

**Non-Discrimination Agreement
Annual Report
Population Under 100,000**

Washington State Department of Transportation

City of University Place

(Name of Recipient)

2020-2021

(Reporting Year, i.e.: "2009," " 2010," etc., based on end date of reporting period)

January 1, 2020 – September 30, 2021

(Reporting Period, i.e., March 1, 2009 – February 28, 2010)

As stipulated in this agency's Title VI Program Non-Discrimination Agreement, WSDOT's approval letter to that agreement, and WSDOT's Highways and Local Programs Local Agency Guidelines Manual (Chapter 28), the annual accomplishment and update report for the reporting period reflected above is hereby submitted.

Current Chief Executive Officer:

- Name: Stephen P. Sugg, P.E.
- Title: City Manager

Planning or Public Works Director:

- Name: David Swindale, A.I.C.P.
- Title: Development Services Director, Environmental Official

Title VI Coordinator:

- Name: John O. Ecklund, P.E.
- Title: City Engineer, Title VI Coordinator

SUBMITTED by:



Signature

John O. Ecklund, P.E.

Typed/Printed Name

City Engineer, Title VI Coordinator

Title

Aug 19, 2022

Date

1. Report any changes in the organizational structure since the last reporting period.
(Example: **New** Title VI Coordinator, **new** planning or public works director, etc).
 - a. Report should identify the changes in the racial/gender composition of those persons involved in the transportation decision making, including planning and advisory staff.
 - b. If no changes have been made, please indicate that accordingly.

No changes made.

2. Using the most current data available (through Census or Washington State Office of Financial Management), describe the demographics within your jurisdiction.
 - a. Describe any required Title VI activities and/or studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits.
 - b. How was the information utilized or Title VI provisions and needs applied in each study or activity?

University Place has the following demographics: White – 65.3%; Asian – 9.5%; Mixed Race – 9.3%; Hispanic – 7.7%; Black – 7.4%; and other 0.8%. These averages are above the Washington State averages for Asian, Black and Mixed populations and below the State averages for White, Hispanic, and other populations. The Median income in University Place is \$60,900. The median income level by race is: Asian - \$91.2k; White - \$64.5k; Mixed - \$55.2k; Hispanic - \$47k; Other - \$46.3k; and Black \$41.1k.

For Language Access, no specific group met the USDOJ/FHWA benchmark for language services. In the City, 982 people speak Spanish and of those 298 speak English less than very well; there are 1,352 people speaking other Indo-European languages and of those 556 speak English less than very well; 2,398 speak Asian or Pacific Island languages, of those 1,231 speak English less than very well and 311 speak English less than well. There is no single Asian or Pacific Island language group in University Place that has a population of 1000 or more that cannot speak English very well or better.

The census data were reviewed with regards to minorities and income levels for each specific project during its environmental approval process. Based on this review it was determined that no project would negatively impact any low-income or minority populations.

3. List any Public outreach activities during the reporting period such as, public announcements and/or communications for meetings, hearings, project notices. Include the following:
 - a. How were special language needs assessed? List the special language needs assessments conducted.
 - b. What outreach efforts did you utilize to ensure that minority, women, low-income, and LEP population groups were provided equal opportunity to participate in those outreach activities. (Examples: provided materials in other languages, met with local social services agencies, advertised in a minority publication).
 - c. List the special language services provided – note the professional language service provided including the name of the service, date provided, number of persons served, and any other relevant information.

- d. List any costs incurred for translations and interpreters for each activity.

Public meetings and hearings are held regularly for all legislative and quazi-judicial matters relating to City business. Public meetings and hearings are advertised in the Tacoma News Tribune and posted at the public Library, City Hall and the Fire station. There is no record kept of the minorities or women individually or through organizations. However, numerous minorities and women attend, comment and participate regularly in these meetings and hearings. The City Council currently has three minority and two women members. The Planning Commission has two minority members. In addition, all City Council meetings are available for viewing on the City website as well as broadcast on the UPTV public access channel.

4. List all the transportation related contracts (Federal and others) that were executed during the reporting period. (Please include construction, consultant agreements for planning, design, engineering, environmental, research, maintenance, etc.)

- a. Include dollar value of each

| Project | Consultant/ Contractor | Type of Services | Contract Amount | MBE or WBE | Total By Project |
|--|-----------------------------------|-------------------------------|--------------------|------------------|---------------------|
| Cirque Drive Phase 3 | Active Construction | Construction | 2,058,058 | | |
| | Materials Testing & Consulting | Materials Testing | 5,111 | | 2,063,169 |
| Larson Lane Phase 2 | Strickland & Sons Exvacation | Construction | 705,966 | | 705,966 |
| | | | | | |
| Alameda Extension | HWA Geosciences | Geotechnical Investigation | 16,275 | | |
| | GeoResources | Wall Design | 2,250 | | 18,525 |
| 35th Street Improvements | Apex Engineering | Topographic Survey | 68,400 | | |
| | Tierra ROW Services | Right of Way Acquisition | 81,239 | | 149,639 |
| 67th Avenue Improvements Phase 1 | KPFF | Topographic Survey | 173,878 | | 173,878 |
| 67th Avenue Improvements Phase 2 | KPG | Topographic Survey | 165,356 | | |
| | Universal Field Services | Right of Way Acquisition | 223,663 | | 389,019 |
| Lakewood Overlay | BRH | Topographic Survey | 38,219 | | 38,219 |
| Chambers Lane/Chambers Creek Rd | Sitts & Hill Engineers | Topographic Survey | 31,551 | | 31,551 |
| Roundabout Design | Michael J Wallwork | Roundabout Design | 5,270 | | 5,270 |

- b. Other than advertising in your local legal publication, what outreach was made to DMWBE firms that a contracting opportunity existed within your agency?

On behalf of the City, MRSC Rosters advertises a solicitation for consultant firms to apply to be added to the City's Architectural and Engineering (A & E) roster yearly in the Tacoma News Tribune and the Daily Journal of Commerce. This advertisement specifically states that minority and women-owned businesses are encouraged to apply. The term for each roster is one calendar year.

In the applications, firms are asked to indicate if they are a MBE or WBE company. The City currently does not specifically maintain a list of minority and women consultants but the information on the A & E roster application is reviewed prior to hiring a consultant.

- c. Identify the DMWBE contracts that were awarded and their dollar amount.

See table shown above.

- d. Is there a Title VI Non-Discrimination statement included in all contracts and public notices?

Title VI requirements are included in all contracts, legal notices, and consultant agreements executed by the City for all federally funded projects. The following language is included in all advertisements:

The Recipient, in accordance with Title VI of the Civil rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 2, Nondiscrimination in Federally-assisted programs of the Department of Transportation issues pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

- e. How did your organization ensure that minority, women, and disadvantaged firms were provided equal opportunity to participate in the contracting arena?

In addition to advertising in the local legal publication, the City advertises within Contracts & Careers on projects that receive federal funds. Contracts & Careers is a minority owned construction and professional services newspaper. This publication circulates through Oregon and Washington State, and is the only newspaper that direct mails free to minority businesses.

5. Summarize any transportation projects that identify potential impacts to minority and/or low-income Environmental Justice (EJ) populations (i.e., impacts such as displacements, increased noise, bisecting neighborhoods, et al). Note the following:
- a. How impacts were minimized/mitigated.
- b. Also include a statement, if applicable, on projects that specifically benefit community cohesion such as: adding sidewalks, improving access to properties that improve access for EJ populations.

No transportation projects conducted during the Reporting period negatively impacted minority and/or low-income Environmental Justice (EJ) populations, however several projects resulted in positive benefits for these populations by providing more low cost travel opportunities and access to transit as well as by maintaining and improving the riding surface of two streets. The specific construction project benefits are noted below:

Bridgeport Overlay: Sidewalks were upgraded to ADA compliant surfaces improving the non-motorized access for all ages, abilities, and income levels. Pavement surface was overlaid in both the motor vehicle travel way as well as the bicycle lanes, resulting in improved reliability of traffic for motor vehicles, transit and bicycles.

67th Overlay: Sidewalks were upgraded to ADA compliant surfaces improving the non-motorized access for all ages, abilities, and income levels. Pavement surface was overlaid in both the motor vehicle travel way as well as the bicycle lanes, resulting in improved reliability of traffic for motor vehicles, transit and bicycles.

6. If Right of Way has been acquired for a transportation project, please describe:

a. Identify the number of minority, low-income, elderly and disabled persons affected.

Zero

b. The efforts that were made to address Limited English Proficiency issues (including use and cost of translators, outreach efforts for each reported activity).

N/A

c. Describe any concerns raised by minorities and women regarding appraisals, negotiations, relocation assistance, and payments. What actions were taken to resolve those issues?

No concerns raised.

7. List and describe any Title VI related complaints, as a result of transportation activities and projects. Include:

a. What was the allegation or concern?

b. Procedures used

c. Action taken

d. Resolution

No Title VI related complaints received during the Reporting period.

8. Goals

Internal Dissemination Goal – Provide copies of the Title VI Plan, Assurances and Annual reports to personnel in all departments managing projects that utilize Federal Funding.

External Dissemination Goal – Post copies of the City's Title VI Plan, Assurances and Annual reports on the city website.

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Training Goal – Provide training to all University Place employees involved in the project management and the contracting practices of federally funded projects are knowledgeable on potential Title VI issues (ongoing).

Information Collection for Annual Updates Goal – Establish and implement processes and procedures for collection of information required for inclusion in annual update report.

5. Complaint Resolution Goal – Ensure that complaints are resolved in a professional and timely manner. The City of University Place's Title VI Coordinator will investigate all complaints of Title VI violations as appropriate. The City of University Place will use procedures outlined in the Title VI Plan to investigate such complaints.

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

Assurances

DOT Order No. 1050.2A

The City of University Place (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 WSDOT.

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

"The City of University Place, 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, The City of University Place 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 City of University Place 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 City of University Place. You must keep records, reports, and submit the material for review upon request to City of University Place, 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.

The City of University Place gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Aid Highway Program. This ASSURANCE is binding on WA, 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.

City of University Place
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED Apr 21, 2022

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, WSDOT, 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 WSDOT 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 WSDOT, 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 WSDOT 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 WSDOT 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 University Place 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 the program, and the policies and procedures prescribed by the WSDOT 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 University Place 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 University Place 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 University Place, its successors and assigns.

The City of University Place, 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 University Place 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 City of University Place 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, The City of University Place 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 University Place 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 University Place 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 The City of University Place 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, The City of University Place 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, The City of University Place will there upon revert to and vest in and become the absolute property of the City of University Place 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).