KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS
AGENDA STAFF REPORT

AGENDA DATE: February 16, 2016

ACTION REQUESTED: Approve & Sign Non-Discrimination Agreement and Title VI Annual Accomplishment Update Report for 2015 with the Washington State Department of Transportation (WSDOT) for a local agency under 100,000 Population.

BACKGROUND:

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI of the Civil Rights Act of 1964 to include all programs or activities of federal aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

The Federal Highway Administration (FHWA) requires that any local agency that receives any federal grants, loans, contracts, property, discounts or other federal assistance extended by WSDOT enter into a non-discrimination agreement with WSDOT.

WSDOT approved Kittitas County's Title VI Program Implementation Plan on August 25, 2006. Kittitas County has also submitted a Title VI Annual Accomplishment and Update Report each year as required.

The Federal Highway Administration requires a new Non-Discrimination Agreement be submitted if the chief executive officer has changed since the last NDA or update report. The Board of Commissioners Chairman changes each year, requiring an update to this agreement. The annual accomplishment update report is for the 2015 period.

INTERACTION: Public Works

RECOMMENDATION:	Move to Approve Board Chair signature on the Non-Discrimination Agreement and Title VI Annual Accomplishment Update Report for 2015
HANDLING:	Sign 3 originals and return 2 signed originals to Public Works
ATTACHMENTS:	Resolution Non-Discrimination Agreement for 2016 Title VI Annual Accomplishment Update Report for 2015
LEAD STAFF:	Mark Cook, Public Works Director of Public Works and Interim County Engineer

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION NO: 2016-___

RESOLUTION TO APPROVE THE NON-DISCRIMINATION AGREEMENT BETWEEN KITTITAS COUNTY AND FEDERAL HIGHWAY ADMINISTRATION AND THE TITLE VI ANNUAL ACCOMPLISHMENT UPDATE REPORT FOR 2015

WHEREAS, The Federal Highway Administration (FHWA) requires that any local agency that receives any federal grants, loans, contracts, property, discounts or other Federal assistance extended by Washington State Department of Transportation (WSDOT) enter into a Non-Discrimination Agreement (NDA) with WSDOT; and

WHEREAS, The FHWA requires a new NDA be submitted if the chief executive officer has changed since the last NDA or update report; and

WHEREAS, WSDOT requires an updated Title VI Annual Accomplishment Update Report because Kittitas County received federal funds during the 2015 reporting period; and

NOW, THEREFORE BE IT RESOLVED: The Kittitas County Board of County Commissioners hereby authorizes the chairman of the Board to sign the attached Non-Discrimination Agreement between Kittitas County and Washington State Department of Transportation and the Title VI Annual Accomplishment Update Report for 2015.

ADOPTED this 16th day of February, 2016

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

_____
Obie O'Brien, Chairman

Attest:

☐ Clerk of the Board- Julie Kjorsvik

_____
Paul Jewell, Vice-Chairman

☐ Deputy Clerk of the Board- Mandy Buchholz

_____ _____
Gary Berndt, Commissioner

Non-Discrimination Agreement
Annual Report
Population Under 100,000

Washington State Department of Transportation (WSDOT)

Recipient: Kittitas County

Reporting Year 2015

Reporting Period February 1, 2015 to January 31, 2016

As stipulated in this agency's Title VI Program Non-Discrimination Agreement, WSDOT's approval letter to that agreement, and WSDOT's Highways and Local Programs Local Agency Guidelines Manual (Chapter 28), the annual accomplishment and update report for the reporting period reflected above is hereby submitted.

Current Chief Executive Officer:
Name: Obie O'Brien
Title: Chairman of the Board, Kittitas County Board of Commissioners

Planning or Public Works Director:
Name: Mark Cook
Title: Public Works Director

Title VI Coordinator:
Name: Mark Cook
Title: Interim County Engineer

SUBMITTED by: _____
Signature

Obie O'Brien
Typed / Printed Name

Chairman of the Board, Kittitas County Board of Commissioners
Title

_____
Date

1. **Report any changes in the organizational structure since the last reporting period. (Example: New Title VI Coordinator, new planning or public works directors, etc.)**
   a. **Report should identify the changes in the racial/gender composition of those persons involved in the transportation decision making, including planning and advisor staff.**
   The position responsible for initiating and monitoring Title VI activities has changed and will be managed by the Public Works Director/Interim County Engineer, Mark Cook. Our Transportation Manager Jan Ollivier left her position in August of 2015. Douglas P. D'Hondt left his position as County Engineer in December 2015, and Roy Chance, Construction Manager left his position in January 2016. All three positions are being advertised. Important transportation project decisions are being made by:

   Mark Cook,
   Public Works Director/Interim County Engineer Male, Native American, USA birthplace

   The most current Public Works organization chart is presented in Attachment A. The County Engineer, who has Title VI Coordinator responsibilities, has direct access to the chief executive officer, who is the Chair of the Kittitas County Board of Commissioners.

   b. **If no changes have been made, please indicate that accordingly.**

2. **Using the most current data available (through Census or Washington State Office of Financial Management), describe the demographics within your jurisdiction.**
   The United States Census Bureau data indicates the following demographics for Washington State and Kittitas County:

Kittitas County, Washington People Quick Facts – 2014 estimate

	Total	White	Black	AIAN[1]	API[2]	Two or More Races
Washington	7,061,530	5,698,655	289,523	134,169	628,476	317,768
% of total pop.		80.7%	4.1%	1.9%	8.9%	4.5%
Kittitas	42,522	39,077	510	553	1,063	1,360
% of total pop.		91.9%	1.2%	1.3%	2.5%	3.2%

[1] AIAN: American Indian and Alaska Native.
[2] API: Asian and Pacific Islander.

3. **Describe any required Title VI activities and/or studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits.**

   The Average Daily Traffic (ADT) level and pavement condition is estimated for all county roads every other year at a minimum and used to prioritize future transportation improvements.

   a. **How was the information utilized or Title VI provisions and needs applied in each study or activity?**

      The Average Daily Traffic (ADT) level and pavement condition is used annually to prioritize future transportation improvements. All county roads are included in this analysis, considering all population groups – including minority, women, low-income, and limited English proficiency population groups equally. Title VI provisions will be met through any contracts associated with this activity.

4. **List any Public outreach activities during the reporting period such as, public announcements and/or communications for meetings, hearings, project notices. Include the following:**

   a. **How were special language needs assessed? List the special language needs assessments conducted.**

      All public meeting agendas, minutes, public announcements, project notices, and other materials related to public outreach are posted on the County's website and can be translated into 43 different languages by using the Bing translate option when you right click the page.

   b. **What outreach efforts did you utilize to ensure that minority, women, low-income, and LEP population groups were provided equal opportunity to participate in those outreach activities. (Examples: provided materials in other languages, met with local social service agencies, advertised in a minority publication).**

      The County's webpages and all documents on the County's website can be translated into 43 different languages by using the Bing translate option when you right click the page.

      There are only two local newspapers in Kittitas County. Kittitas County advertises its open houses and public meetings in both of these two newspapers. In 2015, outreach activities included:

      - Annual Comprehensive Plan Amendment Open Houses and public hearings.
      - Transportation Improvement Program and Annual Construction Program Open Houses.

- GMA Shoreline Master Program public meetings.
- QUADCO Regional Transportation Plan Stakeholder meetings
- Naneum, Wilson & Cherry Creek Assessment Public Meeting
- Kittitas County Code Chapter 10.12.010 Stops and Yields designation Public Hearing for Hyak Drive East and Snoqualmie Drive Intersection.
- Yakima River Corridor Plan Public Hearing

All open houses and public meetings are held in accessible locations. All population groups – including minority, women, low-income, and limited English proficiency population groups are encouraged to participate. Open houses and public meetings are held in both Upper County and Lower County, or the neighborhood where the project is taking place to encourage all population groups to participate, including minority, women, low-income, and limited English proficiency population groups. Holding the open houses in several locations makes it easier for persons who could not afford to drive long distances participate or who have limited schedules.

Advertisements requesting qualifications for contractual services include the following statements:

> "Kittitas County encourages disadvantaged business enterprise CONSULTANT firms to respond."
> "The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award."

Bid documents include Title VI requirements, indicating that the County provides equal opportunity for all population groups – including minority, women, low-income, and limited English proficiency population groups to participate. The specific wording Kittitas County uses is from WSDOT's Local Agency Manual and WSDOT's General Special Provisions (GSPs).

c. **List the special language services provided – note the professional language service provided including the name of the service, date provided, number of persons served, and any other relevant information.**
No special language services were requested for these activities.

d. **List any costs incurred for translations and interpreters for each activity.**
No translators or interpreters were requested for each of these activities.

5. **List all the transportation related contracts (Federal and others) that were executed during the reporting period. (Please include construction, consultant agreements for planning, design, engineering, environmental, research, maintenance, etc.)**
   a. **Include dollar value of each**

Description of Contract	Vendor	Amount of Contract	Date Signed
Airport Master Plan	Century West Engineering	$312,395	Nov. 23, 2015
No. 6 Rd. Improvement Project - Construction	Columbia Asphalt and Gravel, Inc.	$1,099,348.10	Sept. 15, 2015
Kittitas Highway Safety Improvements - Construction	Belsaas & Smith Construction, Inc.	$3,978,871.50	October 7, 2014
Teanaway Road Improvement Project - Construction	Granite Construction Company	$3,000,300.00	March 3, 2015
North Fork Teanaway Road & West Fork Teanaway Road Improvement Project - Construction	Columbia Asphalt and Gravel Inc.	$780,575.20	April 13, 2015
Northfork Manastash Road Bridge Project - Construction	Belsaas and Smith Construction, Inc.	$554,733.00	Nov 19, 2015
Annual Paint Stripping – 2015 - Construction	Stripe Rite	$219,993.95	June 2, 2015
Bowers Road Bridge – Design	Sargent Engineers, Inc.	$5,022.00	Dec 29,2015
North Fork Manastash Road Bridge – Design	Sargent Engineers, Inc.	$19,199.00	Dec 1, 2015
Taneum Road Bridge - Design	Sargent Engineers, Inc.	$46,889.00	Nov 19, 2015
Manastash Road Bridge – Design	Sargent Engineers, Inc.	$2,510.00	Oct 14,2015
Huntzinger Road and West Side Road Improvements – Design	Sargent Engineers, Inc.	$73,671.00	Sept 1, 2015
Upper County Shop Observation – Design	Sargent Engineers, Inc.	$1,500.00	May 28, 2015
Fracture Critical Inspections – Design	Sargent Engineers, Inc.	$20,487.00	May 5, 2015
West Fork Teanaway Road Improvements - Design	Sargent Engineers, Inc.	$52,840.00	Feb 26, 2015
Black Horse at Whiskey Creek Culvert Evaluation - Design	Sargent Engineers, Inc.	$10,172.00	Feb 6, 2015

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Kittitas County FEMA DFIRM Meeting Participation	WATERSHED Science & Engineering	$1,995.00	Sept 30, 2015
Hanson Pond Bank Erosion Repair	WATERSHED Science & Engineering	$1,500.00	April 24, 2015
Black Horse Development Hydraulic Engineering Support	WATERSHED Science & Engineering	$2,948.00	Feb 17, 2015
Black Horse at Whiskey Creek Culvert Evaluation	WATERSHED Science & Engineering	$10,172.00	Feb 6, 2015
Yakima River Bank Erosion at Ringer Loop Road	WATERSHED Science & Engineering	$14,952.00	Feb 17, 2015
West Fork Teanaway Road Improvements	J-U-B	$43,010.00	April 21, 2015
North Fork Manastash Creek Bridge	J-U-B	$8,910.00	Nov 16,2015
Kittitas Hwy Materials Testing	J-U-B	$5,000.00	Aug 25,2015
No. 6 Road Improvements	J-U-B	$24,310.00	Aug 25,2015
Taneum Road/Thorp Hwy Bridge Construction Staking	Cruse & Associates Professional Land Surveyors	$12,200.00	Jan 7, 2016
WPA Road Turnaround Survey	Cruse & Associates Professional Land Surveyors	$5,277.00	Jan 7, 2016
Little Creek at Nelson Siding Topographic Survey	Cruse & Associates Professional Land Surveyors	$2,975.00	Dec 14, 2015
Taneum Road/ Thorp Hwy Bridge Replacement	Cruse & Associates Professional Land Surveyors	$15,540.00	Nov 4, 2015
North Fork Manastash Bridge Project	Cruse & Associates Professional Land Surveyors	$18,430.00	Oct 21, 2015
Ringer Loop Road Repair Project	Cruse & Associates Professional Land Surveyors	$10,757.32	Sept 17, 2015
Old Highway 10 R/W Marking	Cruse & Associates Professional Land Surveyors	$875.00	Aug 31, 2015
No. 6 Road Improvement Project	Cruse & Associates Professional Land Surveyors	$43,899.49	Aug 7, 2015
North Fork Manastash Creek Berm	Cruse & Associates Professional Land Surveyors	$4,250.00	July 8, 2015
Lanigan Springs R/W Descriptions	Cruse & Associates Professional Land Surveyors	$1,675.00	April 24, 2015
Manastash Conservation Easements	Cruse & Associates Professional Land Surveyors	$8,875.00	April 7, 2015
Little Creek Bridge Bank Stabilization Project	ESA	$15,933.98	Jun 19, 2015
Manastash Creek Acquisition	Appraisal Group of the Northwest LLP	$1,200.00	Sept 18, 2015
Manastash Creek Acquisition	Appraisal Group of the Northwest LLP	$3,200.00	Sept 14, 2015
Coleman Creek/EWC Project – Van De Venter	Integra Realty Resources	$5,494.00	Aug 4, 2015

Manastash Acquisition and Restoration Appraisals	Integra Realty Resources	$11,994.00	March 19, 2015
Reecer Creek Phase II Levee and Whiskey Creek Re-Route Property Acquisition	Roland Resources, Inc.	$45,000.00	Sept 21, 2015
Yakima River Acquisitions – Jeffries Levee to Ringer Loop Road	Roland Resources, Inc.	$47,500.00	Dec 22, 2015

b. Other than advertising in your local legal publication, what outreach was made to DMWBE forms that a contracting opportunity existed within your agency?
In addition to advertising in the local legal publication the Ellensburg Daily Record, projects are typically advertised in the Seattle Daily Journal of Commerce and the Northern Tribune, depending on the complexity and type of services needed for the project. Advertising is the only method of outreach to all persons and firms.

c. Identify the DMWBE contracts that were awarded and their dollar amount.

DMWBE Firm Name	Contract Amount	Project Name
Northstar Enterprises	$154,385.00	Kittitas Highway Safety Improvements
AAA Contractors	$20,669.67	Kittitas Highway Safety Improvements
Desert Winds	$28,000.00	Kittitas Highway Safety Improvements
Gilbert Patterson	$54,070.00	Kittitas Highway Safety Improvements
The Bag Lady	$5,652.20	Kittitas Highway Safety Improvements
M2 Industrial	$165,300.00	Kittitas Highway Safety Improvements
Saez Consulting Eng.	$67,000.00	Kittitas Highway Safety Improvements

d. Is there a Title VI Non-Discrimination statement included in all contracts and public notices?
Yes.

e. How did your organization ensure that minority, women, and disadvantaged firms were provided equal opportunity to participate in the contracting arena?
All advertising for contractual services include the following statements:

"Kittitas County encourages disadvantaged business enterprise CONSULTANT firms to respond."
"The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will

affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award."

All bid advertisements include the required Title VI language as provided for in WSDOT's General Special Provisions (GSPs).

6. **Summarize any transportation projects that identify potential impacts to minority and/or low income Environmental Justice (EJ) populations (i.e., impacts such as displacements, increased noise, bisecting neighborhoods, et al). Note the following:**
   a. **How impacts were minimized/mitigated.**
   There were no transportation projects that impacted Environmental Justice populations with displacements, increased noise, bisecting neighborhoods or other similar impacts.

   b. **Also include a statement, if applicable, on projects that specifically benefit community cohesion such as: adding sidewalks, improving access to properties that improve access for EJ populations.**
   Kittitas Hwy Safety Improvement Project completed a section of sidewalk approximately 700 feet long from Ellensburg City Limits to Vista View Estates, brought ADA accessible curb ramps at the intersection of Kittitas Highway and S Magnolia Street and Kittitas Highway and Pfenning Road into compliance with current standards, and installed a delineated bike lane. These improvements provided better Bicycle/pedestrian access from a new development most recently annexed into the City of Ellensburg and to bicycle traffic from/to the City of Kittitas.

7. **If Right of Way has been acquired for a transportation project. Please describe:**
   c. **Identify the number of minority, low-income, elderly and disabled persons affected.**
   d. **The efforts that were made to address Limited English Proficiency issues (including use and cost of translators, outreach efforts for each reported activity).**
   e. **Describe any concerns raised by minorities and women regarding appraisals, negotiations, relocation assistance, and payments. What actions were taken to resolve those issues?**

   Two construction licenses were obtained for the North Fork Manastash Road Bridge project. These construction licenses allow the County access to the property by the county, its agents, contractors, subcontractors, and employees and the use of construction and hauling equipment, for the purpose of constructing existing driveway within the county road right-of way and the tax parcels they serve. There were no concerns raised by minorities and women regarding these actions.

8. **List and describe any Title VI related complaints, as a result of transportation activities and projects. Include:**
   f. **What was the allegation or concern?**
   g. **Procedures used**
   h. **Action taken**
   i. **Resolution**

   No complaints were recorded in 2015.

Attachment A

0106 – Public Works Department Organizational Chart

