

**KITTITAS COUNTY  
DEPARTMENT OF PUBLIC WORKS  
AGENDA STAFF REPORT**

**AGENDA DATE:** March 18, 2014

**ACTION REQUESTED:** Approve & Sign Non-Discrimination Agreement and Title VI Annual Accomplishment Update Report for 2013 with the Washington State Department of Transportation (WSDOT) for a local agency under 100,000 Population.

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**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 2013 period.

**INTERACTION:** Public Works

**RECOMMENDATION:**

Move to Approve Board Chair signature on the Non-Discrimination Agreement and Title VI Annual Accomplishment Update Report for 2013

**HANDLING:**

Sign 3 originals and return 2 signed originals to Public Works

**ATTACHMENTS:**

Resolution  
Non-Discrimination Agreement  
Title VI Annual Accomplishment Update Report for 2013

**LEAD STAFF:**

Jan Ollivier, Public Works  
Transportation and Planning Manager

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

**RESOLUTION NO: 2014-\_\_**

**RESOLUTION TO APPROVE THE NON-DISCRIMINATION AGREEMENT BETWEEN  
KITTITAS COUNTY AND FEDERAL HIGHWAY ADMINISTRATION AND THE TITLE  
VI ANNUAL ACCOMPLISHMENT UPDATE REPORT FOR 2013**

- 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,** The 2012 NDA and update report was signed by Obie O'Brien on January 18, 2012, who is no longer the Kittitas County Board of Commissioners chairman; and
- WHEREAS,** WSDOT requires an updated Title VI Annual Accomplishment Update Report because Kittitas County received federal funds during the 2013 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 2013.

**ADOPTED** this 18<sup>th</sup> day of March, 2014

**BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

\_\_\_\_\_  
Paul Jewell, Chairman

\_\_\_\_\_  
Gary Berndt, Vice-Chairman

\_\_\_\_\_  
Obie O'Brien, Commissioner

**ATTEST:  
CLERK OF THE BOARD**

\_\_\_\_\_  
Julie A. Kjorsvik

## **Washington State Department of Transportation and Recipient Policy Statement**

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 non-discrimination 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 County Engineer, 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.

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Paul Jewell, Chairman of the Board  
Kittitas County Board of Commissioners

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Date

## **Title VI Program**

### ***Organization and Staffing***

Pursuant to 23 CFR 200, Kittitas County has appointed a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for Recipient'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 Recipient 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: all transportation programs and activities of Kittitas County.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each transportation program, activity, and facility 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 Non-Discrimination 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(s) 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  
P.O. 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, the 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**

**Kittitas County**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Chief Executive Officer's Signature**

Director of the Office of Equal Opportunity  
**Title**

Chair, Board of County Commissioners  
**Title**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**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 non-discrimination 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 non-compliance.

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, Nondiscrimination 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 non-discrimination 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 non-discrimination 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, Non-discrimination 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 non-discrimination 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.

**Washington State Department of Transportation (WSDOT)**

**Recipient: Kittitas County**

**Reporting Year 2013**

**Reporting Period February 1, 2013 to January 31, 2014**

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: Kirk Holmes

Title: Public Works Director

Title VI Coordinator:

Name: Douglas D'Hondt

Title: County Engineer

**SUBMITTED by:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Paul Jewell

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

The position responsible for initiating and monitoring Title VI activities has not changed; it is still the County Engineer. There have not been any changes in racial/gender composition of those persons involved in transportation decision making, including planning advisor staff. Key persons involved in transportation decision making include:

Douglas P. D'Hondt, County Engineer	Male, White, USA birthplace
Kirk Holmes, Public Works Director	Male, White, USA birthplace
Janette D. Ollivier, Transportation Manager	Female, White, USA birthplace
Roy Chance, Construction Manager	Male, White, 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.

2. Using the most current data available (through Census or Washington State Office of Financial Management), describe the demographics within your jurisdiction.

Washington State Office of Financial Management data indicates the following demographics for Kittitas County:

2012 Kittitas County, Washington People Quick Facts							
	Total	White	Black	AIAN*	Asian	NHOPI**	Two or More Races
<b>Washington</b>	6,895,318	5,626,579	268,917	124,116	530,939	48,267	296,499
% of total pop.		81.6%	3.9%	1.8%	7.7%	0.7%	4.3%
<b>Kittitas</b>	41,672	38,463	500	458	917	83	1,208
% of total pop.		92.3%	1.2%	1.1%	2.2%	0.2%	2.9%

\*AIAN = American Indian and Alaska Native

\*\*NHOPI = Native Hawaiian and Other Pacific Islander



**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.

- 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 clicking the translate button at the bottom of the webpage.

- 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 clicking the translate button at the bottom of the webpage.

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 2013, outreach activities included:

- Annual Comprehensive Plan Amendment Open Houses and public hearings.
- Transportation Improvement Program and Annual Construction Program Open Houses.
- GMA Compliance public meetings.
- GMA Shoreline Master Program public meetings.
- Community Development Block Group Grant public meetings.
- Kittitas Highway Safety Improvements open house.

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.

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
2013 Petroleum & Lubricant	A-1 Petroleum	Varies on product	12/18/2012
2013 Corrosion inhibited liquid mag chloride	Environtech Services, Inc.	Varies on product	12/18/2012
2013 Non-corrosion inhibited solid sodium chloride	Rankin Products	Varies on product	12/18/2012
2013 Crack sealant materials	Arrow Construction Supply	Varies on product	12/18/2012
Sanders Road Bridge Repair	Sargent Engineers	\$1,500.00	1/8/2013
2013 Maintenance Rock Materials	Ellensburg Cement Products	Varies on product	2/20/2013
2013 Asphalt Materials	Columbia Ready mix/granite	Varies on product	2/20/2013
2013 Liquid Asphalt Materials	Idaho Asphalt Supply	Varies on product	2/20/2013
Road Imaging Services	WSDOT	\$17,130.00	2/5/2013
Bridge work master agreement for bridge repair services per RCW 47.28.140	WSDOT	Below \$50,000 per task order	3/5/2013
Manastash Rd., NF Manastash Creek Bridge Engineering Design	Sargent Engineers	\$115,466.00	3/5/2013
Bridge load rating	Sargent Engineers	\$5,920.00	3/13/2013

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<b>Description of Contract</b>	<b>Vendor</b>	<b>Amount of Contract</b>	<b>Date Signed</b>
2013 Weed spray project	Woodland Resource Services Inc.	\$20,493.00	5/7/2013
Riverbottom Rd. Emergency Shoulder Repairs	Thayer Excavating, LLC	\$5,500.00	5/14/2013
2013 Annual paint stripe program	Stripe Rite, Inc.	\$217,824.84	5/21/2013
Canyon Rd Grind and Overlay	Granite Construction	\$908,809.00	7/2/2013
Kittitas Highway Grind and Overlay	Granite Construction	\$1,282,282.00	7/2/2013
Airport Roads Paving Project: Beech and Falcon	Columbia Asphalt and Gravel, Inc.	\$204,867.60	8/20/2013
Run-Off Road Safety Project	Belsaas & Smith	\$618,324.00	9/17/2013
Westside Road professional engineering task order	Sargent Engineers	\$166,889.00	9/17/2013

- 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.**

<b>DMWBE Firm Name</b>	<b>Contract Amount</b>	<b>Project Name</b>
North Star Enterprises	\$43,482	Canyon Road Grind and Overlay project
M2 Industrial	\$125,193	Run Off Road Safety project

- 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.**
  - 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.**

An Environmental Justice analysis was conducted for the Run-Off Road Safety project because this project had a temporary road closure on Old Highway Ten. The analysis determined that there were no potential impacts requiring mitigation for EJ populations.

There were no transportation projects that impacted Environmental Justice populations with displacements, increased noise, bisecting neighborhoods or other similar impacts. The transportation improvements that the county performed in 2013 included:

- Striping county roads.
- Annual chip seal program - all County roads that are paved are chip sealed about once every seven years.
- Hard surface Caribou Road.
- Paving Bowers Field Industrial Park roads - Beech Rd. and Falcon Rd.
- Canyon Rd Grind and Overlay.

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- Kittitas Highway Grind and Overlay.
- Run-Off Road Safety Project – Thorp Prairie Road guardrail, Wilson Creek Road and Alford Road intersection realignment, Umptanum Road and Brown Road intersection realignment, and Old Highway Ten bridge railing repair.

All other programmed transportation projects are in the engineering design phase and do not include roadway capacity increases that could impact Environmental Justice populations. The projects under design in 2013 were:

- Kittitas Highway Safety Improvements.
- Westside Road Safety Improvements and Reconstruction.
- McManamy Road Bridge Replacement.

- 6. 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?**

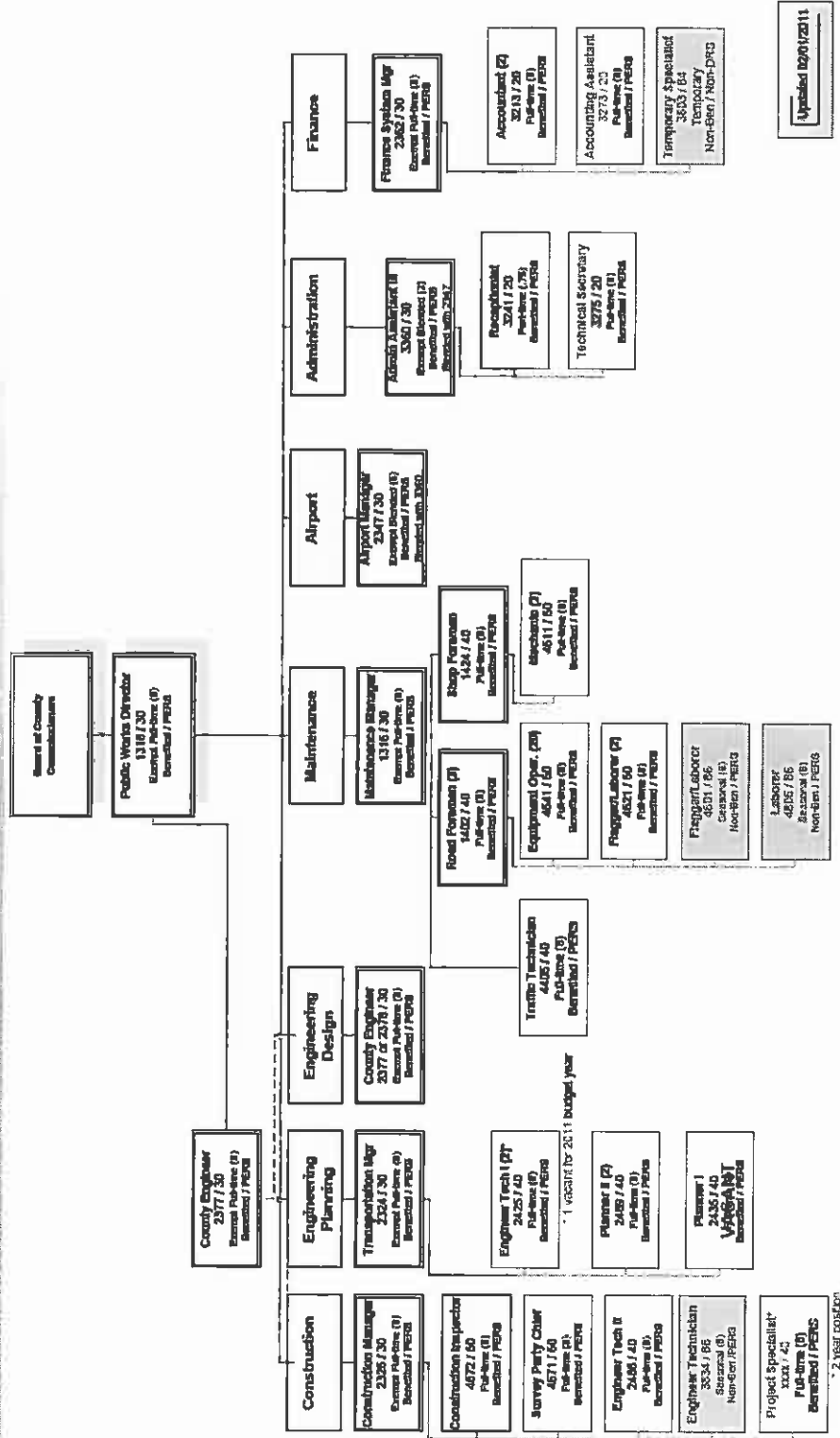
No right of way or construction easements were acquired in 2013.

- 7. 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 2013.

Attachment A  
Public Works Organization Chart

0106 – Public Works Department Organizational Chart



Updated 02/01/2011