



Meeting of the Board of the Whatcom Council of Governments

Wednesday, January 17, 2024, 3:30 p.m.

Gordon W. Rogers Conference Room

314 East Champion Street, Bellingham, Washington

Join using **Zoom** <https://us06web.zoom.us/j/8411173933>

Or phone: (253) 215-8782

Page(s)

Agenda

- A. Call to Order**
- B. Public Comment**
Citizens may speak informally to the Board, for up to 3 minutes, on matters pertinent to its statutory responsibilities and which are not the subject of a public hearing.
- C. Additions to the Agenda** (if any)
- D. Consent Agenda***
 - 2-3 1. Minutes of the meeting of December 13, 2023
 - 4 2. December 2023 claims
- 5 **E. Budget Report**
Budget report for the year ending December 31, 2023
- 6 - 49 **F. Public Hearing:** Consideration of adoption of an updated WCOG Title VI Plan
 - 1. Staff presentation – Melissa Fanucci
 - 2. Open Public Hearing
 - 3. Close Public Hearing*
 - 4. Board discussion
 - 49 5. Vote (Resolution adopting WCOG Title VI Plan)*
- G. Old Business** (if any)
- H. New Business**
 - 50 - 72 1. Appointment of 3 Small Cities’ Representatives to the Executive Committee – Hugh Conroy*
 - 73 - 82 2. Election of Chair, Vice-chair, and Secretary-Treasurer – Hugh Conroy*
 - 3. Consideration of adoption of an updated Public Participation Plan - Melissa Fanucci*
 - 4. Consideration of adoption of WCOG’s 2024 Cost Allocation Plan - Ron Cubellis*
 - 5. Other New Business if any
- I. Director’s Report** – Hugh Conroy
- J. Correspondence** (if any)
- K. Board Open Forum**
- L. Adjourn**

*Action item

DRAFT Whatcom Council of Governments
Board Minutes
December 13, 2023

In Attendance (In person or via Zoom):

Members *Voting:* **Bellingham:** Seth Fleetwood; **Blaine:** Richard May; **Ferndale:** Greg Hansen (Secretary/Treasurer); **Lake Whatcom Water & Sewer District:** Jeff Knakal; **Lynden:** Scott Korthuis (Chair); **Lummi Nation:** Jim Washington; **Whatcom County:** Satpal Sidhu, Kaylee Galoway; **Sumas:** Bruce Bosch.
Ex Officio: None

Guests Kirk Vinish

Staff Ron Cubellis, Hugh Conroy, Jaymes McClain

A. **Call to Order**

Mr. Conroy determined that a quorum was present, and Chairman Korthuis called the meeting to order at 3:32 p.m.

B. **Public Comment**

None

C. **Agenda Additions**

None

D. **Consent Agenda**

The consent agenda included the minutes of the meeting of October 11, 2023, October and November 2023 claims, and the proposed 2024 meeting calendar.

Mr. Hansen moved to approve, seconded by Mr. Bosch - **Approved as presented by unanimous consent.**

E. Budget Report

Mr Cubellis reported on the WCOG budget period ending October 31, 2023.

F. **Old Business**

1. Draft Legislative Priorities.

Mr. Conroy reviewed a recently updated list of priority projects being prepared for circulation to our region's state legislators. Some modifications had been made to remaining project costs. Discussion included consensus on retaining the Sumas project as the small-cities' top priority.

Motion: Mr. Fleetwood moved, seconded by Mr. May, to approve the legislative priority project list as presented. **Motion passed.**

F. **New Business**

1. Draft 2024 Budget

Mr. Cubellis presented the draft 2024 budget.

Motion: Mr. Fleetwood moved, seconded by Mr. Bosch, to approve the WCOG 2024 budget as presented. **Motion passed.**

2. WCOG support for WA RTPO's legislative request for increased state-wide funding.

Mr. Conroy introduced (from the packet) a one-page summary prepared by several RTPO directors (including Mr. Conroy) stating the reasons RTPO funding is critically low and needs to be increased to the suggested amount of \$12 million per biennium.

Mr. Conroy added that there is also a sense that RTPO Policy Board Chairs might be asked to collectively sign a letter corresponding to the request in the one-page summary in the packet.

Mr. Korthuis appreciated that the issue was brought to the board's attention and expressed his sense that it was important for the board to support this position, not only for the WCOG RTPO but the state-wide RTPO program. Various board members also indicated agreement with this position.

Mr. May moved, seconded by Mr. Bosch, to indicate WCOG support for the legislative request for increased RTPO funding as presented.

Motion passed

I. Director's Report

Mr. Conroy reminded the board that WCOG's option to extend its lease comes up next June (2024) and he and Mr. Cubellis will be looking at options (not that there is an expectation of moving at this time).

As part of previous lease renewal terms, the parking lot is being resurfaced.

Apropos of details in today's budget memo:

- The kick-off meeting with the Transpo Consulting for the Advanced Border Information System project was held yesterday with U.S. and Canadian border inspection agencies, and went very well.
- The first meeting of the Safety Action Plan Committee (working on WCOG's SS4A project) was held last month and also went very well

J. Correspondence

None

K. Board Open Forum

Kaylee Galloway noted that the Governor's budget came out today. Ms. Galloway suggested that if others were planning trips to Olympia during the session some coordination could be good.

L. Adjourn

There being no further business, the meeting adjourned at 3:16 p.m.

Greg Hansen
Secretary-Treasurer

Hugh Conroy
Director

Scheduled for approval on January 17, 2024

Whatcom Council of Governments
CLAIMS LISTING
December 2023

| Date | Num | Source Name | Memo | Paid Amount |
|---------------|-----------|------------------------------------|-----------------------------------|-------------|
| Dec 23 | | | | |
| 12/01/2023 | LC 102523 | Vital Climbing Gym | Healthcare | 100.00 |
| 12/01/2023 | LC 112223 | Data Axle, Inc. | Supplies | 2,115.55 |
| 12/01/2023 | MF 102523 | Zeek's Pizza | Supplies | 492.31 |
| 12/01/2023 | MF 102423 | Haggen | Supplies | 87.12 |
| 12/01/2023 | MF 102523 | Woods Coffee | Supplies | 73.98 |
| 12/01/2023 | MF 110223 | Mailgun Technologies | Communication Services | 9.42 |
| 12/01/2023 | MF 110223 | Amazon Web Services | Communication Services | 1,340.64 |
| 12/01/2023 | MF 110623 | Salud Language Services | Consultants & Contracted Services | 65.00 |
| 12/01/2023 | MF 111323 | Cascade Translation Services | Consultants & Contracted Services | 141.44 |
| 12/01/2023 | MG 111823 | META (Facebook) Inc. | Communication Services | 45.00 |
| 12/01/2023 | JM 111423 | Amazon.com, Inc. | Repair & Maintenance | 16.27 |
| 12/01/2023 | JM 112123 | Pendragon Software Corporation | Office Equipment & Software | 40.00 |
| 12/01/2023 | RC 102623 | Right Networks LLC | Office Equipment & Software | 174.08 |
| 12/01/2023 | RC 110123 | Google LLC | Communication Services | 169.73 |
| 12/01/2023 | RC 110223 | Intuit Inc. | Office Equipment & Software | 52.22 |
| 12/01/2023 | RC 110723 | Pitney Bowes | Office Equipment & Software | 174.83 |
| 12/01/2023 | RC 110823 | Heroku Inc. | Communication Services | 136.01 |
| 12/01/2023 | RC 111523 | Sanitary Service Corporation | Utilities | 95.23 |
| 12/01/2023 | RC 111623 | Intermedia.net Inc | Communication Services | 355.12 |
| 12/01/2023 | RC 111723 | T-Mobile US, Inc. | Communication Services | 20.00 |
| 12/01/2023 | RC 112123 | At-A-Glance | Supplies | 58.75 |
| 12/01/2023 | RC 112623 | Right Networks LLC | Office Equipment & Software | 174.08 |
| 12/08/2023 | 3656 | A-1 Shredding, Inc. | Shredding | 44.00 |
| 12/08/2023 | 3657 | Applied Digital Imaging | Printing | 242.86 |
| 12/08/2023 | 3658 | Arcadis Professional Services Inc. | VOID | 0.00 |
| 12/08/2023 | 3659 | Bruce's Janitor Service | Janitorial | 625.00 |
| 12/08/2023 | 3660 | Cascade Natural Gas | Utilities | 384.44 |
| 12/08/2023 | 3661 | CenturyLink | Communications | 65.00 |
| 12/08/2023 | 3662 | Champion Building LLC | Office Lease | 5,864.31 |
| 12/08/2023 | 3663 | McBride Public Affairs LLC | Professional Services | 4,070.00 |
| 12/08/2023 | 3664(EFT) | Pitney Bowes | Postage | 1,096.40 |
| 12/08/2023 | 3665 | Puget Sound Energy | Utilities | 176.99 |
| 12/08/2023 | 3666 | SPIE | Incentives | 200.00 |
| 12/08/2023 | 3667 | US Bank | Purchase Cards | 5,836.78 |
| 12/08/2023 | EFT | WA Dept of Retirement Systems | PERS Contribution | 24.60 |
| 12/08/2023 | EFT | WCOG Petty Cash | Petty Cash Refill | 250.00 |
| 12/08/2023 | 1160 | Gillespie, Luke | Incentives | 250.00 |
| 12/11/2023 | | QuickBooks Payroll Service | Miscellaneous | 1.90 |
| 12/11/2023 | EFT | WA Dept of Retirement Systems | PERS Contribution | 4,190.33 |
| 12/11/2023 | EFT | WA Dept of Retirement Systems | PERS Contribution | 6,278.91 |
| 12/12/2023 | | Melissa Fanucci | Expense Reimbursement | 1,227.80 |
| 12/12/2023 | 3668 | WCOG | Miscellaneous | 0.00 |
| 12/15/2023 | 3669 | Arcadis Professional Services Inc. | Professional Services | 1,708.00 |
| 12/27/2023 | EFT | HSA Bank | HSA Fees | 11.25 |
| 12/27/2023 | ACH | Empower Retirement | Retirement | 90.00 |
| 12/27/2023 | ACH | Empower Retirement | Retirement | 318.03 |
| 12/27/2023 | ACH | Empower Retirement | Retirement | 300.00 |
| 12/27/2023 | ACH | AWC via Vimly | Benefits | 8,538.54 |
| 12/27/2023 | 3670 | United Way | Employee Contributions | 401.00 |
| 12/27/2023 | E-pay | Internal Revenue Service | Payroll taxes | 7,972.00 |
| 12/27/2023 | E-pay | Internal Revenue Service | Payroll taxes | 1,023.35 |
| 12/27/2023 | E-pay | Internal Revenue Service | Payroll taxes | 1,023.35 |
| 12/27/2023 | E-pay | Internal Revenue Service | Payroll taxes | 0.00 |
| 12/27/2023 | ACH | HSA Bank | HSA Fees | 1,650.00 |
| 12/27/2023 | ACH | HSA Bank | HSA Fees | 619.00 |
| 12/28/2023 | | QuickBooks Payroll Service | Payroll | 49,889.26 |
| 12/28/2023 | EFT | Internal Revenue Service | Payroll taxes | 350.00 |
| 12/28/2023 | EFT | Internal Revenue Service | Payroll taxes | 0.00 |
| 12/28/2023 | EFT | Internal Revenue Service | Payroll taxes | 0.00 |
| 12/28/2023 | EFT | Internal Revenue Service | Payroll taxes | 0.00 |
| 12/29/2023 | eft | AWC via Vimly | Benefits | 62.85 |
| 12/29/2023 | ACH | AFLAC | Employee Paid Coverage | 129.56 |
| 12/29/2023 | ACH | WA Dept of Retirement Systems | PERS Contribution | 1,871.49 |
| 12/29/2023 | ACH | WA Dept of Retirement Systems | PERS Contribution | 3,845.95 |
| 12/29/2023 | eft | WA Dept of Retirement Systems | PERS Contribution | 4,190.33 |
| 12/29/2023 | eft | WA Dept of Retirement Systems | PERS Contribution | 6,278.91 |

Dec 23

127,038.97

Whatcom Council of Governments
Board Budget Report
 January through December 2023

| | <u>Jan - Dec 23</u> | <u>2023 Budget</u> | <u>% of Budget</u> |
|--|------------------------|-----------------------|--------------------|
| Income | | | |
| 333 · Federal Grants | 973,753 | 1,144,980 | 85% |
| 334 · State Grants | 234,784 | 203,510 | 115% |
| 337 · Local Grants | 145,123 | 176,282 | 82% |
| 361 · Interest Income | 7,610 | 3,000 | 254% |
| 368 · Membership Dues | 185,070 | 185,210 | 100% |
| 369 · Other Income | 1,402 | | |
| Total Income | <u>1,568,886</u> | <u>1,712,982</u> | <u>92%</u> |
| Expense | | | |
| 505 · Communication Services | 30,384 | 34,600 | 88% |
| 510 · Consultants & Contract Services | 140,147 | 254,780 | 55% |
| 515 · Incentives | 11,159 | 13,000 | 86% |
| 520 · Insurance- Property & Liability | 11,236 | 11,900 | 94% |
| 530 · Office Equipment & Software | 33,510 | 23,010 | 146% |
| 535 · Pass-Through Funding | 2,000 | 20,000 | 10% |
| 545 · Printing | 8,086 | 15,700 | 52% |
| 550 · Professional Development | 7,886 | 9,050 | 87% |
| 555 · Rent | 71,385 | 73,400 | 97% |
| 560 · Repair & Maintenance | 558 | 3,000 | 19% |
| 565 · Payroll - Salaries & Wages | 838,537 | 898,669 | 93% |
| 566 · Payroll - Taxes & Benefits | 287,275 | 322,405 | 89% |
| 575 · Supplies | 12,499 | 8,800 | 142% |
| 580 · Travel | 18,521 | 5,600 | 331% |
| 585 · Utilities | 14,660 | 15,000 | 98% |
| 590 · Miscellaneous Expense | 1,266 | | |
| Total Expense | <u>1,489,109</u> | <u>1,708,914</u> | <u>81%</u> |
| Net Increase (Decrease) in Cash | <u>\$79,777</u> | <u>\$4,068</u> | |

Balance Sheet as of:

| | <u>1/1/2023</u> | <u>12/31/2023</u> | <u>Cash & Investments</u> | |
|---------------------|-------------------|-------------------|-------------------------------|-----------|
| Cash on hand | \$ 24,200 | \$ 23,421 | Target (4 mos.) | \$478,045 |
| Investment Account | 254,808 | 335,076 | Available | \$358,497 |
| Accounts Receivable | 311,249 | 205,899 | | |
| Total | <u>\$ 590,257</u> | <u>\$ 564,396</u> | | |
| Accounts Payable | 21,314 | 24,913 | | |
| Net Equity | <u>\$ 568,943</u> | <u>\$ 539,483</u> | | |



MEMORANDUM

To: The Council Board
From: Melissa Fanucci, Title VI Coordinator
Date: January 17, 2024
Subject: **WCOG Title VI Plan**

At its meeting next week, the Council Board will be asked to adopt WCOG’s new 2024 Title VI Plan, the draft of which is included in the meeting packet. WCOG is required to have an adopted plan to ensure compliance with Title VI of the Civil Rights Act of 1964; without such a plan, the region would be ineligible for federal transportation funding.

The Board approved the 2023 Title VI Plan but WA State Department of Transportation (WSDOT), who review the Plan for compliance, recommended changes that need to be made before they will sign off on the Plan. This new 2024 version of the Plan addresses these issues.

The Plan includes the following:

- Title VI Notice to the Public, which is WCOG’s assurance that it will comply with Title VI of the Civil Rights Act and related statutes and regulations
- Title VI Coordination and Responsibilities
- The process for filing a Title VI complaint against WCOG when there is an allegation of discrimination
- WCOG’s processes for addressing public participation, consultant contracts, environmental justice, and the region’s limited English proficiency community, which is primarily Spanish-speaking, and
- Statements (boilerplates) required by the Federal Highway Administration

SUGGESTED MOTION: Move to adopt Resolution No. 2024-01, Adopting the Whatcom Council of Governments’ 2024 Title VI Plan.



Title VI Plan

For Board Approval January, 2024

Whatcom Council of Governments

314 E. Champion St., Bellingham, WA 98225

www.wcog.org

Director:

Hugh Conroy, (360) 685-8384, hugh@wcog.org

Title VI Coordinator:

Melissa Fanucci, (360) 685-8385, titlevi@wcog.org

Title VI Notice to the Public

The Whatcom Council of Governments (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, 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 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 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 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.

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1. Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The Whatcom Council of Governments (WCOG) is committed to ensuring that no person is denied the benefits of WCOG's services or excluded from its work program, publications, communications, and public involvement efforts.

This plan's reporting period is the three years leading up to this update, December 2020 - January 2024. This three-year reporting period is a U.S. Federal Transit Administration (FTA) requirement to ensure Title VI requirements are being met. Additionally, the U.S. Federal Highway Administration (FHWA) requires that Title VI reports be submitted annually. All reports, and this plan, are submitted to the WA State Department of Transportation (WSDOT), from which WCOG receives federal funds as a subrecipient. WSDOT, as the direct recipient of federal funds from FHWA and FTA, has Title VI oversight responsibilities over WCOG as a subrecipient.

Because WCOG receives federal funds for its transportation planning work program, all plans, programs, and activities conducted by WCOG are subject to Title VI and its nondiscrimination requirements. Since WCOG indirectly receives funds from both FHWA and FTA, additional requirements apply to its work program than if funding was received only from one source or the other.

2. Title VI Policy Statement

The Whatcom Council of Governments (WCOG) assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 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 nondiscrimination in all its programs and activities, whether those programs or activities are federally funded or not. This policy also applies to the operations of any department or agency to which WCOG extends federal financial assistance.

Title VI compliance is a condition of receipt of federal funds. WCOG’s Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; and CFR 50.3.

Hugh Conroy, Director

Date

3. Authorities

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

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

Additional Authorities and Citations. Include: Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; and 28 CFR 50.3.

4. Title VI Notice to the Public

The Whatcom Council of Governments (WCOG) hereby gives public notice that it is the agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or other 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 180 calendar days following the date of the alleged discriminatory occurrence. Title VI complaint forms may be obtained at the WCOG office and on the WCOG website at no cost to the complainant.

A Title VI complaint may be filed with any of the following offices:

Whatcom Council of Governments
Attn: Title VI Coordinator
314 E. Champion St., Bellingham, WA 98225
TitleVI@wcog.org
(360) 685-8385

Washington State Department of Transportation
Office of Equity and Civil Rights
PO Box 473, Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
(800) 259-9143

Federal Highway Administration
Office of Civil Rights
8th Floor E81-105, 1200 New Jersey Avenue, SE, Washington, DC 20590
CivilRights.FHWA@dot.gov

Federal Transit Administration
Office of Civil Rights, Attn: Complaint Team
East Building, 5th Floor - TCR
1200 New Jersey Avenue, SE, Washington, DC 20590
FTACivilRightsCommunications@dot.gov

United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW Washington DC, 20530-0001
(855) 856-1247

Abbreviated Title VI Notice to the Public

The Whatcom Council of Governments fully complies with Title VI of the federal Civil Rights Act of 1964 and related statutes, and does not discriminate on the basis of race, color, or national origin. To obtain a Title VI Complaint Form, visit WCOG's website using the following links:

In English: [Title VI Discrimination Complaint Form \(PDF\)](#)

En Español: [Título VI Formulario de Denuncia por Discriminación \(PDF\)](#)

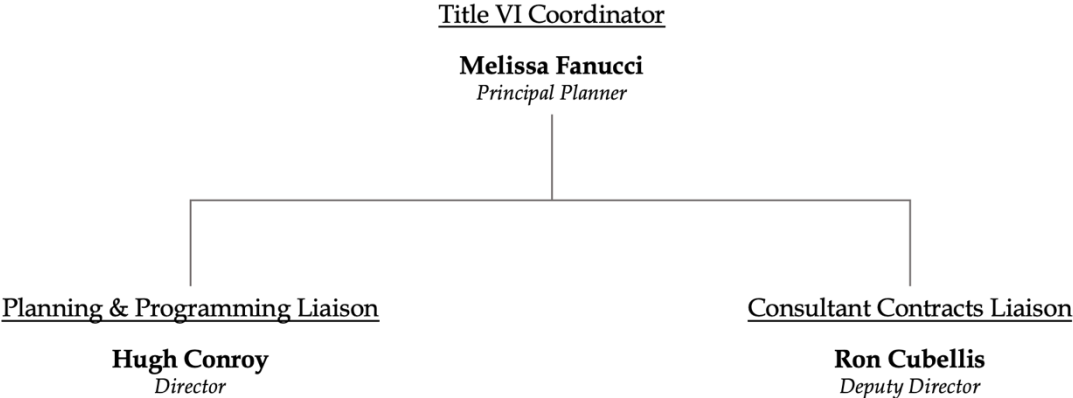
Posting Locations of WCOG's Title VI Notice to the Public

WCOG's Title VI Notice to the Public or the Abbreviated Title VI Notice to the Public are posted in English and Spanish in the following locations:

- All WCOG public meeting agendas
- WCOG's website
- Lobby of WCOG offices located at 314 E. Champion Street, Bellingham, WA, 98225.

5. Title VI Coordination and Responsibilities

Organizational Chart of Title VI Responsibilities



Responsibilities of the Title VI Coordinator

Melissa Fanucci, Principal Planner, is the agency’s Title VI Coordinator. The Title VI Coordinator is responsible for coordinating the overall administration of the Title VI Program, Title VI Plan, and Title VI Assurances. The Title VI Coordinator is also responsible for the day-to-day administration of the Title VI Program. The Title VI Coordinator’s responsibilities are as follows:

1. Identify, investigate, and eliminate discrimination when found to exist in any WCOG program.
2. Process Title VI complaints received by WCOG. Attempt to resolve complaints informally at the local or regional level.
3. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary within a period not to exceed ninety (90) calendar days.
4. Collect statistical data (race, color, national origin) of participants in, and beneficiaries of, federally funded programs using a variety of sources which include, but are not limited to, the Office of Financial Management, U.S. Census data, and the Office of Superintendent of Public Instruction.
5. Review Environmental Impact Statements prepared by WCOG for Title VI and Environmental Justice compliance.
6. Conduct Title VI reviews of all consultant contractors and recipients of federal funds directly distributed by WCOG.
7. Assist the WA State Department of Transportation (WSDOT) in the distribution of information on training programs for WCOG employees regarding Title VI and related statutes. Organize and facilitate Title VI training sessions for consultants, contractors,

and subcontractors as necessary. WSDOT's Office of Equity and Civil Rights Internal and External Civil Rights Branch and the Contract Compliance Office may be asked to provide applicable training. A summary of trainings attended and/or facilitated by WCOG will be included in the annual Title VI Report.

8. Prepare the Annual Title VI Goals and Accomplishments Report. Conduct annual Title VI review of Special Emphasis Program Areas to determine the effectiveness of program activities at all levels as part of the annual report. This annual report will be submitted to the WSDOT in November of each year and will include Title VI goals for the upcoming reporting period.
9. Review and update this Title VI Plan as needed or required. Present updated plans to WCOG's Council Board for review and approval and submit the amended plan to WSDOT upon approval.
10. Disseminate Title VI Program information to WCOG employees, contractors, and beneficiaries as well as the public. Ensure that, where appropriate, written, or verbal information is available in Spanish.
11. Title VI compliance reviews of consultants with WCOG will be conducted prior to final payment and project closeout. The reviews will determine the contractor's compliance with Title VI contractual provisions. Reviews are to be conducted on sub-recipients that have already received WCOG federal funds.

6. Allegations of Discrimination

Records of Complaints

WCOG did not receive any Title VI complaints alleging discrimination on the basis of race, color, and/or national origin during the three-year reporting period of December 2020 – January 2024. WCOG has never been involved with any Title VI investigation or Title VI lawsuit.

Complaint Forms

Title VI complaint forms are available at WCOG's office and on the website at www.wcog.org.

In English: [Title VI Discrimination Complaint Form \(PDF\)](#)

En español: [Título VI Formulario de Denuncia por Discriminación \(PDF\)](#)

На русском: [Форма жалобы по американскому закону об инвалидности \(PDF\)](#)

Copies of forms are available in *Appendix B: Complaint Forms*.

The complaint form details complaint procedures as described below.

Complaint Procedures

Federal law prohibits discrimination on the basis of race, color or national origin in any of WCOG's programs, services, or activities. This prohibition applies to WCOG contractors, consultants, and anyone else who acts on behalf of WCOG.

Complaints related to federal-aid programs may be filed with WCOG and will be forwarded to the Washington State Department of Transportation – Office of Equity and Civil Rights. If you need assistance to file your complaint or need interpretation services, contact WCOG's Title VI Coordinator, Melissa Fanucci, at 360-685-8385 or at titlevi@wcog.org.

Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of WCOG's programs, services, or activities is eligible to file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact WCOG's Title VI Coordinator, Melissa Fanucci, at 360-685-8385 or at titlevi@wcog.org if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, contact WCOG's Title VI Coordinator, Melissa Fanucci, at 360-685-8385 or at titlevi@wcog.org.

Complaints should be in writing, signed, and may be filed by mail, in person or email. If a complainant phones WCOG with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature to the mailing address and/or email address provided to WCOG.

What information should be included in the complaint?

A complaint should contain the following information:

1. The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available).
2. The basis of the complaint (e.g., race, color, national origin).
3. The names of specific person(s) and/or agencies/organizations alleged to have discriminated.
4. A description of the alleged discriminatory actions, including sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives federal financial assistance.
5. The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

All Title VI complaints are logged. The Complaint Log must contain the following information for each complaint field:

- Name and address of person filing the complaint
- Date of complaint
- Basis of complaint
- Disposition of complaint
- Status of complaint

The Complaint Log and associated complaint documentation will be retained by WCOG for a minimum of six years after the end of the calendar year in which the case is closed.

Once logged, WCOG will forward complaints to WSDOT's Office of Equal Opportunity for processing.

What happens after a complaint is filed?

If a complaint is forwarded to another agency by WCOG, the complainant will be provided the name and contact information of the employee handling the complaint at the other agency.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Federal agencies will render final decisions in all cases, including those investigated by WSDOT. There are no administrative appeal forums in Title VI complaints. Once a federal agency issues its final decision, a complaint is closed.

There is no prohibition against a complainant filing a Title VI complaint simultaneously with WCOG, WSDOT, the U.S. Federal Highway Administration, the U.S. Federal Transit Administration, and the US. Department of Justice.

WCOG will not investigate a discrimination complaint against itself. Any complaint alleging discrimination by WCOG, which is received by WCOG, will be forwarded to the WSDOT Office of Equity and Civil Rights within 10 calendar days of receipt of allegation. WCOG will forward the complaint to:

Washington State Department of Transportation
Office of Equity and Civil Rights
PO Box 47314, Olympia, WA 98504
Email: TitleVI@wsdot.wa.gov

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. A Title VI complaint may be filed with any of the following offices:

Whatcom Council of Governments
Attn: Title VI Coordinator
314 E. Champion St., Bellingham, WA 98225
TitleVI@wcog.org
(360) 685-8385

Washington State Department of Transportation
Office of Equity and Civil Rights
PO Box 473, Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
(360) 705-7090

Federal Highway Administration
Office of Civil Rights
8th Floor E81-105, 1200 New Jersey Avenue, SE, Washington, DC 20590
CivilRights.FHWA@dot.gov

Federal Transit Administration
Office of Civil Rights, Attn: Complaint Team
East Building, 5th Floor - TCR
1200 New Jersey Avenue, SE, Washington, DC 20590
FTACivilRightsCommunications@dot.gov

United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW Washington DC, 20530-0001
(855) 856-1247



whatcom council of governments

Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact Melissa Fanucci at 360-685-8385 or at melissa@wcog.org

Contact Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____ Mobile Phone: _____

Email: _____

Best time of day to contact you: _____

Description of Incident

Basis of complaint (check all that apply):

Race Color National Origin (includes language access)

Date of alleged incident: _____

Who discriminated against you?

Name: _____

Name of organization: _____

Address: _____ City _____ State _____ Zip _____

Phone: _____

Explain what happened, why you believe it happened, and how you were discriminated against. Be sure to include how other persons were treated differently than you. If you have any other information about what happened, please attach supporting documentation to this form. You may also attach additional sheets if you need more space to describe the incident.

What remedy are you seeking for the alleged discrimination? Please note that this process will not result in the payment of punitive damages or financial compensation.

List any other persons that we should contact for additional information in support of your complaint. Please list their names, phone numbers, address, or email address.

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Yes No

If yes, who? _____ When? _____

Status (pending, resolved, etc.): _____ Result, if known: _____

Complaint number, if known: _____

Do you have an attorney in this matter?

Yes No

If yes, attorney's name: _____

Address: _____ City _____ State _____ Zip _____

Phone: _____

Signed: _____

Date: _____

7. Public Participation

WCOG's Public Participation Plan

WCOG operates under a comprehensive Public Participation Plan which outlines the goals and objectives for public participation and includes procedures for engaging the public in WCOG decisions, including the mobility needs of minority populations. The Plan includes:

- Public engagement strategy
- Limited English Proficiency outreach
- Environmental Justice
- Procedures, tool, and techniques for public participation

The full plan is available on the WCOG website at: <https://wcog.org/participation>. Hard copies are available free-of-charge at WCOG's offices at 314 E. Champion Street, Bellingham, WA, 98225.

Environmental Justice

WCOG seeks to identify and address disproportionately high and adverse effects of programs, policies and activities on minority and low-income populations. Data used to identify vulnerable populations and overburdened communities include demographic profile data from the 2020 U.S. Census, the American Community Survey, and WA's Office of Superintendent of Public Instruction, along with other resources as available. A series of maps are included in WCOG's Demographic Profile, available in *Appendix C: Whatcom Demographic Profile*.

WCOG completes an annual Environmental Justice and Title VI Assessment of all funds awarded through the preceding State Fiscal Year's Surface Transportation Block Grant and selected through WCOG's competitive selection processes for transportation projects in Whatcom County. The assessment includes the above-mentioned demographic profile as well as an analysis to determine whether these transportation funding decisions have a disproportionately high and adverse impact on vulnerable populations and overburdened communities.

Assessments will be included in WCOG's Annual Title VI Report, available at: <https://wcog.org/titlevi>. Hard copies are available free-of-charge at WCOG's offices at 314 E. Champion Street, Bellingham, WA, 98225.

WCOG's Title VI Coordinator and the Title VI Planning Program Liaison will:

- Ensure that minority populations and populations vulnerable due to age, income, or disability have access to WCOG's public meetings, open houses, and events; are held at facilities that accommodate the needs of those physically challenged; and are accessible by public transportation possible.

- Ensure that participation of a cross section of various social, economic, racial, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and related organizations.
- Update the demographic profile for Whatcom County every three years.
- Ensure that Environmental Justice principles and practices are incorporated into transportation plans, programs, policies, and activities of WCOG.

Authorities/Guidance: Executive Order 12898 on Environmental Justice; USDOT Order 5610.2(a); FHWA Order 6640.23A; FTA Circulars C 4703.1 and C 4702.1B.

Language Assistance Program

WCOG is committed to breaking down language barriers by implementing consistent standards of language assistance across its service area.

The United States is home to millions of individuals who have limited English Proficiency (LEP). Because English is not their primary language, they may not be able to speak, read, write, or understand English at a level that permits them to interact effectively with regional governmental agencies.

As a result, persons with LEP may be subject to exclusion from programs or activities or experience delays or denials of services. These individuals may be entitled to language assistance with respect to a particular type of service. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide.

Authorities/Guidance: Executive Order 13166 on limited English proficiency; Department of Justice Guidance in Federal Register Vol. 67, No. 117 (2002) and Vol. 70, No. 239 (2005); FTA Circular C 4702.1B

Four Factor Analysis

The United States 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: Proportion of LEP persons in Whatcom County

Whatcom County and its jurisdictions are largely English speaking. The vast majority of the population with which WCOG interacts is English speaking.

Based on data from the American Community Survey¹, 11,094 persons have limited English proficiency in Whatcom County, out of a population of 220,548 individuals over the age of five. This equates to an LEP population of 5%.

29,598 individuals speak a language other than English, making up 13% of Whatcom County's population (220,548). Of those individuals, 13,408 speak Spanish (6% of Whatcom County's total population); 9,432 speak other Indo-European languages (4%); 5,596 speak Asian and Pacific Island languages (3%); and 1,162 speak other languages (.5%).

2021 data from the WA State Office of Financial Management that examined data for students in Whatcom County estimates the primary languages other than English that are spoken in Whatcom County are Spanish (2,179 students), Punjabi (340 students), and Russian (305 students).

No other language besides Spanish currently meets the Safe Harbor threshold of 5% of the population or 1,000 total LEP speakers. This Safe Harbor provision describes circumstances which provide a "safe harbor" for federal recipients in terms of requirements for the written translation of vital documents for LEP populations. According to the Safe Harbor Provision, if recipients provide written translation of vital documents for language groups that meet or exceed the threshold, recipients will be considered to have "strong evidence of compliance" with LEP obligations.

Factor #2: Frequency with which LEP individuals contact WCOG's programs, activities, and services

WCOG infrequently comes into contact with LEP individuals. Because of the nature of WCOG's work as a planning organization, WCOG is most likely to encounter LEP individuals through participation in public meetings and customer service interactions.

WCOG public meetings occur about every month at WCOG's office in downtown Bellingham. With few exceptions there are usually no members of the public in attendance or participating online. Most communication with the general public typically occurs via email, by phone, or in person. The majority of customer service interactions are with Whatcom Smart Trips program participants and are conducted in person at the WCOG office. During the three-year reporting period, no WCOG staff member could recall any interaction with a Spanish speaker or a speaker of another language who appeared to speak English less than very well.

¹ U.S. Census, American Community Survey, 2022 ACS 1 Year-Estimates Table of English Proficiency: <https://data.census.gov/table/ACSST1Y2022.S1601?q=Language+Spoken+at+Home&g=050XX00US53073&moe=false>

Factor #3: The importance of WCOG programs, activities, and services to people with LEP

WCOG's metropolitan and regional transportation planning processes are cooperative, coordinated, and consistent. Persons living in Whatcom County are likely to be affected or potentially affected by regional transportation projects for which WCOG has a lead role in planning and programming.

In addition to the Regional/Metropolitan Transportation Plan that is updated on a five-year cycle, LEP individuals may also be impacted by the Title VI Plan, the Public Participation Plan, and the Human Services Transportation Plan. WCOG also works with individual public members through its Whatcom Smart Trips program, and through. Its multi-county collaboration efforts with the North Sound Transportation Alliance.

Factor #4: Resources available to WCOG and overall cost to provide assistance to people with LEP

WCOG, as a relatively small metropolitan planning organization (MPO) and regional transportation planning organization (RTPO) has limited opportunities to provide language assistance.

Employees at WCOG speak English and a small amount of basic Spanish, but interpretation services and Spanish translation of any written material can be provided if requested.

All of WCOG's key documents and proceedings are available on its website at www.wcog.org which has a function to translate the site into a number of languages other than English. There is information on the website in Spanish to direct individuals needing Spanish-language assistance to more information about requesting translation services or interpretation.

During this reporting period, WCOG will spend funding to translate the Title VI Plan, the Public Participation Plan, and the Human Services Transportation Plan into Spanish. WCOG is proactively translating these documents prior to any requests. There have been no received requests for interpretation or translation.

8. Consultant Contracts

WCOG is periodically responsible for the selection, negotiation, and administration of consultant contracts. Selection is typically made by a Consultant Selection Committee that is established for each major project and comprised of WCOG staff and staff from affected/stakeholder agencies.

Authorities/Guidance: WSDOT Consultant Services Procedural Manual (M 27-50.07); 48 CFR 31; 23 CFR 172; RCW 39.29; RCW 39.80

WCOG Title VI Responsibilities Regarding Contracted Consultants

WCOG’s Title VI Coordinator and the Title VI Consultant Contracts Liaison will:

- Monitor Disadvantaged Business Enterprise (DBE) program requirements and seek to actively achieve WSDOT DBE program goals.
- Ensure that all federally funded consultant contracts have the appropriate Title VI provisions included.
- Distribute the Title VI Contractor Compliance Checklist to each consultant that contracts directly with WCOG and utilizes U.S. Federal Highway Administration and/or U.S. Federal Transit Administration funds in the contract; review checklist for compliance prior to final payment and project closeout.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the Annual Title VI Update and Accomplishment Report.

Sub-Recipient Review and Remedial Action Procedures

WCOG will actively pursue the prevention of Title VI deficiencies and violations and will take necessary steps to ensure compliance with all administrative program requirements, both within WCOG and with WCOG’s sub-recipients.

If irregularities occur, corrective action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews on sub-recipients, WCOG will work with WSDOT to write a remedial action letter within 90 days of the initial review.

WCOG will seek the cooperation of sub-recipients in correcting deficiencies found during the review. WCOG will also provide the technical assistance and guidance needed to aid the sub-recipients to comply voluntarily. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 calendar 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, WCOG will submit to WSDOT and the U.S. Federal Highway Administration/U.S.

Federal Transit Administration two copies of the deficiency letter and response file and will recommend that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 calendar 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 concurrence from WSDOT and U.S. Federal Highway Administration/U.S. Federal Transit Administration, initiate sanctions per *49 CFR 21*.

9. Racial Breakdown of WCOG’s Boards

Recipients of federal funding that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies must provide a table depicting the membership of those committees broken down by race. A description of efforts made to encourage the participation of minorities on such committees must also be provided.

While WCOG has a goal to maintain an inclusive and diverse board, partner organizations determine board membership and the membership of its program committees with the exception of the Community Transportation Advisory Group.

WCOG Boards and Committees

1. WCOG Council Board – members determined by jurisdictions
2. WCOG Transportation Policy Board - members determined by jurisdictions/agencies
3. Transportation Technical Advisory Group (TTAG) - members determined by jurisdictions/agencies
4. International Mobility & Trade Corridor Program (IMTC) Steering Committee - members determined by jurisdictions/agencies
5. North Sound Transportation Alliance (NSTA) Steering Committee - members determined by jurisdictions/agencies
6. Community Transportation Advisory Group (CTGAG) – membership open to anyone age 16 or older who lives, works, or owns a business in Whatcom County. A CTAG membership application is required to participate fully. CTAG has an open application process thus the race of members may vary from meeting to meeting.

Community Transportation Advisory Group Minority Representation

| Race | # People | % in CTAG | % in Whatcom |
|------------------|----------|-----------|--------------|
| White | 34 | 74% | 85% |
| Native American | 1 | 2% | 3% |
| African American | 1 | 2% | 1% |
| Asian | 1 | 2% | 4% |
| Hispanic | 0 | 0% | 9% |
| Other | 4 | 8% | 3% |

WCOG Council Board/Transportation Policy Board Minority Representation

For the 2024 calendar year, WCOG will introduce a new Board Member Intake Form that asks for voluntary information regarding race. Results will be recorded here in the plan update.

10. Notice of Title VI Rights

Your Rights against Discrimination under Title VI of the Civil Rights Act of 1964

The Whatcom Council of Governments (WCOG) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Agency 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 filed with WCOG's Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the WCOG's office at no cost to the complainant. Forms are also available online at www.wcog.org/titlevi.

To file a Title VI discrimination complaint, contact:

Melissa Fanucci, AICP
WCOG Title VI Coordinator
314 E. Champion St.
Bellingham, WA 98225
(360) 685-8385

melissa@wcog.org

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

Assurances

DOT Order No. 1050.2A

The Whatcom Council of Governments (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation (WSDOT), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Whatcom Council of Governments, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Whatcom Council of Governments also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the WA State Department of Transportation access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the WA State Department of Transportation. You must keep records, reports, and submit the material for review upon request to WA State Department of Transportation, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Whatcom Council of Governments gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_____ **(Name of Recipient)**

by _____ **(Signature of Authorized Official)**

DATED _____

APPENDIX A

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

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Whatcom Council of Governments will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Whatcom Council of Governments all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Whatcom Council of Governments and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Whatcom Council of Governments, its successors and assigns.

The Whatcom Council of Governments, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Whatcom Council of Governments will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Whatcom Council of Governments pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Whatcom Council of Governments will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Whatcom Council of Governments will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Whatcom Council of Governments and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Whatcom Council of Governments pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Whatcom Council of Governments will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Whatcom Council of Governments will there upon revert to and vest in and become the absolute property of Whatcom Council of Governments and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Addendum: Whatcom’s Demographic Profile

Whatcom County’s estimated 2022 population is 231,650. 63% of residents live in rural communities (unincorporated, Everson, Nooksack, and Sumas), and 37% in urban areas, with the biggest city being Bellingham (population: 93,910).

Age

43% of Whatcom County’s population, an estimated 98,000 individuals, fall under the category of potentially needing special transportation (over 65 years of age and under 18 years of age.). As shown in **Figure 1**, Whatcom County’s population of seniors has risen dramatically, more than statewide, increasing 73% over 2010 population numbers. And 28% of the county’s population is below the legal driving age.

Figure 1: Changes in Whatcom County & WA State Population by Age

Source: WA State Office of Financial Management, Forecasting and Research Division: <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/estimates-april-1-population-age-sex-race-and-hispanic-origin>

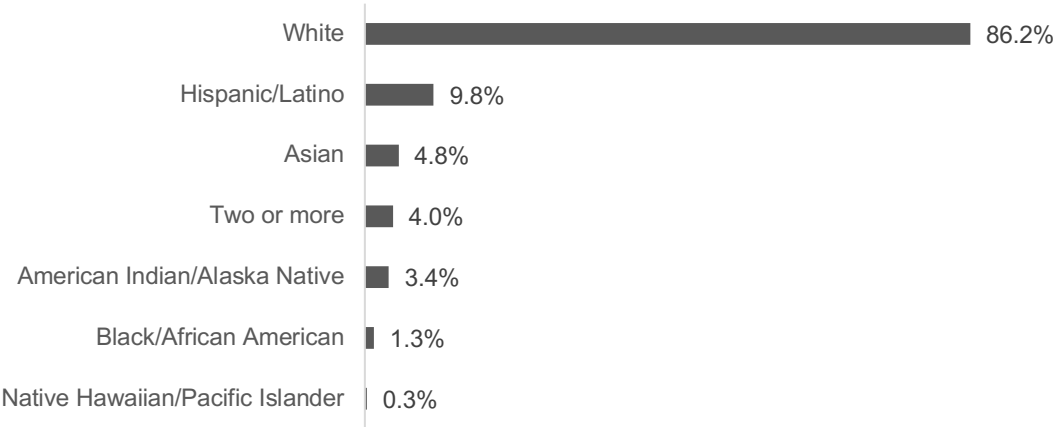
| Total Population | Washington State | | | Whatcom County | | |
|------------------|---------------------------------|-----------|-----|---------------------------------|---------|------|
| | 2010 | 2022 | Δ | 2010 | 2022 | Δ |
| | 6,724,540 | 7,864,400 | 17% | 201,140 | 231,650 | 15% |
| Age Groups | | | | | | |
| 0-4 | 439,657 | 437,950 | 0% | 11,337 | 10,785 | -5% |
| 5-9 | 429,877 | 476,052 | 11% | 11,265 | 12,248 | 9% |
| 10-14 | 438,233 | 494,682 | 13% | 12,059 | 13,339 | 11% |
| 15-19 | 462,128 | 480,909 | 4% | 15,905 | 15,405 | -3% |
| 20-24 | 461,512 | 490,173 | 6% | 20,277 | 21,972 | 8% |
| 25-29 | 480,398 | 558,717 | 16% | 14,019 | 15,895 | 13% |
| 30-34 | 453,383 | 582,088 | 28% | 12,150 | 13,469 | 11% |
| 35-39 | 448,607 | 566,636 | 26% | 11,676 | 14,034 | 20% |
| 40-44 | 459,698 | 518,247 | 13% | 12,319 | 13,877 | 13% |
| 45-49 | 492,909 | 474,493 | -4% | 13,532 | 13,113 | -3% |
| 50-54 | 495,296 | 465,701 | -6% | 13,797 | 13,082 | -5% |
| 55-59 | 453,078 | 482,273 | 6% | 13,828 | 13,712 | -1% |
| 60-64 | 382,087 | 488,903 | 28% | 12,336 | 14,795 | 20% |
| 65-69 | 270,474 | 446,656 | 65% | 8,760 | 14,649 | 67% |
| 70-74 | 186,746 | 368,482 | 97% | 5,908 | 12,795 | 117% |
| 75-79 | 142,068 | 252,807 | 78% | 4,563 | 8,940 | 96% |
| 80-84 | 111,118 | 145,735 | 31% | 3,666 | 5,111 | 39% |
| 85 + | 117,271 | 133,896 | 14% | 3,743 | 4,429 | 18% |
| 19 + Under | 1,769,895 | 1,889,593 | 7% | 50,566 | 51,778 | 2% |
| | % of total 2022 pop. 24% | | | % of total 2022 pop. 22% | | |
| 65 + Above | 827,677 | 1,347,576 | 63% | 26,640 | 45,924 | 72% |
| | % of total 2022 pop. 17% | | | % of total 2022 pop. 20% | | |

Ethnicity

Whatcom County’s population is predominantly White (86%), with approximately 14% of the population identifying with a different race or Hispanic Origin as shown in **Figure 2**.

Figure 2: Race and Hispanic Origin, Whatcom County, 2021

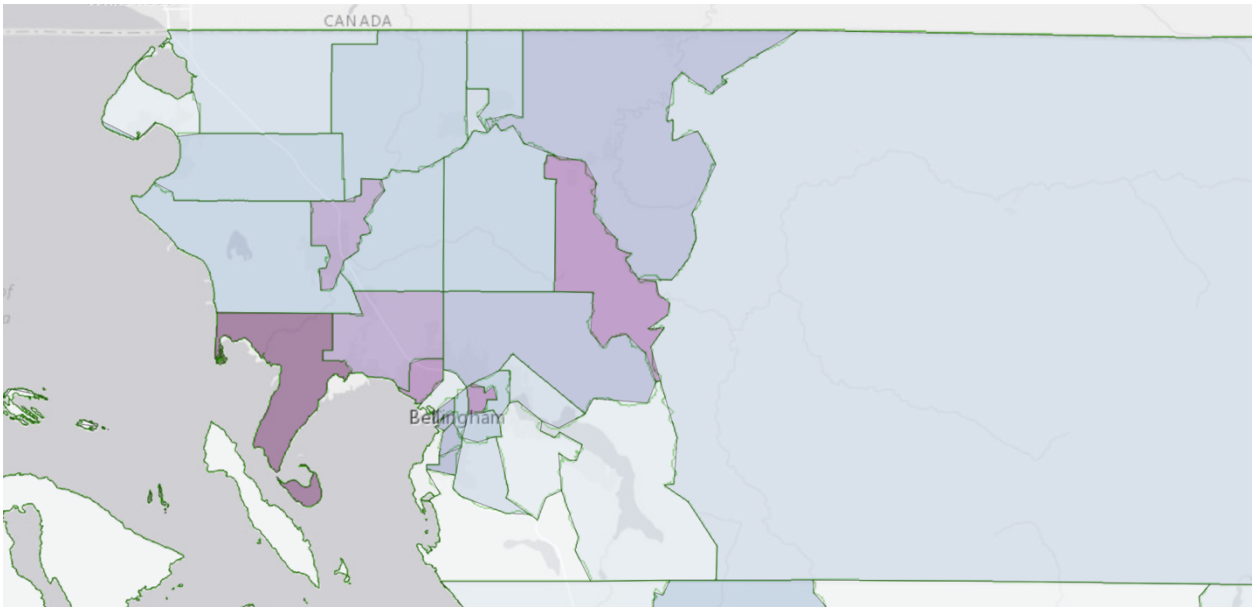
Source: Population Estimates, American Community Survey, U.S. Census, 2021: <https://www.census.gov/quickfacts/whatcomcountywashington>



The Washington Health Disparities Map highlights Census Tracts with a higher percentage of minority populations.

Figure 3: Minority Populations of Whatcom County by Census Tract

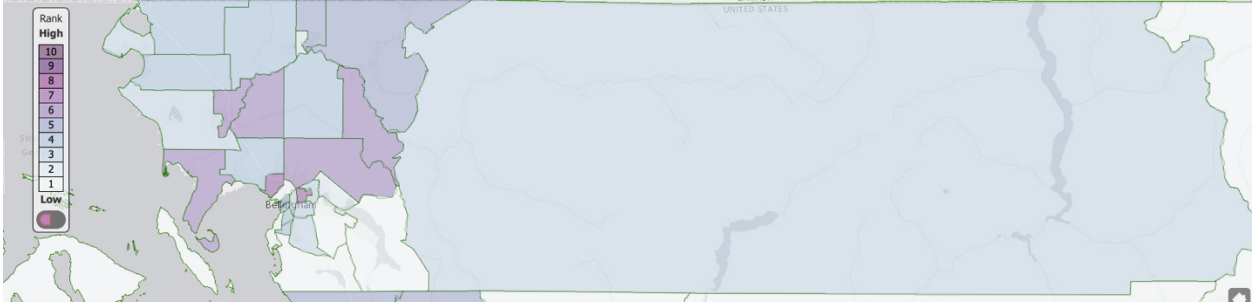
Source: Washington Tracking Network Health Disparities Map: <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>



The same source also provides a look at population by limited English proficiency by Census tract.

Figure 4: Limited English Proficiency in Whatcom County by Census Tract

Source: Washington Tracking Network Health Disparities Map: <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>



12% of Whatcom County households speak a language in addition to/other than English at home, with the second most used language being Spanish¹.

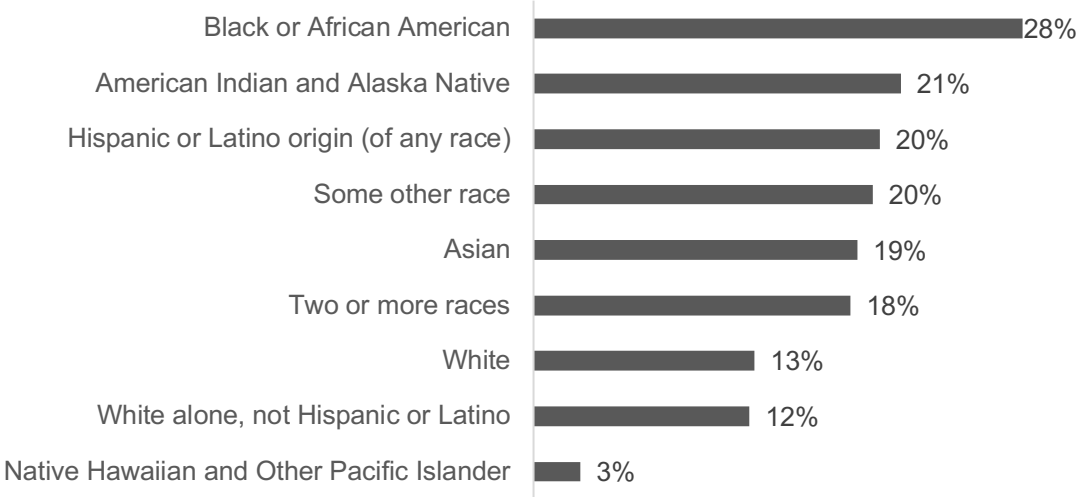
Challenges that persons of color (POC) face in Whatcom County range include greater income disparity and poorer health outcomes. The Community Needs Assessment completed in 2021 noted that POC who responded to their survey had higher rates of employment income loss during the COVID-19 pandemic (55%) compared to those respondents who were white only (40%)².

POC also had higher poverty rates than whites (excluding Native Hawaiians and Pacific Islanders) as shown in **Figure 5**.

¹ American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://censusreporter.org/profiles/05000US53073-whatcom-county-wa/>
² Prosperity Project 2021: A Community Needs Assessment, Aug 2021, Opportunity Council: https://www.opppo.org/wp-content/uploads/2021/09/Community-Needs-Assessment_09.15.21.pdf

Figure 5: Percentage of Whatcom County Residents Living Below Federal Poverty Level by Race and Hispanic Origin

Source: American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://data.census.gov/cedsci/table?t=Poverty&g=0500000US53073&tid=ACSST5Y2020.S1703>



Compared to White persons in Whatcom County, Indigenous and migrant farmworkers have lower life expectancies at birth (White life expectancy at birth is 81.43 years; Indigenous population is 69.29 years; Migrant Farmworkers is 49 years³).

Income Levels

14% of Whatcom County’s population live below the poverty line, a higher rate than the state average (10%) and the national average (13%).⁴

Income inequality is a reality in Whatcom County, where high-income residents in the top 5% earn 8.2 times more than the remaining 95% of the rest of Whatcom County. 54% of Whatcom County residents who filed taxes earn \$50,000 or less each year, with 31% earning under \$25,000 annually⁵.

The challenges for low-income households in Whatcom County have increased since the COVID-19 pandemic. A Community Needs Assessment completed by the Opportunity Council

³ Racial Disparities in Whatcom County, January 2021, Chuckanut Health Foundation: <https://static1.squarespace.com/static/5d12727cc999d40001434e6e/t/600b244531b83f4fd99095a1/1611342917904/Racial+Disparities+In+Whatcom+County+v1.pdf>

⁴ American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://censusreporter.org/profiles/05000US53073-whatcom-county-wa/>

⁴ SOI Tax Stats County Data, 2019, U.S. Internal Revenue Service: <https://www.irs.gov/statistics/soi-tax-stats-county-data-2019>

⁵ SOI Tax Stats County Data, 2019, U.S. Internal Revenue Service: <https://www.irs.gov/statistics/soi-tax-stats-county-data-2019>

in 2021 reported that 38% of surveyed households experienced a loss of employment income since March of 2020⁶.

The 22% increase in homeless persons in the county between 2020 and 2021 is also illustrative of the difficulties faced by low-income households. 859 individuals from 625 households experienced homelessness in Whatcom County as counted in the 2021 point in time survey completed last year. 75% of those individuals were sheltered (staying in emergency shelters or a transitional housing facility the night before the count). 25% spent the night before outdoors or in vehicles. And the number of families with children living in motels increased by 50% in 2021 (96)⁷.

Homeless families with children, referred to as families in transition (FIT), are also evidence of income disparity, high housing costs, and other equity challenges in the region. There are over 33,300 students in Washington State that are homeless, as defined by the McKinney-Vento Act:

Individuals who lack a fixed, regular, and adequate nighttime residence including children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping groups due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; children and youths who have a primary nighttime residence that is a public or private space not designed for or ordinarily used as a regular sleeping accommodation for human beings; children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and migratory children who qualify as homeless.

People with Disabilities

Over 16,000 Whatcom County residents (7% of the population) are classified as working age individuals with disabilities⁸. Of those, an estimated 2,700 residents in Whatcom County may have a developmental disability⁹. These individuals live in various residential settings, from their own homes to supported living or skilled nursing facilities, group homes, and other settings. Many of these may not be easily accessible by public transit.

Paratransit service provided by Whatcom Transportation Authority (WTA) is available for those whose disability prevents them from riding fixed route buses and serves individuals

⁶ Prosperity Project 2021: A Community Needs Assessment, Aug 2021, Opportunity Council: https://www.opcco.org/wp-content/uploads/2021/09/Community-Needs-Assessment_09.15.21.pdf

⁷ A Home for Everyone: Whatcom County Coalition to End Homelessness 2021 Annual Report, July 2021, Whatcom County Health Department: <https://www.whatcomcounty.us/DocumentCenter/View/57826/PIT2021>

⁸ Disability & DVR Statistics Report, July 2017, WA State Division of Vocational Rehabilitation: <https://www.dshs.wa.gov/sites/default/files/dvr/pdf/2017%20Disability%20%26%20DVR%20Statistics%20Report.pdf>

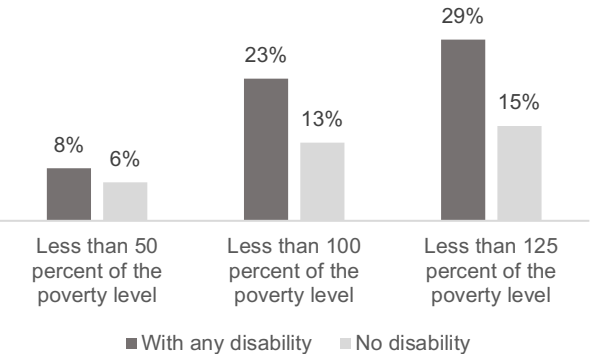
⁹ Whatcom County Developmental Disabilities 5 Year Plan, 2019-2024, July 2019, Whatcom County Health Department: <https://www.whatcomcounty.us/DocumentCenter/View/18368/2019-24-Whatcom-County-Developmental-Disabilities-Plan>

living within .75 miles of a fixed route. In 2021, over 128,000 boardings were made using WTA paratransit ¹⁰.

People with disabilities are more likely to live below the poverty level. As shown in **Figure 6**, almost 30% of individuals with a disability live on less than 125% of the U.S. poverty level (\$26,500 in 2021). This is nearly double the comparable number of individuals without a disability.

Figure 6: Percentage of Whatcom County Disabled Residents at Various Poverty Levels

Source: American Community Survey 5-Year Estimates, 2020, U.S. Census Bureau: <https://data.census.gov/cedsci/table?t=Poverty&g=05000000US53073&tid=ACST5Y2020.S1703>



Public Transportation Dependent Populations

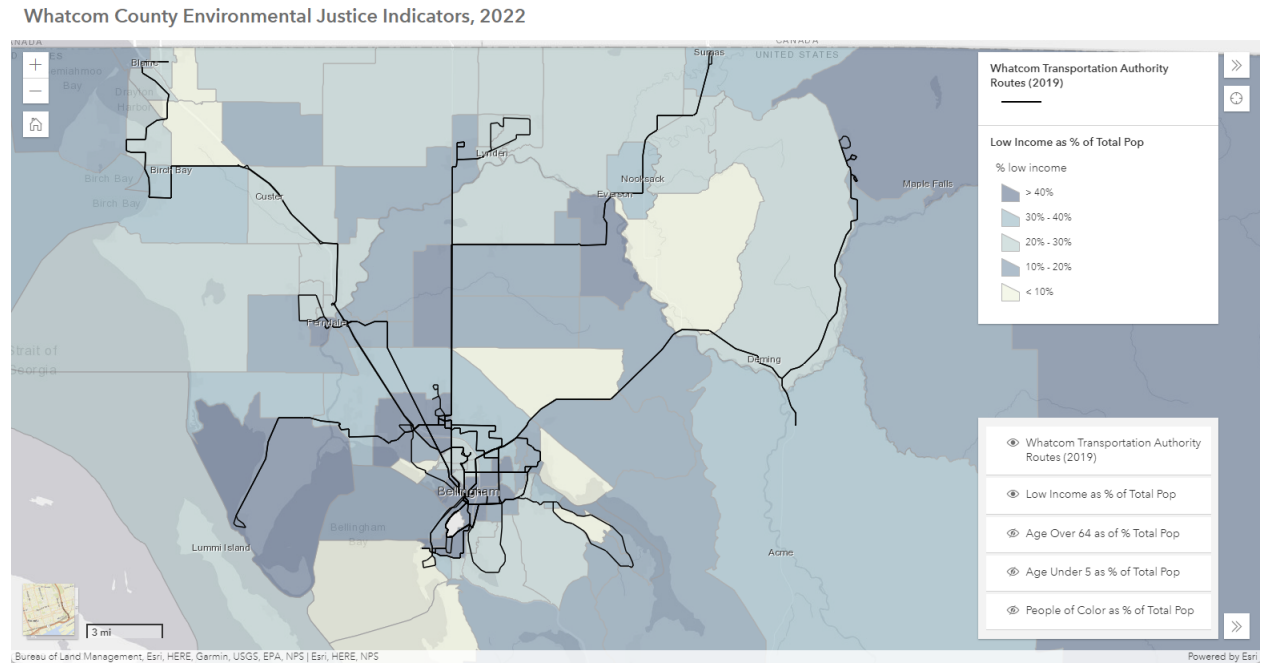
Using data from the American Community Survey of 2021, a map was developed to show the percentage of special transportation populations live (see **Figures 7-10**). These maps also have WTA fixed routes included as a layer to illustrate where WTA service may be missing. An interactive version of the map is available at:

<https://wcog.maps.arcgis.com/apps/instant/basic/index.html?appid=0faedcefb716423ca8deb6f3b0183915>.

It is important to note that, while these summaries may help with prioritizing certain investments, individuals with special needs live everywhere. Therefore, the overall goal is for all transportation system components and services within Whatcom County to be accessible by everyone.

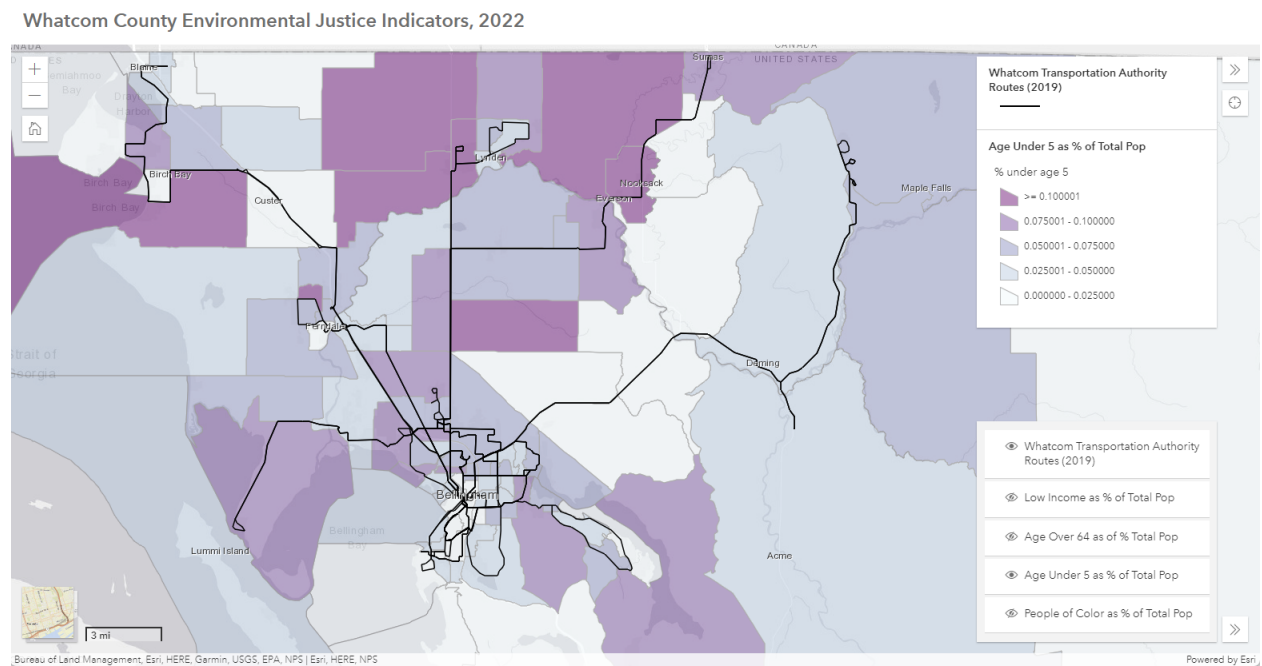
¹⁰ Whatcom Transportation Authority Service Performance Report, 2021, WTA: <http://www.ridewta.com/Published%20Docs/2021%20-%20Annual%20Performance%20Report.pdf>

Figure 7: Public Transportation Dependent Populations, Low Income



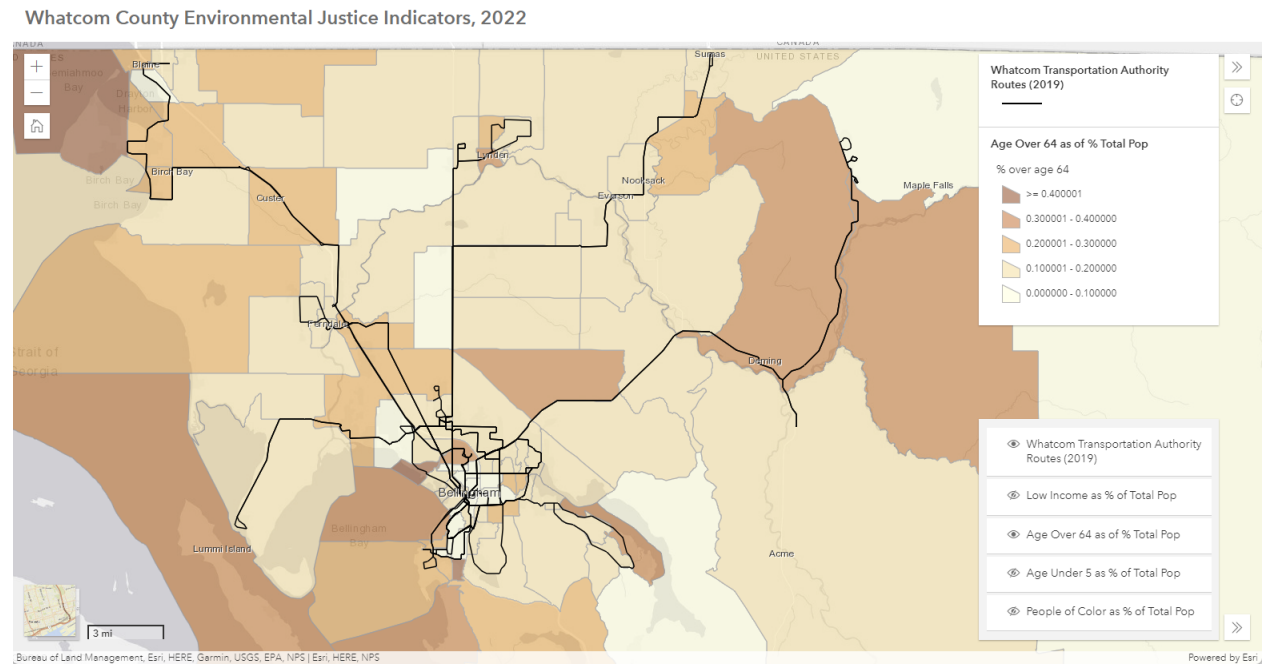
Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency: <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

Figure 8: Public Transportation Dependent Populations, Age Under 5



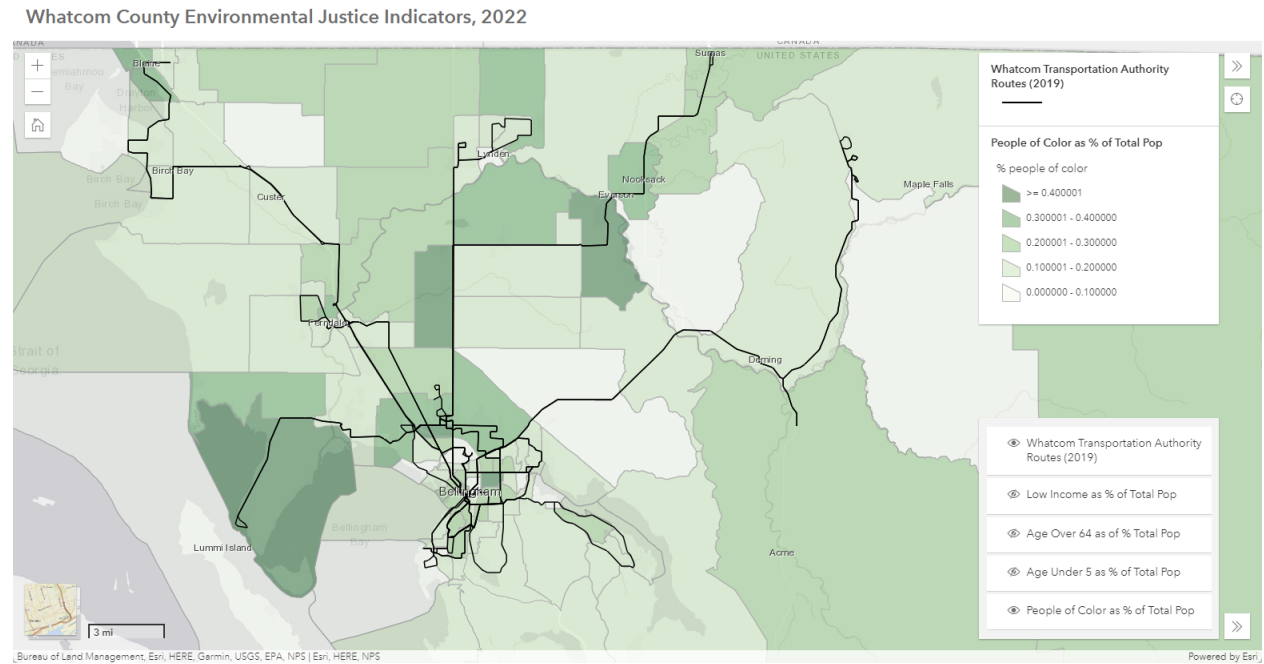
Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency: <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

Figure 9: Public Transportation Dependent Populations, Age Over 64



Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency: <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

Figure 10: Public Transportation Dependent Populations, People of Color



Source: EJScreen Demographic Indicators, 2021 Dataset, US Environmental Protection Agency:
<https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>



RESOLUTION NO. 2024-01

ADOPTING THE WHATCOM COUNCIL OF GOVERNMENTS' TITLE VI 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 or national origin, 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 Title VI Plan, which shall remain in effect through January 2027, or until such time that an update is required by statute.

Adopted this Seventeenth day of January 2024, in the City of Bellingham, Washington, a quorum being present.

Hugh Conroy, Director



MEMORANDUM

To: The Council Board
From: Melissa Fanucci, Principal Planner
Date: January 17, 2024
Subject: **2024 Public Participation Plan**

At the January 17 meeting, the Council Board will be asked to adopt the 2024 Public Participation Plan, the draft of which is included in the meeting packet. The draft version of this plan has been made available to the public for comment between November 3, 2023 and January 1, 2024. An Open House for the Public Participation Plan was held December 19.

Since the original draft, comments received during the Open House, WCOG staff, and from WA State Department of Transportation have been incorporated into this final version for approval. There will be a public hearing for the purpose of receiving public commentary at the meeting.

This plan has been updated to respond to feedback from WA State Department of Transportation regarding WCOG’s Title VI Plan and the need to increase public engagement and outreach. This new version sets specific engagement goals and strategies to connect with a broader demographic of Whatcom County.

SUGGESTED MOTION: Move to adopt the 2024 WCOG Public Participation Plan.



Public Participation Plan

For Board Approval, January 2024

American with Disabilities Act (ADA) Information

Persons with disabilities needing special accommodations may request written materials in alternate formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodations by contacting WCOG at 360-676-6974, with at least six (6) days advance notice. *Para asistencia en español, por favor enviar un correo electrónico a espanol@wcog.org.*

Title VI Notice to the Public

The Whatcom Council of Governments (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, 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 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 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 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.

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Acronyms and Abbreviations

- CBO Community-Based Organization
- CTAG Community Transportation Advisory Group
- FHWA U.S. Federal Highway Administration
- FTA U.S. Federal Transit Administration
- IMTC International Mobility & Trade Corridor Program
- MPO Metropolitan Planning Organization
- NSTA North Sound Transportation Alliance
- RTP Regional Transportation Plan
- RTPO Regional Transportation Planning Organization
- TIP Transportation Improvement Program
- TTAG Transportation Technical Advisory Group
- USDOT U.S. Department of Transportation
- WCOG Whatcom Council of Governments
- WSDOT WA State Department of Transportation
- WTA Whatcom Transportation Authority

1. INTRODUCTION

As both a user of the regional transportation system in Whatcom County, and as a funder through the various local, state, and federal taxes paid, community members have a say in the planning, development, and management of Whatcom County's transportation network. Public engagement is a critical to the collaboration that produces plans and systems based on the values and priorities of our region's community. Whatcom Council of Governments (WCOG) has developed this Public Participation Plan to describe how it currently seeks public participation in its planning process and what goals have been set to increase public involvement in its efforts.

What is the Whatcom Council of Governments?

Established in 1966, WCOG provides a forum for cooperation amongst its members which include the Lummi Nation, the seven cities in Whatcom County, Whatcom County government, the Port of Bellingham, and other regional entities. Like most other councils of governments throughout Washington and the United States, WCOG has neither taxing authority nor the ability to regulate land use.

Most of WCOG's programs are focused on coordinating transportation planning between the jurisdictions within and connecting to Whatcom County.

WCOG has been designated the Metropolitan Planning Organization (MPO) for the Bellingham area under federal law, and it has also been designated the Regional Transportation Planning Organization (RTPO) for Whatcom County under state law.

What is a Metropolitan Planning Organization?

Metropolitan Planning Organizations (MPOs) were created by the Federal Aid Highway Act of 1962 to ensure that federal funding for transportation projects is part of a continuing, cooperative, and comprehensive planning process. MPOs represent localities in all urbanized areas with populations over 50,000 as determined by the U.S. Census.

As Bellingham's MPO, WCOG is responsible for developing a long-range Regional Transportation Plan (RTP), currently [Way to Go, Whatcom](#). WCOG is also responsible for developing a near-term regional Transportation Improvement Program (TIP). The TIP provides a comprehensive six-year listing of transportation improvements within the county that are included in the regional transportation system as defined by the region's long-range transportation plan, currently [Way to Go, Whatcom](#). It serves as a schedule of accountability to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), who annually review and certify the TIP to ensure the continuation of federal financial assistance for transportation improvements in the region. WCOG develops the TIP annually

and maintains it throughout the year as projects change, new projects are added, or project phases are removed.

What is a Regional Transportation Planning Organization?

Regional Transportation Planning Organizations (RTPOs) were created by the Washington State's Growth Management Act in 1990 to identify local transportation needs and coordinate the planning process to address those needs in non-metropolitan regions.

As Whatcom County's RTPO, WCOG assists in implementing the Growth Management Act through the certification of local comprehensive plans and the creation of multi-jurisdictional planning policies.

What else does WCOG do?

Important programs administered by WCOG include:

[Unified Planning Work Program \(UPWP\)](#) – A UPWP is required periodically (annually or biennially) of MPOs and RTPOs by state and federal agencies for the purpose of documenting the anticipated uses of federal and state funding for MPO and RTPO activities. While the UPWP's primary purpose is to ensure WCOG is practicing a cooperative, comprehensive, and continuing planning process, it is informative to the public in that it provides useful information about how WCOG activities are funded and how they complement each other to achieve progress toward adopted regional objectives.

[Whatcom Smart Trips](#) – This program helps community members make more of their trips by walking, bicycling, sharing rides or riding the bus.

[The International Mobility and Trade Corridor Program \(IMTC\)](#) – This cross-border forum consists of business and government agencies and works to identify and promote improvements to mobility and security for the Cascade Gateway, the system of border crossings that connect Whatcom County and the Lower Mainland of British Columbia.

[The North Sound Transportation Alliance \(NSTA\)](#) – This coalition of citizens, elected officials, and agencies works to identify and fund important regional transportation initiatives that improve ways for people to travel through Washington State's five northwestern most counties (Whatcom, Skagit, San Juan, Island, and Snohomish) without a reliance on personal vehicles.

What is WCOG's governance structure?

WCOG has two governing bodies: the Council Board and the Whatcom Transportation Policy Board. All WCOG Board meetings are open to the public, and public comments can be submitted to both either verbally at meetings or in writing.

The Council Board

The Council Board consists of fifteen voting members drawn from Whatcom County's jurisdictions:

- City of Bellingham
- City of Blaine
- City of Everson
- City of Ferndale
- City of Lynden
- City of Nooksack
- City of Sumas
- Lake Whatcom Water and Sewer District
- Lummi Nation
- Port of Bellingham
- Whatcom County

There are also associate (non-voting) members who participate in Council Board meetings and share the perspectives of the organizations and communities they represent:

- The Opportunity Council
- Public Utility District No. 1
- Sudden Valley Community Association
- WA State Department of Transportation
- Western Washington University
- Whatcom Transportation Authority

Transportation Policy Board

The Transportation Policy Board oversees the region's transportation planning process and consists of:

- City of Bellingham
- City of Blaine
- City of Everson
- City of Ferndale
- City of Lynden
- City of Nooksack
- City of Sumas
- Lummi Nation
- Nooksack Tribe
- Port of Bellingham
- WA State Department of Transportation
- Whatcom County
- Whatcom Transportation Authority

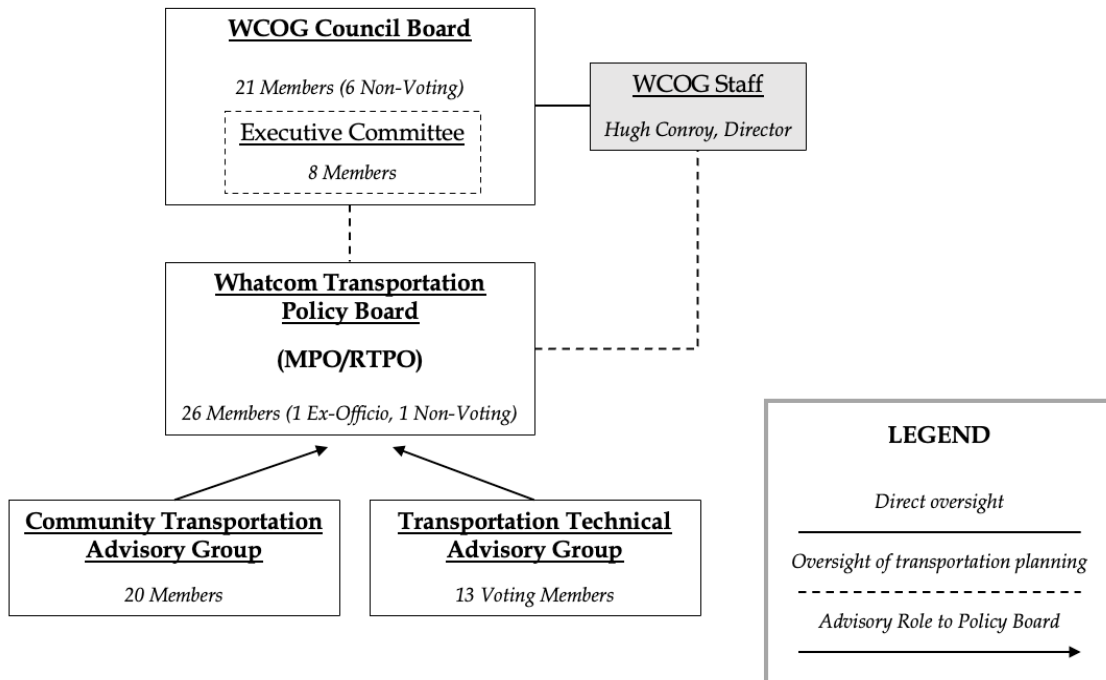
Ex-Officio members of the Transportation Policy Board include:

- Bellingham Technical College
- Public Utility District No. 1
- WA State Legislative Representatives (40th & 42nd District)
- Whatcom Community College
- Western Washington University

Advisory Committees

Advisory committees provide technical assistance and guidance to WCOG’s governing boards on specific issues related to transportation. Because these committees are advisory in nature, they cannot take formal action, nor do they perform functions of a governing body as defined by WA State’s Open Public Meetings Act. WCOG has two standing advisory committees. The Transportation Technical Advisory Group (TTAG) consists of public works and planning staff from member jurisdictions and provides technical input to WCOG’s Boards. The Community Transportation Advisory Group (CTAG) is a forum for community participation in transportation planning decision-making and is jointly administered by WCOG and Whatcom Transportation Authority (WTA).

WCOG’s Organizational Structure



2. PUBLIC PARTICIPATION GOALS

Because public policy decisions and transportation projects impact communities and people’s lives, WCOG is committed to transparency and participation by the diversity of interests and people throughout the region in all its efforts. Active public participation is essential to ensure that the transportation planning process reflects the goals of the communities who use and pay for the transportation system. Public processes that hear as many viewpoints as possible are more likely to lead to satisfactory outcomes for the community as a whole.

Goals and Strategies

The following goals have been set for the reporting period of this new Public Participation Plan:

| Goals | Strategies for 2024-2026 |
|--|---|
| 1. Explain how WCOG approaches public engagement. | 1.1 Solicit feedback on this Public Participation Plan through public notice, distribution lists, and online. |
| 2. Increase overall awareness of regional planning processes and how and where the community can inform decision-making. | 2.1 A minimum of one presentation to a community-based organization (CBO). |
| | 2.2 A minimum of one outreach effort at a popular gathering place (grocery store, school, event center). |
| 3. Ensure early, continuous, and broad public notification about WCOG’s activities and upcoming decisions. | 3.1 Document each form of outreach and, if possible, measure resulting feedback from each effort. |
| 4. Conduct WCOG’s outreach in an equitable and inclusive manner. | 4.1 Hold an event in a location that focuses on overburdened communities, including people of color, LGBTQ+, low-income, youth, seniors, people with disabilities, veterans, and people with limited English proficiency. |

Desired Outcomes

The next update of WCOG’s Public Participation Plan will include an evaluation of the above-listed strategies relative to the previous reporting period to determine how effective it was.

3. DEVELOPMENT OF THE PUBLIC PARTICIPATION PLAN

In the fall of 2023, WCOG began updating its Public Participation Plan. This includes revised goals and strategies to increase public engagement for all WCOG’s programs and activities.

Draft Plan Review and Outreach

The Draft Public Participation Plan was distributed for public review and comment in the following ways:

- Presented and shared with CTAG.
- Distributed to relevant email lists and interested parties.
- Posted on WCOG’s website.
- A notice has been posted in the *Bellingham Herald* and *Cascadia Daily News* newspapers.

The public comment period opened November 3, 2023 and closed January 1, 2024. No written feedback was received.

WCOG hosted a virtual Open House on the Title VI Plan and the Public Participation Plan on December 19, 2023 at 6:30PM. Three members of the public attended. Although the feedback received primarily focused on topics not related to these two plans, some of the comments gathered have been incorporated into this final version.

Guidelines for Public Participation

WCOG’s Public Participation Plan has been written with consideration of federal and state requirements. Below are listed the primary laws, regulations, and official guidelines that apply to WCOG regarding public participation.

Federal

- **Bipartisan Infrastructure Law/Infrastructure Investment and Jobs Act** of 2021, PL 117-58
- **Fixing America’s Surface Transportation Act** of 2015, PL 114-94
- **Americans with Disabilities Act** of 1990, PL 110-325
- **Civil Rights Restoration Act** of 1987, PL 94-135
- **Age Discrimination Act** of 1975, PL 94-135
- **Federal Aid Highway Act** of 1973, PL 93-87, 12 USC 324
- **Rehabilitation Act of 1973**, PL 93-112, Section 504

- **Title VI of the Civil Rights Act of 1964, PL 88-352**
- **Executive Order 12898** – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- **Executive Order 13166** – Improving Access to Services for Persons with Limited English Proficiency

Washington State

- **Open Public Meetings Act, RCW 42.30**
- **Growth Management Act, RCW 36.70A**
- **Public Records Act, RCW 42.56**
- **State Environmental Policy Act, RCW 43.21c**

Federal Public Participation Guidelines for MPOs

- Provide adequate public notice of public participation activities and time for public review and comment.
- Provide timely notice and reasonable access to information about transportation issues and processes.
- Employ visualization techniques, utilizing maps, pictures, and graphics to clearly convey information.
- Make public information available in electronically accessible formats.
- Hold any public meeting at convenient and accessible locations and times.
- Demonstrate explicit consideration and response to public input received.
- Seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.
- Periodically review the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
- Coordinate with statewide transportation planning public involvement and consultation processes.

The Civil Rights Act of 1964

Community outreach is a key component of the Title VI provision which includes requirements to ensure that public agencies like WCOG to solicit and consider the viewpoints of minority and low-income populations in its planning and decision-making activities..

WCOG’s Title VI Plan is being updated in conjunction with this 2024 Public Participation Plan and is also currently open for public input and feedback. This draft is available at <https://wcog.org/titlevi> or upon request by calling (360) 676-6974 or emailing titlevi@wcog.org.

Limited English Proficiency

Executive Order 13166 was signed by President Clinton in 2000 with the objective of improving access to services for those with limited English proficiency (LEP). Providing access for certain LEP individuals to programs, services, and activities is required by law.

5 percent of Whatcom County's population has limited English proficiency, with Spanish being the predominant primary language other than English.

Information about WCOG's Language Assistance Program and available translation and interpretation services is in the [2024 WCOG Title VI Plan](#).

Environmental Justice

Established under Executive Order 12898 in 1994, the fundamental principles of environmental justice are to protect minority and low-income populations from disproportionate adverse health or environmental effects from programs, policies, and activities funded by the U.S. Department of Transportation. Guidelines are designed to ensure participation by all potentially affected communities in the transportation decision-making process; and to prevent the denial, reduction, or significant delay in the receipt of benefits by minority and low-income families.

Open Public Meetings

The Open Public Meetings Act of 1971 requires that meetings of governing boards are open and accessible to the public.

All WCOG Council Board and Transportation Policy Board meetings are open to the public and public comment periods are provided during each regular meeting. Members of the public may attend WCOG's board meetings either at WCOG's offices or online.

4. HOW TO PARTICIPATE

The information below describes how any member of the public may participate in WCOG's transportation planning activities.

WCOG Board Meetings

Individuals wishing to provide input at WCOG board meetings can do so in several ways:

- Written comments can be submitted at or prior to board meetings.
- People can speak to the board during the public comment period of each meeting. Members of the public may speak for up to three minutes.

Comments should focus on items that the board will take action on at that meeting, or on discussion items appearing on the agenda.

Summaries of all verbal comments received at the meeting, and written comments, will be included in meeting minutes along with the name of the commenter. Minutes are posted on WCOG's website.

In certain circumstances, comments may be incorporated into plans, programs, or studies, either in total or in summary.

More information about what WCOG's board meetings do, when they meet, and how to provide input, is detailed below.

Council Board

What they do: This body of elected officials from around Whatcom County meets to determine WCOG's budget and review routine business.

When they meet: The Council Board meets four times a year. A calendar is available on WCOG's website at: <https://wcog.org/council>

How to attend: Meetings are held in person at WCOG's office (314 E. Champion Street, Bellingham, WA, 98225) and are also available virtually. To attend online, find the web link at: <https://wcog.org/council>

Transportation Policy Board

What they do: This body of elected officials from around Whatcom County meets to determine WCOG's work program, the Transportation Improvement Program, county-wide transportation project funding, and to discuss the and approve WCOG's plans.

When they meet: The Council Board meets every other month. A calendar is available on WCOG’s website at: <https://wcog.org/policyboard>

How to attend: Meetings are held in person at WCOG’s office (314 E. Champion Street, Bellingham, WA, 98225) and are also available virtually. To attend online, find the web link at: <https://wcog.org/policyboard>

Committee Meetings

Public comments on issues being discussed at committee meetings should be submitted at WCOG board meetings, as detailed above.

Community Transportation Advisory Group (CTAG)

CTAG is jointly administered by WCOG and the Whatcom Transportation Authority (WTA) to facilitate ongoing community participation in decision making about transportation planning, construction, and operations. It consists of community members from various jurisdictions in Whatcom County who have an interest in transportation and transit planning.

What they do: Agendas typically include upcoming decisions by regional transportation boards (the Whatcom Transportation Policy Board and the WTA Board of Directors), information on transportation trends, upcoming studies and projects, WTA service planning and operations, regional bicycle and pedestrian planning, and more.

When they meet: Meetings are held four times a year. A calendar is available on WCOG’s website at: <https://wcog.org/how-to-participate>

How to attend: Meetings are held virtually. Find the web link at: <https://wcog.org/how-to-participate>

How to join CTAG

CTAG members are Whatcom County citizens with an interest in transportation and transit planning. Members participate and voice their opinions at meetings, receive invitation to CTAG events (e.g. tour of WTA operations, panel discussions with subject matter experts), and can opt in for periodic emails regarding feedback opportunities on draft plans, regional transportation topic updates, etc.

Applications for CTAG membership are open to anyone age 16 or older who lives, works, or owns a business located in Whatcom County. A CTAG membership application is required. Click [this link](#) to complete an online application, or request an application by email or mail by contacting Jaymes McClain at jaymes@wcog.org or by phone at (360) 685-8391.

NSTA

The North Sound Transportation Alliance (NSTA) is a coalition of concerned citizens, elected officials, and professional staff of transportation agencies from Washington’s five northwestern-most counties: Whatcom, Skagit, Island, San Juan, and northern Snohomish. NSTA strives to develop better ways for people to travel in the region by collecting travel and system data to identify needs; improving regional connections and sustaining and expanding services; enhancing mobility through sustainable, equitable, and innovative transportation solutions; and informing the public about transportation services to enhance awareness of the regional transportation network.

What they do: NSTA meetings serve the purpose of exchanging information between regional transportation and transit agencies, elected officials, and the public. They may solicit feedback on transportation-related priorities, or present findings or new plans that impact the five-county region.

When they meet: Meetings are held roughly three times a year. Meetings are announced on the WCOG website at: <https://wcog.org/nsta>

How to attend: Meetings vary between in-person events at various locations throughout the five-county region and virtual. To be added to the event notification mailing list, or if you have any questions about participating in NSTA, contact Melissa Fanucci at melissa@wcog.org or by phone at (360) 685-8385.

Plan Development

WCOG’s transportation plans typically represent the region as a whole and are consistent with each jurisdiction’s comprehensive plan. For each of WCOG’s plans there is a public comment period, and new efforts are underway starting in 2024 to engage in more direct outreach regarding plan updates and how people can have their voices heard in the process.

Individuals wishing to provide input on plans can do so in several ways:

- Attend in person or virtually a plan draft open house event.
- Learn more about the plan at one of the outreach events in the community.
- Provide feedback by email or phone.
- Provide feedback at a WCOG Transportation Policy Board meeting prior to its adoption of the final plan.

Comments received that concern specific projects or proposals are forwarded to the sponsoring entity, as appropriate, and comments are included in the final version of the plan, either in total or in summary.

Regional Plans

WCOG is responsible for developing and maintaining a long-range regional and metropolitan transportation plan. WCOG combines both into a single plan to ensure that the strategies developed will serve the entire region.

The most recent plan is **Way to Go, Whatcom: Whatcom Region's 2045 Regional/Metropolitan Transportation Plan** and is available at: <https://waytogowhatcom.org>

Why it matters: Every five years, the prioritization of regional transportation goals, and the goals themselves, are included in this plan. Individuals who wish to see changes in transportation priorities have this opportunity to have their voices heard on a regional level.

Prior community engagement: A public engagement effort prior to the update of the regional plan took place in the spring of 2021 to inform residents of the plan and solicit opinions and feedback on regional transportation concerns. Over two thousand individuals responded, and survey results were used to modify regional transportation system goals.

How to get involved in the next update: The next regional/metropolitan plan update will be in 2027. To be on a contact list to be informed of this and other opportunities to provide input, contact Melissa Fanucci at melissa@wcog.org or by phone at (360) 685-8385 to be added to the community engagement notification email list.

Whatcom Human Services Transportation Plan

Human services transportation serves people with special transportation needs. Washington state law defines people with special transportation needs as “*persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation.*” WCOG updates the Human Services Transportation Plan (HSTP) every five years to identify our region’s transportation services gaps for people with special transportation needs, and to present strategies and proposed investments to close those gaps.

Why it matters: The HSTP is a strategy for achieving the regional goal of *access and convenience*. By identifying funding priorities, the plan helps agencies put resources where they will help those who need it the most. In addition, WSDOT uses this plan to formulate its own HSTP strategies and to ensure that regional funding requests to the state’s Consolidated Grant Program have value in a community-based process.

Prior community engagement: The **2022 Whatcom Human Services Transportation Plan** sought public engagement through individual interviews with stakeholders and members of the public via internet-based platforms and phone calls; feedback from the 2021 public engagement survey; discussions with CTAG; discussions with participants in the North Sound

Transportation Alliance (NSTA) especially around NSTA’s focus on healthcare and transportation; and through more traditional means of advertising and plan distribution.

How to get involved in the next update: The HSTP update will be in 2027 and will once again solicit comments and participation from Whatcom County residents to inform priorities and goals. To be on a contact list to be informed of this and other opportunities to provide input, contact Melissa Fanucci at melissa@wcog.org or by phone at (360) 685-8385 to be added to the community engagement notification email list.

WCOG Title VI Plan

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. WCOG is committed to ensuring that no person is denied the benefits of WCOG’s services or excluded from its work program, publications, communications, and public involvement efforts. This plan lays out what efforts WCOG undertakes to ensure it is abiding by Title VI requirements and to make regional transportation planning a collaborative and equitable process.

Why it matters: The [2024 WCOG Title VI Plan](#) lays out how Title VI compliance is maintained at WCOG, as well as how individuals may file a complaint should they feel they have been discriminated against by WCOG.

How to get involved in this update: WCOG has updated its Title VI Plan concurrently with this Public Participation Plan, with a public comment period between November 3, 2023 and January 1, 2024 and an Open House held December 19. For more information about this plan, contact Melissa Fanucci at melissa@wcog.org or by phone at (360) 685-8385 for more information.

5. ENGAGEMENT STRATEGIES

To facilitate public participation in the Whatcom region, WCOG uses a variety of public outreach techniques, and provides information in multiple formats.

Communication

Website

WCOG's website provides information on the agency, web-based and/or digital/downloadable versions of official documents. Planning activities that are underway and open for public feedback are highlighted on the front page, and calendars for boards and committees are listed with links to meeting packets and how to attend virtually. The website can be translated into many languages using the translation tool embedded on the site.

Media Outreach

WCOG issues news releases and media advisories regarding new projects, when public comment is solicited, and for any major change at WCOG. WCOG also advertises its public meetings, requests for proposals, requests for feedback on plans, and other items in online and print versions of local newspapers (*Bellingham Herald*, *Cascadia Daily News*).

Direct Mail

For specific public engagement initiatives (E.g., 2017 household travel survey recruitment, 2021 Whatcom Transportation Survey), and depending on available funding, WCOG has had success with direct mail of postcards. Available funding determines certain aspects of these efforts such as the percentage of households that receive a mailing, and (as has been done in previous efforts) mailing to all households in lower-income and/or ethnic minority census-tracts.

Access to Documents

Almost all of WCOG's reports, plans, studies, meeting packets, minutes, and other materials are available digitally in WCOG's digital library at www.wcog.org, but hard copies are available at WCOG's offices and can be mailed to anyone upon request. To get copies of documents, contact WCOG's Public Information Officer at publicdisclosure@wcog.org.

Visualization Techniques

WCOG uses maps, charts, illustrations, and photographs in its documents and presentations to provide visual aids to illustrate key topics and regional objectives or trends.

WCOG uses customizable data visualizations and maps online to allow individuals to answer specific questions and download results.

Mailing Lists

Individuals who have requested or agreed to be on an email distribution list for updates about WCOG's activities and planning program are contacted periodically. Their feedback is also solicited through surveys, comments on plans, and other ways. To be added to WCOG's Engagement distribution list, contact Melissa Fanucci at melissa@wcog.org or by phone at (360) 685-8385 for more information.

Additional Services

Limited English Proficiency

To help people with limited English proficiency, meeting notices, agenda packets, summary documents for select plans and programs, and other materials may be translated into Spanish upon request. Additionally, WCOG makes a reasonable effort to accommodate the needs of speakers of other language when assistance is requested.

Disability

WCOG's website is compliant with the amended [Section 508 of the Rehabilitation Act of 1973](#) to ensure that resources are safe and accessible for people with disabilities. All public meetings are held in locations that are ADA-accessible. And WCOG will provide an American Sign Language interpreter for hearing-impaired attendees, and assign staff to escort sight-impaired attendees, upon request.

Outreach Partnerships with Community-Based Organizations

WCOG will develop an Outreach Partnership distribution list of community-based organizations (CBOs) to work with to share information about how to get involved in regional transportation decision-making.

This may include:

- Presentations to CBO staff and volunteers, who can then pass on information to their community members.
- Co-hosting events with Outreach Partners that benefit the partners and allow WCOG time on the agenda to share information and solicit feedback.
- Developing easy-to-understand resource kits for outreach that avoid jargon, include clear timelines, and explain how to attend meetings and provide feedback.

Possible outreach partners are listed below, along with a specific demographic of the population that is typically overburdened and underrepresented in the planning process:

- **Bellingham Food Bank** –low-income, unhoused
- **Bellingham School District** – youth
- **Foothills Community Hub** – rural communities in East Whatcom County
- **Lummi Indian Business Council** – tribal communities
- **Nooksack Tribe Family Services** –tribal communities
- **Northwest Regional Council** –seniors, people with disabilities or behavioral health disorders
- **Opportunity Council** –low income, unhoused, veterans
- **Sea Mar Community Health Clinic** – seasonal workers, unhoused
- **Unity Care Northwest** –adults with behavior health disorders
- **Whatcom Council on Aging** –seniors
- **WWU Student Planning Club** – students

To reach specific LEP populations, outreach may also include Whatcom County’s Sikh temples, Spanish-speaking churches, and Russian-speaking churches.

In-Person Community Engagement

Another component of the 2024-2026 engagement strategy includes doing more proactive outreach in communities themselves. This may include asking questions or presenting information at public locations including:

- Farmers markets
- Grocery stores
- Shops with services
- Community sports or entertainment events

This effort will specifically focus on gathering input from all resident populations, including people of color, LGBTQ+, low-income, youth, seniors, people with disabilities, veterans, and people with limited English proficiency.

Public Participation Activities by Plan or Program

The chart below provides an overview of WCOG’s strategies, tools, and public comment periods by specific plan or task. Public participation activities for non-recurring projects or efforts will be determined as part of the initial scoping effort.

| Overview of Strategies, Tools, and Public Comment Periods | Policy Board Meetings | Website | Public Meetings | Interviews, Stakeholder Meetings, Agency Consultation | Surveys | Public Notice | Call for Public Comments (Length) | Press Releases & Media Outreach | Mailing Lists | Community Engagement Events | Outreach Partner Agency Engagement |
|---|-----------------------|---------|-----------------|---|---------|---------------|-----------------------------------|---------------------------------|---------------|-----------------------------|------------------------------------|
| Human Services Transportation Plan | ☑ | ☑ | ☑ | ☑ | ☑ | ☑ | 2 weeks | ☑ | ☑ | ☑ | ☑ |
| Long-Range Transportation Plan Development | ☑ | ☑ | ☑ | ☑ | ☑ | ☑ | 4 weeks | ☑ | ☑ | ☑ | ☑ |
| LongRange Transportation Plan Amendment | ☑ | ☑ | ☑ | | | ☑ | 2 weeks | | | | |
| Public Participation Plan | ☑ | ☑ | | | | ☑ | 4 weeks | | ☑ | | |
| Surface Transportation Block Grant Selection | ☑ | ☑ | | | | | | | | | |
| Title VI & Limited English Proficiency Plan | ☑ | ☑ | ☑ | ☑ | | ☑ | 2 weeks | ☑ | ☑ | | |
| Title VI Annual Accomplishment Report | ☑ | ☑ | | | | | | | | | |
| Transportation Improvement Program | ☑ | ☑ | | | | ☑ | 2 weeks | | | | |
| Unified Planning Work Program / Annual Performance & Expenditure Report | ☑ | ☑ | | | | | | | | | |

6. PERFORMANCE EVALUATION

Summary of Public Outreach Activities

In the three-year period this Public Participation Plan covers, activities and accomplishments related to WCOG’s public engagement efforts are listed below:

| Activity | Result |
|---|---|
| 2021 - 2023 Board Meetings | No public feedback received |
| 2021 Public Engagement Survey | Over 2,000 responses received |
| Way to Go, Whatcom: 2045 Region’s 2045 Regional/ Metropolitan Transportation Plan | 15 emails/phone calls from the public; feedback from 2 stakeholder agencies; 2 online open houses with 5 total attendees; 1 outreach event at a local community advisory committee; discussions with CTAG |
| 2022 Whatcom Human Services Transportation Plan | Interviews with 18 stakeholder organizations and members of the public; discussions with CTAG |

Evaluating 2024 – 2027 Engagement Strategies

The goals listed in Chapter 2 provide a way to evaluate the effectiveness of WCOG’s public engagement strategies. Information that can be used to evaluate the success of an engagement effort include:

- Number of comments collected at board meetings, outreach events, and in response to requests for feedback on plans.
- Feedback from an inclusive cross-section of the public.
- Information from attendees/respondents as to how they were informed of a WCOG event or plan.
- Representation from CBOs as Outreach Partners.
- Information as to whether event locations/meeting times/materials help or hinder participation.

This Public Participation Plan will be evaluated annually to ensure that it remains relevant and effective. The plan can be amended as necessary by the Council Board.



MEMORANDUM

To: The Council Board
From: Ron Cubellis, Deputy Director
Date: January 9, 2024
Subject: **2024 Cost Allocation Plan**

Staff is recommending the approval of the 2024 Cost Allocation Plan.

A cost allocation plan is the federally approved way to allocate overhead and employee benefit expenses to federally funded activities. The US Government wants to make sure they are not paying more than their fair share of the indirect expenses such as administrative staff, rent, paid holidays, etc.

The 2024 allocation plan that follows is a restatement of the WCOG 2024 budget adopted last month. If the year goes exactly as budgeted, the rates determined by the plan will ensure that WCOG recaptures the full overhead and benefit costs incurred during the year. This method is referred to as fixed rate with carryforward. The carryforward comes into play when life doesn't unfold as planned. The following year's rates are adjusting for prior year's under- or over- recaptured amounts.

The draft plan follows this memo.

SUGGESTED MOTION: Move to approve the 2024 Cost Allocation Plan, as presented.



whatcom council of governments

2024
Cost Allocation Plan

Whatcom Council of Governments
314 East Champion Street
Bellingham, WA 98225
(360) 676-6974

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**WHATCOM COUNCIL OF GOVERNMENTS
COST ALLOCATION PLAN PROPOSAL
CERTIFICATION**

January 1, 2024 – December 31, 2024

This is to certify that I have reviewed the cost allocation plan proposal submitted herewith and to the best of my knowledge and belief:

(1) All costs included in this proposal dated January 9, 2024, to establish billing or final indirect cost rates for January 1, 2024 through December 31, 2024, are allowable in accordance with the requirements of 2 CFR Part 200 and the Federal award(s) to which they apply. Unallowable costs have been adjusted for in allocating costs as indicated in the cost allocation plan.

(2) All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the Federal awards to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently.

I declare that the foregoing is true and correct.

Whatcom Council of Governments

Hugh Conroy, Director

Date

Passed and approved this 17th day of January, 2024, in Bellingham, Washington, a quorum being present.

Board Secretary/Treasurer

INTRODUCTION

The Whatcom Council of Governments staffing changed for the first time in three years with the resignation of the executive director and retirement of another employee. Both positions have been refilled and a 9th employee will be added in early 2024. The 2023 allocation plan indirect and benefit rates were 55.90% and 65.86% for comparison.

The 2024 fixed rates are:

| | |
|-----------------|-----|
| Indirect Costs | 76% |
| Fringe Benefits | 62% |

ALLOCATION METHOD

The Whatcom Council of Governments uses the fixed rate with carry forward method to allocate indirect costs and fringe benefits. During the budgeting process rates are established by estimating indirect cost as a percentage of direct labor costs and the fringe benefits as a percentage of direct, excluded and indirect labor costs. The rates are used to allocate indirect and fringe benefit costs each month regardless of actual costs incurred. After the close of each calendar year, the indirect and fringe costs recovered are compared to the actual costs to determine the amount to carry forward as an adjustment to the following year's rates.

Whatcom Council of Governments 2024 Organizational Structure

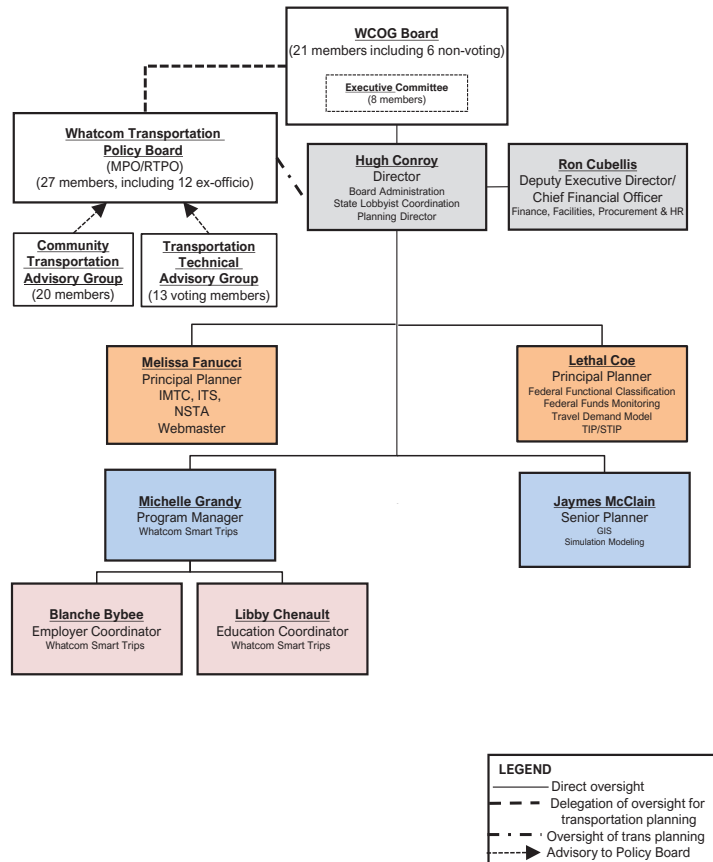


Table 1: 2023 Income and Expenses

| Whatcom Council of Governments Actual 2023 Income & Expenditures | | |
|---|----|-----------|
| INCOME | | |
| Member Dues | \$ | 185,070 |
| Local | | 145,123 |
| State | | 234,784 |
| Federal | | 973,753 |
| Interest Income | | 7,610 |
| Contributions & Donations | | 21,144 |
| Miscellaneous | | 1,402 |
| TOTAL INCOME | \$ | 1,568,886 |
| EXPENSES | | |
| Communication Services | \$ | 30,384 |
| Consultants & Contracted Svcs | | 140,147 |
| Incentives | | 11,159 |
| Insurance - Property & Liability | | 11,236 |
| Office Equipment & Software | | 33,510 |
| Pass-Through Funding | | 2,000 |
| Payroll - Salaries & Wages | | 838,537 |
| Payroll - Benefits & Taxes | | 287,275 |
| Printing | | 8,086 |
| Professional Development | | 7,886 |
| Rent | | 71,385 |
| Repair & Maintenance | | 558 |
| Supplies | | 12,499 |
| Travel | | 18,521 |
| Utilities | | 14,660 |
| Miscellaneous | | 1,266 |
| TOTAL EXPENSES | \$ | 1,489,111 |

Table 2: 2023 Indirect Salaries & Benefits

| POSITION | SALARIES | BENEFITS | TOTALS |
|--------------------|-----------------|-----------------|---------------|
| Executive Director | \$ 10,694 | \$ 7,043 | \$ 17,737 |
| Deputy Director | 110,785 | 72,962 | 183,747 |
| Principal Planner | 3,465 | 2,283 | 5,748 |
| Totals | \$ 124,944 | \$ 82,288 | \$ 207,232 |

Table 3: Reconciliation of 2023 Indirect Cost Recovery

| 2023 Actual Expenses | Total Expenses | Indirect Expenses | Excluded Expenses | Direct Expenses |
|----------------------------------|-----------------------|--------------------------|--------------------------|--|
| Wages (excluding paid leave) | \$689,905 | \$124,944 | \$ - | \$ 564,961 |
| Benefits (including paid leave) | 435,907 | 82,288 | - | 353,619 |
| Subtotal | \$ 1,125,812 | \$ 207,232 | \$ - | \$ 918,580 |
| Communication Services | 30,384 | 12,536 | - | 17,848 |
| Consultants & Contracted Svcs | 140,147 | 18,494 | 48,598 | 73,055 |
| Incentives | 11,159 | - | - | 11,159 |
| Insurance - Property & Liability | 11,236 | 11,236 | - | - |
| Office Equipment & Software | 33,510 | 32,385 | - | 1,125 |
| Pass-Through Funding | 2,000 | - | 2,000 | - |
| Printing | 8,086 | 175 | - | 7,911 |
| Professional Development | 7,886 | 3,606 | 130 | 4,150 |
| Rent | 71,385 | 71,385 | - | - |
| Repair & Maintenance | 558 | 558 | - | - |
| Supplies | 12,499 | 6,477 | - | 6,022 |
| Travel | 18,521 | - | 171 | 18,350 |
| Utilities | 14,660 | 14,660 | - | - |
| Miscellaneous | 1,266 | 916 | 50 | 300 |
| Subtotal | \$ 363,297 | \$ 172,428 | \$ 50,949 | \$ 139,920 |
| Totals | \$1,489,109 | \$ 379,660 | \$ 50,949 | \$ 1,058,500 |
| | | \$379,660 | | Actual year 2023 indirect costs |
| | | (4,834) | | +/- 2022 indirect cost carry-forward |
| | | \$ 374,826 | | Indirect eligible for recovery in 2023 |
| 2023 Rate: 55.90% | | 315,813 | | Indirect cost recovered in 2023 |
| | | \$ 59,013 | | Under/(over) recovery in 2023 carried forward into 2024 rate |

Table 4: Estimated 2024 Indirect Salaries & Benefits

| POSITION | SALARIES | BENEFITS | TOTALS |
|--------------------|-------------------|------------------|-------------------|
| Executive Director | \$ 7,557 | \$ 4,609 | \$ 12,166 |
| Deputy Director | 114,963 | 70,120 | 185,083 |
| Principal Planner | 2,407 | 1,468 | 3,875 |
| Totals | \$ 124,927 | \$ 76,197 | \$ 201,124 |

Table 5: 2024 Estimated Indirect, Excluded & Direct Costs

| 2024 Proposed Expenses | Total Expenses | Indirect | Excluded | Direct |
|----------------------------------|-----------------------|-------------------|------------------|---------------------|
| Wages (excluding paid leave) | \$ 764,247 | \$ 124,927 | \$ - | \$ 639,320 |
| Benefits (including paid leave) | 466,119 | 76,197 | - | 389,922 |
| Subtotals | \$ 1,230,366 | \$ 201,124 | \$ - | \$ 1,029,242 |
| Communication Services | 59,600 | 15,000 | - | 44,600 |
| Consultants & Contracted Svcs | 576,598 | 50,000 | 50,598 | 476,000 |
| Incentives | 18,000 | - | - | 18,000 |
| Insurance - Property & Liability | 12,360 | 12,360 | - | - |
| Office Equipment & Software | 29,560 | 29,560 | - | - |
| Pass-Through Funding | 45,000 | - | 45,000 | - |
| Printing | 36,000 | - | - | 36,000 |
| Professional Development | 8,000 | 8,000 | - | - |
| Rent | 74,967 | 74,967 | - | - |
| Repair & Maintenance | 3,000 | 3,000 | - | - |
| Supplies | 26,700 | 5,000 | - | 21,700 |
| Travel | 12,000 | 10,000 | - | 2,000 |
| Utilities | 16,000 | 16,000 | - | - |
| Miscellaneous | - | - | - | - |
| Subtotals | \$ 917,785 | \$ 223,887 | \$ 95,598 | \$ 598,300 |
| Totals | \$ 2,148,151 | \$ 425,011 | \$ 95,598 | \$ 1,627,542 |

Table 6: 2024 Indirect Cost Rate Calculation

| | | | |
|----------------------------------|-------------------|---------|------------|
| CY 2024 Budgeted Indirect Cost | \$ 425,011 | | |
| CY 2023 Indirect carry-forward | 59,013 | | |
| | <u>\$ 484,024</u> | | |
| | | | |
| CY 2024 Budgeted Direct Salaries | \$ 639,320 | | |
| | | | |
| Total Indirect Cost | 484,024 | | |
| Total Direct Salaries | 639,320 | | |
| | | ----- = | 76% |

Table 7: Reconciliation of 2023 Fringe Benefit Recovery

| 2023 Actual Benefit Expenses | Total | |
|-------------------------------------|--------------|--|
| Holiday Leave | \$ 42,583 | |
| Sick Leave | 21,617 | |
| Vacation Leave | 84,214 | |
| Other Paid Leave | 218 | |
| Subtotal | \$ 148,632 | |
| Dental | 9,584 | |
| Disability | 3,440 | |
| Health Insurance | 120,411 | |
| Life Insurance | 717 | |
| Medicare Tax | 12,910 | |
| Retirement Contributions | 82,700 | |
| Social Security | 52,357 | |
| Vision | 1,967 | |
| Workers Compensation Insurance | 3,189 | |
| Subtotal | \$ 287,275 | |
| Totals | \$ 435,907 | Actual 2023 Fringe Benefit costs incurred |
| | 27,006 | +/- 2022 fringe benefit carry-forward |
| | \$ 462,913 | Fringe benefits eligible for recovery in 2023 |
| 2023 rate: 65.86% | 454,371 | Fringe benefits recovered in 2023 |
| | \$ 8,542 | Under/(over) recovered for 2023 carried forward into 2024 rate |

Table 8: Estimated 2024 Fringe Benefit Costs

| Benefit | Budget Amount |
|---------------------------------|----------------------|
| Holiday Leave | \$ 44,955 |
| Sick Leave | 24,207 |
| Vacation Leave | 65,704 |
| Other Paid Leave | - |
| Subtotal | \$ 134,866 |
| Dental | 13,378 |
| Disability | 3,803 |
| Health Insurance | 152,798 |
| Life Insurance | 810 |
| Medicare Tax | 12,810 |
| Retirement Contributions | 85,685 |
| Social Security | 55,745 |
| Unemployment Tax | - |
| Vision | 2,318 |
| Workers Compensation Insurance | 3,906 |
| Subtotal | \$ 331,253 |
| Total Estimated Fringe Benefits | \$ 466,119 |

Table 9: 2024 Fringe Benefit Rate Calculation

| | | |
|---|---------------------------------------|--------------------|
| CY 2024 Budgeted Fringe Benefits | \$ 466,119 | |
| CY 2023 Fringe Benefit carry-forward | 8,542 | |
| CY 2024 Recoverable Fringe Benefits estimate | <u>\$ 474,661</u> | |
| CY 2024w Budgeted Direct Salaries | \$ 639,320 | |
| CY 2024 Budgeted Indirect Salaries | 124,927 | |
| CY 2024 Budgeted Excluded Salaries | <u>-</u> | |
| Total Salaries & Wages (excluding paid leave) | \$ 764,247 | |
| | | |
| | Total Fringe Benefits | 474,661 |
| | | ----- = 62% |
| | Total Salaries (excluding paid leave) | 764,247 |