

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Resolution No. 399 - Adoption Title VI Plan		
DEPARTMENT:	Public Works		
PRESENTED BY:	Tricia Juhnke, City Engineer		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

The City was a sub-recipient of Federal Transit Authority (FTA) funding through King County for the Aurora Corridor project, specifically in regards to the provision of transit along the corridor. As such, King County is required to ensure that all sub-recipients have a Title VI program (Plan) adopted by the elected body.

The City does not currently have an adopted Title VI program; therefore a Resolution and Plan have been prepared to be in compliance with the funding requirements.

RESOURCE/FINANCIAL IMPACT:

There are no financial impacts as a result of the Title VI program.

RECOMMENDATION

No action is required; tonight's agenda item is for discussion of Resolution No. 399 and the proposed plan. Adoption of Resolution No. 399 is scheduled for February 6, 2017

Approved By: City Manager **DT** City Attorney **MK**

INTRODUCTION

A Title VI Program is required to be adopted by the City to receive Federal Transit Authority (FTA) Funds. The City utilized FTA funds as part of the Aurora Corridor project for the installation of Bus Access Transit (BAT) lanes, sidewalks, station platform and other improvements. King County administers the funds and therefore is responsible to ensure sub-recipients are in compliance with Title VI.

BACKGROUND

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The FTA is one of ten departments within US Department of Transportation responsible for administering federal funds and therefore responsible to ensure compliance with federal statutory and administrative requirements. The FTA has published Circular C 4702.1B ([FTA C 4702 Circular](#)) to provide guidance and direction to grantees on compliance with Title VI.

King County is the recipient of FTA funds but distributes the funding to other jurisdictions for transit-related improvements. The City received such funds for the Aurora Corridor project. King County is therefore responsible to ensure sub-recipients, such as the City, are in compliance with Title VI in accordance with the FTA Circular.

The City receives additional federal funds through Federal Highways Administration (FHWA) which is administered by Washington Department of Transportation (WSDOT). WSDOT is subsequently responsible to ensure recipients of such funds meet Title VI. WSDOT's requirements are defined and outlined through the Local Agency Guidelines (LAG) Manual.

The requirements for demonstrating compliance with Title VI are different between the agencies. The LAG Manual requires an annual report of activities and has tiered requirements based on the size of the municipality. The FTA Circular requires adoption of a Title VI plan every three years. Despite these differences the requirements of Title VI are the same and as such, proposed Resolution No. 399 (Attachment A) and the Title VI Program (Exhibit A), meets the needs for adoption of a plan per FTA Circular C4702.1B.

Key elements of the Program include:

- A Notice to the Public that the City complies with Title VI and informs members of the public of the protections against discrimination afforded to them by Title VI
- Instructions to the Public on how to file a Title VI complaint, including a copy of the complaint form
- A Public Participation Plan that includes an outreach plan to engage minority and limited English proficient populations

RESOURCE/FINANCIAL IMPACT

There is no financial impact as a result of this Resolution and the associated Plan.

RECOMMENDATION

No action is required; tonight's agenda item is for discussion of Resolution No. 399 and the proposed plan. Adoption of Resolution No. 399 is scheduled for February 6, 2017

ATTACHMENTS

Attachment A – Proposed Resolution No. 399

Attachment A, Exhibit A – City of Shoreline Title VI Program

RESOLUTION NO. 399

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A PROGRAM FOR COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED NON-DISCRIMINATION STATUTES AS A RECIPIENT OF FEDERAL FUNDS FOR TRANSIT FACILITIES.

WHEREAS, Title VI of the Civil Rights Act of 1964 and related statutes prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, any entity received federal financial assistance, either directly from the Federal Transit Administration or through a public transit agency, must not discriminate based on race, color, or national origin; and

WHEREAS, since the City is receiving federal grant sub-recipient funding from the King County Department of Transportation Metro Transit Division, it is required to have a Title VI Program to implement Federal Title VI non-discrimination requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Title VI Program. The City of Shoreline Title VI Program, dated February 2017, and attached hereto as Exhibit A, is adopted by the Shoreline City Council.

Section 2. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

ADOPTED BY THE CITY COUNCIL ON FEBRUARY 6, 2017.

Mayor Christopher Roberts

ATTEST:

Jessica Simulcik Smith, City Clerk

City of Shoreline Title VI Program

Introduction

The City of Shoreline (“City”) is a Federal Transit Administration (FTA) grant sub-recipient to the King County Department of Transportation’s Metro Transit Division (King County Metro). King County Metro contracts with the City to fund design and construction of items such as Business Access Transit (BAT) lanes, sidewalks, bike lanes, and station platforms in the City. The City does not directly provide any transit service.

To meet its Title VI program requirements, the City has its own procedures to satisfy certain requirements such as a complaint process and public participation. The City will rely upon the analysis and overall program efforts conducted by King County Metro to meet requirements, e.g. Limited English Proficiency

Since the City does not operate any transit service, this plan only addresses the General Reporting Requirements.

General Reporting Requirements

A. Title VI Notice to the Public

The City notifies the public that it complies with the requirements of Title VI and related statutes and regulations. Notices are posted in City Hall and on the City’s web site. The wording of the notice follows:

The City of Shoreline hereby gives public notice that it is the policy of the City to assure full compliance with Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, Executive Order 12898, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United State of America shall, on the ground of race, color or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the City receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Shoreline. Any such complaint must be in writing and filed with the Office of the City Clerk within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

B. Title VI Complaint Procedures and Form

A Title VI complaint form and Instructions for filling out a Title VI complaint can be obtained from City Clerk’s Office. A copy of the complaint form is in Appendix 1 to this document, along with the instructions for completing the form.

C. Title VI Investigations, Complaints, and Lawsuits

The City of Shoreline has had no Title VI complaints related to transit during the past three years.

D. Public Participation Plan

The City fully encourages public involvement and participation in decision-making processes. To comply with the statutory requirement for a public participation plan, the City hereby adopts and incorporates by reference the current version of the public participation plan of the King County Metro Title VI Program Report and will coordinate with King County Metro in public participation efforts related to transit projects being managed by the City of Shoreline.

E. Language Assistance Plan

The City relies upon the current Limited English Proficiency (LEP) analysis conducted by King County. This analysis identified that the City had more than 10 percent of its population with LEP. However, no specific language had more than five percent of the population. As such, the City does not have any special efforts related to a LEP population. The City does work to ensure all residents are informed of public activities and of actions related to FTA funded projects.

F. Monitoring Sub-recipients

The City has no sub-recipients. The City will cooperate with King County Metro in providing information and attending meetings as required by King County Metro as the County's monitoring procedures of the City's efforts.

G. Review of Facilities Constructed

The City did not build any storage facilities, maintenance facilities or operations centers and did not modify any facilities that require a Title VI equity analysis. The City will update King County Metro annually as to whether the City has funded any storage, maintenance facilities or operations centers with FTA funds.

H. Transit related, non-elected Committees and Boards

The City does not currently have any transit-related, non-elected planning boards, advisory councils, or committees. Therefore, this requirement is currently not applicable and the City does not have a process to encourage the participation of minorities on such committees. However, if the City creates any such transit-related, non-elected committees, the City will adopt and implement a process which is fully compliant with Title VI.

I. Documentation of Governing Body Review and Approval of the Title VI Program.

On February 6, 2017, the Shoreline City Council adopted this Title VI program through Resolution 399. The documentation of approval is found in Appendix 2.

Appendix 1

Title VI Complaint Process and Form

COMPLAINT OF DISCRIMINATION ON THE BASIS OF TITLE VI
AGAINST THE CITY OF SHORELINE, WASHINGTON

Who can file a Title VI complaint?

- A person who believes he or she has been discriminated against, on the basis of race, color, national origin, may file a Title VI complaint.
- Someone may file on behalf of classes of individuals.

How do I file a complaint?

- Fill out the City's Title VI Complaint Form completely to help us process your complaint. Submit the completed form to the City Clerk within 180 calendar days of the alleged discriminatory act.

What happens when I file a complaint?

- The City will send you a written receipt of your complaint and will forward a copy of your completed complaint form to the City department named as Respondent. The City will designate a person to facilitate and coordinate responses to your Title VI complaint, and this person will contact you.

The duties of this individual include but are not limited to:

- technical assistance to the department on requirements and regulations
 - coordination of meetings between the parties, if needed
 - monitoring completion of any future activities included in a complaint response
 - other services as requested or deemed appropriate.
- Following an investigation of the complaint, the City will send you a letter of resolution.

What if I don't agree with the department's letter of resolution?

A complainant who does not agree with the letter of resolution may submit a written request for a different resolution to the City Clerk within 30 days of the date the complainant receives the City's response.

Do I need an attorney to file or handle complaint?

No. However, you may wish to seek legal advice regarding your rights under the law.

Return this form to:

City of Shoreline
City Clerk's Office
17500 Midvale Avenue N
Shoreline, WA 98133
Telephone: 206-801-2230
Email: clk@shorelinewa.gov

This form is available in alternate formats upon request. Contact the City Clerk with questions on completing this form or about the grievance procedure.

**COMPLAINT OF DISCRIMINATION ON THE BASIS OF TITLE VI
AGAINST THE CITY OF SHORELINE, WASHINGTON**

Complainant Contact Information

Name

Street address/City/State/ Zip code

Work phone #/ Home phone # Message phone #

Email address

Additional mailing address

Aggrieved party contact information (if different from complainant):

Name

Street address/City/State/ Zip code

Work phone #/ Home phone # Message phone #

Email address

Relationship to aggrieved party

Name of respondent – City of Shoreline, Washington

Department or agency (if known): _____

Address/location (if known)

Date of Incident

I believe the above actions were taken because of my:

- Race
- Color
- National Origin
- Religion

Statement of Complaint – Include all facts upon which the complaint is based. Attach Additional sheets if needed.

Name, position, and department of City employees you have contacted regarding the incident(s).

Witnesses or other involved – provide name, address, telephone number(s) and e-mail (if available). Attach additional sheets if needed.

If you have filed a grievance, complaint or lawsuit regarding this matter anywhere else, give name and address of each place where you have filed. Attach additional sheets if needed.

In the complainant's view, what would be the best way to resolve the grievance?

I affirm that the foregoing information is true to the best of my knowledge and belief. I understand that all information becomes a matter of public record after the filing of this complaint.

Complainant

Date

Aggrieved Party

Date

Appendix 2

City Approval of Title VI Program