

Tillamook County Title VI Plan

Assurances

Tillamook County, acting by and through its Public Works Department, hereinafter referred to as the "Public Works Department" shall continue its commitment to compliance with Title VI of the Civil Rights Act of 1964 and subsequent federal nondiscrimination directives such as the Federal-Aid Highway Act of 1973, the Rehabilitation Act of 1973, the Age Discrimination Act of 1990 (ADA), Executive Order 12898 (Environmental Justice), and Executive Order 13166 (Limited English Proficiency). The Public Works Department assures that no person shall on the grounds of race, color, national origin, Limited English Proficiency (LEP), sex, income, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Additionally, under Executive Order 12898 and proceeding USDOT/FHWA directives. The Public Works Department shall make every reasonable effort to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of Public Works Department programs, policies, and activities on minority populations and low-income populations. The following process will outline these efforts.

1. The Public Works Department shall annually submit its Title VI Assurance as part of its annual Certification and Assurance submissions, contained here- in, to the Oregon Department of Transportation (ODOT).
2. The Public Works Department will compile, maintain, and submit in a timely manner Title VI information required by the ODOT and Federal Highway Administration (FHWA) Title VI requirements.
3. The Public Works Department will make it known to the public that those persons alleging discrimination on the basis of race, color, or national origin may file a complaint with the Public Works Department, ODOT and/or FHWA.
4. The lead point of contact is Chris Laity, Tillamook County Public Works. The Board of County Commissioners liaison is Mary Faith Bell.

Introduction and Incorporation of the Program

This document presents policies and procedures for Title VI compliance. The Public Works Department hereby gives the following specific assurances with respect to the federal transportation programs and activities. These are set out in Appendix A:

The Public Works Department shall:

1. Conduct operations in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. A Title VI Coordinator has been designated who has a responsible position within the organization and access to the Public Works Department's Director. The Director will serve in this capacity until staffing allows otherwise.

3. Issue a policy statement signed by the Public Works Department Director.
4. Insert the clauses of Appendix C of this agreement in every federally aided contract subject to Title VI compliance.
5. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients, contractors, and/or the public. Complaints made against the Public Works Department will be investigated. Public Works Department Title VI associated complaints against any sub-recipients or contractors of Public Works Department shall be investigated and submitted to ODOT's Office of Civil Rights no later than sixty (60) calendar days after the complaint was filed with the Public Works Department.
6. Participate in trainings on Title VI and other nondiscrimination regulations for the Public Works Department's employees and sub-recipients of federal highway funds.
7. Take action to correct any deficiencies found by ODOT or FHWA within a reasonable period of time, not to exceed ninety (90) calendar days, unless there are extraordinary circumstances.
8. Collect data and document activities performed supporting nondiscrimination. These records shall be available to ODOT and FHWA upon request.
9. Comply with ODOT requests for data and audits for compliance with this agreement and keep accurate records of Title VI activity.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and are binding on the Public Works Department, other sub-recipients, contractors, sub-contractors, transferees, successors in interest and other participants in the Public Works Department's programs. The person whose signature appears below is authorized to sign this assurance on behalf of the Public Works Department.

By:  _____

Date: 7-30-2019

Chris Laity, P.E.
Director
Tillamook County Public Works
Department

Appendix A: Detailed Guidelines for Title VI Compliance

More specifically, and without limiting the above general assurances, the Public Works Department will conduct the following procedures. These guidelines and requirements are designed to clarify the specific Title VI compliance process and to provide documentation of the efforts noted in the Assurances section and are given, on behalf of the Public Works Department to comply with Title VI standards.

1. Annual Certification and Assurances

As stated in the Assurances section, the Public Works Department shall submit annually its Title VI assurances, as part of its annual Certification and Assurance submissions to ODOT.

2. Title VI Coordinator

The Public Works Department appointed a Coordinator, Chris Laity, Public Works Director with access to agency officials and the capacity to perform any and all duties set out by the Title VI requirements. ODOT will be informed when such appointment is made and shall notify ODOT's Office of Civil Rights within a reasonable time of any personnel changes in the Title VI Coordinator position. It is the responsibility of the Public Works Department to ensure that any subsequent Title VI Coordinators maintain up-to-date and accurate knowledge of this agreement, Title VI of the Civil Rights Act of 1964, and other related laws and directives.

3. Policy Statement

The Public Works Department shall issue a policy statement signed by the Director of the Public Works Department. The statement will express the commitment to the nondiscrimination provisions of Title VI and other related laws and directives. The policy statement shall be circulated throughout the Public Works Department's organization and to the general public. Such information shall be published where appropriate in languages other than English.

4. Opportunities

The Public Works Department shall ensure opportunity for participation on planning and advisory boards it establishes by members of the community that are closely representative of the diverse cross-section of the County's demographic composition. The Public Works Department when formulating public notifications will notice it through the Public Works Department website.

5. Attached Clauses

The Public Works Department shall insert clauses located in Appendix C into all contracts receiving Federal Aid is modeled on the United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances (DOT Order No. 1050.2A).

6. Complaint Procedures

In compliance with ODOT and FHWA Title VI regulations, the Public Works Department will develop procedures for investigating and tracking Title VI complaints filed against them. This complaint process will resolve complaints by sub-recipients, contractors and the public in a timely manner. All complaints shall be investigated and submitted to ODOT's Office of Civil Rights no later than sixty (60) calendar days after the complaint was filed with the Public Works Department. These procedures shall be made available to the public upon request and will be made as accessible as possible. The Public Works Department's complaint procedures and complaint form are contained herein as Appendix B.

The Public Works Department will investigate complaints made against its sub-recipients and contractors. Complaints against the Public Works Department shall be investigated with the assistance of other county departments as needed, such as the Human Resources Department and the County Counsel.

7. Title VI Trainings

The Public Works Department shall participate in ODOT and FHWA trainings applicable to Title VI compliance and geared towards local government. The Public Works Department will develop an internal Title VI training program to provide information to staff regarding Title VI responsibilities.

8. Correct Problems

The Public Works Department shall upon reasonable cause, take action to correct any deficiencies found by ODOT or FHWA within a reasonable period of time, not to exceed ninety (90) calendar days, unless extraordinary circumstances apply. The Public Works Department shall keep documentation of any and all deficiencies and the actions taken to combat said problems. This information shall be available for review by ODOT or FHWA upon request.

9. Collect Data

The Public Works Department shall collect data and document activities supporting non-discrimination including but not limited to:

- a. The number of public meetings, the dates held, and steps taken to notify individuals who may be affected by the Public Works Department actions as a result of the meeting(s).
- b. Steps the Public Works Department has taken to meet any LEP needs where warranted including the use of interpreters, translators, advertising, or providing printed media in languages other than English, etc.;
- d. The number of times the Public Works Department performed LEP activities along with documentation of the circumstances under which the activities were performed;

- e. The date of service requests, the date of resolution, and the location where the Public Works Department maintains data related to such requests.
- f. The nature of discrimination complaints (if any) and the resolution.

The Public Works Department shall use federally compiled demographic statistics including the Census and Bureau of Labor Statistics data.

11. Record Title VI Activities

In compliance with ODOT and FHWA Title VI standards, the Public Works Department will prepare and maintain a list of any active investigations conducted by entities other than ODOT or FHWA, lawsuits, or complaints naming the Public Works Department that allege discrimination on the basis of race, color, national origin, or any other claim of alleged violation of Title VI agreements. Such list shall include:

1. Date the investigation, lawsuit, or complaint was filed;
2. Summary of the allegation(s);
3. The status of the investigation, lawsuit, or complaint; and
4. Actions taken by the Public Works Department in response to the investigation, lawsuit or complaint.
5. All Title VI activities shall be tracked using timesheet entries and generally maintained records of meetings, trainings and analysis.

12. Access for LEP Persons

The Public Works Department shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP. The Public Works Department will assist persons with limited English proficiency to access services provided by the Public Works Department. The Public Works Department staff will make appropriate effort to provide translators and document translation, where warranted, feasible, and upon request. LEP groups that represent more than 5% of the population of the concerned area shall be provided additional consideration for language services as appropriate to include but not limited to: translators, materials printed in other languages, special meetings with staff to address concerns. If the population concerned makes up less than 5% of the population of the concerned area, the Public Works Department shall make accommodations to best accommodate the needs of the concerned population. American Community Survey (ACS) data from 2015 estimates that in Tillamook County, with a population of 24,130 persons over the age of five, 649 persons (2.7% of the county population) have limited English proficiency. Among the county's LEP population, 95% (618 persons) report Spanish as their primary spoken language. Spanish speaking individuals with limited English proficiency compose 2.6% of the county population overall.

13. Public Notification

The Public Works Department shall provide any necessary information to the public, upon request, regarding its Title VI obligations and apprise members of the public of the protections against discrimination afforded to them.

14. Review

The Public Works Department acknowledges that, at the reasonable discretion of ODOT and FHWA, its process may be reviewed and any complaints of discrimination or noncompliance with Title VI may be investigated.

15. Timely Submission

The Public Works Department acknowledges that its Title VI submissions and/or updates thereto, shall be supplied to ODOT once every year. The submission shall include, but is not limited to:

- 1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
- 2) Title VI Complaint and Tracking procedures;
- 3) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
- 4) A copy of the Public Works Department's public notice regarding Title VI compliance and public access and instructions to the Public Works Department's Title VI complaint procedures.

Portions of the Plan which have not changed since the last submission will not be resubmitted, however, the Public Works Department shall include a statement to this effect in lieu of copies of the original documents in order to eliminate redundancy in resubmissions.

Appendix B: Complaint Procedures and Complaint Form

**Tillamook County Public Works Department
Title VI Complaint Form**

Title VI of the Civil Rights Act of 1964 states “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 subjected to discrimination under any program or activity receiving federal financial assistance.”

If you believe your rights under Title VI law have been violated, please provide the following information necessary to process your complaint. Assistance is available to help you complete this form, upon request. Complete this form and mail or deliver to:

Chris Laity, PE, Title VI Officer
Program Coordinator
Tillamook County Director of Public Works
503 Marolf Loop, Tillamook OR 97141
503-842-3419
Email: claity@co.tillamook.or.us

1. Complainant’s name _____
2. Complainant’s address _____
3. _____ Zip _____
4. Telephone No. (Daytime) _____ (Nighttime) _____
5. Was the person discriminated against someone other than the complainant? If so, list their name below.
Name: _____
Street address _____
City _____ State _____ Zip Code _____
6. What was the discrimination based on? (check all that apply)
 Race/Color Low income Disability
 National origin Sex Limited English proficiency

7. Date of incident resulting in discrimination_____

tle VI Complaint Form (page 2)

9. Who were the persons you believe were involved?

10. Where did the incident take place? Please be as specific as possible.

11. Were there witnesses? If so, please provide contact information.

Name_____

Street address_____

City_____ State_____ Zip Code_____

Telephone No. (Daytime)_____ (Nighttime)_____

Name_____

Street address_____

City_____ State_____ Zip Code_____

Telephone No. (Daytime)_____ (Nighttime)_____

Name_____

Street address_____

City_____ State_____ Zip Code_____

Telephone No. (Daytime)_____ (Nighttime)_____

12. Did you file this complaint with another federal, state or local agency, or with a federal or state court?
__ Yes __ No

If the answer is yes, check each agency complaint was filed with:

__ Federal agency __ Federal Court __ State agency
__ State Court __ Local Agency __ Other

Street address_____

City_____

Date filed_____ State_____ Zip Code_____

Please sign the complaint in the space below and attach any documents you believe support your complaint. Thank you.

Complainant's signature

Signature date

Attachments: Yes No

Appendix C: Contract Agreements

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 shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, “USDOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, LEP, sex, income, age, or disability, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5 including employment practices when the contract covers a program set forth in Appendix B of said CFR.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and 49 CFR 21.5 relative to nondiscrimination on the basis of race, color, national origin, Limited English Proficiency, sex, income, age, or disability.
4. **Information and Reports:** The Contractor shall provide all information and reports required by 49 CFR 21.5 or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Oregon Department of Transportation (hereinafter, “ODOT”), the Federal Highway Administration (hereinafter, “FHWA”), and/or the Federal Motor Carrier Safety Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to ODOT, FHWA, and/or the Federal Motor Carrier Safety Administration as appropriate and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, ODOT shall impose such contract sanctions as it or FHWA, and/or the Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by 49 CFR 21.5, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as ODOT, FHWA, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

7. **Required Contract Provisions:** Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).