



Title VI Plan for Skagit County Over 100,000 Population

Skagit County

Federally Funded Transportation Program
TITLE VI PLAN

Skagit County Commissioners

Ron Wesen, Chair, District 1

Ken Dahlstedt, Commissioner, District 2

Lisa Janicki, Commissioner, District 3

A handwritten signature in blue ink that reads "Trisha Logue".

Trisha Logue, Skagit County Administrator

A handwritten signature in black ink that reads "Dan Berentson".

Dan Berentson, Public Works Director

A handwritten signature in blue ink that reads "Paul A. Randall-Grutter".

Paul A. Randall-Grutter, P.E., Skagit County Engineer

Prepared by:

A handwritten signature in blue ink that reads "Bobbi Fisher".

Bobbi Fisher, P.E., Project Manager
Title VI Coordinator

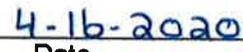
I. **Policy Statement, Authorities, and Citations**

A. **Policy of Nondiscrimination** - Skagit County 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 County sponsored program or activity. Skagit County 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.

In the event Skagit County distributes federal aid funds to another entity, Skagit County will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for federal funds. Assurance of compliance, therefore, falls under the proper authority of the Board of County Commissioners pursuant to its budgetary authority and responsibility. The County Administrator and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.


Trisha Logue, Skagit County Administrator


Date

B. **Authorities - Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.**

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, whether such programs and activities are federally assisted or not (Public Law 100- 259 [S. 557] March 22, 1988).

C. **Additional Citations** -Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

II. Organization, Staffing, and Structure

A. Organizational Chart – Reporting Relationships

Board of Skagit County Commissioners Ron Wesen, Chair, District 1 Ken Dahlstedt, Commissioner, District 2 Lisa Janicki, Commissioner, District 3				
Skagit County Administrator Trisha Logue				
Title VI Coordinator Project Manager Bobbi Fisher, P.E.				
Title VI Specialists				
Director of Human Resources & Risk Donnie LaPlante	Transportation Section Manager Forrest Jones	Natural Resources Division Manager Michael See	Road Maintenance Division Administrative Supervisor Cheryl Dawson	Engineering Division Administrative Assistant – Contracts & Grants Brenda Olson

B. Staffing and Structure

County Administrator – The County Administrator is authorized to ensure compliance with provisions of the County’s policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The County’s grants compliance function and Title VI coordination shall be performed under the authority of the County Administrator.

Title VI Coordinator – Skagit County has assigned the Engineering Division Manager to act as the Title VI Coordinator (Coordinator) and ensure implementation of the County’s Title VI Federally Funded Transportation Program. The Engineering Division Manager has other duties and responsibilities in addition to Title VI. Although the Engineering Division Manger reports to the County Engineer, their direct supervisor, this position shall have an indirect reporting relationship and access to the County Administrator.

Title VI Specialists – Additionally, the County has designated Title VI Specialists (Specialists) in departmental special emphasis program areas. The Specialists, designated below, shall work in concert with the Title VI Coordinator. These key programs or departmental areas are subject to receiving federal assistance through grants or other types of transportation

related funding, or are responsible for implementing County directives and policies to ensure civil rights compliance and equal opportunity. The Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI Regulations and assurances, meet the objectives of the Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

Title VI Specialists will work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub recipients under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub recipients. Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap / disability, age and sex of participants in, and beneficiaries of federally funded Skagit County transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

Human Resources	Donnie LaPlante Director of Human Resources & Risk Management
Transportation Section	Forrest Jones Transportation Section Manager
Natural Resources	Michael See Natural Resources Division Manager
Operations Road Maintenance Division	Cheryl Dawson Administrative Supervisor
Engineering Division	Brenda Olson Administrative Assistant, Contracts & Grants

III. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration – As authorized by the County Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Skagit County's compliance with Title VI requirements as follows:

- A. **Program Administration** – Administer the Title VI program and coordinate implementation of the Plan. Ensure compliance with the assurances, policy and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing and resources; provide recommendations as required to the County Administrator and County Engineer.

- B. **Complaints** – Review written Title VI complaints that may be received by Skagit County following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.
- C. **Data Collection** – Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of the Title VI program administration. (See Section VII – Special Emphasis Program areas.)
- D. **Environmental Impact Statements** – Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by Public Works (PW) for projects receiving Federal Highway Administration or other federal assistance.
- E. **Training Programs** – Conduct of Facilitate training programs on Title VI issues and regulations for County employees; and facilitate Title VI training for appropriate staff, contractors and sub recipients. A summary of training conducted will be reported in the annual update.
- F. **Title VI Plan Update** – Review and update the Skagit County Title VI Plan as needed or required. Present updated plan to the County Administrator for approval; submit amended Plan to WSDOT.
- G. **Annual Accomplishment Report** – Prepare an annual report of Title VI accomplishments and changes to the program in the preceding federal fiscal year; identify goals and objectives for the upcoming year as required; and submit by October 15.
- H. **Public Dissemination** – Work with County staff to develop and disseminate Title VI program information to Skagit County employees and sub recipients, including contractors, subcontractors, consultants, and sub consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language or other agreements, website postings and annual publication of the County's Title VI Policy Statement in newspaper(s) having a general circulation, and information brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.
- I. **Elimination of Discrimination** – Work with the Public Works Department, Human Resources, and other County offices to establish procedures for promptly resolving deficiencies, as needed. Recommend Procedures to identify and eliminate discrimination that may be discovered in any County processes.

- J. **Maintain Legislative and Procedural Information** – Federal laws, rules, and regulations, WSDOT guidelines, the current Skagit County Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the County's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other County departments or the public as requested or required.

IV. NHI Education and Title VI Training

In keeping with adopted Skagit County policy of nondiscrimination, departmental procedures will be established or followed for Public Works employees to have equal access to applicable educational and training opportunities. Public Works staff will maintain program administration documentation and data necessary for the preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

- A. National Highway Institute (NHI) Education – The Coordinator will be notified when training for the National Highway Institute courses or workshops become available to County Public Works employees. The Director of the Department of Public works will establish policy for the selection of participants interested in taking part in the National Highway Institute Training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, national origin or sex. A report will be completed and forwarded to the Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, their title, division, sex, and ethnicity for use in completing the annual Title VI accomplishment report.
- B. Title VI Training – The Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other County employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of equal Opportunity Internal and External Civil Rights Branch and the Contract Compliance Office may be asked to provide applicable training.
- C. Selection of Instructors – The Coordinator will follow the Skagit County Purchasing Policy and State Procurement Guidelines in the selection of instructors for Skagit County Public Works training courses/workshops, and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the County will provide accessibility to Minority/Women/Disadvantage Business Enterprise Consulting and training firms to compete for training contracts.

V. Complaint Procedures – Allegations of Discrimination in Federally-Assisted Programs or Activities

- A. **Overview** – These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities act of 1990, relating to any program or activity administered by Skagit County, as well as to sub recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.
- The Procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the County and sub recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with Skagit County Human Resources, Public Works, or the Board of Skagit County Commissioners. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The County will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, Skagit County will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In some situations, the County may request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints per their current State Title VI Plan.
3. If the complaint is against a sub recipient, consultant, or contractor, under contract with the County the appropriate division and/or agency shall be notified of the complaint, within 15 calendar days.
4. Once the County decides its course of action, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age, or sex.
5. In cases where Skagit County assumes investigation of the complaint, the County will provide the respondent with the opportunity to respond to the allegations in writing. The respondent

will have ten calendar days upon receipt, to furnish the County with his/her response to the allegations.

6. Within 60 days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for the County Engineer and County Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. The recommendation shall be reviewed by the Prosecuting Attorney's Office (PA). The PA may discuss the report and recommendations with the Coordinator and other appropriate departmental staff. The report will be modified as needed and made final for its release to the parties.
8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and Skagit County's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the receipt of the complaint.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
11. An annual Log of Complaints must be maintained by each agency. The Log of Complaints must contain the following information for each complaint filed:
 - The name and address of the person filing the complaint.
 - The date of the complaint.
 - The basis of the complaint.
 - The disposition of the complaint.
 - The Status of the complaint.

Only qualified, well-trained investigators should conduct these investigations. No agency is allowed to investigate a complaint against

itself.

VI. Sub Recipient Review and Remedial Action Procedures

- A. Title VI Review of Sub Recipients of Federal Aid Highway Funds –** Public works Specialists and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Title VI Specialists and Public Works staff will review select recipients of Federal Aid Highway or other federal funds, to ensure adherence to Title VI requirements (see Section VII). The Coordinator and Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub recipients, including Title VI language, provisions, and related requirements, as applicable.
- B. Post-Grant Reviews –** The Coordinator will collaborate with Specialists and Public Works Staff to conduct periodic post grant reviews of select recipients of Federal Highway Funds or other federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub recipients include Title VI language and provisions and related requirements, where applicable.
- C. Remedial Action –** When irregularities occur in the administration of federal aid highway programs at either the County or sub recipient levels, corrective action will be taken to resolve identified Title VI issues. Skagit County will seek the cooperation of the consultant, contractor or other sub recipient in correcting deficiencies found during periodic reviews. Skagit County will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub recipient. When conducting Title VI compliance reviews, the County will reduce to writing any recommended remedial action agreed upon by the County and sub recipient, and provide a copy of the letter within a period not to exceed 45 days.

Sub recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Skagit County will submit to WSDOT and FHWA copies of the case file and a recommendation that the sub recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub recipient refuses to comply, Skagit County and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VII. Title VI Implementation Activities in Special Emphasis Program Areas

A. Planning and Location Activities

1. **Planning Process** – The County Transportation Programs Manager has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to County citizens. The County Transportation Programs Manager annually updates and coordinates Skagit County's six-year plan for transportation improvement programs and projects. The update also informs other Skagit County jurisdictions of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from various divisions in the department, cities, local jurisdictions and organizations, citizen groups, and private individuals. All six-year plans must be consistent with the adopted Comprehensive Plan approved under the State's Growth Management Act.
2. **Authorities** – Skagit County Code; 23 CFR 450; RCW 35.77; RCW 36; RCW 47.06; RCW 47.80
3. **Public Involvement in Planning Activities and Title VI**
 - a. Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting public involvement.
 - b. Public Works staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to the Title VI Coordinator after each meeting.
 - c. To ensure access to public meetings, evening meetings will be conducted in the Skagit County Commissioners Hearing Room located at 1800 Continental Place, Mount Vernon, WA 98273. This building is close to public transit, and meetings can be broadcast to the public through the use of the televised Skagit 21 Channel. Public notices are advertised prior to public meetings, and include instructions on how to request translation services or disability accommodation, as needed.

B. Consultant Contracts Activities

1. **Consultant Contracts Administration** – The Public Works Engineering Division responsible for the procurement of consultant contracts by following the requirements set forth in the Skagit County Purchasing Policy, WSDOT Local Agency Guidelines Manual, 48 CFR 31, and 23 CFR 172.
2. **Authorities** – Skagit County Purchasing Policy; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172
3. Public Works staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects.

Consultant selection from the MRSC Roster or through formal bidding procedures adheres to Washington State regulations (RCWs) and is consistent with Skagit County's Purchasing Policy.

4. Title VI Assurances and Provisions

- a. Include applicable Disadvantaged Business Enterprise (DBE) goals in designated projects, and seek to proactively achieve the goal(s).
- b. Include Title VI assurance and provision language in all federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the form of the contract to the Coordinator, and any amendments or updates that may occur over time.
- c. A Public Works Specialist will maintain updated demographic data on the utilization of women-and minority-owned consulting firms. As they occur, a copy of the award letter will be provided to the Coordinator for use in preparing the Annual Update Accomplishment Report.

C. Design and Engineering/Environmental Activities

1. The Public Works Engineering Division is responsible for the Six-Year Transportation Improvements Program (TIP), which is incorporated into the Capital Improvement Program (CIP) and environmental permitting for projects. Studies are performed to

assess various environmental factors as they relate to the implementation of the County's Annual Road Program, including evaluating demographic data.

2. Authorities – Skagit County Ordinances; WSDOT Local Agency Guidelines; Standard Plans WSDOT/APWA – M 21-01; Title 23; USC 109(d), 14(a), 217, 315, and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622; Environmental Procedures Manual M 31-11

3. Design/Environmental Review Process and Title VI

- a. Depending on the scope, complexity and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) Checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.
- b. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impacts Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable.
- c. Time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the County's federal aid highway activities.
- d. In order to ensure dissemination of information and foster participation from affected populations, the Public Works staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.
- e. Public Works staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.

- f. Public Works staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with the County GIS Department to generate a map of the federally funded transportation projects to include demographic data of the neighborhoods affected by the projects.

D. Right of Way Activities

1. **Real Property Services** – The Local Programs Right of Way section oversees the appraisal and acquisition of real property and relocation assistance services for federally funded public works projects. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.
2. **Authorities** – Right of Way Manual M26-01; 23 CFR 130; 49 CFR 24; RCW 8.26; RCW 47; WAC 468-100
3. **Right of Way Activities and Title VI**
 - a. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted County vendor procurement policies in the acquisition of contracted services.
 - b. Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
 - c. Follow the guidelines in the Right of Way Manual M26-01 for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.
 - d. Adhere to departmental policy of appraising affected property owners, tenants, and others involved in right of way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
 - e. Provide copies of the relocation assistance literature produced by WSDOT and Skagit County Title VI Compliance brochure to all affected parties.

- f. Incorporate Title VI language and assurance statements in all brochures that are provided to property owners and tenants impacted by a highway transportation project. Monitor all program functions for compliance with Title VI provisions throughout the real estate acquisition process.
- g. Maintain statistical data including race, color, national origin, and sex on all relocates affected by federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

E. Construction and Maintenance Activities

1. Transportation/Programs Section, Project Managers, and Administrative Assistants (Contracts & Grants) – These personnel work within the Engineering Division, and are responsible for the administration of all new construction contracts and inspecting bridges. The Engineering Division is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the County Engineer.
2. **Authorities** – Construction Manual M 41-01; Maintenance Manual M 51-01; Local Agency Guidelines M 36-63; Standard Specifications for Road, Bridge, and Municipal Construction M41-10
3. **Maintenance** – The Operations Division is responsible for the efficient program for maintaining County roads, bridges, and parks/grounds by economically utilizing the resources of contractors, equipment, and materials.
4. **Authorities** – Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction M 41-10; Skagit County Road Standards.
5. **Construction and Maintenance Activities and Title VI**
 - a. Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents as stipulated in the County's Title VI Policy Statement (p. 2) and Assurances (Exhibit 2, p. xx-xx herein).
 - b. Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.

- c. Ensure that prime contractors with DBE requirements award contracted work to qualified DBE's which perform commercially useful functions.
- d. Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
- e. Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Coordinator.

Exhibit 1 – Skagit County Title VI Notice to the Public

Skagit County hereby gives public notice that it is the County's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Skagit County receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Skagit County. Any such complaint must be in writing and filed with the Skagit County Title VI Coordinator or Human Resources Department within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Human Resources office at no cost to the complainant by calling (360)416-1380.

Exhibit 2 - Skagit County Title VI Assurances

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

Skagit County (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

Exhibit 2 - Skagit County Title VI Assurances

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"Skagit County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

Exhibit 2 - Skagit County Title VI Assurances

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Skagit County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing Skagit County access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by Skagit County. You must keep records, reports, and submit the material for review upon request to Skagit County, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Skagit County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on Washington State, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Skagit County

(Name of Recipient)

by Trisha Logue
(Signature of Authorized Official)

Trisha Logue / Skagit County Administrator
(Name / Title)

DATED 3.25.2020

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

Exhibit 2 - Skagit County Title VI Assurances

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Exhibit 2 - Skagit County Title VI Assurances

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Skagit County 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 Highway Programs, and the policies and procedures prescribed by the Washington State Department of Transportation of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Skagit County all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Skagit County 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on Skagit County, its successors and assigns.

Skagit County, 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 will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that Skagit County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Exhibit 2 - Skagit County Title VI Assurances

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by Skagit County pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Skagit County will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, Skagit County will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of Skagit County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Exhibit 2 - Skagit County Title VI Assurances

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Skagit County pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, 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 the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Skagit County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Skagit County will there upon revert to and vest in and become the absolute property of Skagit County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Exhibit 2 - Skagit County Title VI Assurances

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).