

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

Assurances

DOT Order No. 1050.2A

The ***City of Oak Harbor*** (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***, 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 transportation programs:

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

"The City of Oak Harbor, 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, City of Oak Harbor 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 Oak Harbor 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 Oak Harbor. You must keep records, reports, and submit the material for review upon request to City of Oak Harbor, 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 Oak Harbor 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 transportation programs. This ASSURANCE is binding on Washington State, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the transportation programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Oak Harbor

(Name of Recipient)

by 

(Signature of Authorized Official)

David Goldman, Finance Director

DATED 7/14/2023

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:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Oak Harbor 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 transportation programs, and the policies and procedures prescribed by the Washington State Department of Transportation 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 Oak Harbor 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 Oak Harbor 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 Oak Harbor, its successors and assigns.

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

3. Community Demographics – Using a map of the LPA’s boundaries, describe the demographics of the LPA’s service area (e.g., race, color, national origin, low-income). List, by individual languages, the percent of the population(s) that is limited English proficient.

Attachment 2 shows the City of Oak Harbor LPA boundaries.

According to the 2020 US Census, the City of Oak Harbor demographics are as follows:

Total Population	24,622
Hispanic or Latino any race	3,366 (13.7%)
White	15,704 (63.78%)
Black or African American	1,530 (6.21%)
American Indian & Alaska Native	256 (1.0%)
Asian	2,524 (10.25%)
Native Hawaiian/Pacific Islander	225 (.91%)
Other race alone	995 (4.04%)
Two or more races	3,388 (13.76%)
Low Income (185% of poverty)	6653 (27%)

The American Community Survey states that the number of residents who speak a language other than English at home is 3,448 in 2021. Of those, who list ‘speak English less than very well’ are:

Spanish	365 (1.7%)
Other Indo-European	60 (0.3%)
Asian /Pacific Islander	851 (3.9%)

School Districts complete annual assessments of the student population. The most recent data available is the 2022-2023 school year. Oak Harbor has 4.5% (264) students that are ELL out of a total student population of 5,865.

The City has made a concerted effort to provide information relevant to WSDOT-related programs, services, activities or that are required by law to ELL and non-English speakers through various mechanisms. Civil Rights notifications are posted in English and Spanish at City Hall on public bulletin boards. Public meetings are streamed live, recorded and posted on YouTube with closed captioning available in all languages. Translation services are available upon request for all City documents. The City is currently negotiating a contract with a language service company that will provide on-demand translation.

Demographic data and analysis are incorporated into all City projects, including transportation-related projects. As an example, the Active Transportation Plan consultant Toole Design, LLC is collecting and analyzing a variety of demographics factors for Oak Harbor that will inform and guide the development of the Active Transportation Plan. Some of the factors being analyzed using demographic data include vehicle ownership, employment, public transit usage, mobility and distance to nearest grocery store.

4. Complaints – Provide a copy of the LPA’s Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).

The City of Oak Harbor did not receive any Title VI complaints during the reporting period.

5. Planning – Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.

The City of Oak Harbor engaged in three transportation planning activities during the study period:

The City of Oak Harbor is a member of the Island County Regional Transportation Planning Organization (IRTPO). Other members of this organization include Island County, City of Langley, Town of Coupeville, Island Transit, WSDOT Mt. Baker Area, Naval Air Station Whidbey Island, Island County Economic Development Council and the City of Stanwood. City staff participated in the IRTPO process which allocates transportation funds throughout the county. While the City of Oak Harbor is a participant, Island County, as the lead agency, is responsible for IRTPO Title VI compliance. The City of Oak Harbor designates a staff member from the Planning Department and the Public Works Department to be a voting member of the IRTPO Transportation Advisory Committee (TAC). The meetings are not public, but they do have three citizen representative positions.

The City updates its Capital Improvement Plan (CIP) annually. The CIP is a 6-year project list and funding plan for all of the City's capital facilities, including streets, parks, fire protection, law enforcement, water, sewer, stormwater, solid waste, marina and city administration. The CIP is updated each year to reflect current funding sources and project priorities and is considered to be part of the City's Comprehensive Plan by state law. The CIP is presented to the City Council at a public council meeting and members of the public have the opportunity to comment on it. The 2023-2028 CIP can be found here: [Capital Facilities Planning \(oakharbor.gov\)](https://www.oakharbor.gov/capital-facilities-planning).

The City began working on an Active Transportation Plan during this reporting period. The Active Transportation Plan will identify multimodal projects to improve the safety and mobility of Oak Harbor's streets. There have been two presentations to the City Council on the project to date. Project information can be found here: [Active Transportation Plan \(ATP\) | Oak Harbor, WA](#)

The City is required to post public meetings with agendas and packet materials. Each meeting and associated material is posted on the City's website and is advertised in the City's paper of record, Whidbey News Times, on a monthly basis. Notices are also posted at City Hall.

Attachment 3 shows examples of meeting advertisements and related notices. A link to the City's website with meeting notices is located here: [Agenda Center • Oak Harbor, WA • CivicEngage](#). The City also posts notices on its public social media outlets including Facebook, Twitter and Instagram.

6. Right-of-way actions – Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owners(s)/tenant(s).

The City of Oak Harbor did not purchase, sell, lease or transfer real property related to highway transportation/public right-of-way during the reporting period.

7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.

The City of Oak Harbor did not contract with any right-of-way appraisers of acquisition staff during the reporting period.

8. Studies and Plans – Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.

The City of Oak Harbor began working on an Active Transportation Plan. The City has hired a consultant to collect data through public surveys, an online survey, focus groups and in-person events. The consultant was also tasked with review and analysis of current patterns and road conditions utilizing demographic data and other factor in order to make recommendations to improve safety and mobility for all types of street users. This project is continuing into the 2023-2024 reporting period. The consultant is collecting data on race, gender, income levels, disability, physical environments and/or travel habits through a variety of means, including, but not limited to American Community Survey data, surveys and public forums. **The Active Transportation Plan final development will be prioritized based on 1. Mobility; 2. Equity (socioeconomic characteristics of neighborhoods); and 3. Safety.**

9. Project Location and Design – Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects' benefits/burdens to affected populations. If possible, provide a map that overlays projects with the racial composition of affected neighborhoods.

Attachment 4 shows the location of construction projects during the reporting period July 1, 2022 – June 30, 2023.

Attachment 5 lists the projects, gives a project description and its impacts to affected populations.

All projects assume that Oak Harbor is a small community with a homogenous distribution of the ethnic and race populations throughout the city. It is assumed that the benefits and impacts identified in the studies are borne equally by all populations.

10. Other Public Meetings – List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

Identify members of the LPA's transportation planning and/or advisory groups by race, color, and national origin

Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.

List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.

Attachment 6 lists all the public meetings held during the reporting period that relate to transportation projects. It includes dates, times, location, attendance, contract amount (if any) and other project details.

From July 1, 2022 through October 31, 2022, public meetings were held as hybrid meetings with in-person and videoconferencing available. Starting November 1, 2022, public meetings reverted to in-person or email/written public comment. Public comments collected regarding transportation projects at meetings can be found in meeting minutes available on the City of Oak Harbor website. When making public comment, individuals need to state their name and address and can add any other details they choose.

In addition to traditional public meetings held throughout the year, the City's Development Services Department, consultant Toole Design, LLC and the City's Public Information Office held pop up events at community street fairs, other community events and set up information gathering tables at busy shopping centers like Safeway and Walmart to survey and engage the public on transportation topics. In general, staff took notes regarding public comments during these events, including demographic data of individuals they spoke with.

Toole Design, LLC reported that 163 people submitted answers to the demographic questions on their Active Transportation survey conducted in spring 2023. The following demographics were collected:

Age:

- 18-34yrs = 58
- 45-54yrs = 42
- 55-above = 53
- Not answered = 10

Income:

- Under \$49,999 = 24
- \$50,000 - \$99,999 = 46
- \$100,000 - \$149,999 = 34
- Over \$150,000 = 17
- Not answered = 42

Gender:

- Male = 49
- Female = 87
- Non-conforming = 3
- Not answered = 24

Disability:

- None = 113
- Hearing = 6
- Vision = 3
- Mobility = 16
- Cognitive = 2

- Other = 2
- Not answered = 12

Race:

- White = 111
- African American/Black = 2
- Asian/Pacific Islander = 3
- Latin/Hispanic = 3
- American Indian/Alaska Native = 1
- Other = 2
- Mixed = 11
- Not answered = 18

Attachment 3 shows an example of meeting advertisements and related notices. A link to the City's website with meeting notices is located here: [Agenda Center • Oak Harbor, WA • CivicEngage](#)

No language assistance services were requested during this reporting period. The City is currently negotiating a contract for on-demand language services for all public meetings, information gathering events and other related meetings (ie. community open house).

11. Transportation-related Construction and Consultant Contracts (if applicable) – Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiated contracts (e.g., consultants).

The City of Oak Harbor uses procurement practices as required by RCW, municipal code, federal regulations and/or interlocal agreements to procure consultant and contractor contracts.

During this reporting period, the City hired Toole Design, a consulting firm, to develop an Active Transportation Plan for the City. The City advertised in local, regional and national venues to solicit highly qualified and competitive consulting firms in order to achieve a cost-effective solution for the Active Transportation Plan. As the ATP project is being funded, in part, by FHWA through WSDOT, the City included the Federal requirements for procurement, including Title VI language, along with other federally-required language.

The City entered into an interlocal agreement with Island County for the 2023 Fog Seal project. Island County is the lead agency for this project and performed the advertising and awarding of construction contracts.

In April 2023, The City awarded a contract to Krieg Construction Inc for the 2023 Hot Mix Asphalt Overlay Project. Using City of Oak Harbor's procurement procedures for sealed bids, the City received four competitive bid and Krieg Construction Inc was awarded the contract as low bidder. This project is funded through local Transportation District funds. The City also awarded a contract to C. Johnson Construction for the West Whidbey Utility Replacement Project in May 2023. The City used its procurement procedures for sealed bids. The City received four competitive bids and C. Johnson Construction was awarded the contractor as low bidder. This project is funded, in part, by Transportation Improvement Board funds.

The City continued its contract with TranTech, LLC for design work on the NE 7th Avenue Reconstruction Project and with Harmsen, LLC for design work on the Fakkema Access Road Project.

12. Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g. what Title VI language was included in contracts and agreements; were contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

All solicitations for consultant or contractor services contain the updated WSDOT Local Area Guidelines Manual language, published June 22, 2022:

The City of Oak Harbor, 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.

All contracts for consultant services contain the following language:

Discrimination Prohibited and Compliance with Equal Opportunity Legislation. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to , the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training; rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination provision, the Agreement may be terminated by the City and further the Consultant will be barred from performing any services for the City now or in the Future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

All construction contracts are executed utilizing the State of Washington Standard Specifications (December 2022). Section 1-07.11 of the Standard Specifications contains the non-discrimination language for construction projects.

The City reviews prevailing wage reports and activities for construction contracts. In the event the City receives a discrimination complaint or the Department of Labor and Industries receives a complaint, the City will use its policies and procedures to address the complaint.

13. List construction, right-of-way, and consultant contracts with your LPA/MPO/entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).

Attachment 5 lists the contracts for the current reporting period. No contracts were awarded to certified disadvantaged contractors.

14. Education & Training – Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

List Title VI training/webinars your Title VI Coordinator attended this reporting period. Include dates and entity that conducted the training.

When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.

List other civil rights training conducted locally. Provide dates and a list of participants by job title and Title VI role, if applicable.

The City's Engineering Department, including the City Engineer (Title VI contract development and compliance) went through initial Title VI compliance training in 2019.

Since that time, the City of Oak Harbor purchased a Human Resources enterprise resource portal, Neogov.com, which has built-in training modules on a wide variety of topic. Title VI of the 1964 Civil Rights Act for Municipalities is one of the courses.

The City does not require this training, but encourages all employees to use the portal. For WSDOT-related projects receiving FHWA funds, the Compliance Officer has requested staff involved in those projects take the training. To date, the Title VI Compliance Officer and Complaint Officer completed the online Title VI compliance training in September 2022 through the City's Human Resources portal: Neogov; the Central Services Supervisor (responsible for purchasing and contracts), City Engineer, and Capital Projects Project Manager completed online Title VI compliance training in June 2023. Several other staff are in process of taking the course.

The City's Human Resources Department continued to work on a training calendar in this reporting period. Challenges to implementing a full training schedule included the fact that Washington State did not rescind all COVID-19 emergency measures until October 31, 2022.

Title VI Goals for Upcoming Year

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

The City of Oak Harbor will focus more efforts on translating vital and/or significantly important documents in multiple languages to improve access to WSDOT programs, services and activities for all residents of Oak Harbor, especially those who speak English less than very well.

The City's Human Resource Department is planning to complete a city-wide training schedule and calendar that will include Title VI training.

ATTACHMENT 1 - Title VI Reporting Structure**Administrative**

<u>Name</u>	<u>Title</u>	<u>Responsibility</u>	<u>Race</u>	<u>Color</u>	<u>National Origin</u>
David Goldman	Finance Director	Title VI Compliance Officer	Caucasion	White	US Citizen
Emma House	Human Resources Director	Title VI Complaints Officer	Caucasion	White	US Citizen

Transportation

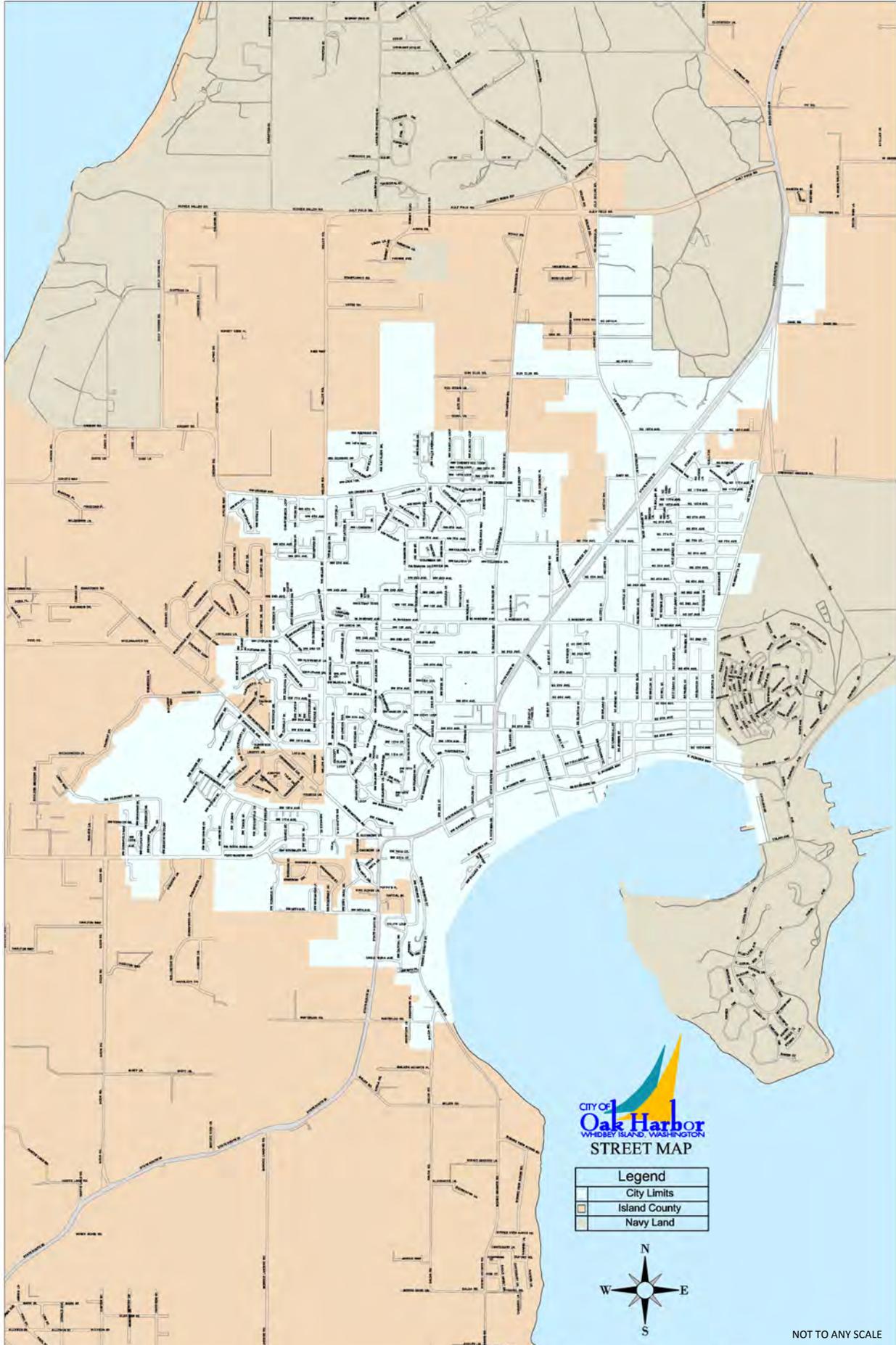
<u>Name</u>	<u>Title</u>	<u>Responsibility</u>	<u>Race</u>	<u>Color</u>	<u>National Origin</u>
Steve Schuller	Public Works Director	Public Works Department Compliance	Caucasion	White	US Citizen
Alex Warner	City Engineer	Contract Development and Compliance	Caucasion	White	US Citizen
Sandra Place	Central Services Supervisor	Contract Development, Purchasing and Compliance	Caucasion	White	US Citizen

LPA Governance/Public Review Member

<u>Name</u>	<u>Title</u>	<u>Responsibility</u>	<u>Race</u>	<u>Color</u>	<u>National Origin</u>
Robert Severns	Mayor	Elected Official	Caucasion	White	US Citizen
Tara Hizon	Council Member/Mayor Protem	Elected Official	Caucasion	White	US Citizen
Shane Hoffmire	Council Member	Elected Official	Caucasion	White	US Citizen
James Woessner	Council Member	Elected Official	Caucasion	White	US Citizen
Bryan Stucky	Council Member	Elected Official	Caucasion	White	US Citizen
Eric Marshall	Council Member	Elected Official	Caucasion	White	US Citizen
Beth Munns	Council Member	Elected Official	Caucasion	White	US Citizen
Dan Evans (through March 2023)	Council Member	Elected Official	Caucasion	White	US Citizen
Christopher Wiegenstein (May 24, 2023 - current)	Council Member	Appointed to fill vacancy	Caucasion	White	US Citizen

Attachment 2

City of Oak Harbor LPA Boundaries



Attachment 3 – Public Notice of Meeting

PUBLISH: Saturday, September 10, Wednesday, September 14, and Saturday, September 17 , 2022

Public Hearing Notice Oak Harbor City Council

NOTICE is hereby given that the Oak Harbor City Council will hold a public hearing on Wednesday, September 28, 2022 at 2:00 p.m. at the City Council Workshop Meeting regarding the following:

- **Revenue sources for the coming year’s budget, including consideration of possible increase in property tax revenues per RCW 84.55.120**

The meeting may be viewed live via YouTube or on Channel 10/HD1090. Anyone wishing to support or oppose these items or provide other relevant comments may do so by attending the meeting in person, by writing in, or by submitting comments electronically to the City Clerk at jnester@oakharbor.org or by calling (360) 279-4571 (after 5 p.m. on the Friday preceding the meeting and prior to 1:00 p.m. on the day of the meeting). To ensure comments are recorded properly, state your name clearly when leaving a voicemail message. Please limit your comments to three (3) minutes.

Julie Nester, City Clerk

Julie Nester
City Clerk
Posted on September 1, 2022

EMAILED: legals@soundpublishing.com

Remove posting after 09/28/2022

POSTED: City Hall Bulletin Boards
www.oakharbor.org on 09/01/2022

PUBLISHED: WNT legal section on 09/10/2022,
09/14/22 and 09/17/22

MIXED-FORMAT CITY COUNCIL MEETINGS

Per the Governor's Proclamation 20-28, the Open Public Meetings Act is modified due to the COVID-19 pandemic.

The City is pleased to welcome those who choose to attend in-person back to the Council Chambers:

1

MASKS REQUIRED FOR NON-VACCINATED

You must wear a cloth face covering or plastic face shield over your nose and mouth to protect staff/community if you are not fully vaccinated.

2

KEEP SIX FEET APART FOR NON-VACCINATED

Maintain six feet of physical distance between you and others if you are not fully vaccinated.

3

VIRTUAL PUBLIC COMMENT OPTIONS ARE STILL AVAILABLE

Visit www.oakharbor.org/publiccomment for instructions if you prefer to comment virtually.

4

PLEASE SIGN-IN TO COMMENT IN-PERSON

When you are called by the Mayor, please step up to the mic and state your name and address, and limit your comments to three (3) minutes.

5

CITY STAFF WILL BE ATTENDING VIRTUALLY

The majority of City staff will attend meetings virtually; Councilmembers may also choose to attend virtually.



You can also watch the meeting's livestream on the City's YouTube Channel or Cable Channel 10





**Take the
Survey
Online**



The City of Oak Harbor is currently developing an Active Transportation Plan to identify projects and strategies to improve conditions for walking, biking, and rolling throughout the City with our contracted consultant.

oakharbor.gov/atp



Oak Harbor Active Transportation Plan



We want to hear from you!



Where do you live? How do you usually get there? Do you walk, bike, or roll in Oak Harbor? And more.

oakharbor.gov/atp



Oak Harbor Active Transportation Plan

What is Active Transportation? Existing Sidewalks, Trails, and Bike Lanes



Invest in Active Transportation? Active transportation is an essential part of our community. It provides a safe and healthy way to get around town. It also helps reduce traffic congestion and air pollution. We want to hear from you about what you need to get around town safely and easily. We will use your input to create a plan that meets the needs of all our residents.

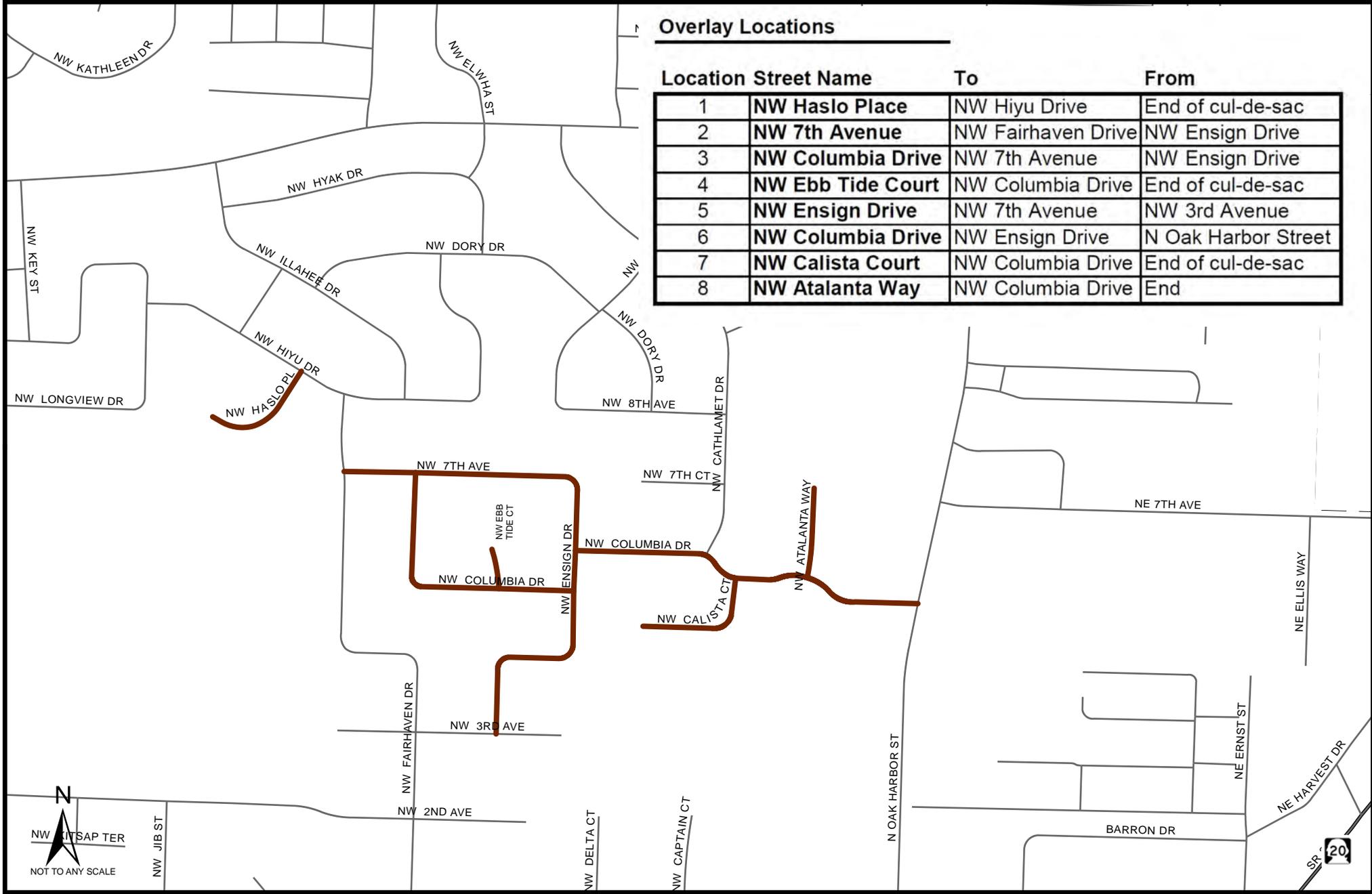


Oak Harbor Active Transportation Plan

What is the Purpose of the Active Transportation Plan? What is being considered? We want to hear from you! How do I get involved? What is this happening?

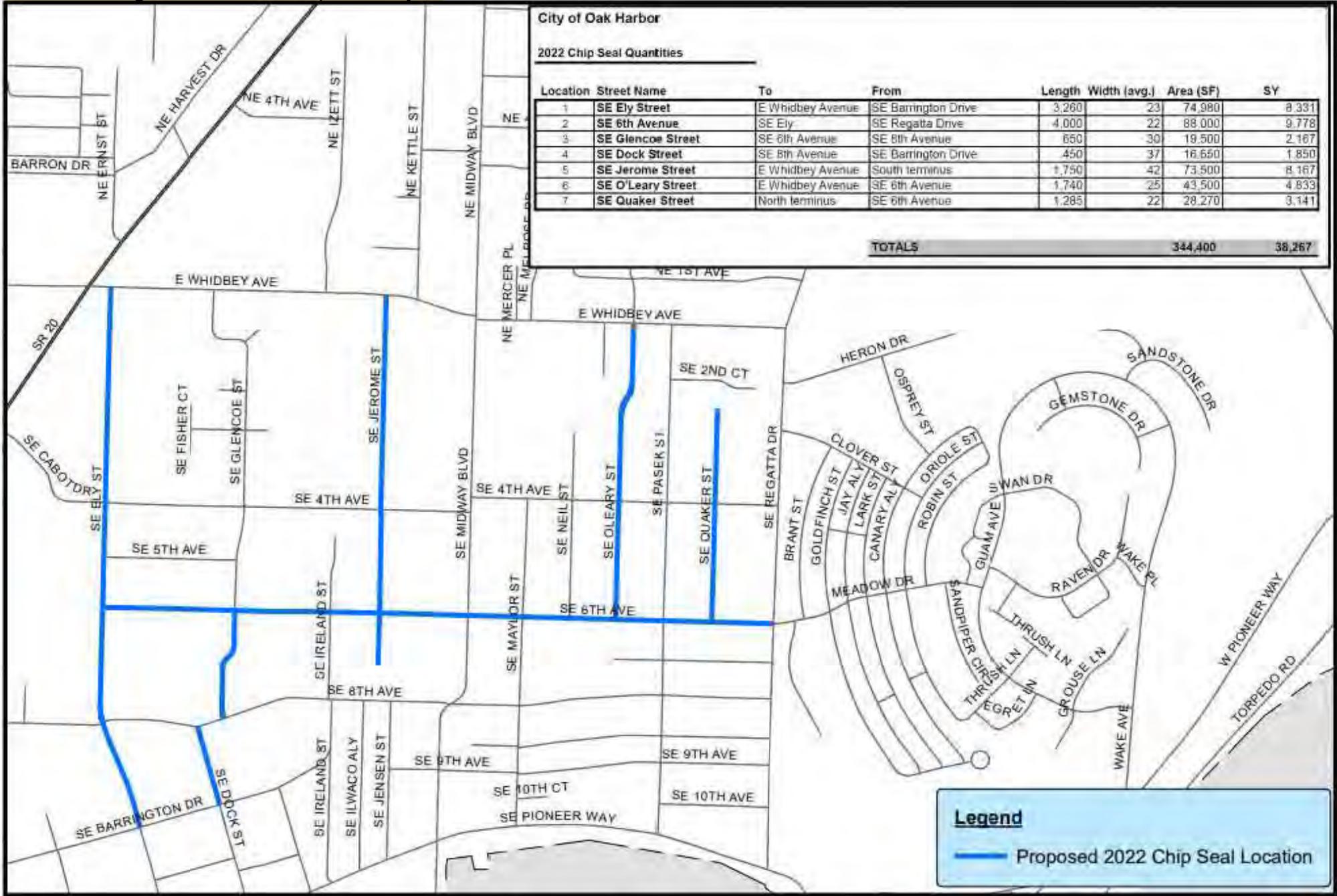
What is the Purpose of the Active Transportation Plan? We want to hear from you! How do I get involved? What is this happening?

CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON
oakharbor.gov



2023 PAVEMENT PRESERVATION PROJECT

TBD OVERLAY

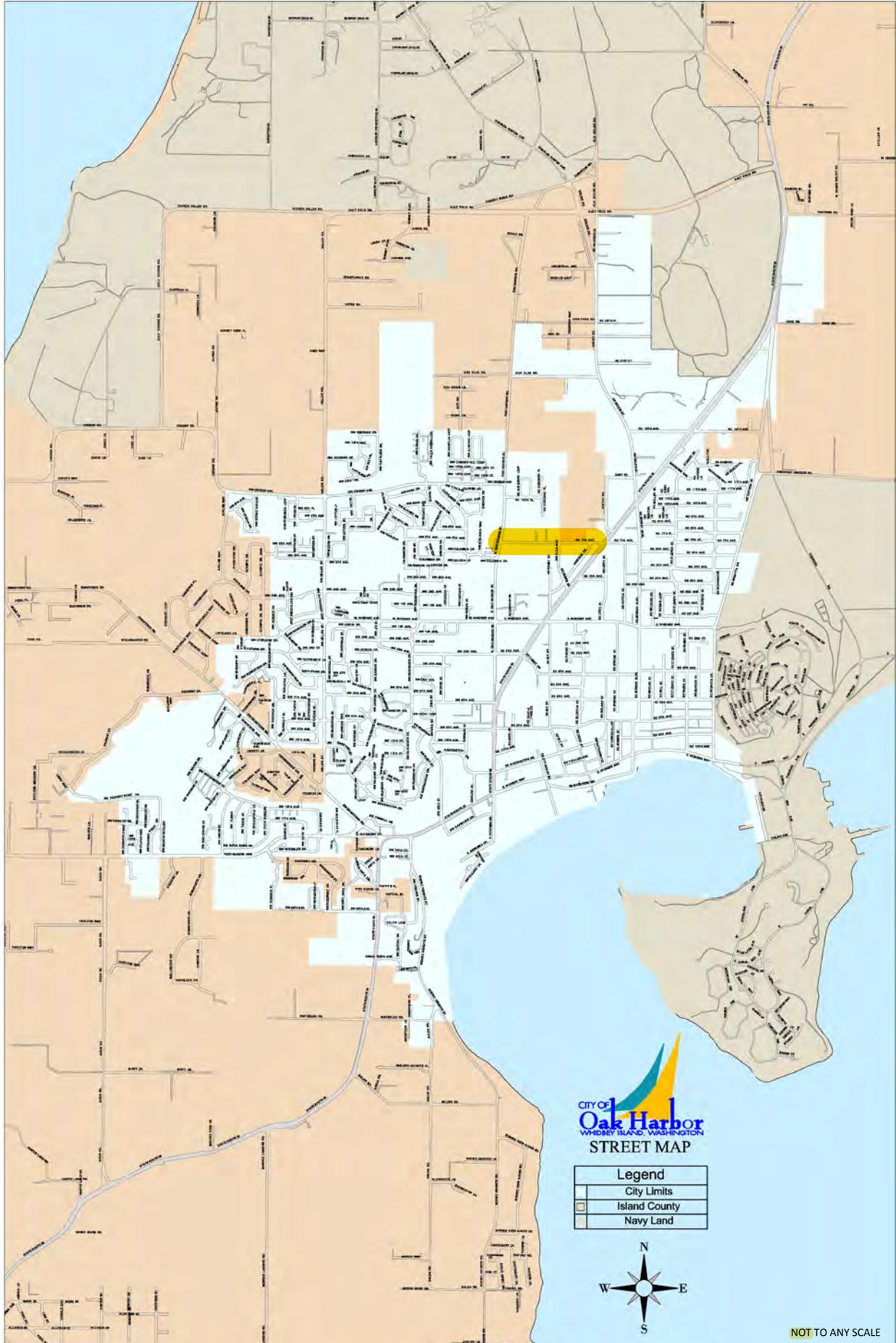


PROJECT LOCATION MAP



NOT TO ANY SCALE

Active Transportation Plan - City Wide; NE 7th Ave Reconstruction Project



ATTACHMENT 5-2022-2023 TRANSPORTATION PROJECT DESCRIPTIONS

Project	Description		Contracted Amount	Procurement Method
NE 7th Street Reconstruction	Reconstruction of Road and Intersection to improve safety and pedestrian access			A Request for Qualifications was issued to qualified consultants on the MRSC consultant roster August 24, 2020 and the RFQ was published in the local newspaper the Whidbey-News Times August 22, 2020 and August 29, 2020. The City received and reviewed seven Statements of Qualifications. A panel of four City Staff reviewed the SOQs. Three consultants were selected for interviews and Trantech Engineering, LLC was selected by the review panel as the most qualified firm to provide the requested services.
	Consultants	Trantech Engineering, LLC	\$517,235.00	
	Contractor	None		
	Benefits to Affected Populations	Improved Safety and pedestrian access		
	Impacts to Affected Populations	Loss of property, construction inconvenience		
2023 Fog Seal Project	Fog Seal of 38,250 linear feet of City Roads			This project will complete Chip Seal project started in 2022 Island County executed the procurement of consultants for this project. Island County publicly bid this project and it was awarded to the low-bidder.
	Consultants	Interlocal Agreement with Island County	\$106,985.45	
	Contractor	Interlocal Agreement with Island County		
	Benefits to affected populations	Rehabilitated road pavement		
	Impacts to affected Populations	Minor inconvenience during construction		
2023 Hot-Mix Asphalt Overlay Project	Overlaying of 2.4 lane miles of City Roads			Krieg Construction bid on this project and was the low bidder.
	Consultants	Inhouse - Engineering Dept		
	Contractor	Contract with Krieg Construction	\$745,754.40	
	Benefits to affected populations	Rehabilitated road pavement		
	Impacts to affected Populations	Minor inconvenience during construction		
Active Transportation Plan	Development of City-wide Active Transportation Plan			A Request for Qualifications was issued to qualified consultants on the MRSC consultant roster and the RFQ was published in the local newspaper the Whidbey-News Times and in the Daily Journal of Commerce. The City received and reviewed Statements of Qualifications. A panel of four City Staff reviewed the SOQs. Toole Design, LLC was selected by the review panel as the most qualified firm to provide the requested services.
	Consultants	Toole Design, LLC	\$150,000.00	
	Contractor	None		
	Benefits to affected populations	Improved safety and mobility on City streets		
	Impacts to affected Populations	potential minor inconvenience during any improvements		
West Whidbey Utility Replacement Project	Replacement of water and stom pipes on West Whidbey Avenue between Oak Harbor Blvd and Fairhaven Avenue.			n/a A Request for Qualifications was issued to qualified consultants on the MRSC consultant roster and the RFQ was published in the local newspaper the Whidbey-News Times and in the Daily Journal of Commerce. The City received and reviewed Statements of Qualifications. A panel of four City Staff reviewed the SOQs. Toole Design, LLC was selected by the review panel as the most qualified firm to provide the requested services.
	Consultants	n/a		
	Contractor	C. Johnson Construction	\$1,709,090.86	
	Benefits to affected populations	Rehabilitated water and sewer pipes & new road pavement		
	Impacts to affected Populations	Minor inconvenience during construction		

Attachment 6 - City Meetings

Meeting Date	Meeting Type	Meeting Topic	Comments/Attendance
Tuesday, July 12, 2022	City Council Meeting	Transportation Benefit District Annual Report	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . Mayor, 7 Council, 12 staff, City Attorney, 1 Guest, 3 public, Informational Only
Tuesday, September 20, 2022	City Council Meeting	IRTPO NE 7th Ave Grant Request	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . 7 Council, 12 staff, City Attorney, 1 Guest, 4 public, Unanimous vote.
Tuesday, November 15, 2022	City Council Meeting	Professional Services Agreement with Toole Design for Active Transportation Plan Contract	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . 7 Council, 17 staff, City Attorney, 0 Guest, 0 public, Unanimous vote.
Tuesday, December 13, 2022	City Council Meeting	NE 7th Avenue Reconstruction - TranTech Engineering Contract Amendment No. 01	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . Mayor, 6 Council, 12 staff, City Attorney, 0 Guest, 1 public, Unanimous vote.
Wednesday, March 22, 2023	City Council Workshop	Active Transportation Plan - Update	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . 6 Council, 12 staff, City Attorney, 0 Guest, 0 public, Informational Only
Tuesday, April 4, 2023	City Council Meeting	Final Contract Voucher Certificate - 2022 Hot Mix Asphalt (HMA) Overlay Project	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . Mayor, 6 Council, 13 staff, City Attorney, 4 Guests, 9 public, Unanimous vote.
		Inter-Agency Agreement: Island County to Fog-seal 2022 Chip-seal Streets	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . Mayor, 6 Council, 13 staff, City Attorney, 4 Guests, 9 public, Unanimous vote.
Tuesday, April 18, 2023	City Council Meeting	2023 Hot Mix Asphalt Overlay Project Award	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting . 5 Council, 12 staff, City Attorney, 1 Guest, 0 public, Unanimous vote.
Tuesday, May 2, 2023	City Council Meeting	Transportation Benefit District Annual Report	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting. Mayor, 6 Council, 13 staff, City Attorney, 0 Guest, 2 public, Information Only
Wednesday, May 24, 2023	City Council Workshop	Active Transportation Plan Update	This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor , on Facebook, and on Cable Channel 10/HD 1090 following the meeting. 6 Council, 12 staff, City Attorney, 2 Guests, 0 public, Informational Only