

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS
AGENDA STAFF REPORT

AGENDA DATE: February 7th, 2017

ACTION REQUESTED: Approve & Sign Non-Discrimination Agreement for 2017 and Title VI Annual Accomplishment Update Report for 2016 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 2016 period.

INTERACTION: Public Works

RECOMMENDATION: Move to Approve Board Chair signature on the Non-Discrimination Agreement for 2017 and Title VI Annual Accomplishment Update Report for 2016

HANDLING: Sign 3 originals and return 2 signed originals to
Public Works

ATTACHMENTS: NDA for 2017
2016 Annual Title VI Report
Resolution

LEAD STAFF: Lucas Huck, County Engineer

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION NO. 2017 - _____

**RESOLUTION TO APPROVE THE NON-DISCRIMINATION AGREEMENT BETWEEN
KITTITAS COUNTY AND FEDERAL HIGHWAY ADMINISTRATION AND THE
TITLE VI ANNUAL ACCOMPLISHMENT UPDATE REPORT FOR 2016**

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 2016 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 for 2017 and the Title VI Annual Accomplishment Update Report for 2016.

DATED this 7th day of February, 2017, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Paul Jewell, Chairman

Attest:

☐ Clerk of the Board- Julie Kjorsvik

Laura Osiadacz, Vice-Chairman

☐ Deputy Clerk of the Board- Mandy Buchholz

Obie O'Brien, Commissioner

Nondiscrimination Agreement Population Under 100,000

Washington State Department of Transportation and Kittitas County Policy Statement

The Kittitas County, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" 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 (Public Law 100259 [S.557] March 22, 1988).

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's Public Works Department, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

Signature

Chairman of the Board, Kittitas County Board of Commissioners
Title

Date

Title VI Program Organization and Staffing

Pursuant to 23 CFR 200, Kittitas County has designated a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for Kittitas County's Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Assurances

49 CFR Part 21.7

The Kittitas County, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - List all major Transportation programs and activities of the recipient and Title VI responsibilities for each one of them. Include information as Attachment 2 to this Nondiscrimination Agreement.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each Transportation program, activity, and facility (i.e., lands change to roadways, park and ride lots, etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the recipient by the Washington State Department of Transportation (WSDOT) under the federally-funded program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all federally-funded programs and, in all proposals for negotiated agreements.

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.

6. That the Recipient shall insert the clauses of Appendix 1 of this Agreement in every contract subject to the Act and the Regulations.
7. That the Recipient shall insert the clauses of Appendix 2 of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a federal aid program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a federal aid program.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. Grants and loans of federal funds.
2. The grant or donation of federal property and interest in property.
3. The detail of federal personnel.
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.
5. Any federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by WSDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.

3. Designate a civil rights coordinator who has a responsible position in the organization and easy access to the head of the recipient. The civil rights coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. The civil rights coordinator shall adequately implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of investigation, will be forwarded to WSDOT's Office of Equal Opportunity (OEO) within 10 days of the date the complaint was received by the recipient.
6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Attend training programs on Title VI and related statutes conducted by WSDOT OEO.
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year. This report is due one year from the date of approval of the Nondiscrimination Agreement and then annually on the same date.
 - a. Annual Work Plan – Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.
 - b. Accomplishment Report – List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a. The date of alleged act of discrimination; or
 - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as WSDOT and USDOT.
5. The recipient will advise WSDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to WSDOT:
 - a. Name, address, and phone number of the complainant.
 - b. Name(s) and address(es) of alleged discriminating official(s).
 - c. Basis of complaint (i.e., race, color, national origin, or sex)
 - d. Date of alleged discriminatory act(s).
 - e. Date of complaint received by the recipient.
 - f. A statement of the complaint.
 - g. Other agencies (state, local, or federal) where the complaint has been filed.
 - h. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.

6. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with WSDOT, or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Coordinator will also provide WSDOT with a copy of this decision and summary of findings upon completion of the investigation.
8. Contacts for the different Title VI administrative jurisdictions are as follows:
 - Washington State Department of Transportation
 - Office of Equal Opportunity, Title VI Program
 - PO Box 47314
 - Olympia, WA 98466
 - 360-705-7098
 - Federal Highway Administration
 - Washington Division Office
 - 711 Capitol Way South, Suite 501
 - Olympia, WA 98501
 - 360-534-9325

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, WSDOT may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part;
2. Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
4. Refer the case to the Department of Justice for appropriate legal proceedings.

**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION:**

Signature

Director of the Office of Equal Opportunity
Title

Date

Kittitas County

Signature

Chairman of the Board, Kittitas County Board of Commissioners
Title

Date

Appendix 1

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

1. **Compliance With Regulations** – The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination** – The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment** – In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
4. **Information and Reports** – The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to WSDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance** – In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:
 - Withholding of payments to the contractor under the contract until the contractor complies, and/or;
 - Cancellation, termination, or suspension of the contract, in whole or in part

6. **Incorporation of Provisions** – The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request WSDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix 2

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Washington will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation WSDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Washington all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Washington, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Washington, its successors, and assigns.

The state of Washington, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Washington, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination of Federally-Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

Appendix 3

The following clauses shall be included in all transportation related deeds, licenses, leases, permits, or similar instruments entered into by (Recipient) pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 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--Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Washington State Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to 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--Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Washington State Department of Transportation (WSDOT)

Recipient: Kittitas County

Reporting Year 2016

Reporting Period February 1, 2016 to January 31, 2017

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: Paul Jewell

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: G. Lucas Huck, PE

Title: County Engineer

SUBMITTED by:

Signature

Paul Jewell

Typed / Printed Name

Chairman of the Board, Kittitas County Board of Commissioners

Title

Date

**Non-Discrimination Agreement
Annual Report
Population Under 100,000**

**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 County Engineer, G. Lucas Huck, PE. Important transportation project decisions are being made by:

Mark Cook,
Public Works Director, Native American, USA birthplace

G. Lucas Huck, PE,
County Engineer, White, USA birthplace

Sara Folk,
Construction Manager, White, USA birthplace

Justin Turnbull
County Surveyor, White, Canada 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.

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 – 2015 estimate						
	Total	White	Black	AIAN ¹	API ²	Two or More Races
Washington	7,170,351	5,757,791	293,984	136,237	602,309	329,836
% of total pop.		80.3%	4.1%	1.9%	8.4%	4.6%
Kittitas	43,269	39,721	519	519	1,124	1,384
% of total pop.		91.8%	1.2%	1.2%	2.6%	3.2%

¹ AIAN: American Indian and Alaska Native.

² API: Asian and Pacific Islander.

- a. 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.

- b. 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.

- 3. 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 2016, outreach activities included:

- Annual Comprehensive Plan Amendment Open Houses and public hearings.
- Kittitas County 2017 Transportation Plan Open Houses.

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Annual Report
Population Under 100,000**

- Naneum, Wilson and Cherry Creek Assessment public meeting
- GMA Shoreline Master Program public meetings.
- Lodge Creek Culvert Replacement public meeting

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.

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Annual Report
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d. List any costs incurred for translations and interpreters for each activity.

No translators or interpreters were requested for each of these activities.

4. 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
Mt. Daniels Drive Extension	J-U-B	\$3,740.00	9/9/16
Lodge Creek Culvert Replacement (Design)	Encompass Engineering & Surveying	\$9,770.00	5/11/16
Six-Year Transportation Improvement Plan	Jacobs Engineering Group	\$36,791.00	10/4/16
Redesign of Westside Road Highway Safety Improvement Project	Sargent Engineers	\$28,483.00	8/08/16
Silica Road Bridge	Big R Bridge	\$34,893.83	8/2/16
Annual Striping Project – 2016 (Maintenance)	Stripe Rite, Inc.	\$242,205.53	5/25/16
Teaway Road Hydraulics Improvements Projects (Design)	Environmental Science Associates	\$54,476.58	5/2/16
No. 6 Road Improvements (Construction)	Columbia Asphalt	\$1,116,343.41	5/19/16
Westside Road R-O-W and Topographic Survey (Design)	Cruse and Associates	\$24,261.05	3/18/16
Crack Sealant Materials for 2016 (Maintenance)	Special Asphalt Products	RS 201 = \$0.4622 RS 211 = \$0.4298	3/1/16
Liquid Asphalt Materials for 2016 – Schedule A	Western States Asphalt, Inc.	\$1,461,117.96	3/1/16
Liquid Asphalt Materials for 2016 - Schedule B	Albina Asphalt	\$1,548,431.50	3/1/16
Asphalt Materials for 2016 – Schedule A and B	Granite Construction Company and Columbia Ready Mix Inc.	\$329,400.00 & \$3,067.20	3/1/16
Lodge Creek Culvert Replacement (Construction)	Atkinson Construction	\$740,070.03	8/2/16
Lodge Creek Culvert Replacement (Design)	Jacobs Engineering Group, Inc.	\$143,789.00	5/2/16
Lodge Creek Culvert Replacement (Design)	Watershed Science and Engineering	\$19,277.00	4/25/16
Lodge Creek Culvert Replacement (Design)	Jacobs Engineering Group, Inc.	\$5,000.00	5/23/16
Westside Road Safety Improvements Project	Petersen Brothers, Inc.	\$374,642.88	11/4/16

Non-Discrimination Agreement
Annual Report
Population Under 100,000

- b. Other than advertising in your local legal publication, what outreach was made to DMWBE firms 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

- 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).

5. **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.**

No projects that specifically benefit community cohesion were constructed in 2016. One project was identified during the Annual Comprehensive Plan Amendment Open Houses and public hearings, that was adopted into the budget that included installation of access for non-motorized travel from a local development to the community park.

6. **If Right of Way has been acquired for a transportation project. Please describe:**

- c. **No Right of Way was acquired for transportation projects during 2016.**

7. **List and describe any Title VI related complaints, as a result of transportation activities and projects. Include:**

No Title VI related complaints were recorded in 2016.

0106 - Public Works Department Organizational Chart - DRAFT

