City of Davison
City Council Meeting
October 28, 2013
7:30 PM
City Council Chambers

I. Call to Order and Pledge of Allegiance

II. Approval of the Regular Agenda

III. Brief Public Comments on Agenda Items

IV. Approval of Consent Agenda (att.)
- A. Special Policy Committee Minutes September 25, 2013 - Draft (att.)
- B. Planning Commission Minutes October 8, 2013 – Draft (att.)
- C. DDA Minutes October 9, 2013 – Draft (att.)
- D. Quarterly Investment Report (att.)

V. Approval of Minutes
- A. October 14, 2013 (att.)

VI. Communications to the Council (att.)
- A. Genesee County Parks Opt In

VII. City Manager Report

VIII. Council Committee Reports

IX. Unfinished Business
- A. Engineering Report/Main Street Road Project Update (att.)
- B. Third Reading and Adoption Defining Slum and Blighted Area Ordinance 2013-04 (att.)
- C. Policy Committee Recommendation Animal Ordinance/Chickens
- D. M-15 & Flint Street Left Turn Arrow
- E. Open Issues Log (att.)

X. New Business
- A. Resolution 2013-25 Keeping Asian Carp Out of the Great Lakes (att.)
- B. S.A.W. Grant
- C. Title VI Non Discrimination Plan (att.)
- D. Any Items Removed from Consent Agenda

XI. Public Comments not included on the agenda

XII. Announcements

XIII. Closed Session (Real Estate Acquisition)

XIV. Adjournment

Draft
Special POLICY COMMITTEE MEETING MINUTES
September 25, 2013

Meeting called to order at 7:38 PM by Chairman Hammond.

Present: Paul Hammond, Jack Abernathy, Gary Peppin, Michael Hart.

Approval of the Agenda

It was moved by Councilman Peppin and seconded by Councilman Abernathy to accept the Agenda as presented. Motion carried unanimously.

Old Business

A. Allowing Chickens.

A round table discussion was had with each committee member speaking in turn.

Manager Hart: He would rather see the ordinance changed allowing chickens so the City would be able to exert some control over them. He was also concerned about enforcement.

Councilman Abernathy: He does not favor changing the ordinance to allow chickens. He sited small lot size and the difficulty of enforcement. He also thinks the Right To Farm act takes away cities right to zone.

Councilman Peppin: He thinks that chickens should be raised on a farm and not in the city. However, he thinks the City should have some control and that there will be "negative publicity" if we do not change the ordinance.

Chairman Hammond: He took a different approach to the subject. He thinks the City should let citizens do what they want if it does not impinge too greatly on neighbors. He thinks the ordinance should be revised to allow chickens with the restrictions the committee has determined.

A **motion** was made by Councilman Abernathy and seconded by Chairman Hammond stating:

It is the recommendation of the Policy Committee to the City Council that the request to have the Animal Ordinance (Article 612) revised to allow the keeping of back yard chickens be denied and the ordinance remain as is.

The motion failed.

A **motion** was made by Chairman Hammond and supported by Councilman Peppin stating:

It is the recommendation of the Policy Committee to revise the Animal

Ordinance, Chapter 612, allowing the raising of chickens within the City and that Council direct the Policy Committee to prepare proposed ordinance changes in a timely manner that encompasses a permit system for a small number of chickens raised in a personal, non-commercial manner. These ordinance changes are to be presented to Council for the normal approval process.

The motion carried.

New Business

There was no new business.

Approval of Minutes

It was moved by Councilman Peppin and seconded by Chairman Hammond that the Minutes of September 11, 2013 be approved. Motion carried unanimously.

It was moved by Councilman Peppin and seconded by Chairman Hammond that the Minutes of September 24, 2013 be approved. Motion carried unanimously.

Meeting Cancelled

It was moved by Councilman Peppin and seconded by Councilman Abernathy that the October 9, 2013 meeting be cancelled. Motion carried unanimously.

Adjournment

There were no closing remarks, and the meeting was adjourned by Chairman Hammond at 9:00 PM.

Jack Abernathy Recording Secretary	Date	Paul Hammond Chairman	Date

DRAFT

CITY OF DAVISON
PLANNING COMMISSION
REGULAR MEETING MINUTES
October 8, 2013

PRESENT: Chairperson Nate Whiting, Alex Fabian, Gerald Kennedy, Mary Stearns, Carrie Baugher, Christopher Hinkley

ABSENT: Richard Fridline, T.J. Bauswell, Craig Carlton

STAFF PRESENT: Michael Hart, Barbara McCrea

OTHERS PRESENT: 1

1. CALL TO ORDER:
Chairperson Nate Whiting called the meeting to order at 7:00 p.m.

2. APPROVAL OF AGENDA:
Motion made by Mr. Hinkley, seconded by Mr. Kennedy, to approve the October 8, 2013 agenda as presented. **Motion carried.**

3. APPROVAL OF MEETING MINUTES:
Motion made by Mr. Kennedy, seconded by Mr. Hinkley, to approve the meeting minutes as presented from September 10, 2013. **Motion carried.**

4. PUBLIC COMMENTS & COMMUNICATIONS CONCERNING ITEMS ON THE AGENDA:

5. UNFINISHED BUSINESS:
A. Master Plan: Motion made by Mr. Hinkley, seconded by Ms. Baugher, to take the Master Plan issue off the table and put it to the floor. **Motion carried.**

Alan Bean, from Spicer Group, distributed and discussed information for the Master Plan, including the draft of the land-use map.

B. Dumpster Ordinance: Discussion was held regarding the dumpster ordinance.

6. NEW BUSINESS:

7. COMMITTEE AND SPECIAL REPORTS:

8. OTHER BUSINESS:

9. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA:

10. NEXT SCHEDULED MEETING NOVEMBER 12, 2013

11. ADJOURNMENT:

Motion made by Mr. Fabian, seconded by Mr. Hinkley, to adjourn the meeting at 7:57 p.m.
Motion carried.

Nate Whiting, Chairperson

Barbara McCrea, Planning Commission Coordinator

CITY OF DAVISON
DOWNTOWN DEVELOPMENT AUTHORITY
OCTOBER 9, 2013

PRESENT: Deb Loveland, Paul Snyder, Tim Bishop, Chris Stritmatter, Cindy Wentzel, Tim Look, Kristen Bullock

ABSENT: James Cowan, Will Davis

STAFF: City Manager Michael Hart, DDA Coordinator Elizabeth Holm

OTHERS: 2

CALL TO ORDER
Chairman Loveland called the meeting to order at 6:35 p.m.

APPROVAL OF AGENDA
MOTION 98-13 APPROVAL OF AGENDA FOR OCTOBER 9, 2013
Motion by Mr. Snyder, and seconded by Ms. Wentzel to approve the agenda for October 9, 2013 as presented. Motion carried.

MOTION 99-13 APPROVAL OF SEPTEMBER 18, 2013 REGULAR MINUTES, SEPTEMBER 23 & 24 SPECIAL MEETINGS, SEPTEMBER 19, 2013 ECONOMIC RESTRUCTURING MINUTES, SEPTEMBER 12, 2013 ORGANIZATION COMMITTEE MINUTES, SEPTEMBER 19, 2013 & OCTOBER 1, 2013 PROMOTIONS COMMITTEE MINUTES
Motion by Mr. Snyder, and seconded by Mayor Bishop to approve the September 18, 2013 Regular Minutes, September 23 & 24, 2013 Special minutes, September 12, 2013 Organization Committee Minutes, September 19 & October 1, 2013 Promotions Committee Minutes as presented. Motion carried.

Ms. Bullock arrived at 6:37 p.m.

APPROVAL OF BILLS PRESENTED FOR PAYMENT
MOTION 100-13 BILLS PRESENTED FOR PAYMENT
Motion by Mr. Snyder, and seconded by Mayor Bishop to approve the bills presented for payment for $10,387.74. Motion carried.

Chairman Loveland welcomed Tim Look to Board.

APPROVAL OF TREASURER'S REPORT
MOTION 101-13 APPROVAL OF TREASURER'S REPORT
Motion by Ms. Bullock and seconded by Mayor Bishop to approve the October Treasurer's Report as presented. Motion carried.

MOTION 102-13 REVENUE & EXPENSE REPORT
Motion by Ms. Bullock, and seconded by Mr. Stritmatter to accept the Revenue and Expenditure report as presented. Motion carried.

PUBLIC COMMENTS/ COMMUNICATIONS CONCERNING ITEMS ON THE AGENDA
There is a sympathy card going around from the DDA and City for Glen and family from Davison Vacuum on the loss of their daughter.

CITY MANAGER'S REPORT
Mr. Hart stated that the Blight Ordinance will be going to Council for the second reading on Monday. He worked with Mr. Gibson to document the properties to be including for the resolution for MEDC.

He is bringing a recommendation to Council on Monday regarding the DDA loan from the City. His recommendation is that Council approves the forgiveness the $50,000 loan and that net proceeds after costs would be split 50/50 between the City and DDA.

Ms. Millington and Mr. Hart negotiated with Dean Holmes to have the Methodist Church parking lot patched at no cost.

A soft letter to dumpster owners is being drafted from the DDA regarding maintenance of the dumpsters and surrounding areas. He and the code enforcement officer have talked personally with some dumpster owners regarding this issue.

Please take some time to do the City Master Plan survey. It is in process by the Planning Commission and everyone's input is appreciated.

Committees are moving along nicely but work needs to be done regarding recruiting new committee members and building effective committees.

UNFINISHED BUSINESS
MAIN STREET UPDATE
The Main Street road project is moving forward. DPW will be putting in the three trees now and not waiting until spring. Bike racks are in at Secretary of State as part of the Heritage Trail Project. Paving will probably be finished next week.

FAÇADE GRANT PROGRAM
We have received several survey responses for the DDA façade grant program. The joint organization and design committee meeting will be on November 7th 6:00 p.m. to review the surveys.

COMMITTEE MEMBER APPOINTMENTS FOR 2013
This item continues to move forward and appointments to be made in the near future.

COMMITTEE STRUCTURE AND RECRUITMENT
Mr. Hart stated that Ms. Holm is working on adding the committee structure to the by-laws and he talked about recruiting other people to the committees.

SUMMER/WINTER MAINTENANCE CONTRACTS
MOTION 103-13 WINTER MAINTENANCE QUOTE BY JW CARPET CLEANING
Motion by Mr. Snyder, and seconded by Mayor Bishop to request a winter maintenance quote from Willie at JW Carpet Cleaning. Motion carried.

MOTION 104-13 WINTER MAINTENANCE BID REQUEST PUBLICATION
Motion by Mr. Stritmatter, and seconded by Mayor Bishop to publish in the Davison Index a winter maintenance bid request to be due November 1, 2013. Motion carried.

ECONOMIC DEVELOPMENT INTERN

NEW BUSINESS
COLONIAL SQUARE DUMPSTER LETTER
Motion by Mayor Bishop, and seconded by Mr. Snyder to have City Staff work with the Chair to get dumpster letters out to the DDA district. Motion carried.

LIGHTING
Mr. Hart stated that most of the lights are fixed by Consumers. There is still a double light in the center of the Colonial Square parking lot that is still out and we aren't sure why. There is a light on the building by Game On that is out; we are researching that outage – that is probably a Consumers light as well. He suggested that once the Main Street project is done that Newkirk is called to provide a quote on all remaining work that would need to be completed. The Consumers decorative lighting on Main Street should be completed in about two weeks.

ORGANIZATION COMMITTEE

PROMOTIONS COMMITTEE (EVENTS COORDINATOR REPORT)
Ms. Millington presented the events coordinator written report for October.

DESIGN COMMITTEE
Meeting on November 7th at 6:00 p.m. with the Organization Committee.

ECONOMIC RESTRUCTURING COMMITTEE
Next meeting is November 17th.

ANY GENERAL PUBLIC COMMENTS ON ANY ITEM NOT ON THE AGENDA

ANNOUCEMENTS
Ms. Bullock has a concern that the handicapped parking spaces are only at the end of the blocks.

MOTION 105-13 AJOURNMENT
Motion by Mr. Snyder, and seconded by Mayor Bishop to adjourn the meeting at 7:56 p.m.
Motion carried.

_____
Elizabeth J. Holm, DDA Coordinator

CITY OF DAVISON
INVESTMENTS 2013-14
Quarter Ending 09-30-13

	FUND	INVEST TYPE	NAME OF BANK	DATE INVESTED	TERM OF INVESTMENT	INTEREST RATE	MATURITY DATE	INTEREST DISTRIBUTED	Y-T-D INTEREST	ENDING BALANCE
101	GENERAL-1	PFMM	FIFTH/THIRD	6/12/2009	PFMM	VARIABLE	N/A	MONTHLY	$ 113.95	$ 351,680.03
101	GENERAL-2	CD	HANTZ	8/13/2012	13 MOS - CD	0.750%	9/12/2013	MATURITY	$ 697.65	$ 100,697.65
101	GENERAL-5	HYS	CHASE	10/30/2009	HYS	VARIABLE	N/A	MONTHLY	$ 79.94	$ 155,528.95
101	**TOTALS**								**$ 891.54**	**$ 607,906.63**
202	**MAJOR**	HYS	CHASE	2/16/2009	HYS	VARIABLE	HYS	MONTHLY	**$ 51.74**	**$ 100,969.42**
203	**LOCAL**	HYS	CHASE	2/16/2009	HYS	VARIABLE	N/A	MONTHLY	**$ 42.20**	**$ 81,790.99**
490	**S.C.I.F. RESERVE**	HYS	CHASE	2/16/2009	HYS	VARIABLE	n/a	MONTHLY	$ 150.28	$ 292,375.82
490	**SCIF**	MM	FIRST PLACE	4/15/2009	PFMM	VARIABLE	n/a	MONTHLY	$ 38.11	$ 100,826.26
490	**TOTALS**								**$ 188.39**	**$ 393,202.08**
590	**SEWER**	CD	HANTZ	8/62012	13 MOS.-CD	0.75%	9/4/2013	MATURITY	$ 626.11	$ 100,626.11
	003-000									
590	**SEWER**	MM	FIRST MERIT	3/27/2009	MMIA	VARIABLE	n/a	MONTHLY	$ 102.06	$ 100,861.78
	003-000									
590	**SEWER O & M**	CD	FIRST MERIT	2/1/2012	18 MOS-CD	0.50%	8/1/2013	MATURITY	$ 759.72	CD not Renewed
	001-003									
590	**TOTALS**								**$ 1,487.89**	**$ 201,487.89**

Y-T-D: Year to Date
HYS: High Yield Savings Acct
MM: Money Market Account
MMIA: Money Market Investment Account
PFMM: Public Funds Money Market
CD: Certificate of Deposit

CITY OF DAVISON
INVESTMENTS 2013-14
Quarter Ending 09-30-13

	FUND	INVEST TYPE	NAME OF BANK	DATE INVESTED	TERM OF INVESTMENT	INTEREST RATE	MATURITY DATE	INTEREST DISTRIBUTED	Y-T-D INTEREST	ENDING BALANCE
591	WATER-1 (RES)	MMIA	FIRST MERIT	N/A	MMIA	VARIABLE	N/A	MONTHLY	$ 41.50	$ 100,750.76
591	WTR BOND RESERVE(9	MMIA	FIRST MERIT	N/A	MMIA	VARIABLE	NA	MONTHLY	$ 98.35	$ 238,729.11
	591-003-004									
591	WATER	$ -	CHASE	2/7/2008	HYS	VARIABLE	N/A	MONTHLY	$ 18.50	$ 350.17
	RESERVE								**$ 158.35**	**$ 339,830.04**
591	WATER-DWRF	HYS	CHASE	N/A	HYS	VARIABLE	HYS	MONTHLY	$ 21.58	$ 4,407.54
591	REFI B & I	MMIA	FIRST MERIT	N/A	HYS	VARIABLE	N/A	MONTHLY	$ 59.04	$ 108,587.16
591	BOND PMT ACCTS							**TOTALS**	**$ 80.62**	**$ 112,994.70**
	Total Water									**$ 452,824.74**
661	EQUIPMENT	HYS	CHASE	10/16/2009	HYS	0.45%	n/a	MONTHLY	$ 51.90	$ 100,967.68
661	EQUIPMENT	CD	HANTZ	2/7/2012	13 MOS-CD	0.75%	4/7/2014	MATURITY	$ -	$ 200,000.00
661	EQUIPMENT	MMIA	FIRST MERIT	3/27/2009	MMIA	VARIABLE	n/a	MONTHLY	$ 41.50	$ 100,750.63
661	EQUIPMENT	CD	DORT FEDERAL	4/26/2012	12 MONTHS	0.75%	4/26/2013	QUARTERLY	$ 189.31	$ 100,330.09
661	TOTALS							**TOTALS**	**$ 282.71**	**$ 502,048.40**
	Total All Funds								**$ 3,183.44**	**$ 2,340,230.15**

Y-T-D: Year to Date
HYS: High Yield Savings Acct
MM: Money Market Account
MMIA: Money Market Investment Account
PFMM: Public Funds Money Market
CD: Certificate of Deposit

City of Davison
City Council Meeting
October 14, 2013
7:30 PM
City Council Chambers

Present: Mayor Tim Bishop, David Martin, Jack Abernathy, Alex Fabian, Paul Hammond, and Gary Peppin

Absent: Joan Snyder

Staff: City Manager Michael Hart, City Clerk Andrea Schroeder, Police Chief Bill Brandon, and Treasurer Julie Pray

Others: 12 General public

CALL TO ORDER AND PLEDGE OF ALLEGIANCE
Mayor Bishop called the meeting to order at 7:31 p.m.

MOTION 183-13 APPROVAL OF THE REGULAR AGENDA
Motion by Mr. Abernathy, and seconded by Mr. Peppin to approve the regular agenda for October 14, 2013 as presented. Motion carried.

PUBLIC COMMENTS
Comment made that the City of Davison should not forgive the $50,000 loan to the DDA. It is the wrong thing to do.

Not sure why both sides of Main Street are not going to match.

APPROVAL OF CONSENT AGENDA

A. LDFA/BRA Minutes September 16, 2013 – Draft
B. Davison Area Library Board Minutes September 11, 2013 – Draft
C. DDA Minutes September 18, 2013 – Draft
D. DDA Minutes September 24, 2013 – Draft
E. Policy Committee Minutes September 24, 2013 – Draft
F. Joint Council/DDA Main Street Road Project Minutes October 1, 2013 – Draft
G. Household Hazardous Waste & Electronic Waste Collection Day

MOTION 184-13 APPROVAL OF CONSENT AGENDA
Motion by Mr. Hammond, and seconded by Mr. Abernathy to approve consent agenda as presented. Motion carried unanimously by roll call vote.

APPROVAL OF MINUTES
MOTION 185-13 APPROVAL OF SEPTEMBER 23, 2013 REGULAR MEETING MINUTES
Motion by Mr. Fabian, and seconded by Mr. Abernathy to approve the September 23, 2013 regular Meeting Minutes as presented. Motion carried.

MOTION 186-13 BILLS PRESENTED FOR PAYMENT
Motion by Mr. Abernathy, and seconded by Mr. Fabian to approve the bills for payment in the amount of $2,256,469.42. Motion carried.

COMMUNICATION TO THE COUNCIL

A. Thank you
B. Fresh Water Future – Asian Carp Invading our Great Lakes

APPOINTED OFFICERS REPORT

Mr. Hart presented the Monthly Permits, Inspections and Zoning Violation Report for September 2013.

Mr. Brown presented the Monthly DPW Report for September 2013.

Chief Brandon presented the Monthly Police Report for September 2013.

Mrs. Pray presented the Monthly Revenue & Expenditure Report for September 2013.

CITY MANAGER REPORT

Pumpkin Festival was a great success. Diane Millington gave a short report in regards to the event. Trunk or Treat was well received and enjoyed by all. Thank you to all that worked on Main Street to make the event happen.

COUNCIL COMMITTEE REPORT

Mr. Martin: Metro will meet and discuss future projects for 2015.
Mr. Abernathy: Fire Authority awarded DCC Construction the construction contract for the work on the substation in Richfield Township.
Mr. Fabian: Planning Commission met and continues to gather information for the Master Plan. They are reviewing the Dumpster Ordinance for future revision.
Mr. Peppin: John D. Cherry was the speaker for Small Cities. A wrap up meeting of the Joint Main Street will occur in the near future.
Mr. Hammond: Policy Committee will have a recommendation at the October 28, Council meeting in regards to raising chickens in the city.
Mayor Bishop: DDA continues to work on committee structure. Pumpkin Festival has recently been the main topic for DDA.

UNFINISHED BUSINESS
ENGINEERING REPORT MAIN STREET ROAD PROJECT

Ms. Panduren answered questions in regards to the Main Street Road project. Chris Brinks of Wade Trim Associates Inc. gave an update in regards to cost overages and final completion date. The completion is slated for November 1, 2013.

MOTION 187-13 SECOND READING AND ADOPTION OF ORDINANCE 2013-04 DEFINING SLUM AND BLIGHTED AREA ORDINANCE 2013-04

Motion by Mr. Hammond, and seconded by Mr. Martin to insert at the end of the next to last paragraph, to effective date paragraph: "and shall expire and become null and void on the third anniversary of its effective date." That would make that paragraph read: "This ordinance shall take effect ten (10) days after publication in accordance with the City of Davison Charter and shall expire and become null and void on the third anniversary of its effective date." Motion carried 4-2. Fabian and Peppin no.

MOTION 188-13 ORDINANCE 2013-04 DEFINING SLUM AND BLIGHTED AREA ORDINANCE 2013-04
Motion by Mr. Hammond, and seconded by discussion to insert after the bullet points in the ordinance stating: This ordinance shall apply only to the Downtown Development Area of the City excluding the house, and property it sits on, located at the south west corner of Main and Third Streets. Motion denied 1-5. Martin, Fabian, Abernathy, Peppin and Mayor no.

M-15 & FLINT STREET LEFT TURN ARROW
This topic can be commented on in our Master Plan survey.

ANY ITEM REMOVED FROM CONSENT AGENDA

NEW BUSINESS
MOTION 189-13 HALLOWEEN TRICK OR TREATING DATE & TIME
Motion by Mr. Abernathy, and seconded by Mr. Fabian to approve the Police Chief's recommendation officially setting Halloween trick or treating for October 31, 2013 from 6 p.m. – 8 p.m. Motion carried.

MOTION 190-13 FORGIVENESS BY THE CITY OF THE DDA PROPERTY LOAN-112 S. MAIN ST.
Motion by Mr. Hammond, and seconded by Mr. Martin that the City of Davison forgive the DDA of its fifty thousand ($50,000) loan to the City. And, the City Manager formulate an agreement with the DDA encompassing an understanding that all net/surplus future proceeds from the sale of the DDA property referenced above with are beyond ordinary sale/closing costs, are split on a fifty-fifty (50/50) cooperative basis between the City and DDA. Motion carried unanimously by roll call vote.

PUBLIC COMMENTS NOT INCLUDED ON THE AGENDA
Is M-15 Heritage Route completed and will the trees be planted soon.

Thank you to our Pumpkin Festival volunteers.

ANNOUNCEMENTS
Thank you to Diane Millington for a great job with the Pumpkin Festival.

Displeasure stated about information requested of City Hall in the past.

MOTION 191-13 ADJOURNMENT
Motion by Mr. Abernathy, and seconded by Mr. Peppin to adjourn the meeting at 8:47 p.m. Motion carried.

Mayor Tim Bishop

City Clerk Andrea L. Schroeder

GENESEE COUNTY PARKS

Get away. Right away.

Amy M. McMillan
Director

Pegge Adams
County Commissioner

Archie Bailey
County Commissioner

Ted Henry
County Commissioner

Michael J. Keeler
Citizen Representative

Joe Krapohl
Citizen Representative

William C. Lucas
Citizen Representative

James Washington
Citizen Representative

Cloyce Dickerson
Ex-Officio

Carl Arthur III
Ex-Officio

Jeffrey Wright
Ex-Officio

A member of:

Michigan Recreation & Park Association

National Recreation & Park Association

October 15, 2013

Michael Hart, City Manager
City of Davison
200 East Flint St. Suite 2
Davison MI 48423-

Dear City Manager Hart,

The Genesee County Parks and Recreation Commission is in the process of updating its Community Park, Recreation, Open Space and Greenway Plan.

Public input will be gathered through a statistically valid survey that will be mailed to randomly selected residents in each of the County's nine districts. An open survey will also be available on our website to give all Genesee County residents an opportunity to share their thoughts about the County Parks' facilities, programs and priorities.

We are also trying something new with this update of our Plan: extending an invitation to each local unit of government to "opt-in" to the action program section of the plan. Opting in to the Genesee County Park, Recreation, Open Space, and Greenway Plan won't replace your local parks, recreation, open space and greenway plan. And, it won't give the County Parks any authority over your parks.

Opting in to the County Parks plan is a no-cost way to demonstrate the type of cooperative planning efforts that the state is encouraging in several initiatives that may, ultimately, provide access to additional resources for individual communities and for the Genesee County region as a whole. This is the first effort of its kind in Michigan, so we are charting new territory.

It's easy for your community to opt-in. Just a copy of the action program from your local Community Park, Recreation, Open Space and Greenway Plan and a resolution from your governing board authorizing the Genesee County Parks and Recreation Commission to include your action plan in the Genesee County Parks' Community Park, Recreation, Open Space and Greenway Plan. All resolutions and action plans must be received by November 27, 2013 to be included in the current update.

If you have any questions, please give me a call at 810-249-3812 or send me an email at amcmillan@gcparks.org.

Sincerely,

Amy M. McMillan, Director
Genesee County Parks and Recreation Commission

Cc: Genesee County Board of Commissioners
Genesee County Parks and Recreation Commission

CROSSROADS VILLAGE & HUCKLEBERRY RAILROAD

FOR-MAR Nature Preserve & Arboretum

ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention. sm

City of Davison
Monthly Engineering Report
October 23, 2013

Current Project Updates:

Main Street Resurfacing and Widening

- Work continues on this project which is being administered by Wade Trim. We have been answering questions and providing information when called upon to do so. This has included attending weekly progress meetings.

SAW Grant Application

- We have worked out a potential project scope with staff and a verbal report will be given at the October 28th council meeting. A council resolution supporting the application is required and it is anticipated it will be placed on the November 11th council meeting to allow time for additional discussion.

Other Updates:

Main/Flint Intersection:

- We have no new information at this time.

City of Davison
Ordinance 2013-04
Defining Slum and Blighted Area

WHEREAS, Community Development Block Grants and other sources of funding may be available from time to time for redevelopment of slum and blighted areas; and

WHEREAS, it is appropriate to define "blighted area" for purposes of designation of such areas for which funds may be granted for preservation, improvement, and redevelopment in a manner consistent with CDBG program requirements and State law;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Davison, duly assembled this _____ day of _____, 20_____ that the following definition of a "Slum and Blighted Area" is adopted for purposes of designating areas, making application for funds, and expenditure of funds for the improvement, preservation, conservation, or redevelopment of such areas as may be identified by Resolution of Council describing the area and identifying the conditions which meet the standards in the definition.

In accordance with State law, a "Slum and Blighted Area" means any improved or vacant area within identified boundaries located within the territorial limits of the municipality, which meets state law and the following CDBG definition:

> Public improvements are in a general state of deterioration in the designated area, or a substantial number of buildings in the designated area are deteriorated or deteriorating, and at least 25% of properties in the area have one or more of the following characteristics:

- Physical deterioration of buildings or improvements
- Abandonment of properties
- Chronic high turnover or vacancy rates in commercial/industrial buildings
- Significant decline in property values or abnormally low property values in relation to other areas in the community; or
- Known or suspected environmental contamination

This ordinance shall be published in the same manner as other ordinances of the City of Davison, Pursuant to State Law MCL117.3 (k). No other publication of the Codified Ordinances, hereby approved, adopted, and enacted is necessary.

This ordinance shall take effect ten (10) days after publication in accordance with the City of Davison Charter and shall expire and become null and void on the third anniversary of its effective date.

Adopted this 28th day of October, 2013, by the City Council of the City of Davison.

_____
Tim Bishop, Mayor

_____
Andrea L. Schroeder, City Clerk

I certify that the above ordinance was published in the Davison Index on the 31st day of October, 2013, A.D.

_____

Andrea L. Schroeder, City Clerk

Publish in the Davison Index 10/31/13.

OPEN ISSUES LOG
SEPTEMBER 2013

PERSONNEL COMMITTEE
(Tim Bishop, Joan Snyder & David Martin)

Date	Issue	Action Taken	Priority	Expected Committee Completion Date

POLICY COMMITTEE
(Paul Hammond, Gary Peppin & Jack Abernathy)

Date	Issue	Action Taken	Priority	Expected Committee Completion Date
1/9/2013	Sidewalk Contruction & Maintenance	On hold	2	April, 2014
2/13/2013	Dumpster Ordinance Revision	Criteria given to Planning Commission Chairman 2/13/13	1	2013
3/5/2013	Ordinance Review	Requested Ordinance review procedure was adopted by Council on 2/25/2013	1	2013
2/13/2013	Council Rules & Procedures	In Progress	1	2013
3/25/2013	Purchasing Ordinance	In Progress	1	2013
5/22/2013	Animal Ordinance	In Progress	1	2013
8/14/2013	Fireworks Ordinance Review	In Progress		

FINANCE COMMITTEE
(Gary Peppin, Alex Fabian & Jack Abernathy)

Date	Issue	Action Taken	Priority	Expected Committee Completion Date

Keeping Asian Carp Out of the Great Lakes

WHEREAS, the Great Lakes and St. Lawrence represent the largest body of surface fresh water in the world and are a vibrant, diverse ecosystem that is critically important to the economic well-being and quality of life of the Canadian and U.S. populations in the region;

WHEREAS, over 180 invasive species have entered the Great Lakes and its connecting water ways over the years and caused widespread damage and disruption to the natural balance of the system, as well as significant economic damage;

WHEREAS, one of the most serious threats ever presented by invasive species currently comes from Asian carp, including silver, bighead, and black varieties;

WHEREAS, these varieties of carp were introduced to the southern United States for use in fish farms for algae control in the 1970's and escaped into the Mississippi River system.

WHEREAS, invasive species have already inflicted hundreds of millions in damage across the Great Lakes and St. Lawrence, and invasive carp pose a serious threat to the $7 billion sport and commercial fishery that support the economy and help define the culture of the entire region;

WHEREAS, the invasive carp have migrated northward through the Mississippi River system as far north as Wisconsin, Minnesota, Illinois, Indiana, and Ohio, reducing significantly or eliminating populations of the more desirable species of fish because of their voracious food consumption and prolific reproduction;

WHEREAS, the invasive carp are threatening to enter the Great Lakes at a number of points across the region;

WHEREAS, many federal, state, provincial, and local government agencies in the United States and Canada have worked diligently and expended tens of millions of dollars over the past 10 years on a variety of projects to keep invasive carp out of the Great Lakes;

WHEREAS, including the invasive carp, there are 39 invasive species in the two basins that present a threat to cross over into the other basin in the near future;

WHEREAS, once an invasive species establishes itself in an ecosystem, it is exceedingly difficult, if not impossible, to eradicate it, and it often inflicts serious damage on the ecosystem and imposes major costs in efforts to control it;

WHEREAS, Asian carp pose a dangerous risk of injury to recreational users on waters infested with Asian carp;

WHEREAS, Canadian and U.S. citizens across the basin have expressed serious concern about the invasive carp and other invasive species, and are demanding prompt action;

WHEREAS, the U.S. Army Corps of Engineers is conducting a multiyear, comprehensive study across the U.S. side of the Great Lakes basin called the "Great Lakes and Mississippi River Interbasin Study" (GLMRIS) that examines 19 separate locations where invasive carp could cross from the Mississippi River Basin to the Great Lakes Basin, and considers a large number of potential ways to stop the further migration;

NOW, THEREFORE, BE IT RESOLVED, that the invasive carp in the Mississippi River system pose one of the greatest threats to the integrity and well-being of the Great Lakes and St. Lawrence ecosystem, including the 40 million Canadians and Americans who live there;

BE IT FURTHER RESOLVED, that preventing the invasive carp from entering the Great Lakes and St. Lawrence ecosystem needs to be approached with the greatest sense of urgency by all those responsible for dealing with this matter;

BE IT FURTHER RESOLVED, that physical separation is the most effective way to keep invasive carp from entering Lake Michigan through the Chicago Area Waterway System, and such barriers would also prevent the movement of many other invasive species from one basin to the other;

BE IT FURTHER RESOLVED, that physical separation is feasible and can be done in a way that maintains or enhances water quality, flood control, and transportation in the system;

BE IT FURTHER RESOLVED, that additional steps must be taken in the interim to keep invasive carp out while the long term solution is put in place;

NOW THEREFORE BE IT RESOLVED that the City of Davison strongly urges all parties involved to identify a preferred solution to the invasive carp issue and move forward to implement that solution with the greatest sense of urgency.

Adopted on 10/28/13 by the City of Davison City Council

Vote: _____ Yeas _____ Nays _____ Absent

Signed _____ _____

Dated

CITY OF DAVISON

TITLE VI
NON-DISCRIMINATION PLAN

200 E. Flint Street Ste. 2
Davison, Michigan 48423
Phone: 810-653-2191
Fax: 810-653-9621
Website: www.cityofdavison.org

Title VI Coordinator:
Michael Hart, City Manager
200 E. Flint Street Ste. 2
Davison, Michigan 48423
Phone: 810-653-2191
Fax: 810-653-9621
Email: mhart@cityofdavison.org

TABLE OF CONTENTS

Organization Chart.....3

Introduction.....4

Policy Statement.....7

Standard Title VI Assurance.....9

Authorities 11

Definitions 12

Administration 14

Limited English Proficiency 15

Environmental Justice 22

Filing a Complaint 23

Investigation 25

Appendix A – Required Contract Language 27

Appendix B – Transfer of Property 29

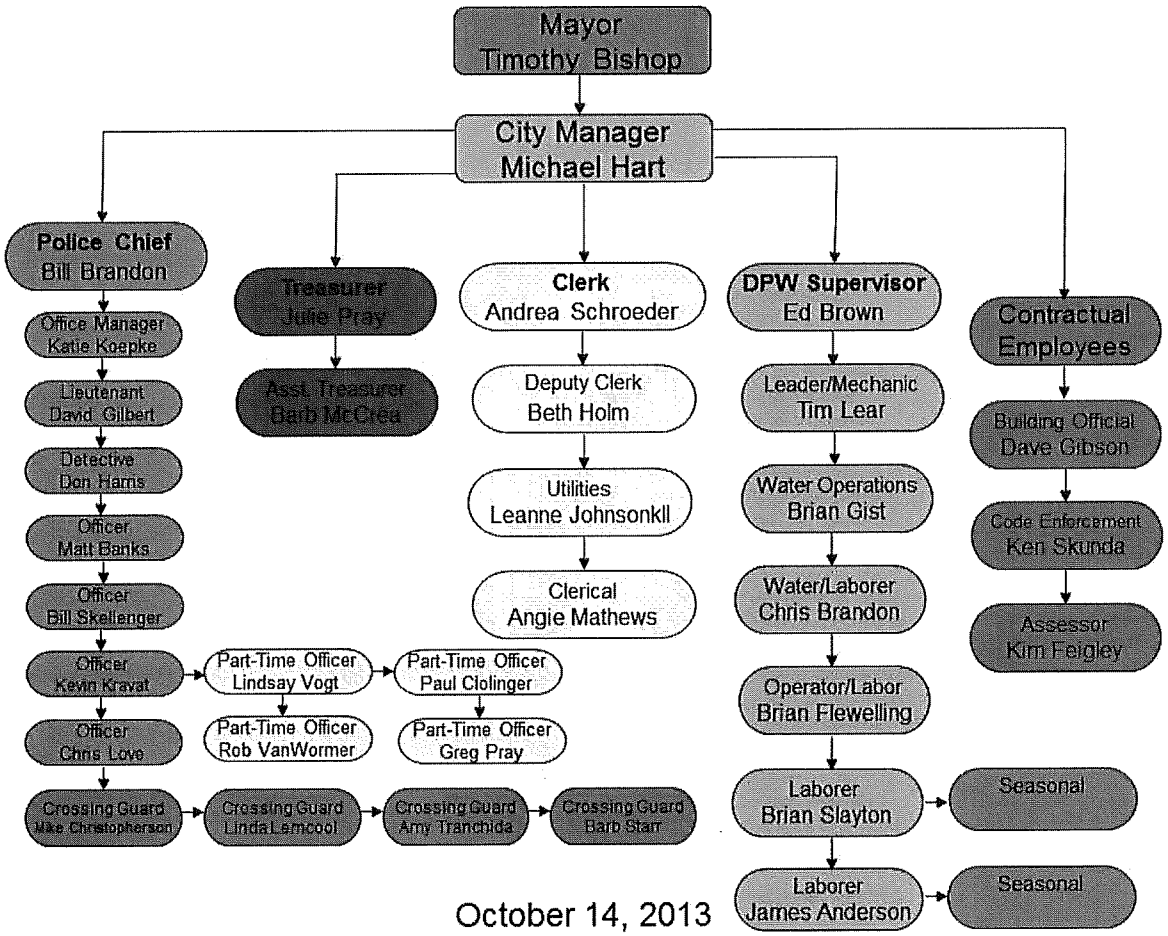
Appendix C – Permits, Leases, and Licenses 31

Appendix D – Title VI Complaint Form 32

Appendix E – Determine/Distinguish Significant/Non-Significant Effects 34

Appendix F – Program Compliance/Program review Goals for Current Plan Year 35

CITY OF DAVISON
ORGANIZATION CHART



October 14, 2013

INTRODUCTION

The City of Davison is a city in Genesee County in the U.S. state of Michigan and a suburb of Flint. The City of Davison was named after Judge Norman Davison, who founded a nearby town formerly known as Davisonville, now known as Atlas. The City of Davison serves all people of the City, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the state of Michigan. The City of Davison recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," 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.

As a recipient of federal financial assistance, City of Davison must provide access to individuals with limited ability to speak, write, or understand the English language. The City of Davison will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color

or national origin. Therefore, the primary goals and objectives of the City of Davison's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;

3. To prevent discrimination in the City of Davison's programs and activities, whether those programs and activities are federally funded or not;

4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;

5. To establish procedures to annually review Title VI compliance within specific program areas within the City;

6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City's services, programs or activities.

As the sub-recipient of federal transportation funds, the City of Davison must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Davison shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Davison as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Davison's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Davison has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

CITY OF DAVISON
NON-DISCRIMINATION POLICY STATEMENT

The City of Davison reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

> "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." In applying this policy, the City and its sub-recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;

2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;

3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;

4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;

5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;

6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;

7. Permit discriminatory activity in a facility built in whole or in part with federal funds;

8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;

9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;

10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;

11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of Davison will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of Davison designates Michael Hart, City Manager, as the City's Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Davison complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Davison and Title VI may be directed to:

Michael Hart, City Manager
200 E. Flint Street Suite 2
Davison, Michigan 48423
Telephone: 810-653-2191
Fax: 810-653-9621
Email: mhart@cityofdavison.org

_____
Tim Bishop
Mayor

_____
Michael Hart
City Manager / Title VI Coordinator

CITY OF DAVISON
TITLE VI ASSURANCES

The City of Davison (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

   "The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of Davison

_____ _____

Tim Bishop, Mayor Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

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

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of "significant")

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person's businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see http://aspe.hhs.gov/poverty/).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

a. Black – A person having origins in any of the black racial groups of Africa;
b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; "White not of Hispanic origin", "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native". Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

a. is predominantly borne by a minority population and/or a low-income population, or
b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The City of Davison designates Michael Hart, City Manager as the Title VI Coordinator (hereinafter referred to as the "Title VI Coordinator"). Mr. Hart shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI

language in contracts and publishing the Title VI Plan on the main page of the City of Davison's internet website, at www.cityofdavison.org, within 90 days of approval.

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency[i], to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter[ii]. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

> "Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only are all federal agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Davison receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.[iii]

The Guidance implies that the City of Davison is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Davison and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at http://www.lep.gov.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Davison services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2011 Data for the City of Davison shows a small amount of the population that would speak English less than 'very well.'

TABLE #1

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	4,971	4,971
English only	4,895	98.5%
Language other than English	76	1.5%
Speak English less than "very well"	6	0.1%

Spanish	20	0.4%
Speak English less than "very well"	0	0.0%
Other Indo-European languages	34	0.7%
Speak English less than "very well"	0	0.0%
Asian and Pacific Islander languages	22	0.4%
Speak English less than "very well"	6	0.1%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

Factor 2: Frequency of Contact with LEP Individuals

The city has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular Council meetings are held every second and fourth Monday of each month which would potentially bring LEP individuals to these meetings. Given the small concentration of LEP individuals as displayed in Table #1 (above) the probability of our employees to encounter and LEP individual is low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Davison serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and individuals from outside of the city, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the city is small, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the City of Davison and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

> *"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."*

The City of Davison serves very few LEP persons and has very limited resources. However, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Davison's budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Davison to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that persons requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Davison.

Options and Proposed Actions

Options:
Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.[iv]

The City of Davison is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.[v]

Considering the relatively small size of the City the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

What the City of Davison will do. What actions will the City of Davison take?

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.

- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau "I-speak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual's language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the city's complaint form will be made available online and upon request.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List.*
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact an translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.

3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.

2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

The City of Davison's Staff Training

The City of Davison's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.

- If a disproportionate effect is anticipated, following mitigation procedures.

- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City of Davison will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.

- The project's impact is unavoidable;

- The benefits of the project far out-weigh the overall impacts; and

- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

> Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?
> Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?
> Question 3: Considering the overall public interest, is there a substantial need for the project?
> Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities, and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities, and services; including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period,

he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Davison MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Davison the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against a City of Davison's sub-recipient should be investigated by the City following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the City Manager for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Attn: Michael Hart, City Manager
City of Davison
200 E. Flint Street Ste. 2
Davison, Michigan 48423
Phone: 810-653-2191
Fax: 810-653-9621
Email: mhart@cityofdavison.org

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

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

1. **Compliance with Regulations**: The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.

3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   a. Withholding payments to the contractor under the contract until the contractor complies and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

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

(HABENDUM CLAUSE)*

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

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

CITY OF DAVISON
TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the City of Davison based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form, please contact City Manager Michael Hart by phone at 810-653-2191 or via e-mail at mhart@cityofdavison.org.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:
Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

____Race ____ Religion

____ Color ____ National Origin

____ Age ____ Sex

____Disability ____ Income

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

_____

_____

_____

_____

_____

_____

_____

Signature: _____ Date: _____

Please return completed form to: Michael Hart, Title VI Coordinator, City of Davison, 200 E. Flint Street, Suite 2, Davison, Michigan 48423; Phone: 810-653-2191; Fax: 810-653-9621; E-mail: mhart@cityofdavison.org.

Note: *The City of Davison prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

"Significant" requires considerations of both context and intensity:

(a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.

(b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

"Non-significant effect" means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public's value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of "significant" and "non-significant" effects will be made by the City Manager.

APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of Davison's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Davison's Title VI Plan will be published on the main page of the City's website www.cityofdavison.org, within 90 days of approval.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Davison's Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
    a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
    b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
    c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
    d. **LEP Needs:** The number of requests for language assistance that were requested or required and the outcome of these requests.
    e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
    f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
    g. **Right of Way/Imminent Domain:** The number of such actions and diversity of individual affected.
    h. **Program Participants:** Racial data of program participants where possible.

---

[i] The executive order verbatim can be found online at http://www.usdoj.gov/crt/cor/Pubs/eolep.htm.

[ii] Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

[iii] The DOT has also posted an abbreviated version of this guidance on their website at http://www.dotcr.ost.dot.gov/asp/lep.asp.

[iv] http://www.dotcr.ost.dot.gov/asp/lep/asp

[v] Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.