



City of Avalon

Title VI Plan

Relating to Section 5309 Funds

Developed June 17, 2014

Approved by the City of Avalon City Council

P.O. Box 707
410 Avalon Canyon Road
Avalon, CA 90704
310-510-0220
www.cityofavalon.com

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I. INTRODUCTION

“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.” (42 U.S.C. 2000d)

The City of Avalon, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964, as amended and related statutes and regulations in the City of Avalon’s Cabrillo Mole Ferry Terminal Rehabilitation Project. The City will use Section 5309 federal funds for the construction and installation of passenger amenities and improvements at the Cabrillo Mole Ferry Terminal. The City of Avalon provides, without regard to race, color, or national origin:

- Opportunities to participate in the transit planning and decision making processes; and,
- Fair decisions on the location of transit services and facilities.

These objectives are the basis for the City of Avalon’s Title VI Plan. The Plan that follows was updated in conformance with FTA C 4702.1B (October 1, 2012). The new guidance in this circular integrates the responsibilities to Limited English Proficient (LEP) Persons into programs and activities developed under the Title VI regulations (49 CFR Part 21) to recipients of federal financial assistance.

The program contains all of the elements required in the U.S. Department of Transportation Federal Transit Administration Title VI Circular dated October 1, 2012. It has been prepared using data from the most recent 2010 U.S. Census.

II. GENERAL REQUIREMENT

1. Notification of Beneficiaries of Protection Under Title VI

In compliance with 49 CFR Section 12.9(d), the City of Avalon has provided information to the public regarding its Title VI obligations and appraises members of the public of the protection against discrimination afforded to them by Title VI on an on-going basis. This statement of nondiscrimination on the basis of race, color, or national origin is on the City’s website. The notice also includes contact information for requesting details on the City’s Title VI obligations and the complaint procedure. The notice is available on the City webpage, the Cabrillo Mole Ferry Terminal, and at the City Hall front desk.

CIVIL RIGHTS NOTICE

The of Avalon is committed to ensuring that no person is excluded form participation in, or denied the benefits of, its service on the basis of race, color or national origin as provided under Title VI of the Civil Rights Act.

The City of Avalon is committed to ensuring that the level and quality of transportation service is provided without regard to race, color or national origin and promoting the full and fair participation of all potentially affected populations in transportation decision making; preventing denial, reduction, or delay in benefits related to programs and activities affecting minority, low-income populations; providing meaningful access to City services, programs, and activities by persons with limited English proficiency (LEP).

To file a complaint or obtain additional information on the City of Avalon's obligation regarding non-discrimination, please write to: City of Avalon, City Manager's Office, P.O. Box 707, Avalon, CA 90704.

Notifying the Public of Rights Under Title VI

City of Avalon

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

For more information on the City of Avalon civil rights program, and the procedures to file a complaint, contact 310-510-0220, or visit our administrative office at City Hall. For more information, visit: www.cityofavalon.com

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590

If information is needed in another language, contact 310-510-0220.

Si se necesita informacion en otro idioma, contacte al 310-510-0220

The City of Avalon Title VI Notice is posted at City Hall, 410 Avalon Canyon Road, Avalon, CA and at the Cabrillo Mole Ferry Terminal and at www.cityofavalon.com.

HOW TO FILE A TITLE VI COMPLAINT

The following Complaint Procedures and the Complaint Form are available on the City's website at www.cityofavalon.com. Any person who believes he or she may have been discriminated against on the basis of race, color, or national origin may file a complaint with the City of Avalon's City Manager's Office.

The complaint must be filed within 180 days of the alleged discrimination date. Written complaints may be sent to City of Avalon, P.O. Box 707, Avalon, CA 90704 or an online complaint form may be accessed at the City's website at www.cityofavalon.com

Once completed, the complaint should be forwarded to City of Avalon, City Manager's Office at P.O. Box 707, Avalon, CA 90704.

In addition to utilizing the Civil Rights complaint process at the City of Avalon, a Complainant may file a Title VI complaint concerning race, color, or national origin discrimination with the Federal Transit Administration (FTA), Office of Civil Rights, Attention: Title VI Program Coordinator East Building 5th Floor-TCR 1200 New Jersey Avenue SE Washington D.C., 20590.

2. Title VI Complaint Procedure

In order to comply with 49 CFR Section 21.9(b), the following complaint procedure will be followed by the City of Avalon in the event that any person believes that he or she, individually, or as a member of any specific class of persons, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination on the basis of race, color, or national origin with regard to:

The opportunity to participate in the transit planning and decision making processes; and,
The right to fair decisions on the location of transit services, facilities and passenger amenities.

The complaint will be made in writing to the City of Avalon will include all information relevant to a determination of discrimination. A complaint must be filed within 180-days after the alleged discrimination. In case where the complainant is unable or incapable of providing a written statement, a City of Avalon designee will, if necessary, assist the person in converting verbal complaints to writing and will interview the complainant. The complainant or his/her representative will sign all complaints.

After review of the complaint, which will include, but not limited to, interviewing all appropriate City personnel, the complainant, witnesses and review of the City's policies and service standards, the City of Avalon will make a determination of discrimination. If it is found that discrimination did not occur, the complainant will be notified in writing and the procedure will be terminated. Notification will occur within a reasonable time of the original submission of the complaint. At that time the complainant will be advised of their right to challenge the City of Avalon by submitting a written request for a hearing within five (5) days of the receipt of the determination.

If after the City of Avalon's review of the complaint, it is found that discrimination may have occurred, a formal hearing will be held. The complainant will be notified of this determination within reasonable time of the submission of the complaint. The hearing will occur on an available and mutually agreed upon date among both parties and will be attended by the City of Avalon, the complainant and the appropriate personnel. Following the hearing, the City of Avalon will make a final determination. The complainant will be notified of this determination in writing ten (10) business days of the hearing. If justified, appropriate remedial action will be taken. The decision will be considered final at the City level.

If the Administrator finds that discrimination did not occur, the complainant will be notified of that disposition and will advise the complainant of their right to submit their complaint to the Federal Transit Administration for further investigation.

Complaint forms are available on the City of Avalon's website. The forms are also available at the City of Avalon City Manager's office upon request. The general complaint procedure is available on the City's website. The detailed complaint procedure noted above will be made available to members of the public upon request. Provisions will be made for persons with limited English proficiency.

*If Information is needed in another language, contact 310-510-0220.
Si se necesita informacion en otro idioma, contacte al 310-510-0220*

The following document is the complaint form:

City of Avalon Title VI Complaint Form

Section I: Please write legibly		
1. Name:		
2. Address:		
3. Telephone:	3.a. Secondary Phone (Optional):	
4. Email Address:		
5. Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	<input type="checkbox"/> Other
Section II:		
6. Are you filing this complaint on your own behalf?	YES*	NO
*If you answered "yes" to #6, go to Section III.		
7. If you answered "no" to #6, what is the name of the person for whom you are filing this complaint? Name:		
8. What is your relationship with this individual:		
9. Please explain why you have filed for a third party:		
10. Please confirm that you have obtained permission of the aggrieved party to file on their behalf.	YES	NO
Section III:		
11. I believe the discrimination I experienced was based on (check all that apply):		
<input type="checkbox"/> Race Origin	<input type="checkbox"/> Color	<input type="checkbox"/> National
12. Date of alleged discrimination: (mm/dd/yyyy)		
13. Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please attach additional sheets of paper.		
Section IV		
14. Have you previously filed a Title VI complaint with City of Avalon?	YES	NO
Section V:		
15. Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		

YES* NO

If yes, check all that apply:

Federal Agency _____ State Agency _____

Federal Court _____ Local Agency _____

State Court _____

16. If you answered "yes" to #15, provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____ Email: _____

Section VI:

Name of Transit Agency complaint is against: _____

Contact Person: _____

Telephone: _____

If Information is needed in another language, contact 310-510-0220.

Si se necesita informacion en otro idioma, contacte al 310-510-0220.

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

Signature and date are required below to complete form:

Signature _____ Date _____

Please submit this form in person or mail this form to the address below:
 City of Avalon, Title VI Coordinator
 P.O. Box 707
 410 Avalon Canyon Road
 Avalon, CA 90704

3. Recording Title VI Investigations, Complaints, and Lawsuits

In order to comply with CFR 49 Section 12.9(b) the City of Avalon will prepare and maintain a list of any active Title VI investigations conducted by the City or any other entities other than the FTA, lawsuits, or complaints naming the City of Avalon and/or its subcontractor(s) that allege discrimination on the basis of race, color, or national origin. This list will include:

- The date of the investigation, lawsuit, or complaint was filed;
- A summary of the allegation(s);
- The status of the investigation, lawsuit, or complaint; and
- Actions taken by the City or subcontractor in response to investigation, lawsuit, or complaint

To date, the City of Avalon has no transit related Title VI complaints, investigations, or lawsuits.

4. Council's Resolution Approving Title VI Program

The Title VI Plan was presented to the Avalon City Council for their approval at the City of Avalon City Council Meeting, June 17, 2014. This Title VI Plan was approved by Resolution **XXXX**. (Attachment A).

5. Provision of Additional Information to the FTA

The City of Avalon will provide the Federal Transit Administration (FTA) additional information upon request. Such information may be related to, but not limited to, investigation of complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

In addition, the City of Avalon will submit an updated Title VI Plan to METRO, as the pass through agency for FTA Section 5309 fund, once every three (3) years and will include proof of submittals.

III. Inclusive Public Participation

Avalon is committed to encouraging public participation for the Cabrillo Mole Ferry Terminal Project, as community support is critical to the success of the project. The City has obtained Section 5039 federal assistance for the construction and installation of passenger amenities and structural improvements for the Cabrillo Mole Ferry Terminal.

All residents of Avalon that use the Cabrillo Mole Ferry Terminal, and all residents that will use and benefit from the Cabrillo Mole Ferry Terminal Rehabilitation Project are encouraged to participate in the design of the project. The City of Avalon will seek input from residents during significant phases of the project and provide regular updates to the community and City Council as the Project moves through the design and construction process.

Avalon's public participation planning ensures that:

- Residents with concerns or interests will have an appropriate opportunity to participate in decisions about the Cabrillo Mole Ferry Terminal Rehabilitation Project, and will be notified of these opportunities to provide input.
- Community Involvement and contribution will be included in the development of the Project, passenger amenities and improvements to Cabrillo Mole.
- Concerns of all persons or groups participating in the process, uses of the Cabrillo Mole Ferry Terminal will be considered in Plan.
- Avalon will seek out and facilitate the involvement of those potentially impacted.

The Public Participation Plan outlines the importance of, and specific guidelines for, community engagement. Included is the information about the value of public participation to the development of the Cabrillo Mole Ferry Terminal Rehabilitation Project, the location and development of passenger amenities and improvements at the Cabrillo Mole, and how it will be accomplished. It is important to note that this Public Participation Plan will utilize a variety of communication mechanisms so all residents will have the opportunity to participate.

1. Opportunities for Public Participation

Numerous outreach methods will be used to gather community input and keep residents informed on participation opportunities, as well as to inform residents of added infrastructure and improvements to the Cabrillo Mole Ferry Terminal, at project completion.

COMMUNITY MEETINGS

Community meetings will be scheduled at critical points during the project to allow for targeted community input. A community meeting will be scheduled to allow the best opportunity for attendance by the general public, and time most convenient to the general public. All community meetings will include a presentation/update on the Cabrillo Mole Ferry Terminal Rehabilitation Project followed by a question and answer session to ensure the participants are equally informed. The following will also be considered in establishing the locations and scheduling times for community meetings:

- Convenience and accessibility for minorities, persons with disabilities, and LEP communities by hosting meetings in areas of the City that are accessible by public transit and near the development;
- Meetings hosted in ADA accessible buildings;
- Meetings scheduled at various times of the day/week to allow for residents to attend and participate, despite work and family obligations;
- Size of the venue and format of the meeting to allow for meaningful dialogue;
- Engaging meeting materials to facilitate participation.

MARKETING MATERIALS

Marketing materials notify the public of community meetings, project updates, and available Cabrillo Mole Ferry Terminal Project passenger amenities upon project completion will be broadly advertised, in order to seek community input and inform residents. Methods may include:

- Handouts distributed to key destinations in Avalon (English and Spanish) including City Hall, Avalon Public Library and Post Office Arcade;
- Flyers mailed to all box holders;
- City's webpage www.cityofavalon.com (English and Spanish);
- Social media conduits;
- Distribution of marketing materials to special interest and community groups, such as the Senior Center, Rotary Club, Lions Club, Women's Forum and Chamber of Commerce;
- Notification of available translation services for persons with limited English proficiencies for meetings.

2. Public Involvement Process

Measures taken will be targeted to overcome linguistic, institutional, cultural, economic, or other barriers that may prevent minority and low income people and populations, persons with disabilities and persons with limited English proficiency (LEP) from effectively participating in the development of the Cabrillo Mole Ferry Terminal Rehabilitation Project. By making a reasonable effort to include these populations, Avalon hopes to ensure that the interests and input of all residents is given equal consideration, and that the needs of the LEP population are addressed.

The City of Avalon's Title VI Plan provided a Language Assistance Plan to encourage participation of LEP individuals in the Cabrillo Mole Ferry Terminal Rehabilitation Project process, and notify LEP person of opportunities to provide input.

3. Next Steps

A complete record of public comments and input received from community meetings during the development of the Cabrillo Mole Ferry Terminal Rehabilitation Project will be summarized and presented to the City Council; the public can access and download these City Council presentations at www.cityofavalon.com. City staff will also regularly update Council throughout the design of the Project. Input gathered during the outreach process will be used by City staff in developing a preferred design concept for the Cabrillo Mole Ferry Terminal which will be presented to Council for consideration and approval.

Community workshops/Public Meetings will be held regarding the Cabrillo Mole Ferry Terminal Rehabilitation Project when the project begins. This is a new grant and a new project therefore there has been no public participation within the last three years.

IV. Language Assistance Plan

The language assistance Plan is one component of Avalon's efforts to provide an appropriate mix of language assistance measures so all residents, including individuals that are "limited English proficient", can equally contribute to the development of the Cabrillo Mole Ferry Terminal Rehabilitation Project and benefit from passenger amenities and improvements at the Cabrillo Mole. Limited English proficient

(LEP) individuals are those who do not speak English as their primary language, and have limited availability to read, write, or understand English.

This Plan will outline how to identify any resident who may need language assistance, ways in which assistance may be provided, and how to notify LEP persons that assistance is available. Efforts to effectively engage LEP individuals will ensure that interests and input of all residents is given equal consideration in the development of the Cabrillo Mole Ferry Terminal Rehabilitation Project.

BACKGROUND

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 otherwise subjected to discrimination under any program or activity that receives federal financial assistance. Title VI regulations have been interpreted to hold that Title VI prohibits conduct that has disproportionate effect on LEP persons because such conduct constitutes a form of national origin discrimination.

Avalon's Language Assistance Plan has been prepared to address the City's responsibilities as a recipient of federal assistance for the Cabrillo Mole Ferry Terminal Rehabilitation Project. The City will use section 5309 federal funds for the construction and installation of passenger amenities and structural improvements mole itself. Funds will be used for rehabilitation of the underside of the Cabrillo Mole and shade structure on the top of the terminal.

As a first state to engage LEP individuals Cabrillo Mole Ferry Terminal Rehabilitation Project efforts, the City of Avalon undertook the U.S. Department of Transportation (U.S. DOT) four factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter programs, activities, or services at the Cabrillo Mole Ferry Terminal.
2. The frequency with which LEP persons come in contact with the programs, activities, and services at the Cabrillo Mole Ferry Terminal.
3. The nature and importance of programs, activities, and services provided at the Cabrillo Mole Ferry Terminal to the LEP population.
4. Resources available to the City of Avalon and overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis is in the following section.

1. Four Factor Analysis

1. The number of proportion of LEP persons in the service area who may be served or are likely to encounter passenger amenities and improvements at the Cabrillo Mole Ferry Terminal.

The City of Avalon will utilize Section 5309 federal assistance for the construction and installation of passenger amenities and improvements at the Cabrillo Mole Ferry Terminal. All Avalon residents that currently use the Cabrillo Mole Ferry Terminal will likely encounter these amenities and improvements. As such, the number or proportion of LEP served or encountered as part of the project is based on information from the Census below:

	ZCTA# 90704	
	Estimate	Margin of Error
Total:	3,739	+/-152
Speak only English	1,785	+/-265
Spanish or Spanish Creole:	1,684	+/-219
Speak English "very well"	1,062	+/-164
Speak English less than "very well"	622	+/-168
French (incl. Patois, Cajun):	13	+/-21
Speak English "very well"	13	+/-21
Speak English less than "very well"	0	+/-13
French Creole:	0	+/-13
Speak English "very well"	0	+/-13
Speak English less than "very well"	0	+/-13
Italian:	0	+/-13
Speak English "very well"	0	+/-13
Speak English less than "very well"	0	+/-13
Portuguese or Portuguese Creole:	0	+/-13
Speak English "very well"	0	+/-13
Speak English less than "very well"	0	+/-13
German:	0	+/-13
Speak English "very well"	0	+/-13
Speak English less than "very well"	0	+/-13
Yiddish:	0	+/-13
Speak English "very well"	0	+/-13

The City of Avalon assessed the following information about LEP persons to determine the number or proportion of LEP persons who might use the passenger amenities and improvements at the Cabrillo Mole Ferry Terminal based on the 2008-2012 American Community Survey Five-Year Estimates from the U.S. Census. The City of Avalon determined that out of a population of 3,739 residents less than 1,000 persons (under 5% of our service area) met the Safe Harbor Provision threshold for the translation of vital documents.

2. The frequency in which LEP come in contact with passenger amenities and improvements at Cabrillo Mole Ferry Terminal.

The frequency in which LEP come in contact with the passenger amenities and improvements at Cabrillo Mole Ferry Terminal is determined by Avalon's existing LEP population and the fact the Cabrillo Mole Ferry Terminal is the ONLY transportation hub located in the City of Avalon there fore the entire existing LEP population will come in contact with our ferry services. Passenger amenities and improvements at Cabrillo Mole Ferry Terminal serve as the entryway to the City of Avalon and include a transit plaza that serves the existing fixed route, taxi and paratransit activities along with fixed route ferry service to and from the mainland.

3. The importance of the Cabrillo Mole Ferry Terminal to People's Lives

Access to the Cabrillo Mole Ferry Terminal is critical to the lives of all residents. The Cabrillo Mole Ferry Terminal is the only terminal in the City of Avalon to access the ferry service to and from the mainland. All residents depend on facility to access essential services like employment, shopping, medical appointments and higher education. The Cabrillo Mole Ferry Terminal is the only terminal to access the fixed route ferry system, all residents and visitors utilize the terminal.

4. Resource available to the City of Avalon and overall cost to provide LEP assistance.

Financial resources available within the current budget for marketing to or communicating with LEP persons in their language are minimal. However through development of the Cabrillo Mole Ferry Terminal Plan and development of the passenger amenities at the Cabrillo Mole Ferry Terminal, the City of Avalon intends to actively engage the LEP community.

While the LEP Spanish speaking community constitutes a small percentage of the residents of the City of Avalon, the City of Avalon will take proactive measures to ensure that vital information and opportunities for involvement are available to the LEP Spanish speaking community. This LEP population will be notified of opportunities to provide input during the Cabrillo Mole Ferry Terminal planning process, in a format easily understood by the identified populations. The City will strive to provide flyers in English and Spanish at key destinations in Avalon and information on the City's webpage www.cityofavalon.com.

2. Language Assistance Measures

The results of the Four Factor Analysis concluded that no LEP language group met the threshold for the Safe Harbor Provision. Spanish was the largest LEP language group with 822 individuals identifying as speaking English less than very well. For this reason, the City of Avalon will focus its LEP outreach to Spanish speaking individuals. Language measures currently used or planned to be used by the City of Avalon to address the needs of LEP person include the following:

- Vital documents including the Civil Rights Notice, Title VI Complaint Form, and Title VI Complaint Procedures will include a sentence in Spanish informing patrons of language assistance.
- Spanish Translation of vital documents upon request.
- Translating marketing material into Spanish
- If needed, arranging for availability of oral translators depending on availability
- Interactive meeting materials to engage LEP individuals in the planning process
- Posting notices in appropriate languages informing LEP persons of available transit services, routes, and amenities; and during the Cabrillo Mole planning process, opportunities for LEP persons to provide input

Avalon will continue to seek ways to add notices to the City website to inform LEP populations of opportunities for input and project construction.

3. Staff Training

To ensure effective implementation of this plan, the City of Avalon will schedule training at orientations for new City staff and relevant employees on an annual basis to review:

- Avalon’s Language Assistance Plan
- Demographic data about the local LEP populations
- Printed LEP persons’ materials

4. Notice to LEP Persons about Available Language Assistance

The City of Avalon is working toward being able to notify LEP person in their own language about the language assistance available to them without cost by using the following methods and will notify LEP persons after the Title VI Program is approved:

- Webpage notices
- Information at local events, City Hall, and the Avalon Branch of the Los Angeles County Public Library and brochures
- Sending information to local organizations (service clubs ,churches ,schools)

V. Decision Making Bodies

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Planning Commission	3	3	0	0	0	0

Membership on the Planning Commission is open to the public, however there is a requirement that members be residents of the City of Avalon. The City of Avalon recruits throughout the community, including advertisements in local newspapers, local cable and the City of Avalon webpage to encourage participation on boards and committees.

VI. Program Specific Requirements

The Cabrillo Mole Ferry Terminal Project is the rehabilitation of an existing terminal. Equity analysis is not necessary as the project does not propose to construct a new facility. It is anticipated the project will be Categorically Exempt under CEQA Guidelines because the project is primarily rehabilitation. For this reason we will not conduct a full Title VI equity analysis, but will engage the public in the planning process and document our public engagement.

VII. Grants, Reviews and Certifications

- **Pending Applications for Financial Assistance**

The City of Avalon has no pending applications for financial assistance from any federal agency other than the FTA.

- **Pending FTA Grants**

Cabrillo Mole Ferry Terminal Rehabilitation Grant

- **Open FTA Grants**

The City of Avalon has no current open FTA Grants

- **Civil Rights Compliance Reviews in the Past 3 Years**

This is the first Civil Rights Compliance Plan for the City of Avalon.

- **Recent Annual Certifications and Assurances**

The City does not have current FTA contracts that would require certifications or assurances.

- **Previous Triennial Review Findings**

This is the City's first Civil Rights Compliance Plan.

CONTACT

For additional information on the City of Avalon's Title VI Plan, or its efforts to comply with the Civil Rights Act of 1964 or Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency, please contact:

City Manager's Office
City of Avalon
P.O. Box 707
Avalon, CA 90704
310-510-0220
gmorones@cityofavalon.com