Title VI Plan for LPAs with Populations over 75,000

City of Pasco (WA) -- Public Works Department

Beginning date of Plan: 7/1/2022

Adam R. Lincoln
City Manager -- Agency Signature Authority

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I. Title VI Policy Statement

It is the policy of <u>City of Pasco (WA)</u> 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 <u>City of Pasco (WA)</u> as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of <u>City of Pasco (WA)</u>, including its contractors and anyone who acts on behalf of <u>City of Pasco (WA)</u>. This policy also applies to the operations of any department or agency to which <u>City of Pasco (WA)</u> 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 ÇFR 50.3 and 49 CFR part 21.

Signed:

Adam R. Lincoln - Pasco (WA) City Manager

714 , 2023

II. Organization, Staffing, and Structure

<u>The Pasco (WA) City Manager</u> 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.

<u>City of Pasco (WA)</u> has created the position of <u>Project Support Specialist</u> to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The position of <u>Project Support Specialist</u> is located within <u>Public Works Department – Capital Improvement Program Division</u>.

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.

The City Council is the overarching leader of the City and the City Manager reports directly to them.

There are nine (9) departments within the City. The executive department is the City Manager's Office. Therefore eight (8) departments report to the City Manager's Office (which include the Deputy City Manager).

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 is responsible for initiating, monitoring, and ensuring <u>City of Pasco (WA)'s</u> compliance with Title VI requirements as follows:

Program Administration

The City plans to administer the Title VI program and coordinate implementation of the plan. The City will ensure that compliance with the program's objectives. The City will perform Title VI program reviews yearly to assess the plan. Upon the assessment, if updates are needed there will be recommendations and/or corrections submitted to the City Manager for review.

Project Planning: Design Services (Preliminary Engineering – PE); Right-of-Way (ROW) Services, & Environmental Services

- O Project Managers (Engineers or regular Project Managers) along with the Project Support Specialist oversee projects to ensure that proper compliance is followed in relation to PE, ROW, & Environmental services related to all Capital Improvement projects whether they are funded by local, state, or Federal funds. Most notifications are posted in the newspaper in English with Spanish language stating on what to do for translation. Some notifications are posted fully in English and Spanish.
- Title VI Language is included in all consultant advertisements and contracts. Any required public involvement process includes compliance to ensure access by all.
- As an agency that receives Federal funding on projects, we follow proper Federally compliant ROW Services. For Federal projects the City will utilize a professional ROW Consultant and follow all proper federal solicitation requirements.
- As an agency that receives Federal funding on projects, we follow proper Federally compliant Environmental Services. For Federal projects the City will either complete the National Environmental Policy Act (NEPA) or the State Environmental Policy Act (SEPA), which both require a Title VI evaluation.

 The City's goal is to encourage public participation in all stages of all projects (including design, ROW, & Environmental) and is always striving to implement better and alternative strategies to help reach the underrepresented races and ethnic groups.

Project Construction

- Project Managers (Engineers or regular Project Managers), the Construction Manager, the Deputy Public Works Director-Engineering (formerly CIP Manager) inform property owners of any and all upcoming/current construction projects. Notifications come in letters that are provided in alternate forms languages. PM's will either hand-deliver notifications or they'll be mailed to the owner of the property, whether residential or commercial, via certified mail.
- The City's goal is to encourage public participation in all stages of all projects (including construction) and is always striving to implement better and alternative strategies to help reach the underrepresented races and ethnic groups.
- Title VI Language is included in all construction advertisements and contracts. Any required public involvement process includes compliance to ensure access by all.

Maintenance

 The Public Words Streets & Operations division is responsible for maintaining the City's transportation infrastructure (roadways, intersections, and other transportation related facilities). The team follows the City's internal administrative policies/procedures, reporting requirements, and ensure that training is given.

IV. Review Procedures

Title VI Coordinator submits an annual report to WSDOT (Reporting period of July 1-June 30 every year) for Title VI on behalf of the <u>City of Pasco (WA)</u> Public Works Department ensuring proper guidelines are being met. Projects may be audited by either State Auditors Office (SAO), WSDOT Local Programs, or the Federal Highway Administration (FHWA) for compliance.

V. Data Collection/Reporting/Analysis

The <u>City of Pasco (WA)'s</u> process for collecting and analyzing data on race, color or national origin, of participants and beneficiaries of various programs areas are discussed below:

The <u>City of Pasco (WA)</u> collects data through voluntary disclosures at public meetings (City Council, Open Houses, & Special Meetings) which are always help in community buildings that are open to the public. The data that is collected would then be reviewed for compliance of Title VI requirements. Based on data collected the City can watch for any changes (trends) and adjust current polices/procedures if they are deemed necessary to do so. If any non-compliance is identified within the Title VI program an

internal in-depth review will commence and based on the outcome the proper changes will be implemented into the plan.

VI. Title VI Training

In keeping with adopted the <u>City of Pasco (WA)'s</u> 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 the Civil Rights Act of 1964) and staff development for Title VI Specialists and other employees. The Coordinator will organize or conduct a minimum of one (1) 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 may be asked to provide applicable training.

VII. Title VI Complaint Procedures

Discrimination Complaint Procedure for City of Pasco (WA).

Federal law prohibits discrimination on the basis of race, color, or national origin in any the <u>City of Pasco (WA)</u> Public Works program, service, or activity. This prohibition applies to all Public Works branches of the <u>City of Pasco (WA)</u>, its contractors, consultants, and anyone else who acts on behalf of the <u>City of Pasco (WA)</u>.

Complaints related to the Federal-aid programs may be filed with the <u>City of Pasco (WA)</u> and will be forwarded to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact Dustin C Wittman, CPSM – Project Support Specialist.

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 <u>City of Pasco (WA)</u> 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 <u>Dustin C Wittman, CPSM – Project Support Specialist (Title VI Coordinator)</u> 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 Dustin C Wittman, CPSM – Project Support Specialist (Title VI Coordinator).

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant phones the <u>City of Pasco (WA)</u> 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.

The City of Pasco (WA) 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

What happens after a complaint is filed?

CivilRights.FHWA@dot.gov

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 <u>Dustin C Wittman, CPSM – Project Support Specialist either by e-mail:</u> wittmand@pasco-wa.gov or by phone: 509-545-3447.

Name			
		City	Zip
Phone: F	lome	Work Mobi	le
Ве	est time of day	to contact you about this complaint:	
Email:			
Basis of (Complaint (circ	ele all that apply):	
Race	Color	National Origin (includes language ac	ccess)
Date of a	lleged incident.		
Who disc	riminated agaiı	nst you?	
Name			
Name of	Organization _		
Address_		City	Zip
Telephon	e		
Indicate v you. If you	vho was involv u have any oth	, why you believe it happened, and how red. Be sure to include how other person rer information about what happened, plo rm. (Attach additional pages if more spa	s were treated differently tha ease attach supporting

	ou seeking for the alleged yment of punitive damages	discrimination? Please note that this process or financial compensation.
		for additional information in support of your nbers, address, email address below.
		awsuit with any other agency or court?
Who		When
Status (pending, res	olved, etc.)	Result, if known
Complaint number	, if known	
Do you have an at	torney in this matter?	
Name (print)		
City		
Signed		Date

IX. Public Participation

- How does your LPA identify minority populations for outreach? (e.g., demographic data, use of community liaisons, etc.)
 - The <u>City of Pasco (WA)</u> uses the United States Census Bureau website (https://www.census.gov/data.html) to collect the demographic data for the area. These websites provide the tools needed to collect the City's race, ethnicity, LEP, and low-income data allowing the Public Works department to better provide outreach for the city's upcoming and/or current projects.
 - Public Notices for Capital Improvement Program (CIP) projects utilize community meetings (open houses, special meetings, or City Council meetings) to gather input from the residents of the community.
- How does your LPA communicate with and conduct outreach to Limited English Proficient individuals?
 - The <u>City of Pasco (WA)</u> communicates and conducts outreach by distributing bilingual notices in addition to having a translator present at open houses, special meetings, or City Council meetings.
- Explain how your LPA considers input from minority populations for decision making within its pertinent program areas.
 - The <u>City of Pasco (WA)</u> places notices in multiple locations requesting the public to provide feedback whether it is in-person at a community event or via a form for them to fill out. Forms are posted in both English and Spanish.

X. Limited English Proficiency

- Describe how the LPA implements LEP requirements. How does the LPA determine which
 records are vital, which are translated, and into which language(s). Explain procedures for
 determining which staff is trained and frequency of training on the use of language
 services. Outline the process used by the LPA to determine which languages are needed
 for notices related to construction notices, right of way letters, planning, etc.
 - The <u>City of Pasco (WA)</u> has assessed and addressed policies and procedures that ensure its programs and activities are accessible to persons with Limited English Proficiency (LEP) In addition, the City will, to the best of their ability, provide information in non-English formats to assist the LEP population. The City also has bilingual staff present in most departments and offer translation services to assist the public with any questions that may arise.

XI. Environmental Justice

- Describe LPA policy/procedures to prevent, mitigate, and correct the possible high and averse disproportionate burdens or environmental effects of an agency's programs, policies, and activities on minority and /or low-income populations. Federal statues and policies require state and local governments that receive federal assistance to establish EJ procedures.
 - The <u>City of Pasco (WA)</u> utilizes Environmental Justice (EJ) principles throughout their programs/activities to ensure that the public (inclusive to all, including minorities, low-income, and/or LEP populations).
 - o EJ's are evaluated at a minimum, as part of the environmental process for projects as part of either the National Environmental Policy Act (NEPA) or the State Environmental Policy Act (SEPA). This date is collected and evaluated to determine if there are any disproportionate impacts on minority communities as part of the project. These processes help the City minimize or mitigate high and adverse human health and environmental effects (which include social and economic effects on minority, low-income, and/or LEP populations).
 - The <u>City of Pasco (WA)</u> considers input for all current and upcoming projects. If a complaint arises, consideration will be taken on a case-by-case scenario.

XII. Notice of Title VI Rights

- Describe how your notice is disseminated to the public, whether the notice is provided in other languages, and provide a copy of the notice. A sample notice is provided below.
- o The <u>City of Pasco (WA)</u> will post Notice of Title VI Rights on the City's Public Works webpage.
- The notice will also be posted in other qualifying alternative languages. Sample notice is provided below:

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

The <u>City of Pasco (WA)</u> 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 the <u>City of Pasco (WA)</u>. Any such complaint filed with the <u>City of Pasco (WA)</u>'s Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the <u>City of Pasco (WA)</u>'s Human Resources Office at no cost to the complainant.

To file a Title VI discrimination complaint, contact:

Dustin C Wittman, CPSM - Project Support Specialist 525 N 3rd Ave, Pasco, WA 99301 (509) 545-3447 wittmand@pasco-wa.gov

Washington Department of Transportation
Office of Equal Opportunity – Title VI
Box 47314
Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov

Phone: (800) 259-9143

ATTACHMENT:

Exhibit "A" - USDOT 1050.2A, Standard Assurances with Appendices

Exhibit "B" – Public Works Organization Chart (Full & Broken Out)

Exhibit "C" - City Manager Organization Chart

Exhibit "D" - Title VI Complaint Forms in Various Languages

Exhibit "E" – Race & Ethnicity in the US by Dot Density Map (Overlayed w/ 2022-2023 Projects)

Exhibit "F" – Census Block Map (2020 Census)

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

DOT Order No. 1050.2A

The *City of Pasco (WA)* (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 *City of Pasco (WA)*, 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.
- 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.
- 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, *City of Pasco (WA)* 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 *United States Department of Transportation (USDOT)*, *Federal Highway Administration (FHWA)*, & *Washington State Department of Transportation (WSDOT)* 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 *United States Department of Transportation (USDOT)*, *Federal Highway Administration (FHWA)*, & *Washington State Department of Transportation (WSDOT)*. You must keep records, reports, and submit the material for review upon request to *United States Department of Transportation (USDOT)*, *Federal Highway Administration (FHWA)*, & *Washington State Department of Transportation (WSDOT)*, 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.

City of Pasco (WA) 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.

(Name of Recipient)

(Signature of Authorized Official)

DATED 8/14/2023

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:

- 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 *City of Pasco (WA)* 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 *City of Pasco (WA)* 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 *City of Pasco (WA)* 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 *City of Pasco (WA)*, its successors and assigns.

The *City of Pasco (WA)*, 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 *City of Pasco (WA)* 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 reenter 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 *City of Pasco (WA)* 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, *City of Pasco (WA)* 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 *City of Pasco (WA)* 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 *City of Pasco (WA)* 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 *City of Pasco (WA)* 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, *City of Pasco (WA)* 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, City of Pasco (WA) will there upon revert to and vest in and become the absolute property of City of Pasco (WA) 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.)

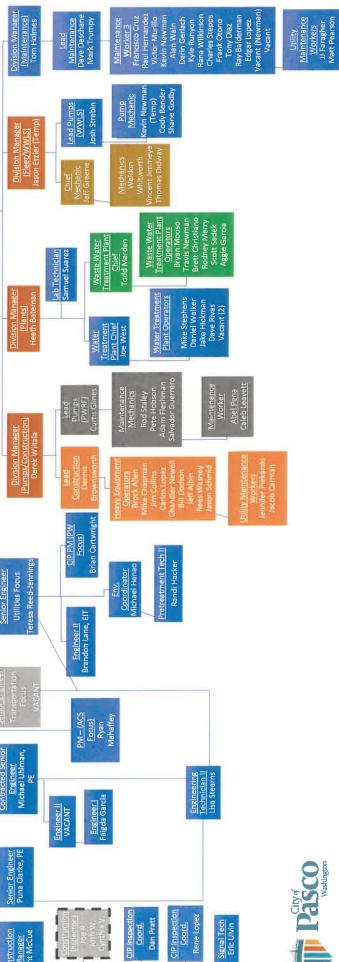
APPENDIX E

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:

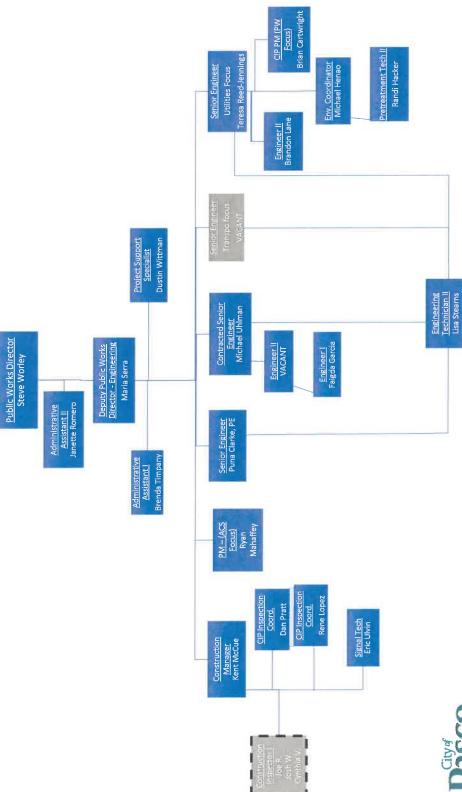
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair 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).

EXHIBIT B Deputy Public Works Director John Millan Administrative
Assistant |
Kim Holst
Tami Hewett Public Works Personnel Organizational Chart Public Works Director Steve Worley, PE Administrative Assistant II Janette Romero Senior Engineer **Utilities Focus** Project Support Specialist **Dustin Wittman** <u>Financial</u> Analyst Hollie Geiger Contracted Senior Engineer Michael Uhlman, PE Deputy Public Works Director – Engineering Maria Serra, PE Administrative Assistant I Brenda Timpany Senior Engineer Puna Clarke, PE Last Update: 6.30,2023 Construction Manager Kent McCue





Public Works Engineering Organizational Chart







Francisco Gruz Raul Hernandez Victor Murillo Kevin Newman Alan Waln Darin Gerlach Kyle Runyon Rana Wilkinson Granfes Stepps Frank Otono Tony Olaz Rega Balderman Edgar Lopez Vacant (Newman) Vacant Division Manager
[Maintenance]
Tom Holmes PW Lead Maintenance Dave Deschane Mark Trumpy PW Lead Pumps (WWLS/)RF Public Works Operations Personnel Organizational Chart Public Works Director Steve Worley Waste Water
Treatment Plant
Operator
Operator
Travis Newman
Brett Christiano
Rodney Merry
Scott Sadek
Aggie Garcia
Tyler Ayers
Nick O'Neal Chief Waste Water Treatment Operator Todd Marden Lab Technician Samuel Suarez Administrative Assistant II Janette Romero Division Manager (Plants) Heath Bateman Water Treatment Plant Operator Mike Stephens Daniel Walker Jake Hickman Dave Rivas Vacant (2) Chief Water Treatment Plant Operator Joe West Maintenance Worker Abel Pena Caleb Leavett Rod Staley ete Hobson am Fleshman ador Guerrerc Division Manager [PWRF/Construction] Derek Wiitala Heavy Equipment Operator Brock Allen Mike Chapman Mike Chapman Jim Collins Carlos Lopez Chandier Newell Bill Dodson Jeff Albin Rees Wasney Jason Schmid Vacant (2) PW Lead Construction Jennis Brownsworth Utility Maintenance Workers Jennifer Piekarski Jacob Carman

2023

EXHIBIT C

City Manager's Office Organizational Chart

(As of 6.30.2023)

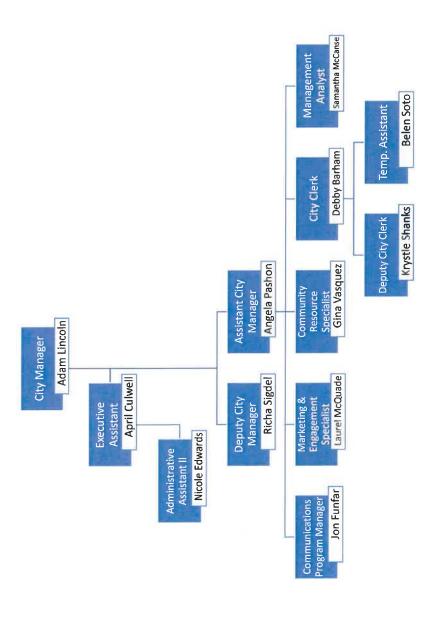


EXHIBIT D
Title VI Complaint Form

Appendix 28.95

City of Pasco (WA)

If you believe that you have been discriminated against because of your race, color, or national origin (including limited English proficiency), by agency programs or activities, you may file a formal complaint by completing this form and send by e-mail to withward@pasco-wa.gov, or send by postal mail to: mail:PO Box 293, Pasco, WA 99301 —or—shipped: 525 N 3rd Ave, Pasco, WA 99301

Agency Use C	Only	P. P.
Received _	1	
Response _	1	/
Report _	1	
Briefing _	1	

Your Name:				Your Phor	ne:				
Best time of day to conta									
7am - 10am10an									
Your Mailing Address (S	Your Mailing Address (Street/PO Box, City, State, Zip)								
What was the alleged disc	crimination based on	2 Select all applicable			Date of alleged incident				
Race Colo		al Origin (Including Limi		ciency)	Date of alleged melacite				
Agency or person(s) resp	onsible for the allege								
Name		City	State	Zip Code	Phone number				

Title VI Complaint Form

Describe the alleged discrimination. Please explain what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Please attach any supporting documents to this form.
PLEASE COMPLETE PAGE 3 OF THIS FORM

Title VI Complaint Form

ADDITIONAL INFORMATION

What remedy are you seeking the payment of punitive dama	g for the all	leged discrimi ancial compen	nation? Please not sation.	e that this process w	ill not result in
List any other persons that w	re should c ses, email	ontact for add	itional information	in support of your co	omplaint. Please include
Name	City	State	Zip Code	Email P	hone number
List any other agencies with	whom you	have filed this	same complaint:		
Name		State			
Signature (REQUIRED)					Date:

Title VI Complaint Form

City of Pasco (WA) Title VI Complaint Procedures

If you believe that you have been discriminated against because of your race, color, or national origin, then you have the right to file a formal complaint with Washington State Department of Transportation within 180 days of the alleged incident.

HOW TO FILE A COMPLAINT

- 1. Complete the Title VI Complaint Form, answering every question.
- 2. Submit the signed complaint to:
 - mail: PO Box 293, Pasco, WA 99301 --- or--- shipped: 525 N 3rd Ave, Pasco, WA 99301
 - or email to: wittmand@pasco-wa.gov

A notice acknowledging receipt will be provided within 10 working days. The complaint will then be forwarded to the federal funding agency through Washington State Department of Transportation-Office of Equal Opportunity.

The federal funding agency is responsible for all decisions regarding whether a complaint should be accepted and investigated, dismissed, or referred to another agency. When the federal funding agency decides whether to accept, dismiss, or transfer the complaint, it will notify the complainant and the other agencies (as appropriate) as to the status of the complaint.

These procedures do not deny you the right to file a formal complaint directly with the federal funding agencies or seek private counsel for complaints alleging discrimination. Federal law prohibits intimidation or retaliation against you of any kind.

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended and the Civil Rights Restoration Act of 1987, relating to any program, service, or activity administered by City of Pasco (WA) as well as its sub-recipients, consultants, and contractors.

Apéndice 28.95

City of Pasco (WA)
Estado de Washington

Si cree que ha sido discriminado debido a su raza, color o nacionalidad (incluido el dominio limitado del inglés) en programas o actividades de la agencia, puede presentar una queja formal.

Instrucciones: Complete el siguiente formulario y envíelo a: Att: Complaints, mail: PO Box 293, Pasco, WA 99301 ---or--- shipped: 525 N 3rd Ave, Pasco, WA 99301 o por correo electrónico a: wittmand@pasco-wa.gov

Uso exclusive	de la a	gencia
Received _	1	1
Response _	1	1
Report _	1	1
Briefing -	1	1

Su nombre:		Su teléfono:				
Mejor momer	nto del dia para cont	actarlo sobre esta queja:	Su direcció	n de correo	elec	trónico:
☐ 7am a 10a	am	1pm a 4pm4pm a 7pm				
Su dirección	de correo postal: (Ca	alle/PO Box, ciudad, estado, códig	o postal)			
Discriminació	ón por:				Fec	ha del supuesto dente:
∏Raza	Color	☐ Nacionalidad (incluye dominio l	imitado del inç	glés)	inci	dente:
Nombre, dire	cción y número de te	eléfono de las personas que supue	stamente lo	discriminar	on.	
	Nombre	ciudad	estado	código po	stal	número de teléfono
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	0.4400		0 .		

Estado de Washington
Explique lo que sucedió, por qué cree que sucedió y cómo fue discriminado. Indique quién estuvo involucrado. Asegúrese de indicar de qué manera siente que otras personas son tratadas de forma diferente a usted. Si tiene alguna otra información sobre lo que sucedió, adjunte los documentos probatorios a este formulario.
COMPLETE LA PÁGINA 3 DE ESTE FORMULARIO

Estado de Washington INFORMACION ADICIONAL

¿Qué solución está buscando por la supuesta discriminación? Tenga en cuenta que este proceso no resultará en el pago de daños punitivos ni compensación económica.						
Enumere a otras personas con la su queja. Incluya sus números de	s que deberían e teléfono, dom	nos comun nicilios, dire	icarnos para ob ecciones de cor	tener informaciór reo electrónico, e	n adicional en apoyo de tc.	
Nombre	ciudad	estado	código postal	dirección de correo electrónico	número de teléfono	
Enumere cualquier otra agen	cia con la qu	e haya pr	esentado esta	n misma queja:		
Nombre	estado					
Firma: (OBLIGATORIA):					Fecha:	

Estado de Washington

City of Pasco (WA)

Procedimientos de queja del Título VI

Si considera que ha sido discriminado por su raza, color o nacionalidad, tiene derecho a presentar una queja formal ante el WSDOT antes de transcurridos 180 días del supuesto incidente.

CÓMO PRESENTAR UNA QUEJA

- 1. Complete el Formulario de Queja del Título VI, respondiendo cada una de las preguntas.
- 2. Envíelo a:
 - mail: PO Box 293, Pasco, WA 99301 ---or--- shipped: 525 N 3rd Ave, Pasco, WA 99301
 - o por correo electrónico a: wittmand@pasco-wa.gov

Una vez recibido el formulario de queja, será controlado para verificar que está completo. Se enviará un aviso de acuse de recibo dentro de los 10 días hábiles. La queja será enviada a la agencia federal de financiamiento a través de la Oficina de Igualdad de Oportunidades del Departamento de Transporte del Estado de Washington. La agencia federal de financiamiento es responsable de todas las decisiones con respecto a si una queja debe ser aceptada (e investigada), desestimada o remitida a otra agencia.

Cuando la agencia federal de financiamiento decida si acepta, rechaza o transfiere la queja, notificará al demandante y a las demás agencias (según corresponda) sobre el estado de la queja.

Estos procedimientos no le niegan el derecho de presentar una queja formal directamente ante las agencias federales de financiamiento o buscar un abogado particular para las quejas que alegan discriminación. La ley federal prohíbe cualquier tipo de intimidación o represalia contra usted.

Estos procedimientos contemplan todas las quejas presentadas bajo el Título VI de la Ley de Derechos Civiles de 1964 y sus modificaciones y la Ley de Restauración de Derechos Civiles de 1987, relacionadas con cualquier programa, servicio o actividad administrados por el City of Pasco (WA) así como sus subreceptores, consultores y contratistas.

Race and Ethnicity in the US by Dot Density (Census 2020)

