



TITLE VI IMPLEMENTATION PLAN

JANUARY 1, 2022 to DECEMBER 31, 2027

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INTRODUCTION

This Title VI Implementation Plan is a part of the City of Walla Walla's continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, City of Walla Walla seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program. Please be advised that this is a living document and is constantly being updated to reflect changes in policy or procedures.

CITY OF WALLA WALLA NON-DISCRIMINATION NOTICE & POLICY

The City of Walla Walla values everyone's civil rights and wishes to provide equal opportunity and equitable service for all of its citizens. As a recipient of federal funds, the City conforms to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the City on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status, or limited English proficiency. The City of Walla Walla further assures every effort will be made to ensure nondiscrimination in all its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the City of Walla Walla to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, City of Walla Walla hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of

or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City of Walla Walla also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the City will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). The City will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

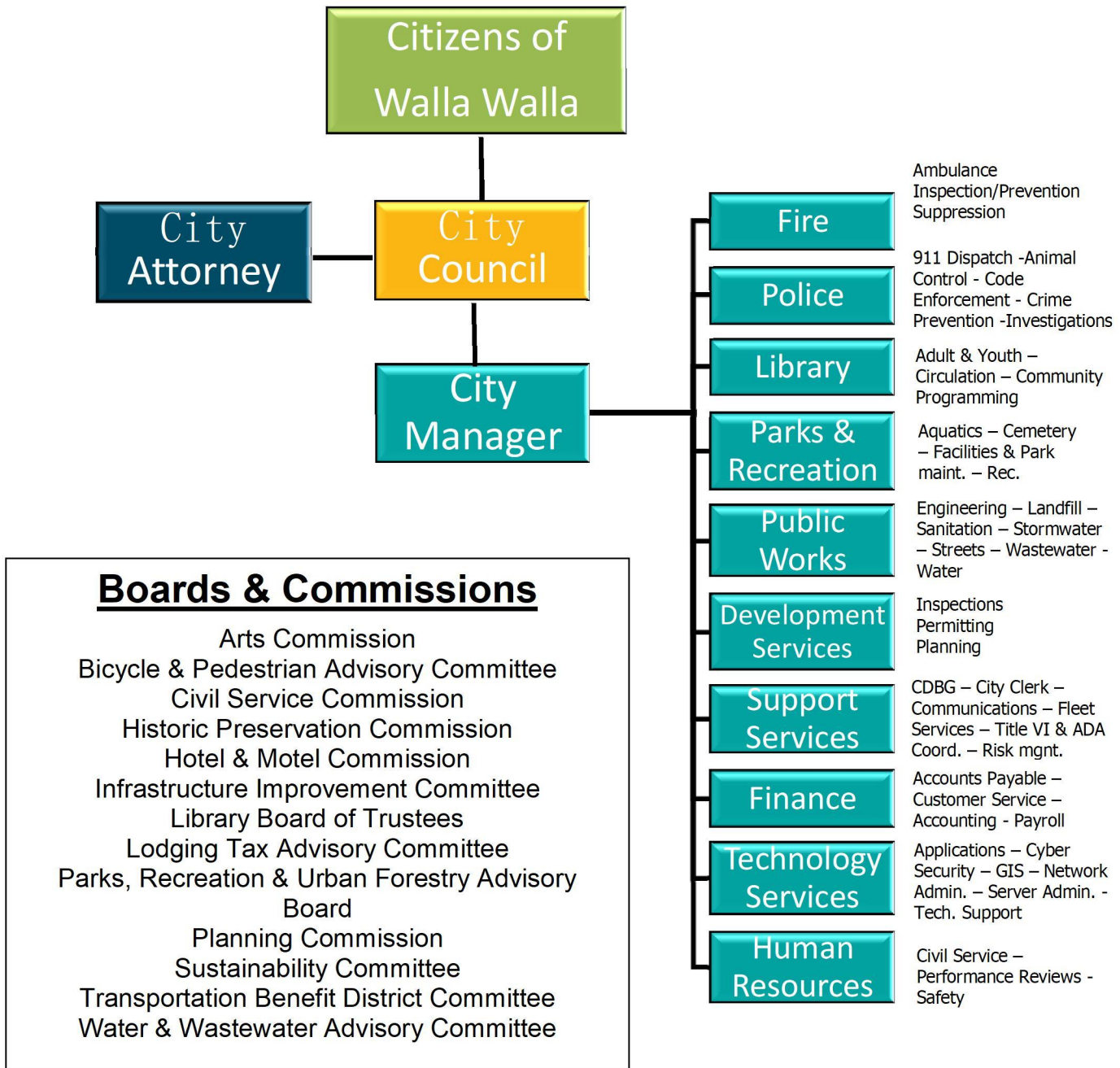
Whenever the City of Walla Walla distributes federal-aid funds to a second-tier subrecipient, Title VI language will be included in all written agreements.

The following individual has been identified as City of Walla Walla's Title VI/ADA Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Deputy City Manager
Title VI Coordinator
15 N. 3rd Ave.
Walla Walla, WA 99362
ada-titlevi@wallawallawa.gov

The City of Walla Walla affirms its commitment to nondiscrimination by publishing its Title VI Implementation Plan and submitting its Assurances of Nondiscrimination and Title VI Annual Report to the Washington State Department of Transportation.

CITY OF WALLA WALLA ORGANIZATION AND STAFFING



CITY OF WALLA WALLA OVERVIEW OF TITLE VI PROGRAM: DATA COLLECTION, ANALYSIS & REPORTING

The type of data collected is dependent on the program area's objective, and as required by the federal government in the Local Agency Guidelines (LAG) manual. The City of Walla Walla collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data are currently being collected by City of Walla Walla:

- Complaints received, logged, processed, and investigated by the Support Services Department
- Title VI Training
- Records of meeting minutes and discussions related to Title VI in all program areas

COMPLAINTS OF DISCRIMINATION

Please refer to Appendix I for a detailed explanation of the City's complaint procedure.

ENVIRONMENTAL JUSTICE

In accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, national origin, or income. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

Executive Order (E.O.) 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations - was issued by President William J. Clinton in 1994.

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The City of Walla Walla is committed to these three environmental justice principles in all work that the City performs. It will use Census data, Environmental Justice maps, and a voluntary

public survey found in Appendix IV at transportation related meetings to inform public outreach and to track participation of affected communities.

LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the City uses to access the LEP populations in the City of Walla Walla.

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the City.
2. The frequency with which LEP individuals encounter the program, activity or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the City and costs.

In addition, the City of Walla Walla has implemented the safe harbor provision whereby it identifies and translates all vital documents into any language when at least 1000 people or 5% or more of the population in the City, whichever is less, both:

- Are non-native English speakers AND
- Primarily speaks another specific language as identified in current census data or other publicly available records.

SUMMARY OF THE FOUR FACTOR ANALYSIS

Factor 1: The number and proportion of LEP persons eligible to be served or likely to be encountered by the City:

The number of LEP persons likely to be served by the City can only be estimated if the actual number of persons needing language assistance from City staff is documented. With this Title VI Plan in early development stages and considered a living document that will likely require regular updates, US Census Bureau information is being used at this time. The total population is provided below to show a general distribution of race and ethnicity in the community. The estimated number of persons that speak English less than "very well" is based on the US Census Bureau 2020 Census.

The U.S. Census Bureau 2020 Census provides statistics for the City of Walla Walla as follows:

Total population = **34,060**

Population by Ethnicity:

Hispanic or Latino = 8,290; Non-Hispanic or Latino = 25,770

Population by Race:

White = 22,237; African American = 742; Asian = 606;

American Indian or Alaska Native = 268; Native Hawaiian and Pacific Islander = 63;

Other = 133.

The US Census Bureau 2019 ACS 5-year estimates under SELECTED SOCIAL CHARACTERISTICS estimates the number of people in the City of Walla Walla who speak a language other than English to be **6,480 (20.9%)**. Within that group, those speaking English less than “very well” is estimated at **8.6%** or approximately **557** individuals who may be considered limited in English proficiency. The margin of error is +/- **1.5%**.

Based on actual contact between City staff and the community there has been frequent contact with LEP persons and fairly regular, albeit informal, requests asking the City to provide language translation or interpretation services. The lack of formal requests does not accurately reflect the need of translation and interpretation services of the LEP population and having Spanish-speaking staff on-hand to assist with interpretation would be beneficial to all City departments.

Factor 2: The frequency with which LEP individuals come into contact with the program, activity or service:

There has been an increase in the number of bilingual staff hired by the City. There is daily contact with LEP individuals who come in to pay their utility bills. However, citywide tracking has not been implemented prior to this LEP Plan. Currently, the City’s Support Services Department is working on developing a process to ensure that all vital printed written materials as well as increased access through video subtitling are available in both English and Spanish and that language access services are disseminated to all employees.

Factor 3: The nature and importance of the program, activity, or service provided by the program:

If at any time an LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the City will provide, upon request, services to assist the LEP population including translation of vital City documents and interpretation services.

Factor 4: The resources available to the City and costs:

In prior experiences with LEP individuals, the City utilized the services of bilingual staff. Since that opportunity is not a consistently available service, the City will be contracting with an on-call translation service that will enable the City to communicate more effectively with LEP individuals regardless of what program, activity, or service they are wanting to access.

- Contract with Language Line Services or equivalent service provider for on-call translation services. The cost for the service starts at approximately \$2.20 per minute.

- Staff will be trained on policies and procedures of the organization’s language assistance activities.
- The City’s website portal will provide opportunities to instantly translate pages as well as links to English and Spanish versions of any vital documents posted.

SUMMARY OF LEP ACCOMMODATION PLAN

- The City of Walla Walla strives to serve its population to the best of its ability and will provide upon request services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City services.
- Staff for the City will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

TITLE VI TRAINING

EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING

At the time of Hire (and regularly to all employees): Title VI policy education and literature will be provided to all City of Walla Walla employees. City of Walla Walla employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as the City deems necessary.

Ongoing Training provided to current employees: Current employees will receive training on a regular basis. Training will consist of using this document to ensure that everyone is familiar with the updated Title VI Implementation Plan. Everyone who takes the training will sign stating that they have read the document.

Employees shall be expected to follow the Title VI policy and the guidelines set forth. In addition, City of Walla Walla employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

PUBLIC INVOLVEMENT

DATA REVIEW

Pursuant to 23 CFR 200.9(b) (4), City of Walla Walla shall review and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

The Title VI Coordinator will also review and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed, and the results of those complaints, any requests for language services, demographic statistics, and department compliance reviews. The Title VI Coordinator will conduct an annual report of this information.

COMMUNITY INVOLVEMENT & OUTREACH

The City of Walla Walla is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs, and activities will provide equitable opportunities for participation.

The City of Walla Walla hosts regular monthly meetings and those meetings are open to the public. Any meetings that are open to the public are published on the City's website. All public meetings are held in locations accessible to individuals with disabilities. Upon request, interpreters can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made a minimum four (4) working days in advance.

Also published on the City's website are various meeting agendas, meeting minutes, notices, events and news. Some departments utilize signage, media, and social media websites as another avenue to communicate with the community.



APPENDIX I

COMPLAINT PROCEDURE

Complaint Procedure

Any person who believes that they, as a member of a protected class, have been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of the City of Walla Walla that the Title VI Coordinator conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that they have been discriminated against may submit a written complaint. The complaint may be communicated to any City supervisor or to the City's Title VI Coordinator. The complaint must be submitted within 180 days of the alleged discrimination or where there has been a continuing course of conduct, the date on which that conduct was discontinued. In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaint forms may be found in Appendix II, at www.wallawallawa.gov or at any City department office. Individuals are not required to use the City's complaint form. If necessary, the City will help an individual reduce their complaint to writing for their signature. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file their complaint using an alternative format.

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

Complaints may be directed to:
DEPUTY CITY MANAGER
TITLE VI COORDINATOR
15 N. 3RD AVE., WALLA WALLA, WA 99362
OFFICE: 509-527-4540
ADA-TITLEVI@WALLAWALLAWA.GOV

Within 10 business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation and advise the complainant of other avenues of redress available, such as WSDOT or USDOT.

Within 60 days, the Title VI Coordinator will investigate the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the City Manager. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the Title VI Coordinator will notify the complainant in writing of the final decision reached, including the disposition of the matter. The notification will advise the complainant of his/her appeal rights with WSDOT or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Coordinator will also provide WSDOT with a copy of this decision and summary of findings upon completion of the investigation.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

If the Complainant is dissatisfied with the outcome of the City's investigation, they may appeal to the Washington State Department of Transportation. Appeals must be made within 180 of receiving notice of the conclusion and outcome of the City's investigation.

Contacts for the different Title VI administrative jurisdictions, which complaints may also be filed with, are as follows:

Washington State Department of Transportation
Office of Equal Opportunity, Title VI Program
PO Box 47314
Olympia, WA 98466
Phone: (360) 705-7098

Washington State Human Rights Commission Agency
711 South Capitol Way, Suite 402
Olympia, WA 98504-2490
Phone: (800) 233-3247
Fax: (360) 586-2282
TTY: 1(800) 300-7525

Federal Highway Administration
Washington Division Office
711 Capitol Way South, Suite 501
Olympia, WA 98501
Phone: (360) 534-9325



APPENDIX II

COMPLAINT FORM



Deputy City Manager / Title VI Coordinator
CITY OF WALLA WALLA
SUPPORT SERVICES DEPARTMENT
15 N. 3rd Ave.
Walla Walla, WA 99362
Telephone number: (509) 527-4540
E-mail address: ada-titlevi@wallawallawa.gov
www.wallawallawa.gov

COMPLAINT FORM

INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the City of Walla Walla. If the complaint is against the City of Walla Walla, the City's Title VI Coordinator will forward it to the appropriate agency for investigation.

You are not required to use this form. You may write a letter with the same information, sign it and return it to the address printed above.

All items in bold must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color or national origin in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration and/or Federal Transit Administration. These prohibitions extend to the City of Walla Walla as a direct recipient of federal financial assistance and to its sub-recipients, consultants, and contractors, whether federally funded or not. The City of Walla Walla's non-discrimination policy also prohibits discrimination based on age, gender, and income status.

The City of Walla Walla is also required to implement measures to ensure that persons with limited English proficiency and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities under Executive Order 13166 and the Americans with Disabilities Act of 1990, as amended.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats, such as computer disk, audiotape or Braille. For TTY customers, dial 711 to reach the Washington Relay Service.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the City of Walla Walla. Additionally, you have a right to seek private counsel.

The City of Walla Walla and its sub-recipients, consultants, and contractors are prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI, ADA, or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address above.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

****Your complaint cannot be processed without your signature.**



APPENDIX III

COMPLAINT LOG



APPENDIX IV

BID SOLICITATION LANGUAGE &

NONDISCRIMINATION STATEMENT FOR PRESS RELEASES

BID SOLICITATION LANGUAGE

The City of Walla Walla, in accordance with 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 in 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.

NONDISCRIMINATION STATEMENT FOR SIGNIFICANT PUBLICATIONS AND COMMUNICATIONS SUCH AS PRESS RELEASES:

The City of Walla Walla complies with Title VI, ADA, and other applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, religion, veteran status, sexual orientation, gender identity, or sex.



APPENDIX V

VITAL DOCUMENT GUIDANCE

VITAL DOCUMENT GUIDANCE (Taken from LEP.GOV FAQs)

It is important to ensure that written materials routinely provided in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity.

A document will be considered vital if it **contains information that is critical for obtaining the federal services and/or benefits, or is required by law**. Vital documents include, for example:

- Applications;
- Consent and complaint forms;
- Notices of rights and disciplinary action;
- Notices advising LEP persons of the availability of free language assistance;
- Written tests that do not assess English language competency, but rather competency for a particular license, job, or skill for which English competency is not required; and
- Letters or notices that require a response from the beneficiary or client.

For instance, if a complaint form is necessary in order to file a claim with an agency, that complaint form would be vital. Non-vital information includes documents that are not critical to access such benefits and services. Advertisements of federal agency tours and City Council meeting minutes that are available for informational purposes would be considered non-vital information.

Vital documents must be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program requires an awareness of the program's existence, we recognize that it would be impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language. Title VI does not require this of recipients of federal financial assistance, and EO 13166 does not require it of federal agencies. Nevertheless, because in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access, it is important for federal agencies to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

For further guidance or questions please contact CDBG Coordinator at 509-524-4496.