



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: BC 17-177, **Version:** 1

Receive and accept an informational update on the compliance review regarding Title VI of the Civil Rights Act of 1964.

RECOMMENDATION:

It is recommended that the Budget Committee receive and accept an informational update on the compliance review regarding Title VI of the Civil Rights Act of 1964.

SUMMARY:

This report provides an informational update on the compliance review regarding Title VI of the Civil Rights Act of 1964 and discusses resources needed within the Equal Opportunity Office to ensure compliance.

DISCUSSION:

In July, the County went through a compliance review process regarding Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds or other federal financial assistance. The County receives over \$130 million annually in federal funding for specific programming and services. Per the Auditor Controller's office, this money is distributed across the agency. Therefore, the entire County must be in compliance with Title VI.

The Title VI audit found the County to have deficiencies in compliance. In response to the audit and the discovered deficiencies, the Equal Opportunity Office was asked to develop a countywide compliance plan. The plan, which will be presented to the Board of Supervisors on December 5, includes a comprehensive countywide program to ensure the County does not discriminate based on race, color, or national origin in our service delivery. Compliance requires that we designate a Title VI Coordinator, provide meaningful access to all services for the more than 25% of our population that does not speak English, have an outward-facing discrimination complaint process, provide Title VI training to employees that interact with the public, and ensure quality community engagement across the County.

The Equal Opportunity Office is currently responsible for the following:

1. Equal Opportunity Plan (mandatory per Title VII of the Civil Rights Act of 1965 and 41 Code of Federal Regulations, Part 60-2, Title 29);
2. Internal harassment, discrimination, and retaliation complaints (mandatory per California Government Code §§12900-12996);
3. Prevention of sexual harassment training for supervisors and managers (mandatory per California Government Code §12940);
4. Prevention of sexual harassment training for non-supervisors and non-managers (Board-of-Supervisors-directed);
5. Equal Opportunity, nondiscrimination, and diversity training (Board-of-Supervisors-directed);
6. Reasonable Accommodations (28 Code of Federal Regulations Part 35); and,
7. Americans with Disabilities Act (mandatory per 28 Code of Federal Regulations Part 35).

To take on Title VI, of which the County has been historically out of compliance, the following functions need to be assigned:

1. Processing of external harassment, discrimination, and retaliation complaints (23 Code of Federal Regulations, Part 200);
2. Language Access Plan and management (mandatory per 23 Code of Federal Regulations Part 200, §§ 7296.2 and 7299.6, and California's Dymally-Alatorre Bilingual Services Act); and,
3. Community Engagement guide and assistance to departments (mandatory per 23 Code of Federal Regulations Part 200).

For the Equal Opportunity Office to take on Title VI responsibilities makes sense: the Civil Rights Act of 1964 is our area of expertise, we are experienced in developing and providing training to the workforce, and, during the past few months, we have engaged several community groups to assist us in developing the Title VI Plan and the Community Engagement Guide.

To adequately provide quality service to all County departments, the EOO recommends that the Board of Supervisors consider allocating sufficient staff to support Title VI compliance and the functions listed above. As we currently understand the need, the Title VI program requires the addition of two positions to the Equal Opportunity Office: an Associate Equal Opportunity Analyst and an Equal Opportunity Analyst.

The expected duties for the Associate Analyst would include Title VI program management including the effectuation and reporting on the Title VI Plan, administration of the Language Access Plan, aid the Equal Opportunity Officer with oversight of the external complaint process, aid in the development and management of community relationships, departmental technical assistance and internal audits, support external Title VI audits, and aid in the oversight of countywide staff training on Title VI. In addition, the Associate would support the Equal Opportunity Officer with analytics, strategic planning, and reporting.

The expected duties for the Analyst would include Title VI and Title VII complaint intake, investigation support to the Associate Analyst, Title VI and Title VII nondiscrimination training to County Staff, and staff and community outreach.

Understanding the County's fiscal constraints and being sensitive to the needs of other County departments and the vital services they provide to our community, the Office could initially take on Title VI duties with the addition of one Associate Analyst position. Later, as the needs of the program expand, the EOO could bring a request for the additional Equal Opportunity Analyst position during the County's annual budget process.

In addition, the EOO is also requesting a one-time allocation of \$25,000 for technical assistance as it relates to language access, publication costs, and to fund an education campaign for the public. Unfortunately, the EOO does not currently have salary savings or other non-budgeted funds that can be allocated for these needs. However, these one-time allocated funds are crucial to help bring other departments into Title VI compliance. Alternatively, although not ideal, each County department could be responsible for the additional costs associated with Title VI compliance.

Related to these requests, we have asked the County's Strategic Grant Program to search for future funding, we are working with Natividad Medical Center and their language program to use existing County resources, and we are considering and searching for efficiencies within the existing language services agreements with outside providers to offset some of these costs.

Alternatively, the Board of Supervisors could consider:

1. *Approving the Title VI Implementation Plan without additional resources.* Title VI compliance is

required by federal law. If audited by one of the dozens of agencies that provide federal funding and require Title VI compliance, the County will be at risk of losing federal funds. In addition, not implementing Title VI properly may give rise to lawsuits from community members, which will cost the County exponentially more in potential settlements and attorney resources than the cost of the requested staff members.

Assigning the Title VI Implementation Plan to a higher-staffed and sufficiently funded department. On December 5, the Equal Opportunity Office will present to the Board of Supervisors a Title VI Implementation Plan. At that point, the Board of Supervisors can assign responsibility for implementation of the appropriate department.

OTHER AGENCY INVOLVEMENT:

The County Administrative Office and Human Resources Department have requested additional information to better understand the EOO's existing organizational structure, workload of existing positions, and extent to which there is flexibility to meet needs within current resources, understanding that County resources are already stretched thin. To the extent additional funding is needed, a funding source will need to be identified. Since most discretionary resources are fully leveraged in the current County budget with significant cost increases continuing next fiscal year, funding sources would likely include use of cannabis program revenue or program reductions in other departments.

FINANCING:

There is no fiscal impact associated with receiving this informational report.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Title VI compliance advances our basic need for efficient and effective government operations. When done well, a robust Title VI program will enhance the well-being of all Monterey County residents, thus touching on both public safety and health and human services. Additionally, robust compliance with Title VI will be offset by securing federal funds and avoiding costly lawsuits and settlements in the future.

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development
☒ Administration
☒ Health & Human Services
☐ Infrastructure
☒ Public Safety

Prepared and Approved by: Juan P. Rodriguez, Equal Opportunity Officer, x6614

Attachments: Title VI of the Civil Rights Act of 1964 Presentation