



MEETING OF THE BOARD OF THE  
WHATCOM COUNCIL OF GOVERNMENTS  
**Wednesday, May 8, 2019, 3:00-3:30 p.m.**  
Gordon W. Rogers Conference Room  
314 East Champion Street, Bellingham

**AGENDA**

PAGES

- |       |    |   |               |
|-------|----|---|---------------|
|       | A. | CALL TO ORDER   |               |
|       | B. | PUBLIC COMMENT<br>Citizens may speak informally to the Board on agenda items or other matters relating to the business of the Whatcom Council of Governments.<br><i>Each speaker is allowed a maximum of three minutes.</i> |               |
|       | C. | AGENDA APPROVAL*  |               |
| 2-4   | D. | APPROVAL OF MINUTES*<br>Meeting of January 16, 2019   |               |
| 5-7   | E. | APPROVAL OF CLAIMS*<br>March-April 2019   |               |
|       | F. | BUDGET REPORT<br>Budget Report for the Period Ending April 30, 2019 – Ron Cubellis (to be distributed at the meeting)   |               |
|       | G. | OLD BUSINESS  |               |
| 8     | H. | NEW BUSINESS  |               |
|       |    | 1. Public Utility District No. 1 Request for Ex-Officio Membership on the Whatcom Transportation Policy Board – Bob Wilson*   |               |
| 9-20  |    | 2. Amend the Bylaws and Procedures of the Whatcom Metropolitan Planning Area Transportation Planning Process – Mr. Wilson*  |               |
| 21-24 |    | 3. Amend the WCOG ADA Policy – Mr. Cubellis*  |               |
| 25-27 |    | 4. Amend the WCOG Complaint Policy – Mr. Cubellis*  |               |
| 28-53 |    | 5. Amend WCOG's Title VI Plan – Mr. Wilson*   |               |
|       |    | 6. Other New Business (if any)  |               |
|       | I. | EXECUTIVE DIRECTOR'S REPORT – Mr. Wilson  |               |
| 54    | J. | CORRESPONDENCE  |               |
|       | K. | BOARD OPEN FORUM  |               |
|       | L. | ADJOURN   | * Action item |

Persons with disabilities needing special accommodation for this meeting, please contact the WCOG office at (360) 676-6974, at least six (6) days prior to this meeting to receive assistance.  
Para asistencia en español, por favor llame al (360) 676-6974.

WHATCOM COUNCIL OF GOVERNMENTS  
BOARD MINUTES – DRAFT  
JANUARY 16, 2018

IN ATTENDANCE:

MEMBERS VOTING: Jon Mutchler (Chairman), Ferndale; Scott Korthuis (Vice Chairman), Lynden; Jack Louws (Secretary-Treasurer), Whatcom County; Kelli Linville and April Barker, Bellingham; Bonnie Onyon, Blaine; John Carter, Lake Whatcom W&SD; Tom Jones, Nooksack; Carol Frazey, Whatcom County; NON-VOTING: Patrick Alesse, Birch Bay W&SD; Pete Stark, WTA

GUESTS Jori Burnett, City of Ferndale; Justin Clary, Lake Whatcom W&SD

STAFF Bob Wilson, Ron Cubellis, Hugh Conroy

A. CALL TO ORDER

Chairman Mutchler called the meeting to order at 3:00 p.m. with a quorum present.

B. PUBLIC COMMENT

No public comment was received.

C. AGENDA APPROVAL

**APPROVED BY UNANIMOUS CONSENT**

D. CONSENT AGENDA

Chairman Mutchler asked if there were any objections to approving the consent agenda as presented, which included the minutes of the Council Board meeting of December 12, 2018; the proposed 2019 Fee Schedule for services rendered to non-members of WCOG; and a list of claims from December 1 through December 31, 2018, inclusive, in the amount of \$211,472.31, which was contained in the meeting packet sent to the representatives on January 9, 2019, and which was audited and certified by the Executive Director, acting as the Auditing Officer as required by RCW 42.24.090. No objections were made.

**APPROVED BY UNANIMOUS CONSENT**

E. BUDGET REPORT

Mr. Cubellis presented the budget report as of December 31, 2018.

F. OLD BUSINESS

None

G. NEW BUSINESS

G.1 Public Utility District No. 1 Ex Officio Membership Request

**MOTION:** Ms. Linville moved, Mr. Korthuis seconded, to approve the request of Public Utility District No. 1 for ex-officio membership in WCOG.

**MOTION PASSED**

G.2 Appointment of Three Small Cities' Representatives to the Executive Committee

**MOTION:** Mr. Louws moved, Ms. Barker seconded, to appoint Mayor Bonnie Onyon of Blaine, Mayor Jon Mutchler of Ferndale and Mayor Scott Korthuis of Lynden to the 2019 Executive Committee.

**MOTION PASSED**

G.3 Election of Chair, Vice-Chair and Secretary-Treasurer

**MOTION:** Mr. Louws moved, Mr. Jones seconded, to appoint the following representatives – all of whom having agreed to serve – to the following offices: Jon Mutchler, Chairman; Scott Korthuis, Vice-Chairman; and Jack Louws, Secretary-Treasurer.

**MOTION PASSED**

G.4 Additions to List of Unfunded Transportation Needs of Whatcom County

Mr. Wilson explained that he had inadvertently deleted an e-mail sent to him in November from Mr. Louws containing projects requested by Whatcom County for inclusion on the 2019 list of unfunded transportation needs, and subsequently, they were not included on the list adopted by the Council Board in December. To correct that oversight, the Council Board was asked to consider adding the following projects to the list:

- Northwest Avenue/Smith Road Round-a-bout – \$5-million
- Birch Bay–Lynden Road/Blaine Road Round-a-bout – \$5-million
- Mosquito Lake Road/Hutchinson Creek Fish Passage – \$1.5-million

**MOTION:** Mr. Korthuis moved, Ms. Onyon seconded, to add the previously-listed projects to the list of “2019 Unfunded Transportation Needs of Whatcom County.”

**MOTION PASSED**

H. EXECUTIVE DIRECTOR'S REPORT

Mr. Wilson reminded the representatives that he had sent out a call for projects to update the Whatcom County Comprehensive Economic Development Strategy, adding that he would be updating the body of the document this year with guidance and assistance from Team Whatcom.

I. BOARD OPEN FORUM

Mr. Louws requested WCOG staff to develop an inventory of known fish-passage barriers in Whatcom County for use by all of the members.

J. ADJOURNMENT

There being no further business, the meeting adjourned at 3:31 p.m.

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Jack Louws  
Secretary-Treasurer

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Robert H. Wilson, AICP  
Executive Director

# Whatcom Council of Governments

## CLAIMS LISTING

March through April 2019

Date	Num	Source Name	Memo	Paid Amount
<b>Mar - Apr 19</b>				
03/01/2019	eft	HSA Bank	HSA Contributions	2,100.00
03/01/2019	eft	HSA Bank	HSA Contributions	1,197.00
03/01/2019	LC 020519	American Planning Association	Professional Development	605.00
03/01/2019	HC 0208	CitiMac	Supplies	194.57
03/01/2019	RC 020119	Clearly Communications	Communication Services	173.36
03/01/2019	RC 020119	Google	Communication Services	49.73
03/01/2019	RC 020219	Intuit Payroll Service	Office Equipment & Software	528.28
03/01/2019	RC 020519	Comcast	Communication Services	312.01
03/01/2019	RC 020819	Amazon	Supplies	15.09
03/01/2019	RC 020819	Amazon	Office Equipment & Software	304.35
03/01/2019	RC 021219	Heroku	Communication Services	170.08
03/01/2019	RC 021519	Sanitary Service Corporation	Utilities	60.53
03/01/2019	RC 021819	GroupSpaces Ltd	Communication Services	19.99
03/01/2019	RC 022219	Amazon	Supplies	82.10
03/01/2019	RC 022219	Amazon	Repair & Maintenance	28.24
03/01/2019	RC 022319	RingCentral	Communication Services	169.44
03/01/2019	RC 022319	Dell Inc.	Office Equipment & Software	576.08
03/01/2019	MF 012719	Microsoft	Office Equipment & Software	430.45
03/01/2019	MF 012719	La Fiamma	Supplies	144.57
03/01/2019	MF 020319	Amazon Web Services	Communication Services	211.66
03/01/2019	MF 020619	Rogers Media	Communication Services	40.96
03/01/2019	MF 021419	Starbucks	Supplies	36.85
03/01/2019	JM 012719	Western Washington University	Travel	7.00
03/01/2019	JM 020519	Amazon	Supplies	26.60
03/01/2019	JM 020619	Amazon	Supplies	59.93
03/01/2019	JM 020719	Amazon	Supplies	17.22
03/01/2019	JM 020719	Shell	Supplies	5.20
03/01/2019	JM 021319	Pendragon Software Corporation	Office Equipment & Software	180.00
03/01/2019	JM 021419	The Bagelry	Supplies	37.39
03/01/2019	BW 012919	Rite Aid	Supplies	6.49
03/01/2019	BW 020419	ADT Security Systems	Utilities	61.66
03/01/2019	BW 020819	DC VIP	Travel	20.28
03/01/2019	BW 020819	Alaska Airlines	Travel	30.00
03/01/2019	BW 021319	Washington Court Hotel	Travel	1,144.92
03/01/2019	MG 021819	Facebook Inc.	Communication Services	60.41
03/01/2019	BW 021919	Hilton Hotels & Resorts	Travel	142.72
03/08/2019	2646	Applied Digital Imaging	Printing	45.10
03/08/2019	2647	Bellingham Herald (advertising)	Public Hearing Notices	63.69
03/08/2019	2648	Bruce's Janitor Service	Janitorial	625.00
03/08/2019	2649	BTC Leasing	Office Equipment/Software	898.36
03/08/2019	2650	Capitol City Press	Printing	350.12
03/08/2019	2651	Cascade Natural Gas	Utilities	286.18
03/08/2019	2652	Champion Building LLC	Rental	5,786.25
03/08/2019	2653	Good Eye Design	Professional Services	1,852.50
03/08/2019	2654	IBI Group US	Professional Services	2,160.00
03/08/2019	2655	Parker Northwest Associates	Professional Services	3,690.00
03/08/2019	2656	Puget Sound Energy	Utilities	231.32
03/08/2019	2657	Purchase Power	Postage	1,210.50
03/08/2019	2658	Ricoh USA Inc.	Office Equipment/Software	313.09
03/08/2019	2659	The Language Exchange	Translation Services	143.08
03/08/2019	2660	US Bank	Purchase Card	5,953.16
03/08/2019	2661	Wilson Engineering LLC	Professional Services	27,039.59
03/08/2019	1077	Ferrier-Hart, Elizabeth	Incentives	250.00
03/08/2019	Transfer	WCOG Petty Cash	Petty Cash Refill	745.62
03/12/2019	1078	Fitness Evolution	Healthcare	100.00
03/20/2019	1079	Evantide Photography	Middle schoolers photoshoot	750.00
03/26/2019	eft	HSA Bank	HSA Fees	18.00
03/28/2019	eft	QuickBooks Payroll Service	Created by Payroll Service on 03/26/2019	45,810.53
03/28/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # 1019132326	8,319.00
03/28/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # 1019132326	1,004.78
03/28/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # 1019132326	1,004.78
03/28/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # 1019132326	0.00
03/28/2019	eft	WA Dept of Retirement Systems	PERS Contribution	4,709.65
03/28/2019	eft	WA Dept of Retirement Systems	PERS Contribution	8,154.48
03/28/2019	eft	Mass Mutual	Retirement	990.00

**Whatcom Council of Governments**  
**CLAIMS LISTING**  
 March through April 2019

Date	Num	Source Name	Memo	Paid Amount
03/28/2019	eft	Mass Mutual	Retirement	877.44
03/28/2019	eft	Mass Mutual	Retirement	1,157.16
03/28/2019	2662	AFLAC	Employee Paid Coverage	77.82
03/28/2019	2663	AWC-Additional Life	Employee Paid Life Ins.	22.50
03/28/2019	2664	United Way	Employee Contributions	354.00
03/28/2019	eft	WA Dept of Retirement Systems	PERS Contribution	2,821.91
03/28/2019	eft	WA Dept of Retirement Systems	PERS Contribution	4,858.76
03/29/2019	eft	AWC	Benefits	8,862.51
04/01/2019	LC 030119	National Academy of Sciences	Professional Development	475.00
04/01/2019	HC 032119	The Bagelry	Supplies	37.39
04/01/2019	RC 030119	Clearly Communications	Communication Services	173.36
04/01/2019	RC 030119	Google	Communication Services	49.73
04/01/2019	RC 030219	Intuit Payroll Service	Office Equipment & Software	39.13
04/01/2019	RC 030519	Comcast	Communication Services	312.01
04/01/2019	RC 030519	GreenDisk	Utilities	79.95
04/01/2019	RC 031219	Heroku	Communication Services	170.10
04/01/2019	RC 031219	Community Food Co-op	Supplies	11.72
04/01/2019	RC 031519	AICPA Store	Professional Development	149.00
04/01/2019	RC 031519	Sanitary Service Corporation	Utilities	60.53
04/01/2019	RC 031819	GroupSpaces Ltd	Communication Services	19.99
04/01/2019	RC 032019	Amazon	Supplies	64.55
04/01/2019	RC 032019	Amazon	Supplies	17.60
04/01/2019	RC 032219	Lenovo	Supplies	16.29
04/01/2019	RC 032319	Lenovo	Office Equipment & Software	2,006.86
04/01/2019	MF 030319	Amazon Web Services	Communication Services	198.28
04/01/2019	MF 030519	Tableau Software Inc	Office Equipment & Software	778.29
04/01/2019	MF 030719	Survey Monkey	Office Equipment & Software	40.22
04/01/2019	MF 030919	Rogers Media	Communication Services	83.01
04/01/2019	MF 031219	Hazelmere Golf & Tennis	Supplies	771.42
04/01/2019	MF 031919	Amazon	Supplies	17.73
04/01/2019	MF 032019	Amazon	Supplies	7.61
04/01/2019	MF 032119	Starbucks	Supplies	36.85
04/01/2019	JM 022719	Sammy's Place	Travel	29.69
04/01/2019	JM 031219	Washington Chapter APA	Professional Development	50.00
04/01/2019	JM 031319	Pendragon Software Corporation	Office Equipment & Software	180.00
04/01/2019	JM 031319	Starvin Sam's	Travel	34.03
04/01/2019	JM 031319	Shell	Travel	4.21
04/01/2019	BW 022519	Waterfront Place Garage	Travel	22.00
04/01/2019	BW 022619	Waterfront Place Garage	Travel	17.00
04/01/2019	BW 022619	The Maxwell Hotel	Travel	68.49
04/01/2019	BW 030419	ADT Security Systems	Utilities	61.66
04/01/2019	BW 031219	Fred Meyer	Supplies	4.04
04/01/2019	BW 031319	Starbucks	Supplies	18.42
04/01/2019	BW 031819	Hotels.com	Travel	110.79
04/01/2019	BW 032019	Hotel RL by Red Lion	Travel	2.12
04/01/2019	MG 031819	Facebook Inc.	Communication Services	123.67
04/01/2019	eft	HSA Bank	HSA Contributions	2,100.00
04/01/2019	eft	HSA Bank	HSA Contributions	1,197.00
04/11/2019	2665	Applied Digital Imaging	Printing	375.02
04/11/2019	2666	Bay City Supply	Supplies	116.04
04/11/2019	2667	Bob Wilson	Expense Reimbursement	1,242.62
04/11/2019	2668	Bruce's Janitor Service	Janitorial	625.00
04/11/2019	2669	BTC Leasing	Office Equipment/Software	449.18
04/11/2019	2670	Capitol City Press	Printing	3,625.51
04/11/2019	2671	Cascade Natural Gas	Utilities	209.38
04/11/2019	2672	Champion Building LLC	Rental	5,786.25
04/11/2019	2673	Good Eye Design	Professional Services	1,107.67
04/11/2019	2674	IBI Group US	Professional Services	1,080.00
04/11/2019	2675	Jaymes McClain	Expense Reimbursement	59.16
04/11/2019	2676	Melissa Fanucci	Expense Reimbursement	83.69
04/11/2019	2677	Parker Northwest Associates	Professional Services	3,690.00
04/11/2019	2678	Puget Sound Energy	Utilities	235.90
04/11/2019	2679	Ricoh USA Inc.	Office Equipment/Software	232.65
04/11/2019	2680	RSG Consultants	Professional Services	59,062.45
04/11/2019	2681	Security Solutions NW	Fire Extinguisher Service	224.36
04/11/2019	2682	Susan Horst	Expense Reimbursement	593.26

**Whatcom Council of Governments**  
**CLAIMS LISTING**  
 March through April 2019

<u>Date</u>	<u>Num</u>	<u>Source Name</u>	<u>Memo</u>	<u>Paid Amount</u>
04/11/2019	2683	US Bank	Purchase Card	6,342.74
04/11/2019	2684	Western Washington University	Partner Pass-Through	12,777.83
04/11/2019	2685	Wilson Engineering LLC	Professional Services	10,214.34
04/11/2019	Transfer	WCOG Petty Cash	Petty Cash Refill	1,100.00
04/12/2019	eft	WA Dept of L&I	Payroll Taxes	752.29
04/26/2019	eft	HSA Bank	HSA Fees	18.00
04/26/2019	E-pay	WA Dept of Employment Security	Payroll Taxes QB Tracking # 2135488226	58.09
04/26/2019	E-pay	WA Dept of Employment Security	Payroll Taxes QB Tracking # 2135488226	7,127.63
04/26/2019	2686	AFLAC	Employee Paid Coverage	77.82
04/26/2019	2687	AWC-Additional Life	Employee Paid Life Ins.	22.50
04/26/2019	2688	United Way	Employee Contributions	354.00
04/26/2019	EFT	AWC	Benefits	8,862.51
04/29/2019	eft	QuickBooks Payroll Service	Created by Payroll Service on 04/25/2019	44,271.17
04/30/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # -1767285070	8,387.00
04/30/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # -1767285070	983.81
04/30/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # -1767285070	983.81
04/30/2019	E-pay	Internal Revenue Service	Payroll Taxes QB Tracking # -1767285070	0.00
04/30/2019	eft	WA Dept of Retirement Systems	PERS Contribution	4,733.98
04/30/2019	eft	WA Dept of Retirement Systems	PERS Contribution	8,196.62
04/30/2019	eft	WA Dept of Retirement Systems	PERS Contribution	2,821.91
04/30/2019	eft	WA Dept of Retirement Systems	PERS Contribution	3,047.45
04/30/2019	eft	Mass Mutual	Retirement	990.00
04/30/2019	eft	Mass Mutual	Retirement	913.52
04/30/2019	eft	Mass Mutual	Retirement	1,157.16
<b>Mar - Apr 19</b>				<b>363,419.10</b>

**The Council Board retroactively approves the payments made during March through April 2019 for the above listed claims in the total amount of: \$363,419.10\***

<u>Board Officer</u>	<u>Title</u>	<u>Date</u>
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**MEMORANDUM**

To: The Council Board  
From: Bob Wilson, Executive Director  
Date: May 1, 2019  
Subject: **Request of Public Utility District for Ex-Officio Membership in the  
Whatcom Transportation Policy Board**

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On March 12<sup>th</sup>, the Board of Commissioners of Public Utility District No. 1 took action to officially request of the Council Board that it be made an ex-officio member of the Whatcom Transportation Policy Board.

**SUGGESTED MOTION:** Move to appoint Public Utility District No. 1 to the Whatcom Transportation Policy Board as an ex-officio member, effective immediately.





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**MEMORANDUM**

To: The Council Board  
From: Bob Wilson, Executive Director  
Date: May 1, 2019  
Subject: **Proposed Amendments to the Bylaws of the Whatcom Transportation Policy Board**

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Public Utility District No. 1 has requested ex-officio membership on the Whatcom Transportation Policy Board, Council Board action on which is scheduled for the May 8<sup>th</sup> meeting. Should the Council Board grant the PUD's request, the bylaws of the Policy Board must be amended to include the PUD in the list of ex-officio members. Since the Council Board will be doing that, I would like to take the opportunity to make a few other needed revisions to the bylaws:

- General: I've added "Policy" before the word "Board" to avoid confusion with the Council Board. Also, I've removed the revision dates appearing after certain sections, since I believe they're confusing. These revisions appear throughout the document.
- Page 4: Added the PUD as an ex-officio member and removed the Northwest Economic Council.
- Page 10: Changed the prescribed meeting schedule for the Citizens' Transportation Advisory Group (which currently call for CTAG meetings about a week before scheduled Policy Board meetings) to requiring just one meeting a year, with other meeting dates determined by the CTAG chairperson and WCOG staff.

**SUGGESTED MOTION:** Move to amend the "Bylaws and Procedures of the Whatcom Metropolitan Area Transportation Planning Process," dated May 8, 2019, as presented.

# BYLAWS AND PROCEDURES OF THE WHATCOM METROPOLITAN PLANNING AREA TRANSPORTATION PLANNING PROCESS

Adopted July 10, 2013  
Amended January 21, 2015  
Amended January 18, 2017  
Proposed Amendments, May 8, 2019



Whatcom Council of Governments  
314 East Champion Street  
Bellingham, WA 98225  
(360) 676-6974  
[www.wcog.org](http://www.wcog.org)

## **PREAMBLE**

The following constitutes the bylaws, procedures and responsibilities which shall serve to establish, organize and guide the proper functioning of the Whatcom Metropolitan Planning Area Transportation Planning Process. The intent is to provide for a combined metropolitan planning organization and regional transportation planning organization which will be responsible for fulfilling the applicable requirements of the Federal Aid Highway Act of 1962, as amended; the Urban Mass Transportation Act of 1964, as amended; the Washington State Growth Management Act of 1990, as amended; the Intermodal Surface Transportation Efficiency Act of 1991, and; subsequent state and federal laws setting forth requirements for transportation planning for all modes of travel. This planning task will be accomplished within a cooperative framework properly related to comprehensive planning on a continual basis. This cooperative, comprehensive and continuing approach is commonly known as the “3-C Planning Process.” Furthermore, this organization shall carry out any other transportation planning and programming functions as set forth in any agreements entered into between the Whatcom Council of Governments and the Washington State Department of Transportation, the United States Department of Transportation, other pertinent agencies, or in such manner as events shall dictate.

### **Section 1.0: Process Name and Organization Name**

- A.** The name for the ongoing transportation planning process shall be the Whatcom Metropolitan Planning Area Transportation Planning Process (“the Planning Process”).
- B.** The name of the organization conducting the Planning Process is the Whatcom Council of Governments.

### **Section 2.0: Organizational Structure**

- A.** The Whatcom Transportation Policy Board (“the **Policy** Board”), a committee of the Whatcom Council of Governments, shall oversee and guide the Planning Process. The **Policy** Board shall be assisted in conducting the Planning Process by two (2) standing advisory groups, those being the Transportation Technical Advisory Group and the Citizens’ Transportation Advisory Group (together, “the advisory groups”). Additional advisory groups may be established by the **Policy** Board as deemed necessary and appropriate.

### **Section 3.0: General Policies**

- A.** These general policies shall apply to the **Policy** Board and the advisory groups in the conduct of the Planning Process.
- B.** All reports, programs and plans shall be reviewed by the Transportation Technical Advisory Group and the Citizens’ Transportation Advisory Group. The Transportation Technical Advisory Group and Citizens’ Transportation Advisory Group shall be afforded

sufficient time to comment on drafts prior to action by the ~~Whatcom Transportation~~ Policy Board. Reports, programs and plans become official documents following adoption by resolution of the ~~Whatcom Transportation~~ Policy Board.

C. The **Policy** Board and the advisory groups shall proceed with their respective responsibilities and duties with proper consideration at all times for all modes of transportation and associated facilities.

D. All studies undertaken in the Planning Process shall be coordinated with individual modal planning programs and with comprehensive planning efforts in the Metropolitan Planning Area.

E. Transportation planning activities shall be used to promote efficient urban development. Reasonable forecasts of land use and economic conditions shall guide these activities.

F. All published data and/or reports shall be made available to the general public and other agencies in a digital format. Fulfillment of requests for paper copies of documents shall be subject to duplication costs.

#### **Section 4.0: Amendment of Bylaws**

A. Any section contained herein may be amended at any meeting of the Whatcom Council of Governments provided such proposed amendment is delivered to the voting members of the Board **of the Whatcom Council of Governments** at least ~~seven (7)~~ **fifteen (15)** days prior to the meeting at which the amendment is to be considered. Such notice shall set out the exact form of the proposed amendment(s). A proposed amendment shall be adopted if it receives the affirmative vote of a majority of at least a quorum of the voting members present. *(Amended January 21, 2015)*

B. These rules may be revised, updated or amended as circumstances dictate.

### **WHATCOM TRANSPORTATION POLICY BOARD BYLAWS**

#### **Section 5.0: Purpose**

A. The ~~Whatcom Transportation~~ Policy Board is the federally-recognized metropolitan planning organization for the Whatcom Metropolitan Planning Area and the state-designated regional transportation planning organization for Whatcom County. As such it serves as the decision-making body for the Whatcom Metropolitan Planning Area Transportation Planning Process.

#### **Section 5.1: Responsibilities**

A. To provide policy guidance for, and oversight of, the Planning Process.

**B.** To review and approve all plans and programs developed as part of the Planning Process, including the combined metropolitan and regional transportation plan (“Whatcom Transportation Plan”).

**C.** To take official action on recommendations from the subcommittees and other matters pertaining to furthering the Planning Process.

**D.** To adopt transportation strategies, goals and objectives to guide the Planning Process.

**E.** To adopt and maintain a Transportation Improvement Program in accordance with Washington State and Federal guidelines.

**F.** To establish the boundary of the Metropolitan Planning Area in consultation with the Governor of Washington.

**G.** To modify the membership of the **Policy** Board and the advisory groups as deemed necessary.

**H.** To ensure that citizen participation is achieved in the Planning Process.

**I.** Other responsibilities as required by State or Federal law.

## **Section 5.2: Membership**

### **A. Whatcom Transportation Policy Board—Voting Members**

1. County Executive, Whatcom County
2. Council Member, Whatcom County Council
3. Mayor, City of Bellingham
4. Council Member, Bellingham City Council
5. Mayor or Council Member, City of Blaine
6. Mayor or Council Member, City of Everson
7. Mayor or Council Member, City of Ferndale
8. Mayor or Council Member, City of Lynden
9. Mayor or Council Member, City of Nooksack
10. Mayor or Council Member, City of Sumas
11. Chairperson or Official appointed by the Lummi Indian Business Council
12. Chairperson or Official appointed by the Nooksack Tribal Council
13. Commissioner, Port of Bellingham
14. Board Member, Whatcom Transportation Authority
15. Washington State Secretary of Transportation, or his/her designee.

## **B. ~~Whatcom Transportation Policy Board~~—Non-Voting Members**

1. State Senators representing any portion of Whatcom County
2. State Representatives representing any portion of Whatcom County
3. Executive Director, Whatcom Council of Governments
4. President or his/her designee, Bellingham Technical College
5. President or his/her designee, Western Washington University
6. President or his/her designee, Whatcom Community College
7. Representative, Transportation Technical Advisory Group
8. Chairperson, Citizens' Transportation Advisory Group
9. ~~Chairperson, Northwest Economic Council~~
9. Commissioner, Public Utility District No. 1 of Whatcom County
10. Other non-voting members as deemed appropriate by the Board of the Whatcom Council of Governments.

**C.** Voting and non-voting members of the Policy Board shall serve terms of not less than one (1) calendar year unless the appointing entity is replacing its voting member, in which case the appointing entity may designate a replacement to serve the remainder of the former voting member's term, even if there is less than one (1) year remaining on it.

**D.** The appointing entity shall notify the Secretary of the Policy Board, in writing, of the persons appointed to serve as that entity's voting and non-voting members of the Policy Board. Said notification shall be made in January of each calendar year.

**E.** No voting member shall simultaneously represent more than one (1) member entity on the Policy Board.

**F.** Each appointing entity may also appoint one (1) alternate voting member to the Policy Board to represent that entity in the absence of the regular voting member. With the exception of the alternates for the Washington State Secretary of Transportation, the Lummi Indian Business Council and the Nooksack Tribal Council, alternate voting members shall be elected officials from the same appointing entity as the regular voting member. The chief elected or administrative official of the appointing entity shall notify the Secretary of the Policy Board, in writing, not less than one (1) hour before the scheduled call to order of the Policy Board meeting in question to inform him/her that the alternate member will attend in place of the regular voting member. Electronic mail may be used for said notification.

## **Section 5.3: Officers**

**A.** The officers of the ~~Whatcom Transportation~~ Policy Board except the Secretary shall be appointed by the Board of the Whatcom Council of Governments and shall be elected public officials.

**B.** The First Vice-Chairperson shall act as chair in the Chairperson's absence or in case of the Chairperson's vacating his/her elected office.

**C.** The Second Vice-Chairperson shall act as chair in the absence of the Chairperson and First Vice-Chairperson.

**D.** The Executive Director of the Whatcom Council of Governments shall serve as Secretary of the **Policy** Board. He/she shall ensure that legally-sufficient public notice is provided for all meetings of the ~~Whatcom Transportation~~ Policy Board and that minutes of the proceedings are taken and maintained in accordance with all applicable laws of the State of Washington and the United States of America. The Secretary shall not be entitled to vote on any matter before the **Policy** Board, nor may he/she act as chair at any meeting of the **Policy** Board.

**E.** In the absence of the Chairperson, First Vice-Chairperson and Second Vice-Chairperson at a regularly-scheduled or special meeting, the voting members present shall designate by consensus a voting member to act as chair for the duration of that meeting.

*(Amended January 18, 2017)*

#### **Section 5.4: Meetings**

**A.** The rules of order contained herein shall govern deliberations and meetings of the ~~Whatcom Transportation~~ Policy Board. Any point of order applicable to the deliberations of the **Policy** Board and not contained herein shall be governed by Roberts Rules of Order.

**B.** The ~~Whatcom Transportation~~ Policy Board shall meet at least two (2) times per calendar year, on a schedule determined and adopted no later than December of the prior calendar year.

**C.** Special meetings may be called when deemed necessary by the Chairperson or by a majority of the voting members of the **Policy** Board. When providing notification for a special meeting, at least five (5) days' written notice shall be provided describing the time, location and subject of the meeting. The five (5) days' notice may be waived if the Chairperson and one other voting member concurs, but shall be in accordance with the provisions of the Revised Code of Washington (RCW) 42.30.080, as amended.

**D.** A quorum shall consist of seven (7) voting members present, including duly-appointed alternates. No action shall be taken by the ~~Whatcom Transportation~~ Policy Board without a quorum. If a quorum is not present at a regular or special meeting, the Chairperson or acting chairperson may call for the meeting to be postponed, which shall occur if there is consensus to do so among the voting members present.

**E.** Voting shall be by voice vote. When requested by any voting member, voting shall be by roll call. In the event of a tie vote, the motion before the ~~Whatcom Transportation Policy Board~~ shall fail.

**F.** All meetings of the ~~Whatcom Transportation Policy Board~~ shall be open to the general public per the RCW 42.30 *et seq.*

**G.** At the discretion of the Chairperson, in consultation with the Secretary, a regularly scheduled meeting may be canceled. Notification of the cancellation shall be made at least five (5) days prior to the date of the scheduled meeting. The five (5) days' notice may be waived if two (2) additional voting members concur.

**H.** The Chairperson or acting chairperson shall not be deprived of any of the rights and privileges of a voting member by reason of his/her acting as the presiding officer.

### **Section 5.5: Business**

**A.** Meeting agendas shall contain, but not be limited to, the following items of business, in an order determined by the Secretary.

1. Call to order by Chairperson
2. Public comment
3. Approval of the agenda
4. Approval of minutes of previous meeting
5. Old business
6. New business
7. Good of the order
8. Adjournment.

## **TRANSPORTATION TECHNICAL ADVISORY GROUP BYLAWS**

### **Section 6.0: Purpose**

**A.** The purpose of the Transportation Technical Advisory Group is to provide the ~~Whatcom Transportation Policy Board~~ with technical support and to inform the ~~Policy Board~~ **it** about the linkage between planning and implementation.

### **Section 6.1: Responsibilities**

**A.** To recommend technical methods, procedures and standards to the **Policy** Board to further the Planning Process.

**B.** To help coordinate the work of operating departments and agencies participating in the Planning Process.



C. To advise the **Policy** Board on best practices in transportation planning.

D. To provide comments and make recommendations on draft reports, including but not limited to the Whatcom Transportation Plan, the Unified Planning Work Program, the Transportation Improvement Program, and other plans and reports.

### **Section 6.2: Membership**

A. The following entities shall be represented on the Transportation Technical Advisory Group:

1. City of Bellingham
2. City of Blaine
3. City of Everson
4. City of Ferndale
5. Lummi Nation
6. City of Lynden
7. City of Nooksack
8. Nooksack Indian Tribe
9. Port of Bellingham
10. City of Sumas
11. Washington State Department of Transportation
12. Whatcom County
13. Whatcom Transportation Authority.

B. The chief elected or administrative official of each of the eight (8) local governments, the two (2) tribal governments and the three (3) other entities represented on the ~~Whatcom Transportation~~ Policy Board shall designate in writing to the Secretary of the Policy Board one (1) person to serve as that entity's voting representative in meetings of the Transportation Technical Advisory Group. One (1) or more alternates may also be designated. In such case where the designated voting representative is absent and more than one (1) designated alternate is in attendance at a meeting, the alternate named first in the aforementioned written communication from the member entity shall be recognized as the sole voting representative for that entity at that meeting.

### **Section 6.3: Meetings**

A. The rules of order contained herein shall govern deliberations of the Transportation Technical Advisory Group.

B. Meetings of the Transportation Technical Advisory Group shall be held ~~monthly or~~ on a schedule approved by the Policy Board **determined by the Secretary of the Policy Board in consultation with the membership.**

C. The Secretary of the Policy Board may call a special meeting of the Transportation Technical Advisory Group if he/she determines that such a meeting is necessary.

D. A quorum shall consist of five (5) voting representatives of the Transportation Technical Advisory Group, including duly-appointed alternates.

E. The Secretary of the Policy Board or his/her designee shall record in the summary of that meeting the voting representatives or their alternates present and voting.

F. At the discretion of the Secretary of the Policy Board, a regularly-scheduled meeting of the Transportation Technical Advisory Group may be canceled. Notification of the cancellation shall be made no less than one (1) day prior to the originally-scheduled meeting date.

*(Amended January 18, 2017)*

## **CITIZENS' TRANSPORTATION ADVISORY GROUP BYLAWS**

### **Section 7.0: Purpose**

The Citizens' Transportation Advisory Group facilitates ongoing citizen participation in support of the Whatcom Metropolitan Planning Area Transportation Planning Process, including serving as a forum for community input regarding the provision of regional transit service provided by ~~It also serves as the Citizens' Advisory Panel for the Whatcom Transportation Authority.~~ Elected officials representing any portion of Whatcom County, or their staff members, as well as employees of any entity with membership in the ~~Whatcom Transportation Policy Board,~~ may not serve on the Citizens' Transportation Advisory Group.

### **Section 7.1: Responsibilities**

The Citizens' Transportation Advisory Group shall have the following responsibilities:

**A.** To review and respond to comment on plans and programs subject to the oversight or approval of the Policy Board, prepared as part of the Planning Process, including the ~~Whatcom Transportation Plan.~~

**B.** To provide input on plans and programs of the Whatcom Transportation Authority.

~~**B.** To relay to the Whatcom Transportation Policy Board perspectives on local and regional transportation issues by residents of the Whatcom Metropolitan Planning Area.~~

**C.** To offer ideas, identify needs and otherwise contribute to the Planning Process.

**D.** Other duties as assigned by the ~~Whatcom Transportation~~ Policy Board.

## Section 7.2: Membership

**A.** Members of the Citizens' Transportation Advisory Group shall be appointed **by the Policy Board**, as follows:

1. Three (3) members from unincorporated areas of Whatcom County, appointed by Whatcom County
2. Three (3) members from the City of Bellingham
3. One (1) member from each of Whatcom County's six (6) other incorporated cities
4. One (1) member each from the Lummi Nation and Nooksack Tribe
5. One (1) member from the staff of a college or university located in Whatcom County, recommended by the President of the respective institution and appointed by the ~~Whatcom Transportation~~ Policy Board
6. One (1) member from the student body of a college or university located in Whatcom County and who lives in Whatcom County during the academic year, recommended by the student government organization of the respective institution and appointed by the ~~Whatcom Transportation~~ Policy Board
7. One (1) member with a disability that impedes his/her ability to operate a motor vehicle and who resides in Whatcom County, appointed by the ~~Whatcom Transportation~~ Policy Board
8. One (1) member who is no less than seventy (70) years of age and who resides in Whatcom County, appointed by the ~~Whatcom Transportation~~ Policy Board
9. One (1) member from the student body of a high school located in Whatcom County who is at least seventeen (17) years of age, recommended by the Principal of the respective school and appointed by the ~~Whatcom Transportation~~ Policy Board
10. Additional members appointed by the ~~Whatcom Transportation~~ Policy Board.

**The Whatcom Transportation Authority may directly appoint up to eight (8) members, subject to the provisions in Section 7.0 of these Bylaws.**

*(Amended January 21, 2015)*

**B.** All voting members shall reside within the respective jurisdictions ~~for which they were appointed to represent~~ **that appointed them.**

**C.** The duration of the terms of the members shall be at the pleasure of the appointing official or entity, but shall not be less than one (1) year unless the appointment is to replace that entity's voting member, in which case the appointing official or entity may designate a replacement to serve the remainder of the former voting member's term, even if there is less than one (1) year remaining on it.

D. Professional staff of the member entities of the Policy Board may attend meetings of the Citizens' Transportation Advisory Group as technical advisors.

### **Section 7.3: Officers**

A. A Chairperson and Vice-Chairperson shall be elected by a majority of the Citizens' Transportation Advisory Group's voting members at the first regularly-scheduled meeting of each year at which there is a quorum.

B. The Executive Director of the Whatcom Council of Governments or his/her designee shall serve as Secretary of the Citizens' Transportation Advisory Group.

### **Section 7.4: Meetings**

A. The Citizens' Transportation Advisory Group shall meet at least once every calendar year. Meetings of the Citizens' Transportation Advisory Group shall be scheduled approximately one (1) week prior to all regularly-scheduled meetings of the Whatcom Transportation Policy Board following consultation between the Chairperson and Secretary of the Citizens' Transportation Advisory Group, or the latter's designee.

B. Meetings shall follow a printed agenda.

C. A quorum shall consist of five (5) voting members.

D. At the discretion of the Secretary of the Citizens' Transportation Advisory Group, a regularly scheduled meeting may be canceled. Notification of the cancellation shall be made no less than two (2) hours prior to the announced start time of the scheduled meeting.

### **Section 7.5: Special Events**

A. In consultation with the Secretary, the Citizens' Transportation Advisory Group may hold special events to engage the public in the Planning Process.

B. The Citizens' Transportation Advisory Group may seek outside funding to implement a special event. The Secretary of the Citizens' Transportation Advisory Group shall determine if funds received are appropriate for use by the committee in conducting the special event. If it is determined that said funds are not appropriate, they shall be returned to the donor.



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## MEMORANDUM

To: WCOG Board  
From: Ron Cubellis, Deputy Executive Director/CFO  
Date: April 30, 2019  
Subject: WCOG ADA Policy – modification

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Staff is requesting a modification to WCOG's Americans with Disabilities Act (ADA) Policy to address direct threats. This is a Federal Transit Administration requirement that applies to our mobility management grant even though we do not provide public transportation. The added Section 10. Direct Threats is shown on page 3 of the following draft.

**SUGGESTED MOTION:** Move to approve the Whatcom Council of Governments' ADA Policy as presented.

## Whatcom Council of Governments

### ADA Policy

(amended 05-08-2019)

#### **General Policy**

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is civil rights legislation which requires that persons with disabilities receive services equal to those available to all Americans.

It is the policy of Whatcom Council of Governments (WCOG) that, when viewed in their entirety, services, programs, facilities, and communications provided by WCOG, directly or by a contracted service provider, are readily accessible and usable to individuals with disabilities to the maximum extent possible. 49. CFR 37.105

#### **1. Approved Equipment**

Whatcom Council of Governments' facilities will accommodate the use of personable mobility devices such as wheelchairs, scooters, and walkers.

- *Wheelchair* means a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.
- Equipment must be in good working order, with batteries charged, tires inflated, footrests attached, and all parts secure. (49 CFR 37.3)

#### **2. Mobility Device Brakes**

When occupying an elevator, it is recommended that passengers apply the brakes on their mobility devices; however, they are not required to do so. With power chairs or scooters, it is recommended that the power switch be turned to the "off" position. Again, this is not mandatory.

#### **3. Portable Oxygen Use**

Individuals with disabilities who use portable oxygen devices are allowed to travel with respirators and properly secured portable oxygen supplies. Oxygen supplies must not obstruct the aisle. (49 CFR 37.167(h))

#### **4. Personal Care Attendants**

A Personal Care Attendant (PCA) may accompany clients with disabilities into WCOG facilities. A PCA is someone who travels with, and helps, a rider who is not able to travel alone. You must provide your own PCA if you need one.

## **5. Service Animals**

A service animal is any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability. In order to utilize WCOG facilities:

- The animal must be on a leash or in a container, remain under control of the owner, and behave appropriately.
- Birds, reptiles, amphibians, rodents, and cats must be kept in an enclosed carrier/container.
- The animal must remain at your feet or on your lap.
- The animal must not be aggressive toward people or other animals. (49 CFR 37.167 (d))

## **6. Suspension of Access to Facilities**

A client's privileges may be suspended for any of the following infractions in any WCOG facility:

- Smoking or carrying a lit pipe, cigar, or cigarette (unless in a designated smoking area).
- Discarding or dumping litter in places other than the recognized receptacles.
- Consuming alcoholic beverages or in possession of alcoholic beverages.
- Loud, raucous, unruly, harmful, or harassing behavior.
- Engaging in other conduct that is inconsistent with the intended purpose of the facility. (RCW 9.91.025)

## **7. Reasonable Accommodation and Employment**

WCOG will not deny employment opportunities to an otherwise qualified individual with a disability because that individual requires reasonable accommodations to facilitate or continue employment, unless the accommodations would impose an undue hardship on the department.

## **8. Notification of Policy**

WCOG will notify the public of the ADA policy on the website.

## **9. Complaint Process**

WCOG is committed to providing safe and accessible services for the community. WCOG has established a Customer Service and Grievance Policy and customers wishing to file a complaint and/or obtain a copy of the policy may contact WCOG at (360) 676-6974, or in person at WCOG's administration office located at 314 E. Champion Street, Bellingham WA. (RCW 46.07b).

## **10. Direct Threat**

If a person is violent, seriously disruptive, or engaging in illegal conduct, WCOG may, refuse to allow the individual to participate in WCOG programs. A person who poses a significant risk to others may be excluded from a program if reasonable modifications to the public accommodation's policies, practices, or procedures will not eliminate that risk. (49CFR 37.5 App. D/ 29 CFR 36.208)

Behaviors that may cause immediate exclusion from participation include:

- Destruction of public property
- Doing violence to others or to oneself
- Behavior that is seriously unruly, seriously disruptive, threatening, or frightening to others
- Behavior that interferes with the safe conduct of the program
- Engaging in illegal conduct.
- Other conduct judged by WCOG to represent an actual or potential threat to the health, safety or wellbeing of oneself, other participants, and/or WCOG personnel.

Participants excluded from participating in a program due to a direct threat have the ability to request an administrative appeal through WCOG's Complaint Policy by contacting the WCOG Executive Director at 360-676-6974.





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## MEMORANDUM

To: WCOG Board  
From: Ron Cubellis, Deputy Executive Director/CFO  
Date: April 30, 2019  
  
Subject: WCOG Complaint Policy – modification

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Staff is requesting a modification to WCOG's Complain Policy so it may also serve as WCOG's Americans with Disabilities Act complaint policy. The underlined additions on the following pages designate the WCOG Executive Director as the employee responsible for receiving, reviewing and processing complaints.

**SUGGESTED MOTION:** Move to approve the Whatcom Council of Governments' Complaint Policy as presented.

## Whatcom Council of Governments

### Complaint Policy

(amended 05-08-2019)

Public within the service area of the Whatcom Council of Governments (WCOG) are a fundamental aspect of our agency and their feedback is crucial to the operation of the agency.

The WCOG Complaint Policy has been established to ensure that the public has an easy and accessible way to provide feedback. WCOG is open to hearing any feedback including complaints, comments, suggestions, or concerns.

#### Contacting WCOG

**The WCOG Executive Director is the employee responsible for receiving, reviewing and acting upon feedback. The WCOG Executive Director** can be contacted in the following ways:

1. **US Mail:** Feedback can be mailed to **the WCOG Executive Director** at 314 E. Champion Street, Bellingham, WA 98225
2. **Phone:** Public can contact **the WCOG Executive Director** at 360-676-6974. This line is available 24 hours a day, seven days per week.
3. **E-mail:** Public can contact **the WCOG Executive Director** by e-mail at [wcog@wcog.org](mailto:wcog@wcog.org).
4. **Fax:** Public can send written feedback by fax to 360-738-6232.

#### Feedback Review Process

All feedback from the public is valued and will be reviewed by the Executive Director. After review, the Executive Director will distribute the communication to the appropriate WCOG representative(s).

1. Public concerns, complaints, or employee commendations will be forwarded to the appropriate supervisor.
2. Recommendations or comments for service will be sent to the planning department.
3. Questions regarding discrimination or bias will be handled by the Executive Director.

#### Feedback Acknowledgement

Anyone who submits a comment or complaint to WCOG shall receive a response provided they give legible contact information.

- Feedback will receive a response within seven business days after receipt.

#### Appeals Process

Any person who is dissatisfied with the response they receive from WCOG is welcome to appeal the decision to the WCOG Executive Board.

WCOG Complaint Policy  
Page 2

Information About Policy

Information about the WCOG Complaint Policy, including how to submit a complaint, will be made available on the WCOG website at <https://www.wcog.org>.

Tracking

WCOG shall maintain a tracking system for complaints that provides a unique identification of each customer communication and allows ready access to information on the status of the complaint at any time.

Protection from Retribution

The public should be able to submit feedback without fear of retribution from WCOG. If a person feels like they are being treated unfairly in response to the feedback that they provided, they should contact the Executive Director of the WCOG or in the case of the Executive Director they should contact the WCOG Executive Board.



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**MEMORANDUM**

To: The Council Board  
From: Bob Wilson, Executive Director  
Date: May 1, 2019  
Subject: **Amending WCOG's Title VI Plan**

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In March, WSDOT's Public Transportation Division performed a sub-recipient monitoring review of WCOG, which receives a relatively-small amount of Federal Transportation Administration funding sub-allocated to it by WSDOT. During that review we were made aware that we had not submitted an annual Title VI (of the Civil Rights Act of 1964) compliance report to WSDOT since September of 2017, right before our former staff member Mary Anderson – who served as WCOG's Title VI Coordinator – left to take a position at WTA. It was also brought to our attention that our Title VI Plan had not been updated since 2013. For your information, Title VI of the 1964 Civil Rights Act provides “that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance” (23 CFR 200.9 and 49 CFR 21).

During a conference call with WSDOT's Office of Equal Opportunity last week, there was agreement that WCOG would do the following:

1. Submit a Title VI compliance report to WSDOT for the period August 2017 through June 2019. That will occur in July.
2. Revise the 2013 Title VI Plan to update information, bring it to the Council Board to amend it, and submit the amended plan to WSDOT on May 10<sup>th</sup>.
3. Undertake a thorough update of the Title VI Plan, to be completed by December 31, 2019.

The attached document is the amended version of the Title VI Plan referenced in No. 2 above. New or modified text is highlighted; deletions are struck through.

**SUGGESTED MOTION:** Move to amend the Whatcom Council of Governments' Title VI Plan, as submitted, acknowledging that the Plan will undergo a thorough review and update no later than December 31, 2019.



# Title VI Plan

Adopted September 11, 2013  
Amended May 8, 2019

## Whatcom Council of Governments Title VI Plan

### Policy Statement

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

In the event WCOG distributes federal aid funds to another entity or contractor, WCOG will include Title VI language in all written agreements and will monitor for compliance.

WCOG's Executive Director is responsible for initiating and monitoring Title VI activities, preparing required reports, and other WCOG responsibilities as required by 23 CFR 200 and 49 CFR 21.

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Robert H. Wilson  
Executive Director

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Date

### Authorities

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

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether or not such programs and activities are federally assisted (Public Law 100-259 [S. 557] March 22, 1988).

*Additional Authorities and Citations Include:*

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; and 28 CFR 50.

## Organization and Staffing

The Executive Director of WCOG is responsible for ensuring the implementation of WCOG Title VI program. The Title VI Coordinator (hereafter referred to as Coordinator), on behalf of the Executive Director, is responsible for oversight of the Title VI program. The day-to-day administration of the program lies with the Title VI Coordinator under the direct supervision of the Executive Director.

The Executive Director of WCOG shall serve as its Title VI Coordinator and shall administer and implement WCOG's Title VI program. The Executive Director may appoint a staff member to serve as WCOG's Title VI Coordinator, who would perform the duties of the position under the direct supervision of the Executive Director.

### Title VI Coordinator Responsibilities

The Title VI Coordinator, with assistance from program liaisons, is assigned the responsibility for implementing, monitoring and ensuring WCOG's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by WCOG.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of, WCOG programs, i.e., citizens and affected communities.
3. Review Environmental Impact Statements prepared by WCOG for Title VI and Environmental Justice compliance.
4. Conduct Title VI review of program areas (planning, education and training, environmental affairs and contracting).
5. Conduct Title VI reviews of consultant contractors and recipients of federal funds directly distributed by WCOG.
6. Review internal policies and, where applicable, include Title VI and related requirements.
7. Make available training for WCOG employees on Title VI and related statutes for WCOG programs.
8. Prepare a yearly report of Title VI accomplishments for the past year.
9. Prepare Title VI information for dissemination to the general public and, where necessary and appropriate, in languages other than English.

10. Conduct approval reviews of WCOG programs and applicants for compliance with Title VI requirements, i.e., persons seeking contracts with WCOG.
11. Identify, investigate and eliminate discrimination when found to exist in connection with WCOG programs.
12. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

## **Program Administration**

The Executive Director – **acting as Title VI Coordinator** – will be responsible for ensuring the administration and implementation of the Title VI program. ~~The Coordinator will assist in the overall administration of the Title VI program, plan and assurances. WCOG Program Liaisons~~ **The Deputy Executive Director/CFO will serve as WCOG’s Title VI liaison for consultant contracts, and the directors of the Planning and Mobility programs will serve as liaisons for their respective programs.**

### **A. Complaints**

If any individual believes they or any other program beneficiaries has been the object of unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin or sex, they may exercise their right to file a complaint with WCOG. Every effort will be made to resolve complaints informally at the agency, sub-recipient, and contractor’s level.

### **B. Data Collection**

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of, WCOG programs, e.g., citizens, affected communities, etc., will be gathered and maintained by the Title VI Coordinator for use in evaluating program compliance and improving affected populations’ participation. Each of the Title VI program areas will maintain data, which will be incorporated into the Title VI Annual Update. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program ~~administration.~~

### **C. Title VI Reviews**

Title VI Program reviews will be performed by the Coordinator to assess administrative procedures, staffing and resources available for Title VI compliance.

### **D. Annual Reviews**

In addition to day-to-day monitoring, all programs will be reviewed annually to ensure effectiveness in their compliance with Title VI provisions. The Title VI Coordinator and



program representatives will coordinate efforts to ensure equal participation in all their programs and activities at all levels.

#### E. Operational Guidelines

All operational guidelines to contractors, sub-recipients and program areas will be reviewed annually to ensure inclusion of Title VI language, provisions and related requirements, where applicable.

#### F. Training Program

The Title VI Coordinator will assist the Washington State Department of Transportation (WSDOT) in the distribution of information to WCOG staff on available training programs regarding Title VI and related statutes. Training is available to all WCOG employees as related to their job descriptions.

#### G. Annual Reports

An annual summary and Title VI Plan update will be submitted to WSDOT in February July for the previous state fiscal year. The Annual Report will review Title VI accomplishments achieved during the previous year. The Title VI Coordinator will be responsible for ~~coordination and~~ preparation of the report.

#### H. Public Dissemination

WCOG will disseminate Title VI Program information to WCOG employees, sub-recipients and contractors, as well as the general public as necessary for WCOG programs. Public Dissemination will include the electronic posting of public statements on the agency's web site, inclusion of Title VI language in contracts, annually publishing the Title VI Policy Statement in newspapers having a general circulation in the community and in minority publications where appropriate (see Addendum 3).

#### I. Post Grant Reviews

Post-grant Title VI Compliance reviews of consultants with WCOG will be conducted. The reviews will determine the contractor's compliance with Title VI contractual provisions. Post-grant reviews are to be conducted on those sub-recipients that have already received WCOG federal funds.

#### J. Remedial Action

WCOG will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance with program administrative requirements. If irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When

conducting Title VI reviews on sub-recipients, WCOG will reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

WCOG will seek the cooperation of the sub-recipient in correcting any deficiencies found during the review. WCOG will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

If a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Coordinator will submit to the Executive Director two copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, WCOG may, with WSDOT and FHWA's concurrence, initiate sanctions per 49 CFR 21.

WSDOT will be notified of any complaint filed involving Title VI issues, as well as its resolution.

- K. WCOG will develop an internal procedure to assist in day-to-day administration of the Title VI Program. This procedure will be updated regularly to incorporate changes and additional responsibilities.
- L. WCOG will make every effort to provide services to Limited English Proficient (LEP) people, either through translation or interpreter, available prior to scheduled meetings, such as public hearings or project meetings.

When a need has been identified by WCOG or WCOG receives a request, WCOG shall make every effort to provide services requested in a timely manner. WCOG will pay for the translation of vital documents and interpreter services.

- M. A Four Factor Analysis process will be conducted at least every 3 years to determine what languages need assistance and what activities can be done to provide reasonable access.

## **Planning**

- A. Whatcom Council of Governments

WCOG has the responsibility to develop long- and short-range transportation plans for Whatcom County. WCOG is located in Bellingham, Washington.

## B. Authorities

Metropolitan Planning Organization (MPO) Regulations 23 CFR 450  
Regional Transportation Planning Organization (RTPO) RCW 47.80

## C. Planning Process

A comprehensive transportation planning process is used which incorporates input from the public into the various Metropolitan Planning Organization (MPO) activities. The process further entails the monitoring and collection of varied data pertaining to transportation issues. WCOG coordinates urban transportation planning and public involvement, and as well as provides technical support to jurisdictions and agencies when needed.

## D. Title VI Responsibilities

Ensure that all aspects of the planning process comply with Title VI.

Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups in the planning process by disseminating program information to minority media and ethnic organizations, and conducting workshops related to projects in predominantly minority communities.

Gather and organize the data necessary to develop the Annual Title VI Update Report. Review the WCOG work program, FHWA/FTA Joint Planning Regulations, and other directives to ensure compliance with Title VI program requirements.

Ensure equal participation opportunity on the Citizens' Transportation Advisory Group (CTAG), provide information pertaining to selection criteria for CTAG members, and furnish to WSDOT information on membership make-up (race, gender, and position within the organization) for review.

WCOG coordinates urban transportation planning and public involvement, and provides technical support to jurisdictions and agencies when needed.

## **Education and Training**

### A. Staff Development

WSDOT will provide training opportunities to WCOG staff and sub-recipients, including training provided by the National Highway Institute (NHI).

### B. Operational Guidelines

Training is available to all WCOG employees per the WCOG Personnel Manual.

### C. Title VI Responsibilities

Assist WSDOT in the distribution of information on training programs regarding Title VI and related statutes.

Ensure equal access to, and participation in, applicable NHI courses for qualified WCOG employees.

### Consultant Contracts Coordination

#### A. Consultant Contracts

The WCOG Planning Executive Director, assisted by the Deputy Executive Director/CFO and the Directors of Planning and Mobility Programs, is responsible leading the process for consultant selection, negotiation, and the administration of consultant contracts.

#### B. Authorities

WCOG Procurement Policy  
48 CFR 31  
23 CFR 172  
RCW 39.29  
RCW 39.80

#### C. Consultant Selection Process

WCOG operates under its internal contract procedures and all relevant federal and state laws. Selection of consultants is generally made by a Consultant Selection Committee, which is established for each major project. The committee is typically composed of WCOG staff members, technical staff from local areas, and staff from affected agencies.

#### D. Title VI Responsibilities

Ensure DBE opportunities exist.

Ensure that all federally funded consultant contracts administered by WCOG have the appropriate Title VI provisions included.

Review directives and procedures to ensure Title VI compliance.

Maintain necessary data and documentation required for completion of the WCOG's Title VI Update Annual Report.

## ADDENDUM 1

### WCOG Title VI Assurances

The Whatcom Council of Governments (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each “program” and each “facility”, as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:
3. “The Whatcom Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21: Nondiscrimination in Federally Assisted Programs of the Department of Transportation Issued Pursuant to Such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award.”
4. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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.
7. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
8. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

---

Robert H. Wilson  
Executive Director

---

Date

## **APPENDIX 1 (of ADDENDUM 1)**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “Contractor”), agree as follows:

### **1. Compliance with Regulations**

The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as DOT), 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 by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

### **3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement 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 the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

### **4. Information and Reports**

The Contractor shall provide all information and reports required by the Regulations 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 Whatcom Council of Governments or the Federal Highway 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 the Whatcom Council of Governments, or the Federal Highway 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, the Whatcom Council of Governments shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- 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 (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the Whatcom Council of Governments or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Whatcom Council of Governments enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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## ADDENDUM 2

### Nondiscrimination Complaint Procedures and Form for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by WCOG as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

#### Procedure

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with WCOG's Title VI Coordinator at the following address. The complaint must be filed within 180 calendar days of the complainant learning of the incident.

Whatcom Council of Governments  
Attn: Title VI Coordinator  
314 E. Champion St.  
Bellingham, WA 98225  
Fax: (360) 738-6232  
Email: [wcog@wcog.org](mailto:wcog@wcog.org)

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of WCOG's sub-recipients of federal funds, WCOG will assume jurisdiction and will investigate and adjudicate the case.
3. Once WCOG decides to accept the complaint for investigation, the complainant, the respondent, the state funding agency (if applicable), and the federal funding agency (if applicable), will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in the WCOG's records identifying its basis and the race, color, national origin, and gender of the complainant.
4. In cases where WCOG assumes the investigation of the complaint, WCOG will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 15 calendar days to furnish WCOG his/her response to the allegations.

5. Within 60 calendar days of receipt of the complaint, WCOG's Investigator\* will prepare an investigative report for the Executive Director's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

\*This can be one of WCOG's Title VI Liaisons, WCOG's Title VI Coordinator, the Title VI Specialist for a sub-recipient of federal funds, the WSDOT Public Transportation Division Title VI Coordinator, or the WSDOT Title VI Liaison in the Northwest Region.

6. The investigative report and its findings will be sent to WCOG's Legal Counsel for review.
7. Any comment(s) or recommendation(s) from WCOG's Legal Counsel will be reviewed by WCOG's Investigator. The Investigator will discuss the report and recommendations with the Executive Director. The report will be modified as needed and made final for its release.
8. Once WCOG's investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.
9. WCOG's investigative report and a copy of the complaint will be forwarded to WSDOT's Office of Opportunity within 60 calendar days of the receipt of the complaint. The Office of Equal Opportunity will share the report with FHWA, Washington Division Office, as part of its Annual Title VI Update and Accomplishment Report.
10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal WCOG's determination to the WSDOT Office of Equal Opportunity. If a complainant is still not satisfied, the next right of appeal is to FHWA, Washington Division Office; FTA Region 10, Seattle; United States Department of Transportation (USDOT); or the United States Department of Justice (USDOJ). Appeals must be filed within 180 days after WCOG's final resolution. Unless new facts not previously considered come to light, reconsideration of WCOG's determination will not be available.
11. WCOG will serve as an appeal forum to a complainant that is not satisfied with the outcome of an investigation conducted by one of its sub-recipients. WCOG will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.
12. To receive additional information on general WCOG discrimination obligations and the WCOG complaint procedures contact the Title IV Coordinator at (360) 676-6974.

OFFICE USE ONLY

Date received: \_\_\_\_/\_\_\_\_/20\_\_\_\_

Logged by: \_\_\_\_\_



## TITLE VI DISCRIMINATION COMPLAINT FORM

<b>Victim(s) of alleged discrimination:</b>		
NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
DAYTIME TELEPHONE	E-MAIL ADDRESS	
<b>Person alleging discrimination, if different from above:</b>		
NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
DAYTIME TELEPHONE	E-MAIL ADDRESS	
RELATIONSHIP TO THE PERSON(S) NAMED AS VICTIM		
<b>WCOG staff member(s), board member(s), consultant(s) or program(s) that allegedly discriminated:</b>		
NAME	PROGRAM	
NAME	PROGRAM	
NAME	PROGRAM	
DATE ALLEGED DISCRIMINATION BEGAN	DATE OF LAST INCIDENT	

### Basis of Alleged Discrimination

A complaint must be filed within 180 calendar days of the date the complainant learned of the alleged discrimination. If your complaint is in regard to either alleged discrimination in the delivery of services or in the treatment of you (or the person(s) named as victim) by associates or programs of the Whatcom Council of Governments, please indicate below what you believe to be the basis of the alleged discrimination.

*Example:* If you believe that you were discriminated against because you are Native American, circle the word "Race" and write "Native American" in the space provided.

**Race:** \_\_\_\_\_

**Color:** \_\_\_\_\_

**Sex:** \_\_\_\_\_



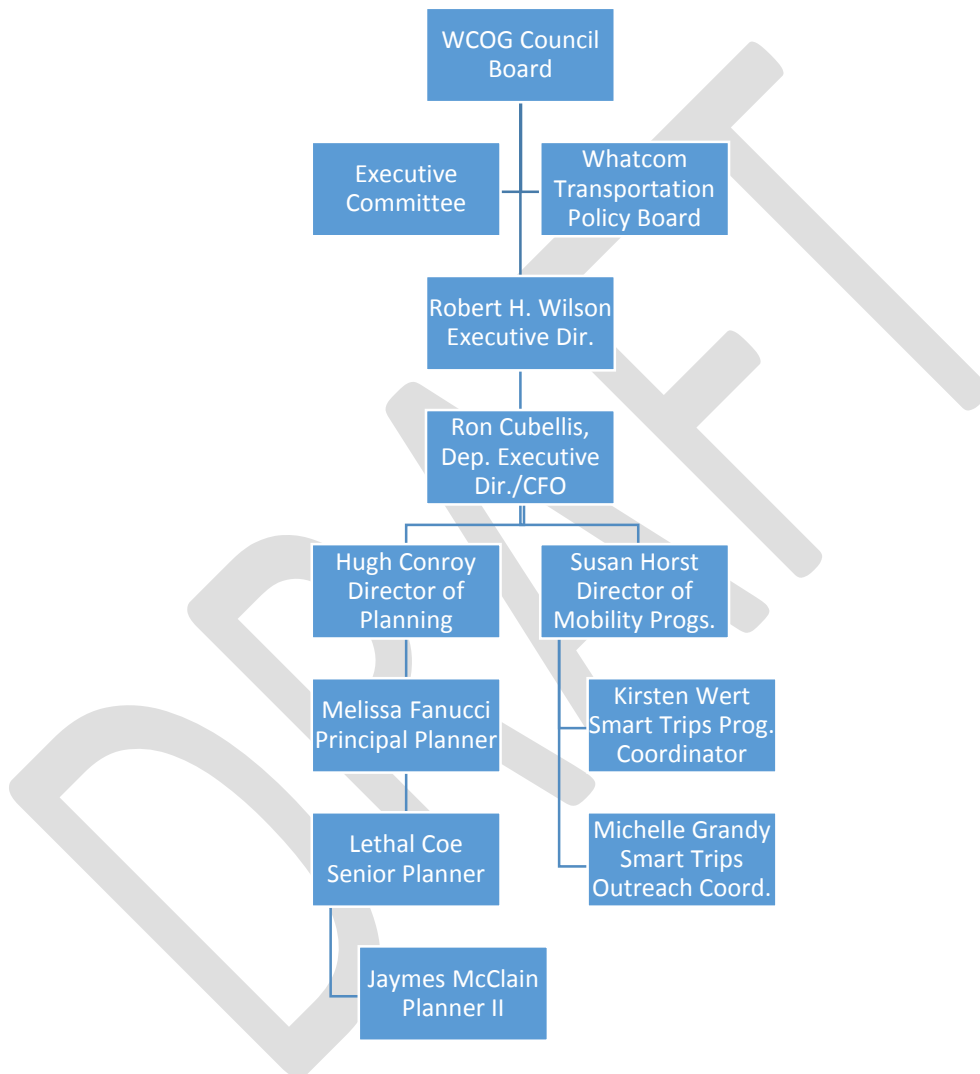
## **ADDENDUM 3**

### **WCOG Title VI Notice to Public**

WCOG hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, 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 WCOG 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 WCOG. Any such complaint must be in writing and filed with the WCOG Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the WCOG at no cost by calling (360) 676-6974.

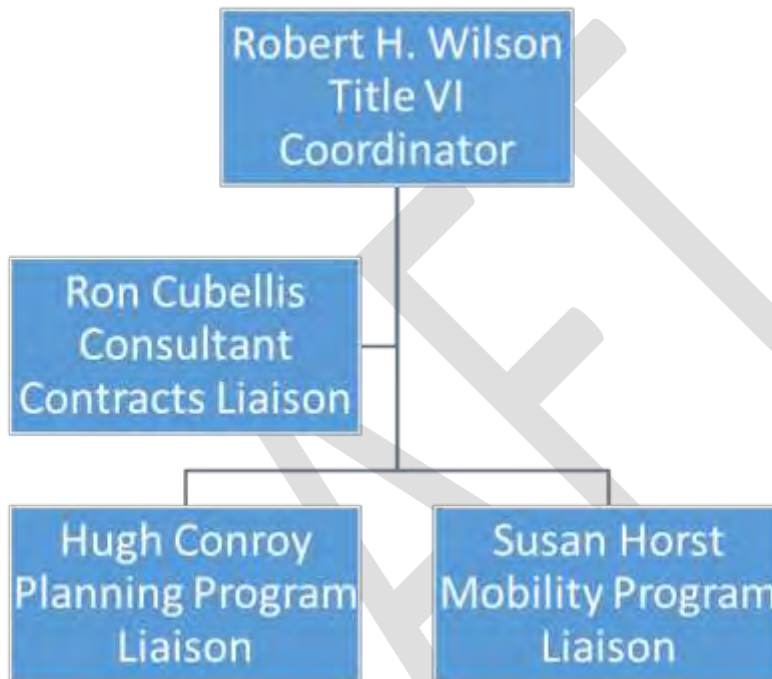
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## Whatcom Council of Governments Organization Chart – 2019



ADDENDUM 5

Whatcom Council of Governments  
Title VI Staff Assignments



# Language Assistance Plan for People with Limited English Proficiency

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Whatcom County, Washington  
Transportation Planning Area

September 2013



whatcom council of governments



## Introduction

The Whatcom Council of Governments (WCOG) is the federally-recognized “metropolitan planning organization” for the Whatcom County, Washington, Transportation Planning Area (“the Region”). In this capacity, WCOG – through its standing committee known as the Whatcom Transportation Policy Board – coordinates policy development and decision-making on transportation investment in the Region. The Policy Board’s membership comprises Whatcom County; the seven incorporated cities in the County; the Port of Bellingham; the Whatcom Transportation Authority (WTA); the County’s two Indian tribes; and the Washington State Department of Transportation (WSDOT).

In carrying out the regional transportation planning work program WCOG has a responsibility to ensure that there are meaningful opportunities for members of the public to participate in the process, including those who do not speak English as their primary language or who are limited in their ability to understand, speak, read or write English. Those individuals are described as having limited English proficiency (LEP), which can impose barriers to accessing important benefits or services, understanding and exercising certain rights, complying with applicable responsibilities, or understanding other information provided by federally-funded programs and activities. To address those barriers, WCOG takes reasonable steps to ensure that all people have meaningful access to its programs, services and information, and at no cost to them. To that end WCOG has developed this *Language Assistance Plan for People with Limited English Proficiency* (LEP Plan) as part of its federally-required *Title VI Plan* to ensure compliance with the applicable provisions of the Civil Rights Act of 1964, as amended.

## Determination of Need

The U.S. Department of Transportation (USDOT) recommends using a four-factor LEP analysis to determine the need for language assistance measures. The four factors are:

1. The number and proportion of people with LEP served or encountered in the eligible service population.
2. The frequency with which people with LEP come in contact with WCOG programs, activities or services.
3. The importance to people with LEP regarding WCOG’s programs, activities and services.
4. The resources available to WCOG and the overall cost to provide assistance to people with LEP.

### **Factor 1: Number and proportion of people with LEP in the service population**

USDOT has adopted a “safe harbor” provision for recipients of federal transportation funds – like WCOG – that sets a threshold for the provision of written translation of documents for each eligible LEP language group of 1,000 or more people or which constitutes at least five (5) percent of the Region’s population, whichever is less. Using data from the American Community Survey, only one language group – “Spanish or Spanish Creole” – meets either of the aforementioned thresholds. Of

that group it is estimated that at least 3,533 people speak English “less than very well,” and it is this group that WCOG has identified as the Region’s principal LEP population.

**Spanish or Spanish Creole Spoken at Home by Ability to Speak English, Persons 5 Years of Age and Older, Whatcom County**

	Persons speaking Spanish or Spanish Creole (S/SC) at home	Speakers of S/SC at home who also speak English “very well”	Speakers of S/SC at home who speak English “less than very well”	Total Whatcom County population
<b>Estimated number of speakers</b>	9,714	5,671 (of 9,714)	4,043 (of 9,714)	187,934
<b>Margin of error</b>	+/- 829	+/- 625	+/- 510	+/- 101
<b>Percentage of County’s population</b>	5.2%	3.0%	2.2%	100.0%

Prepared by WCOG staff using data from the American Community Survey, 2007-2011 (Table B16001).

**Factor 2: Frequency of LEP population’s contact with WCOG programs, activities and services**

Despite the fact that WCOG fully complies with all applicable federal and state public notice requirements, has an adopted *Public Participation Plan* and a standing Citizens' Transportation Advisory Group, active involvement in the transportation planning process on the part of the general public – including the LEP population – is minimal. Contact between the Region’s LEP population and WCOG staff is more likely through the Whatcom Smart Trips program, which promotes and facilitates alternatives to driving such as biking, bus transit and walking. However, usage statistics that would quantify the frequency of contact with members of the LEP population are not collected.

**Factor 3: Importance of WCOG programs, activities and services to the LEP population**

Acting through its standing committee known as the Whatcom Transportation Policy Board, WCOG works with Whatcom County, the cities, the Port of Bellingham, the tribes, WTA and WSDOT to develop policies and make decisions regarding investments in the regional transportation system. WCOG develops the Metropolitan Transportation Plan for the Region and selects projects for funding through the federal Surface Transportation and Transportation Alternatives Programs for inclusion in the Regional Transportation Improvement Program. It also maintains a list of proposed projects for the *Employment Access and Coordinated Human-services Plan* to ensure that the mobility needs of various underserved populations are being met. All of these planning initiatives may impact the Region’s LEP population, either directly or indirectly.

Because the Whatcom Smart Trips program offers assistance to people who either choose or need to travel using their bicycles, riding WTA buses or walking, that program is likely of importance to members of the LEP population, since their ability to obtain a driver’s license may be compromised depending on the extent of their lack of proficiency in speaking English.

#### **Factor 4: Cost to WCOG to provide language assistance to the LEP population**

WCOG is committed to providing translation services on request to the Region's Spanish/Spanish Creole LEP population and, when practicable, in assisting speakers of other languages with limited English proficiency. It is anticipated that the cost for translation services will not exceed \$1,000 per year. WCOG will continuously seek creative, low-cost measures to assist LEP individuals and will log and analyze all requests for translation services to more accurately budget for those services going forward.

#### **Language Assistance Measures**

WCOG uses Language Assistance Measures to provide meaningful, early and continuous opportunities for all interested Whatcom County residents to participate in the ongoing dialogue that informs key decisions, regardless of language barriers.

##### **Staff**

As of September 2013, WCOG has two staff members (Andres Gomez and Melissa Fanucci) who speak Spanish fluently (Mr. Gomez is a native Spanish speaker). These staff members have agreed to be on call for assistance when an immediate need for Spanish-English interpretation arises. WCOG will also encourage and fund (either partially or in whole) Spanish language instruction for interested staff members.

##### **WCOG Website**

WCOG will add the following sentence to the home page of its website ([www.wcog.org](http://www.wcog.org)): "Para asistencia inmediata en español, por favor llame al Sr. Andrés Gómez al (360) 676-6974." WCOG has also added the *Google Translate* tool to the website, which translates 71 languages into English. Anyone looking at WCOG's website from a computer that is not set to English will be prompted that the translation tool is available.

##### **Visualization Tools**

Visualization tools can facilitate communication with people having limited English proficiency or a low degree of literacy. WCOG uses maps, charts, graphs, illustrations, presentations and videos at meetings and in print materials to explain concepts. WCOG's conference room is equipped with a large computer monitor, a projection screen and a sound system for displaying visual and audio information.

##### **Public Notice**

WCOG will add the following sentence to all of its legally-required public notices: "Para asistencia en español, por favor llame al Sr. Andrés Gómez al (360) 676-6974." WCOG will also identify those not-for-profit organizations and community groups which are likely to involve or interact with the Spanish/Spanish Creole LEP group and inform them about opportunities to comment on proposed plans and to make the LEP group aware of services.

## **Agendas**

The agendas for all WCOG meetings will include the following sentence: “Para obtener ayuda en la obtención de materiales de la reunión en español, por favor llame al Sr. Andrés Gómez al menos seis (6) días antes de la reunión al (360) 676-6974.” (Translation: For assistance in obtaining meeting materials in Spanish, please call Mr. Andres Gomez at least six (6) days prior to the meeting at (360) 676-6974.)

## **Mailing List Improvements**

WCOG will continuously monitor and update its mailing lists and databases to maintain and initiate contact with interested parties, including those identified as having limited English proficiency, other underserved groups, community groups, Title VI relevant populations, businesses, membership groups and local governments. To be added to WCOG’s contact list, call (360) 676-6974.

## **Accessibility for Sight- and Hearing-Impaired Persons**

WCOG maintains an accessible website and a TDD/TTY line. All WCOG meetings are conducted in facilities that are accessible to people with sight, hearing or mobility disabilities and/or who rely on public transportation.

In addition to the aforementioned measures, WCOG also uses additional outreach techniques that may include LEP populations during major planning processes:

## **Focus Groups**

On occasion WCOG convenes targeted outreach sessions such as “brown bag lunches” or focus group meetings with community leaders representing Title VI, Environmental Justice and/or LEP populations. These meetings are an effective way to increase participation from communities with which WCOG may not have come into contact previously. At those events where WCOG is either informed or reasonably anticipates that members of the Spanish/Spanish Creole LEP group will be in attendance, a Spanish translator will be on hand.

## **Community Based Organizations**

A WCOG staff member attends monthly meetings of the Community Resource Network convened by the Opportunity Council. These meetings serve as a forum for a variety of human services organizations and agencies to exchange information about programs that assist people with special needs. WCOG acts as a resource at these meetings to report on transportation planning issues and to receive input about transportation needs from agencies representing people with limited English proficiency or others with special needs.

## **Monitoring and Updating of the LEP Plan**

WCOG will monitor requests for translations and adjust its practices to meet demand and will periodically update this LEP Plan as needed to reflect changes. Also, the development of both the Regional Transportation Improvement Program and the Metropolitan Transportation Plan will

include a Title VI/Environmental Justice analysis to determine the impacts of these programs on the traditionally underserved., including the LEP population.

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Dear Bob,

Our new Planning Director, (Tim Widen), and I had a chance to observe the 9th Grade Bus Run Program. It was tremendous. The organization, the materials and the instruction — all are top quality and making a difference. Thanks so much to W206 and

your team, for making it happen!

Maureen