

RESOLUTION NO. 636

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING
A TITLE VI PROGRAM FOR THE PURPOSE OF ENSURING COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

WHEREAS, the City of University Place ("City) desires to ensure that no person is subjected to discrimination under any City-sponsored program or activity on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987; and

WHEREAS, the City seeks to assure that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not; and

WHEREAS, the City also wishes to make certain that entities with whom it contracts also comply with the nondiscrimination requirements of Title VI, and therefore the City will monitor all written agreements with such entities for compliance;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:**

Section 1. Approval of Title VI Program. The Title VI Program attached hereto is hereby approved.

Section 2. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL ON FEBRUARY 1, 2010.



Debbie Klosowski, Mayor

ATTEST:



Emy Genetia, City Clerk



City of University Place

FY 2009 Title VI Program General Reporting Requirements

Organizational Staffing and Responsibilities

Jack Ecklund, P.E., City Engineer, Title VI Coordinator

David Swindale, A.I.C.P., Development Services Director, Environmental Officer/Title VI Specialist

Diana Neufeld, Office Specialist I, Title VI Specialist

Lisa Petorak, Human Resources Manager, Title VI Specialist

Title VI Coordinator

The City of University Place has appointed the City Engineer to perform the duties of the Title VI Coordinator and ensure compliance with federal funding requirements. The City Engineer has other duties and responsibilities in addition to Title VI. The City Engineer reports directly to the City Manager.

The Title VI Coordinator will be responsible for the following:

1. Program Administration
2. Review Complaints
3. Environmental Impact Reviews and Statements
4. Accomplishment Reports
5. Public Dissemination

Title VI Specialists

The City has designated Title VI Specialists who work with and assist the Title VI Coordinator. The Title VI Specialists will work with the Title VI Coordinator to ensure programs comply with Title VI regulations, meet the objectives of the Title VI Plan, and meet Federal and State reporting requirements.

The Title VI Specialists will be responsible for or will assist with the following:

1. Program Administration
2. Review Complaints
3. Data Collection
4. Environmental Impact Reviews and Statements
5. Training Programs
6. Title VI Plan Update
7. Accomplishment Reports
8. Public Dissemination
9. Maintain Legislative and Procedural Information

Opening Title VI Assurances and Descriptions

Annual Title VI Certification and Assurance:

The City of University Place will submit the Title VI assurance as part of federal grant requirements, and will regularly update the program every three years.

Title VI Complaint Procedures:

The City of University Place has complaint procedures which comply with Title VI. The procedures include investigation and reporting for programs administered by the City of University Place. The procedures are public and may be accessed through the City Clerk's office or may be found within the City's Title VI Plan document.

These procedures do not prohibit a formal complaint to be filed with other state or federal agencies or to seek private counsel for any alleged discrimination.

Title VI Investigations, Complaints, and Lawsuits:

As of the date of this report, the City of University Place has no pending or active lawsuits that allege discrimination.

Limited English Proficiency Plan (LEP):

The City of University Place, as required, has developed the Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to the City of University Place services. A Limited English Proficiency person is identified as one who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English. Please see Attachment A for LEP Plan details.

Notification to Beneficiaries of Protection Under Title VI:

The City shall disseminate notification to beneficiaries of protection under Title VI. Such dissemination may include postings via hard copies posted in various locations in the City, and/or electronic posting on the City's website. The City shall also publicize this notification in all federally-funded projects advertised for bid in a newspaper having a general circulation. The City will ensure that public service announcements or notices of proposed projects, hearing, or meetings are posted via media reaching the affected community. The City will endeavor to use available minority publications or media, and where appropriate, will provide written or verbal information in languages other than English.

Additionally, when the Transit Facility becomes operational, the City shall post in a conspicuous location within the Facility a notice to the public as follows: ***This Transit Facility will be operated without regard to race, color, national origin, or sex. If you have any questions or complaints of discrimination, please contact the Title VI Coordinator or a Title VI Specialist with the City of University Place, at 253-566-5656.***

An information sheet setting forth the steps necessary to file a complaint for discrimination regarding the Transit Facility will be placed for reference and dissemination upon request at the front counter receptionist area of City Hall.

Title VI Program Submission:

The City of University Place acknowledges that the Title VI plan submissions shall be updated every three years, as well as provide such submissions upon request from any federal agency providing grant funding.

Public Participation:

The City of University Place invites participation of a cross section of the population from social, economic, and ethnic groups by providing written program information and public service announcements requesting diverse involvement from the community.

City of University Place Title VI Program
Updated 2009
Service Area Population and Race

	Census Tract 723.05	Census Tract 723.06	Census Tract 723.07	Census Tract 723.08	Census Tract 723.09	Census Tract 723.1	Census Tract 723.11
Total Populations	5,892	7,751	4,450	7,223	5,699	3,652	4,051
Caucasian/ %	5,154/ 87.47%	5,359/ 69.14%	3,229/ 72.56%	5,470/ 75.73%	4,580/ 80.36%	2,858/ 78.26%	3,051/ 75.31%
African American/ %	307/ 5.21%	934/ 12.05%	524/ 11.78%	524/ 7.25%	376/ 6.60%	253/ 6.93%	493/ 12.17%
American Indian/ %	330/ 0.56%	80/ 1.03%	34/ 0.76%	41/ 0.57%	37/ 0.65%	27/ 0.74%	41/ 1.01%
Asian/ %	158/ 2.68%	688/ 8.88%	287/ 6.45%	721/ 9.98%	323/ 5.67%	269/ 7.37%	138/ 3.41%
Hawaiian or Pacific Islander/ %	30/ 0.51%	70/ 0.90%	42/ 0.94%	30/ 0.42%	20/ 0.35%	16/ 0.44%	26/ 0.64%
Other Race Alone/ %	29/ 0.49%	133/ 1.72%	57/ 1.28%	74/ 1.02%	87/ 1.53%	39/ 1.07%	86/ 2.12%
Other Two Races/ %	181/ 3.07%	487/ 6.28%	277/ 6.22%	363/ 5.03%	276/ 4.84%	190/ 5.20%	216/ 5.33%

Policy Statement and Authorities:

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color or national origin, or sex be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. (Please refer to 23 CFR 200.9 and 49 CFR 21.)

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

In the event the City of University Place distributes federal funds to another entity, the City of University Place will include Title VI language in all written agreements and will monitor for compliance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557] March 22, 1988).

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000d-4; 42 United States Code 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 29 Code of Federal Regulations 50.3.

Title VI Self Monitoring and Review Process

Planning, Project Development, Right-of-Way, Construction, Research, Public Involvement, Compliance

The City of University Place Development Services Department and Engineering Department have the responsibility to develop long- and short-range plans to provide efficient transportation services to the citizens of the City of University Place. The Development Services Department and the Engineering Department annually update and coordinate the City's future transportation improvement plans and programs. The planning process includes input from the public as well as from other City departments and jurisdictions that may be affected. The Development Services Department and Engineering Department monitor and collect data for this process. The Development Services Department and Engineering Department ensure the following:

- Aspects of the planning process comply with Title VI.
- Various public groups, including diverse social, economic, and ethnic populations, are represented in the planning process. This will occur by providing various populations

within the community with program information through various media outlets such as minority media or gender related organizations. Staff will also participate in public meetings and verify the level of participation of Title VI protected group members.

- Limited English Proficiency (LEP) individuals who will be affected by planned projects receive meaningful access into the public involvement process. This means that parties requiring LEP services will receive the necessary communicative assistance required to allow them to participate in governmental activities.

Complaint Process

The City of University Place has complaint procedures in place which comply with Title VI. The procedures include investigation and reporting for programs administered by the City of University Place. These procedures do not prohibit a person from filing a formal complaint with other state or federal agencies or from seeking private counsel for alleged discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible, which may include mediation meeting(s) between the affected parties and the City of University Place. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited under Title VI may file a complaint. The following measures will be taken to resolve Title VI complaints:

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin, sex, disability, age), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. The City of University Place strongly encourages the use of the City's Title VI Complaint Form, see appendix A. The complaint form may be sent to:

City of University Place
Title VI Coordinator
3715 Bridgeport Way W.
University Place, WA 98466

2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Title VI Coordinator will assist the complainant in converting the verbal allegations to writing.
3. When a complaint is received, the Title VI Coordinator will provide written acknowledgment of receipt of such complaint to the complainant within fourteen (14) days by regular U.S. mail and by certified return receipt.
4. If a complaint is deemed incomplete, additional information will be requested and the complainant will be provided thirty (30) days to submit the required information.

Failure to do so may be considered good cause for a determination of no investigative merit.

5. Within fifteen (15) business days from receipt of a complete complaint, the City of University Place will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation and will notify the complainant by regular U.S. mail and by certified return receipt, informing him or her of the decision. If the City does not have sufficient jurisdiction, the City will refer the complainant to the appropriate State or Federal Agency that has jurisdiction.
6. If the complaint is to be investigated, the notification shall state the grounds of the City's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator. A complete investigation will be conducted, and an investigative report will be submitted within sixty (60) days of the City's notifying the complainant of its jurisdiction. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations. If the investigation is delayed for any reason, the City will notify the appropriate authorities, and an extension will be requested.
7. If the complainant is dissatisfied with the City's resolution, he/she has the right to file a complaint with the Federal Transit Administration or other federal agency.

If you have questions regarding the complaint process, please contact the Title VI Coordinator at 253-566-5656.

City/Designee Responsibilities:

The City and its designees agree that each program and each facility is conducted, or will be operated, in compliance with all requirements imposed by, or pursuant to, the Title VI of the Civil Rights Act of 1964. The City and its designees shall insert the following notification in all solicitations for bids for work or material subject to Title VI (connected with all federal programs and) in adapted form in all proposals or negotiated agreements:

The City of University Place, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, (regarding nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act) hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS FORM

City of University Place

Instructions: If you would like to submit a Title VI complaint to the City of University Place, please complete the form below and send it to: City of University Place, Attn: Title VI Coordinator, 3715 Bridgeport Way W., University Place, WA 98466. For questions or a full copy of the City's Title VI policy and complaint procedures call 253-566-5656.

1. Name (Complainant):

2. Phone:

3. Home address (street no., city, state, zip):

4. If applicable, name of person(s) who allegedly discriminated against you:

5. Location and position of person(s) if known:

6. Date of incident:

7. Discrimination because of:

- Race/Color
- Vietnam Era Veteran
- National origin
- Sexual orientation
- Disabled Veteran
- Creed / religion
- Marital status
- Retaliation
- Disability
- Age
- Sex

8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name:

Address:

Phone number:

Name:

Address:

Phone number:

13. Have you filed this complaint with any other federal, state, local agency, or with any federal or state court?

Yes

No

If yes, check all that apply:

Federal agency

Local agency

Federal court

State agency

State court

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court:

Contact's Name:

Address:

Phone number:

Signature (Complainant):

Date of filing: