



AGENDA  
REGULAR TELECONFERENCE MEETING  
COUNCIL OF SAN BENITO COUNTY GOVERNMENTS

DATE: Thursday, July 18, 2024  
4:00 p.m.

LOCATIONS: County Board of Supervisors Chambers  
481 Fourth Street  
Hollister, CA 95023

Teleconference Location:  
317 Belgrade Road  
Oak Ridge, TN 37830

DIRECTORS: Scott Freels, Chair (City of San Juan Bautista)  
Mia Casey, Vice-Chair (City of Hollister)  
Dolores Morales (City of Hollister)  
Angela Curro, (County of San Benito)  
Mindy Sotelo (County of San Benito)  
Ex Officio: Caltrans District 5

ALTERNATES: San Benito County: Kollin Kosmicki  
City of San Juan Bautista: Jackie Morris-Lopez  
City of Hollister: Rick Perez

**NOTICE OF PROCEDURES FOR COUNCIL OF GOVERNMENTS BOARD MEETINGS**

The meeting will be available through Zoom, for those who wish to join or require accommodations.

Members of the public may participate remotely via Zoom at the following link: <https://zoom.us/join> with the following: Webinar ID: 843-1819-5738 and Webinar Passcode: 225006

*Those participating by phone who would like to make a comment can use the "raise hand" feature by dialing "\*9" (star-nine) . In order to receive full Zoom experience, please make sure your application is up to date.*

*Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the COG Board of Directors reserves the right to conduct the meeting without remote access.*

*Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed. **The Opportunity to address the Board of Directors on items of interest not appearing on the agenda will be provided during Section 5. Public Comment.***

1. CALL TO ORDER 4:00 P.M.
2. Pledge of Allegiance
3. Roll Call
4. Verification of Certificate of Posting
5. **Public Comment:** *(Opportunity to address the Board on items of interest on a subject matter within the jurisdiction of the Council of Governments and not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2 Speakers are limited to 3 minutes.)*

#### CONSENT AGENDA:

*(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)*

6. APPROVE Council of Governments Regular Meeting Action Minutes Dated June 20, 2024 – Gomez
7. APPROVE Measure A Authority Regular Meeting Action Minutes Dated January 18, 2024 – Gomez

#### ACTION ITEMS:

8. ADOPT Resolution 2024-06 Certifying the Council of San Benito County Governments' 2024 Title VI Program and Language Assistance Plan for Limited English Proficiency Individuals – Borick
9. APPROVE Resolution 24-05 Dissolving Measure A Authority Advisory Board – Mufti
10. APPROVE First Amendment to SBCOG Executive Director Employment Agreement with Binu Abraham – Mufti

#### INFORMATION ITEMS:

11. RECEIVE Preliminary Report Regarding Administration of SBCOG as a Joint Powers Authority and Services Provided by San Benito County – Mufti
12. RECEIVE Monthly Caltrans District 5 Construction Projects Report – Caltrans Ex-Officio
13. Caltrans Report/Correspondence (Verbal Report) – Caltrans Ex-Officio
14. Executive Director's Report (Verbal Report) – Abraham
15. Board of Directors' Reports – (Verbal Report)

Adjourn to COG Meeting on September 19, 2024. Agenda Deadline is September 03, 2024, at 12:00 p.m.

*In compliance with the Americans with Disabilities Act (ADA), if requested, the Agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Council of Governments Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Council's office at (831) 637-7665 at least 48 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.*

#### **Written Comments & Email Public Comment**

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Secretary at [monica@sanbenitocog.org](mailto:monica@sanbenitocog.org), regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

#### **Public Comment Guidelines**

1. If participating on Zoom: once you are selected, you will hear that you have been unmuted. At this time, state your first name, last name, and county you reside in for the record.
2. The Council of Governments Board welcomes your comments.
3. Each individual speaker will be limited to a presentation total of three (3) minutes.
4. Please keep your comments brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have questions, contact the Council of Governments, and leave a message at (831) 637-7665 x. 201, or email [monica@sanbenitocog.org](mailto:monica@sanbenitocog.org).

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Council of San Benito County Governments on **July 18, 2024**, at **4:00 P.M.** was posted at the following locations freely accessible to the public:

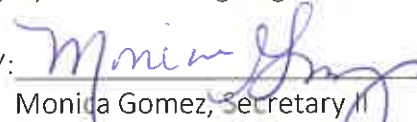
The front entrance of the San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the 15<sup>th</sup> day of July 2024, on or before 3:00 P.M.

The meeting agenda was also posted on the Council of San Benito County Governments website, [www.sanbenitocog.org](http://www.sanbenitocog.org), under Meetings, COG Board, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

BY:



\_\_\_\_\_  
Monica Gomez, Secretary II  
Council of San Benito County Governments

COUNCIL OF SAN BENITO COUNTY GOVERNMENTS  
REGULAR MEETING  
Board of Supervisors Chambers, 481 Fourth Street,  
Hollister, CA 95023 & Zoom Platform  
June 20, 2024, at 4:00 P.M.  
ACTION MINUTES

**MEMBERS PRESENT:**

Vice Chair Mia Casey, Director Angela Curro, Director Mindy Sotelo, Director Dolores Morales (arrived at 4:18 pm), and Ex Officio John Olejnik (via-Zoom); Caltrans District 5

**MEMBERS ABSENT:**

Chair Scott Freels

**STAFF PRESENT:**

Executive Director; Binu Abraham, Office Assistant; Griselda Arevalo; Secretary; Monica Gomez, COG Legal Counsel; Osman Mufti (via-Zoom).

**OTHERS PRESENT:**

Terry Thompson (via-Zoom); Caltrans District 5, Jill Leal; Caltrans District 5 (via-Zoom), Heather Adamson; Association of Monterey Bay Area Governments (via-Zoom), Leona Medearis-Peacher, MV Transportation,

**1. CALL TO ORDER:**

Chair Pro Tempore Curro called the meeting to order at 4:06 P.M.

**2. PLEDGE OF ALLEGIANCE**

Director Sotelo led the pledge of allegiance.

**3. ROLL CALL**

Secretary Gomez called the roll call and confirmed a quorum of Directors were present.

**4. CERTIFICATE OF POSTING**

**Motion made to acknowledge Certificate of Posting:**

Motion: Director Sotelo                      Second: Vice Chair Casey

Motion carried:    3/0

Yes:                      Casey, Curro, Sotelo

No:                      None

Recused:              None

Abstention:          None

Absent:                  Freels, Morales

**5. PUBLIC COMMENT:**

Chair Pro Tempore Curro stated for the record that COG received Mr. Joe Thompson’s public comment correspondence. The correspondence was entered into public record.

**CONSENT AGENDA:**

*(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)*

6. APPROVE Council of Governments Regular Meeting Action Minutes Dated May 16, 2024 – Gomez

7. APPROVE Amendment No. 2 to Contract with JJA,CPA Inc. – Aceves

There was no public comment on Consent.

**Motion made to Approve Consent Agenda 6-7:**

Motion: Director Sotelo                      Second: Vice Chair Casey

Motion carried:    3/0

Yes:                      Casey, Curro, Sotelo

No:                        None

Recused:                None

Abstention:            None

Absent:                      Freels, Morales

**ACTION ITEMS:**

8. 2024 Unmet Transit Needs Report -Borick

a. ACCEPT 2024/2025 Unmet Transit Needs Report.

b. ADOPT Resolution 2024-04 Making Findings and Recommendations Regarding Unmet Transit Needs as Required by the Transportation Development Act (TDA) for Implementation in Fiscal Year 2024/2025.

Transportation Planner, Samuel Borick provided an overview of the 2024/2025 Unmet Transit Needs Report.

The Board expressed appreciation to staff for gathering all the responses throughout the Unmet Transit Needs process.

There was no public comment.

**Motion made to Approve Item 8.a, b:**

Motion: Director Sotelo                      Second: Vice Chair Casey

Motion carried:    3/0

Yes:                      Casey, Curro, Sotelo

No:                        None

Recused:                None

Abstention:            None

Absent:                      Freels, Morales

**9. APPROVE Amendment No. 5 to the Cooperative Agreement with Caltrans for the State Route 156 Improvement Project – Borick**

Transportation Planner, Samuel Borick reported on Amendment No. 5 to the Cooperative Agreement with Caltrans for the State Route 156 Improvement Project.

The Board commended staff for their efforts in ensuring that no funds were overlooked or lost.

There was no public comment.

**Motion made to Approve Item 9:**

Motion: Director Sotelo                      Second: Vice Chair Casey

Motion carried:    3/0

Yes:                      Casey, Curro, Sotelo

No:                      None

Recused:              None

Abstention:          None

Absent:                Freels, Morales

**10. SBCOG Office Lease – Aceves**

- a. APPROVE Lease between Council of San Benito County Governments and K & S Market, Inc. for an Office Space Located at 650 San Benito Street, Suite 120.
- b. APPROVE Release Bid Solicitation for Tenant Improvements based in Architect Design and Specifications.

Director Morales joined the meeting at 4:18 p.m.

Administrative Services Specialist, Norma Aceves reported on the lease between SBCOG and K&S Market, Inc. and the release bid solicitation for tenant improvements based on architect design and specifications.

Public Comment:

There was public comment received from Stacie McGrady (via-Zoom).

The Board recalled that staff had encountered challenges with the current facility and highlighted that the new location will be designed to have a more open and functional space. Additionally, located downtown, the new site is expected to attract increased pedestrian and vehicle traffic, thereby enhancing SBCOG’s visibility.

**Motion made to Approve Item 10. a,b:**

Motion: Director Sotelo                      Second: Director Morales

Motion carried:    4/0

Yes:                      Casey, Curro, Sotelo, Morales

No:                      None

Recused:              None

Abstention:          None

Absent:                Freels

- 11.** Fiscal Year 2024-2025 Council of San Benito County Governments (SBCOG) Budget – Aceves
- a. RECEIVE Presentation on the Fiscal Year 2024-2025 Budget.
  - b. HOLD Public Hearing on the Fiscal Year 2024-2025 Budget.
  - c. ADOPT Resolution 24-03 Adopting the Fiscal Year 2024-2025 Budget.

Administrative Services Specialist, Norma Aceves provided a presentation on the 2024-2025 SBCOG Budget. She noted that an updated copy of the budget was distributed to both the Board and the public and she provided an overview of the changes that were made.

Director Morales requested a brief overview of the “Other” category in the SBCOG budget.

Ms. Aceves reported that the “Other” category covers the operating transfers that SBCOG does for transit. SBCOG receives the funds from the state, and it’s SBCOG’s responsibility to allocate these funds to transit.

Chair Pro Tempore Curro opened the public hearing at 4:28 p.m.

There was no public comment.

Chair Pro Tempore Curro closed the public hearing at 4:28 p.m.

**Motion made to Approve Item 11. a,b,c:**

Motion: Director Morales      Second: Director Sotelo

Motion carried: 4/0

Yes: Casey, Curro, Sotelo, Morales

No: None

Recused: None

Abstention: None

Absent: Freels

**INFORMATION ITEMS:**

- 12.** RECEIVE Monthly Caltrans District 5 Construction Projects Report – John Olejnik, Caltrans

Caltrans District Engagement and Community Planning Manager, John Olejnik, provided an update on the Highway 156 Improvement Project’s temporary detour and closure at Union Road. The closure is slated to last for 8 weeks, targeted to start the third week of July, weather permitting. Mr. Olejnik provided an overview of the traffic control changes that will help facilitate the detour. He also highlighted some of the outreach efforts undertaken, including presentations by Caltrans and SBCOG staff to Hollister City Council, San Juan Bautista City Council and San Benito County Board of Supervisors, press release(s), outreach flier in English/Spanish being mailed this week to nearly 200 properties north/south of SR 156 between Bixby and San Juan Hollister Road, social media distribution in English/Spanish, and temporary, portable CMS signs in advance of closures. Lastly, Caltrans will be providing more information on the temporary closure of Mitchell Road, which will occur immediately following Union Road reopening.

Chair Pro Tempore Curro inquired about having a contingency plan for the extended right turn lane from Hwy 156 at 4<sup>th</sup> Street, in case it is inadequate and causes traffic congestion. She also asked about the existing stop sign for the planned right turn detour from State Route (SR) 156E onto SR 156 Business/4<sup>th</sup> Street . She wanted



to know if the stop sign would be able to be removed to improve traffic flow and not cause backup on SR 156E during the Union Road closure.

Caltrans Project Manager Terry Thompson stated that they will keep monitoring the area and will make necessary adjustments if any issues arise. Additionally, she noted that they may reach out to her at any time if there are concerns. Ms. Thompson stated that regarding the removal of the stop sign for the planned right turn detour onto SR 156 Business/4<sup>th</sup> Street, she would need to refer the matter back to the team for further review and to provide an update.

Director Sotelo inquired about the SR 25/SR 156 Turbo Roundabout, noting that a constituent reached out to her wanting to know if there will be speed limit signs posted before entering the roundabout.

Mr. Olejnik mentioned that because this roundabout is the first of its kind in our area, their traffic investigators have been actively monitoring it. They are also considering additional sign enhancements. Therefore, if this remains a concern, they can include it in their ongoing monitoring and potential adjustments.

There was no public comment.

**13. Caltrans Report/Correspondence – John Olejnik, Caltrans**

None.

**14. Executive Director’s Report – Abraham**

Executive Director Abraham announced that the California Transportation Commission has authorized an extension of Local Partnership Program (LPP) funding for an additional 12 months. Once the Board endorses the alternatives being considered for Highway 25, these LPP funds will be prioritized for this purpose. Executive Director Abraham thanked the Board for their support in advocating for Highway 25, which was chosen as one of the projects for Community Project Funding by Congresswoman Zoe Lofgren.

There was no public comment.

**15. Board of Directors’ Reports –**

Director Sotelo reported on the RCRC meeting she attended last month. She mentioned that they were transported around Salinas in one of the vanpool vans. She mentioned receiving a pamphlet and business card from the program’s coordinator and suggested that the Board consider a presentation from Van Pool at an upcoming meeting to learn more about it.

Director Morales announced that the next Mobility Partnership meeting will be held in San Benito County on June 26, 2024. She also mentioned that the CALCOG meeting is set for June 24, 2024. Director Morales suggested that her fellow colleagues consider attending some of the informational sessions scheduled for today and tomorrow.

There was no public comment.

There was consensus from the Board to continue SBCOG Closed Session until the end of LTA, ALUC, and SAFE meetings.

**CLOSED SESSION:**

SBCOG Counsel, Osman Mufti reported that the SBCOG Board would be convening into Closed Session regarding items 16-17 at 5:01 p.m.

There was no public comment on Closed Session items.

- 16. Public Employee Performance Evaluation (Government Code, § 54957(b)(1))  
Employee: Executive Director
  
- 17. Conference with Labor Negotiators (Government Code, § 54957.6)  
Agency Designated Representative: Board Chair  
Unrepresented Employee: Executive Director

**RETURN TO OPEN SESSION**

The SBCOG Board reconvened from Closed Session at 5:37 p.m.

- 18. Report out of Closed Session

SBCOG Counsel, Osman Mufti stated that there was no reportable action taken under Closed Session

**ADJOURNMENT:**

There being no further business to discuss, Director Morales motioned to adjourn at 5:37 p.m.

Motion seconded by Director Sotelo.

Motion carried: 4/0

Yes: Casey, Curro, Sotelo, Morales

No: None

Recused: None

Abstention: None

Absent: Freels

**ADJOURN TO COG MEETING JULY 18, 2024, AT 4:00 P.M.**

San Benito County  
MEASURE A AUTHORITY  
REGULAR MEETING  
Board of Supervisors Chambers, 481 Fourth Street,  
Hollister, CA 95023 & Zoom Platform  
January 18, 2024 4:00 P.M.

ACTION MINUTES

**MEMBERS PRESENT:**

Chair Scott Freels, Vice Chair Mia Casey, Director Angela Curro, Director Mindy Sotelo, Director Dolores Morales.

**STAFF PRESENT:**

Executive Director; Binu Abraham, Griselda Arevalo, Secretary II; Monica Gomez, Deputy County Counsel; Shirley Murphy

**1. CALL TO ORDER:**

Vice Chair Freels called the meeting to order at 6:12 p.m.

**2. CERTIFICATE OF POSTING**

**Motion made to acknowledge Certificate of Posting:**

Motion: Director Mia Casey                      Second: Director Angela Curro

Motion carried: 5/0

Yes: Casey, Curro, Sotelo, Morales, Freels

No: None

Recused: None

Abstention: None

Absent: None

**3. PUBLIC COMMENT:** None

**ACTION ITEMS:**

**4. HOLD** Nomination and Election of MEA Chair and Vice Chairperson for the 2024 Meeting Calendar.

**Motion made to Elect Scott Freels as MEA Chairperson for 2024:**

Motion: Director Mindy Sotelo                      Second: Director Angela Curro

Motion carried: 5/0

Yes: Casey, Curro, Sotelo, Morales, Freels

No: None

Recused: None

Abstention: None  
Absent: None

**Motion made to Elect Mia Casey as MEA Vice Chairperson for 2024:**

Motion: Director Mindy Sotelo      Second: Director Angela Curro

Motion carried: 5/0

Yes: Casey, Curro, Sotelo, Morales, Freels

No: None

Recused: None

Abstention: None

Absent: None

There was no public comment.

**CONSENT AGENDA:**

*(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)*

5. APPROVE Measure A Authority Draft Action Regular Meeting Minutes Dated December 21, 2023  
– Gomez

There was no public comment on the Consent Agenda.

**Motion made to approve the Consent Agenda Item 5:**

Motion: Vice Chair Mia Casey      Second: Director Dolores Morales

Motion carried: 5/0

Yes: Casey, Curro, Sotelo, Morales, Freels

No: None

Recused: None

Abstention: None

Absent: None

**ADJOURNMENT:**

There being no further business to discuss, Director Sotelo motioned to adjourn at 6:13 p.m.

Motion seconded by Director Curro.

Motion carried: 5/0

Yes: Casey, Curro, Sotelo, Morales, Freels

No: None

Recused: None

Abstention: None

Absent: None

**ADJOURN TO MEA MEETING FEBRUARY 15, 2024 AT 4:00 P.M.**



## STAFF REPORT

### Action

### Agenda Item No. 8

**Prepared By:** Samuel Borick, Transportation Planner

**Approved By:** Binu Abraham, Executive Director

**Subject:** 2024 Title VI Program

**Meeting Date:** July 18, 2024

### Recommendation:

**ADOPT** Resolution 2024-06 certifying the Council of San Benito County Governments' 2024 Title VI Program and Language Assistance Plan for Limited English Proficiency Individuals.

### Summary:

As the Regional Transportation Planning Agency and a designated recipient of federal funds, the Council of San Benito County Governments (SBCOG) must establish and implement a Title VI Program. This program ensures that all operations and activities are free from discrimination against minority individuals or communities.

In addition to complying with Title VI, SBCOG is committed to serving all members of the San Benito community, including Limited English Proficient (LEP) individuals. The Title VI Program and Language Assistance Plan (LAP) review SBCOG's services to ensure they effectively meet the needs of LEP individuals.

### Background/Discussion:

The 2024 Title VI Plan was developed to guide SBCOG's administration and management of Title VI-related activities as set forth in FTA Circular 4702.1B. Specifically, Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

*"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."*

FTA regulations require SBCOG to update its Title VI Plan and LAP every three years. SBCOG is dedicated to a policy of nondiscrimination in all aspects of its business, including its Title VI responsibilities. These documents, which were informed by public participation processes, demonstrate SBCOG's commitment to non-discriminatory practices and equality. This includes translating vital documents into Spanish and other languages as needed upon request.

The objective of the Title VI Program is to provide guidance and procedures to help FTA grantees:

- a. Ensure that the quality of transportation programs, projects, and services is provided without regard to race, color, national origin, age, gender, or disability;

- b. Promote the full and fair participation of all affected populations in transportation decision-making;
- c. Prevent the denial, reduction, or delay in benefits related programs and activities that benefit minority populations or low-income populations;
- d. Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

**Financial Impact:**

SBCOG receives funding from the Federal Transportation Administration (FTA) and as a requirement for funding must file a report to the FTA demonstrating adherence to Title VI of the 1964 Civil Rights Act.

**Attachments:**

- 1. 2024 Title VI Program
- 2. Resolution 2024-06

# 2024 Title VI Program



Council of San Benito  
County Governments

*Draft 2024*

## Notice on Alternate Format

To obtain services or copies in an alternate format or language, please contact Samuel Borick, Transportation Planner, at SBCOG, 831-637-7665, extension 205, or visit the website [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org).

(Spanish) Para recibir servicios o copias en otro formato o idioma, contacte a Samuel Borick, Planificador de Transporte, al SBCOG, extensión 205, 831-637-7665, o visite el sitio web [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org).



# Title VI Plan

## Council of Governments Structure

The Council of San Benito County Governments (SBCOG), established in 1973, serves as the Regional Transportation Planning Agency (RTPA) for San Benito County, including the cities of Hollister and San Juan Bautista. SBCOG collaborates with a wide array of partners including local jurisdictions, the San Benito Local Transportation Authority (LTA), The Association of Monterey Bay Area Governments (AMBAG), Caltrans, and community organizations to address and resolve regional transportation issues.

When addressing transportation issues, SBCOG strives to ensure that no person is excluded from participating in, denied the benefits of, or subjected to discrimination under any of our programs or activities based on race, color, national origin, sex, or religion, as stipulated by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Aligning with federal and state legislation is a priority for our agency; SBCOG's 2024 Title VI Program emphasizes the importance of non-discrimination in all federally funded programs and activities.

This Title VI Program outlines SBCOG's strategies for engaging disadvantaged and Limited English Proficiency (LEP) populations to ensure all community members can participate in transportation planning. Our proactive public participation efforts focus on targeted outreach and inclusive language assistance plans. SBCOG is committed to creating a transportation network that is equitable and accessible for all residents of San Benito County and promoting equity and inclusivity in all transportation planning efforts.

## SBCOG's Board of Directors

The governing board for the Council of Governments is made up of five members. Two members are appointed by the San Benito County Board of Supervisors, two from the City of Hollister and one from the City of San Juan Bautista.

Scott Freels, Chair	Mayor, City of San Juan Bautista
Mia Casey, Vice Chair	Mayor, City of Hollister
Angela Curro	San Benito County
Dolores Morales	City of Hollister
Mindy Sotelo	San Benito County
Scott Eades	Director District 5, Caltrans (Ex-officio)

### SBCOG's Professional Staff

Binu Abraham	Executive Director
Norma Aceves	Administrative Services Specialist
Samuel Borick	Transportation Planner
Monica Gomez	Secretary
Griselda Arevalo	Office Assistant
Rich Alves	Heavy Equipment Mechanic

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# I. Title VI Policy Statement

SBCOG is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, national origin, age, gender, or disability, pursuant to title VI of the Civil Rights Act of 1964, as amended.

The objective of SBCOG is to:

- Ensure that the quality of transportation programs, projects, and services is provided without regard to race, color, national origin, age, gender, or disability.
- Promote the full and fair participation of all affected populations in transportation decision-making.
- Prevent the denial, reduction, or delay in benefits related programs and activities that benefit minority populations or low-income populations.
- Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

The Executive Director, management, and all employees share the responsibility of carrying out the SBCOG's commitment to Title VI compliance. Title VI complaints are investigated through the complaint procedures process.

*Binu Abraham*

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Signed: Binu Abraham, Executive Director

07/15/2024

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Date:

# II. Title VI Program

## Title VI Program Policy

This Title VI Program was developed to guide SBCOG in the administration of Title VI related activities, and to ensure compliance with federal and state non-discrimination regulations. This document outlines how the agency meets the requirements set forth by the U.S. Department of Transportation (USDOT) and the Federal Transit Administration (FTA) Circular 4702.1B.

Title VI of the Civil Rights Act of 1964 and the Civil Rights Resolution Act of 1987 are federal laws that push back against discrimination based on race, color, and national origin in any programs or activities receiving federal funding. These laws require that recipients and sub-recipients of federal financial assistance ensure equal access and benefits without discrimination.

Specifically, Section 601 of Title VI of the Civil Rights Act of 1964, states the following:

“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.”

## General Reporting Requirements

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and sub-recipients of FTA funding to ensure that their activities comply with Department of Transportation’s (DOT) Title VI regulations. Below are summaries of each requirement and how SBCOG’s Title VI Program fulfills that requirement.

### *A. Requirement To Provide Title VI Assurances*

*In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA.*

SBCOG submits annual Certifications and Assurances to the California Department of Transportation (Caltrans) and the Federal Transit Administration (FTA).

### *B. Requirement To Prepare And Submit A Title VI Program*

*Sub-recipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.*

SBCOG is required to provide a copy of a board resolution, meeting minutes, or similar documentation with this Title VI Program as evidence that the Board of Directors or appropriate governing entity or official(s) has approved the Title VI Program. This can be

found in Appendix F of this document. Once approved, the Title VI Program is submitted to the California Department of Transportation.

### *C. Requirement To Notify Beneficiaries Of Protection Under Title VI*

*The Title VI Program shall include recipient's Title VI notice to the public that indicates the recipient complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI, include a list of locations where the notice is posted.*

SBCOG has developed a bilingual Title VI Notice to Beneficiaries following the guidelines of Circular FTA C 4702.1B. A copy of the notice is found in Appendix B.

### *D. Requirement To Have Title VI Complaint Procedures and Complaint Form*

*All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.*

SBCOG has developed a bilingual Title VI Complaint Procedure form. In this Title VI Program, the agency outlines the Title VI Complaint Procedures and provides a copy of the Title VI Complaint form in both English and Spanish located in Appendix C.

SBCOG's Title VI notices, complaint procedures, and forms, provided in the languages required by the Department of Justice's Safe Harbor Provision, are available on the SBCOG website ([www.sanbenitocog.org](http://www.sanbenitocog.org)). Members of the public who feel discriminated against by SBCOG are encouraged to file a complaint by following the procedures described in Appendix C of this document.

### *E. Requirement To Record, And Report Transportation Related Title VI Investigations, Complaints, And Lawsuits*

*In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that 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 recipient in response, or final findings related to, the investigation, lawsuit, or complaint.*

SBCOG will maintain a list of all investigations, lawsuits and complaints naming SBCOG according to the guidelines of Circular FTA C 4702.1B. In addition, SBCOG will maintain permanent records of all related documents. SBCOG has not received any Title VI

complaints of discrimination and therefore does not have any investigations or lawsuits to report; however, the processes are in place if complaints are made against SBCOG.

### *F. Requirement To Promote Inclusive Public Participation*

*The content and considerations of Title VI, the Executive Order on Limited English Proficiency (LEP), and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities).*

SBCOG's Public Participation Plan<sup>1</sup> was developed in coordination with the Association of Monterey Bay Area Governments (AMBAG). SBCOG ensures that minority and LEP populations, as with all members of the public, will be empowered to participate in decisions involving SBCOG's transportation planning and programming activities.

### *G. Requirement To Provide Meaningful Access to LEP Persons*

*Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).*

Please refer to SBCOG's Language Assistance Plan (LAP) and implementation guide, enclosed in Section IV of this Title VI Program. SBCOG's Four Factor Analysis can be found in Appendix A.

### *H. Minority Representation On Planning And Advisory Bodies*

*Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transportation-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.*

Enclosed in the Plan is SBCOG's Table Depicting Racial Breakdown of the Membership of Committees and Councils Selected by the SBCOG, page 6.

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<sup>1</sup> Association of Monterey Bay Area Governments Final 2023 Public Participation Plan:  
<https://ambag.org/sites/default/files/2023-10/Final%202023%20PPP%20Combined%20PDFA.pdf>



## *I. Requirement To Provide Additional Information Upon Request*

*FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.*

SBCOG will fully cooperate with any FTA investigation of discrimination complaints to the extent required by Title VI regulations.

## **Non-Elected Committees and Councils**

In addition to the SBCOG Board of Directors, which is comprised of elected bodies, SBCOG conducts its work in collaboration with multiple non-elected committees and councils; SBCOG strives to appoint a diverse group of community representatives to its non-elected committees and councils.

### **Social Service Transportation Advisory Council (SSTAC)**

Per section 99238 of the Transportation Development Act, each transportation planning agency shall provide for the establishment of a social services transportation advisory council for each county, or counties operating under a joint powers agreement, which is not subject to the apportionment restriction established in Section 99232.

SSTAC advises SBCOG and the Local Transportation Authority on matters related to transportation accessibility for the elderly, the disabled, and persons of limited means. The transit issues that may require SSTAC review are specialized transportation services, transit planning, and transit studies. Members are appointed by the SBCOG Board of Directors.

### **Technical Advisory Committee (TAC)**

TAC was established to provide technical assistance, advice, and recommendations to the SBCOG on transportation planning studies and related transportation projects. Members consist of staff from local government agencies and are appointed to the committee by the SBCOG Board of Directors.

### **Measure G Transportation Safety and Investment Plan Oversight Committee**

The Measure G Oversight Committee consists of San Benito County residents that represent the geographical, social, cultural, and economic diversity of the county to ensure the maximum benefit for all users of the transportation system. Measure G is the Transportation Safety and Investment Plan approved by San Benito County voters on November 6, 2018. The measure is a one percent local sales tax that will be collected for 30 years to improve local streets and roads, improve connectivity, and reduce congestion. Measure G calls for an independent Citizens Oversight

Committee to oversee compliance with the Ordinance, as specified in the Transportation Safety and Investment Plan.

**Table 1: Racial breakdown of non-elected planning boards, advisory councils, or committees.**

	Social Services Transportation Advisory Council (SSTAC)	Technical Advisory Committee (TAC)	Measure G Transportation Safety and Investment Plan Oversight Committee (MEAG)
Black, African American	0%	0%	
Asian	0%	0%	
White	60%	75%	67%
American Indian, Alaska Native	10%	0%	
Native Hawaiian, Other Pacific Islander	0%	0%	
Some other race	10%	13%	25%
Decline to State	0%	13%	8%
Hispanic, Latino, Spanish origin*	20%	13%	33%

\*Percentages will not total 100 percent, as people who identify their origin as Hispanic, Latino, Spanish may identify as any race in addition to their identity as Hispanic, Latino, Spanish.

## Title VI Facilities Equity Analysis

Per 49 CFR 21.9(b)(3), SBCOG may not select the site or location of facilities with the purpose or effect of excluding persons from, denying the benefits of, or subjecting them to discrimination on the basis of race, color, or national origin. Per 49 CFR 21, (The Public Participation Plan), the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin.

Facilities covered by this provision include, but are not limited to, storage facilities, maintenance facilities, and operations centers. Currently, SBCOG operates one facility, an administrative office, which has remained in the same location since 2007. SBCOG intends to relocate its administrative office, and when doing so the agency will adhere to all Title VI requirements. At this time SBCOG does not manage or maintain any other facilities. For the facilities covered by this provision, SBCOG is required to:

- Complete a Title VI equity analysis during the planning state with regard to where a project is located to ensure the location is selected without regard to race, color, or national origin, and engage in outreach to persons potentially impacted by site of the facilities. The Title VI equity analysis must compare the equity impacts of various site alternatives, and the analysis must occur before the selection of the preferred site.

- Give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group level where appropriate to ensure proper analysis of localized impacts.

Provide substantial legitimate justification for locating a project in a location that will result in a disparate impact on the basis of race, color, or national origin, and show that there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. In order to show that both tests have been met, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

# III. Public Participation Plan Measures

The Public Participation Plan (PPP) was developed in coordination with the Association of Monterey Bay Area Governments (AMBAG), our federally designated Metropolitan Planning Organization (MPO) along with other regional partners. Adopted by AMBAG Board of Directors in November 2023, the PPP was prepared in consultation with SBCOG, the San Benito County Local Transportation Authority (LTA), and other partner agencies. This federally required document guides regional planning agencies and local jurisdictions in the public participation process, particularly those receiving federal funds or subject to federal actions. The 2023 PPP can be found on AMBAG’s website.<sup>2</sup>

The policies and procedures in the 2023 PPP are designed to utilize effective, achievable, culturally inclusion, attention to minority populations, to increase public outreach methods to increase public participation, while ensuring a regional transportation network that prioritizes equitable decision-making and transparency.

Each transportation plan, study, program, or project must include a specified public participation process that defines how the public can reasonably be involved in the transportation planning process. These procedures and strategies also provide guidance for realizing the desired outcome of a robust and informed level of broad-based public involvement (with special attention to minority populations) in the development and implementation of plans, programs, and projects in the region.

## Summary of Public Outreach

SBCOG, in coordination with AMBAG and its partner perform a broad range of public participation and stakeholder engagement activities, such as:

- Conducting public meetings.
- Presence at key community events.
- Establishing standing and ad hoc committees.
- Partnering in studies and projects.
- Preparing surveys, news releases, and social media posts.
- Providing educational and informational programs in accordance with statutory and regulatory directives.

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<sup>2</sup> Association of Monterey Bay Area Governments Final 2023 Public Participation Plan:  
<https://ambag.org/sites/default/files/2023-10/Final%202023%20PPP%20Combined%20PDFA.pdf>

## Outreach Plan to Engage Minority and LEP Populations

With special attention to minority and LEP populations, it is imperative that all members of the public have the unobstructed ability to participate in SBCOG's community outreach as described in the 2023 PPP. Specific to minority and LEP populations, SBCOG's public engagement must be culturally sensitive and multilingual.

To determine which languages SBCOG must provide written translations for in vital documents, the Department of Transportation (DOT) has adopted the Department of Justice's (DOJ) Safe Harbor Provision. This provision states that eligible LEP language groups must constitute 5% or 1,000 persons, whichever is less, of the total population eligible to be served or likely to be affected or encountered by SBCOG. An LEP language analysis is included in the LAP (Appendix A), along with SBCOG's translated vital documents, Title VI Notices to the Public, and Complaint Procedures and Forms. These documents are available in the required languages in Appendices B, C, and D, respectively. Per the Safe Harbor Provision, translation of non-vital documents, if needed, can be provided orally.

The Safe Harbor Provision applies to the translation of written documents only and does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. As such, San Benito County is home to a large Spanish-speaking population. SBCOG and its partner agencies employ several bilingual (English/Spanish) speaking employees, and utilize culturally sensitive outreach methods to include participation of the Spanish-speaking community.

These methods include:

- Publishing printed information regarding services, projects, programs, and meetings in Spanish.
- Spanish language media in the distribution of news releases.
- Advertising public hearings, meetings, projects and programs in Spanish language format.
- Providing simultaneous Spanish language interpretation services at meetings.
- Producing Spanish language website content, videos, and physical publications, such as flyers.
- Providing language identification flashcards at public meetings.
- Ensure that transit contractors recruit bilingual (English/Spanish) personnel.
- Providing bilingual (English/Spanish) staff when tabling at community events and at pop-up public locations to solicit project feedback or disseminate program information.

By referencing population data, SBCOG been able to provide materials and special accommodations for other LEP languages in San Benito County, with notice.

**Table 2: AMBAG Region Demographic Profile, Hispanic or Latino**

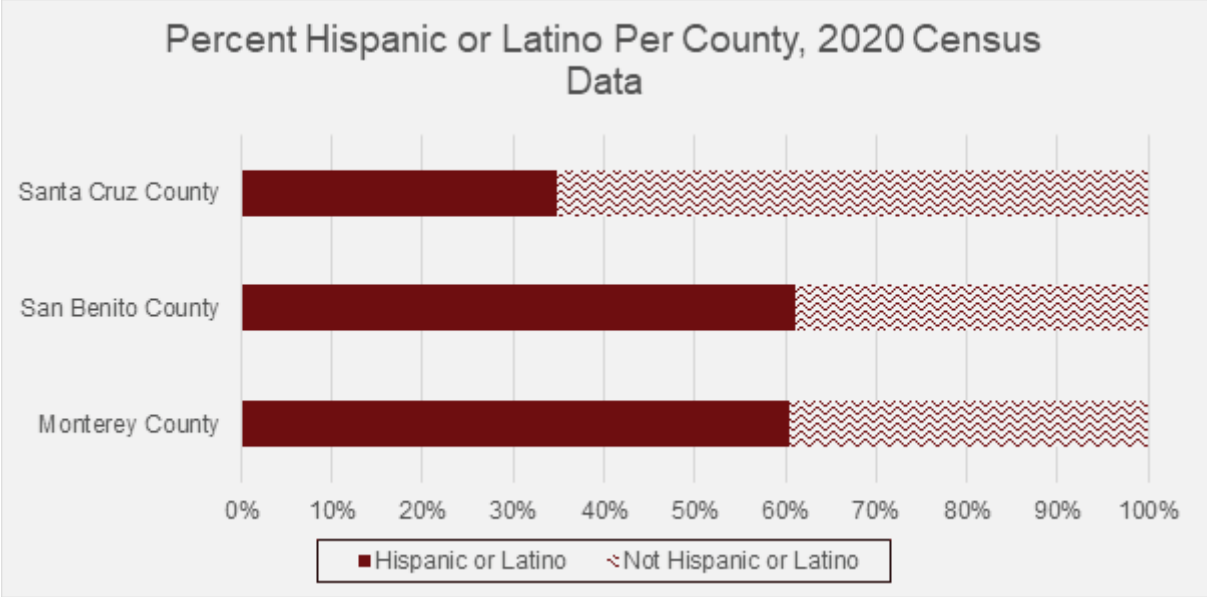


Table 2 shows the percentage of Hispanic or Latino populations in Santa Cruz County, San Benito County, and Monterey County according to the 2020 Census data. This data underscores the significant Hispanic or Latino presence in these regions, highlighting the need for inclusive and culturally sensitive public participation and outreach efforts in our planning and programming activities.

In San Benito County, those who self-identified as “Hispanic or Latino” represent a significant portion of the population of 61%. Overall, a higher percentage of people in San Benito County identify as “Hispanic or Latino” compared to the overall tri-county region percentage of 52%. It is crucial that SBCOG understands the demographic and cultural makeup of the region to ensure its work is inclusive and representative of the community.

# IV. Language Assistance Plan (LAP)

As part of SBCOG’s continuing effort to distribute services and amenities equitably and without discrimination, we ensure that individuals in the United States whose primary language is not English are included in our services. Federal law considers individuals who do not read, write, or speak English as their primary language to be Limited English Proficient, or "LEP." Language barriers may prevent these individuals from accessing services and benefits. Therefore, they may be entitled to language assistance for particular services, benefits, or encounters.

SBCOG prepared this Language Assistance Plan to address its responsibilities as a recipient of federal financial assistance as they relate to the needs of LEP individuals. The LAP will help identify reasonable steps to provide language assistance for LEP persons who seek meaningful access to the SBCOG services as required by Executive Order 13166.<sup>3</sup> More specifically, this plan details procedures for identifying a person who may need language assistance, the ways in which assistance may be provided, staff training, how to notify LEP persons that assistance is available, and potential future updates to the plan.

This LAP has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1B implemented October 1, 2012, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

## Language Assistance Plan (LAP) Plan Summary

SBCOG has developed the Language Assistance Plan to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency who wish to access services provided by SBCOG. The LAP describes how to identify individuals who may need language assistance, methods to provide such assistance, staff training, and how to provide notification to LEP individuals impacted or encountered during the planning and development process. The main objective of the LAP is to ensure that community members throughout the San Benito County region have the opportunity to participate in the transportation planning and decision-making process. The LAP also identifies steps on how to notify Limited English Proficiency persons that assistance is available.

When preparing the LAP, SBCOG undertook the U.S. Department of Transportation (U.S. DOT) four-factor LEP analysis which considers the following factors:

1. *Potential Number of LEP Persons Served* – The number or proportion of LEP persons in the service area who may be served or are likely to encounter SBCOG programs, activities or services.
2. *Service Contact Frequency of LEP Persons* – The frequency with which LEP persons come in contact with the SBCOG programs, activities or services.

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<sup>3</sup> A person with Limited English Proficiency is one who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

3. *Significance of Programs to LEP Persons* – The nature and importance of programs, activities or services provided by the SBCOG to the LEP population.
4. *Available Resources for LEP Assistance* – Available resources to the SBCOG and overall costs to provide LEP assistance.

SBCOG has completed a detailed four-factor analysis to guide the LAP (Appendix A). This analysis evaluates key factors that impact our ability to serve LEP individuals effectively. The results of this demographic analysis are outlined in the section below, providing insights into the specific needs of the San Benito community and how we can best allocate resources to meet those needs.

## LAP Implementation

SBCOG developed its LAP based on the concerns captured in the Four-Factor Analysis. The LAP will provide details on how various items will be addressed by the SBCOG. SBCOG will also continue to monitor language assistance needs and will work with state and local agencies to provide language translation and interpretation services, as needed, and when possible.

## Identifying LEP Individuals Who Need Language Assistance

The SBCOG will continually monitor the language needs of the LEP individuals and will do the following:

- Continue to monitor the languages and levels of English proficiency encountered by staff;
- For languages other than Spanish, staff will attempt to identify the LEP person’s preferred language using the U.S. Census “I Speak” Language Identification Flashcard (Appendix 2).
- Continue utilizing data from the U.S. Census, as well as state and local demographic sources

## Language Assistance Measures

The SBCOG has oral and written language assistance available to LEP individuals on its vehicles, operations, and administration offices. SBCOG staff can respond to the inquiries of LEP individuals in person, by telephone, or in writing. To enhance the available language assistance, the SBCOG currently will provide the following:

- Work with local social services agencies and organizations to provide services to LEP persons to disseminate information about SBCOG services.
- Continually identify new agencies or organizations that can assist in disseminating information about SBCOG services.
- Include a statement in notices regarding the availability of interpreting services at community events, public hearings and Board of Directors meetings with advance notice.



- Post SBCOG’s VI Policy and Complaint form (English and Spanish) on the agency’s website at: [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org).
- When an interpreter is needed for a language other than Spanish, in person or on the telephone, staff will attempt to access language assistance from a professional translation service or qualified community volunteers. A list of volunteers will need to be developed met Transit Needs Identification and Analysis Report.
- All public workshops and hearings are structured to involve citizen participation from all populations, with translation either provided directly by SBCOG staff (current staff includes two fluent Spanish language speakers) or allowed by a translator brought in to represent the person or group involved.
- When Spanish language speaking individuals provide public comment in writing or verbally, bilingual staff is assigned to contact said member of the public and provided the requested information. SBCOG in general receives more Spanish language verbal request than those in writing. When Spanish language feedback is provided, SBCOG identifies the original language in which the comment was provided.

### Translation of Vital Documents and Safe Harbor Provision

According to the 2008-2012 American Community Survey 5 Year Estimates, there were 51,392 people in San Benito County. There were 10,458 individuals that spoke English ‘less than very well. Therefore, SBCOG currently provides the following documents in English and Spanish:

- Title VI Notice to the Public, Complaint Procedures, and Complaint Form.
- Public notices related to public meetings, hearings and projects.
- Program and project document flyers are translated.

### Public Involvement

Should SBCOG produce a document that LEP individuals may read or schedule an event that may have LEP individuals in attendance, or may have interest in, the SBCOG shall have the documents, meeting notices or flyers, printed in an alternate language based on the known LEP populations. Interpreters will be available on an as needed basis.

### Notice to LEP Persons

A link to the SBCOG Title VI Procedures and LAP Plan can be found at [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org).

Any person or agency with internet access will be able to access and download the Plan from the abovementioned website. Alternatively, any person or agency may request a copy of the Plan via telephone, mail, or in person and shall be provided with a copy of the Plan at no cost. LEP individuals may request copies of the Plan in translation which SBCOG will provide, if feasible.

El Concilio de Gobiernos traducirá el Plan de Dominio Limitado de Inglés en español, si se factible.

Questions or comments regarding the LEP Plan may be submitted to SBCOG Title VI Administrator:

Council of San Benito County Governments  
Attn: Title VI Administrator  
330 Tres Pinos Road, Suite C7 Hollister, CA 95023  
Phone: 831.637.7665

## Monitoring and Updating the LAP Plan

SBCOG reviews and updates its LAP plan every three years. At a minimum, the Plan will be reviewed and updated when new data from the most current U.S. Census is available, or when the concentrations of LEP individuals' presence in the SBCOG service area is observed. Updates may include, but will not be limited to, the following:

- Description of any new concentrations of LEP individuals based on ongoing monitoring of front-line staff interactions with clients.
- Updated analysis of the current LEP population within the service area.
- Needs Assessment for translation services.
- Assessment of the effectiveness and success of current language assistance programs.
- Determine whether financial resources are sufficient to fund language assistance resources.
- Determine whether SBCOG has fully complied with the goals of this LAP.
- Determine whether complaints received are an effect of the Council of San Benito County Governments' inability to meet the needs of the LEP individuals; Update procedures or contact information.

## Staff Training

The SBCOG does not have a formal training program. However, new employees are required to sign an Employee Title VI Education Form (Appendix E). The SBCOG office currently has three full time Spanish language speaking staff that are able to address Spanish speaking client questions and/or concerns. SBCOG strives to schedule its staff so that there is someone who can speak Spanish available during normal business hours. SBCOG staff is trained to communicate with Spanish speaking clients in a respectful and professional manner.

In addition, SBCOG staff provides extensive data and technical assistance to the region's public transit operators, and to multiple social service agencies that provide transportation services for elderly and disabled populations within the San Benito County region. In addition, the SBCOG Social Services Transportation Advisory Council (SSTAC) provides a forum for regional public

and private social service transit agencies to collaborate on identifying and addressing the transportation needs of every population group within the region.

The SBCOG is developing a standard training session for its staff and operations contractors on the following topics:

- How to respond to LEP callers;
- How to respond to correspondence from LEPs;
- How to respond to LEPs in person;
- How to document LEP needs;
- How to respond to civil rights complaints.

## Appendix A: Four Factor Analysis

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

### 1. Potential Number of LEP Person Served

In order to better understand the profile of individuals potentially participating in the transportation planning process, SBCOG examined demographic data from the American Community Survey for the San Benito County region. Table 3 offers an overview of LEP households within the AMBAG region, with a detailed breakdown of San Benito County, encompassing its two cities, Hollister and San Juan Bautista, alongside the unincorporated areas which are listed as Balance of County. The data categorizes LEP households by primary language spoken at home, covering Spanish, Other Indo-European Languages, Asian and Pacific Island Languages, and Other Languages. This breakdown provides valuable insight into the diversity and distribution of LEP households across the region.

**Table 3: 2022 LEP Households by Language and by Jurisdiction<sup>4</sup>**

Geography	Spanish	Other Indo-European Languages	Asian and Pacific Island Languages	Other Languages	Total LEP Households
<b>AMBAG Region, Total</b>	<b>86,535</b>	<b>10,280</b>	<b>10,230</b>	<b>2,080</b>	<b>109,125</b>
San Benito County, Total	7,665	513	463	60	8,701
Hollister	5,055	289	369	46	5,759
San Juan Bautista	173	-	2	14	189
Balance of County	2,437	224	92	-	2,753

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<sup>4</sup> Association of Monterey Bay Area Governments 2024 Title VI Program: [https://ambag.org/sites/default/files/2024-06/AMBAG%20Draft%202024%20Title%20VI%20Program\\_PDF.pdf](https://ambag.org/sites/default/files/2024-06/AMBAG%20Draft%202024%20Title%20VI%20Program_PDF.pdf)

**Table 4: 2022 Total Number and Percentage of LEP Households by Jurisdiction<sup>5</sup>**

Geography	Total Households	Total Limited English Speaking Households	Percent of Limited English Speaking Households
<b>AMBAG Region, Total</b>	<b>247,312</b>	<b>19,713</b>	<b>8%</b>
San Benito County, Total	19,852	1,495	8%
Hollister	12,220	1,100	9%
San Juan Bautista	770	33	4%
Balance of County	6,862	362	5%

Table 4 illustrates the percentage of Limited English-Speaking Households (LESH) across various jurisdictions in San Benito County, along with aggregated data for the entire county. In 2022, San Benito County had a total of 19,852 households, with 1,495 of them identified as LESH. The city of Hollister exhibited a higher concentration, with 9% of its 12,220 households, or 1,100 households, classified as LESH. In contrast, San Juan Bautista had a significantly lower percentage, with only 4% of its 770 households, totaling 33 LESH. This data highlights the varying levels of English proficiency across different areas of San Benito County, emphasizing the diversity and the specific needs of each community. Understanding the distribution of LESH helps allocate resources effectively, such as providing translation services, and equal involvement in community programs tailored to non-English speakers.

## 2. Service Contact Frequency of LEP Persons

The LEP population in San Benito County is not monolithic, however a majority of the LEP individuals SBCOG has experience working with are Spanish language speakers. This experience is consistent with the data gathered by the U.S. Census Bureau’s "Limited English Speaking Households" American Community Survey (Table 4). SBCOG has assessed the frequency in which staff have, or could have, contact with LEP persons. This assessment included speaking with the staff regarding their interactions with LEP individuals.

When creating transportation plans or engaging in other transportation planning activities, SBCOG gathers public input from a diverse range of minority and low-income residents through community-based organizations. For example, SBCOG staff has conducted community outreach meetings to provide an overview of the unmet transit needs assessment process and to announce transportation planning developments with LEP populations. Planning materials are often translated into Spanish to actively engage and involve residents who often do not participate in regional government planning activities.

Currently, there are three full-time SBCOG employees that are bilingual in Spanish and English and are available throughout the day during business hours to LEP persons. If SBCOG staff is not

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<sup>5</sup> Association of Monterey Bay Area Governments 2024 Title VI Program: [https://ambag.org/sites/default/files/2024-06/AMBAG%20Draft%202024%20Title%20VI%20Program\\_PDF.pdf](https://ambag.org/sites/default/files/2024-06/AMBAG%20Draft%202024%20Title%20VI%20Program_PDF.pdf)

available to provide translation, an interpreter is to be used at public meetings in which a large group of LEP individuals are anticipated.

### 3. Significance of Programs to LEP Persons

As the primary agency responsible for coordinating regional transportation planning processes for the San Benito County region, SBCOG must ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the planning process. Evaluating the impact of proposed transportation investments on the underserved and underrepresented community groups is a significant step in developing a comprehensive and equitable transportation investment plan. As such, SBCOG provides oversight and helps ensure that LEP individuals and other underrepresented persons/groups are not overlooked in the transportation planning process. SBCOG develops and assists in coordinating several transportation planning documents including:

- Regional Transportation Plan (RTP).
- Overall Work Program (OWP);
- Bikeway and Pedestrian Master Plan.
- Short Range and Long-Range Transit Plan.
- Unmet Transit Needs Identification and Analysis Report
- Public Transit - Human Services Coordination Plan.
- Public Participation Plan; and
- Other technical planning studies and projects, as needed.

These planning documents work in tandem with each other to serve as a program or schedule of short- and long-range transportation improvements and activities intended to be implemented through a combination of federal, state, regional, and local funding. SBCOG, is committed to ensuring that planning projects and activities are accessible to all residents within the San Benito County region.

The forecasted plans and development of transportation projects and programs can have a significant impact on the San Benito community. As a result, SBCOG staff takes appropriate steps to invite all members of the community, including the LEP community, to participate in the public engagement process. This ensures that a variety of input from all stakeholders and community members is accounted for in our planning processes.

### 4. Available Resources for LEP Assistance

SBCOG currently translates its printed materials into Spanish for its LEP population. Basic translation and interpretation are provided by SBCOG staff. However, more complex professional interpretation or translation services are provided by contracted services. Interpretation services are also provided at various SBCOG meetings, workshops, public hearings, etc.

# Appendix B: SBCOG’s Title VI Notice to the Public

## Location of Title VI Notice to the Public

A copy of the Council of San Benito County Governments’ Title VI Notice to the Public is posted at the following locations:

Location:	Address	City
Council of San Benito County Governments Administration Office	330 Tres Pinos Road, Suite C7	Hollister

Program information is also provided on the Council of San Benito County Governments’ website at: [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org). The Local Transportation Authority, which Board and staff is composed of the Council of San Benito County Governments, posted their Title VI Notice at the Transit Operations Facilities located at 3220 Southside Road in Hollister, at the Jovenes de Antaño Office located at 300 West Street in Hollister and on the County Express website [www.SanBenitoCountyExpress.org](http://www.SanBenitoCountyExpress.org).



## Notice to Beneficiaries

Notifying the Public of Rights Under Title VI  
Council of San Benito County Governments

SBCOG operates its programs and services without regard to race, color, or 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 Council of San Benito County Governments.

For more information on the Council of San Benito County Governments’ civil rights program, and the procedures to file a complaint, call 831.637.7665, visit our administrative office at 330 Tres Pinos Road, Suite C7 in Hollister, CA, or visit [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org).

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, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Avenue, SE, Washington DC 20590.

To obtain services or copies in an alternate format or language, please contact Samuel Borick, Transportation Planner, at (831) 637-7665, extension 205, [sborick@sanbenitocog.org](mailto:sborick@sanbenitocog.org), or visit the

website [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org). If information is needed in another language, call 831.637.7665.



## Aviso a Los Beneficiarios

Notificar al público de los derechos bajo el título VI  
Concilio de Gobiernos del Condado de San Benito

El Concilio de Gobiernos del Condado de San Benito (SBCOG) opera sus programas y servicios sin respecto a raza, color y origen nacional con arreglo al título VI de la Civil Ley de derechos. Cualquier persona que cree que él o ella ha sido agraviado por cualquier práctica discriminatoria ilegal bajo el título VI puede presentar una queja con la SBCOG

Para obtener más información sobre el programa derechos civiles capaz de industrias y el procedimiento para presentar una queja, llame al 831.637.7665 o visite nuestra oficina administrativa en 330 Tres Pinos Road, Suite C7 en Hollister, CA o visite [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org).

Un demandante puede presentar una queja directamente con el Federal Transit Administration por archivar una queja con la Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Para recibir servicios o copias en otro formato o idioma, contacte a Samuel Borick, Planificador de Transporte, al (831) 637-7665, extensión 205, [sborick@sanbenitocog.org](mailto:sborick@sanbenitocog.org), o visite el sitio web [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org). Si se necesita información en otro idioma, contacte al 831.637.7665.

## Appendix C. Title VI Complaint Procedures English

### SBCOG's Title VI Complaint Procedures

Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency.

Any person who believes that they have been excluded from, denied the benefits of, or been subjected to discrimination may file a written complaint with the Council of San Benito County Governments. Federal and State law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident.

To request additional information on the Council of San Benito County Governments' nondiscrimination obligations or to file a Title VI Complaint, please submit your request to:

SBCOG  
Attn: Title VI Complaint  
330 Tres Pinos Road, Suite C7  
Hollister, CA 95023  
Tel: 831.637.7665

Complaint Forms can also be obtained at the SBCOG Office at 330 Tres Pinos Road, Suite C7 in Hollister, CA or online at [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org). If the complainant is dissatisfied with the SBCOG Board's resolution of the complaint, he or she may also submit a complaint to the Federal Transit Administration:

FTA Office of Civil Rights  
Attn: Complaint Team  
East Building 5th Floor – TCR 1200  
New Jersey Avenue SE  
Washington, DC 20590

For more information, please visit the FTA Website at [www.transit.dot.gov](http://www.transit.dot.gov)

## Spanish

### *Procedimiento para Quejas del Título VI*

El Título VI de la Ley de Derechos Civiles de 1964 establece que ninguna persona de los Estados Unidos será excluida de participar en cualquier programa o actividad que reciba asistencia financiera federal, ni se le negará los beneficios de dichos programas o actividades, ni será discriminado en ellos, por causa de su raza, color o nacionalidad. El decreto presidencial 12898 aborda la justicia del medio ambiente en las poblaciones de minorías y de bajos ingresos. El decreto presidencial 13166 aborda el tema de los servicios para aquellas personas que tienen conocimientos limitados del idioma inglés.

Toda persona que crea haber sido excluida, que se le negaron los beneficios, o que fue discriminada puede presentar una queja por escrito al Concilio de Gobiernos del Condado de San Benito (SBCOG). La legislación federal y estatal exige que las quejas sean presentadas dentro de los ciento ochenta (180) días calendario del último supuesto incidente.

Para obtener información adicional sobre las obligaciones de no discriminación de COG o para presentar una queja de Título IV, por favor comuníquese con el:

Concilio de Gobiernos del Condado de San Benito  
Attn: Queja Titulo VI  
330 Tres Pinos Road, Suite C7  
Hollister, CA 95023  
Tel: 831.637.7665

Los formularios de queja también están disponibles en la oficina de SBCOG en 330 Tres Pinos Road, Suite C7 en Hollister, CA o página web de: [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org).

### *Proceso de Quejas del Título VI*

La agencia SBCOG comenzará una investigación dentro de los quince (15) días hábiles a partir de la recepción de la queja. En caso de que sea necesario solicitar información adicional, la agencia SBCOG se comunicará con el demandante por escrito en un plazo de no más de treinta (30) días hábiles luego de recibir la queja. Si el demandante no proporcionara la información solicitada de forma oportuna, la agencia SBCOG podrá cerrar el caso de forma administrativa.

La agencia SBCOG completará la investigación dentro de los noventa (90) días a partir de la recepción de la queja. En caso de necesitar más tiempo para la investigación, se contactará al demandante. El investigador preparará un informe escrito de la investigación. Este informe deberá incluir un resumen de la descripción del incidente, las conclusiones y las medidas correctivas recomendadas.

Se le enviará una carta que informe que el caso se ha cerrado al demandante y al demandado o departamento demandado. Las partes tendrán cinco (5) días hábiles desde la recepción de la carta

de cierre del caso para apelar. En caso de que ninguna de las partes apele, se cerrará el caso. De ser necesario, se enviará el informe de investigación a la agencia federal correspondiente.

Presentación de la denuncia ante la Administración federal de tránsito: Si el demandante no queda satisfecho con la resolución de la denuncia de SBCOG, puede presentar una denuncia ante la Administración federal de tránsito:

FTA Office of Civil Rights  
Attn: Complaint Team  
East Building 5th Floor – TCR 1200  
New Jersey Avenue SE  
Washington, DC 20590

Para más información: [www.transit.dot.gov](http://www.transit.dot.gov)

# Appendix D. Title VI Complaint Forms

## English

### English Title VI Complaint Form

<b>Section I:</b>		
1. Name:		
2. Address:		
3. Telephone:	3.a. Secondary Phone:	
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
<b>Section II:</b>		
6. Are you filing this complaint on your own behalf?	YES*	NO
*If you answered "yes" to #6, go to Section III. If you answered "no" to #6, go to #7.		
7. 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
<b>Section III:</b>		
11. I believe the discrimination I experienced was based on ( <i>check all that apply</i> ):  <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
12. Date of alleged discrimination: ( <i>mm/dd/yyyy</i> )		
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 use the back of this form.		
<b>Section IV:</b>		
14. Have you previously filed a Title VI complaint with the Council of San Benito County Governments?	YES	NO

<b>Section V:</b>	
15. Have you filed this complaint with any other Federal, State, or local agency, or with any 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"/> Federal Court _____ <input type="checkbox"/> Local Agency _____ <input type="checkbox"/> 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:
<b>Section VI:</b>	
Name of Agency complaint is against:	
Contact Person:	
Telephone:	

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:

Council of San Benito County Governments

Attn: Title VI Complaint

330 Tres Pinos Road, Suite C7

Hollister, CA 95023

# Spanish

## Spanish Title VI Complaint Form

<b>Parte I:</b>		
1. Nombre:		
2. Dirección Residencial:		
3. Teléfono:	3.a. Otro teléfono:	
4. Dirección de correo electrónico:		
5. ¿Requisitos de formato accesible?	<input type="checkbox"/> Letra Grande	<input type="checkbox"/> Cinta de audio
	<input type="checkbox"/> Dispositivos electrónicos para sordos (TDD)	<input type="checkbox"/> Otro
<b>Parte II:</b>		
6. ¿Está presentando esta queja en su propio nombre?	Sí*	No
*Si usted contesto "sí" a #6, vaya a la Sección III. Si su respuesta es "no" a #6, vaya a #7.		
7. ¿Cuál es el nombre de la persona para la cual usted está presentando esta queja? Nombre:		
8. ¿Cuál es su relación con esta persona?:		
9. Por favor explique por qué ha presentado por un tercero :		
10. Por favor confirme que ha obtenido permiso de la parte agraviada para presentar en su nombre.	Sí	No
<b>Parte III:</b>		
11. Creo que la discriminación que viví fue basada en ( <i>marque todas las que apliquen</i> ):  <input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Nacionalidad		
12. Fecha del presunto acto de discriminación: ( <i>mm/dd/yyyy</i> )		
13. Explique lo más claramente posible lo que pasó y por qué cree que fue discriminado. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la persona (s) que lo discriminó (si se conoce), así como los nombres y datos de contacto de testigos. Si se necesita más espacio, por favor utilice el reverso de este formulario.		

<b>Parte IV:</b>		
14. ¿Ha presentado anteriormente una queja del Título VI con el Concilio de Gobiernos del Condado de San Benito?	Sí	No
<b>Parte V:</b>		
15. ¿Presentó esta demanda ante otra agencia federal, estatal, local o ante un tribunal? <input type="checkbox"/> Sí* <input type="checkbox"/> No Si la respuesta es sí, marque todas las que apliquen: <input type="checkbox"/> Agencia Federal _____ <input type="checkbox"/> Agencia Estatal _____		

<input type="checkbox"/> Tribunal Federal _____ <input type="checkbox"/> Agencia Local _____	
<input type="checkbox"/> Tribunal Estatal _____	
16. Si usted contestó "sí" a # 15, proporcionar información acerca de una persona de contacto en la agencia / tribunal donde se presentó la queja.	
Nombre:	
Titulo:	
Agencia:	
Dirección:	
Teléfono:	Dirección de correo electrónico:
<b>Parte VI:</b>	
Nombre de la Agencia de cual la queja está en contra:	
Persona de contacto:	
Teléfono:	

Puede adjuntar cualquier material escrito o cualquier otra información que usted considere relevante para su queja.

Su firma y fecha son requeridas abajo para completar el formulario:

Firma \_\_\_\_\_ Fecha \_\_\_\_\_

Después de completar la solicitud, por favor, envíe por correo o entréguela en persona a la siguiente dirección:

Concilio de Gobiernos del Condado de San Benito

Attn: Queja Título VI

330 Tres Pinos Road, Suite C7

Hollister, CA 95023



## Appendix E. Title VI Employee Education Form

No person 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.

All employees of the Council of San Benito County Governments and its affiliates are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to the Council of Governments Title VI Coordinator.

I hereby acknowledge receipt of the Council of Governments' Title VI Plan. I have read and am committed to ensuring that no person is excluded from participation in, or denied the benefits or services delivered by the Council of San Benito County Governments on the basis of race, color, or national origin, as protected by Title VI.

-----

Employee Signature

-----

Date

-----

Printed Name

# Appendix F. Board Resolution

(to be inserted after adoption)

# Appendix G: Caltrans Title VI Program Checklist

**Caltrans Division of Transportation Planning**  
**Office of Regional Planning – Title VI Program Checklist**

Agency Name: Council of San Benito County Governments

Title VI Adoption Date: July 18, 2024

**General Requirements Chapter III - Metropolitan Transportation Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)**

Page #	Select One	
<input type="checkbox"/> 19	<input checked="" type="checkbox"/>	1. Notice to the Public
<input type="checkbox"/> 19	<input checked="" type="checkbox"/>	a. Race, color, and national origin (Sample notice in Appendix B)
<input type="checkbox"/> 21	<input checked="" type="checkbox"/>	b. Translated into non-English language and consistent with the agency’s Limited English Proficiency (LEP) Plan (Chapter III-4)
<input type="checkbox"/> 19	<input checked="" type="checkbox"/>	2. List of locations where notice is posted, at a minimum (Chapter III-4 and Appendix B)
<input type="checkbox"/> 19	<input checked="" type="checkbox"/>	a. Agency’s website
<input type="checkbox"/> 19	<input checked="" type="checkbox"/>	b. Public areas of the agency’s office, including reception desk and meeting rooms
<input type="checkbox"/> n/a	<input type="checkbox"/> n/a	c. Station or stops
<input type="checkbox"/> n/a	<input type="checkbox"/> n/a	d. Transit vehicles
<input type="checkbox"/> 3, 22, 25	<input checked="" type="checkbox"/>	3. How to file a Title VI discrimination complaint and complaint form must be on agency’s website (Chapter III-5 and Appendix C and D)
<input type="checkbox"/> n/a	<input type="checkbox"/> n/a	4. List of any public transportation Title VI investigations, complaints or lawsuits filed since last submission (Appendix E)
<input type="checkbox"/> 8-10	<input checked="" type="checkbox"/>	5. Public Participation Plan – Promoting Inclusive Public Participation (Chapter III-5)
<input type="checkbox"/> 8	<input checked="" type="checkbox"/>	a. Summary of outreach efforts made
<input type="checkbox"/> 9-10	<input checked="" type="checkbox"/>	b. Outreach plan to engage minority and limited English proficient population (can be a component of a larger outreach for those that are traditionally underserved)
<input type="checkbox"/> 11	<input checked="" type="checkbox"/>	6. LEP Plan
<input type="checkbox"/> 16	<input checked="" type="checkbox"/>	a. Four Factor Analysis (Chapter III-7)
<input type="checkbox"/> 16	<input checked="" type="checkbox"/>	i. The number of proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
<input type="checkbox"/> 17	<input checked="" type="checkbox"/>	ii. The frequency with LEP persons come into contact with the program.
<input type="checkbox"/> 18	<input checked="" type="checkbox"/>	iii. The nature and importance of the program, activity, or service provided by the program to people’s lives.
<input type="checkbox"/> 17	<input checked="" type="checkbox"/>	iv. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.
<input type="checkbox"/> 12-13, 17-18	<input checked="" type="checkbox"/>	b. Describe how the agency provides language assistance services by language (Chapter III-8)

Page #	Select One	
13	<input checked="" type="checkbox"/>	c. Safe Harbor Provision – applies to the translation of written documents only (Chapter III-9)
13-14	<input checked="" type="checkbox"/>	d. Describe how the agency provides notice to LEP person about the availability of language assistance
14	<input checked="" type="checkbox"/>	e. Describe how the agency monitors, evaluates and updates the language access plan
14-15	<input checked="" type="checkbox"/>	f. Describe how the agency trains employees to provide timely and reasonable language assistance to LEP population
6	<input checked="" type="checkbox"/>	7. A table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.
n/a	<input type="checkbox"/>	8. If a facility has been constructed, a Title VI equity analysis must have been conducted during the planning stage regarding the location. A copy of the analysis must be provided. (Chapter III-11)
30	<input type="checkbox"/>	9. Board Resolution or similar approving the Title VI Plan (Chapter III-1)

### Additional Requirements for MPOs

Requirements in Chapter IV apply to MPO that are a provider of fixed route public transportation service that receive federal assistance.

If the MPO is a direct recipient or primary recipient, the MPO will be required to submit additional information to FTA.

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 10. A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate  |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process  |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Demographic maps that overlay the percent minority and non-minority populations as identified in Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. An analysis of impacts identified in the paragraph above that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact. |



### Planning Certification Review

All MPOs are required to self-certify compliance with all applicable federal requirements. Planning certification reviews conducted jointly by Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance.

By checking the following boxes, the MPO certifies that the below items are achieved for Planning certification reviews by FTA and FHWA.

Check

- a. Analyze regional demographic data to identify minority populations within the region.
- b. Where necessary, provide member agencies with regional data to assist them in identifying minority populations in their service area.
- c. Ensure that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
- d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPOs passes funds through to subrecipients.

### Requirements for Program Administration

In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass through FTA funds under any FTA programs to subrecipient without regard to race, color, or national origin and assure that minority populations are not being denied the benefits of or excluded from participating in these programs. MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

Check

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

I have reviewed the above information and certify that it is correct and complete.

*Binu Abraham*

07/18/2024

(Must be signed by MPO/RTPA  
Executive Director or designated representative)

Date

**For additional information and resources see the web addresses below:**

Federal requirements FTA Circular 4702.1B (October 1, 2012)

<http://www.fta.dot.gov/civilrights/12328.html>

Overview of Final Circular 4702.1B Title VI Requirements and Guidelines for Recipients

[http://www.fta.dot.gov/documents/Title\\_VI\\_Overview\\_4702.1B\\_11.05.12\\_ER.pdf](http://www.fta.dot.gov/documents/Title_VI_Overview_4702.1B_11.05.12_ER.pdf)

For information, guidance, and technical assistance on the implementation of the LEP initiative please visit <http://www.LEP.gov>

Before The Council of San Benito County Government

RESOLUTION OF THE COUNCIL OF SAN BENITO COUNTY )
GOVERNMENTS ADOPTING THE )
TITLE VI PROGRAM AND LANGUAGE ASSISTANCE )
PLAN FOR LIMITED ENGLISH PROFICIENCY )
INDIVIDUALS )

RESOLUTION NO: 2024-06

WHEREAS, the Council of San Benito County Governments (SBCOG), is designated as the Regional Transportation Planning Agency for the San Benito County region; and

WHEREAS, Title VI of the Civil Rights Act of 1964 states “no person in the United States shall, on the grounds or race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjugated to discrimination under any program or activity receiving Federal financial assistance”; and

WHEREAS, as a recipient of Federal Transportation Administration (FTA) funds, SBCOG is required to adhere to all provisions established in Title VI of the 1964 Civil Rights Act; and

WHEREAS, SBCOG is committed to a policy of nondiscrimination in the conduct of its business, including its responsibilities, and to the delivery of equitable and accessible transportation services; and

WHEREAS, any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color, or national origin, age, gender, or disability may file a Title VI complaint with SBCOG within 180 days from the date of the alleged discrimination; and

WHEREAS, SBCOG is required to update the Title VI Policy every three years; and

NOW, THEREFORE BE IT RESOLVED that SBCOG hereby adopts the Title VI Program and Language Assistance Plan for Limited English Proficiency Individuals, attached hereto and incorporated herein by reference as Exhibit A; and

BE IT FURTHER RESOLVED that SBCOG hereby authorizes and directs the SBCOG Executive Director to make administrative modifications to the Title VI Program and Language Assistance Plan for Limited English Proficiency Individuals and any other documents required by the Federal transportation Administration and Federal highway Administration in the execution and implementation of the Title VI Compliance Report, for and on behalf of SBCOG.

**PASSED AND ADOPTED** by the Council of San Benito County Governments Board by the following vote:

AYES:  
NOES:  
ABSTAINING:  
ABSENT:

---

Scott Freels, Chair

ATTEST,

APPROVED AS TO LEGAL FORM  
SBCOG Counsel



---

Binu Abraham, Executive Director  
Dated:

Osman I. Mufti, SBCOG Counsel  
Dated: July 12, 2024





## STAFF REPORT

**Action**

**Prepared By:** Osman Mufti, SBCOG Legal Counsel

**Subject:** Dissolve Measure A Authority

**Agenda Item No. 9**

**Approved By:** Binu Abraham

**Meeting Date:** July 18, 2024

**Recommendation:**

Approve Resolution 24-05 dissolving Measure A Authority Advisory Board.

**Summary:**

Following review of the Measure A Ordinance, applicable law including Public Utilities Code 180000 et seq., the Government Code, and the SBCOG Joint Powers Agreement, staff and SBCOG General Counsel recommend the dissolution of the Measure A Authority advisory board.

**Background/ Discussion:**

Measure A was adopted in June 1988 by the voters in San Benito County. The Board of Supervisors of the County of San Benito designated the Council of San Benito County Governments (SBCOG) as the Local Transportation Authority and the local agency authorized to administer Measure A in accordance with Public Utilities Code 180050. The Measure A Ordinance at Section IV B identified SBCOG as the "Authority" charged with administering the Measure in accordance with Section 180000 et seq. of the Public Utilities Code. The Measure A Ordinance provides: "this ordinance will provide for a one-half of one percent (1/2%) increase in the transactions and use tax to be submitted to the electors. The increase shall be effective for only ten (10) years."

Following the adoption of the Measure, SBCOG as the Authority under the Measure A Ordinance and pursuant to the designation of the County of San Benito as the Local Transportation Authority, implemented the Ordinance and the projects enumerated therein. In furtherance of SBCOG's responsibilities, SBCOG acting as the Authority and pursuant to Government Code 6508 delegated its function to an advisory body it created known as the Measure A Authority for purposes of program development, policy formulation, and program implementation as described in Article IX of the SBCOG JPA Agreement.

Given SBCOG created the advisory body, the Measure A Authority under Government Code 6508, SBCOG has the authority to dissolve the Measure A Authority. Dissolution is advisable given: 1) the sales tax is no longer in effect; 2) all funds have been expended; and 3) all projects contemplated within the ordinance, with the exception of one, have been completed. Accordingly, there are no funds, projects, or programs for the Measure A Authority to implement or oversee.

The recommendation is to dissolve the Measure A Authority advisory body established under Government Code 6508 and pursuant to SBCOG's authority to administer the Measure A Ordinance as the Local Transportation Authority under Public Utilities Code 18000 et seq.

**Financial Impact:**

There is no financial impact. All Measure A funds have been expended. Dissolution of the Measure A Authority will eliminate staff time needed to prepare for and conduct Measure A Authority meeting.

**Attachment:**

1. SBCOG Resolution No. 24-05



**BEFORE THE COUNCIL OF SAN BENITO COUNTY GOVERNMENTS**

A RESOLUTION OF THE COUNCIL OF SAN BENITO )  
COUNTY GOVERNMENTS DISSOLVING THE )  
MEASURE A AUTHORITY ADVISORY BOARD ) Resolution No. COG 24-05  
\_\_\_\_\_)

WHEREAS, the Council of San Benito County Governments (“SBCOG”) is designated by the Board of Supervisors of San Benito County as the Local Transportation Authority under Public Utilities Code 180000 et seq.; and

WHEREAS, Article IV B of the 1988 Measure A Ordinance, Ordinance 1988-1 (the “Ordinance”) designated SBCOG as the Authority and charged SBCOG with the responsibility of administering and implementing the Ordinance; and

WHEREAS, the Ordinance was approved by San Benito County residents and provided for a one-half of one percent (1/2%) increase in the transactions and use tax effective for ten (10) years following passage of the Ordinance; and

WHEREAS, SBCOG pursuant to its authority under Government Code 6508 delegated its functions to an advisory board known as the Measure A Authority for purposes of program development, policy formulation, and program implementation as described in Article IX of the SBCOG Joint Powers Agreement; and

WHEREAS, the Measure A Authority advisory board successfully implemented and administered the Ordinance and has been meeting as a formality with no discussion or action items for consideration for several years with its last meeting having been held on January 18, 2024, at which no substantive action other than the approval of prior meeting minutes occurred; and

WHEREAS, the sales tax is no longer in effect, all Measure A funds have been expended, and with the exception of one project, all projects contemplated under the Ordinance have been completed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors for the Council of San Benito County Governments that the Measure A Authority advisory board is hereby dissolved.

PASSED AND ADOPTED BY THE COUNCIL OF SAN BENITO COUNTY GOVERNMENTS THIS 18<sup>th</sup> DAY OF JULY, 2024 BY THE FOLLOWING VOTE:

- AYES:
- NOES:
- ABSTAINING:
- ABSENT:



\_\_\_\_\_  
Scott Freels, Chair

APPROVED AS TO LEGAL FORM:

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Osman I. Mufti, SBCOG Counsel

ATTEST:  
Binu Abraham, Executive Director

Dated: \_\_\_\_\_

By: \_\_\_\_\_



## STAFF REPORT

**Action**

**Prepared By:** Osman Mufti, SBCOG Legal Counsel

**Subject:** SBCOG ED Employment Agreement

**Agenda Item No. 10**

**Approved By:** Binu Abraham, Executive Director

**Meeting Date:** July 18, 2024

**Recommendation:**

Approve First Amendment to SBCOG Executive Director Employment Agreement with Binu Abraham.

**Attachment:**

1. First Amendment to SBCOG Executive Director Employment Agreement.

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT**

This First Amendment to Employment Agreement (“Amendment”) is made and entered into on this \_\_\_ day of \_\_\_\_\_, 2024, by and between the BOARD OF DIRECTORS on behalf of the COUNCIL OF SAN BENITO COUNTY GOVERNMENTS, a joint powers agency formed under the joint exercise of powers provisions of California Government Code section 6500 – 6522 (the “Council of Governments”); the BOARD OF SUPERVISORS on behalf of the COUNTY OF SAN BENITO, a political subdivision of the State of California (the “County”) (the Council of Governments and the County are hereinafter collectively referred to as “Employer”); and BINU ABRAHAM (“Employee”), (the Council of Governments, the County and Employee are collectively hereinafter referred to as “Parties”).

WHEREAS, the Parties entered into an Employment Agreement on December 13, 2022 (the “Agreement”), wherein the Employer agreed to employ the services of Employee as Executive Director of the Council of Governments; and

WHEREAS, Employer and Employee now desire to amend certain terms and conditions of the Agreement.

NOW, THEREFORE, the Parties hereby mutually covenant and agree to the following:

- 1. Section 2 of the Agreement is hereby amended to as follows:

TERM: The Employer hereby hires Employee and Employee hereby accepts employment with Employer beginning on the Effective Date and effective until such time as Employee receives written Notice of Intent to Terminate this Agreement from Employer one hundred eighty (180) calendar days prior to the date of termination cited in the Notice of Intent to Terminate or unless otherwise terminated as provided for in this Agreement.

- 2. Section 4 of the Agreement is hereby amended as follows:

LOYAL AND CONSCIENTIOUS PERFORMANCE OF DUTIES: Employee agrees that to the best of her ability and experience, Employee will at all times loyally and conscientiously perform all of the duties and obligations required of her either expressly or implicitly by the terms of this Agreement. Employee is expected to work on-site with any remote work exceeding three (3) consecutive working days requiring notification to the Council of Governments Chair.

- 3. Section 6 (A) of the Agreement is hereby amended as follows:

Annual Salary: As compensation for the services to be rendered by Employee hereunder effective the first pay period after March 21, 2024, Employer shall pay Employee an annual salary of Two Hundred and Four Thousand Dollars (\$204,000.00) payable in pro rata installments at the same time as other employees of San Benito County are paid. Cost of living increases at the rate and frequency at which such increases are awarded to all employees of the Council of San Benito County Governments. Employee understands that the position is that of an exempt employee under

the Fair Labor Standards Act, and she shall not be entitled to receive any overtime pay, compensatory time, or other premium pay or compensation, except as may be provided for by County policies.

4. Unless otherwise provided for in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to the Agreement to be executed and attested by their proper, duly authorized officers on the day and year first above written.

EMPLOYEE:

By: \_\_\_\_\_  
Binu Abraham

EMPLOYER:

Council of San Benito County Governments;

EMPLOYER:

County of San Benito

By: \_\_\_\_\_  
Scott Freels, Chair  
Board of Directors

By: \_\_\_\_\_  
Angela Curro, Chair  
Board of Supervisors

ATTEST:

By: \_\_\_\_\_  
Monica Gomez, Secretary II

ATTEST:

By: \_\_\_\_\_  
Vanessa Delgado, Clerk

APPROVED AS TO LEGAL FORM:

Council of San Benito County Governments  
Counsel

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

By: \_\_\_\_\_  
Osman I. Mufti  
Sloan Sakai Yeung & Wong LLP

By: \_\_\_\_\_



## STAFF REPORT

### Information

**Prepared By:** Osman Mufti, SBCOG Legal Counsel

**Subject:** SBCOG as a JPA Authority

**Agenda Item No. 11**

**Approved By:** Binu Abraham, Executive Director

**Meeting Date:** July 18, 2024

### Recommendation:

Receive preliminary report regarding administration of SBCOG as a Joint Powers Authority and services provided by San Benito County.

### Summary:

Counsel providing report on SBCOG as a Joint Powers Authority.

### Background/ Discussion:

This is an informational item. Legal Counsel will provide a preliminary report in response to Director Curro's May 16, 2024, request for information and background concerning the JPA and services provided by the County of San Benito to the JPA. The Board may provide further direction as appropriate.





CONSTRUCTION PROJECTS									
Project	Location/Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Contractor	Comments	
1.	<b>Highway 156 Improvement Project (34490)</b>	In and near San Juan Bautista, from The Alameda to slightly east of Fourth Street  (PM 3.0/R8.2)	Construct four-lane expressway	August 2022 - Fall 2025	\$89.7 million	STIP/Local	Terry Thompson	Teichert Construction	Continued construction activities. Union Rd detour will commence approximately early August 2024. Progress for the concrete paving has had unforeseen delays and is required to be completed prior to closing Union Road.

PROJECTS IN DEVELOPMENT									
Project	Location/Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments	
2.	<b>SR 156/Alameda EB Right-Turn Channelization (1P300)</b>	In San Juan Bautista at the intersection of SR 156 and The Alameda  (PM 2.9/3.1)	Installation of eastbound right-turn channelization from SR 156 onto the Alameda	Late Fall 2024	TBD	Oversight/Local	Terry Thompson/ Paul Valadao	PA&ED	Caltrans is actively collaborating with the City's design team on inquiries regarding adjacent/affected property owners. The City's design team is preparing documents based on Caltrans DEER review.
3.	<b>Highway 25 Expressway Conversion - San Felipe, Segment 1 (48541)</b>	San Felipe Road to 0.3 miles north of Hudner Lane (0.8 mi west of SR 25 to 0.5 miles east of SR 25)	Conversion of 2-lane conventional highway to a 4-lane expressway	N/A	N/A	Local	Terry Thompson	PA&ED	Caltrans and SBCOG are analyzing a range of project alternative which closely align with SB743 VMT guidelines. The proposed alternatives will be presented during the second SBCOG board workshop



# PROJECT UPDATE - SAN BENITO COUNTY

PREPARED FOR THE JULY 18, 2024, COUNCIL OF SAN BENITO COUNTY GOVERNMENTS MEETING

## PROJECTS IN DEVELOPMENT (CONTINUED)

Project	Location/Post Mile (PM)	Description	Construction Timeline	Construction Cost	Funding Source	Project Manager	Phase	Comments
4. <b>Rocks Road US 101 Wildlife Connectivity Project (1Q260)</b>	In San Benito County in the Aromas Hills (PM 0.0/2.8)	Identify wildlife crossing opportunities to connect important habitat on both sides of US 101 and improve safety for drivers and wildlife	TBD	TBD	State Funded	Terry Thompson	PID	PID document approved. PAED began Spring of 2024. Grant funding was awarded to the wildlife Connectivity Project.

### ACRONYMS USED IN THIS REPORT:

<b>ADA</b>	Americans with Disabilities Act
<b>CEQA</b>	California Environmental Quality Act
<b>CMAQ</b>	Congestion Mitigation Air Quality
<b>CMIA</b>	Corridor Mobility Improvement Account
<b>CTC</b>	California Transportation Commission
<b>DEER</b>	Design Engineering Evaluation Report
<b>ED</b>	Environmental Document
<b>EIR</b>	Environmental Impact Report
<b>PA&amp;ED</b>	Project Approval and Environmental Document
<b>PID</b>	Project Initiation Document
<b>PM</b>	Post Mile
<b>PS&amp;E</b>	Plans, Specifications, and Estimates
<b>RTL</b>	Ready to List
<b>RW</b>	Right of Way
<b>SB1</b>	Senate Bill 1, the Road Repair and Accountability Act of 2017
<b>SCL</b>	Santa Clara County Line

<b>SHOPP</b>	State Highway Operation and Protection Program
<b>SR</b>	State Route
<b>STIP</b>	State Transportation Improvement Program
<b>TBD</b>	To Be Determined
<b>TMS</b>	Traffic Management System
<b>VMT</b>	Vehicle Miles Traveled



# CALTRANS DISTRICT 5 CONSTRUCTION PROJECTS REPORT 2024

1. Highway 156 Improvement Project
2. SR 156/Alameda EB Right-Turn Channelization
3. Highway 25 Expressway Conversion, Segment 1
4. Rocks Road US 101 Wildlife Connectivity Project



**San Benito  
County Projects**

— San Benito County Projects

— State Highway

4/2/2024