
Attn: Title VI Coordinator  
30111 Crown Valley Pkwy  
Laguna Niguel, CA 92677  
[TitleVICoordinator@cityoflagunaniguel.org](mailto:TitleVICoordinator@cityoflagunaniguel.org)

Date Received:	By Whom:
----------------	----------

## **IV. Data Collection and Analysis Methods**

In accordance with 49CFR 21.9 and 23 CFR 200.9, Federally assisted recipients, including subrecipients, are required to collect and maintain statistical data by race, color, national origin, and sex of affected communities, and participants and beneficiaries of federal aid.

The City of Laguna Niguel Public Works Department is guided by the Federal regulations to collect statistical data on the race, color, and national origin of participants in and beneficiaries of its programs. Demographic and related data collected and used by City staff comes from governmental sources responsible for collecting and betting the information for consistency and accuracy. These sources include, but are not limited to, the U.S. Bureau of Labor Statistics, U.S. Census Bureau, U.S. Bureau of Economic Analysis, California Department of Finance, California Department of Labor, and the California Employment Development Department.

The City of Laguna Niguel Public Works Department gathers, analyzes, and maintains statistical data on race, color, national origin, sex, age, and disability of participants in and beneficiaries of the City of Laguna Niguel Public Works Department Federal-aid programs, (e.g., relocatees, affected populations, and participants) to ensure equitable benefits and burdens to the eligible population, including minority and low-income populations.

Collecting, analyzing, and maintaining statistical data are crucial elements of the Title VI Program because they constitute an effective mechanism by which to numerically verify the distribution and impact of program funding.

## Four Factor Analysis

City Of Laguna Niguel, California		Estimate	1000 or more of eligible Population	More than 5% of the eligible population and more than 50	More than 5% of the eligible population and less than 50	5% or less of the eligible population and less than 1000
Total		62,230				
Speak only English		45,377				
Spanish:		6,489				
Speak English "very well"		4,294				
	Speak English less than "very well"	2,195	TVD			Translation Required
French, Haitian, or Cajun:		259				
Speak English "very well"		224				
	Speak English less than "very well"	35				
German or other West Germanic languages:		631				
Speak English "very well"		571				
	Speak English less than "very well"	60				
Russian, Polish, or other Slavic languages:		731				
Speak English "very well"		626				
Speak English less than "very well"		105				
Other Indo-European languages:		4,167				
Speak English "very well"		2,877				
	Speak English less than "very well"	1,290	TVD			Translation Required
Korean:		388				
Speak English "very well"		302				
	Speak English less than "very well"	86				
Chinese (incl. Mandarin, Cantonese):		1,373				
Speak English "very well"		707				
	Speak English less than "very well"	666				
Vietnamese:		495				
Speak English "very well"		314				
	Speak English less than "very well"	181				
Tagalog (incl. Filipino):		995				
Speak English "very well"		713				
	Speak English less than "very well"	282				
Other Asian and Pacific Island languages:		625				
Speak English "very well"		437				
	Speak English less than "very well"	188				
Arabic:		504				
Speak English "very well"		442				
	Speak English less than "very well"	62				
Other and unspecified languages:		196				
Speak English "very well"		185				
	Speak English less than "very well"	11				



## V. Public Participation

*Federally assisted recipients must also provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI.*

*At a minimum, recipients must disseminate this information to the public through measures including a posting on its website, and in public areas of the agency's office. Furthermore, notices will detail a recipient's Title VI obligations in languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's LAP.*

Public outreach strategies employed by the City of Laguna Niguel Public Works Department are often determined by the circumstances unique to individual projects and typically include a mix of public hearings and stakeholder meetings as applicable. Information is distributed via the City of Laguna Niguel Public Works Department web page or social media sites, surveys, advertising, media outreach, community events, and/or targeted presentations. The City of Laguna Niguel Public Works Department commitment to public participation is based firmly on the belief that public involvement fosters an open decision-making process that elicits active participation from affected individuals, groups, communities, and other public agencies.

All notices are placed on the City of Laguna Niguel's website, as are project documents referenced in the notice. All notices that may be placed in newspapers are placed in the regular body of the paper and not the legal notices section. If a proposed project is in an identified LEP community, ethnic newspapers and radio stations are included in the noticing effort. Community facilities such as churches, community centers, and commercial businesses may be approached to post notices of the meeting.

When warranted, mailings to property owners are bilingual. Language interpreters are available at the City of Laguna Niguel Public Works Department public meetings. Copies of Title VI documents are available upon request and may be translated as requested.

## VI. Notice of Rights

### CITY OF LAGUNA NIGUEL'S NONDISCRIMINATION NOTICE TO THE PUBLIC

The City of Laguna Niguel Public Works Department hereby gives public notice that it is the City of Laguna Niguel Public Works Department policy to assure full compliance with Title VI of the Civil Rights Act of 1964 in all of its programs and activities. Additionally, the City of Laguna Niguel Public Works Department is committed to ensuring compliance with associated regulations, statutes, and executive orders, including, but not limited to: the Federal Highway Act of 1973 (Sex), the Age Discrimination Act of 1975 (Age), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Disability), Executive Order 13166, and Executive Order 12898, and other related authorities, in all of its programs and activities. The City of Laguna Niguel Public Works Department Title VI and ADA Programs require that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Any person, who believes his/her Title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the City of Laguna Niguel Public Works Department Civil Rights Office within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about the City of Laguna Niguel Public Works Department Civil Rights programs and the procedures to file a complaint contact the Civil Rights Office via the information listed below:

### AVISO DE NO DISCRIMINACIÓN DE LA CIUDAD DE LAGUNA NIGUEL AL PÚBLICO

El Departamento de Obras Públicas de la Ciudad de Laguna Niguel por la presente notifica públicamente que es la política del Departamento de Obras Públicas de la Ciudad de Laguna Niguel asegurar el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964 en todos sus programas y actividades. Además, el Departamento de Obras Públicas de la Ciudad de Laguna Niguel se compromete a garantizar el cumplimiento de las regulaciones, estatutos y órdenes ejecutivas asociadas, que incluyen, entre otras: la Ley Federal de Carreteras de 1973 (Sexo), la Ley de Discriminación por Edad de 1975 (Edad), la Ley de Estadounidenses con Discapacidades de 1990 (ADA), la Sección 504 de la Ley de Rehabilitación de 1973 (Discapacidad), La Orden Ejecutiva 13166, y la Orden Ejecutiva 12898, y otras autoridades relacionadas, en todos sus programas y actividades. Los Programas del Título VI y la ADA del Departamento de Obras Públicas de la Ciudad de Laguna Niguel requieren que ninguna persona, por motivos de raza, color u origen nacional, sea excluida de la participación, se le nieguen los beneficios o esté sujeta a discriminación bajo cualquier programa o actividad. Cualquier persona, que crea que sus derechos de Título VI o ADA han sido violados, puede presentar una queja. Cualquier queja de este tipo debe ser por escrito y presentada ante la Oficina de

Derechos Civiles del Departamento de Obras Públicas de la Ciudad de Laguna Niguel dentro de los ciento ochenta (180) días posteriores a la fecha del presunto hecho discriminatorio. Para obtener información adicional sobre los programas de Derechos Civiles del Departamento de Obras Públicas de la Ciudad de Laguna Niguel y los procedimientos para presentar una queja, comuníquese con la Oficina de Derechos Civiles a través de la información que se enumera a continuación:

City of Laguna Niguel Public Works Department  
Attn: Title VI Coordinator  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677  
949-362-4048  
[TitleVICoordinator@cityoflagunaniguel.org](mailto:TitleVICoordinator@cityoflagunaniguel.org)



## VII. Limited English Proficiency Program

*Federally assisted recipients must take responsible steps to ensure meaningful access to benefits, services, information, and other important elements of its programs and activities for individuals who are Limited English Proficient (LEP). Recipients must use the information obtained in their Four-Factor Analysis to determine the specific language services that are appropriate to provide.*

### **LEP Four Factor Analysis for the City of Laguna Niguel Public Works Department**

**Factor 1:** *The number and proportion of LEP persons served or encountered in the eligible service population.* From a city perspective, the following language was listed with the greatest number of speakers who spoke English less than “very well” in the City of Laguna Niguel: **Spanish**

**Factor 2:** *The frequency with which LEP individuals come into contact with your Programs, Activities, and Services.*

The following program areas within the City of Laguna Niguel Public Works Department have been identified to have a higher interaction with the public:

- Construction;
- Environmental;
- Planning;
- Right of Way;
- Research

The listed program areas have the potential for ongoing frequent contact with LEP populations.

**Factor 3:** *The importance to LEP persons of your Program, Activities, and Services.*

Since our activities involve transportation related outcomes, the importance of the City of Laguna Niguel Public Works Department Programs, Activities, and Services are of great significance to the LEP populations of the City of Laguna Niguel.

**Factor 4:** *The resources available to the recipient and costs.*

The City of Laguna Niguel Public Works Department Title VI Notice to the Public is posted at all the City of Laguna Niguel Public Works Department offices open to the public; the notice is printed in English and Spanish, and available in other languages as requested.

The City of Laguna Niguel Public Works Department utilizes I Speak Cards, and translation applications to help LEP individuals to access our programs, services, and activities. These resources are available at public counters and employee desks or job sites. The cost for this resource is minimal.

### **Language Assistance Plan (LAP)**

The City of Laguna Niguel Public Works Department is committed to assisting people who do not speak English or do not speak English well. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are considered Limited English Proficient, or LEP. These individuals may be entitled to language assistance with respect to a particular type of program, service, or activity. This section outlines the LEP protections and plans for compliance. Title VI and Executive Order 13166 prohibits recipients of federal financial assistance from discriminating based on national origin.

It is the policy of the City of Laguna Niguel Public Works Department to take reasonable steps to provide LEP individuals with meaningful access to all programs, services, or activities. The City of Laguna Niguel Public Works Department shall take reasonable steps to effectively inform the public of the availability of language accessible programs, services, and activities.

The City of Laguna Niguel Public Works Department, guided by our Four Factor Analysis, has minimal contact throughout the year with LEP persons. However, the agency understands the nature and importance of the program, activity, and services to people's lives and will take reasonable steps to promote participation and inclusion in our programs. The agency's Title VI Coordinator will update, evaluate, and monitor this Language Assistance Plan (LAP) annually.

All staff will be provided with the LEP plan and will be educated on policies, procedures, and services available. This training will be included in our Title VI training held annually for managers/supervisors, every two years for our general staff awareness training, and as appropriate for new hires and promoted employees. The City of Laguna Niguel Public Works Department utilizes I Speak Cards, and translation applications to help LEP individuals to access our programs, services, and activities. These resources are available at public counters and/or job sites.

All vital documents will be translated into Spanish and all other languages can be translated upon request by contacting the Title VI Coordinator.

\*Если вы хотите, чтобы эти документы были переведены на русский язык, пожалуйста, свяжитесь с [Келли Эверетт](#).

\*Jeśli chcesz, aby dokumenty te zostały przetłumaczone na język polski, skontaktuj się z [Kelli Everett](#).

Following federal guidance, analysis has been completed to understand language need and allocate resources appropriately. It is attached as ATTACHMENT G.



## VIII. Environmental Justice in Minority and Low-Income Populations

*In 1994, Executive Order (EO) 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations was issued. EO 12898 emphasized a federal agency's responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This is accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, environmental justice, and safety.*

The City of Laguna Niguel Public Works Department Environmental Group fulfills this requirement by following the NEPA process. The City of Laguna Niguel Public Works Department promotes public participation through ongoing outreach and event organization. Environmental Justice (EJ), is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means (1) that all persons share in the benefits of our investments; and (2) that no person (including racial, ethnic, or low-income groups) should bear a disproportionate share of the negative consequences resulting from the execution of Federal, State, and local programs and policies. Based on the guidance of the USDOT Order on Environmental Justice as cited in "An Overview of Transportation and Environmental Justice" there are three fundamental principles of environmental justice, and they are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

In accordance with Executive Order 12898 on EJ and the related US DOT and FHWA Orders, the City of Laguna Niguel Public Works Department advances the principles of EJ in all programs, services, and activities through a public involvement program and by screening programs and projects to identify, avoid, minimize, or mitigate disproportionately high and adverse impacts. The City of Laguna Niguel Public Works Department staff assists with respect to public involvement activities around the City. The transportation planning process requires the City of Laguna Niguel Public Works Department to identify planning assumptions under federal law—one of which is to use the most recently published U.S. Census Bureau data in the development of plans and programs.

## **IX. Training**

*23 CFR 200.9 (b) (9) States that Local Public Agency's (LPA's) Title VI designee shall be responsible for conducting training programs on Title VI and related statutes.*

The City of Laguna Niguel Public Works Department utilized guidance and training from a Title VI Consultant and accompanying resources for all the City of Laguna Niguel Public Works Department employees to have a basic understanding of the requirements of Title VI and the City of Laguna Niguel Public Works Department Title VI/Nondiscrimination Plan. Staff Awareness training will be held upon hire, and every two years for general employees, and every year for managers and supervisors, as required. Supporting data of Title VI Staff Awareness training is attached to this document as ATTACHMENT D.

The City of Laguna Niguel Public Works Department provides training, presentations, and resources that provide comprehensive information on the Title VI requirements, its application to specific program operations, identification of Title VI issues, and the resolution of potential or formal complaints.

Additionally, the Title VI Coordinator and liaisons meet annually (more often if warranted) to discuss practical solutions to Title VI issues, and the City of Laguna Niguel Public Works Department Title VI/Nondiscrimination Plan.

## **X. Annual Work Plan (Goal and Accomplishment Report)**

The City of Laguna Niguel will annually establish and monitor Title VI program goals and accomplishments. Title VI Coordinator will develop a Work Plan, outlining Title VI monitoring, training, and review activities planned for the upcoming City of Laguna Niguel fiscal year.

The Title VI Coordinator will ensure that employee training is conducted, language translation services continue to be available, public participation is optimal, and appropriate Title VI signage is posted.

The Title VI Coordinator will include annual updates on community statistics and correspondence with state and federal agencies as necessary.





# Attachments

## A. Assurances

### The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

The City of Laguna Niguel Public Works Department (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- 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);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-- discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Title VI Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Title VI and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"City of Laguna Niguel Public Works Department , in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and



- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or 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 the Recipient retains ownership or possession of the property.
- 9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the City of Laguna Niguel Public Works Department also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

The City of Laguna Niguel Public Works Department gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Title VI Program. This ASSURANCE is binding on the City of Laguna Niguel Public Works Department, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees,



successors in interest, and any other participants in the Title VI Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**City of Laguna Niguel Public Works Department**

by

\_\_\_\_\_  
**Public Works Director**

DATED \_\_\_\_\_

## Appendix A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, 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 subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



## **Appendix B**

### **CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Laguna Niguel Public Works Department will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C, the Regulations for the Administration of Title VI Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation 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 the City of Laguna Niguel Public Works Department the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the City of Laguna Niguel Public Works Department 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Laguna Niguel Public Works Department , its successors and assigns.

The City of Laguna Niguel Public Works Department , 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, that (1) no person will on the grounds of race, color, or national origin, 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 the City of Laguna Niguel Public Works Department will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation,

Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the City of Laguna Niguel Public Works Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will 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 instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## Appendix C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Laguna Niguel Public Works Department pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of Laguna Niguel Public Works Department will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Laguna Niguel Public Works Department will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Laguna Niguel Public Works Department and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



## Appendix D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Laguna Niguel Public Works Department pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be 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, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non- discrimination covenants, the City of Laguna Niguel Public Works Department will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City of Laguna Niguel Public Works Department will there upon revert to and vest in and become the absolute property of the City of Laguna Niguel Public Works Department and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- 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 CFR Part 21.
- 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- 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 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- 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);
- 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;
- 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);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with

disproportionately high and adverse human health or environmental effects on minority and low-income populations.

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

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



## B. Organizational Chart

