



**Washington State  
Department of Transportation**

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July 17, 2020

Becky Erickson, Mayor  
City of Poulsbo  
200 NE Moe St  
Poulsbo, WA 98370

Dear Mayor Erickson:

Re: Title VI Annual Report and NDA

WSDOT approves the City's report ending May 2020. Please post on the city's website. The next annual report is due **August 1, 2021**.

Some comments on this year's report are below.

- Good job on including demographic data and explaining the changes over last few years. Kudos on distribution of I Speak cards and establishing access to language services.
- Kudos on meetings that are live streamed also being recorded for viewing when convenient to public. Does the city collect data to indicate outreach to the protected groups or their attendance at the meetings? Do public notices include the Title VI/ADA clause?

The update to the LAG Manual, including a new Chapter 28, should be online within the next month. Updates include a new annual report and reporting periods. New detailed guidance on language services and environmental justice is included. Watch Local Programs LTAP for the training schedule and registration details. We recommend at least two employees with Title VI responsibilities attend.

WSDOT is committed to providing any assistance you may need with your Title VI Program implementation process. I am here for the communities of the Northwest, Southwest, and Olympic regions. For assistance, please contact me at 206-440-4778 or at [gleueg@wsdot.wa.gov](mailto:gleueg@wsdot.wa.gov).

Sincerely,

/s/Gretchen Gleue  
Title VI Local Agency Compliance Lead  
WSDOT, Office of Equal Opportunity

# ANNUAL UPDATE AND ACCOMPLISHMENT REPORT For agencies under 100,000

City of Poulsbo

(Name of Recipient)

May 31, 2020

(Report Submission Date)

May 1, 2019 to April 30, 2020

(Reporting Period)

Reference: WSDOT's Local Agency Guidelines Manual, Chapter 28

1. Report any changes in the organizational structure since the last reporting period.  
(Example: New Title VI Coordinator, new planning or public works directors, etc).
  - Report should identify the changes in the racial/gender composition of those persons involved in the transportation decision making, including planning and advisory staff.
  - If no changes have been made, please indicate that accordingly.

**No staff or mayor changes. No organizational structure changes. Current NDA dated 5-30-2014 is still valid. Anticipate need to update NDA during next mayoral election cycle in one year.**
2. Using the most current data available (through Census or Washington State Office of Financial Management), describe the demographics within your jurisdiction.

**2010 CENSUS with most recent available 2019 American Community Survey (ACS) estimates – see attached tables:**

**Population:**

**11,168**

**Race:**

**81.9% White, 1.0% African American, 0.3% American Indian or Alaska Native, 0.6% Native Hawaiian and other Pacific Islander, 5.0% Asian, 10.8% Hispanic**

**Limited English Proficiency:**

**(LEP – 2017 ACS 5-year estimates – most recent available for Poulsbo City and Kitsap County - see attached tables):**

**All Households: 1.3% (note reduction from 1.7% in 2016 and 3.8% in 2015)  
1.3% Spanish, 0% Other Indo-European, 0% Asian and Pacific Islander, 0% Other Languages**

**All Citizens in Population: 3.7% (note reduction from 5.3% in 2016 and 6.7% in 2015)  
2.6% Spanish, 0.2% Other Indo-European, 0.5% Asian and Pacific Islander, 0.3% Other Languages**

- a. Describe any required Title VI activities and/or studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits.

**Updated census search for demographics and LEP populations completed with 2019 Title VI report. Also investigated Poulsbo Zip Code area for demographics to see if there are potential concerns near but outside of City Limits as the City of Poulsbo is only about 4 square miles total. None noted. Demographics and LEP for Poulsbo Zip code included as attachment.**

- b. How was the information utilized or Title VI provisions and needs applied in each study or activity?

**As noted – information used to track demographics and demographic trends in both City Limits and City Zip code. Also to investigate whether or not projects may be impacting EJ populations. From an LEP standpoint - our Hispanic population is shrinking slightly and our LEP Spanish population appears to continue to diminish both in households and individual population. There does not appear to be significant changes in this regard in 2020.**

- c. Describe any other Title VI activities this reporting period.

**Consulted Census and related data to determine need for preemptive LEP accommodation. Found that largest percentage of LEP (Spanish, 2.6% down from 3.3% in 2016 data) is not over the 5% threshold requirement. Note no change from 2019 report as more recent LEP data is not available.**

**In the greater Poulsbo Zip code area, which included a population of 28,749 in 2017 (vs 9,439 within Poulsbo City Limits) the largest LEP (Spanish) population is 1.9%.. Note no change from 2019 report as more recent LEP data is not available.**

**However, note that the City does provide Spanish translated notification on all published notifications, meeting agendas, etc as noted below. The City now has ISpeak cards at all service counters with staff attaining training accordingly. Staff has translation services available when needed/requested.**

**The City continues to proactively work to ensure that the City's LEP population is properly served.**

**In this reporting period the City had zero requests for language accommodation.**

3. List any Public outreach activities during the reporting period such as, public announcements and/or communications for meetings, hearings, project notices. Include the following:

**Three times per month City Council Meetings, twice per month Planning Commission Meetings, more than four different Council Committee Meetings per month, and numerous Project Meetings and Public Hearings all noticed for Public involvement.**

**Public notices for meetings and hearings include Title VI/ADA clause and the secondary Spanish notification indicated below.**

**All meetings and hearings are held at Poulsbo City Hall, an accessible facility. Times are chosen to maximize the opportunity for public input as much as possible. City Council committee meetings are held at times between 3:30pm and 5pm, City Council and Planning Commission meetings are held at 7pm. Public outreach meetings are held after work hours to maximize public input – typically 6pm. Development permit related public hearings before the City’s hearing examiner are held during work hours due to availability of City’s contract hearing examiner.**

**All City Council, Council Committee and Planning Commission meetings as well as public hearings are audio recorded and recordings are available to the public. City Council meetings are streamed live online during the meeting, and video recordings are available on the City website following the meeting.**

**In order to comply with Governor Inslee’s Stay Home, Stay Healthy order during the Covid-19 crisis public meetings and hearings have been temporarily changed to virtual meetings compliant with the order and subsequent declarations. Public notification of the meetings includes information on how to attend with call in number and meeting ID or how to give written public input prior to the meeting. Written input will be received via email, letter or accepted in the City drop box. Written input received prior to the meeting is read into the record at the meeting. Citizens may also call the Clerks office and provide oral comment to be transcribed and entered into the record in the public meeting. Starting May 20, 2020 citizen comment will be accommodated during the online meeting as well. To date no special accommodation requests or complaints have been received regarding these virtual meetings.**

- a. How were special language needs assessed? List the special language needs assessments conducted.

**Special language Provided in response to citizen requests. No requests for language services were received in the reporting period.**

What outreach efforts did you utilize to ensure that minority, women, low-income, and LEP population groups were provided equal opportunity to participate in those outreach activities. (Examples: provided materials in other languages, met with local social services agencies, advertised in a minority publication).

**Spanish Statement below included in all published agendas, notifications, etc:**

**“Para solicitar un formato alternativo de la agenda impresa, comuníquese con la oficina del City Clerk al 360.394.9880.”**

**Translated materials available by request.**

**No data has been voluntarily submitted as to possible protected class attendance at public meetings and hearings that do not make accommodation requests. There were no accommodation requests made in this reporting period.**

Annual Update and Accomplishment Report  
Population Under 100,000

- a. List the special language services provided – note the professional language service provided including the name of the service, date provided, number of persons served, and any other relevant information.
- **No translation services were requested in the reporting period.**
  - **No requests for translated forms were received during the reporting period.**
  - **City Website has built in translation capability through Google Translate.**
  - **Ispeak translation cards provided to all City departments.**
  - **Translation service accounts set up for all City departments (as noted in 2019 report – this was previously available to departments through City courts – now all departments have easy access to translation services if requested).**
- b. List any costs incurred for translations and interpreters for each activity.
- **None incurred, no requests for translation received, no requests for interpreters received. No known LEP persons were interacted with in this reporting period.**
4. List all the transportation related contracts (Federal and others) that were executed during the reporting period. (Please include construction, consultant agreements for planning, design, engineering, environmental, research, maintenance, etc.)
- Include dollar value of each
  - Other than advertising in your local legal publication, what outreach was made to DMWBE firms that a contracting opportunity existed within your agency?
  - Identify the DMWBE contracts that were awarded and their dollar amount.
  - Is there a Title VI Non-Discrimination statement included in all contracts and public notices?
  - How did your organization ensure that minority, women, and disadvantaged firms were provided equal opportunity to participate in the contracting arena?.

Consultant/Contract	Project	Amount
Parametrix	Noll Road Improvements - Supplement #8 – design/row	\$177,408.00
Parametrix	Noll Road Improvements - Supplement #9 – design/row	\$58,607.00
Parametrix	Noll Road Improvements - Supplement #10 – design/row	\$0.00
Parametrix	Noll Road Improvements - Supplement #11 – design/row	\$157,811.00
Parametrix	Finn Hill Shared Use Path-Structural Review	\$2,000.00
Parametrix	Transportation System Mitigation Analysis	\$17,000.00
Parametrix	Oslo Apartments TIA Review	\$7,600.00
Parametrix	Forest Rock Lane Survey/Monument Work	\$8,500.00
Parametrix	Finn Hill Shared Use Path – Boardwalk Review	\$3,800.00
Soundwest Engineering	Pavement Preservation 2020 - Design	\$40,890.00

Struck Environmental	Fjord Drive Pedestrian Enhancements	\$4,950.00
Strickland & Sons Excavation (UDBE Project)	Finn Hill Shared Use Path – Construction	\$1,911,639

- **All transportation construction projects are additionally advertised on the Builder’s Exchange of Washington website to ensure maximum opportunity for DMWBE participation. Federally funded projects also advertised on the OMWBE website.**
- **No contracts were awarded to DMWBE prime contractors. The City had one UDBE goal requirement for this time period on the Finn Hill Shared Use Path Project.**
- **2 Subcontractors were identified as DMDBE on construction projects.**
- **WSDOT/FHWA required Title VI contract provisions and forms are included in all transportation contracts.**
- **All construction contracts are managed to WSDOT/FHWA requirements regardless of funding source.**
- **Required Title VI nondiscrimination statement included in all project advertisements, public notices and contracts.**
- **Note that due to impacts of Covid-19 the City’s newspaper of record was changed in April of 2020 from The North Kitsap Herald to the Seattle Times as the Herald has ceased publication during the Crisis.**

5. Summarize any transportation projects that identify potential impacts to minority and/or low-income Environmental Justice (EJ) populations (i.e., impacts such as displacements, increased noise, bisecting neighborhoods, et al). Note the following:

- How impacts were minimized/mitigated.
- Also include a statement, if applicable, on projects that specifically benefit community cohesion such as: adding sidewalks, improving access to properties that improve access for EJ populations.

**No projects had impacts to EJ populations.**

**Possibility for impact to EJ populations was evaluated during the NEPA/SEPA process for all construction projects. No probable negative impacts to an EJ population were identified associated with any project. Additionally, no EJ populations were identified near the project areas. Extended possible project impacts beyond project borders were evaluated for impacts to EJ populations, none found. No projects included possible temporary impacts to EJ populations such as bus stop relocation or detours.**

**The Finn Hill Shared use path project will be improving safety for pedestrians on Finn Hill and will serve pedestrians and schoolchildren walking to Vinland Elementary school. This could potentially benefit EJ populations. However, no EJ populations were identified in or near the project area. This project is currently under construction.**

6. If Right of Way has been acquired for a transportation project, please describe:

**Eleven Right of Way parcels and/or TCE acquisitions were accomplished in the reporting period for the City's Noll Road project. See attachment spreadsheet for acquisitions. The City's WSDOT approved Right of Way procedures were followed, which require the City to retain the services of a WSDOT approved Right of Way agent. All acquisition appraisals were performed by WSDOT approved appraisers under the employ of the City's Right of Way Agent (Universal Field Services). All offer letters were drafted to WSDOT/FHWA requirements by the City's Right of Way Agent. All acquisition negotiations were performed by the City's Right of Way Agent. All acquisitions were in full compliance with WSDOT/FHWA requirements, as well as the requirements of the Uniform Act. Offer letters and acquisitions were reviewed and approved by WSDOT Right of Way services.**

- Identify the number of minority, low-income, elderly and disabled persons affected.

**0 Minority; 0 Low-income; 3 elderly; 1 disabled (data provided by Universal Field Services)**

- The efforts that were made to address Limited English Proficiency issues (including use and cost of translators, outreach efforts for each reported activity).

**None – no individuals interacted with in right-of-way purchases or negotiations indicated Limited English Proficiency Issues.**

- Describe any concerns raised by minorities and women regarding appraisals, negotiations, relocation assistance, and payments. What actions were taken to resolve those issues?

**No Title VI concerns of any kind were raised during right-of-way acquisition.**

7. List and describe any Title VI related complaints, as a result of transportation activities and projects. Include:

**No complaints were received during the reporting period**

- What was the allegation or concern?
- Procedures used
- Action taken
- Resolution

8. List Title VI Training Activities:

- **Two City Staff (Bateman, Zieman) attended LTAP Title VI Training in Shoreline, WA 2/28/19**
- **Three City staff (Bateman, Zieman, Roberts) attended LTAP Civil Rights Program Training in Shoreline, WA 4/24/18**

- **“Understanding and Abiding by Title VI of the Civil Rights Act of 1964” online training course published by the Justice Department (6/20/17) has been incorporated into the City training schedule. Three Engineering Dept. and two City staff members have completed this training (Zieman, Carlson, Bateman, Kingery, Gaines).**

9. List any other Title VI Activities:

- **Activities completed in 2019:**
  - i. Updated City Accessibility request form**
  - ii. Updated City website published Title VI information**
  - iii. Updated City Title VI complaint form**
  - iv. Added Title VI section to City website**
  - v. Published Title VI request and complaint forms on City Website**
  - vi. Published Title VI NDA on City Website**
  - vii. Published annual Title VI reports on City Website**
  - viii. Distributed ISpeak cards to all City Departments**
  - ix. Created accounts and easy access to all City Departments for telephone translation services**
  - x. Performed initial training for City Staff on Title VI and LEP**

10. List Title VI goals for 2021

- **The City’s Title VI goals for 2021 include expanding staff Title VI training to all department staff. Staff with public notification, counter service or phone service duties will be prioritized first.**
- **Complete an audit of all departments to ensure all public notifications and outreach citywide are compliant with Title VI/ADA notification.**
- **Institute citywide voluntary protected class reporting sheets for public meetings citywide**



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

**Assurances**

**DOT Order No. 1050.2A**

The City of Poulsbo (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 programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all the Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Poulsbo, 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, The City of Poulsbo also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the City of Poulsbo access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the City of Poulsbo. You must keep records, reports, and submit the material for review upon request to the City fo Poulsbo 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.

The City of Poulsbo 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-Aid Highway Program. This ASSURANCE is binding on Washington State, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Poulsbo

\_\_\_\_\_  
**(Name of Recipient)**

by   
Rebecca Erickson, Mayor, City of Poulsbo

DATED 6/3/2020

## APPENDIX A

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

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

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

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Poulsbo 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 programs, and the policies and procedures prescribed by the Washington State Department of Transportation of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Poulsbo 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 the City of Poulsbo and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Poulsbo, its successors and assigns.

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

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

## APPENDIX C

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

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

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