



AGENDA

CANBY CITY COUNCIL MEETING

September 5, 2018

7:00 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Tyler Smith

Councilor Sarah Spoon

City Council WORK SESSION - 6:00 PM

Willow Creek Conference Room

222 NE 2nd Avenue, 1st Floor

The City Council will be meeting in a Work Session to discuss a request from Clackamas County to support a tobacco retail license

CITY COUNCIL MEETING – 7:00 PM

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Patriot Day Proclamation
- D. Canby Public Library Day Proclamation

Pg. 1

Pg. 2

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the August 8, 2018 City Council Special Meeting
- B. Approval of Minutes of the August 15, 2018 City Council Work Session and Regular Meeting
- C. Appointment to Traffic Safety Commission

Pg. 3

7. RESOLUTIONS & ORDINANCES

- A. Res. 1297, Adopting Canby Area Transit's 2018 Civil Rights Program Title VI, Limited English Proficiency Plan and Repealing Res. 1200 Pg. 4
- B. Ord. 1492, Authorizing the Mayor and/or City Administrator to Execute an Immediate Opportunity Fund Agreement With the State of Oregon Department of Transportation for the Reconstruction of the Intersection of North Elm Street and OR-99E in an Amount not to Exceed \$137,951.00; and Declaring an Emergency (**2nd Reading**) Pg. 42

8. NEW BUSINESS

- A. Discussion Regarding Clackamas County Vehicle Registration Fee Pg. 57

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

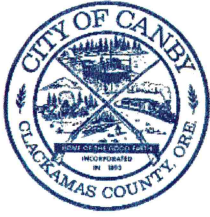
10. CITIZEN INPUT

11. ACTION REVIEW

12. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

13. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

PATRIOT DAY

WHEREAS, the terrorist attack that occurred on September 11, 2001 changed America forever; and

WHEREAS, thousands of innocent lives were lost in these terrible events, but in no way was this tragic day a defeat for our country; and

WHEREAS, we rededicate ourselves to the ideals that define our country and unite us as one, as we commemorate all the heroes who lost their lives saving others; and

WHEREAS, out of this tragedy flowed generosity, hope and unity while citizens nationwide demonstrated extraordinary bravery and compassion; and

WHEREAS, the people of America gained a new appreciation of what it means to be a hero and a patriot by witnessing the unwavering loyalty of our firefighters, police, medical emergency personnel, first responders and individuals who put the safety of their co-workers and friends above their own; and

WHEREAS, we take time to acknowledge those left behind who have worked diligently to honor the memories of all victims.

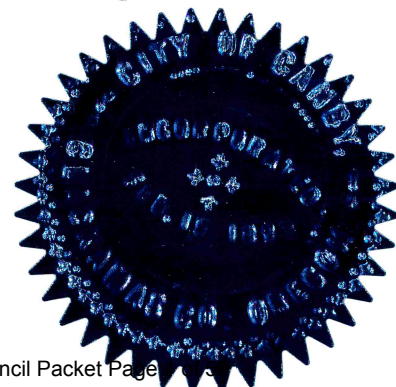
NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, in memory of the heroes whose lives were so tragically lost, and in special recognition of courageous men and women everywhere who selflessly risk their own lives to save others and protect our liberty, do hereby proclaim September 11, 2018 as:

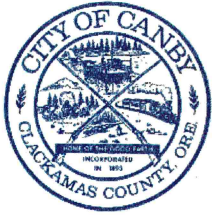
Patriot Day in Canby

and call upon all citizens to observe this day with gratitude and patriotism and to make a personal pledge to honor and cherish the freedom that defines America.

Given unto my hand this 5th day of September 2018.

Brian Hodson
Mayor





Office of the Mayor

Proclamation

CANBY PUBLIC LIBRARY DAY

WHEREAS, the origins of our library reach back to 1937, when three members of the Canby Women's Civic Club went door to door gathering donations and books to start a community library; and

WHEREAS, thanks to their diligent efforts, the Canby Public Library was established in Canby's newly built City Hall on September 16, 1937; and

WHEREAS, since 1937 the library has improved the quality of life in Canby by serving as a center of community life and discourse, offering opportunities for people to enrich their lives through educational, cultural, and artistic experiences; and

WHEREAS, libraries create better citizens and safeguard the future of our community, by enabling individuals to make informed decisions about their self-governance; by promoting unrestricted access to information; by supporting print and technological literacy, lifelong learning, and the free expression of ideas; and

WHEREAS, Over the course of many years, Canby has been well-served by its public library, which continues to make Canby a great place to live and work.

NOW, THEREFORE, I, Mayor Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim September 16, as

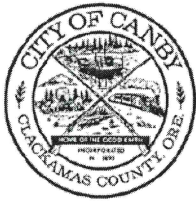
Canby Public Library Day

and encourage all residents to take advantage of the many resources the library offers, and to take part in the many activities being held to commemorate Canby Public Library Day.

Given unto my hand this 5th day of September 2018.

Brian Hodson
Mayor





**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**

Date: 8/6/18 Position Applying For: Traffic Safety Commission
Name: Janet Bailey Occupation: Phone/Internet/Video
Home Address: Canby
Employer: DirectLink (CBS) Position: VP (DirectLink) CCO (CBS)
Daytime Phone: 503.266.0733 Evening Phone:
E-Mail Address:

What are your community interests (committees, organizations, special activities)?
I want to be a part of my community where I can add a perspective (having
lived many places) but also embrace what it unique and special about Canby.

What are your major interests or concerns in the City's programs?
I think we need to understand growth is inevitable and therefore find ways
to evolve our community with those changes that benefit everyone.

Reason for your interest in this position:
Now that I've settled down from a work perspective I want to be a part
of the city that I've grown to love and add value where I can.

Experience and educational background:
I have been in the Customer Service industry with large companies like
Starbucks and Harry & David and also have extensive leadership skills.

List any other City or County positions on which you serve or have served:
N/A

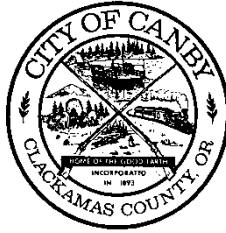
Referred by (if applicable): I saw a discussion about the opening during City Council

Please return to:

*City of Canby - Attn: City Recorder
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013
Phone: 503.266.0733 Fax: 503.266.7961 Email: scheaferk@canbyoregon.gov*

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable
on the City's web page. 5/2017

Date Received: 8.6.2018 Date Appointed: 9.15.2018 Term Expires: 6.30.2020
Date Resigned: Destruction Date:



MEMORANDUM

DATE: AUGUST 23, 2018
TO: BRIAN HODSON AND CANBY CITY COUNCIL
FROM: JULIE WEHLING, TRANSIT DIRECTOR
THROUGH: RICK ROBINSON, CITY ADMINISTRATOR
RE: RESOLUTION 1297 - CANBY AREA TRANSIT'S 2018 CIVIL RIGHTS PROGRAM
TITLE VI, LIMITED ENGLISH PROFICIENCY PLAN

Issue: Canby Area Transit (CAT) is required by the Federal Transit Administration and the Rail and Public Transit Division of ODOT to draft and maintain a written plan for compliance with Title VI of the Civil Rights Act of 1964.

Background: CAT drafted its original Title VI Plan in 2008 and an updated plan was adopted in 2014. All transit operations have are now required to update their Title VI Plans every 3 years according to the FTA Circular.

CAT's 2018 plan has been reviewed by staff and the ODOT Office of Civil Rights. CAT is required to maintain posted public notices regarding its Title VI Non-Discrimination Policy that include how to make a complaint if a person believes they have discriminated against based on race, color or national origin.

The updated 2018 plan, complaint forms and complaint process were presented at a public meeting on August 23, 2018. Prior to the meeting fliers in both English and Spanish announcing the meeting were posted at the Transit Center and the Library and distributed on the buses, at the Canby Center, the Canby Adult Center and at a Bridging Cultures events on August 18th. Notices were sent to stakeholders and a press release was issued and notices were posted in English and Spanish on the website. All in an effort to notify as many people as possible and specifically get the word out to the members of the community who have limited English proficiency.

The meeting materials and notices were provided in both English and Spanish. A Spanish interpreter was available at the public meeting to allow attendees to participate in both English and Spanish.

Recommendation: Staff recommends the adoption of Resolution 1297 which adopts the 2018 CIVIL RIGHTS PROGRAM *TITLE VI, LIMITED ENGLISH PROFICIENCY PLAN*.

Motion: “I move to adopt Resolution 1297, A RESOLUTION ADOPTING THE DOCUMENT ENTITLED 2018 CIVIL RIGHTS PROGRAM *TITLE VI, LIMITED ENGLISH PROFICIENCY PLAN; AND REPEALING RESOLUTION 1200*

Attached: Resolution 1297 and Exhibit “A”



Oregon

Kate Brown, Governor

Department of Transportation

Office of Civil Rights

3930 Fairview Industrial Dr. SE

Salem, Oregon 97302

Phone: (503) 986-4371

Fax: (503) 986-6382

August 17, 2018

Julie Wehling
Transit Director
Canby Area Transit
P.O. Box 930
Canby, OR 97013

RE: 2018 Title VI Plan Completion

Dear Ms. Wehling,

The Oregon Department of Transportation (ODOT) Office of Civil Rights acknowledges receipt of the completed 2018 Canby Area Transit Title VI Plan. ODOT Office of Civil Rights has reviewed your Title VI Plan, as well as other documents, and has determined that your Title VI Plan demonstrates a comprehensive program that contains the necessary components to comply with Title VI provisions of the Civil Rights Act of 1964.

In accordance with 49 CFR 21.9(b), Title VI Plans must be reviewed every three years. Canby Area Transit's Title VI Plan will be due for review again in August 2021. Additionally, Canby Area Transit will need to submit annual reports to the ODOT Office of Civil Rights informing us of any public outreach activities, complaints, lawsuits or major Title VI Plan changes that occurred during the annual reporting period.

Should you have any questions or concerns, feel free to contact me at 503-986-1369 or email carroll.j.cottingham@odot.state.or.us. We look forward to continued collaboration with your organization in the future, as we strive to make Oregon a leader in Title VI awareness and implementation.

Sincerely,

Carroll Cottingham
Intermodal Civil Rights Manager
Office of Civil Rights

RESOLUTION NO. 1297

A RESOLUTION ADOPTING CANBY AREA TRANSIT'S 2018 CIVIL RIGHTS PROGRAM TITLE VI, LIMITED ENGLISH PROFICIENCY PLAN; AND REPEALING RESOLUTION 1200

WHEREAS, Canby Area Transit (CAT) is required by the Federal Transit Administration and by the Oregon Department of Transportation's (ODOT) Rail and Public Transit Division to draft and maintain a Civil Rights Program Title VI, Limited English Proficiency Plan for its public transportation services; and

WHEREAS, the City previously adopted the document Canby Area Transit's 2014 Civil Rights Program Title VI, Limited English Proficiency Plan by Resolution 1200; and

WHEREAS, the City is committed to complying with Title VI of the Civil Rights Act of 1964 which states: "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 subjected to discrimination under any program or activity receiving Federal financial assistance."

NOW, THEREFORE, BE IT RESOLVED by the City of Canby City Council that:

1. The document entitled 2018 Civil Rights Program, Title VI, Limited English Proficiency Plan, attached hereto as Exhibit "A" and by this reference incorporated herein, is adopted by the Canby City Council.
2. Resolution 1200 is hereby repealed.

This resolution shall take effect September 5, 2018.

ADOPTED by the Canby City Council on the 5th day of September 2018.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



2018

Civil Rights Program

Title VI, Limited English Proficiency Plan

Julie Wehling
Transit Director
P.O. Box 930
Canby, OR 97013
Phone: 503-266-4022
Email: wehlingj@canbyoregon.gov



Table of Contents

Introduction.....	3
Signed Policy Statement.....	3
Notification of CAT’s Title VI Obligations	3
Title VI Notice to the Public – English	3
Title VI Notice to the Public – Spanish	5
Title VI Complaint Procedure (English) (Spanish – Appendix B)	6
Title VI Complaint Form (English & Spanish).....	6
Transit-related Title VI Investigations, Complaints and Lawsuits	6
Public Participation Plan	7
Summary of Public Participation Efforts	8
Printed Materials	8
Phone Access	8
Planning and Service Changes	8
Administrative Changes	10
Future Planning Efforts.....	10
Language Assistance Plan (LEP).....	11
LEP Monitoring and Updates	11
Employee LEP Training	12
Minority Representation Table	12
Title VI Equity Analysis	12
Fixed Route Service Standards & Policies	12
Vehicle Load.....	12
Vehicle Headway	12
On-time Performance.....	13
Service Availability	13
Amenities	13
Vehicle Assignment Policy	13
Appendices	14
Appendix A: Policy Statement	15
Appendix B: Title VI Complaint Procedures (Spanish).....	16
Appendix C: Title VI Complaint Form (English).....	17

Appendix D: Title VI Complaint Form (Spanish) 19

Appendix E: 2016 Census Data for City of Canby: 21

Appendix F: CAT Service Area Map 22

Appendix G: Speak Spanish at Home Map 23

Appendix H: Limited English Proficiency Plan (LEP) 24

Appendix I: Limited English Proficiency Contact List..... 32

Appendix J: Census Tract Map..... 33

Introduction

This program reflects the City of Canby's commitment to ensuring that no person shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity provided by the City of Canby or Canby Area Transit (CAT)

Signed Policy Statement

A policy statement signed by the Transit Director assuring Canby Area Transit's compliance with Title VI of the Civil Rights Act of 1964 can be found as *Appendix A*.

Notification of CAT's Title VI Obligations

Canby Area Transit publicizes its Title VI program by posting the following notices in English and Spanish on the CAT website, in customer brochures, on all buses, and at the following City owned facilities in Canby:

- Canby Area Transit (CAT) offices, 195 S Hazel Dell Way Suite C; *on the wall near the front desk*
- Canby Area Transit (CAT) Transit Center, 100 NE 1st Avenue; *in the information kiosk*
- Canby Civic Offices, Council Chambers, 222 NE 2nd Avenue (1st Floor); *in the Council Chamber room on the back wall*

Title VI Notice to the Public – English

PUBLIC NOTICE Title VI Non-Discrimination Policy

Canby Area Transit respects civil rights

The City of Canby and Canby Area Transit (CAT) operate equal opportunity programs without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act, ORS Chapter 659A or other applicable law. For more information contact the Transit Director at 503 266-4022, Oregon Relay Service 800 735-2900 or email cat@canbyoregon.gov.

Canby Area Transit's Title VI Policy Statement

Title VI of the Civil Rights Act of 1964 states:

"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 subjected to discrimination under any program or activity receiving federal financial assistance." Canby Area Transit is committed to complying with the requirements of Title VI in all of its programs and activities.

Making a Title VI Complaint

Any person who believes that they have been aggrieved by an unlawful discrimination practice under Title VI may file a complaint with the Canby Area Transit a department of the City of Canby. Such complaints must be made in writing and filed with the City of Canby within 180 days following the date of the alleged discrimination occurrence. For information on how to file a complaint, contact CAT by any of the methods provided below: Complaint forms may be downloaded from our website at www.canbyareatransit.org

Mail:

Canby Area Transit (CAT)
Transit Director
PO BOX 930
195 S Hazel Dell Way, Suite C
Canby, OR 97013

Phone: 503-266-0751

Oregon Relay Service 800 735-2900

FAX: 503-263-6284

Email: cat@canbyoregon.gov

A complainant may also file a complaint directly with the Federal Transit Administration: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building 5th Floor, TCR, 1200 New Jersey Ave., SE, Washington, DC 20590; or Oregon Department of Transportation, Office of Civil Rights – MS 23, 3930 Fairview Industrial Drive SE, Salem, OR 97302

If information is needed in another language please contact us at 503-266-0751.

Title VI Notice to the Public – Spanish

Aviso Público Título VI Política de No Discriminación

El Área de Tránsito de Canby respeta los derechos civiles

De acuerdo con el Título VI de la Ley de Derechos Civiles, con ORS Capítulo 659A o con otras leyes aplicables. El Transporte del Área de Canby (CAT) opera programas ofreciendo igualdad en la oportunidad sin considerar la raza, el color, el origen nacional, la religión, la edad, el estado social, la preferencia sexual, o cualquier discapacidad. Para más información contacte al Director del Transporte del Área de Canby al 503 266-4022, al Servicio de Retransmisión de Oregon al 800 735-2900 o email a cat@canbyoregon.gov.

Declaración de la Política del Título VI del Transporte del Área de Canby

El Título VI de la Ley de Derechos Civiles de 1964 establece:

“Ninguna persona en los Estados Unidos, por motivos de raza, color, o nacionalidad de origen, será excluida de participar en, de recibir beneficios, o de ser sujeta a discriminación dentro de cualquier programa o actividad que reciba ayuda financiera Federal. El Transporte del Área de Canby está comprometido a cumplir con los requisitos del Título VI en todos sus programas y actividades.

Cómo hacer una Queja bajo el Título VI

Toda persona que crea que ha sido agredida por una práctica discriminatoria ilegal según el Título VI puede presentar una queja ante el Transporte del Área de Canby, un departamento de la Ciudad de Canby. Tales quejas deben hacerse por escrito, presentarse ante la Ciudad de Canby dentro de los 180 días siguientes a la fecha del alegado acto discriminatorio. Para información sobre cómo presentar una queja, contacte a CAT mediante cualquiera de los medios provistos debajo. Las formas para realizar una queja deberán ser descargados de la página web www.canbyareatransit.org

Correo:

Transporte del Área de Canby (CAT)
Director de Tránsito
PO BOX 930
195 S Hazel Dell Way, Suite C
Canby, OR 97013

Teléfono: 503 266-0751

Servicio de Retransmisión de Oregon 800 735-2900

FAX: 503 263-6284

Correo Electrónico: cat@canbyorego.gov

El demandante también puede presentar una queja directamente a la oficina de Administración Federal de tránsito: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building 5th Floor, TCR, 1200 New Jersey Ave., SE, Washington, DC, 20590; o Oregon Department of Transportation, Office of Civil Rights – MS 23, 3930 Fairview Industrial Drive SE, Salem, OR 97302

Si se necesita información en otro idioma contáctenos al (503) 266.0751

Title VI Complaint Procedure (English) (Spanish – Appendix B)

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the City of Canby- Canby Area Transit may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form which can be accessed as indicated in the notice above. Our process for addressing a civil rights complaint is as follows:

- Once the complaint is received, CAT will review it to determine if the City has jurisdiction. The complaint will be logged and the complainant will receive an acknowledgement letter within 14 days informing her/him whether the complaint will be investigated by our office.
- Any complaint CAT receives that deals with federal civil rights issues will be reviewed by the Transit Director and forwarded to the City Administrator, Risk Manager, and City Attorney.
- Once the City logs the complaint CAT has 60 days to resolve the issue, not including the appeal process.
- An investigation will be conducted which will include the basis of the alleged complaint; when and where the incident occurred; and, as necessary, the identification and interview of involved parties, the review and pertinent documents and other factual information from appropriate sources.
- In the case of federal civil rights issues, all information and discussions relating to the investigation are maintained and retained in an investigation file. Information will be kept as confidential as possible.
- Based upon conclusion of a thorough investigation the City of Canby - CAT will follow up with the complainant. This follow up will include one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and summarizes the findings and suggests appropriate action along with proposed resolution.
- If the complainant wishes to appeal the decision, he/she has 14 days after the date of the letter or the LOF to submit in writing a request for an appeal to the Transit Director for review by the Transit Advisory Committee (TAC). The complainant may have an opportunity to be heard in person at a TAC meeting. Following the TAC review and recommendation the City Council will make a final decision.

Title VI Complaint Form (English & Spanish)

Refer to Appendix C and D

Transit-related Title VI Investigations, Complaints and Lawsuits

The City of Canby maintains an active log of all civil rights complaints. A copy of the current log is available upon request by submitting a public records request. A public records request is available on the City website at the following link; [City of Canby Public Records Request](#). CAT has no Title VI complaints, investigations, or lawsuits filed against it.

Public Participation Plan

The City of Canby - CAT's public involvement strategy offers continuous opportunities for the public to be involved in proposed transportation decisions, such as service design changes, new services, fare changes, and changes of service policy. The primary mechanism for the public to participate is to attend the monthly Transportation Advisory Committee (TAC) meetings or City of Canby City Council meetings. Agendas for all of these meetings are posted on the City website. Transit related public hearings and special meetings are also posted via press release to FlashAlert Newswire & Messenger and published in the local paper. All meetings have a public comment period on the agenda. The meetings are open public meetings and held in locations that are wheelchair accessible. Interpretation or translation is provided as appropriate or is always available upon request.

All City of Canby public meetings offer translation services and information in alternate formats and minutes from the meeting are available in English and other languages upon request. Since the fall of 2017 the TAC meeting agendas are provided in English and Spanish. The TAC meeting is held at least 6 times a year on the fourth Thursday of January, March, May and September and the third Thursday of November at 6:00 pm in the Canby City Council Chambers, 222 NE 2nd Avenue (1st Floor), Canby, Oregon. The City Council meetings are held monthly on the first and third Wednesdays at 222 NE 2nd Avenue (1st Floor), Canby, Oregon. City Council meetings are also broadcast live over the local cable television station.

CAT meets the goals outlined in the Oregon Department of Transportation Public Transit State Management Plan for public involvement. CAT seeks out and considers the viewpoints of minority, low-income and LEP populations in the course of conducting public outreach and involvement activities (refer to LEP plan attached). CAT provides private sector providers with a reasonable opportunity to comment on plans, programs, and to be included in coordinated plans. The following is a general description of CAT processes, which vary depending on the subject, purpose and scope of the program, policy or decision.

- a. Rider and general public surveys
- b. Open public meetings (TAC, City Council, Planning Commission)
- c. Technical work groups
- d. Website information
- e. Solicitation of comments
- f. Involve customers and potential customers in development of plans, policies, service changes, and funding decisions. CAT conducts broad outreach during planning processes such as Transit Master Plan, Title VI Plan or ADA plan updates or major service changes and riders, general public and stakeholders are notified and invited to participate and comment.
- g. Make plans available in alternate formats, Spanish, and other languages as necessary and hold public hearing (s) with adequate notice of the hearing, including advertisement in local paper, on website, and to special interest circulation.
- h. Develop contacts and mailing lists for LEP and ADA customers and transit stakeholders.

Summary of Public Participation Efforts

CAT complies with grant-related public involvement requirements as defined by grant application documents. The following is a summary of CAT's public participation efforts since the 2014 update of the Title VI Plan.

Printed Materials

CAT has translated service information on CAT's website and published materials into Spanish. General information about CAT services is posted on CAT's website in English and Spanish and translations to other languages are available upon request. Fixed route schedules and Dial-A-Ride service information are printed and distributed in English and Spanish. Outreach materials, surveys, flyers, press releases and meeting notices for major service changes are available in English and Spanish.

Phone Access

CAT's phone system includes a Spanish option on the CAT recorded messages. CAT contracts for translation or interpretation services over the phone through Certified Languages International. Dispatchers are able to connect non-English speaking customers to a translator to respond to questions about CAT services.

Planning and Service Changes

Since 2007 CAT has conducted targeted outreach to the Limited English Proficiency populations in Canby. Outreach efforts of any kind are conducted in both English and Spanish. CAT maintains contracts for translation or interpretation services as follows: over the phone interpretation primarily through Certified Languages; written translation primarily through International Passport to Languages; in-person simultaneous Interpretation through IRCO Interpretation Services, and MultiCultural Collaborative (MCC) whenever needed. The following lists the outreach efforts conducted since the last Title VI update:

Title VI Plan Update

To bring the list up to date, we have included the outreach effort for the Title VI Plan that was adopted on October 15, 2014. This outreach effort established a new level of outreach to Spanish speaking riders and residents of Canby and set the bar for us. In addition to contacting stakeholder groups, the faith community, service organizations, riders, social service agencies, non-profits, the public, and others on our Limited English Proficiency Community Contact List we held a public hearing and informational meeting regarding the Title VI Plan on September 23, 2014 and presented the meeting in both English and Spanish. At the public hearing we had 16 individuals in addition to the Transit Advisory Committee in attendance. Nine people made public comment. Seven of those people were Spanish speakers utilizing the interpreter. In the 2014 Title VI Plan outreach process we learned a lot about how the Spanish speaking community wants to be contacted. One of the most productive methods for getting information to the Spanish speakers in Canby is to attend events held by the non-profit Bridging Cultures. These events are well attended and provide a good face to face opportunity to meet people who speak Spanish. We also attended

English as a Second Language (ESL) classes conducted at the library, sent bilingual fliers to the Canby schools for distribution, posted bilingual information on the buses and at the transit center, posted information on social media (Facebook), conducted a survey and worked with the Spanish Librarian at the Canby Library who assisted with the outreach. This outreach effort resulted in the highest Spanish speaker participation in CAT's history (up to that time). We received 210 English surveys and 46 Spanish surveys during this effort.

ADA Plan Update

On January 6, 2016 the Canby City Council approved the 2016 version of the CAT ADA Plan – Americans with Disabilities (ADA) Plan at a public meeting with opportunity for public comment. The ADA Plan was also on the Transit Advisory Committee agenda with opportunity for public comment. The update was to small details like address, phone number and email updates and format changes. A more extensive outreach for the ADA Plan was conducted in 2014 when there were substantive changes to the plan. The outreach for this update was conducted in both English and Spanish which included the usual outreach methods including: a FlashAlert Newswire press release, website posting, social media posting, local newspaper postings and a presentation with opportunity for public comment at a Transit Advisory Committee and a Canby City Council meeting.

Transit Master Plan Update and Recommended Service Changes

In September of 2016, CAT began a planning process that would last more than a year. Jarrett Walker + Associates (JWA) was selected as the planning consultant for the project. The scope of work included targeted outreach to, and involvement of, Spanish speakers in the planning effort. To accomplish this JWA included MultiCultural Collaborative (MCC) consultants in their proposal to address the Spanish speaker outreach effort.

In November of 2016, JWA and MCC consultants attended the Bridging Cultures Thanksgiving dinner event to meet and greet Spanish speakers and distributed a questionnaire which was used to compile a list of interested Spanish speaking contacts. ESL classes were also attended. The full arsenal of stakeholders were contacted, encouraged to participate and share the information with their contacts. Bilingual web-links were established to communicate the planning process meeting dates, a link to the survey and other pertinent details. An email address, phone numbers for texting and voice contact were offered to both English and Spanish speakers as options for sending and receiving information.

Ultimately, a group of 36 stakeholders spent four hours in a bilingual training and workshop. In a poll at the end of the workshop, 11 of them said they believed the City should prioritize investments in a new local circulator, whereas 17 said more frequency on Route 99 should be the top priority. This workshop was conducted with simultaneous Spanish interpretation. Food and childcare were provided. We also offered a \$20 stipend to those who attended.

Also, 175 people took a bilingual survey, in print or online. Of these people, 63 preferred a local circulator, and 100 preferred more service on Route 99. The most common free-form comment in the surveys was a request for weekend service.

The Transit Advisory Committee recommended unanimously to City Council that a phased improvement plan be adopted, in which the first step would be increased service on Route 99. The full plan (in English) and a summary document are available online at www.canbyareatransit.org under the Plans & Policies links. The new service on Route 99 was added in April of 2018. At the same time the route name was changed to the Route 99X. Outreach for the service changes happened directly following the Transit Master Plan process and included outreach to all stakeholders through the process that is becoming familiar to both English and Spanish speakers in our community.

Transit Master Plan - Project List Priorities

HB2017 established the Statewide Transit Improvement Fund (STIF) which had not been anticipated during the CAT Transit Master Plan process. The CAT Transit Master Plan was drafted with a neutral funding forecast. Although there are projects identified as next steps under Phase 2 of the plan these projects were not prioritized in the Plan. So order to compile an eligible list of projects to be included in the TriMet STIF Plan; CAT conducted another outreach effort in June and July of 2018. The short timeline to accomplish this had some impact because schools were out for the summer. Otherwise, we were able to contact the stakeholder groups. This effort kicked off with a Bridging Cultures event on June 23, 2018. Bilingual fliers about the upcoming public hearings and survey were distributed along with paper copies of the survey and the press release (also bilingual). The four question survey was also distributed in paper format as well as online between June 20th and July 20th (in English and Spanish). Public hearings were held on June 28th and also on July 19th. Ultimately we received 210 English responses and 30 Spanish responses. All respondents preferred Saturday service over a local circulator by 74% (DAR and Fixed); English speakers preferred Saturday by 72% and Spanish speakers by 95%.

Administrative Changes

Since the last update to this plan, CAT modified the resolution establishing the Transit Advisory Committee (TAC). This modification made several corrections and clarifications but the substantive change was to the number of times annually that the committee is required to meet. The new requirement is “at least six (6) times per year”. This was recommended by the Transit Advisory Committee at their meeting on November 17, 2016 and approved by the City Council on January 4, 2017. Both actions happened during public meetings with opportunity for public comment and advance notice by agenda postings on the CAT and City of Canby website. During discussions of the TAC it was suggested that recruitment of LEP population individuals to the TAC might be improved by reducing the number of meetings TAC members are required to attend and adjusting the time of the meetings. This action changed the number of meetings requirement by reducing it from 12 times per year to 6 times and in 2018 the meeting time was adjusted by 30 minutes from 5:30 pm to 6:00 pm.

Future Planning Efforts

In addition to the outreach effort for the update of this Title VI Plan we will update our ADA Plan and adopt a new Facilities plan in early December of 2018. Also, in late 2018 or early 2019 CAT will conduct and outreach effort to determine the details of the new Saturday service that has been

prioritized to begin in July of 2019. Prior to 2021, CAT will need to conduct another focused planning effort in order to identify the need for service improvements as well as facility and capital project improvements. Since the adoption of the 2014 Title VI Plan CAT has learned a lot about reaching and involving the LEP riders and residents of our community.

Over the past year CAT has incorporated simultaneous Spanish interpretation at its public hearing meetings and offered it upon request. During our Transit Master Plan process we also found that the preferred mechanism for contacting our Spanish speaking stakeholders, community members and riders is via text message. We are working on a method to facilitate the need for Spanish texting and also meet our public records requirements.

Language Assistance Plan (LEP)

According to the US Census Bureau and the *2012-16 American Community Survey 5-year Estimates* the population of Canby is ¹approximately 20.1 percent Hispanic or Latino. In the City of Canby, all other races and ethnicities comprise less than 3 percent of the total population. The *American Community Survey* also estimates that 16.7 percent of Canby residents speak Spanish at home.

CAT's services are important to all populations served. Services help all riders, including Hispanic and Latino individuals access a wide range of services in the community. Although it is unknown whether non-English speakers use CAT's services more or less frequently than all riders as a whole, CAT has determined that Spanish language translation services are needed because of the high number of Hispanic and Latino individuals living in the community. CAT's Language Assistance Services include:

- Translation of written materials: All service information on the CAT website and in published materials is translated into Spanish.
- Ad hoc language translation services: Ad hoc language translation and interpretation services are available for Spanish and other languages as needed for individuals who call the office. CAT contracts with translation services that offer written translation and verbal interpretation for Spanish and other languages as requested or as appropriate.

LEP Monitoring and Updates

CAT monitors the linguistic needs of its riders both formally and informally. Formally, CAT reviews available census data during each update of its Title VI Plan to determine whether adjustments to this LEP plan are required. CAT also maintains communication with the Canby School District to monitor demographic trends at a micro level. These data sources, combined with informal reports from the community help CAT maintain a current understanding of local linguistic patterns. Changes to the LEP plan are determined by the TAC and ultimately approved by the Canby City Council.

¹ See Appendix E, F, G, and H for additional details.

Employee LEP Training

CAT trains employees to provide limited language assistance services to LEP persons. Staff and contractors are trained how to access an interpreter on the phone through Certified Languages International for phone calls; and for instances when non-English speakers visit the office. Staff are trained how to use a visual aide with the words “what language do you speak” written in 23 different languages to identify what language the individual needs interpreted.

Minority Representation Table

	Caucasian	Latino	African American	Asian American	Native American
Service Area Population	74.8%	20.1%	.1%	2.2%	.2%
City Council	100%	0%	0%	0%	0%
TAC Committee	100%	0%	0%	0%	0%

Title VI Equity Analysis

CAT is aware of Title VI requirements to conduct equity analyses for all facility construction projects. CAT will follow requirements under the National Environmental Policy Act and other overarching planning processes to guide equitable consideration of facility sites and impacts.

Fixed Route Service Standards & Policies

Vehicle Load

The average of all loads during the peak operating period does not exceed vehicles’ achievable capacities. CAT owns 3 35’ coaches (seating capacity 33-35), 9 minibuses 21’ – 26’ (seating capacity 14-21), 1 minivan (seating capacity 3).

Vehicle Headway

CAT’s Route 99X commuter service operates Monday through Friday along 99E between Oregon City and Woodburn (via Canby). Service operates with 60 minute headways between Oregon City and Woodburn from 5:25 am to 6:25 pm. The service operates with approximately 30 minute headways between Canby and Oregon City during the commute peak. The route provides at least hourly service between Canby and Oregon City from 9:00 am to 3:00 pm and from 7:00 pm to 10:00 pm. The only fixed-route service at this time is along Highway 99E within the City of Canby. CAT offers a General Public Dial-A-Ride service to all individuals traveling within the Canby Urban Growth Boundary between 8 am to 6 pm Monday through Friday. For customers who qualify, CAT also provides Paratransit services within Canby and a premium service which operates from 6 am to 8 pm Monday to Friday. Scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the Regional Transportation Plan, relationship to major transportation developments, land use connectivity, and transportation demand management.

On-time Performance

CAT's 2017-18 on-time performance for the Route 99X commuter route was 99.91 % and 91.8% for Dial-A-Ride service.

Service Availability

CAT operates transit services in a slightly enlarged Canby Urban Growth Boundary. The service area is approximately 51.7 square miles. Countywide there are approximately 200 persons per square mile. The CAT service area has an estimated population of 18,712. The general public Dial-A-Ride is available to 100% of the residents living within the service area. (*Appendix F*). The commuter fixed-route service travels on Highway 99 from Woodburn to Oregon City and is available within 1 mile of 63% of residents within the CAT service area. CAT makes connections with TriMet in Oregon City and Woodburn Transit in Woodburn.

Amenities

There is one transit center within the City of Canby. CAT owns and operates the transit center located at 100 NE 1st Street which includes a driver break-room and public restroom, clock gazebo, 2 bus shelters, information kiosk and 7 reserved park and ride parking spaces. There are 38 bus stop signs installed along CAT's Route 99X.

Vehicle Assignment Policy

Vehicles are assigned based on the type of service being provided and operating characteristics of the route or demand response service. There are 3 35' coaches in the fleet that are assigned only to the Route 99X service. There are also 2 small cutaway buses with hydraulic wheelchair lifts and one minivan that are only assigned to the demand responsive service. The fleet also includes 7 cutaways that are assigned to both the Route 99X and demand response depending on availability. CAT is able to operate with a smaller fleet by occasionally using cutaway buses on the fixed route. There is currently one driver schedule that operates as demand response for a portion of the shift and fixed route for a portion of the shift. Blending the fleet allows us more flexibility and requires fewer back up vehicles for the fixed route service.

Appendices

Appendix A:	Policy Statement
Appendix B:	Title VI Complaint Procedures (Spanish)
Appendix C:	Title VI Complaint Form (English)
Appendix D:	Spanish Title VI Complaint Form (Spanish)
Appendix E:	2016 Census Data for City of Canby
Appendix F:	CAT Service Area Map
Appendix G:	Speak Spanish at Home Map
Appendix H:	Limited English Proficiency Plan (LEP)
Appendix I:	Limited English Proficiency Community Contact List
Appendix J:	Census Tract Map

Appendix A: Policy Statement



City of Canby

PO Box 930 Phone: 503.266.4021
222 NE 2nd Ave Fax: 503.266.7961
Canby, OR 97013 www.canbyoregon.gov

Canby Area Transit Title VI Non-Discrimination Policy Statement

July 27, 2018

Title VI of the Civil Rights Act of 1964 states:

"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 subjected to discrimination under any program or activity receiving Federal financial assistance."

Canby Area Transit is committed to complying with the requirements of Title VI in all of its programs and activities.

Julie Wehling
Transit Director

Appendix B: Title VI Complaint Procedures (Spanish)

Titulo VI Procedimiento para Presentar Reclamos (Español)

Toda persona que cree que ha sido discriminada por su raza, color, u origen nacional, por el Área de Transito de la Ciudad de Canby, puede presentar un reclamo Titulo VI, al completar y entregar el Formulario de Reclamo Titulo VI, que se puede obtener como indicado arriba. El procedimiento que nosotros seguimos para recibir un reclamo sobre los derechos civiles, es el siguiente:

- Una vez que se haya recibido el reclamo, CAT lo revisará para determinar si la Ciudad tiene jurisdicción. Se tomará nota de la recepción y el reclamante recibirá una carta aviso dentro de los 14 días, informándole si se procederá a investigación.
- Todo reclamo que reciba CAT que tiene que ver con asuntos de derechos civiles a nivel federal, será revisto por el Director de Tránsito, y enviado al Administrador de la Ciudad, el Encargado de Riesgos y al Fiscal de la Ciudad.
- Una vez que la Ciudad tome nota del reclamo, CAT tiene un plazo de 60 días para resolver el asunto, sin incluir el proceso de apelación.
- Se llevará una investigación que incluirá el fundamento del supuesto reclamo; cuándo y dónde ocurrió el incidente; y, si es necesario, la identificación y entrevista de las partes involucradas, la revisión de documentación pertinente, y de otra información fáctica de fuentes apropiadas.
- En casos de derechos civiles a nivel federal, toda información y conversación es respetada, y los documentos relacionados con la investigación serán guardadas en un archivo confidencial
- Al concluir una exhaustiva investigación por parte de la Ciudad de Canby, CAT se pondrá en contacto con el reclamante. Este contacto incluirá una de dos cartas al reclamante: una carta de cierre del caso, o una carta de resumen de lo determinado. Una carta de cierre del caso resume las alegaciones y explica que no se encontró una violación al Título VI, y que por ende el caso se considera cerrado. Una carta de prueba, resume las alegaciones y también las entrevistas del supuesto incidente, y resume la prueba, sugiriendo una acción apropiada a seguir, además de una resolución del caso.
- Si el reclamante desea apelar la decisión, él o ella tiene un plazo de 14 días después de la fecha de la carta cierre o la carta resumen, para presentar por escrito un pedido de apelación al Director de Tránsito, para ser revista por el Comité de Consejos del Tránsito (TAC). El reclamante tendrá oportunidad de ser atendido y oído en persona en una junta del TAC. Después de la revisión y recomendación por parte del TAC, el Consejo de la Ciudad tomará la decisión final.

Appendix C: Title VI Complaint Form (English)

Title VI Complaint Form (English)

6-13-2018

Section I			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
E-Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TTY		Other
Section II			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III			
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Religion <input type="checkbox"/> Age <input type="checkbox"/> Marital Status <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Disability			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all person(s) who were involved, including the name and contact information of the person(s) who discriminated against you (if known). List name(s) and contact information of any witnesses. If more space is needed, please use the back of this form.			
Section IV			
Have you previously filed a Civil Rights complaint with this agency?		Yes	No
Have you previously filed a Title VI complaint with this agency?		Yes	No
Section V			
Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply and enter name of agency or court:			

<input type="checkbox"/> Federal Agency: _____ <input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____ <input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency or court where the complaint was filed.
Name: _____
Title: _____
Agency: _____
Address: _____
Telephone: _____
Section VI
Name of agency complaint is against: _____
Contact person: _____
Title: _____
Telephone: _____

Please attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Mail:
City of Canby
Transit Director
PO BOX 930
195 S Hazel Dell Way, Suite C
Canby, Oregon 97013

Phone:
503-266-0751
Oregon Relay Service 800 735-2900

Fax: 503-263-6284
Email: cat@canbyoregon.gov

Appendix D: Title VI Complaint Form (Spanish)

Title VI Complaint Form (Spanish)

City of Canby, Canby Area Transit - Titulo VI Forma de Queja

Sección I				
Nombre:				
Dirección:				
Teléfono (Casa):			Teléfono (Trabajo):	
Correo Electrónico:				
Formatos accesibles en:	Letra Grande		Cinta de audio	
	TTY		Otro	
Sección II				
¿Está usted presentando esta queja en su propio nombre?			Sí *	No
* Si usted contestó "sí" a esta pregunta, pase a la sección III.				
Si no es así, por favor proporcione el nombre y la relación de la persona por la que usted se queja:				
Por favor, confirme que ha obtenido el permiso de la parte agraviada si usted está presentando en nombre de un tercero.				
Por favor, explique por qué usted está presentado la queja por un tercero:			Sí	No
Sección III				
Creo que la discriminación que experimenté fue basada en (marque todo lo que corresponda): <input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional				
Fecha de la discriminación alegada (Mes, Día, Año): _____				
Explique lo más claramente posible lo que pasó y por qué cree que fue discriminado.				
Describa a la persona (s) que participaron, incluyendo el nombre y la información de contacto de la persona (s) que lo discriminó (si se tiene). Liste el nombre e información de contacto de cualquier testigo. Si se necesita más espacio, adjunte páginas adicionales..				
Sección IV				
¿Ha presentado anteriormente una queja de Derechos Civiles con esta agencia?			Sí	No
¿Ha presentado anteriormente una queja del Título VI con esta agencia?			Sí	No
Sección V				
¿Ha presentado esta queja en cualquier otra agencia federal, estatal o local, o con cualquier corte federal o estatal? <input type="checkbox"/> Sí <input type="checkbox"/> No				

En caso afirmativo, marque todo lo que corresponda y escriba el nombre de la agencia o de la corte:	
<input type="checkbox"/> Agenda Federal _____	<input type="checkbox"/> Corte Federal _____
<input type="checkbox"/> Agenda Estatal _____	<input type="checkbox"/> Corte Estatal _____ <input type="checkbox"/> Agencia Local _____
Sírvanse proporcionar información acerca de la persona de contacto en la agencia o tribunal donde se presentó la queja.	
Nombre:	
Título:	
Agencia:	
Dirección:	
Teléfono:	
Sección VI	
Nombre de la agencia de la cual la queja es en contra:	
Persona de contacto:	
Título:	
Teléfono:	

Por favor adjunte cualquier material escrito o cualquier otra información que usted piensa que es relevante para su queja.

Firma y fecha abajo requieren.

_____	_____
Firma	Fecha

Por favor, envíe este formulario por fax, correo o correo electrónico:

Correo:
City of Canby
Transit Director
PO BOX 930
195 S Hazel Dell Way
Canby, Oregon 97013

Teléfono:
503-266-0751
Oregon Relay Service 800 735-2900

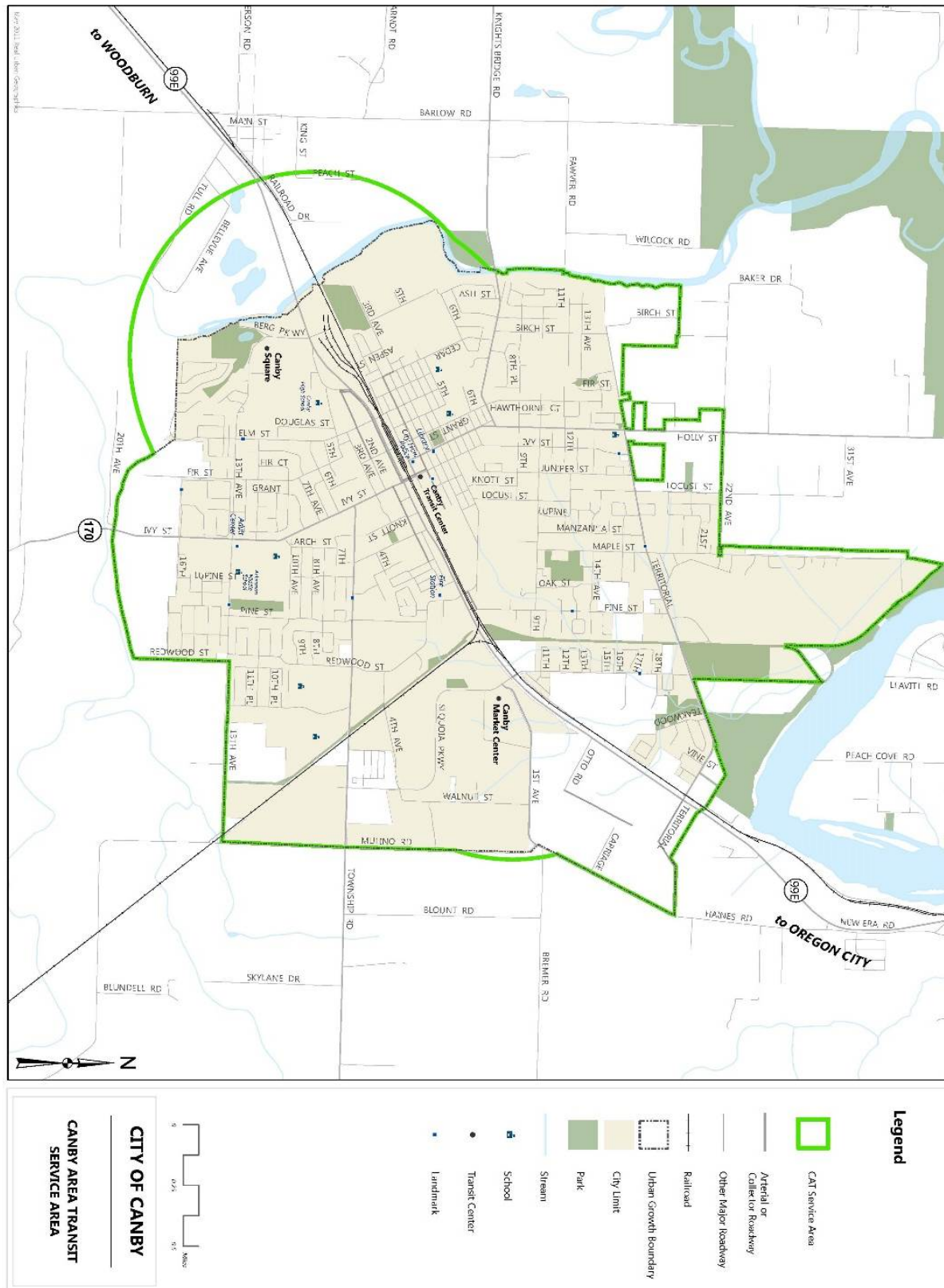
Fax: 503-263-6284
Correo Electrónico: cat@canbyoregon.gov

Appendix E: 2016 Census Data for City of Canby:

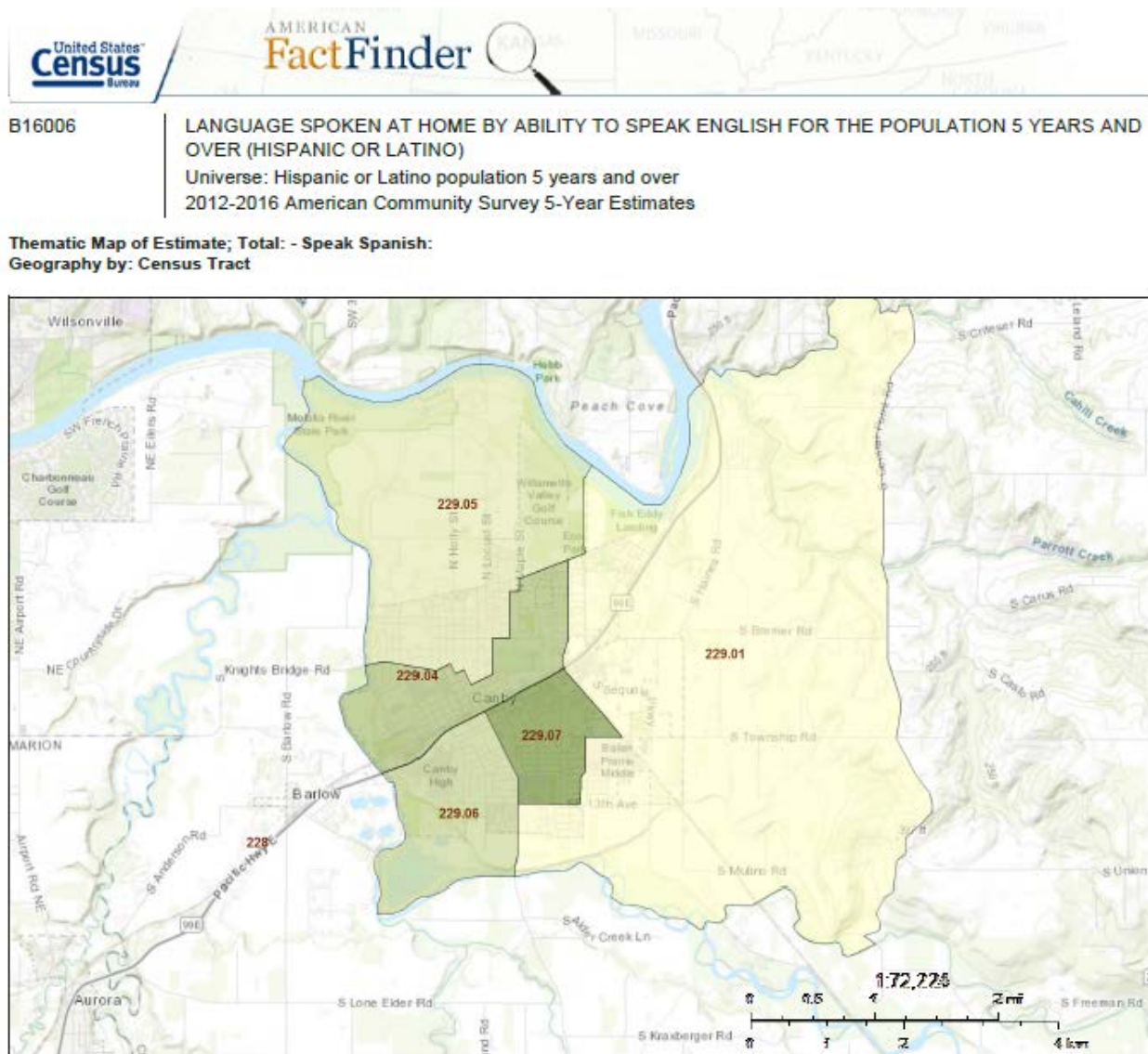
The following table displays demographic data from the 2012-2016 American Community Survey 5-Year Estimates.

Canby Area Transit (Canby UGB)		
	Estimate	Percent
RACE		
Total population	17,218	17,218
One race	16,654	96.70%
Two or more races	564	3.30%
White	14,878	86.40%
Black or African American	13	0.10%
American Indian and Alaska Native	102	0.60%
Asian	383	2.20%
Native Hawaiian and Other Pacific Islander	0	0.00%
Some other race	1,278	7.40%
Two or more races	564	3.30%
HISPANIC OR LATINO AND RACE		
Total population	17,218	17,218
Hispanic or Latino (of any race)	3,453	20.10%
White alone	12,880	74.80%
Black or African American alone	13	0.10%
American Indian and Alaska Native alone	30	0.20%
Asian alone	383	2.20%
Native Hawaiian and Other Pacific Islander alone	0	0.00%
Some other race alone	34	0.20%
Two or more races	425	2.50%
<i>DP05: ACS DEMOGRAPHIC AND HOUSING ESTIMATES</i>		
<i>2012-2016 American Community Survey 5-Year Estimates</i>		

Appendix F: CAT Service Area Map



Appendix G: Speak Spanish at Home Map



Legend

Data Classes

- ☐ 57 - 57
- ☐ 423 - 423
- ☐ 445 - 445
- ☐ 511 - 511
- ☐ 1,118 - 1,118

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

[Tell us what you think.](#) Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states,

1 of 2

08/02/2018

Appendix H: Limited English Proficiency Plan (LEP)

Introduction

Canby Area Transit (CAT), operated by the City of Canby, understands its services are critically important to the daily lives of our community members. The purpose of this limited English proficiency plan is to comply with the City's responsibilities to limited English proficient (LEP) persons consistent with Title VI of the Civil Rights Act of 1964 and its implementing regulations. Title VI of the Civil Rights Act of 1964 provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

CAT has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to CAT services. A Limited English Proficiency person is one who does not speak English as their primary language and who has limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

Goals

CAT's primary LEP goals are as follows:

- Comply with federal regulations to "Improve access to services for persons with limited English proficiency" by providing meaningful access to the benefits, services, information, and other important aspects of CAT programs and activities for individuals with limited English proficiency.
- Develop materials, conduct outreach, and distribute information designed to educate both community leaders who serve Spanish speaking LEP populations and LEP community members about CAT services and programs.
- Work with City staff and the contracted transportation service provider to ensure there is sufficient training for all employees regarding LEP programs and policies.

CAT will use the Department of Transportation four factor LEP analysis which considers the following; 1.) The number or proportion of LEP persons eligible in the City of Canby Urban Growth Boundary (CAT service area) who may be served or likely to encounter a CAT program, activity, or service; 2.) The frequency with which LEP individuals come into contact with CAT services; 3.) The nature and importance of the program, activity or service provided by CAT to the LEP population; and 4.) The resources available to the City/CAT and overall cost to provide LEP assistance. A brief description of these considerations is provided in below.

Four Factor Analysis

1) The number or proportion of LEP persons eligible in the CAT service area who may be served or likely to encounter a CAT program, activity, or service.

According to US Census Bureau population estimates (July 1, 2017) data the population of the City of Canby is 17,759. The US Census Bureau and the *2012-16 American Community Survey 5-year Estimates* show the population of Canby is ²approximately 20.1 percent Hispanic or Latino. In the City of Canby, all other races and ethnicities comprise less than 3 percent of the total population. The *American Community Survey* also estimates that 16.7 percent of Canby residents speak Spanish at home. The CAT service area³ estimated population is 18,712 and approximately 18 percent are Hispanic or Latino. Census data indicates the highest concentration of Latino residents live within the urban growth boundary and within Canby city limits. CAT does not count the number of LEP customers who use CAT services.

2) The frequency with which LEP individuals come in contact with a CAT program, activity, or service.

Considering twenty percent of Canby residents are Latino, it is obvious they come in contact with CAT services. CAT has anecdotal evidence of serving LEP individuals yet there is limited hard data collected. Currently, CAT has information about the frequency with which LEP individuals come in contact with CAT services based on the requests for interpretation services.

In fiscal year 2017-18 CAT received eight calls utilizing Certified Languages International for a total of 35 minutes of over the phone interpretation, averaging 7 minutes per call; and employed an interpreter for simultaneous Spanish interpretation at public meetings on 4 occasions; and paid for written translation for 15 documents of varying length. Since the last Title VI Plan update there have been no requests for document translation.

We also received Spanish 46 surveys for our Transit Master plan and 30 surveys for the Transit Master Plan Phase 2 prioritization. During fiscal year 2017-18 we processed 5 new Spanish ADA Paratransit Applications and 2 Spanish ADA re-certifications.

CAT will continue to assess the frequency at which drivers and customer service employees have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying CAT drivers.

² See *Appendix E, F, G, and H* for additional details.

³ There is not a perfect fit between Canby Urban Growth, and Canby Service Area and U.S. Census Tracts. For the purposes of this plan the census tract data is compiled from census tracts 229.01, 229.04, 229.05, 229.06, and 229.07. Tracts 229.04 and 229.07 are entirely within the UGA, all of the most populated parts of 229.05 and 229.06 are in the UGA, and tract 229.01 is split between the UGA and more rural areas to the east of the city. See *Appendix F & J*.

3) *The nature and importance of the program, activity, or service provided by CAT to the LEP community.*

CAT understands that transportation is critically important to the daily lives of our community members. Certain aspects of our services are of critical importance and this plan will be used to meet the needs of the LEP community. These include services such as: construction projects; property acquisitions; and service area or level changes.

4) *The resources available to CAT and costs.*

CAT contracts with four translation or interpretation services;

- 1.) Certified Languages International to provide verbal interpretation in any language to callers requesting information about CAT services.
- 2.) Passport to Languages to provide written translation services when customers or the public request documents in other languages.
- 3.) Immigrant & Refugee Community Organization (IRCO) to provide simultaneous interpretation for public meetings.
- 4.) MultiCultural Collaborative to provide simultaneous interpretation for public meetings or written translation services when customers or the public request documents in other languages.

In addition to the contracted services the City has identified in-house staff with other language abilities and these staff have some availability to assist with requests related to all CAT services. The CAT Route 99X schedule, the General Public Dial-A-Ride brochure, Paratransit Application, paratransit service user guide, and shopping shuttle flier are available in Spanish. All service related information on the website is also in Spanish. Press releases, TAC agendas, notices and rider alerts are typically produced in English and Spanish. Larger documents and plans are available in other languages or formats upon request.

Translating large planning documents can be a budget issue. Documents of 20 pages or more may cost in excess of \$500 to be translated. In Fiscal Year 2018 CAT's annual cost for translation and interpretation services was under \$1,400. Also in Fiscal Year 2018, CAT made a one-time purchase of audio equipment to facilitate simultaneous interpretation (\$3,424.99). The equipment purchased will facilitate simultaneous interpretation of one language and accommodate up to 10 individual listeners at one time; it can also be expanded to add more than one language at a time and/or more listening units to accommodate more listeners. The equipment was purchased to facilitate the Transit Master Planning process and has already been used on several occasions for other outreach efforts. Going forward this equipment will certainly enhance CAT's communication with the LEP populations.

Implementation Methods

1) How to Identify an LEP Person who Needs Language Assistance

These methods may be used to help identify persons who may need language assistance:

- Continually monitor Certified Languages International, Passport to Languages requests submitted through CAT dispatchers and office staff.
- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- Continue utilize the simultaneous interpretation equipment and interpretation services for appropriate public meetings and keep track of how many people use the interpretation equipment.
- When public meetings are held, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- Provide Certified International cards at public meetings. While staff may not be able to provide translation assistance at this meeting, the cards will be used to identify language needs for future meetings; and
- Regularly survey CAT drivers and other first line staff of any direct or indirect contact with LEP individuals.

2) Language Assistance Measures

CAT has implemented the following LEP procedures:

- CAT has contracts with Certified Languages International, Passport to Languages, IRCO, and MultiCultural Collaborative to provide ad hoc verbal, written, and in person interpretation services upon request and as needed.
- Service information, Rider Alerts, TAC Agendas, and notices on the buses and at the Transit Center are all provided in Spanish and available in other languages and formats upon request.
- Large documents, payroll tax information, and other documents are published in English and are available in other languages and formats upon request.
- CAT's phone system includes options for Spanish speaking customers.
- CAT provides Spanish speaking interpreters at public meetings and events and offers this service upon request for any public meeting.
- CAT has developed and maintains a comprehensive contact list ⁴of organizations, schools, churches, non-profits, apartment complexes and other stakeholders who work with or serve LEP populations.

⁴ Refer to Appendix I

3) Training – City/CAT Employees and Contracted Personnel

CAT will provide employee training for City employed transit staff and provide information to the Transportation Service Provider so contract staff may be trained on all aspects of the Title VI and LEP. Prior to public meetings at which LEP individuals are anticipated to attend, staff will review the Title VI Plan, including this LEP section.

CAT will ensure the Transportation Service Provider management and employees are familiar with specific procedures to be followed when serving an LEP customer, including how to handle a potential Title VI/LEP complaint.

It is a priority for CAT management to recruit and hire bilingual and or bicultural individuals. CAT management encourages and supports the transportation service provider to conduct recruitment activities such as;

- Attend job fairs targeting the Latino/Hispanic population.
- Place job announcements in local newspapers, on CAT website, in e-mail notifications, and any other medium used to attract potential employees, with a note encouraging bilingual (English/Spanish)/bicultural individuals to apply.
- Place job announcements in appropriate local publications targeting Spanish-speaking residents.

CAT will continue to work with the Canby School District, the City's Spanish speaking Librarian and the non-profit *Bridging Cultures* to provide input on potential training and outreach opportunities to improve CAT's ability to reach and engage Latino community members.

4) Outreach

General Strategy

This program will utilize existing networks⁵ within the Spanish-speaking community to contact, engage, and educate community leaders serving Spanish-speaking LEP populations and LEP community members about CAT services and programs.

CAT has developed a comprehensive mailing list⁶ of a variety of organizations, churches, schools, apartment complexes, and media outlets etc. that work with or serve the Latino population. CAT will refer to this mailing list to conduct outreach to the Latino community. Specific outreach efforts will vary depending on the project, proposal or activity. Some or all of the following methods may be used:

⁵ Community-based organizations (CBOs), churches, school district, social clubs, non-profits, business organizations and state, county, and city social service agencies.

⁶ Refer to *Appendix I* for additional information

- Flyers and/or brochures will be made available through local churches, social service agencies, ethnic retail outlets, the school district office and possibly specific schools within the Canby School District, Clackamas Community College, City Hall, the library, apartment complexes with high concentration of LEP populations.
- Other printed materials, such as transit schedules and maps, will be translated and made available on CAT vehicles and at select outlets.
- Paid advertisements and the CAT website will indicate ways in which LEP persons can access information about our services.
- If staff knows that they will be presenting a topic that could be of importance to an LEP individual or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.

Stakeholders

Internal: CAT management, Transit Advisory Committee and City Council; Transportation Service Provider management and staff; and CAT contractors needing to communicate with the Spanish speaking LEP community regarding legal, service, and ridership issues.

External: Spanish-speaking LEP communities; community-based organizations (CBOs) serving Spanish-speaking LEP populations; Canby School District; State, County, and City governments serving Spanish-speaking LEP populations; and Hispanic business groups;

External Stakeholders:

- Hispanic business associations
- State, county, and city governments, 211

Community Based Organizations

- Canby Center
- Bridging Cultures

Apartments

- Casa Verde Apartments
- Greenbriar Apartments
- The Orchards Apartments
- Township Apartments

Schools

- Canby School District
- Canby School District/REACH
- Head Start: Mulino
- Head Start: Barlow
- Ackerman Center

Schools (continued)

- Canby Union High School
- Baker Prairie Middle School
- Lee Elementary School
- Knight Elementary School
- Eccles Elementary School
- Clackamas Community College

Churches

- Saint Patrick's Catholic Church
- Iglesia Del Dios Vivo Columna Y apoyo De La Verdad
- Canby Hispanic Foursquare

Media

- La Pantera Radio 940AM
- El Hispanic News
- Univision Portland

Translation and Interpretation Services

- Passport to Languages –written translation
- Certified Languages International –phone translation
- IRCO –simultaneous interpretation
- MultiCultural Collaborative –simultaneous interpretation
- Phone System- Spanish Options

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and should be viewed as a work in progress. As such, it is important to consider whether new documents and services need to be made accessible for LEP persons, and it will be important to monitor changes in demographics and types of services. CAT will update the LEP as required by the U.S. DOT. At a minimum, the plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in CAT's service area.

Dissemination of the Limited English Proficiency Plan

CAT will post the LEP Plan on its website at www.canbyareatransit.org. Copies of the plan will be provided to any person or agency requesting a copy. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to:

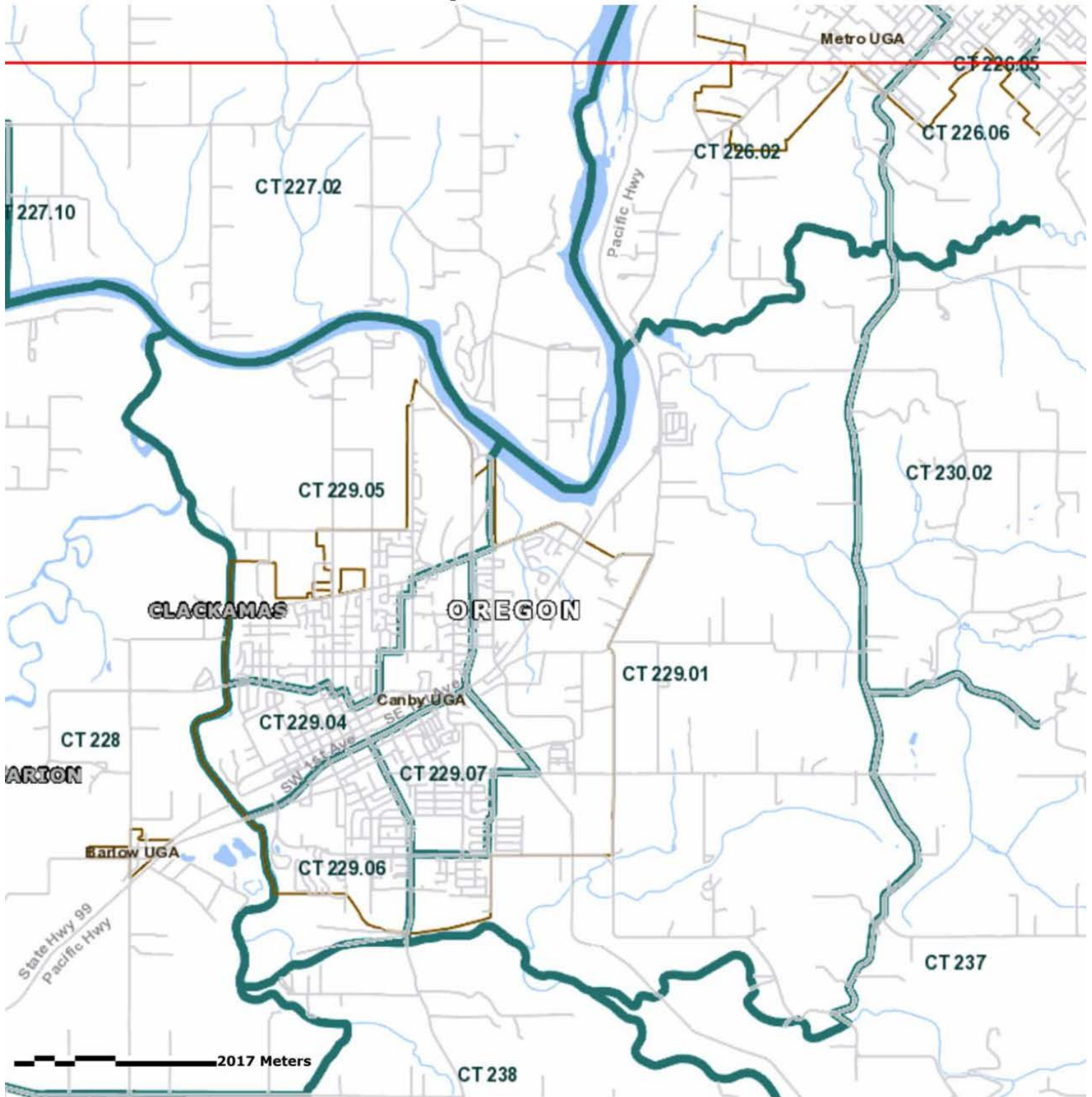
Julie Wehling
CAT Transit Director
Canby Area Transit
P.O. Box 930
Canby, Oregon 97013
503-266-0751

Appendix I: Limited English Proficiency Contact List

Organization/Location	Contact Person	Title	phone	email
Bridging Cultures	Detail removed to protect privacy	Detail removed to protect privacy	Detail removed to protect privacy	Detail removed to protect privacy
Bridging Cultures				
Bridging Cultures Concilio				
Canby Center				
Canby Public Library				
Clackamas Community College				
Media				
La Pantera Radio 940AM				
El Hispanic News				
El Hispanic News				
Univision Portland				
Univision Portland				
Appartments & Neighborhoods				
Casa Verde Apartments				
Greenbriar Apartments				
Hope Village				
Northeast Neighborhood Asso.				
Riverside Neighborhood Asso.				
Southeast Neighborhood Asso.				
Southwest Neighborhood Asso.				
The Orchards Apartments				
Township Apartments				
Schools				
Canby School District				
Canby School District				
Canby School District/REACH				
Canby School District/REACH				
Head Start: Mulino				
Head Start: Barlow				
Trost School				
Ackerman Center				
Canby Union High School				
Canby Union High School				
Baker Prairie Middle School				
Lee Elementary School				
Knight Elementary School				
Eccles Elementary School				
Churchs				
Saint Patrick's Catholic Church				
Saint Patrick's Catholic Church				
Iglesia Del Dios Vivo Columna Y apoyo De La Verdad				
Canby Cares				
Canby Cares				
Canby Hispanic Foursquare				

Appendix J: Census Tract Map

Canby UGA and Tracts



Legend

States	Urban Growth Areas	Linear Hydrography	Glaciers
Counties	Census Tracts	Areal Hydrography	

ORDINANCE NO. 1492

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE AN IMMEDIATE OPPORTUNITY FUND AGREEMENT WITH THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF THE INTERSECTION OF NORTH ELM STREET AND OR-99E IN AN AMOUNT NOT TO EXCEED \$137,951.00; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to reconstruct the northeast corner of the intersection of North Elm Street and OR 99E to improve transportation flow and business access to the Industrial Park; and

WHEREAS, The State of Oregon has an Immediate Opportunity Fund (IOF) to support primary economic development in Oregon through the construction and improvement of streets and roads; and

WHEREAS, the project is estimated to cost \$275,903.00 and the State of Oregon will provide fifty percent of the total cost of the project up to a maximum of \$137,951.00; and

WHEREAS, all terms and conditions of the agreement are finalized and the IOF agreement is ready for execution by the City; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into the proposed IOF agreement.

NOW, THEREFORE, CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an agreement with the State of Oregon Department of Transportation which is attached hereto as "Exhibit A".

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this project as soon as possible, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 15, 2018, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, September 5, 2018, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 5th day of September 2018, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

**IMMEDIATE OPPORTUNITY FUND AGREEMENT
OR99E (Pacific Highway East) at S Elm St (Canby)**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT," and the CITY OF CANBY, acting by and through its elected officials, hereinafter referred to as "Agency," each herein referred to individually as a "Party" and collectively as the "Parties."

RECITALS

1. The Oregon Transportation Commission ("OTC") at its July 15, 1988, meeting approved establishing an Immediate Opportunity Fund ("IOF") to support primary economic development in Oregon through the construction and improvement of streets and roads. The OTC, at its meeting on March 19, 2015, revised the guidelines for the use of this fund. IOF funds are limited to: Type A) specific economic development projects that affirm job retention and job creation opportunities; Type B) revitalization of business or industrial centers to support economic development; Type C) preparation of Oregon certified project-ready industrial sites; and Type D) preparation of regionally significant industrial areas.
2. Agency desires to reconstruct the northeast corner of the intersection of OR-99E and North Elm Street (the "Project"). The Project will improve transportation flow and business access to Agency's Northwest Industrial Park and open additional redevelopment opportunities in Agency's downtown district.
3. The Oregon Business Development Department recommended use of Type B IOF funds for use on the Project via letter dated September 18, 2017. The OTC approved Type B IOF funds for use on the Project on November 17, 2017.
4. OR 99E is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission. North Elm Street is a part of the city street system under the jurisdiction and control of Agency.
5. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting Parties.
6. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic signal work on this Project will conform to the current State standards and specifications.

NOW, THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency shall design and construct the Project. The Project consists of relocating a hydrant and pedestrian signal pole and reconstructing a portion of sidewalk to improve the turning radius at North Elm Street. The location of the Project is set forth in Exhibit A, attached hereto and by this reference made a part hereof.
2. The total cost of the Project is estimated to be \$275,903, which is subject to change. State shall provide IOF funds to pay for fifty percent of the total cost of the Project up to a maximum of \$137,951. Agency is responsible for all remaining costs of the Project, including all costs in excess of the total estimated cost.
3. The Parties shall ensure that the Project meets all applicable IOF criteria set forth in the Immediate Opportunity Fund Policy Guidelines as revised by the OTC on March 19, 2015, available at: <http://www.oregon.gov/gov/admin/regional-solutions/Documents/Mid-Valley/4.3.15.MidValley.IOF.Guidelines.pdf>
4. This Agreement does not affect the existing maintenance obligations of the Parties on those streets affected by the Project.
5. This Agreement is effective as of the date all required signatures are obtained and terminates upon completion of the Project or ten (10) calendar years, whichever is sooner.

STATE OBLIGATIONS

1. State shall assign, at its own expense, a Project Manager to monitor Agency's work on the Project. State shall review all environmental documents, Project plans, specifications, and cost estimates prepared by Agency or Agency's consultants within twenty (20) working days of submittal by Agency and before advertisement of construction bids. State's Project Manager shall within twenty (20) working days review all monthly invoices submitted by Agency for reimbursement
2. State's Project Manager will arrange for a final inspection of the Project upon notification from Agency of Project completion. State, in its sole discretion, shall determine if the Project has been completed in a satisfactory manner.
3. Upon the start of construction of the Project, State shall, as soon as practically possible and within thirty (30) days following receipt of approved monthly itemized invoices, reimburse Agency for fifty percent (50%) of the eligible Project construction costs incurred until the total of \$137,951 of approved IOF funds has been paid to Agency or until the Project is completed, whichever occurs first. Eligible Project costs are those costs State deems necessary for Agency's completion of the Project's preliminary engineering, right of way acquisition, and construction. Agency

shall be responsible for all remaining Project costs. Travel expenses will not be reimbursed.

4. State certifies that, at the time this Agreement is executed, sufficient funds are available and authorized for expenditure to finance the costs of this Project.
5. State certifies and represents that the individual signing this Agreement has been authorized to enter into and execute this Agreement on behalf of State, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind State.
6. State's Project Manager for this Project is Matt Freitag, 123 NW Flanders Street, Portland, OR 97209, (503) 731-4851, matthew.d.freitag@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

AGENCY OBLIGATIONS

1. Agency shall deliver the Project according to the terms of this Agreement.
2. Agency or its consultant shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; obtain all required permits; arrange for all utility relocations or reconstruction; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid documents; and provide Project management services and other necessary functions for sole administration of the contract.
3. Agency shall advertise and award all contracts and pay all contractor costs. Agency shall award a contract for construction of the Project within two (2) years of the effective date of this Agreement, unless granted a written extension by State. Construction must be completed within five (5) years of the effective date of this Agreement.
4. Agency shall submit to State's assigned Project Manager all environmental documents and Project plans, specifications and cost estimates before advertisement for construction bids.
5. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.
6. Agency shall use State road standards for those portions of the Project within State rights-of-way.
7. Agency or its consultant shall acquire all necessary right of way in accordance with and in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the ODOT Right of Way Manual. Certification of right of way acquisition work must be made by the Agency (or on behalf of its consultant) doing the work. If Agency acquires the right of

way, they shall provide a letter from Agency's legal counsel certifying that 1) the right of way needed for the Project has been obtained and 2) right of way acquisition has been completed in accordance with the right of way requirements contained in this Agreement. The certification form shall be routed through the State Region 1 Right of Way Office for co-signature and possible audit. If Agency elects to have State perform right of way functions, a separate agreement shall be executed between Agency and State right of way, referencing this Agreement number.

8. If Agency enters into a construction contract for performance of work on the Project, then Agency will require its contractor to provide the following:
 - a. Contractor shall indemnify, defend and hold harmless State from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, subcontractors, or agents under the resulting contract.
 - b. Contractor and Agency shall name State as a third party beneficiary of the resulting contract.
 - c. Commercial General Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State. This insurance will include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage will be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence will not be less than \$2,000,000 for each job site or location. Each annual aggregate limit will not be less than \$4,000,000.
 - d. Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence will not be less than \$1,000,000.
 - e. Additional Insured. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the resulting contract will include State and its divisions, officers and employees as Additional Insured but only with respect to Contractor's activities to be performed under the resulting contract. Coverage will be primary and non-contributory with any other insurance and self-insurance.
 - f. Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance

coverage(s) without thirty (30) days written notice from Contractor's or its insurer(s) to State. Any failure to comply with the reporting provisions of this clause will constitute a material breach of the resulting contract and will be grounds for immediate termination of the resulting contract and this Agreement.

9. Agency shall keep accurate cost accounting records. Agency shall prepare and submit monthly itemized progress reports and invoices for construction directly to State's Project Manager for review and approval. Such invoices will be in a form identifying the Project, the agreement number, the invoice number or the account number or both, and will itemize all expenses for which reimbursement is claimed. Travel expenses will not be reimbursed.
10. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. State and Agency shall ensure that each of its subcontractors complies with these requirements.
11. Agency agrees that should any environmental or land-use issues arise at any time during the development or construction of the Project, State may, at its discretion and when exercised in good faith, withhold payment until it is satisfied that the issue has been resolved. Agency shall submit to State any change orders that substantially change the plans and specifications or the submitted scope of work as approved by the OTC and as identified in this Agreement.
12. Agency shall provide to State electronic copies of the permanent mylar "as constructed" plans for work on state highways.
13. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260 (Claims), to the extent such Claims are caused, or alleged to be caused by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor. It is the specific intention of the Parties that State shall, in all instances, except to the extent Claims arise from the negligent or willful acts or omissions of State, be indemnified from and against all Claims caused or alleged to be caused by the contractor or subcontractor.
14. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The

State of Oregon may, at any time at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense

15. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of Agency that are pertinent to this Agreement to perform examinations and audits and make excerpts and transcripts. Agency shall retain and keep all files and records for a minimum of six (6) years after completion of the Project.
16. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
17. Agency shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from State.
18. Agency certifies and represents that the individuals signing this Agreement have been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
19. Agency's Project Manager for this Project is Jennifer Cline, Public Works Director, PO Box 930, 1470 Territorial Road, Canby, OR 97013, (503) 266-0780, clinej@canbyoregon.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. State may terminate this Agreement, effective upon delivery of written notice to Agency or at such later date as may be established by State, under any of the following conditions:

- a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
 - f. If Agency fails to award a construction contract or complete the project according to the terms set forth in Agency Obligations paragraph 4.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. **Americans with Disabilities Act Compliance:**
- a. When the Project scope includes work on sidewalks, curb ramps, or pedestrian-activated signals or triggers an obligation to address curb ramps or pedestrian signals, the Parties shall:
 - i. Utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA"), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards;
 - ii. Follow ODOT's processes for design, modification, upgrade, or construction of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form;
 - iii. At Project completion, send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Project Manager for

each curb ramp constructed, modified, upgraded, or improved as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:

<https://www.oregon.gov/ODOT/Construction/Pages/Forms.aspx>

- b. Agency shall ensure that temporary pedestrian routes are provided through or around any Project work zone. Any such temporary pedestrian route shall include directional and informational signs, comply with ODOT standards, and include accessibility features equal to or better than the features present in the existing pedestrian facility. Agency shall also ensure that advance notice of any temporary pedestrian route is provided in accessible format to the public, people with disabilities, and disability organizations at least 10 days prior to the start of construction.
 - c. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Any repairs or removal of obstructions needed to maintain Project features in compliance with the ADA requirements that were in effect at the time of Project construction are completed by Agency or abutting property owner pursuant to applicable local code provisions,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
 - v. Applicable permitting and regulatory actions are consistent with ADA requirements.
 - d. Maintenance obligations in this section shall survive termination of this Agreement.
5. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to

the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

6. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
7. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
8. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
9. Agency agrees to refund to State all Immediate Opportunity Funds expended by State in connection with this Project if this Agreement is terminated for any reason prior to completion of Project. Agency shall make such refund to State within three (3) months from the date of the termination of the Agreement.

10. State and Agency agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
11. This Agreement may be executed in several counterparts (facsimile or otherwise), all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
12. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

Signature Page to Follow

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2018-2021 Statewide Transportation Improvement Program (STIP), (key number 21309) that was adopted by the Oregon Transportation Commission on July 20, 2017 (or subsequently by amendment to the STIP).

CITY OF CANBY, by and through its
elected officials

By _____

Date _____

By _____

Date _____

APPROVED AS TO FORM

By _____
Agency Counsel

Date _____

Agency Contact:

Jennifer Cline, Public Works Director
PO Box 930
1470 Territorial Road
Canby, OR 97013
503.266.0780
clinej@canbyoregon.gov

STATE OF OREGON, by and through its
Department of Transportation

By _____
Region 1 Manager

Date _____

APPROVAL RECOMMENDED

By _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By Jennifer O'Brien via email dated 7/26/18

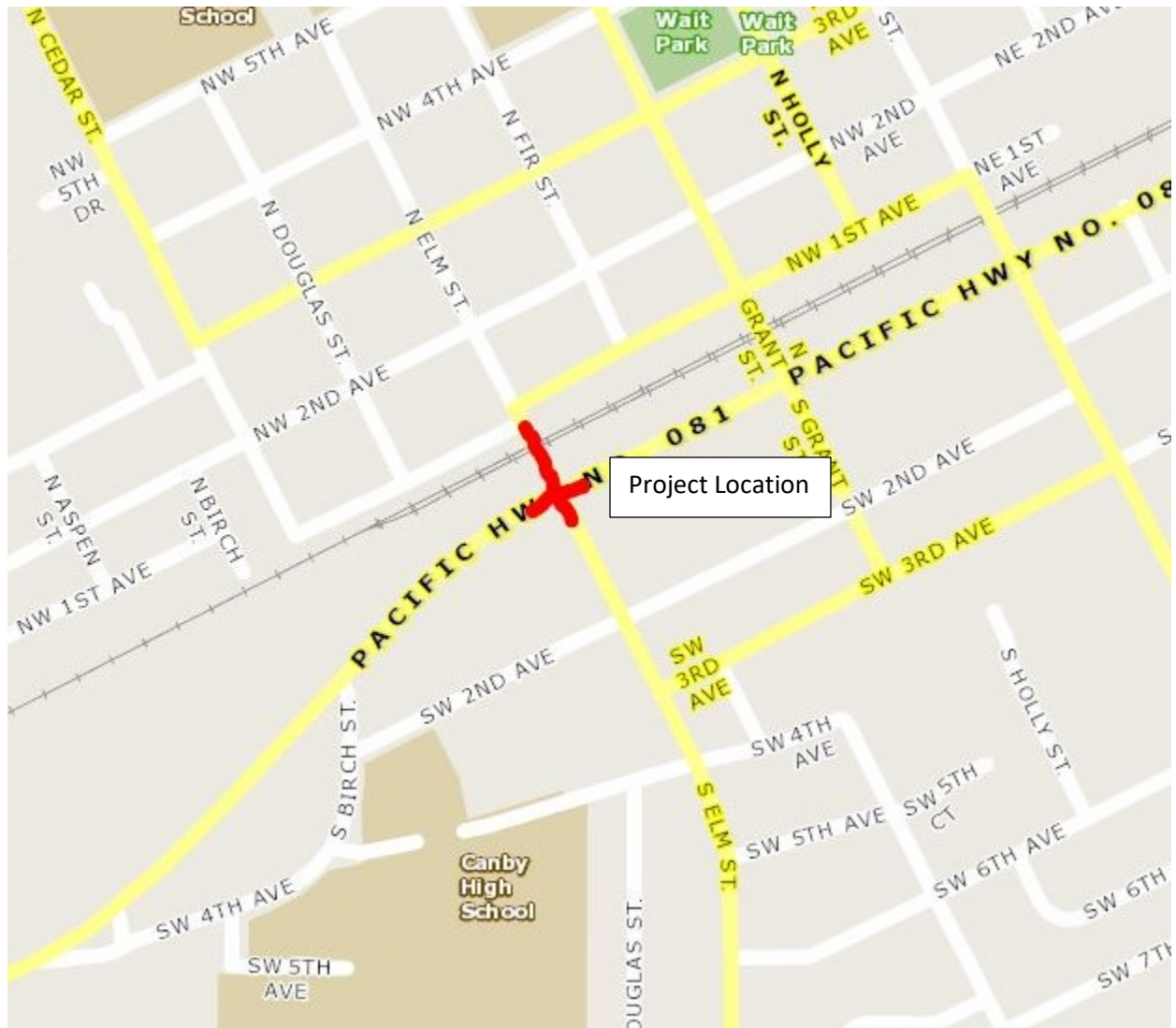
State Contact:

Matt Freitag, Consultant Project Manager
123 NW Flanders Street
Portland, OR 97209
503.731.4851
matthew.d.Freitag@odot.state.or.us

EXHIBIT A – Project Location Map

Exhibit A

Project Location



1- ASSESSOR
2- NOT
FUNDING

Memorandum

To: Clackamas County Coordinating Committee (C4)

From: Dan Johnson, Director – Department of Transportation & Development

Date: August 02, 2018

RE: Discussion on Potential Vehicle Registration Fee

Overview:

Discussion at August 2 C4 meeting is intended to clarify what cities desire regarding shared revenue of a potential Vehicle Registration Fee (VRF).

At the June 29-30 C4 Retreat, attendees expressed general support for the county's adoption of a VRF to address local road funding needs. Retreat attendees were substantially in alignment with feedback Clackamas County received from the local business community, including a willingness to consider a VRF of \$25 to \$30 and a need to identify how jurisdictions would use new funds generated by a VRF. *\$45 for Electric Cars.*

While state law mandates that fees received by a VRF are split between the county (60%) and cities (40%), C4 members asked for further discussion on certain elements of the VRF including the possibility of using some of the VRF revenue for collaborate efforts and/or a shared strategic investment fund.

Clackamas County wants any effort resulting in increased assessed fees, such as VRF, to be clearly identified, well-reasoned, and widely supported. Support by individual cities and C4 as a whole is crucial if a VRF is to be successfully adopted by the Board of County Commissioners. Therefore, we want to clearly identify and clarify options and expectations between the county and cities.

Discussion Items:

- **How do the cities envision sharing revenue generated by a potential VRF?**
 - Traditional 60%-40% split?
 - ○ Non-traditional approach that still honors the 60%-40% split, while also creating a joint fund for strategic investments and/or collaborative approaches?
- **If C4 agrees to pursue consideration of a non-traditional revenue sharing model, please provide clarity on the following issues:**
 - Define "strategic investments" and/or "collaborative approaches"
 - Describe core concepts that revenue sharing might be used to address, if implemented

107-157 = C4 & Projects
after roads w/in cities

Modeling Pot!!

2018 Local Vehicle Registration Fee (VRF) Strategic Investment Fund Revenue Opportunity Projections

Jurisdiction	Revenue Share	Revenue Collection
City Share (%)	40%	\$3,725,680.00
County Share (%)	60%	\$5,588,520.00
Estimated Annual Revenue Collection *	100%	\$9,314,200.00

Revenue Source	Rate	Assumptions
Vehicle Registration Fee (VRF) (Maximum is \$56 per year.)	\$25	--> Annually (per registered vehicle.) --> 50% reduction for motorcycles.

Annual \$ Collection	\$9,314,200
-----------------------------	--------------------

Jurisdiction	Annual \$ Distribution	Population **	City Distribution Percentage
Clackamas County	\$5,588,520	183,383	N/A
Barlow	\$2,270	135	0.06%
Canby	\$276,067	16,420	7.41%
Damascus ***	\$178,637	10,625	4.79%
Estacada	\$53,045	3,155	1.42%
Gladstone	\$196,038	11,660	5.26%
Happy Valley	\$314,064	18,680	8.43%
Johnson City	\$9,499	565	0.25%
Lake Oswego ****	\$586,018	34,855	15.73%
Milwaukie	\$344,832	20,510	9.26%
Molalla	\$152,745	9,085	4.10%
Oregon City	\$575,673	34,240	15.45%
Portland ****	\$12,879	766	0.35%
Rivergrove ****	\$7,711	459	0.21%
Sandy	\$179,141	10,655	4.81%
Tualatin ****	\$48,951	2,911	1.31%
West Linn	\$430,662	25,615	11.56%
Wilsonville ****	\$357,448	21,260	9.59%
Totals:	\$9,314,200	404,980	100%

* Registered passenger vehicles and motorcycles updated to reflect ODOT December 31, 2017 registration numbers.

** Population estimates are based on Portland State University (PSU) Population for Oregon and its Counties and Incorporated Cities and Towns: July 1, 2017.

*** Though Damascus is disincorporated, state law distributes State Motor Vehicle Fund receipts previously assigned to the City to Clackamas County for 10-years after disincorporation.

**** A portion of this city is outside Clackamas County; population represents the population PSU estimates within Clackamas County jurisdiction.

2018 Local Vehicle Registration Fee (VRF)

Strategic Investment Fund Revenue Opportunity Projections

Jurisdiction	Revenue Share	Revenue Collection
City Share (%)	40%	\$4,470,816.00
County Share (%)	60%	\$6,706,224.00
Estimated Annual Revenue Collection *	100%	\$11,177,040.00

Revenue Source	Rate	Assumptions
Vehicle Registration Fee (VRF) (Maximum is \$56 per year.)	\$30	--> Annually (per registered vehicle.) --> 50% reduction for motorcycles.

Annual \$ Collection	\$11,177,040
-----------------------------	---------------------

Jurisdiction	Annual \$ Distribution	Population **	City Distribution Percentage
Clackamas County	\$6,706,224	183,383	N/A
Barlow	\$2,724	135	0.06%
Canby	\$331,281	16,420	7.41%
Damascus ***	\$214,364	10,625	4.79%
Estacada	\$63,654	3,155	1.42%
Gladstone	\$235,246	11,660	5.26%
Happy Valley	\$376,877	18,680	8.43%
Johnson City	\$11,399	565	0.25%
Lake Oswego ****	\$703,222	34,855	15.73%
Milwaukie	\$413,798	20,510	9.26%
Molalla	\$183,294	9,085	4.10%
Oregon City	\$690,807	34,240	15.45%
Portland ****	\$15,455	766	0.35%
Rivergrove ****	\$9,253	459	0.21%
Sandy	\$214,969	10,655	4.81%
Tualatin ****	\$58,741	2,911	1.31%
West Linn	\$516,794	25,615	11.56%
Wilsonville ****	\$428,938	21,260	9.59%
Totals:	\$11,177,040	404,980	100%

* Registered passenger vehicles and motorcycles updated to reflect ODOT December 31, 2017 registration numbers.

** Population estimates are based on Portland State University (PSU) Population for Oregon and its Counties and Incorporated Cities and Towns: July 1, 2017.

*** Though Damascus is disincorporated, state law distributes State Motor Vehicle Fund receipts previously assigned to the City to Clackamas County for 10-years after disincorporation.

**** A portion of this city is outside Clackamas County; population represents the population PSU estimates within Clackamas County jurisdiction.