



MEETING OF THE BOARD OF THE  
WHATCOM COUNCIL OF GOVERNMENTS  
**Wednesday, December 11, 2019, 3:30-5:00 p.m.**  
Gordon W. Rogers Conference Room  
314 East Champion Street, Bellingham

**AGENDA**

PAGES

- A. CALL TO ORDER
- B. PUBLIC COMMENT  
Citizens may speak informally to the Board on agenda items or other business of the Whatcom Council of Governments *except* those that are the subject of a public hearing. *Each speaker is allowed a maximum of three minutes.*
- C. AGENDA APPROVAL\*
- D. APPROVAL OF MINUTES\*  
Meeting of October 9, 2019
- E. APPROVAL OF CLAIMS\*  
October and November 2019 – Ron Cubellis (to be distributed at the meeting)
- F. BUDGET REPORT  
Budget Report for the Period Ending November 30, 2019 – Mr. Cubellis (to be distributed at the meeting)
- G. OLD BUSINESS
- H. PUBLIC HEARING  
WCOG Combined Title VI and Limited English Proficiency Plan
  1. Staff Presentation – Bob Wilson
  2. Open Public Hearing – Citizens may address the Board on the subject of the hearing *for a maximum of three minutes.*
  3. Close Public Hearing\*
  4. Board Discussion and Vote\*
- I. NEW BUSINESS
  1. Adopt 2020 WCOG Budget – Messrs. Wilson and Cubellis\*
  2. Rank Unfunded Transportation Needs of Whatcom County, 2020 – Mr. Wilson\*
  3. 2020 Census Complete Count Committee – Lethal Coe\*
  4. Adopt WCOG Public Records Policy – Mr. Cubellis\*
  5. Adopt WCOG Credit Card Program – Mr. Cubellis\*
  6. Approve Border Data Warehouse 3 Consultant Agreement – Melissa Fanucci\*
  7. Other New Business (if any)

(over)

Persons with disabilities needing a 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 enviar un correo electrónico a [espanol@wcog.org](mailto:espanol@wcog.org).

**AGENDA** (continued)

- J. EXECUTIVE DIRECTOR'S REPORT – Mr. Wilson
- K. CORRESPONDENCE
- L. BOARD OPEN FORUM
- M. ADJOURN

*\* Action item*

**NEXT MEETING: Wednesday, January 15, 2020, 3:00 p.m.**

WHATCOM COUNCIL OF GOVERNMENTS  
BOARD MINUTES – DRAFT  
OCTOBER 9, 2019

IN ATTENDANCE:

**MEMBERS** VOTING: Scott Korthuis (Vice Chairman), Lynden; Jack Louws (Secretary-Treasurer) and Satpal Sidhu, Whatcom County; Kelli Linville, April Barker and Terry Bornemann, Bellingham; Bonnie Onyon, Blaine; Victor Johnson (for Jay Julius), Lummi Nation; Tom Jones, Nooksack; Bobby Briscoe, Port of Bellingham; EX-OFFICIO: Pat Alesse, Birch Bay W&SD; Larry Brown, Sudden Valley Association; Pete Stark, WTA

**GUESTS** Chris Comeau, TTAG; Peter Frye, Lummi Nation Planning Department; Michael Jones, City of Blaine; Michael Lilliquist, WTA Board; Guy Occhiogrosso, Bellingham Regional Chamber; Mary Sewright, Mt. Baker School District; Terry Terry, CTAG

**STAFF** Bob Wilson, Ron Cubellis, Hugh Conroy, Lethal Coe

**A. CALL TO ORDER**

Vice Chairman Korthuis, acting as chairman, called the meeting to order at 4:00 p.m. with a quorum present.

**B. PUBLIC COMMENT**

Ms. Sewright, who serves as superintendent of the Mt. Baker School District, informed the Board that the School Board passed a resolution at its meeting of September 26, 2019, requesting the “formal attention” of the Washington State Department of Transportation in addressing the District’s concerns regarding safety along the State Route 542 corridor in the vicinity of the school campus. She then asked the Council Board to pass a motion in support of the District’s concerns. Chairman Korthuis – who had been informed by Mr. Wilson that the District had not yet reached out directly to WSDOT – expressed his belief that such an action by the Board would be premature in the absence of a formal request to WSDOT for assistance. Mr. Wilson added that he had spoken to Jay Drye of WSDOT’s Mt. Baker Area Office about this situation, and that Mr. Drye had expressed to him his enthusiasm for working on this matter with the District. There was a strong consensus from the Board to encourage the Mt. Baker School District to reach out directly to Mr. Drye, and Mr. Wilson indicated that he would provide Ms. Sewright with Mr. Drye’s contact information.

**C. AGENDA APPROVAL**

**MOTION:** Mr. Bornemann moved, Mr. Briscoe seconded, to approve the agenda.

**MOTION PASSED**

D. MINUTES OF MEETING OF MAY 8, 2019

**MOTION:** Mr. Sidhu moved, Mr. Bornemann seconded, to approve the minutes of the meeting of May 8, 2019.

**MOTION PASSED**

E. APPROVAL OF CLAIMS

Mr. Louws moved, Mr. Briscoe seconded, to approve the list of claims from May 1 through September 30, 2019, inclusive, in the amount of \$694,732.81, which was contained in the revised meeting packet sent to the representatives on October 4, 2019, and which was audited and certified by the Executive Director, acting as the Auditing Officer as required by RCW 42.24.090.

**MOTION PASSED**

F. BUDGET REPORT

Mr. Cubellis presented the budget report as of September 30, 2019.

G. OLD BUSINESS

None

H. NEW BUSINESS

1. Proposed 2020 WCOG Budget

Messrs. Cubellis and Wilson presented the first draft of the proposed 2020 budget and answered questions posed by several Board members. Mr. Wilson reminded the members that the final draft will be brought before the Executive Committee for its review, and then the Board for adoption, at their upcoming meetings on December Eleventh.

2. Unfunded Transportation Needs of Whatcom County, 2020

Mr. Wilson explained the process he used to compile the list of proposed funding requests for the annual transportation legislative agenda. Mr. Johnson requested that the "Slater Road and Bridge" project be added to the list, which was followed by discussion. Several members expressed their support for including this project, and Mr. Wilson stated that he been asked by Mayor Jon Mutchler of Ferndale to express his support, since he was unable to attend the meeting. Mr. Louws expressed his opinion that, if added to the list, the sole project sponsor should be the Lummi Nation.

There was further discussion concerning ranking the nine road projects (including the previously-discussed Slater Road project). It was suggested that the Transportation

Technical Advisory Group review the projects and make a recommendation to the Council Board. Mr. Wilson expressed his concern with TTAG making recommendations on prioritization, since that was the province of the Board itself. Another member then suggested that TTAG simply review the projects to ascertain their “readiness,” and Mr. Wilson responded that he would present that idea to TTAG. The Board agreed to rank the road projects at its December meeting.

**MOTION:** Ms. Barker moved, Mr. Briscoe seconded, to adopt the list of *Unfunded Transportation Needs of Whatcom County, 2020*, including the Slater Road and Bridge project requested by the Lummi Nation.

**MOTION PASSED**

I. EXECUTIVE DIRECTOR’S REPORT

Mr. Wilson stated that he had nothing of urgency to report.

J. CORRESPONDENCE

There was no correspondence.

K. BOARD OPEN FORUM

No comments were offered.

L. ADJOURNMENT

There being no further business, the meeting adjourned at 4:51 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

October through November 2019

Date	Num	Source Name	Memo	Paid Amount
10/01/2019	eft	HSA Bank	HSA Fees	2,100.00
10/01/2019	eft	HSA Bank	HSA Fees	1,197.00
10/01/2019	LC 082819	AMPO	Professional Development	400.00
10/01/2019	LC 082819	AMPO	Miscellaneous	125.00
10/01/2019	HC 082719	Davenport Tower	Travel	130.50
10/01/2019	HC 082819	WestJet	Travel	461.63
10/01/2019	RC 082719	Adobe Systems Inc.	Office Equipment & Software	322.79
10/01/2019	RC 090119	Clearly Communications	Communication Services	176.81
10/01/2019	RC 090119	Google	Communication Services	65.10
10/01/2019	RC 090219	Intuit Payroll Service	Office Equipment & Software	39.13
10/01/2019	RC 090419	CVENT.com	Professional Development	35.00
10/01/2019	RC 090519	Comcast	Communication Services	312.11
10/01/2019	RC 090519	Washington Chapter APA	Miscellaneous	230.00
10/01/2019	RC 090519	Washington Chapter APA	Miscellaneous	75.00
10/01/2019	RC 090619	Amazon	Supplies	35.61
10/01/2019	RC 091119	Amazon	Supplies	16.29
10/01/2019	RC 091319	Heroku	Communication Services	184.86
10/01/2019	RC 091219	CCH	Professional Development	107.61
10/01/2019	RC 091619	Sanitary Service Corporation	Utilities	61.02
10/01/2019	RC 091619	Holiday Inn Express	Travel	146.54
10/01/2019	RC 091819	GroupSpaces Ltd	Communication Services	19.99
10/01/2019	RC 091919	Holiday Inn Express	Travel	436.35
10/01/2019	MF 082919	WestJet	Travel	569.77
10/01/2019	MF 090419	Amazon Web Services	Communication Services	358.67
10/01/2019	MF 090619	Rogers Media	Communication Services	40.85
10/01/2019	MF 091319	Whistle Stop Coffee Shop	Supplies	156.26
10/01/2019	MF 091419	Survey Monkey	Communication Services	53.27
10/01/2019	MF 091919	Starbucks	Supplies	58.53
10/01/2019	MF 092519	Amazon	Supplies	51.51
10/01/2019	MF 092519	Amazon	Supplies	39.12
10/01/2019	MF 092419	South River Technologies Inc.	Communication Services	43.68
10/01/2019	SH 090319	ACT TDM Forum	Professional Development	345.00
10/01/2019	JM 091319	Pendragon Software Corporation	Office Equipment & Software	40.00
10/01/2019	JM 091919	The Bagelry	Supplies	59.08
10/01/2019	BW 090419	ADT Security Systems	Utilities	66.36
10/01/2019	MG 091819	Facebook Inc.	Communication Services	135.90
10/01/2019	MG 091919	Kona Bike Shop	Repair & Maintenance	19.56
10/01/2019	eft	ClubExpress	Communication Services	24.00
10/08/2019	2808	Applied Digital Imaging	Printing	67.80
10/08/2019	2809	Avenue Bakery LLC	Incentives	70.00
10/08/2019	2810	Bellingham Herald (legal notices)	Public Hearing Notices	71.41
10/08/2019	2811	Bruce's Janitor Service	Janitorial	625.00
10/08/2019	2812	BTC Leasing	Office Equipment/Software	449.18
10/08/2019	2813	Caliper Corporation	Software	12,012.50

# Whatcom Council of Governments

## CLAIMS LISTING

October through November 2019

Date	Num	Source Name	Memo	Paid Amount
10/08/2019	2814	Cascade Natural Gas	Utilities	14.63
10/08/2019	2815	Champion Building LLC	Rental	5,877.98
10/08/2019	2816	Good Eye Design	Professional Services	853.74
10/08/2019	2817	Hugh Conroy	Expense Reimbursement	180.96
10/08/2019	2818	IBI Group US	Professional Services	1,080.00
10/08/2019	2819	Mama Colophon Inc.	Incentives	679.38
10/08/2019	2820	Melissa Fanucci	Expense Reimbursement	59.16
10/08/2019	2821	Parker Northwest Associates	Professional Services	3,690.00
10/08/2019	2822	Puget Sound Energy	Utilities	275.47
10/08/2019	2823	Ricoh USA Inc.	Office Equipment/Software	239.10
10/08/2019	2824	Ron Cubellis	Expense Reimbursement	570.22
10/08/2019	2825	Salud Spanish Programs	Prof. Development	115.00
10/08/2019	2826	US Bank	Purchase Card	5,418.90
10/08/2019	2827	Wilson Engineering LLC	Professional Services	14,746.50
10/08/2019	Transfer	WCOG Petty Cash	Petty Cash Refill	400.00
10/08/2019	1091	Mikkelsen, Gena	Incentives	1,000.00
10/15/2019	E-pay	WA Dept of Employment Security	Payroll Taxes QB Tracking # -1436007366	20.18
10/15/2019	E-pay	WA Dept of Employment Security	Payroll Taxes QB Tracking # -1436007366	2,475.16
10/15/2019	eft	WA Dept of Employment Security	Payroll Taxes	489.05
10/15/2019	eft	WA Dept of L&I	Payroll Taxes	689.91
10/18/2019	1092	Santo, Anna	Incentives	250.00
10/24/2019	1093	Melissa Fanucci	Travel	165.00
10/24/2019	1094	Kulshan Crossfit	Healthcare	100.00
10/28/2019	eft	HSA Bank	HSA Fees	15.75
10/29/2019	2828	AFLAC	Employee Paid Coverage	77.82
10/29/2019	2829	AWC-Additional Life	Employee Paid Life Ins.	22.50
10/29/2019	2830	United Way	Employee Contributions	354.00
10/29/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # -127758266	8,372.00
10/29/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # -127758266	986.93
10/29/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # -127758266	986.93
10/29/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # -127758266	0.00
10/29/2019	eft	Mass Mutual	Retirement	990.00
10/29/2019	eft	Mass Mutual	Retirement	933.20
10/29/2019	eft	Mass Mutual	Retirement	1,157.16
10/29/2019	eft	WA Dept of Retirement Systems	PERS Contribution	2,821.91
10/29/2019	eft	WA Dept of Retirement Systems	PERS Contribution	3,026.11
10/29/2019	eft	WA Dept of Retirement Systems	PERS Contribution	5,044.92
10/29/2019	eft	WA Dept of Retirement Systems	PERS Contribution	8,212.37
10/29/2019	EFT	AWC	Benefits	8,862.51
10/30/2019		QuickBooks Payroll Service	Created by Payroll Service on 10/29/2019	43,894.78
11/01/2019	eft	HSA Bank	HSA Fees	2,100.00
11/01/2019	eft	HSA Bank	HSA Fees	1,247.00
11/01/2019	LC 092719	AMPO	Professional Development	400.00
11/01/2019	RC 092519	Microsoft	Office Equipment & Software	16.31

# Whatcom Council of Governments

## CLAIMS LISTING

October through November 2019

Date	Num	Source Name	Memo	Paid Amount
11/01/2019	RC 092719	Adobe Systems Inc.	Office Equipment & Software	322.79
11/01/2019	RC 100119	Clearly Communications	Communication Services	176.60
11/01/2019	RC 100291	Google	Communication Services	65.10
11/01/2019	RC 100219	Intuit Payroll Service	Office Equipment & Software	39.13
11/01/2019	RC 100519	Comcast	Communication Services	312.11
11/01/2019	RC 100819	Nest Labs	Communication Services	214.14
11/01/2019	RC 101019	Heroku	Communication Services	184.94
11/01/2019	RC 101519	Sanitary Service Corporation	Utilities	61.02
11/01/2019	RC 101619	Amazon	Supplies	124.49
11/01/2019	RC 101819	GroupSpaces Ltd	Communication Services	19.99
11/01/2019	RC 102319	Amazon	Supplies	33.90
11/01/2019	MF 100119	Mailgun Technologies	Office Equipment & Software	2.99
11/01/2019	MF 100319	Amazon Web Services	Communication Services	350.97
11/01/2019	MF 101419	Survey Monkey	Communication Services	53.27
11/01/2019	MF 100719	Rogers Media	Communication Services	53.40
11/01/2019	MF 101819	Whistle Stop Coffee Shop	Supplies	283.76
11/01/2019	MF 101719	Starbucks	Supplies	58.53
11/01/2019	MF 102519	Amazon	Healthcare	97.22
11/01/2019	JM 100819	Community Food Co-op	Supplies	19.40
11/01/2019	JM 101319	Pendragon Software Corporation	Office Equipment & Software	40.00
11/01/2019	JM 101719	The Bagelry	Supplies	41.52
11/01/2019	KW 101019	Community Food Co-op	Supplies	19.39
11/01/2019	KW 101019	Community Food Co-op	Supplies	1.75
11/01/2019	BW 100319	Bellingham Frameworks	Supplies	16.85
11/01/2019	BW 100419	ADT Security Systems	Utilities	69.05
11/01/2019	BW 100919	Fred Meyer	Supplies	7.98
11/01/2019	BW 100919	Starbucks	Supplies	19.51
11/01/2019	BW 101419	Washington Chapter APA	Professional Development	370.00
11/01/2019	BW 101719	Hotel Murano	Travel	44.08
11/01/2019	BW 102219	Fitness Evolution	Healthcare	100.00
11/01/2019	MG 100819	Amazon	Supplies	12.60
11/01/2019	MG 100919	Kona Bike Shop	Office Equipment & Software	3,106.65
11/01/2019	MG 101819	Facebook Inc.	Communication Services	121.62
11/01/2019	eft	ClubExpress	Communication Services	24.00
11/08/2019	2831	Amjay Inc.	Incentives	1,434.84
11/08/2019	2832	Applied Digital Imaging	Printing	313.32
11/08/2019	2833	Bellingham Herald (legal notices)	Public Hearing Notices	688.20
11/08/2019	2834	Bob Wilson	Expense Reimbursement	605.99
11/08/2019	2835	Bruce's Janitor Service	Janitorial	625.00
11/08/2019	2836	BTC Leasing	Office Equipment/Software	449.18
11/08/2019	2837	Capitol City Press	Printing	59.79
11/08/2019	2838	Cascade Natural Gas	Utilities	85.13
11/08/2019	2839	Champion Building LLC	Rental	5,877.98
11/08/2019	2840	Hugh Conroy	Expense Reimbursement	248.27



# Whatcom Council of Governments CLAIMS LISTING

October through November 2019

Date	Num	Source Name	Memo	Paid Amount
11/08/2019	2841	IBI Group US	Professional Services	1,080.00
11/08/2019	2842	Lethal Coe III	Expense Reimbursement	1,304.59
11/08/2019	2843	Melissa Fanucci	Expense Reimbursement	106.72
11/08/2019	2844	NPI (formerly 3D Corporation)	Office Equipment/Software	67.50
11/08/2019	2845	Parker Northwest Associates	Professional Services	3,690.00
11/08/2019	2846	Puget Sound Energy	Utilities	209.16
11/08/2019	2847	Ricoh USA Inc.	Office Equipment/Software	282.71
11/08/2019	2848	Robeks Fruit Smoothies	Incentives	103.70
11/08/2019	2849	Sole Graphics LLC	Professional Services	385.00
11/08/2019	2850	US Bank	Purchase Card	6,089.75
11/08/2019	2851	Whatcom Transportation Authority (vendor)	WST Marketing	125.00
11/08/2019	2852	Wilson Engineering LLC	Professional Services	10,844.00
11/08/2019	2853	Pitney Bowes	Postage	177.17
11/08/2019	1095	Davis, Kate	Incentives	250.00
11/12/2019	1096	Good Eye Design	Professional Services	1,417.50
11/12/2019	eft	WCOG Petty Cash	Petty Cash Refill	1,539.00
11/26/2019	eft	HSA Bank	HSA Fees	15.75
11/26/2019		QuickBooks Payroll Service	Created by Payroll Service on 11/25/2019	43,102.06
11/26/2019	2854	AFLAC	Employee Paid Coverage	77.82
11/26/2019	2855	AWC-Additional Life	Employee Paid Life Ins.	22.50
11/26/2019	2856	United Way	Employee Contributions	354.00
11/26/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # 860321734	8,086.00
11/26/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # 860321734	964.19
11/26/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # 860321734	964.19
11/26/2019	E-pay	Internal Revenue Service	26-3877986 QB Tracking # 860321734	0.00
11/26/2019	eft	Mass Mutual	Retirement	990.00
11/26/2019	eft	Mass Mutual	Retirement	877.44
11/26/2019	eft	Mass Mutual	Retirement	1,157.16
11/26/2019	ACH	AWC	Benefits	8,862.51
11/26/2019	ACH	WA Dept of Retirement Systems	PERS Contribution	4,950.11
11/26/2019	ACH	WA Dept of Retirement Systems	PERS Contribution	8,058.04
11/26/2019	ACH	WA Dept of Retirement Systems	PERS Contribution	2,821.91
11/26/2019	ACH	WA Dept of Retirement Systems	PERS Contribution	3,007.47
				<u><u>279,787.73</u></u>

The Council Board retroactively approves the payments made during October through November 2019 for the above listed claims in the total amount of: \$279,797.73\*

Board Officer

Title

Date

**Whatcom Council of Governments**

**Board Budget Report**

January through November 2019

(92% of the year)

	<u>Jan - Nov 19</u>	<u>Budget</u>	<u>% of Budget</u>
<b>Income</b>			
333 · Federal Grants	946,149	1,371,011	69%
334 · State Grants	240,176	425,456	56%
337 · Local Grants	108,219	86,705	125%
361 · Interest Income	5,685	2,500	227%
367 · Contributions & Donations	65,495	34,845	188%
368 · Membership Dues	159,606	159,456	100%
369 · Other Income	1,742		
389 · Other Nonrevenues	16,802		
<b>Total Income</b>	<u>1,543,874</u>	<u>2,079,973</u>	<u>74%</u>
<b>Gross Profit</b>	<u>1,543,874</u>	<u>2,079,973</u>	<u>74%</u>
<b>Expense</b>			
505 · Communication Services	22,077	28,600	77%
510 · Consultants & Contract Services	352,262	617,473	57%
515 · Incentives	11,437	12,000	95%
520 · Insurance- Property & Liability	9,574	10,500	91%
530 · Office Equipment & Software	33,962	36,120	94%
535 · Pass-Through Funding	36,573	62,845	58%
545 · Printing	10,151	19,500	52%
550 · Professional Development	9,316	19,750	47%
555 · Rent	67,855	74,000	92%
560 · Repair & Maintenance	2,018	3,000	67%
565 · Payroll - Salaries & Wages	694,177	756,443	92%
566 · Payroll - Taxes & Benefits	310,763	316,764	98%
575 · Supplies	8,714	12,600	69%
580 · Travel	21,685	14,890	146%
585 · Utilities	12,261	13,000	94%
590 · Miscellaneous Expense	18,621		
<b>Total Expense</b>	<u>1,621,446</u>	<u>1,997,485</u>	<u>81%</u>
<b>Revenue less Expense</b>	<u><u>-77,572</u></u>	<u><u>82,488</u></u>	

Balance Sheet as of:

	<u>1/1/2019</u>	<u>11/30/2019</u>	<u>Cash Target</u>
Cash on hand	\$ 266,134	\$ 13,773	\$329,292
Investment Account	72,815	265,446	\$279,219
Accounts Receivable	142,859	243,878	
Total	<u>\$ 481,808</u>	<u>\$ 523,097</u>	
Accounts Payable	94,835	49,733	
Working Capital	<u>\$ 386,973</u>	<u>\$ 473,364</u>	



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## MEMORANDUM

To: The Council Board  
From: Bob Wilson, Executive Director  
Date: December 4, 2019  
Subject: **WCOG's Combined Title VI and Limited English Proficiency Plan**

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As I informed you at the Council Board meeting in May, WSDOT's Public Transportation Division performed a sub-recipient monitoring review of WCOG in March because we receive a relatively-small amount of Federal Transit Administration funding that is sub-allocated 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 was 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).

Following a conference call with WSDOT's Office of Equal Opportunity in April, WCOG agreed to do the following:

1. Submit a Title VI compliance report to WSDOT for the period August 2017 through June 2019. That occurred 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 by May 10<sup>th</sup>. That was done.
3. Undertake a thorough update of the Title VI Plan, to be completed by December 31, 2019.

Attached is the updated version of the Title VI Plan that the Council Board amended in May as well as a resolution adopting it. New or modified text in the plan is highlighted; there were no significant deletions from the amended (May) version.

**SUGGESTED MOTION:** Move to adopt Whatcom Council of Governments' Resolution No. 2019-01, “Adopting WCOG's Combined Title VI and Limited English Proficiency Plan.”



**RESOLUTION NO. 2019-01**

**ADOPTING THE WHATCOM COUNCIL OF GOVERNMENTS' COMBINED TITLE VI AND LIMITED ENGLISH PROFICIENCY PLAN**

**WHEREAS**, the Whatcom Council of Governments is the federally-recognized Metropolitan Planning Organization and the state-designated Regional Transportation Planning Organization for the Whatcom County, Washington, Transportation Planning Area, and

**WHEREAS**, the Whatcom Council of Governments is committed to ensuring 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, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and

**WHEREAS**, the Whatcom Council of Governments 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, and

**WHEREAS**, the Whatcom Council of Governments is committed to providing reasonable assistance to those with limited proficiency in English to facilitate their participation in the transportation planning process.

**NOW, THEREFORE, IT IS RESOLVED** that the Whatcom Council of Governments adopts its Combined Title VI and Limited English Proficiency Plan, which shall remain in effect through December 10, 2022.

Adopted this Eleventh day of December, 2019, in the City of Bellingham, Washington, a quorum being present.

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Jack Louws, Secretary-Treasurer

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Robert H. Wilson, Executive Director



# **Combined Title VI & Limited English Proficiency Plan**

Adopted December 11, 2019



**RESOLUTION NO. 2019-01**

**ADOPTING THE WHATCOM COUNCIL OF GOVERNMENTS' COMBINED TITLE VI AND LIMITED ENGLISH PROFICIENCY PLAN**

**WHEREAS**, the Whatcom Council of Governments is the federally-recognized Metropolitan Planning Organization and the state-designated Regional Transportation Planning Organization for the Whatcom County, Washington, Transportation Planning Area, and

**WHEREAS**, the Whatcom Council of Governments is committed to ensuring 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, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and

**WHEREAS**, the Whatcom Council of Governments 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, and

**WHEREAS**, the Whatcom Council of Governments is committed to providing reasonable assistance to those with limited proficiency in English to facilitate their participation in the transportation planning process.

**NOW, THEREFORE, IT IS RESOLVED** that the Whatcom Council of Governments adopts its Combined Title VI and Limited English Proficiency Plan, which shall remain in effect through December 10, 2022.

Adopted this Eleventh day of December, 2019, in the City of Bellingham, Washington, a quorum being present.

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Jack Louws, Secretary-Treasurer

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Robert H. Wilson, Executive Director

## **Title VI Notice to the Public in English and Spanish**

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, Executive Order 13166 on Limited English Proficiency, 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 and are available on WCOG's website.

## **Aviso al Público Sobre Título VI de la Ley de Derechos Civiles de 1964**

Por medio de la presente, el WCOG notifica de manera pública que la política del organismo es garantizar el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987, el Decreto Ejecutivo 12898 sobre Justicia Ambiental, el Decreto Ejecutivo 13166 sobre el Dominio Limitado del Idioma Inglés, así como los estatutos y reglamentos relacionados en todos los programas y actividades. De acuerdo con lo estipulado en el Título VI, ningún individuo de los Estados Unidos de América deberá, con fundamento en su raza, color, sexo o nacionalidad, ser excluido de participar en, que se le nieguen los beneficios de, o ser víctima de discriminación en virtud de cualquier programa o actividad por el cual el WCOG reciba fondos federales.

Toda persona que se considere agraviada por una práctica discriminatoria e ilícita en virtud del Título VI tiene derecho a presentar una denuncia formal ante el WCOG. Cualquier denuncia de este tipo debe presentarse por escrito ante el coordinador del Título VI del WCOG dentro de un plazo de 180 días naturales a partir de la fecha de la presunta discriminación. El WCOG pone a disposición del público los formularios de denuncia del Título VI de manera gratuita en su página web.

The Notice to the Public in both English and Spanish is posted in the following places:

- All WCOG public meeting agendas
- [www.wcog.org](http://www.wcog.org)
- Whatcom Council of Governments, 314 East Champion Street, Bellingham, Washington

# 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 **the work performed under such agreements** 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.

## 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; USDOT Order 1050.2; EO 12250; Executive Order 12898, and; 28 CFR 50.

## Organization and Staffing

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.

## **Record of Complaints**

As of December 2019, WCOG has never received a Title VI complaint alleging discrimination on the basis of race, color, sex and/or national origin. Furthermore, WCOG has never been involved in any Title VI investigations or lawsuits.

## 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 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 revised as necessary to ensure sufficiency of the data in meeting the requirements of the Title VI program.

### 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 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 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 website, inclusion of Title VI language in contracts, **annually publishing the Title VI Notice to the Public in both English and Spanish (appearing on Page 2)** in newspapers having a general circulation in the community and in minority publications where appropriate.

#### 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 non-compliance.

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 has developed this Title VI Plan as its internal procedure to guide its administration of the Title VI Program. This procedure will be updated regularly to incorporate necessary changes and additional responsibilities.
- L. WCOG will make every effort to provide services to people with Limited English Proficiency (LEP), either through translation or via an 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 reasonable costs for the translation of vital documents and interpreter services.

- M. A Four-Factor Analysis will be conducted at least every three (3) years to identify which LEP group(s) will require assistance, and to determine how to best provide those groups with reasonable access to the services and programs carried out by WCOG.

## Planning

- A. Whatcom Council of Governments

Established in 1966 by an act of the Washington State Legislature and located in Bellingham, Washington, the Whatcom Council of Governments is the State-designated and federally-recognized transportation planning agency for Whatcom County and its constituent local governments, tribes and districts.

- B. Authorities

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

- C. Planning Process

WCOG carries out a cooperative, comprehensive and continuing transportation planning process that seeks out and utilizes input from the public in its various activities. The process further entails the collection and analysis of various data pertaining to transportation issues. WCOG coordinates urban transportation planning and public involvement, and provides technical support to its member jurisdictions and agencies.

## 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.

## 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 in accordance with the policies contained in 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 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 (as amended)
- 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 an ad hoc Consultant Selection Committee, which is established for each major project. The committee typically comprises WCOG staff members, technical staff from affected local jurisdictions, 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 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.

December 11, 2019

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Robert H. Wilson, AICP  
Executive Director



## **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 Non-compliance**

In the event of the Contractor’s non-compliance 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 non-compliance.

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 East Champion Street  
Bellingham, WA 98225  
Fax: (360) 738-6232  
Email: TitleVI@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/or 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:** \_\_\_\_\_

**National Origin:** \_\_\_\_\_

(over)

**Explanation**

In the space below please explain as clearly and in as much detail as possible the nature of the discrimination you are alleging (attach additional sheets if necessary). Provide the names of all witnesses, if any, to the alleged discrimination. Attach copies of all written materials pertaining to your complaint.

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*By signing below, I certify that the statements contained on this form are true to the best of my knowledge.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Send this form and all attachments to:

Attn: Title VI Coordinator  
Whatcom Council of Governments  
314 East Champion Street  
Bellingham, WA 98225

Documents may be sent via the U.S. Postal Service, faxed to (360) 738-6232, or scanned and e-mailed to [TitleVI@wcog.org](mailto:TitleVI@wcog.org).

PARA USO DE LA OFICINA

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

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



## TÍTULO VI FORMULARIO DE DENUNCIA POR DISCRIMINACIÓN

<b>Víctima(s) del presunto acto de discriminación:</b>		
NOMBRE		
DOMICILIO		
CIUDAD	ESTADO	CÓDIGO POSTAL
TELÉFONO DIURNO	CORREO ELECTRÓNICO	
<b>Persona que alega discriminación, si es diferente a la anterior:</b>		
NOMBRE		
DOMICILIO		
CIUDAD	ESTADO	CÓDIGO POSTAL
TELÉFONO DIURNO	CORREO ELECTRÓNICO	
RELACIÓN CON LA(S) PERSONA(S) NOMBRADA(S) COMO VÍCTIMA(S)		
<b>Miembro(s) del personal, miembro(s) del consejo, asesor(es) o programa(s) del WCOG que presuntamente discriminaron:</b>		
NOMBRE	PROGRAMA	
NOMBRE	PROGRAMA	
NOMBRE	PROGRAMA	
FECHA EN QUE EMPEZÓ LA ALEGADA DISCRIMINACIÓN	FECHA DEL ÚLTIMO INCIDENTE	

### Motivo por la presunta discriminación

Se debe presentar una denuncia dentro de los 180 días naturales a partir de la fecha en la que el demandante se ha enterado de la presunta discriminación. Si su denuncia se refiere a una presunta discriminación durante la prestación de servicios o trato hacia usted (o hacia la(s) persona(s) nombrada(s) como víctima(s)) por parte de asociados o programas del Whatcom Council of Governments (Consejo de Gobiernos de Whatcom), indique a continuación lo que cree ser el motivo de la presunta discriminación.

*Ejemplo:* Si usted cree que ha sido discriminado por ser nativo americano, encierre en un círculo la palabra “Raza” y escriba “Nativo Americano” en el espacio provisto.

**Raza:** \_\_\_\_\_

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

**Sexo:** \_\_\_\_\_

**País de Origen:** \_\_\_\_\_

(Véase al dorso)

**Explicación**

En el espacio a continuación, explique con la mayor claridad y detalle posible la naturaleza de la discriminación que usted alega (adjunte hojas adicionales si es necesario). Provea los nombres de todos los testigos, si los hay, de la presunta discriminación. Adjunte copias de todos los materiales escritos relacionados con su denuncia.

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*Al firmar abajo, certifico que las declaraciones contenidas en este formulario son verdaderas según mi leal saber y entender.*

Firma

Fecha

Remita este formulario y todos los documentos anexos a:

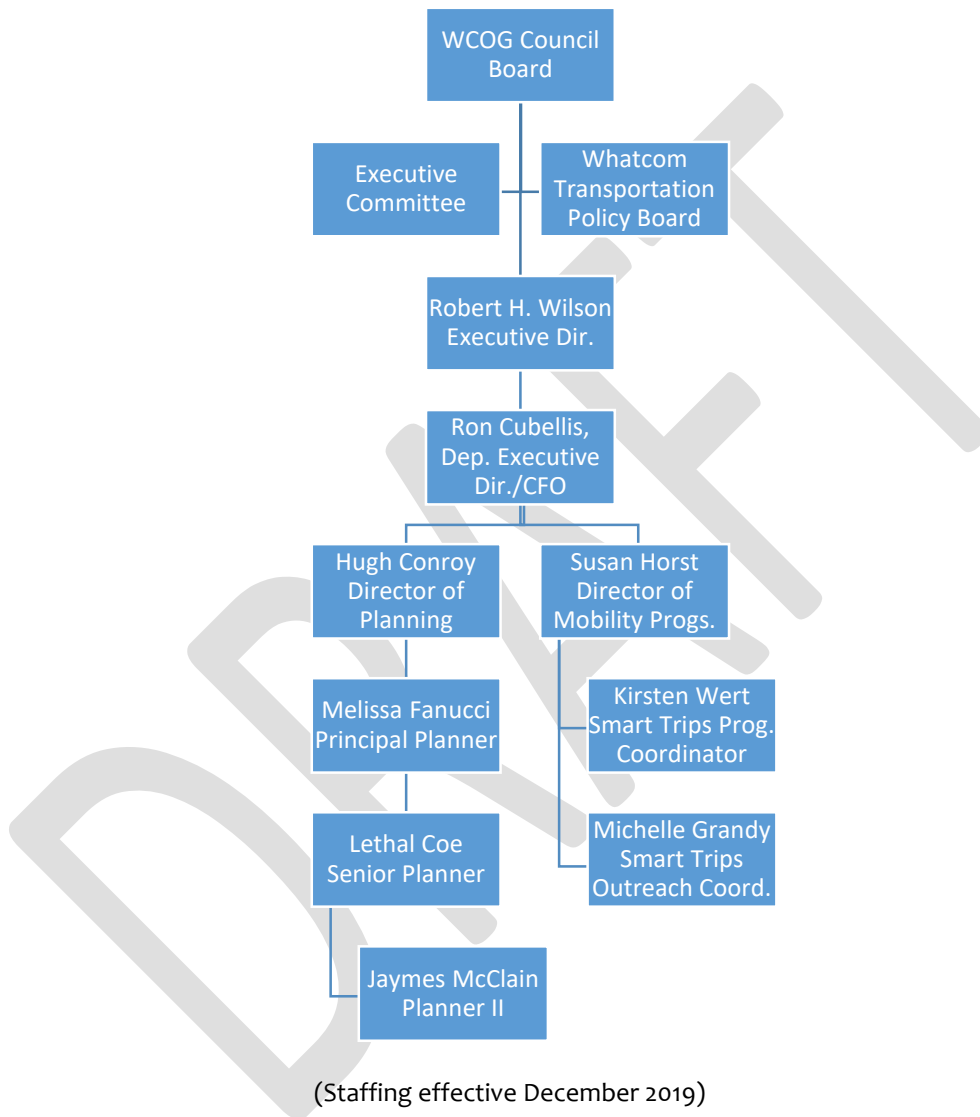
Attn: Title VI Coordinator  
Whatcom Council of Governments  
314 East Champion Street  
Bellingham, WA 98225

Los documentos pueden ser enviados a través del Servicio Postal de EE.UU. (USPS), por fax al (360) 738-6232 o por correo electrónico a [TitleVI@wcog.org](mailto:TitleVI@wcog.org).



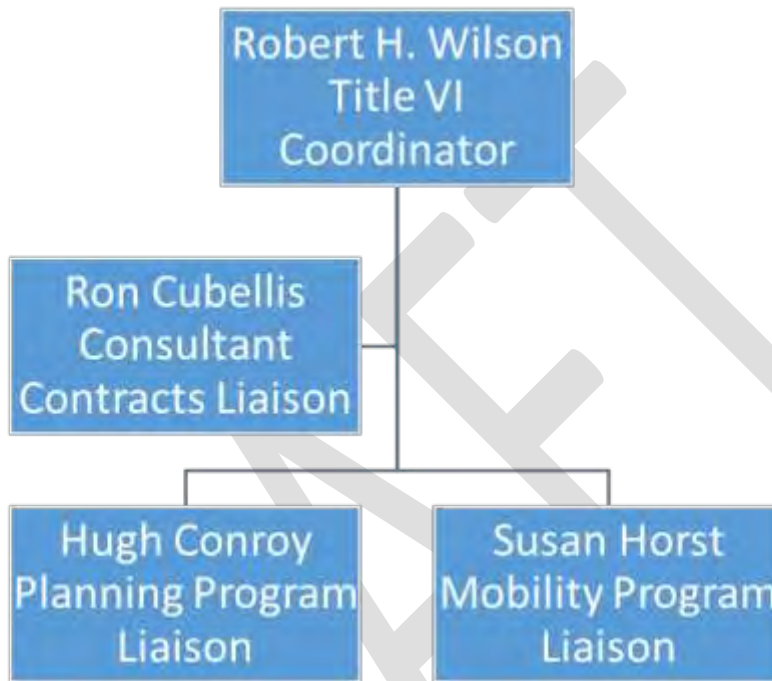
ADDENDUM 3

Whatcom Council of Governments  
Organization Chart – 2019



**ADDENDUM 4**

**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

December 2019

## Introduction

The Whatcom Council of Governments (WCOG) is the federally-recognized *metropolitan planning organization* for the Whatcom County, Washington, Transportation Planning Area (“the Region”). It also serves as the state-designated *regional transportation planning organization for Whatcom County*. As such, 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 adopted *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 one which constitutes at least five percent of the Region’s population, whichever is less. Using data from the 2010 Census and the Census Bureau’s American Community Survey (ACS), only one language group – Spanish or Spanish Creole – meets either of the aforementioned thresholds. Among that group it is estimated that 4,043 people speak English “less than very well,” and it is this population that WCOG has identified as requiring language assistance. Additionally, the Whatcom Transportation Authority recently reviewed current ACS data in preparing its own Title VI plan and determined that there is “no compelling evidence that any

language other than Spanish has reached the 1,000 speakers threshold” in Whatcom County. When WCOG’s Title VI Plan is updated in 2022, LEP data from the 2020 Census will be used to identify the language group or groups requiring assistance.

**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 (2010)
<b>Estimated number of speakers</b>	9,714	5,671 (of 9,714)	<b>4,043</b> (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%	<b>2.2%</b>	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 seven cities in the county, 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 Block Grant and Transportation Alternatives Programs for inclusion in the Regional Transportation Improvement Program. It also maintains a list of proposed projects for the **Whatcom Human Services Transportation 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 and writing English and/or financial constraints.

#### **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 in subsequent LEP plans.

### **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 December 2019, WCOG has two staff members – Executive Director Bob Wilson and Principal Planner Melissa Fanucci – who have minimal proficiency in Spanish (Mr. Wilson is currently learning Spanish). 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 en español, por favor enviar un correo electrónico a [espanol@wcog.org](mailto:espanol@wcog.org).” (Translation: For assistance in Spanish, please send an e-mail to [espanol@wcog.org](mailto:espanol@wcog.org).) WCOG has also added the Google Translate tool to the website, which translates more than 70 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 Notices**

WCOG will add the following sentence to all of its legally-required public notices: “Para asistencia en español, por favor enviar un correo electrónico a [espanol@wcog.org](mailto:espanol@wcog.org).” 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 enviar un correo electrónico a [espanol@wcog.org](mailto:espanol@wcog.org) al menos dos (2) semanas antes de la reunión.” (Translation: For assistance in obtaining meeting materials in Spanish, please send an e-mail to [espanol@wcog.org](mailto:espanol@wcog.org) at least two weeks prior to the meeting.)

WCOG has engaged a professional instructor of Spanish – Sarah Rowan of Salud Translations in Bellingham, Washington – to provide written and oral translation services on an as-needed basis. Additionally, although Whatcom County’s Russian and Punjabi LEP communities do not currently meet the threshold for mandated language assistance, WCOG has identified translators of those languages to provide that service in the event they are requested in a timely manner.

### **Distribution and 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 project-specific public information sessions to solicit input from members of the community. At all WCOG public outreach events, comment forms in Spanish will be available. Additionally, based on the nature of the project or the specific location of the public information session, where it can reasonably be expected that members of the Spanish/Spanish Creole LEP community might be in attendance, WCOG will provide a Spanish interpreter for the meeting.

### **Community Based Organizations**

[The Opportunity Council](#) – which is a member of the Whatcom Council of Governments – convenes monthly meetings of the “Community Resource Network.” 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 staff attend these meetings when topics relating to regional transportation are on the agenda to provide information 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.

DRAFT





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**MEMORANDUM**

To: The Executive Committee and Council Board  
From: Bob Wilson, Executive Director  
Date: December 4, 2019  
Subject: **Proposed 2020 Budget – Final Draft**

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Attached to this memo please find the final draft of the proposed 2020 Budget for your review prior to the Executive Committee and Council Board meetings next week. At its meeting, the Council Board will be asked to adopt the budget following its review by the Executive Committee at its meeting. I draw your attention to the following:

Dues. Dues are determined using both population and the average cost-of-living adjustment (COLA) of the member jurisdictions. Annual population change is drawn from Office of Financial Management estimates for Whatcom County, the seven cities and the Lummi Nation. The Port's dues increase is the average increase of the nine jurisdictions. The proposed 2020 Budget includes a COLA of 2.82 percent.

Salaries. Program Specialist I Michelle Grandy will be promoted to Program Specialist II effective January 1, 2020. Also, Planner II Jaymes McClain will receive an adjustment within his salary band to bring his salary into line with similar positions around the state. No other salary adjustments beyond the COLA and annual step increases are called for in 2020. All staff members except me will receive step increases, and everyone will receive the COLA. It should be noted, however, that Susan Horst, Kirsten Wert and Michelle are permanent part-time staff (56.5, 80 and 75 percent time, respectively), and the amount of their increases – as well as that associated with Michelle's promotion – will be prorated accordingly.

Michelle's promotion, Jaymes' salary adjustment, the COLA and step increases represent an aggregate increase in 2020 salaries of \$53,542, or 7.1 percent.

Employee Benefits. The COG's 2020 expense for all employee benefits – health insurance, retirement, workers' compensation, etc. – is expected to increase next year by six percent. While there will be no increase in our health insurance premium in 2020, increased costs for WCOG's retirement contribution and unemployment insurance tax will constitute the bulk of the overall benefit expense increase in 2020.

Consultants. The 2020 consultant expense is anticipated to decline by about \$259,000, to \$358,521, as several current projects wrap up this year.

(continued)

Please don't hesitate to call Ron or me if you have any questions. We look forward to discussing the proposed 2020 Budget with you next week.

**SUGGESTED MOTION:** Move to adopt the 2020 WCOG Budget, as presented.

Whatcom Council of Governments  
2020 Budget (draft #2 12-4-2019)

	2020	2020	2019
	Draft #1 10-2-2019	Draft #2 12-4-2019	Changes 10/9 to 12/4/19
<b>CONSOLIDATED</b>			
<b>Beginning Net Cash and Investments</b>	\$ 295,000	\$ 295,000	\$ -
<b>REVENUE</b>			
<b>Programs &amp; Projects</b>			
Local	\$ 87,306	\$ 87,306	\$ -
State	263,263	218,732	(44,531)
Federal	1,234,957	1,237,329	2,372
Canadian	60,000	60,000	-
Miscellaneous (foundations, classes, rebates)	0	0	-
Total Programs & Projects	\$ 1,645,526	\$ 1,603,367	\$ (42,159)
<b>Dues</b>			
Bellingham	\$ 55,057	\$ 55,147	\$ 90
Blaine	3,315	3,320	5
Everson	1,711	1,714	3
Ferndale	8,737	8,752	15
Lummi Nation	3,214	3,219	5
Lynden	8,841	8,856	15
Nooksack	981	982	1
Sumas	980	982	2
Whatcom County (unincorporated)	54,823	54,912	89
Port of Bellingham	24,531	24,572	41
Lake Whatcom Water & Sewer	230	230	-
Birch Bay Water & Sewer	150	150	-
Opportunity Council	150	150	-
Public Utilities District #1	150	150	-
Sudden Valley Association	150	150	-
Western Washington University	150	150	-
Total Dues	\$ 163,170	\$ 163,436	\$ 266
<b>Other Revenue</b>			
Interest Income	2,500	2,500	-
Total Other Revenue	\$ 2,500	\$ 2,500	\$ -
<b>Total Revenue</b>	<b>\$ 1,811,196</b>	<b>\$ 1,769,303</b>	<b>\$ (41,893)</b>
<b>EXPENSES</b>			
<b>Salaries &amp; Benefits</b>			
Salaries	\$ 803,445	\$ 809,985	\$ 6,540
Dental Insurance	12,202	12,202	-
Disability Insurance	3,399	3,426	27
Health Insurance	130,793	129,022	(1,771)
Life Insurance	1,017	1,017	-
Retirement Contribution	103,323	104,164	841
Social Security Equivalent	61,320	61,820	500
Unemployment Insurance Tax	17,482	19,086	1,604
Vision Insurance	2,134	2,134	-
Workers Compensation Insurance	2,860	2,860	-
Total Benefits	\$ 334,530	\$ 335,731	\$ 1,201
Total Salaries & Benefits	\$ 1,137,975	\$ 1,145,716	\$ 7,741

Whatcom Council of Governments  
2020 Budget (draft #2 12-4-2019)

	2020	2020	2019
	Draft #1 10-2-2019	Draft #2 12-4-2019	Changes 10/9 to 12/4/19
<b>CONSOLIDATED</b>			
<b>Other Expenses</b>			
Communication Services	\$ 28,500	\$ 28,300	(200)
Consultants & Contracted Services	391,437	358,521	(32,916)
Incentives	10,000	10,000	-
Insurance - Property & Liability	10,500	10,500	-
Office Equipment & Software	54,140	54,140	-
Pass Through to Partners	0	0	-
Printing	21,500	21,500	-
Professional Development	13,150	13,150	-
Rent	72,100	72,100	-
Repair & Maintenance	3,000	3,000	-
Supplies	10,000	10,000	-
Travel	19,250	19,250	-
Utilities	13,000	13,000	-
Total Other Expenses	\$ 646,577	\$ 613,461	\$ (33,116)
<b>Total Expenses</b>	<b>\$ 1,784,552</b>	<b>\$ 1,759,177</b>	<b>\$ (25,375)</b>
<b>Ending Net Cash and Investments</b>	<b>\$ 321,644</b>	<b>\$ 305,126</b>	<b>\$ (16,518)</b>

\_\_\_\_\_  
Board Officer

\_\_\_\_\_  
Robert Wilson, Executive Director

## Capital Expenditures by Category

	<u>Quantity</u>	<u>Total Cost</u>
<b>Office Equipment</b>		
Copier Lease & Maintenance	1	\$ 3,600
Phone System lease	1	5,400
Postage Meter Lease	1	700
Workstation replacements	0	-
Laptop/Tablet replacements	1	900
Modeling computer replacement	1	5,500
Monitor replacements	0	-
Contingency		2,000
		<u>\$ 18,100</u>
<b>Software</b>		
Accounting & Payroll updates	2	\$ 1,600
Adobe licenses & updates	9	5,040
Cloud-based file storage solution	1	1,200
GIS licences & updates	2	7,400
Microsoft licenses & updates	10	1,200
Tableau Analytics Server	1	15,000
TransCAD Transportation Modeling licenses & updates	2	2,600
Contingency		2,000
		<u>\$ 36,040</u>



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## MEMORANDUM

To: The Council Board  
From: Bob Wilson, Executive Director  
Date: December 4, 2019  
Subject: **Ranking 2020 Transportation Requests**

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At its meeting in October, the Council Board adopted its list of *Unfunded Transportation Needs of Whatcom County, 2020* (attached), which includes nine road projects and three transit requests. The transit requests were previously ranked by WTA; the road projects were left unranked at the October meeting, but it was decided to revisit that at the meeting next week.

You'll recall that I encouraged us all to keep our expectations of success low prior to and at the October meeting. That was primarily due to the fact that the 2020 session is a short one, but also because of chatter about a transportation revenue package being proposed in the 2021 session, limiting the willingness of legislators to pursue project funding in the upcoming session.

Since then, of course, Initiative 976 was approved by Washington's voters, and as we all know, the entire state transportation budget is in complete disarray. Indeed, two of our region's most important projects – the Bakerview on-ramp at northbound I-5 and Orchard Street in Bellingham – are now on hold as a direct result of I-976. Of even greater concern is the impact I-976 will have on WSDOT's preservation program (for maintaining existing facilities), which was already seriously deficient. By all accounts, the Joint Transportation Committee will be spending virtually all of its time in the upcoming session dealing with those kinds of issues and will almost certainly not be considering new projects.

That said, the Council Board might want to consider putting the region's funding requests on hold until the 2021 session and instead issue a statement to the Legislature indicating its concern about insufficient funding for "maintenance and preservation," which collectively constitute one of the seven goals in the adopted regional long-range transportation plan, known as [Whatcom Mobility 2040](#). As always, though, policy decisions like that are entirely at the discretion of the Board, and I stand ready to advocate for the funding requests on the list, should you instruct me to do so.



# Unfunded Transportation Needs of Whatcom County 2020

Adopted by the  
Board of the Whatcom Council of Governments  
October 9, 2019



## MEMORANDUM

October 10, 2019

TO: Whatcom County's State Legislative Delegation

FROM: Bob Wilson, Executive Director

RE: **Unfunded Transportation Needs of Whatcom County, 2020**

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At its meeting of October 9, 2019, the Board of the Whatcom Council of Governments unanimously adopted the following list of regional transportation funding priorities for 2020, and it requests your support for them in the upcoming State Legislative Session:

### **REGIONAL ROAD PRIORITIES** (projects appear in random order and are not yet ranked)

**Grade Separation Rail-Traffic Solution at State Route 548 (Blaine)** – The U.S. Department of Homeland Security's "VACIS" rail freight-car inspection array is located alongside BNSF Railway's tracks immediately south of the City of Blaine's southern limit. While the VACIS is in operation, freight trains must slow down to a virtual crawl, which has the unintended effect of blocking the busy intersection of Peace Portal Drive and Blaine Road (both of



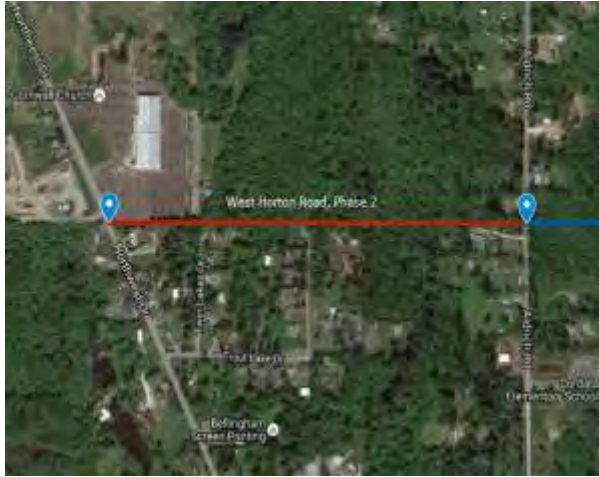
*Traffic backed up on State Route 548 due to VACIS inspection.*

which are links of State Route 548). Back-ups typically last 30 minutes or longer, severely affecting school bus schedules and, more importantly, potentially cutting off the neighborhoods to the west of the intersection from first responders. These back-ups also impede through-traffic to and from the City's commercial and industrial districts and disrupt flow on and off Interstate 5 at Exit 274.

A grade separation at this intersection would enhance public safety, promote economic development and support the efficient movement of goods between the U.S. and Canada along Whatcom County's northern border, which amounted to approximately \$16.6-billion (USD) in 2017. Request: **\$24-million**



**West Horton Road Multi-modal Corridor Extension, Phase 2** (Whatcom County) – This project – located in Bellingham’s Urban Growth Area – would be carried out as a partnership



between the City of Bellingham and Whatcom County. It would extend West Horton Road a half-mile west – from Aldrich Road to Northwest Avenue – as an arterial street with sidewalks and bicycle lanes, and a roundabout at the intersection of Horton and Northwest. Land acquisition, off-site mitigation and minimizing the road footprint will be necessary to address anticipated environmental impacts. Request: **\$16-million.**

**Northwest Drive/Smith Road Roundabout** (Whatcom County) – This project calls for the construction of a roundabout to ensure that this intersection – which is projected to experience a significant increase in traffic volume – will operate at an acceptable level of service in the future. This project will incorporate safe-pedestrian paths that meet the requirements of the Americans with Disabilities Act, provide bike lanes, upgrade the lighting, and improve site drainage as required by the Department of Ecology. Request: **\$5-million**

**Birch Bay-Lynden Road/Blaine Road Roundabout** (Whatcom County) – This project calls for the construction of a roundabout to ensure that this intersection – which is projected to experience a significant increase in traffic volume – will operate at an acceptable level of service in the future. This project will incorporate safe-pedestrian paths that meet the requirements of the Americans with Disabilities Act, provide bike lanes, upgrade the lighting, and improve site drainage as required by the Department of Ecology. Request: **\$5-million**

**Mosquito Lake Road/ Hutchinson Creek Tributary Fish Passage** (Whatcom County) – The existing 30-inch diameter concrete culvert at this location was damaged in early 2018, with a temporary repair made later that year. This culvert has been identified as a barrier to fish passage, and the County currently deems it to be the fish passageway most imminently vulnerable to a catastrophic failure. Request: **\$1.5-million**

**Marine Drive Improvements** (Blaine and the Port of Bellingham) – Marine Drive is a regional treasure, with expansive views of Semiahmoo Bay and Drayton Harbor. It also serves as a section of the breakwater for Blaine Harbor, which contains an important commercial and recreational marina. In 2016, Reid Middleton, under contract with the Port of Bellingham and the City of Blaine, did an alternatives analysis for completing the last phase of Marine Drive (approximately 1,400-feet long). The project limits are from the



western edge of Gate 3 in Blaine Harbor to the Fisherman’s Pier at the end of the road. Marine Drive within the project limits is a narrow roadway constructed on fill. The shoreline slopes of the roadway are protected by rip-rap, concrete rubble, and timber bulkhead structures in varying conditions of decline. There is erosion, settlement and loss of roadway in this area. The western end of the roadway, adjacent to Fisherman’s Pier and the timber bulkhead where the road narrows, is in

particularly poor condition. Since 2015, the road has been closed to vehicle traffic in this area and is open only to pedestrians and pier maintenance vehicles. As one of the only piers that allow for vehicle access in the state, this project will enhance access for recreation for both City residents and visitors. After an extensive public process, a preferred alternative was selected that would reopen the road and provide improved access for bikes, pedestrians and disabled persons. The Port of Bellingham, whose bulkhead supports the south side of the road, and the City of Blaine are partners in this project. Request: **\$3-million**

### Bradley and Line Roads Corridor Arterial

**Improvements** (Lynden) – This section of the City arterial road system is a critical link between Lynden High School and Lynden Middle School. Line Road is 24-feet wide with no bike or pedestrian facilities, and Bradley Road has a widened shoulder on one side, offering limited protection to pedestrians. The City reconstructed a \$1-million initial section of Line Road fronting the Middle School in conjunction with the school’s opening, but project costs and complexities have prevented the completion of the full corridor. The City has completed 50 percent



*Line Road with no bike or pedestrian facilities (looking north toward new Middle School)*

design-level plans for this corridor completion project. This corridor is also a new WTA route, and thousands of recreational vehicles use it to visit the nationally-acclaimed KOA campground on Line Road. The East Lynden residential community primarily served by this corridor is growing by about 100 homes a year.

This project would construct the final ¾ miles of this all-weather arterial roadway, including bike lanes and ADA-compliant sidewalks to enhance walkability and safely convey school children to and from the surrounding residential neighborhoods. It would also replace an old and undersized culvert under Line Road near the campground

that drains into Kamm Creek. Finally, the project will also incorporate stormwater treatment facilities to protect water quality in Kamm Creek and the Nooksack Basin (WRIA 1).

Request: **\$3-million.**



**Duffner Ditch Culvert Replacement** (Lynden) – This project would replace the existing twin 48-inch concrete culverts with an 18-foot by 6-foot by 130-foot box culvert. It is currently at the 60% design level and is fully permitted, as it is included in WSDOT’s plan for the widening of State Route 539 (Guide Meridian) funded by the Connecting Washington program. All necessary right-of-way for the project has been obtained. This culvert is on WSDOT’s “Fish Passage Barrier” list and requires corrective action per the Federal Court Injunction. Replacement of these culverts in advance of the larger Guide widening project would allow the Guide project to be completed with fewer impacts to International, State, Regional, and Local Commerce and reduce the risk of flooding in this area.  
Request: **\$3.4-million**

**Slater Road and Bridge** (Lummi Nation) – This project would raise the elevation of Slater Road – a regionally-significant arterial that provides access to the Cherry Point industrial area, the Lummi Nation reservation (including the Silver Reef casino), and serves as the designated tsunami evacuation route for thousands of residents of western Whatcom County – by 12 feet above its current elevation to minimize the impact of seasonal flooding in the lower Nooksack River basin, which frequently shuts down the facility.  
Request: **\$19-million**

## **REGIONAL TRANSIT PRIORITIES** (listed in order of priority)

**1. Operating Support for Regional Transit Service** (Whatcom Transportation Authority) – Based on a model developed by the North Sound Transportation Alliance (also known as “The Farmhouse Gang”), the three northwest Washington transit systems – the Whatcom Transportation Authority (WTA), Skagit Transit and Island Transit – operate a coordinated set of services linking the five northwestern counties of Whatcom, Skagit, Island, San Juan and Snohomish. This includes express service provided by WTA, linking Bellingham Station to Skagit Station in Mt. Vernon with continuing service provided by Skagit Transit to Everett Station. Similarly, service operated by Island Transit and Skagit Transit allow residents of Island, Skagit and San Juan counties to access services in Bellingham through the connection at Skagit Station.

To provide these linkages, all three systems operate outside the boundaries of their individual service areas. The current funding source is a mix of local funds and competitive grants. This funding model is unreliable and unsustainable, and it threatens the viability of these critical regional transportation services, which advance the State’s interests by relieving congestion, supporting economic development and improving mobility, especially for Washington’s transportation-disadvantaged population. A dedicated and reliable source of operating funding to sustain and enhance extra-regional services like the WTA/Skagit/Island County Connector service is requested. Request: **Ongoing operating support in an amount to be determined by the Legislature**

## 2. Bellingham Station Expansion (WTA) –

WTA has developed design concepts to expand its station in downtown Bellingham, which was built in 1980 with ten bus gates. Bellingham Station is at capacity and must be expanded to build out the High-Frequency Transit Network (WTA’s GO Line services) and to support transit service to the rapidly-developing Waterfront District. The station would be expanded by adding a passenger concourse and four bus gates in the Railroad Avenue right-of-way to the southwest of the existing station. The new gates would accommodate articulated coaches and provide charging for electric buses.

Request: **\$4-million**



**3. Support for Transit Electrification (WTA)** – The cost of an electric bus and charger is double that of a standard diesel coach. With a fleet of 61 coaches – at up to \$550,000 per coach – the unfunded marginal cost to WTA of electrification would be up to \$35-million over 10 years. There is significant pressure on Washington’s transit systems from the State to move to an electric bus fleet. This should be accompanied by a commitment from the Legislature to assume the costs associated with this important environmental initiative.

Request: **Capital support in an amount to be determined by the Legislature**

Please don’t hesitate to contact Tom Parker ([tom@parkernw.com](mailto:tom@parkernw.com) or 206.200.7898) or me at [bob@wcog.org](mailto:bob@wcog.org) or 360.685.8389 if you have questions about any of these projects. On behalf of the Whatcom Council of Governments, I wish you success in the 2020 session. Thank you for your consideration!

## Bob Wilson

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**From:** Jon Mutchler <JonMutchler@cityofferndale.org> on behalf of Jon Mutchler  
**Sent:** Wednesday, December 11, 2019 10:54 AM  
**To:** Bob Wilson  
**Cc:** Jori Burnett  
**Subject:** Slater elevation.

Bob:

Unfortunately I won't be attending the COG today. My regrets.

However, I wish to weigh in and express again my strong support for the Slater Elevation project. Yearly, with our annual flooding, we are reminded of the need for this project and the vulnerability our coastal businesses experience when Slater Road is closed. I know when Slater is closed we instantly experience traffic jams on Main Street. This is an important regional project that has a significant impact to the safety for our community. Each time we experience flooding, traffic in Ferndale comes to a standstill and emergency services simply cannot respond. Additionally, with the increase in traffic to the County's Industrial Lands at the west end of Slater Road, it is imperative that we prudently plan for increased capacity to Slater Road by removing clear hazards to our transportation system.

The City wishes to see this project be among our region's *highest priorities* in the unfunded projects list.

Thank you

Jon R Mutchler, Mayor  
City of Ferndale

Sent from Jon's iPhone • All city correspondence is subject to state public records and disclosure laws



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**MEMORANDUM**

To: The Council Board  
From: Bob Wilson, Executive Director  
Date: December 4, 2019  
Subject: **Proposed Whatcom Complete Count Committee**

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Over the past several months, Mauri Ingram, CEO of the Whatcom Community Foundation (WCF) and Summer Starr of The Opportunity Council (OppCo) have facilitated ongoing 2020 Census work group meetings. Simultaneously, Lethal Coe of our staff has been corresponding with WCOG’s member jurisdictions regarding Census product development. In order to unify the combined efforts of the WCF, OppCo and WCOG in preparing for Census 2020, it is requested of the Council Board that it establish and facilitate the county-wide Whatcom Complete Count Committee (WCCC).

As outlined by the U.S. Census Bureau, complete count committees are voluntary groups composed of local and tribal governmental jurisdictions as well as non-governmental organizations for the purpose of increasing awareness about the Census and motivating residents to respond to it. Therefore, the ultimate goal of the WCCC is to ensure that **every person on tribal lands and in all jurisdictions within Whatcom County is counted in the 2020 Census**. The necessary work for this effort will be handled by staff from the WCCC’s member organizations, to be known as the Work Group.

The details of the WCCC and the Work Group are being finalized by Mauri, Summer and Lethal, with a kick-off meeting to be held at the beginning of the year, on a date to be determined. A copy of the invitation to be sent to potential WCCC members is attached to this memo.

**SUGGESTED MOTION:** Move to establish and facilitate the Whatcom Complete Count Committee and Work Group.



December 2019

The 2020 Census is nearly upon us. A complete, accurate and fair count is vital to everyone in Whatcom County. You are invited you to join the Whatcom Complete Count Committee (WCCC) to help ensure that that **every person in all jurisdictions and tribal lands within Whatcom County are counted during the upcoming 2020 Census**. The Whatcom CCC is a voluntary committee established by tribal and local governments, and community leaders and organizations.

The WCCC is being convened to ensure buy-in at the leadership level of all key stakeholder organizations and to provide guidance to an empowered work group. The work group will be the primary action arm of the effort, ensuring planning and implementation of individual and consolidated 2020 Census outreach and enumeration assistance efforts.

The WCCC is supported by the Whatcom Council of Governments (COG), as the designated 2020 Census lead, with leadership support from the Whatcom Community Foundation, US Census Bureau and the Opportunity Council.

Our goal is to have a strong WCCC comprised of organizational leaders from the COG's designated regional area that includes the Lummi and Nooksack Reservations and all incorporated and unincorporated areas of Whatcom County.

We are facing some unique challenges with the upcoming Census including the unknown impact of using an online survey, distrust in government, and Census staffing shortages. In order to meet these challenges, more so today than in the past, we need locally-led efforts to raise awareness and provide response support to ensure a successful count.

The WCCC will meet three times, in December 2019, May and September 2020. As an important leader in Whatcom County, we hope you will support local 2020 Census efforts by joining the WCCC. Thank you for your consideration.

Sincerely,

Lethal Coe  
Senior Planner  
Whatcom Council of  
Governments

Mauri Ingram  
President & CEO  
Whatcom Community  
Foundation

Sara L. Bernardy  
Partnership  
Specialist  
US Census Bureau

Summer Starr  
Coordinator  
Opportunity Council



whatcom council of governments

## MEMORANDUM

To: WCOG Board  
From: Ron Cubellis, Deputy Executive Director  
Date: December 4, 2019  
  
Subject: WCOG Public Records Policy – for adoption

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The Washington Public Records Act establishes basic procedural requirements that each public agency must adopt. One is a local public records policy. There is no evidence that WCOG has ever adopted such a policy. Therefore, staff is bringing forward the accompanying policy for your consideration.

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





# Public Records Policies and Procedures

## 1.0 Purpose

1.1 The Whatcom Council of Governments (WCOG) is committed to providing the public full access to public records in accordance with Chapter 44-14 WAC and the Public Records Act Chapter 42.56 Revised Code of Washington (RCW). The following policy will govern the compliance of the Council in respect to the provisions of RCW 42.56.070.

- a) WCOG is committed to conducting its business in a transparent way, and to making information about the Council's business and operations readily available to the public.
- b) WCOG is a special-purpose local government that was created to provide regional planning and economic development services within Whatcom County. The Council is committed to public accountability. The Council complies with:
  - i. Washington State Public Records Act ~ Chapter 42.56 Revised Code of Washington
  - ii. Public Records Act - Model Rules Chapter 44-14 Washington Administrative Code (WAC)
  - iii. Washington State Archives - Local Government Common Records Retention Schedule
  - iv. Public Records Policies and Procedures contained herein.

1.2 This policy describes the standard systems and procedures for responding to public records requests.

## 2.0 Definitions

2.1 "Exempt" means that the law allows or requires the withholding of a public record, or a portion thereof, from public disclosure.

2.2 "Five Day Letter" refers to WCOG's initial written response to a person or entity who has made a public records request pursuant to RCW 42.56.520. The "Five Day Letter" also includes an email response. This letter is required by statute to be postmarked and/or the email must be transmitted, no later than five business days after the receipt of the original request.

- 2.3 “Fullest Assistance” means a timely and thorough action and response to a public records request.
- 2.4 “Identifiable Public Records” refers to a request that contains a reasonable description enabling the Council’s staff to identify and locate the requested records. RCW 42.56.080
- 2.5 “Public Record” means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.
- 2.6 “Public Records Officer” is the individual responsible for: receiving on behalf of WCOG and coordinating the response to public records requests; establishing public records response protocols for the Council; assisting with unusually large or complex public records requests; developing training protocols for all WCOG staff; and developing other guidance resources such as on-line public records request information. For WCOG, that person is identified as the Executive Director. The Executive Director and/or the Board may redesignate the Public Records Officer and shall give notice thereof.
- 2.7 “Public Records Request” is defined as a request to inspect or receive a copy of a public record.
- 2.8 “Public Records On-Line Request” describes the web-based Online Public Records Request Form that provides the general public with the ability to request public records electronically.
- 2.9 “Redaction” refers to the method of protecting from public viewing a portion of a record that is exempt from public disclosure.
- 2.10 “Shall” and “shall not” are legal terms to express mandatory and prohibited actions for WCOG staff.
- 2.11 “Writing” means handwriting, typewriting, printing, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punch cards, discs, drums, diskettes, sound

recordings, and other documents including existing data compilations from which information may be obtained or translated.

## 3.0 Policy

- 3.1 Pursuant to the Washington State Public Disclosure Act, RCW Chapter 42.56 Public Records Act and the Washington Administrative Code (WAC), Model Rules Chapter 44-14, WCOG is required to make available for inspection and copying, identifiable, non-exempt public records as defined by the Act and WAC. The following policy will govern the compliance of the Council with respect to the provisions of the Act and WAC.
- 3.2 To the extent that this policy is in any way inconsistent with the RCW, the RCW will be deemed to prevail.
- 3.3 WCOG staff shall make all non-exempt records available for inspection and copying in accordance with the Washington State Public Records Act. The Council shall provide to the public the fullest assistance to ensure access to records containing information about the conduct of government at all levels, while also being mindful of individuals' privacy rights (as defined by RCW 42.56.050) and the desirability of the efficient administration of government.
- 3.4 Questions about public disclosure that require legal interpretation beyond those addressed in the policy will be referred to, and notice of public records requests and responses will be copied to, WCOG's legal counsel at the discretion of the Executive Director.
- 3.5 Public record requests shall be reviewed by the Executive Director, and at the discretion of the Executive Director, legal counsel.
- 3.6 WCOG may not deny a request for being "overbroad" (RCW 42.56.080) However, when a request is for a large number of records, the Public Records Officer shall provide access for inspection and copying in installments if that officer reasonably determines that it would be practical to provide responsive records in such a manner. If, within thirty (30) days (WAC 44-14-040), the requestor fails to inspect the entire set of records in one or more installments, the Public Records Officer may stop searching for records and close the request. The Public Records Officer shall promptly notify the requestor in writing when a request is closed.
- 3.7 If, after the Public Records Officer has informed the requestor that all available records have been provided, and then becomes aware (WAC 44-14-04003) of responsive material that was not initially disclosed, he/she will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- 3.8 WCOG shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose of the request, unless it must be determined whether a request for a list of names is intended for commercial purposes,

or information is needed to determine whether another statute prohibits disclosure. If the requestor fails to clarify an unclear request with thirty (30) days, the Public Records Officer will treat the request as having been withdrawn and close the request (RCW 42.56.520).

- 3.9 WCOG is not obligated to create new records or to compile data or information in order to respond to a public records request. (WAC 44-14-04003)
- 3.10 An example of a request for information versus a request for records is distinguished by the following examples: “How many employees used sick days in the year 2006?” versus “Provide all time sheets or other documents that show how many sick days were used by employees in the year 2006.” Specifically, WCOG is not obligated to respond to requests for information. However, when it is in the best interest of the Council’s community outreach and communication efforts to do so, and if collecting the information requires a manageable time investment, then the Council may choose to do so.

## **4.0 Office Hours**

- 4.1 Public records shall be available for inspection and copying during the customary office hours of WCOG. For purposes of this policy, the customary hours shall be from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

## **5.0 Public Records Officer**

- 5.1 The Public Records Officer (WAC 44-14-02002) shall serve as the point of contact for members of the public requesting disclosure of public records and oversee the agency’s compliance with the public records disclosure requirements.
- 5.2 Specified staff members will be trained appropriately to handle and facilitate a public records request in the absence of the Public Records Officer.
- 5.3 The name and contact information of the Public Records Officer will be posted at WCOG’s office in a highly visible location and on the Council’s website for accessibility by the public. (RCW 42.56.580)

Duties include the following:

- a) Receiving on behalf of the Council all public records requests, and providing timely and complete Five Day Letter (see attached sample letter marked as Exhibit A); or
- b) If the request is unclear or does not sufficiently identify the requested records, the Five Day Letter shall contain a written request for clarification to the requestor; or
- c) Making requested records available for inspection and copying; or

- d) Denying the request in writing in accordance with Washington law when appropriate.
- e) Assist staff with unusually large or complex public record requests.
- f) Develop training protocols for all specified WCOG staff.
- g) Coordinate a public records web presence.
- h) Assist staff in properly documenting their records series and managing the public records request status.
- i) Assist all staff members in documenting and managing email correspondence to remain available for public record.
- j) Along with the Executive Director, serve as liaison between the Council and outside legal counsel.

## 6.0 Procedures

6.1 Citizens interested in making a public record request must do so in a written, mailed (USPS) document addressed to the Public Records Officer or by submission of WCOG's electronic form (Exhibit B) which is available through the Council's website at [www.WCOG.org](http://www.WCOG.org). Requestors may deliver the record request in person to WCOG's office. Public records requests will be accepted electronically via the Council's website, in writing, or email addressed to the Public Records Officer. WAC 44-14-04002

a) Public Records Officer email address is:

[publicdisclosure@WCOG.org](mailto:publicdisclosure@WCOG.org)

b) Whatcom Council of Governments address for requesting records is:

Attn: Public Records Officer  
314 E Champion Street, Bellingham WA 98225

A variety of records are available on WCOG's website at [www.WCOG.org](http://www.WCOG.org). Requestors are encouraged to view records available on the website prior to submitting a request for records. Only requests submitted as required above shall be deemed received by WCOG.

6.2 Upon receipt of a properly submitted request for public records, a copy will be promptly provided to the Public Records Officer.

6.3 The Public Records Officer will date stamp, assign a tracking number and log in the Public Records Requests Tracking System (to ensure WCOG has a record of each request and the specific records being requested) and review with the Executive Director, and at the discretion of the latter, legal counsel.

- 6.4 The Public Records Officer shall respond to the request in writing within five (5) business days by making the records available for inspection and copying or by taking one of the other actions detailed in section 5.0 of the policy or as set forth in RCW 42.56.520.
- 6.5 In the event that the requested records contain information that may affect the rights of others and is arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such other person or entity whose rights may be affected by the disclosure. Such notice shall be given so as to make it possible for those other persons or entities to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit disclosure. The notice to the affected persons or entities will include a copy of the request. Before any such notification is sent to affected parties, the Public Records Officer shall coordinate with legal counsel.
- 6.6 If WCOG cannot provide the requestor with access to or copies of the requested records that are subject to disclosure within the appropriate estimated timeframe, the requestor shall be informed in writing of the additional time that it will take to produce the records and/or whether the records may be provided in installments. In addition, the Public Records Officer shall determine how much additional time to respond is appropriate only where it is reasonable in light of the circumstances, e.g., while gathering the requested records, it is determined that they are more voluminous or less readily accessible than originally believed.
- 6.7 If a denial or partial denial occurs, the Public Records Officer, after consultation with legal counsel, shall remove the records or partial records from the disclosable materials. All denials or partial denials shall be documented in writing to the requestor.
- 6.8 For records exempt or partially exempt from disclosure, the Public Records Officer, in coordination with legal counsel shall state the statutory exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of the record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer shall redact (WAC 44-14-01004) the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.
- 6.9 If the requestor protests an exemption decision or a redaction, the Public Records Officer, Executive Director and WCOG's legal counsel will confer on the appropriate resolution.
- 6.10 Inspection shall occur at a time mutually agreed upon by the requestor and the Public Records Officer. WCOG shall not limit times of inspection to times during which the requestor is unavailable. Requestors cannot dictate unusual times for inspection. WCOG is only obligated to offer inspection during customary office hours. Typically, the records are produced for inspection in a conference room or other office area at 314 E Champion Street, Bellingham WA 98225. The inspection of records cannot create excessive interference with the essential office functions. WCOG shall have an employee

observe the inspection of records by the requestor to ensure that the records are not altered or destroyed. WCOG's copy machine will be operated by WCOG staff persons only, as public use of the machine would unreasonably disrupt the operations of the Council. No original record may be removed from WCOG's offices under any circumstances.

- 6.11 Records may be provided in installments when they are part of a large set of records that must be identified, located and/or assembled for disclosure.
- 6.12 Whenever possible, records will be provided in an electronic format which will not allow alteration of the record or copy. There is no fee for inspecting public records. The fee schedule for copies and processing is available at [www.WCOG.org](http://www.WCOG.org) and at WCOG's offices located at 314 E Champion Street, Bellingham WA 98225.
- 6.13 WCOG is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: WCOG does not have the resources to conduct a study to determine actual copying costs for all of its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act, including RCW 42.56.120 and other laws. Therefore, in order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for WCOG to adopt the state legislature's approved fees and costs for most of the Council's records, as authorized in RCW 42.56.120 and as published in WCOG's fee schedule.

## **7.0 Responsibilities**

- 7.1 WCOG will follow the procedures outlined in this policy. Public records are public property. Their precise legal status varies depending on whether they are currently in the offices of the originating agency, or have been sent into the archives as historical records.
- 7.2 WCOG has determined that maintaining an index as provided in RCW 42.56.070 for use by the public would be unduly burdensome and would interfere with agency operations given the types of public records received, generated and otherwise acquired by WCOG. Notwithstanding the foregoing, WCOG will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.
- 7.3 WCOG will "protect public records from damage or disorganization" (RCW 42.56.100). Therefore, requestors shall not be allowed to take original records out of WCOG's office. Extremely large copying requests may be completed by an outside vendor under WCOG's control. The Public Records Officer will manage the transfer of original records between the office and the vendor and ensure their prompt return.

## 8.0 Retention of Records

- 8.1 WCOG is not required to retain every record it ever created or used.
- 8.2 As defined in WAC 44-14-03005, state and local records committees approve a general retention schedule for state and local agency records that applies to records that are common to most agencies. WCOG shall follow the Washington State Archives – Local Government Common Records Retention Schedule (CORE). (Exhibit C)

## 9.0 Exhibits and Supporting Documents

- 9.1 Exhibit A: Sample “Five Day Letter” response acknowledging receipt of a public record request and providing a reasonable estimate of the time when the records will be available.
- 9.2 Exhibit B: Sample Public Records Request Form to be used for appropriate submission by individual requestors.
- 9.3 Exhibit C: Whatcom Council of Governments Fee Schedule
- 9.4 Washington State Archives – Local Government Common Records Retention Schedule (CORE).
- 9.5 Washington State Public Records Act - Chapter 42.56 Revised Code of Washington (RCW)
- 9.6 Public Records Act – Model Rules Chapter 44-14 Washington Administrative Code (WAC)





## EXHIBIT A

whatcom council of governments

314 East Champion Street  
Bellingham, Washington 98225  
t: 360.676.6974  
f: 360.738.6232  
w: wco.org

DATE

NAME OF REQUESTOR  
MAILING ADDRESS

RE: DATE PUBLIC RECORDS REQUEST WAS RECEIVED  
SPECIFIC REQUEST

Dear (NAME OF REQUESTOR):

Thank you for your public records request, which was received by this office on RECEIVING DATE. This letter is written pursuant to RCW 42.56.520. In your request, you asked for all Whatcom Council of Governments records pertaining to XXXX (or "as follows," with a list).

The Whatcom Council of Governments staff is currently seeking and collecting the public records responsive to your request. I will contact you within the next XX days to provide copies, or provide a date on which you may review these responsive records. Charges at the rates listed in WCOG's Fee Schedule apply and a deposit may be required.

**Alternative:** Due to the volume (or age) of the records requested, we estimate that it will take approximately XX days (or weeks) to locate and collect the records requested. If we can, we will provide the records in installments.

**Alternative:** The Washington Public Records Act does not require WCOG to respond to requests for information or to create data compilations or new records. Your request for " \_\_\_\_\_ " is for \_\_\_\_\_ and therefore not a public records request. If you submit a request for an identifiable public record, we will produce the record.

**Alternative:** The Washington Public Records Act requires that persons seeking records submit requests for identifiable public records. Your request for \_\_\_\_\_ does not request an identifiable public record. Please feel free to submit a new request for an identifiable public record.

**None of the alternatives shown above should be used without legal counsel review.**

NAME OF REQUESTOR

Page 2

You must claim or review the assembled records within thirty (30) days of WCOG's notification that the records are available for inspection, copying or pick up. If the you or your representative fail to claim or review the records within the thirty-day period or make other arrangements, WCOG may close the request and refile the assembled records.

Once you have received copies of the records requested or reviewed the same, your request for information will be closed. If you are in need of further information a new request will be opened at that time. You may reach me by email to [publicdisclosure@WCOG.org](mailto:publicdisclosure@WCOG.org).

Sincerely,

Robert Wilson  
Executive Director / Public Records Officer



# Public Records Request Form

Please complete the form below to make a request to Inspect or Request Copies of Public Records. Mail or deliver the form in person to WCOG’s Public Records Officer at the address above.

All fields must be completed.

Today’s date:		
Full Name:		
Mailing address:		
City:	State:	Zip:
Telephone number:		
Email address:		

### Records Requested

Please provide a detailed description of an identifiable public record(s). The more specific the request, the more quickly we can process and deliver responsive records.

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Please see WCOG’s Fee Schedule for charges which may apply.

Email

Electronic copies emailed to the email address above; if available electronically. Charges at the rates listed in WCOG’s Fee Schedule apply and a deposit may be required. Records not available electronically will be provided on paper at the rates listed in WCOG’s Fee Schedule.

Paper Copies

Mailed to the address above. Charges at the rates listed in WCOG’s Fee Schedule apply and a deposit may be required.

I will pick up the copies in person.

Inspection

Inspect the records requested in person during normal business hours at no charge. At the time of inspection you may request copies of the documents you select at the rates listed in WCOG's Fee Schedule.

**Message**

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**Commercial Use**

By submitting this form, pursuant to RCW 42.56.070(9), I certify that I will not use any lists of individuals that I receive in response to this request for commercial purposes. If a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, WCOG may close the request and refile the assembled records.

Once you have received copies of the records requested or reviewed the same, your request for information will be closed. If you are in need of further information a new request will be opened at that time. You may reach me by email to [publicdisclosure@WCOG.org](mailto:publicdisclosure@WCOG.org).

Sincerely,

Robert Wilson  
Executive Director / Public Records Office

## EXHIBIT C

# Whatcom Council of Governments Fee Schedule

Adopted: MM/DD/YYYY

<b>Inspection:</b>	
No Fee	Inspection of agency records on agency public internet web site or scheduled at agency office.
No Fee	Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means. (The following copy charges below then apply.)
<b>Copies:</b>	Copy charges below may be combined to the extent more than one type of charge applies to copies responsive to a particular request.
15 cents/page	Photocopies, printed copies of electronic records when requested by the requestor.
10 cents/page	Scanned records
5 cents/ each for electronic files or attachment	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
10 cents/gigabyte	Records transmitted in electronic format
Actual Cost	Digital Storage media or devices: CD, DVD, Thumb Drive, Other
Actual Cost	Postage or delivery charges. Specific amount based upon postage/delivery charges for specific mailings or deliveries.
<b>Customized Service:</b>	
Actual Cost	Data compilations prepared or accessed as a customized service. (Cost is in addition to above fees for copies.)



whatcom council of governments

## MEMORANDUM

To: WCOG Board  
From: Ron Cubellis, Deputy Executive Director  
Date: December 4, 2019  
  
Subject: WCOG Credit Card Program – for adoption

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WCOG has used travel and purchase cards secured through State of Washington negotiated contracts for over 20 years. The proper use of these cards is interspersed throughout WCOG's personnel and procurement policies.

The Washington State Auditor's Office is suggesting as a best practice that WCOG adopt a comprehensive credit card policy. Staff agrees with this recommendation. The accompanying policy is presented for your consideration.

**SUGGESTED MOTION:** Move to approve the Whatcom Council of Governments' Credit Card Program as presented.



# Credit Card Program

## 1. Introduction

The implementation of a Whatcom Council of Governments (WCOG) credit card program is recognized by the State of Washington as usual and customary for official government purchases as provided in RCW 43.09.2855. The State of Washington WSCA-NASPO Program, administered by the State Department of Enterprise Services, contracts with US Bank to provide local governments a Purchase Card program. The US Bank credit card is this current product and operates much as a commercial credit card with the exception that no debt balance may accrue as the outstanding balance must be paid monthly in total.

WCOG recognizes the use of credit cards is a customary and economical business practice to improve cash management, reduce costs, and increase efficiency. WCOG also recognizes the use of credit cards to be an appropriate and useful means of making payment for various types of purchases; some examples may include travel expenses, agency supplies, subscriptions, online purchases and recurring vendor payments (where appropriate).

The Executive Director shall implement and administer the following procedures and processes related to the use of credit cards by WCOG employees.

## 2. Distribution

The Executive Director will determine which WCOG employees will be issued credit cards.

## 3. Authorization & Control

### Issuing Bank

US Bank is the issuer of the WCOG credit card.

### Executive Director

The Executive Director or his/her designee will be the responsible authority acting as the WCOG Credit Card Administrator (The Administrator). The Executive Director shall be responsible to perform the audit required under RCW 42.24.080.

### WCOG Credit Card Administrator

The Administrator will be responsible for the overall administration of the credit card program by reviewing, reporting and coordinating all aspects of the program. The Administrator will act as the liaison between US Bank and the individual WCOG credit cardholders.

### Employee (Cardholder)

Before being issued a WCOG US Bank Credit Card, each employee will be required to sign the WCOG Credit Card User Agreement (see Exhibit A) acknowledging that they have read and understand this policy, that they understand violation of the policy will subject them to disciplinary action including termination of employment, and that in the event they make any unauthorized charges they expressly authorize WCOG to deduct the amount of unauthorized charges from any wages or other sums due or to become due to the employee from WCOG.

### Federal, State and Local Compliance

The use of purchase cards shall fully comply with all applicable federal, state and local requirements governing the purchase of good and services, specifically including without limitation WCOG's adopted Procurement Policy.

### Annual Control & Disclosure

The Executive Director will conduct an annual physical card inventory test to verify all WCOG issued cards have been accounted for.

## **4. Approved Uses for Credit Card Purchases**

The use of the WCOG US Bank Credit Cards is for facilitating purchases pursuant to the WCOG Procurement and Personnel Policies. All credit card purchases shall only be made for budgeted expenditures authorized by the WCOG Council Board at the time of the purchase (current year budget).



Examples of allowable purchases may include advance payment of airline fares, lodging, registration fees, tuition, conferences, online training, internet purchases and emergency purchases in the field. Authorized users may use their card for pre-approved one-time or recurring purchases from vendors. The use of the card for these purchases will be for timeliness and/or online access to goods and services not available through existing purchase policy processes (checks).

Employees may not use the credit card to purchase meals while in travel status. Travel status meals are handled through a per diem process.

The following shall be considered when using the WCOG credit card:

1. Identify goods and services required to perform job-related task.
3. Determine if purchase is within your credit card limits.
4. Ensure that the items are not on the disallowed charges list in the following section.
5. Obtain pricing and in-stock availability and only order items that are immediately available.
6. Ensure that the vendor immediately processes the purchase and provides you a detailed copy of the credit card purchase receipt.
7. Retain all receipts, packing lists and backup authorizing documents and turn them into the Administrator as soon as available.

It is required that all credit card receipts and/or other documents identifying the credit card expenditures be in complete detail including the program or project to be charged for the expenditure.

Employees are responsible to act in the best interest of the WCOG and actions must not show, or appear to show, personal favoritism to a vendor at the expense of WCOG.

## **5. Disallowed Charges**

A. Types of Disallowed Charges. The following uses are not authorized credit card purchases:

- Capital equipment (unless approved by the Executive Director)
- Personal items and services
- Cash advances of any kind
- Alcoholic beverages
- Money orders/travelers checks/gift cards
- Charges made without pre-approval

B. Procedure to be used when disallowed charges have been incurred.

Any charges against the credit card that are not properly identified as required by this Policy on the expense voucher/invoice, or not allowed following the audit of the invoice by the Administrator, shall be paid by the employee by check, U.S. currency or salary deduction. If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, WCOG has a right to withhold any and all funds payable or to become payable to the official or employee, in an amount up to the amount of the disallowed charges plus interest as charged by the credit card company.

Any employee who has been issued a credit card by WCOG shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand by the Administrator. WCOG shall have unlimited authority, as provided in RCW 42.24.115(3), to revoke the use of any issued credit card, and once notice of this revocation has been delivered to the credit card company, WCOG shall not be liable for any costs.

Any employee with a demonstrated history of credit card defaults may be barred by the Executive Director from using any WCOG credit cards.

## **6. Credit Limits**

Credit limits are set to match field needs and are generally set at \$5,000 for directors and \$3,000 for non-directors. Card limits can be temporarily raised for travel or a specific authorized purchase.

If an increase or decrease to these transaction limits is deemed necessary by the Executive Director, the request must be submitted in writing to the Administrator, specifying whether this is a temporary or permanent request.

There also may be limitations on acceptable merchant category codes (MCC). Some vendors may be disallowed and thus will cause a decline of any attempted purchase with them (allowable or not). If after adhering to the proper guidelines and limits stated above a purchase has been mistakenly declined, contact the Administrator for assistance.

## **7. Receipt of Goods & Services**

The cardholder is responsible for ensuring the receipt of the goods and services as ordered and any follow-up with the vendor to resolve any delivery problems, discrepancies or damaged goods. Should any item(s) need to be returned to the vendor, the cardholder will follow the vendors return policy and also be responsible to ensure that proper credit is posted for said returned item(s). In most cases, returns and errors can be resolved directly between the cardholder and the vendor.

If for any reason the cardholder is unable to reach agreement with the vendor, the cardholder must contact US Bank and explain the dispute and the reason behind it. In addition to contacting US Bank, the reporting cardholder will also contact the Administrator and apprise them of the situation. They will follow US Bank procedures in relation to the dispute and its process.

## **8. Payment of Bills**

The Administrator shall be responsible for reconciling the complete combined WCOG credit card statement each month. WCOG will not pay interest and/or penalties on any credit card. WCOG assumes responsibility WCOG is responsible for the credit card payment and liability for failure to timely remit payment.

## **9. Card Security**

WCOG credit cards should always be treated with great care and should be kept in a secured location. The cardholder is the only one authorized to use the card and it should not be lent to another person.

It is the responsibility of the cardholder to immediately report a lost or stolen WCOG credit card. WCOG is liable for all transactions until the card is reported lost or stolen to, but only to the extent expressly required by law. A cardholder must report a lost or stolen credit card by phone directly to US Bank Customer Service at **1-800-344-5696** and also to the Administrator. Verbal reports of lost or stolen credit cards must be followed up in writing to the Administrator. A replacement card will be sent within 10 days after a report is filed.

## **10. Renewal of an Existing Credit Card**

A renewal credit card will be sent automatically to the Administrator by the issuing bank approximately 30 days prior to the expiration date of the card. This renewed card will in turn be forwarded to the cardholder.

## **11. Extended Absence**

If a cardholder will be absent from WCOG for an extended period, the Administrator will determine the best options to cover the individual's credit card procurement responsibilities.

## 12. Audits & Enforcement

To ensure the continued success of the WCOG Credit Card Program, as well as adherence to the policies as outlined, all individual credit card accounts will be open to internal audit requirements.

Personal use and disallowed charges (see Section 5) will not be tolerated and may result in:

- Disciplinary measures that may include termination and/or legal action
- Permanent or temporary revocation of the card
- Direct payroll deductions for any disallowed, unauthorized or personal charges made on the WCOG credit card

A cardholder must return his/her credit card to the Administrator at termination of employment.

# WCOG Credit Card User Agreement – Exhibit A

Your signature below verifies that you have read and understand the WCOG Credit Card Program guidelines listed below and agree to comply with them.

1. I understand the WCOG Credit Card is intended to facilitate the purchase of business-related goods and services for the conduct of WCOG business and is not for my personal use.
2. I understand that my card may be revoked at any time based on change of assignment or location and that use of this card is not an entitlement nor reflective of title or position.
3. I understand that if I am issued a card with my name specifically, I am the only person authorized to use the card and I am responsible for all charges made against the card.
4. I understand that improper use of the card can be considered misappropriation of WCOG funds, which may result in disciplinary action, up to and including termination.
5. I understand that all charges are billed directly to and paid directly by WCOG and any personal charges on the card could be considered misappropriation of funds since US Bank cannot accept any payment from me directly.
6. I understand that I will be required to provide detailed receipts and to comply with internal control procedures designed to protect WCOG assets. This may include being asked to produce the credit card to verify its existence and providing assistance in an audit review of its use.
7. I understand that I am responsible for resolving any discrepancies that may occur by contacting the vendor and/or US Bank directly.
8. I will safeguard use of the issued credit card and use appropriate security whenever and wherever I use the card. If my card is lost or stolen, I agree to immediately notify US Bank as well as the Administrator.
9. I understand that the credit card is the property of WCOG and it must be surrendered upon termination of employment or demand of surrender by the Administrator and/or the Executive Director. At that point, no further use of the account will be authorized.

I hereby acknowledge receipt of the WCOG Credit Card. As a Cardholder, I agree to comply with the WCOG Credit Card Program.

I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS.

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Cardholder Printed Name

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Date

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Cardholder Signature



## MEMORANDUM

To: Council Board  
From: Ron Cubellis, CPA AICP  
Deputy Executive Director  
Date: December 3, 2019  
Subject: Professional Services Agreement Approval

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Request authorization for the Executive Director to enter into a professional services agreement with The IBI Group.

The IBI Group was competitively selected to update the existing Cascade Gateway Border Data Warehouse (BDW) located at [www.borderdata.org](http://www.borderdata.org). The database stores passenger and commercial vehicle wait times, volumes, freight values, and other data relating to the four land border crossings between British Columbia and Whatcom County. The objective of the BDW is to provide timely, accurate, and accessible border wait time data to a broad range of stakeholders.

The upgrade project will:

1. Incorporate booth status data into BDW data feeds
2. Improve BDW performance and output
3. Upgrade commercial vehicle datasets
4. Improve aggregation and accessibility of regional cross-border freight value data

The BDW is a proven data source of critical metrics for multiple border stakeholders including federal and regional transportation agencies, inspection agencies, planning organizations, and local governments.

**REQUESTED ACTION: Authorize the Executive Director to enter into a professional services agreement with The IBI Group for \$150,000.**



# Petty Cash Policy

## 1.0 Purpose

- 1.1 The Whatcom Council of Governments (WCOG) Petty Cash Checking Account is established for employee travel advances and minor disbursements for which the issuance of an accounts payable check would be impractical.

## 2.0 Opening an Account

- 2.1 Authorization to open an account at a depository authorized by the Washington State Treasurer to receive public funds shall be done by resolution of the WCOG Council Board. Establishment of the imprest amount to be held in the account and subsequent increases or decreases to that amount shall be enacted by WCOG Council Board resolution.

## 3.0 Controls

- 3.1 The Executive Director shall implement and administer the following procedures and processes related to the use of the petty cash account.
- 3.2 The Executive Director and one Council Board officer shall be authorized signers on the account.
- 3.2 The Executive Director approves all petty cash disbursements in advance.
- 3.3 The petty cash checks shall be kept in a locked safe place.
- 3.4 The Executive Director or their designee shall ensure that the petty cash account is reconciled monthly.

- 3.5 The petty cash account shall be replenished to the imprest amount monthly. The replenishment process is subject to the same review and approval processes as other payment requests.
- 3.6 All petty cash disbursements must be supported by documentation showing the date, recipient, purpose and amount.
- 3.7 The Executive Director shall approve all requests for advance travel funds.
- 3.8 Petty cash funds advanced for employee travel must be reconciled on or before the 10th day following the close of the travel period. Advanced funds in excess of total expenses must be reimbursed at that time.
- 3.9 The petty cash account may not be used for personal loans or expenditures.