

# Chelan County Title VI Plan

## Chelan County Public Works

May 2023

**Agency Administrator:**

Cathy Mullhall, Chelan County Administrator

**Title VI Coordinator:**

Margaret Walters, Chelan County Human Resources Manager

**Title VI Manager:**

Eric Pierson, Public Works Director/County Engineer

Prepared by: \_\_\_\_\_

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**I. Title VI Policy Statement**

It is the policy of Chelan County that no person shall on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Chelan County as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of Chelan County including its contractors and anyone who acts on behalf of Chelan County. This policy also applies to the operations of any department or agency to which Chelan County extends federal financial assistance. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly, neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

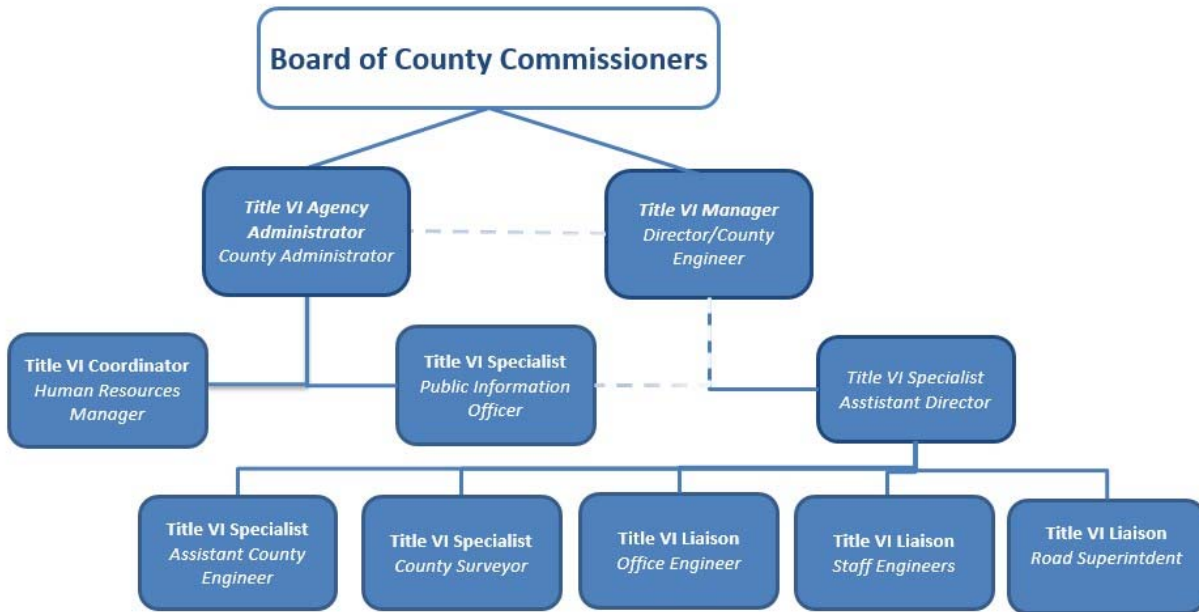
Examples of prohibited types of discrimination based on race, color, or national origin include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 USC § 2000d and related statutes, 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3 and 49 CFR part 21.

Signed: Margaret Walters  
Chelan County Human Resources Manager

May 16, 20 23  
Date

## II. Organization, Staffing, and Structure



### Agency Administrator

The Chelan County Administrator serves as the Title VI Agency Administrator and is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all LPA employees, contractors, and agents pursuant to 49 CFR Part 21.

### Title VI Coordinator

Chelan County has delegated the position of Human Resources Manager to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The Human Resources Manager is located within Human Resources Department.

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to WSDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination; and
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

### Title VI Manager

Chelan County has delegated the Public Works Director to manage the Federally Funded Transportation Program in accordance with the Title VI Plan.

**Title VI Specialists and Liaisons**

Title VI Specialists and Liaisons have been designated to act in concert with the Title VI Coordinator and Manager to:

- Ensure all departments and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan and meet federal and state reporting requirements.
- Ensure adequate training opportunities for staff.
- Ensure Title VI compliance by contractors, sub-contractors, consultants and sub-consultants.
- Work with the Coordinator to share statistical data on race, color, national origin, disability, age and sex of participants in and beneficiaries of federal funded programs.
- Maintain data relative to their emphasis area to help ensure all applicable reporting requirements are met. This data will be used to complete annual Title VI reports.

Chelan County Public Works Title VI Manager, Specialists and Liaisons		
Title	Position	Emphasis Area
Title VI Manager	Public Works Director, County Engineer	Supports coordination of all Public Work staff
Title VI Specialist	Assistant Director	Project construction and consultant contracts
Title VI Specialist	Assistant County Engineer	Project design and consultant contracts
Title VI Specialist	County Surveyor	All Right of Way acquisition activities
Title VI Specialist	Public Information Officer	Outreach and Communications
Title VI Liaison	Staff Engineers	Project design and construction inspection
Title VI Liaison	Office Engineer	Tracks progress payments, DBE participation
Title VI Liaison	Road Superintendent	Maintenance operations

### III. Primary Program Area Descriptions & Review Procedures

**Title VI Coordinator’s Responsibilities and Program Administration** – As authorized by the Agency Administrator, the Title VI Coordinator, in coordination with the Title VI Manager, is responsible for initiating, monitoring, and ensuring Chelan County’s compliance with Title VI requirements as follows:

<b>Program Area</b>	<b>General Description</b>	<b>Title VI/Non-Discrimination Concerns and Responsibilities</b>	<b>Review Procedures for Ensuring Non-Discrimination</b>
<b>Contract Management</b>	<ul style="list-style-type: none"> <li>• Development and management of contracts and purchasing, including hiring consultants and contractors.</li> <li>• Assemble Requests for Proposals and Bid Packages.</li> <li>• Administer projects ensuring DBE and ESJR requirements are met.</li> </ul>	<ul style="list-style-type: none"> <li>• Include DBE goals in applicable projects.</li> <li>• Include Title VI assurance and provisions language in all federally funded projects.</li> <li>• Ensure compliance with DBE requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Periodically review most current Title VI language is being used in project documentation.</li> <li>• Maintain necessary data and documentation required for completion of any Title VI reporting.</li> </ul>
<b>Engineering and Planning</b>	<ul style="list-style-type: none"> <li>• Responsible for the Transportation Element portion of the County Comprehensive Plan, yearly Construction Program budget and design and construction of Capital Improvement projects</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure participation of all social, economic and ethnic interest groups are represented in the planning process.</li> <li>• Coordinate with other government and local agencies in addressing transportation needs, account for all users of the unincorporated roadway system.</li> <li>• Ensure all aspects of the planning process comply with Title VI and all compliance documentation is maintained.</li> </ul>	<ul style="list-style-type: none"> <li>• Review activities associated with public hearings and meetings to enhance participation of targeted communities.</li> <li>• Monitor current demographic data and utilize in evaluating budget decisions and project impacts to all community members.</li> <li>• Ensure translation services are available to enhance participation in public hearings and meetings, including handouts, mailers, ect.</li> </ul>
<b>Communications</b>	<ul style="list-style-type: none"> <li>• Responsible for public outreach, involvement and communication support for Chelan County including Public Works</li> <li>• Assists in conducting research on project to determine community</li> </ul>	<ul style="list-style-type: none"> <li>• Disseminate project information to minority media and ethnic organizations, provide public service announcements for social and traditional media as warranted to those groups.</li> <li>• Engage resident</li> </ul>	<ul style="list-style-type: none"> <li>• Assist staff and Title VI supervisors in compliance with LEP and EJ requirements as part of the Title VI plan.</li> <li>• Utilize current demographic information to identify and address LEP an EJ issues as it relates to disseminating project information.</li> </ul>

	<p>composition and required outreach, ensure translation and interpretation services are available if needed.</p> <ul style="list-style-type: none"> <li>• Ensures the public has information available on how to contact the County to discuss any parts of the project.</li> </ul>	<p>advisory committees and boards with diverse representation when available, plan public meetings to encourage these groups participation.</p> <ul style="list-style-type: none"> <li>• Assist staff as needed in providing EJ and LEP populations with useful access to project information and inclusion in public outreach.</li> <li>• Ensure access to public meetings by selecting accessible locations and conducting evening meetings to encourage attendance without affecting working citizens.</li> </ul>	
<b>Real Estate</b>	<ul style="list-style-type: none"> <li>• Manage and coordinate the appraisal and acquisition, disposition and management of real property for the County.</li> <li>• Ensure that property acquisition process follows WSDOT Right of Way Manual, Local Agency Guidelines Manual and applicable local, state and federal laws and regulations including Title VI.</li> </ul>	<ul style="list-style-type: none"> <li>• Utilize current OBWBE directory identifying appraisers and WSDOT's list of certified fee appraisers when seeking services, maintain data on awards to minority and female appraisers to provide for Title VI reporting.</li> <li>• Adhere to current policies and manuals for appraising affected property owners, tenants and others involved in acquisitions of their rights and options regarding the process.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that regulatory standards and communications associated with real property acquisition and relocation advisory assistance services result in equitable treatment.</li> <li>• Ensure relocation advisory assistance services are provided to all eligible displaced persons, tenants and entities.</li> <li>• Ensure the preparation of deeds, permits and leases contain appropriate Title VI language.</li> <li>• Apprise property owners and tenants of their rights and options under eminent domain acquisition including appraisal, negotiations, relocation, condemnation and other aspects of the acquisition process.</li> <li>• Provide copies of relocation assistance literature produced by WSDOT.</li> <li>• Follow all WSDOT manuals and guidelines for property acquisition and all applicable local, state and federal laws including Title VI.</li> </ul>
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• Responsible for analyzing environmental issues, acquiring permits and approvals and evaluating pending regulations to achieve</li> </ul>	<ul style="list-style-type: none"> <li>• Support public notification and information distribution of environmental impacts of projects to affected groups including LEP persons.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor compliance with Title VI requirements in all aspects of the environmental process associated with construction projects.</li> <li>• Review environmental information to assess economic</li> </ul>

	<p>compliance and minimize project impacts.</p> <ul style="list-style-type: none"> <li>• Provide technical expertise for project analyses to reduce environmental impacts.</li> <li>• Work with regulatory agencies to streamline environmental permitting processes.</li> </ul>		<p>and social impacts to ensure compliance with Title VI.</p>
<b>Road Maintenance</b>	<ul style="list-style-type: none"> <li>• Responsible for completing road work that is planned and performed on a routine basis to maintain and preserve the condition of the road system.</li> <li>• Work closely with the Environmental division to minimize environmental impacts during maintenance operations.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor all maintenance operations and management practices to ensure non-discrimination.</li> </ul>	<p>Review activities to assure that maintenance efforts and resources are applied uniformly and fairly.</p>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Works with all staff to provide training and enforcement of hiring, non-discrimination, harassment, violence prevention and similar HR related laws, regulations, policies, procedures and guidelines.</li> </ul>	<ul style="list-style-type: none"> <li>• Assist with Title VI and other non-discrimination related training, assist in tracking of training statistical data for the preparation of the Title VI Annual Report.</li> <li>• Assist with obtaining gender and racial/ethnic employee statistics for the Title VI Annual Report.</li> </ul>	<ul style="list-style-type: none"> <li>• Review activities to ensure HR is applying resources uniformly and fairly for employees.</li> </ul>

**IV. Review Procedures**

Chelan County assures that every effort will be made to ensure non-discrimination in all activities. Public Works continues to review and monitor requirements through regular internal protocols including bid evaluations, regular meetings with contractors and consultants and project submittals.

Specifications defining Title VI requirements based on USDOT 1020.2 are included in all contract documents with a requirement that these provisions be included in all amendments,

supplements and lower tier contracts entered into by the contractor. Goals are established for participation of Disadvantaged Business Enterprises, when applicable.

After contract execution of federally funded projects, the contractor is responsible for reporting requirements outlined in the contract. This includes utilizing Diversity Compliance Management System (DCMS) for tracking DBE participation. This is also the case for consultant contracts.

County staff routinely review the database as part of monthly progress payment approvals and communicates any discrepancies to the contractor/consultant.

Failure of a contractor, subrecipient or subcontractor to abide by Title VI requirements is considered non-compliance and may be viewed as a breach of contract. After notification by Chelan County, the Contractor, subrecipient or Subcontractor will be given the opportunity to remedy the issue. If the issue is not remedied, the following may be applied:

- Withholding monthly progress payments;
- Assessing sanctions;
- Liquidated damages;
- Disqualifying the Contractor from future bidding opportunities.

If the above remedies are being used, Chelan County will be coordinating with WSDOT Local Programs on progress.

The Title VI Manager, Specialists and Liaisons will periodically conduct internal compliance reviews to confirm operational guidelines are provided to consultants and contractors, including Title VI language and provisions and related requirements are adhered to. These provisions are also reviewed by WSDOT on a project by project basis prior to funding obligation.

## **V. Data Collection/Reporting/Analysis**

Hearings, meetings and all project open houses are publicized (mailers, community and individual email lists, websites, social media, etc.) to residents in the affected areas. Individual meetings are also held upon request from specific residents. All printed and electronic communications are written in plain, reader-friendly English and includes information on how to access the material in alternative formats and languages.

All open houses are staffed with interpreters who proactively work with any LEP or foreign speaking attendees. Written comments are requested and a location for the interpreter and any of these interested parties to provide comments. All comments are gathered and reviewed by staff and responded to if necessary.

All open houses have Title VI documents and questionnaires for attendees to fill out for data collection purposes.

## **VI. Title VI Training**

In keeping with the adopted Chelan 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 preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

The Title VI Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other employees. The Coordinator will organize, conduct or make



available a minimum of one internal Title VI training session every two years. This interval is similar to other required employee training.

## **VII. Title VI Complaint Procedures**

### Discrimination Complaint Procedure for Chelan County

Federal law prohibits discrimination on the basis of race, color, or national origin in any Chelan County program, service, or activity. This prohibition applies to all branches of Chelan County its contractors, consultants, and anyone else who acts on behalf of Chelan County.

Complaints related to the Federal-aid programs may be filed with Chelan County and will be forwarded to Washington State Department of Transportation – Office of Equity and Civil Rights. If you need assistance to file your complaint or need interpretation services, please contact the Human Resources Director (Chelan County's Title VI Coordinator).

#### Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Chelan County program, service, or activity because of their race, color, or national origin may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated a discrimination investigation.

#### How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact Chelan County's Human Resources Director if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact Chelan County's Human Resources Director.

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant phones Chelan County with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature.

A complaint should contain the following information:

- The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available);
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific person(s) and/or agencies/organizations alleged to have discriminated;
- A description of the alleged discriminatory actions, meaning sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and

- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

All Title VI complaints are logged. The Complaint log 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.

The Complaint Log and documentation are destroyed four years after the end of the fiscal year in which the case is closed.

Chelan County then forwards complaints to WSDOT-Office of Equal Opportunity for processing by FHWA. [WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint.] FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

Complainants have the right to file a complaint directly with the federal funding agency. The following address is where Title VI complaints may be filed directly with FHWA:

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
8th Floor E81-105  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
  
CivilRights.FHWA@dot.gov

#### What happens after a complaint is filed?

If your complaint is forwarded to another agency, you will be provided the name and contact information of the employee handling your complaint.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

FHWA will render final decisions in all cases including those investigated by WSDOT. There are no administrative appeal forums in Title VI complaints. Once FHWA issues its final agency decision, a complaint is closed.

There is no prohibition against a complainant filing a Title VI complaint simultaneously with an LPA, WSDOT, and FHWA.

**VIII. Title VI Complaint Form**

Please complete this form to the best of your ability. If you need translation or other assistance, contact Chelan County’s Human Resources Director.

Name\_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ Zip\_\_\_\_\_

Phone: Home\_\_\_\_\_ Work\_\_\_\_\_ Mobile\_\_\_\_\_

Best time of day to contact you about this complaint: \_\_\_\_\_

Email:\_\_\_\_\_

*Basis of Complaint (circle all that apply):*

Race	Color	National Origin (includes language access)
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*Date of alleged incident:* \_\_\_\_\_

*Who discriminated against you?*

Name \_\_\_\_\_

Name of Organization \_\_\_\_\_

Address\_\_\_\_\_ City\_\_\_\_\_ Zip\_\_\_\_\_

Telephone\_\_\_\_\_

*Explain what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. If you have any other information about what happened, please attach supporting documentation to the form. (Attach additional pages if more space is needed.)*

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*What remedy are you seeking for the alleged discrimination? Please note that this process will not result in the payment of punitive damages or financial compensation.*

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List any other persons that we should contact for additional information in support of your complaint. Please list their names, phone numbers, address, email address below.

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Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who \_\_\_\_\_ When \_\_\_\_\_

Status (pending, resolved, etc.) \_\_\_\_\_ Result, if known \_\_\_\_\_

Complaint number, if known \_\_\_\_\_

Do you have an attorney in this matter? \_\_\_\_\_

Name (print) \_\_\_\_\_

Phone \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

## IX. Public Participation

Open houses are conducted with translators present. Handouts are produced in both English and Spanish. Direct mailers are produced in both English and Spanish. Website notices and Facebook Public Service Announcements are done in both languages.

These meetings are always held in the evening to ensure as many attendees are able to make the meeting as possible. Mobility accessible locations are also used on a regular basis, including City or County facilities or schools.

Hearings, meetings and all project open houses are publicized (mailers, community and individual email lists, websites, social media, etc.) to residents in the affected areas. Individual meetings are also held upon request from specific residents. All printed and electronic communications are written in plain, reader-friendly English and includes information on how to access the material in alternative formats and languages.

Forms are supplied voluntarily requesting gender, ethnicity and race info as part of our data gathering. Staff will inform attendees from the public of the importance of providing this information and that it can directly affects future decision making on projects. A tactful approach will be used to ensure attendees know providing this sensitive information is extremely helpful to them and their community in determining project needs that can benefit everyone in the area.

## **X. Limited English Proficiency (LEP)**

The key to providing meaningful access for LEP persons is to ensure effective communication between Chelan County and the LEP person.

USDOT-FHWA guidance outlines 4 factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for those LEP persons. These include:

### **Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

2021 US Census Bureau provides data for persons who speak English less than “very well” for Chelan County. Chelan County considers these persons Limited English Proficient (LEP). Below is a simple table showing the breakdown of languages spoken including LEP persons.

Language spoken at home	# of individuals	Percentage
Population 5 years and over	73,883	100%
English only	54,701	74.0%
Spanish	17,756	24.0%
Spanish speak English less than "very well"	7,220	9.8%
Other languages	1,426	1.9%
Other languages other than Spanish that speak English less than "very well"	273	0.4%

As can be seen in the above table, the LEP population is primarily Spanish speaking individuals that speak English less than “very well”. Those individual represent nearly 10% of the population.

### **Factor 2: Frequency of Contact with LEP Individuals**

Chelan County’s campus is centralized in downtown Wenatchee, which includes the courthouse, jail, commissioner’s building and Public Works/Community Development. With these facilities being centralized, the likelihood of employees encountering LEP persons is high. All offices are open to the public and therefore accessible by LEP individuals. Interpreters and bi-lingual employees are available as needed. Public meetings and open houses are advertised in English and Spanish to promote all persons attending.

### **Factor 3: The Nature and Importance of the Program, Activity or Service to LEP**

Chelan County serves individuals in a variety of ways including roads, sheriff, jail, assessor, auditor and other services. These services are very important to an individual’s day-to-day life and a denial or difficult access to them could have detrimental effects. Chelan County will ensure accessibility to all programs, services and activities.

### **Factor 4: The Resources Available at Chelan County and Overall Cost**

With the high percentage of LEP persons in the county, vital documents will be translated as requested to ensure accessibility. While there is no specific fixed budget amount allocated for this translation work, costs will be allocated on an as needed basis.

## **Safe Harbor**

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligation under Title VI. Chelan County will provide written translation of vital documents upon request as well as oral interpretation.

## **XI. Environmental Justice**

NEPA requires Chelan County to identify and, where possible, avoid adverse effects on communities and protected populations. Additionally, Executive Order (EO) 12898 further requires Chelan County to consider the impacts of the proposed activities on low-income and minority populations. The EO requires Chelan County to identify potential impacts on Environmental Justice (EJ) populations and ensure those impacts are not disproportionately high and adverse.

For non-exempt projects with federal funds, additional stakeholder information is provided via EJ documentation for NEPA. The EJ review uses information from the Environmental Protection Agency (EPA) and data from the nearest public school using the Washington State Office of Superintendent of Public Instruction Washington State Report Card. The EPA provides an environmental justice screening and mapping tool, known as EJSCREEN. Project sites are visited to help identify potential sensitive receptors to minimize potential impacts. Physical environments are reviewed/documentated by environmental professional staff to identify critical/sensitive areas, potential project impacts, and future mitigation. Travel habits are studied to assess local and regional mobility, potential project impacts, and future mitigation.

## **XII. Notice of Title VI Rights**

### **Your Rights against Discrimination under Title VI of the Civil Rights Act of 1964**

Chelan County hereby gives public notice that it is the Agency’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, 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 Agency 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 Chelan County. Any such complaint filed with the Chelan County Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the Chelan County’s Human Resources office at no cost to the complainant.

To file a Title VI discrimination complaint, contact:

Chelan County HR Manager  
400 Douglas Street  
Wenatchee, WA 98801  
509-667-6804

Washington Department of Transportation  
Office of Equity and Civil Rights – Title VI  
Box 47314  
Olympia, WA 98504-7314  
TitleVI@wsdot.wa.gov  
Phone: (800) 259-9143

**ATTACHMENT:**

USDOT 1050.2A, Standard Assurances with Appendices

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

**Assurances**

**DOT Order No. 1050.2A**

The Chelan 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 (WSDOT), 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



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 Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Chelan 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:

- 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, Chelan 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 the Cedar Waxwing 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 the [Cedar Waxwing County. You must keep records, reports, and submit the material for review upon request to [Cedar Waxwing 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.

Chelan 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 Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, 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.

Chelan County  
(Name of Recipient)

by Cathy MacKall  
(Signature of Authorized Official)

DATED 5/16/2023

## 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,

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.

## 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 the (Cedar Waxwing 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 Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration 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 the (Cedar Waxwing 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 (Cedar Waxwing 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 the (Cedar Waxwing County, its successors and assigns.

The (Cedar Waxwing 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 the (Cedar Waxwing 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.)

## 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 the (Cedar Waxwing 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, (Cedar Waxwing 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, the (Cedar Waxwing 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 the (Cedar Waxwing 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.)

## 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 Cedar Waxwing 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, (Cedar Waxwing 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, (Cedar Waxwing County) will there upon revert to and vest in and become the absolute property of (Cedar Waxwing 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.)

## 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).