



Agenda: Battle Creek City Commission

Meeting Date: April 21, 2026 - 7:00 PM
Location: City Commission Chambers
Chair: Mayor Mark A. Behnke
Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards for April 2026

Proclamation for Arbor Day 2026

Proclamation for Workers Memorial Day 2026

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

PETITIONS COMMUNICATIONS REPORTS

PUBLIC COMMENT REGARDING ANY REMAINING AGENDA ITEMS

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENT AGENDA

Minutes

Minutes for the April 7, 2026 City Commission Regular Meeting

Petitions, Communications, Reports

City Manager's Report for April 21, 2026

Review Committee Meeting Minutes for April 14, 2026

Travel Synopsis, MML Convention 2025, Commissioner Katsarsky-Smith

Ambulance Report for March 2026

Resolutions

366 - A Resolution appointing Kimberly Holley as the Federal Highway Administration (FHWA) Title VI Coordinator for the City of Battle Creek, replacing Ted Dearing.

367 - A Resolution appointing Jennifer Rosa as a new member to the BCTIFA / Brownfield Redevelopment Authority.

368 - A Resolution appointing Jackson Bredehoft, Stephen Herbstreith and Jamie McCaulley as new members and reappointing Bryan Babel, Paul Conkey, Robert Corder, Linda Freybler, John Hart and Kelly Walden to the Downtown Parking System Advisory Committee.

369 - A Resolution appointing Jackson Bredehoft as a new member to the Sustainable Battle Creek Committee.

370 - A Resolution seeking approval to declare Tuesday, April 28, 2026 as Workers Memorial Day in the City of Battle Creek.

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

371 - A Resolution approving updates to the Title VI Non-Discrimination Plan and the Limited English Proficiency Plan.

372 - A Resolution seeking approval for the submission of the Water Resources Division Grant Application to Michigan Department of Environment, Great Lakes, and Energy (EGLE) for Dickman Area Storm Water Improvements.

373 - A Resolution seeking authorization for the City Manager to sign a contract for bus advertisements with Mesmerize Media, LLC for lead poisoning prevention funded by the HUD Lead Hazard Reduction Grant for a total of \$65,800.

GENERAL PUBLIC COMMENT

(Limited to three minutes per individual)

COMMISSION COMMENTS

ADJOURNMENT

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the "Commission Comment" period.

It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public business meetings, that the following rules concerning public comments, consistent with applicable law, are adopted by the City Commission.

(1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue, topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, but only when the law requires a separate period of public comment, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the public comment period on any specific agenda item, whether it be a public hearing, an ordinance introduction or adoption, a consent agenda item, or a resolution not on the consent agenda, each speaker may address the Commission once, regarding anything on the meeting agenda, for a total not to exceed four minutes regardless of how many agenda items the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(d) During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(e) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in subsection 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise their hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business, and the speaker may be required to leave the meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

(a) Becomes repetitive or speaks longer than the allotted time;

(b) Attempts to yield any unused portion of time to other speakers;

(c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out their public duties or office;

(d) Uses obscene or profane language;

(e) Engages in slanderous or defamatory speech;

(f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or

(g) Engages in conduct that interrupts or disrupts the meeting.

(5) Individuals attending City Commission meetings or workshops, excluding City staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this subsection will be ruled out-of-order by the Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.

BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

Alissa M. Ferry & Edgar Valdez Perez
273 Main Street

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

James Moreno

NPC Chair

Mark Beland

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

Erasmo Hernandez & Udelita Campos
215 Burr Street

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

Timothy Conologue

NPC Chair

Mark Beltrame

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO
Dawn L. Horning
85 Babcock Avenue

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

Kathy Antaya

NPC Chair

Mark Belombe

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO
Family Farm & Home
1675 W. Michigan Avenue

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

Kathy Antaya

NPC Chair

Mark Beltrame

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

Gregg R. Daniels & Dawn M. Daniels
138 S. 26th Street

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

Rick Ozella

NPC Chair

Mark Beland

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO
Lakeview Middle School
300 S. 28th Street

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

Rick Ozello

NPC Chair

Mark Beland

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

William Wilson & Kathy Wilson
24 Adams Road

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

Brad Miller

NPC Chair

Mark Beltracchi

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO
Luxcare Pharmacy
2503 Capital Avenue SW

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 21st Day of April, Two Thousand Twenty Six.

Brad Miller

NPC Chair

Mark Belenke

Mayor



Proclamation

WHEREAS, the importance of trees to the quality of the environment is recognized by designation of *April 24, 2026, as National Arbor Day*; and

WHEREAS, *Arbor Day* celebrates a 154-year-long legacy that is now observed throughout the nation and around the world; and

WHEREAS, trees can reduce the erosion of our topsoil, cut heating and cooling costs, moderate the temperature, clean the air, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of businesses, and beautify our community;

NOW, THEREFORE, I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, do hereby proclaim *April 24, 2026*, as

“ARBOR DAY”

in the Greater Battle Creek area and hereby encourage all neighbors to recognize, plant, and care for trees at their homes and places of work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Logo of the City of Battle Creek, Michigan, to be affixed this 21st day of April 2026.



A handwritten signature in black ink, appearing to read "Mark Behnke". The signature is written in a cursive style and is positioned above a horizontal line.

Mark A. Behnke, Mayor

Proclamation

- WHEREAS,** on April 28th, 1971, the Occupational Safety and Health Act (OSHA) went into effect, promising every worker the right to a safe job, and
- WHEREAS,** every year on April 28, communities and worksites around the world honor friends, family members, and colleagues who have been killed or injured on the job; and
- WHEREAS,** the U.S. Department of Labor, and the Federal Bureau of Labor Statistics estimates that Michiganders have died while on the job at an average rate of 151 people per year over the past decade; and
- WHEREAS,** the 2024 National Census of Fatal Occupational Injuries found a worker died every 104 minutes from a work-related injury; and
- WHEREAS,** it is appropriate to honor the memory of the courageous and dedicated members of Michigan's labor force who have been injured or disabled or have died as a result of workplace accidents; and
- WHEREAS,** we remember those who have died in workplace catastrophes, suffered occupational-related diseases, or have been injured due to dangerous conditions; and
- WHEREAS,** recognition of the integrity of Michigan's workforce and its achievements on behalf of the economic growth of our state is necessary; and
- WHEREAS,** the City Commission of the City of Battle Creek wishes to pay tribute to the workers who have died or been injured or disabled in workplace accidents. We honor the contributions of Michigan's workforce and call for increased workplace safety; and
- WHEREAS,** the City Commission of the City of Battle Creek renews our efforts to seek stronger workplace safety and health protections, better standards and enforcement, and fair and just compensation; and we rededicate ourselves to improving safety and health in every city workplace;
- NOW, THEREFORE,** I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, do hereby proclaim *April 28, 2026*, as

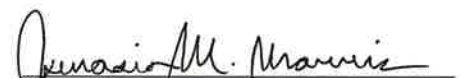
“WORKERS MEMORIAL DAY”

in the City of Battle Creek and urge all neighbors to recognize and honor the contributions of Michigan's workforce and call for increased workplace safety standards.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Official Logo of the City of Battle Creek, Michigan to be affixed this 21st day of April 2026.


Mark A. Behnke, Mayor




Jenasia Morris, Commissioner, Ward 2



Agenda: Battle Creek City Commission

Meeting Date: April 7, 2026 - 7:00 PM
Location: City Commission Chambers
Chair: Mayor Mark A. Behnke
Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

INVOCATION

7:02

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Sherry Sofia .

ROLL CALL

City Commission

| | |
|--|------------------------------------|
| Mayor Mark Behnke | Commissioner Paige Katsarsky-Smith |
| Commissioner Jessica LaCosse | Commissioner Jim Lance |
| Commissioner Jenasia Morris | Commissioner Carla Reynolds |
| Commissioner Patrick O'Donnell | Vice Mayor Sherry Sofia |
| Commissioner Christopher Simmons, attending remotely | |

City Staff

| | |
|---|---|
| Amanda Zimmerlin, City Manager | William Kim, City Attorney |
| Ted Dearing, Assistant City Manager | Shawna Beach, Records Elections Clerk |
| Shannon Bagley, Police Chief | Lisa Silkworth, Records Elections Clerk |
| Olivia Heuermann, Service Desk Technician | Steve Skalski, Public Works Director |

PROCLAMATIONS AWARDS

Battle Creek Finest Award - Bobby Holley

Mayor Behnke and Commissioner LaCosse presented a proclamation to Mr. Holley.

Proclamation for National Child Abuse Prevention Month 2026

Mayor Behnke presented a proclamation for National Child Abuse Prevention Month, 2026.

Proclamation for Sexual Assault Awareness Month 2026

Mayor Behnke presented a proclamation for Sexual Assault Awareness Month 2026.

Proclamation for Crime Victims' Rights Week 2026

Mayor Behnke presented a proclamation for Crime Victims Rights Week 2026.

PRESENTATIONS

Battle Creek Police Department Civilian Police Academy Alumni Association - Roger Ballard

Roger Ballard shared a presentation of the Battle Creek Police Department Civilian Police Academy Alumni Association. The BCPDCPAAA presented an award to BCPD for \$10,000.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC HEARINGS

A Public Hearing to receive comment on the Brownfield Plan for the proposed Allen Edwin Homes redevelopment projects, Outpost Terrace and Eldred Corner.

Mayor Behnke declared the public hearing open, inviting attendees to provide public comment.

Hearing no public comments, Mayor Behnke adjourned the public hearing.

PUBLIC COMMENT REGARDING ANY REMAINING AGENDA ITEMS

Barry Wayne Adams spoke about resolutions #354 and #355 regarding emergency authority.

ADOPTION OF ORDINANCES

348 - A Resolution adopting Ordinance 10-2026, amending Section 296.09 of the Battle Creek Code of Ordinances, "Retirements".

Motion/Vote 1

Motion to Approve

Moved By: James Lance

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Mark Behnke, Patrick O'Donnell, Carla Reynolds,

Christopher Simmons, Sherry Sofia, James Lance
Nays: Jenasia Morris
Abstain: None

MOTION Passed

349 - A Resolution adopting Ordinance 11-2026, amending Section 21 of Chapter 882 of the Battle Creek Code of Ordinances, to extend the commencement and completion deadlines for the Blue Light Development PILOT.

Commissioner Lacosse asked for clarification

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

Minutes

Minutes for the March 17, 2026 City Commission Regular Meeting

Petitions, Communications, Reports

City Manager's Report for April 7, 2026

Ambulance Report for February 2026

Travel Synopsis, NAHRO WashCon 2026, Commissioners Simmons and LaCrosse

Proclamations Awards

Proclamation for Earth Week 2026

Proclamation for National Volunteer Week 2026

Resolutions

350 - A Resolution authorizing the City Manager to grant a permanent easement to Consumers Energy Company through a portion of 119 South McCamly Street, Battle Creek, Michigan 49017, for the purpose of upgrading and maintaining power transmission infrastructure.

Motion/Vote 1

Motion to Approve

Moved By: James Lance

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

351 - A Resolution seeking authorization regarding a contract with W. Soule and Company in a not-to-exceed amount of \$90,795.00 for emergency replacement of the

server room chiller.

Motion/Vote 1

Motion to Approve

Moved By: James Lance

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

352 - A Resolution seeking authorization of a contract for severe weather sirens from West Shore Services, Inc. in a not-to-exceed amount of \$61,200.00.

Motion/Vote 1

Motion to Approve

Moved By: James Lance

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

353 - A Resolution seeking authorization of a contract for Cisco phone system software and hardware updates from Logicalis, Inc. in a not-to-exceed amount of \$71,544.24.

Motion/Vote 1

Motion to Approve

Moved By: James Lance

Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

354 - A Resolution authorizing the City Manager and Emergency Management Administrator to enter into an Emergency Management Performance Grant Agreement (EMPG) with the Michigan State Police Emergency Management Homeland Security Division.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

355 - A Resolution authorizing the City Manager to adopt the City of Battle Creek Emergency Operations Plan (EOP), as developed and maintained by the Emergency Management Administrator.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

356 - A Resolution authorizing the City Manager or her designee to execute MDOT Bridge Repair Contract 26-5090, Job #220625CON.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

357 - A Resolution seeking acceptance of a bid for 2026 Capital Preventative Maintenance Program project from Pavement Maintenance Systems, LLC in an estimated amount of \$618,407.95, with unit prices prevailing.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

358 - A Resolution seeking acceptance of the lowest responsive, responsible bid for 2026 Rehabilitation Program project from Lakeland Asphalt Corporation in an estimated amount of \$1,056,558.90, with unit prices prevailing.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

359 - A Resolution seeking acceptance of the lowest responsive, responsible bid for BTL Reconstruct Taxiway A project from Hoffman Bros. Inc., in an estimated amount of \$9,971,470.00, with unit prices prevailing.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

360 - A Resolution seeking authorization for the City Manager to temporarily suspend a Park Rule prohibiting fishing to allow for two children's fishing activities: a pre-event on June 13, 2026, and the "5th Annual Johnny 'Jake' Collier - Teach a Kid to Fish Event" on August 9, 2026, to take place at the specified Goguac Lake location.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

361 - A Resolution recognizing the Lakeview Band and Orchestra Boosters, Inc. as a non-profit service organization operating in the City of Battle Creek for the purpose of obtaining a Charitable Gaming License from the State of Michigan Lottery Bureau's Charitable Gaming Division.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

362 - A Resolution seeking approval for amendments to the "2025-2026 Fee, Bond and Insurance Schedule" for the City of Battle Creek to include the Interactive Voice Response (IVR) - Credit/Debit Card Fee.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

363 - A Resolution approving a Brownfield Plan for the proposed Allen Edwin Homes redevelopment projects, Outpost Terrace and Eldred Corner.

Mayor Behnke thanked Allen Edwin for investment in the City.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

364 - A Resolution authorizing the City Manager to accept the Good Faith Written Offer and to execute a Warranty Deed to sell 226 square feet of city-owned vacant land at 62 Yuba Street, Parcel No. 52-0890-00-001-0, to the Michigan Department of Transportation for \$1,000.00.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

365 - A Resolution seeking authorization for the City Manager to execute all documents necessary to purchase 42.05 square feet of land located at 200 W. Michigan Avenue, Parcel No. 52-0254-00-051-0, from Burnham Brook Community Center for \$1,051.25.

Motion/Vote 1
Motion to Approve
Moved By: James Lance
Supported By: Paige Katsarky-Smith

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Patrick O'Donnell, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

GENERAL PUBLIC COMMENT

(Limited to three minutes per individual)

Gloria Szakacs mentioned needing a traffic light at LaVista.

David Moore spoke about Bobby Holley and the Lakeview Marching Band.

Reece Adkins commented about school zones.

Autumn Smith spoke about police investigations.

John Kenefick mentioned flooding issues in Battle Creek.

Barry Wayne Adams spoke about MEADA/Blue Oval factory.

Steve Koch noted changes from 2020 and management not being available.

COMMISSION COMMENTS

Commissioner O'Donnell mentioned upgrading the sirens and changing technology. Commissioner O'Donnell also spoke about the upcoming election.

Commissioner LaCosse commented on the weather sirens being for people outside, also commenting on the ballot proposal and the recall process.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:10pm.



DATE: 04/16/2026
TO: Mayor, Vice Mayor and City Commissioners
FROM: Amanda Zimmerlin, City Manager
RE: City Manager's Report – April 21, 2026, Regular Meeting Agenda

371 **A Resolution approving updates to the Title VI Non-Discrimination Plan and the Limited English Proficiency Plan.**

If approved, this Resolution would amend the City's adopted Title VI Non-Discrimination Plan, designate the City of Battle Creek Title VI Coordinator, and incorporate the City's most recently updated Limited English Proficiency (LEP) Plan. This Resolution also adopts the amendments to the LEP Plan which reflects the Title VI Coordinator designation, incorporates the most recent U.S. Census Data for the City of Battle Creek, and includes additional language access tools. **Approval is Recommended.**

372 **A Resolution seeking approval for the submission of the Water Resources Division Grant Application to Michigan Department of Environment, Great Lakes, and Energy (EGLE) for Dickman Area Storm Water Improvements.**

If approved, this Resolution would authorize staff to submit an application to EGLE for the Water Resource Division Grant for Dickman Road Storm Water Improvements. **Approval is Recommended.**

373 **A Resolution seeking authorization for the City Manager to sign a contract for bus advertisements with Mesmerize Media, LLC for lead poisoning prevention funded by the HUD Lead Hazard Reduction Grant for a total of \$65,800.**

If approved, this Resolution would permit the City Manager to sign a contract with Mesmerize Media, LLC for bus advertisements. The advertisements are for a public health education campaign to help the public become more aware of the effects of lead on brain development and the importance of getting lead blood tests for young children living in housing built before 1978. The bus advertisement campaign is funded by the Fiscal Year 2025 Lead Hazard Reduction grant. **Approval is Recommended.**

CITY OF BATTLE CREEK REVIEW COMMITTEE AGENDA

Tuesday, April 14, 2026 at 3:30 PM

(Zoom Meeting)

[Click Here to Join Meeting](#)

Meeting ID: 873 7575 7455

Passcode: 559908

One call in: 1-312-626-6799

MINUTES

The Review Committee Meeting started at 3:33pm.

Attendees

- *Mark Behnke, Mayor
- *Sherry Sofia, Vice Mayor
- *Amanda Zimmerlin, City Manager
- *Ted Dearing, Assistant City Manager
- *Joe Sobieralski, Battle Creek Unlimited
- *Bridgette Jones, Battle Creek Unlimited
- *Patty Hoch-Melluish, Environmental & Storm Service Manager
- *Andy Helmboldt, Chair Person
- *John Hart, Downtown Development Director
- *Patti Worden, Executive Assistant

I. BATTLE CREEK TIFA / BROWNFIELD REDEVELOPMENT AUTHORITY

- a. 1 application, 1 new appointment
 - i. Jennifer Rosa – New Appointment – Term to expire 04/21/2030
- b. Discussion: Behnke, Sofia, Zimmerlin, Liaison (BCU)

Battle Creek TIFA/Brownfield Redevelopment Authority – (Appointing Authority) City Manager with City Commission approval. (Purpose) To halt a decline of property values, increase property tax valuation, eliminate causes of decline in value, and promote growth in the Fort Custer Industrial Park.

Zimmerlin: Yes No **Comment: Next Commission Meeting for approval**

Behnke: Yes No Comment:

Sofia: Yes No Comment:

II. DOWNTOWN PARKING SYSTEM ADVISORY COMMITTEE

- a. 7 applications, 3 new appointments, 6 reappointments
 - i. Jackson Bredehoft – New Appointment - Term to expire 04/21/2028
 - ii. Stephen Herbstreith – New Appointment – Term to expire 4/21/2028
 - iii. Jamie McCaulley – New Appointment – Term to expire 4/21/2028
 - iv. Bryan Babel – Reappointment – Term to expire 04/21/2028
 - v. Paul Conkey – Reappointment – Term to expire 04/21/2028
 - vi. Robert Corder – Reappointment – Term to expire 4/21/2028
 - vii. Linda Freybler – Reappointment – Term to expire 04/21/2028
 - viii. John Hart – Reappointment – Term to expire 04/21/2028
 - ix. Kelly Walden - Reappointment – Term to expire 04/21/2028
- b. Discussion: Behnke, Sofia, Zimmerlin, Liaison & Chair Person (John Hart)

Downtown Parking System Advisory Committee – (Appointing Authority) Mayor and City Commission. (Purpose) To advise city staff and the city’s parking administrator on issues related to the municipally-owned and operated parking system.

Zimmerlin: Yes No **Comment: Next Commission Meeting for approval**

Behnke: Yes No Comment:

Sofia: Yes No Comment:

III. SUSTAINABLE BATTLE CREEK COMMITTEE

- a. 2 applications, 1 new appointment, 1 reappointment
 - i. Jackson Bredehoft – New Appointment - Term to expire 04/21/2028
 - ii. Michael Hall – Reappointment – Term to expire 06/18/2028 – **Not Approved**
- a. Discussion: Behnke, Sofia, Zimmerlin, Liaison (Patty Hoch-Melluish), Board Chair (Andy Helmboldt)

Sustainable Battle Creek Committee - (Appointing Authority) Mayor and City Commission. (Purpose) The purpose of the committee is to increase the city's efforts to incorporate environmentally responsible, cost-effective policy in the planning, administration and economic development of its built infrastructure and natural resources. The committee may make recommendations to the City Commission for its consideration and will be available to the commission as a resource on sustainable policy.

Zimmerlin: Yes No **Comment: Next Commission Meeting for approval -
Jackson Bredehoft as New Appointment**

Behnke: Yes No Comment:

Sofia: Yes No Comment:

The Meeting ended at 3:37pm.

**Boards/Committees Applications
(Received March 11, 2026 – April 14, 2026)**

Jackson Bredehoft

Battle Creek Downtown Development Authority
Battle Creek Housing Commission
Downtown Parking System Advisory Committee
Sustainable Battle Creek Committee

Jamie McCaulley

Downtown Parking System Advisory Committee

Robert Corder

Downtown Parking System Advisory Committee

Ted Dearing

Board of Review

Michigan Municipal League Convention 2025 — Synopsis Report

Grand Rapids, Michigan | September 17–19, 2025

Submitted by: City Commissioner Paige Katsarsky-Smith,

Prepared for: Mayor and fellow City Commissioners,

I am writing my synopsis with gratitude for the opportunity to be able to attend such events to help grow and develop into my role as a commissioner.

The 2025 Michigan Municipal League (MML) Convention, held in Grand Rapids from September 17–19, provided an invaluable opportunity to engage with municipal leaders, planners, and community advocates from across the state. The theme, “*Redefining Community for People, Places, and Purpose*,” highlighted the importance of intentional, inclusive community development.

This report summarizes general sessions as well as breakout sessions, insights, and best practices relevant to our ongoing discussion of housing, community engagement, and revitalization.

General Session: Redefining Community for People, Places, and Purpose

The opening session focused on reimagining how municipalities can build stronger, more resilient communities by centering people, place-making, and shared purpose. Speakers emphasized that effective community development requires:

- **Options for everyone** — ensuring diverse housing types and accessible services.
- **Smart investments** — aligning fiscal decisions with long-term sustainability.
- **Meaningful green spaces** — prioritizing livability and environmental quality.
- **Vibrant areas** — fostering economic vitality through mixed-use and pedestrian-friendly design.
- **Locally driven initiatives** — empowering residents and leaders to shape development decisions collaboratively.

These guidelines really put into perspective the core of many ways to continue to move Battle Creek forward for everyone, while keeping the community involvement as well as aligning our future goals with that of the people within our community.

These are important matters to myself personally, as I have stated before I really believe a strong community is the only way to truly move us forward.

Breakout Session: Reviving the Corridor

This session addressed housing shortages, zoning reform, and the relationship between land use and economic vitality. Key points included:

- Michigan communities face an **undercount in housing needs**, leading to continued shortages.
- **Reducing lot sizes** and promoting **higher-density housing** were presented as strategies to maximize existing infrastructure and meet market demand.

(which admittedly I was a bit skeptical about these ideas, but later realized that done tactfully they can make sense, and they can be done cohesively.)

- A **mismatch exists** between single-family zoning and needs/wants of people looking for housing, studies are finding more households want smaller homes closer to amenities, while most areas have more single family, large homes.
- **Higher density** can enhance tax revenue and better used already developed land, reducing pressure to convert farmland or green space.

The session highlighted **Indigo Design's model**, which integrates townhomes near single-family neighborhoods to achieve density while maintaining neighborhood character.

Communities that align **zoning codes with master plans**, such as Battle Creek has begun to do, are best positioned to attract investment and respond proactively to housing needs.

Governance and Civility in Leadership

A separate breakout emphasized the importance of **civility and ethical conduct** in local governance. Establishing clear **council rules**, fostering **constructive dialogue**, and prioritizing **proactive governance** over reactive decision-making were key recommendations. These are some topics that I have had conversations about since my time on the commission as well as before I was appointed. Proactiveness is something I find very helpful.

Financing Tools and Crowdfunding for Community Projects

Friday's breakout on **crowdfunding and community finance** explored creative approaches to funding development projects, including:

- **Tax Increment Financing (TIFs)** — leveraging anticipated tax growth to fund infrastructure or housing.
- **Brownfield redevelopment tools** — incentivizing investment on previously underutilized or contaminated sites.

- **Public-private partnerships and donor engagement** — mobilizing resources for community spaces and revitalization initiatives.

These strategies can support Battle Creek’s redevelopment efforts, particularly in corridors and neighborhoods seeking reinvestment.

I know we already take advantage of some of these useful tools.

Final General Session: Third Spaces and Inclusive Placemaking

The closing session introduced the concept of “**third spaces**” — welcoming public areas outside of home and work, such as parks, plazas, and community commons.

Speakers, including **Joshua Atwood**, emphasized that such spaces must be **inclusive and accessible** for all, including the homeless population. Designing with empathy—rather than exclusion—was presented as essential to fostering a true sense of belonging and safety.

This aligns closely with Battle Creek’s goal of creating environments that invite connection, support wellbeing, and strengthen the city’s social fabric.

Rolling on the Grand Tour

The “**Rolling on the Grand**” tour showcased Grand Rapids’ success in revitalizing its downtown and riverfront areas. Participants observed adaptive reuse projects, public art installations, and reactivated spaces that balanced economic growth with community character.

Later in the evenings/nighttime I decided to go out walking the downtown area. The well-lit areas made me feel safe and comfortable doing so, as well as the vast amounts of people that were also out and about. I then ended up walking with a few people and chatting. The first gentlemen were currently “homeless” as they expressed, and I had a long walk/talk with them... We chatted about how they came to be in their circumstance’s, where they came from, how they see life and so many other things. It was equally as insightful as a “Breakout session”. Shortly after these guys walked on, I heard a voice kind of pepped up with concern announce, “Watch out lady, there is a car coming!” As I looked over, I saw this gentleman next to me with worry upon his face, he thought I was going to step off of the curb apparently. I thanked him a few times and then he responded with “can I walk with you?” So, I said “of course!”. He was here in the United States with his sister, they have been here for some years on work visas. He spoke of how his sister had recently become a schoolteacher in Grand Rapids, and how he mostly did construction. He spoke of his/her struggles, including his current homeless situation. We spoke politics, we spoke economy

and we spoke of life... It was a wonderful conversation, I think we walked and talked for almost two hours.

Conversations with members of the **homeless community** offered firsthand insight into the challenges of accessibility, integration, and supportive housing. Just truly very eye-opening from people experiencing these things firsthand, it gave me a much more realistic grasp on these topics than probably listening to any “Guest Speaker” probably ever could. (Not to say that those speakers were not also a plethora of information, just not the same viewpoints can come from someone who has “studied” the topic vs someone who has lived it.)

Conclusion and Application to Battle Creek

The 2025 MML Convention offered valuable lessons for advancing Battle Creek’s strategic goals. Central themes: **housing diversity, inclusive public spaces, ethical leadership, and proactive community engagement.**

Key takeaways to guide future efforts include:

1. **Reassess zoning codes** to align with evolving housing demand.
2. **Leverage TIF and brownfield tools** to encourage redevelopment. (continue)
3. **Create and maintain third spaces** that welcome all residents, fostering community.
4. **Model civility and proactive governance** to strengthen public trust.
5. **Encourage public-private partnerships** that support sustainable, community-driven growth.

So, to conclude, I again want to say thank you for this opportunity. I appreciate any time that I am able to be involved in any educational, networking, or community conversations that will help guide and lead me on my journey as a representative of the people of Battle Creek.

Please don’t hesitate to reach out with questions, or if looking for more information.

Battle Creek City Commissioner Paige Katsarsky-Smith



Resolution No: 2026-123
City Commission Meeting 4/21/2026

Ambulance Report for March 2026

Battle Creek City Commission
Action Summary

Staff Member: Shawna Beach, Records/Election Clerk

Department: City Clerk's Office

Summary

AMBULANCE SERVICES
MONTHLY PERFORMANCE REPORT

Report for the month of March 2026

Life Care Ambulance Service

Life Care Ambulance Service is under Contract with the City of Battle Creek effective June 2, 1998. Under the Contract, they are requested to meet the following criteria at a minimum of 90% of all calls per month:

Life-threatening emergency runs throughout the City -- 10 Minutes

Life-threatening emergency runs per Ward - 11 Minutes

Priority 3 Responses -- 20 Minutes

Life-threatening Emergencies City-wide

Number of runs for the month 615. Percentage of runs accomplished within guidelines 92.7%

Life-threatening Emergencies per Ward

| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 |
|---------------------|---------------|---------------|---------------|---------------|---------------|
| Number of Runs | 111 | 201 | 108 | 72 | 123 |
| ALS Responses | 212 | 342 | 177 | 125 | 181 |
| BLS Responses | 6 | 5 | 1 | 3 | 3 |
| Percentage Achieved | 95.5% | 93.0% | 93.6% | 88.9% | 88.6% |

Priority 3 Responses

Number of runs for the month 440. Percentage of runs accomplished within guidelines 93.0%

Budgetary Considerations

History, Background and Discussion

Positions

Attachments

1. Battle Creek March 2026 Ambulance Battle Creek March 2026 Ambulance report.pdf

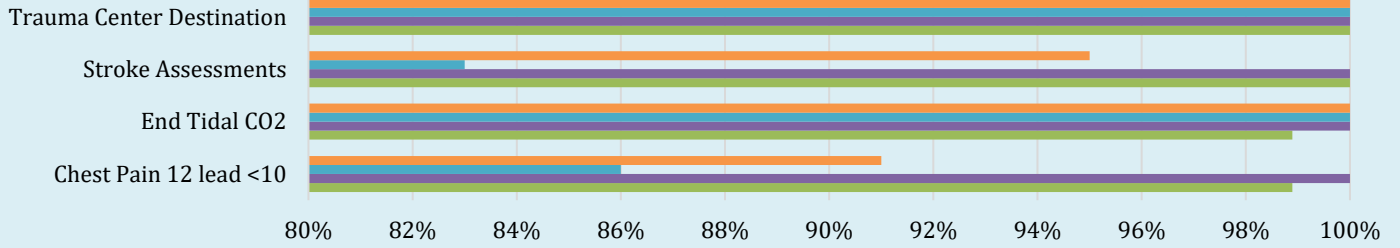
**RESPONSE TIME PERFORMANCE
CITY OF BATTLE CREEK
March 2026**

| | Nov-25 | Dec-25 | Jan-26 | Feb-26 | Mar-26 |
|-------------------------------|--------------|--------------|--------------|--------------|--------------|
| PRIORITY 1 CALLS RESPONSES | 89.4% 573 | 87.6% 645 | 86.5% 631 | 91.1% 542 | 92.7% 615 |
| PRIORITY 3 CALLS RESPONSES | 91.8% 401 | 87.7% 440 | 85.4% 431 | 92.1% 378 | 93.0% 440 |
| WARD 1 RESPONSES | 88.0% 108 | 90.7% 129 | 92.6% 108 | 89.5% 105 | 95.5% 111 |
| WARD 2 RESPONSES | 96.1% 178 | 89.3% 197 | 93.0% 214 | 96.4% 192 | 93.0% 201 |
| WARD 3 RESPONSES | 97.4% 115 | 90.4% 114 | 89.0% 118 | 88.4% 86 | 93.6% 108 |
| WARD 4 RESPONSES | 89.5% 76 | 86.0% 93 | 92.8% 83 | 90.7% 54 | 88.9% 72 |
| WARD 5 RESPONSES | 86.5% 96 | 79.5% 112 | 80.6% 108 | 85.7% 105 | 88.6% 123 |

Response Types
City of Battle Creek

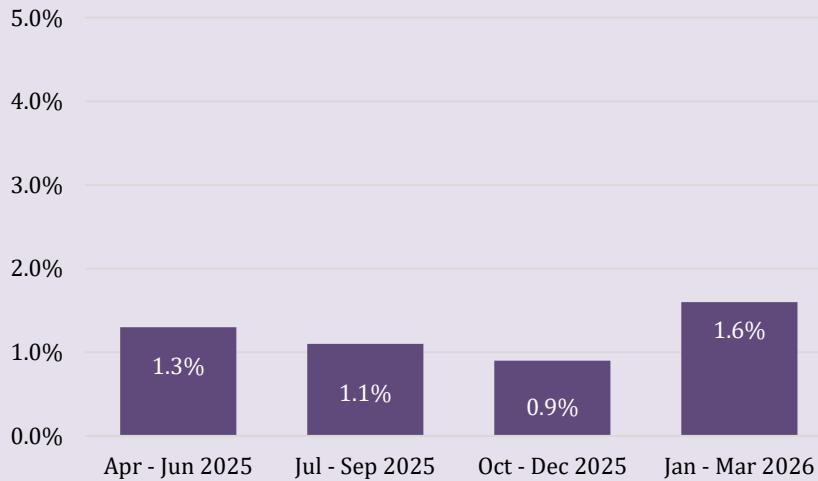
| | Nov-25 | Dec-25 | Jan-26 | Feb-26 | Mar-26 |
|--------------------------|--------|--------|--------|--------|--------|
| Priority 1 ALS Responses | 572 | 633 | 619 | 541 | 608 |
| Priority 1 BLS Responses | 1 | 12 | 12 | 1 | 7 |
| Priority 3 ALS Responses | 395 | 423 | 402 | 369 | 429 |
| Priority 3 BLS Responses | 6 | 17 | 29 | 9 | 11 |
| WARD 1 | | | | | |
| ALS Responses | 180 | 225 | 181 | 166 | 212 |
| BLS Responses | 0 | 4 | 8 | 4 | 6 |
| WARD 2 | | | | | |
| ALS Responses | 301 | 319 | 342 | 312 | 342 |
| BLS Responses | 3 | 8 | 11 | 2 | 5 |
| WARD 3 | | | | | |
| ALS Responses | 187 | 209 | 186 | 159 | 177 |
| BLS Responses | 1 | 8 | 11 | 2 | 1 |
| WARD 4 | | | | | |
| ALS Responses | 142 | 137 | 136 | 103 | 125 |
| BLS Responses | 3 | 5 | 4 | 0 | 3 |
| WARD 5 | | | | | |
| ALS Responses | 157 | 166 | 176 | 170 | 181 |
| BLS Responses | 0 | 4 | 7 | 2 | 3 |

Quality Metrics

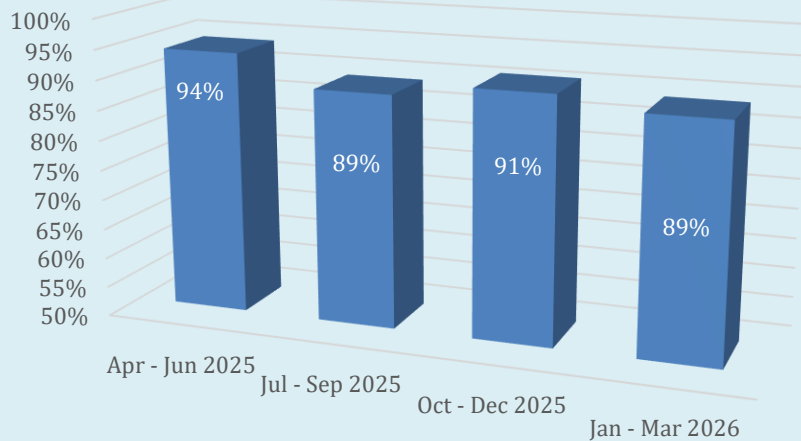


| | Chest Pain 12 lead <10 | End Tidal CO2 | Stroke Assessments | Trauma Center Destination |
|--------------|------------------------|---------------|--------------------|---------------------------|
| Jan-Mar 2026 | 91% | 100% | 95% | 100% |
| Oct-Dec 2025 | 86% | 100% | 83% | 100% |
| Jul-Sep 2025 | 100% | 100% | 100% | 100% |
| Apr-Jun 2025 | 99% | 99% | 100% | 100% |

Red Lights and Sirens Transports



Customer Satisfaction





Resolution No: 366
City Commission Meeting 4/21/2026

366 - A Resolution appointing Kimberly Holley as the Federal Highway Administration (FHWA) Title VI Coordinator for the City of Battle Creek, replacing Ted Dearing.

Battle Creek City Commission
Action Summary

Staff Member: Patricia Worden, Executive Assistant

Department: City Manager's Office

Summary

RESOLUTION NO. 366

Resolved by the Commission of the City of Battle Creek:

That Kimberly Holley, Organizational Development Officer, is appointed as the Federal Highway Administration (FHWA) Title VI Coordinator for the City of Battle Creek, replacing the previous Coordinator, Ted Dearing.

Budgetary Considerations

None.

History, Background and Discussion

Kimberly Holley, Organizational Development Officer, is appointed as the Federal Highway Administration (FHWA) Title VI Coordinator, replacing the previous Coordinator, Ted Dearing.

Positions

Attachments



Resolution No: 367
City Commission Meeting 4/21/2026

367 - A Resolution appointing Jennifer Rosa as a new member to the BCTIFA / Brownfield Redevelopment Authority.

Battle Creek City Commission
Action Summary

Staff Member: Patricia Worden, Executive Assistant

Department: City Manager's Office

Summary

RESOLUTION NO. 367

Resolved by the Commission of the City of Battle Creek:

That Jennifer Rosa is appointed as a new member to the BCTIFA / Brownfield Redevelopment Authority with a term to expire on April 21, 2030.

Budgetary Considerations

None.

History, Background and Discussion

Resolution No. 27, dated April 28, 1981, authorized the establishment of an Authority for the Fort Custer Industrial Park District. Its purpose is to halt a decline of property values, increase property tax valuation, eliminate causes of decline in value, and promote growth in the Fort Custer Industrial Park.

Resolution No. 138, May 19, 2015, established the following criteria for the Board: city resident – 4 members; property owner, business owner or designee of the TIFA District – 4 members; City Manager or designee – 1 member; not less than nine (9) nor more than thirteen (13).

Resolution No. 230, September 6, 2016, clarified the following criteria for the Board:

Each of the no more than thirteen members shall meet either the City resident criteria or the property owner, business owner or their designee of the TIFA district requirement, with the

minimum numbers being four and four. The size of the Board shall not be less than nine nor more than thirteen members as determined and appointed by the City Manager subject to the approval of the City Commission. It, also, further clarified that Board Members shall serve no more than four consecutive, four-year terms, to be determined at the time a member is up for reappointment; and each person interested in a position on the TIFA Board, that meets the established criteria, shall submit an application using the City's Board and Commission application form for review and consideration by the City Manager.

Positions

The Review Committee is supportive of this appointment.

Attachments

1. Rosa, Jennifer - 2026 Rosa, Jennifer - 2026.pdf

Patricia Worden

From: noreply@civicplus.com
Sent: Monday, March 9, 2026 3:34 PM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

| | |
|--------------------------------|---|
| First Name | Jennifer |
| Last Name | Rosa |
| Address | 44 Loch Haven Ln |
| City | Battle Creek |
| State | MI |
| Zip Code | 49015 |
| Phone Number | 517-896-1663 |
| Email Address | jrosa@gallagheruniform.com |
| Cell phone | <i>Field not completed.</i> |
| Are you 18 years or older? | Yes |
| Current occupation | Human Resources Manager |
| Employer | Gallagher Uniform |
| Educational background/ | B.A. Human Resource Management, Michigan State University, Eli Broad College of Business |
| Boards/Commissions of Interest | N/A |
| Organizational Memberships | Battle Creek HR Group through BCU, Calhoun County Spartans, annual volunteer at Girls on The Run and Cereal City Triathlon, 5K, and Half Marathon |
| Interest & Qualifications | I have been looking for opportunities to get more involved in my local community and am interested in helping BC thrive. My |

family has lived in and owned businesses in this community since the 80s and I am actively working in the Fort Custer Industrial Park.

Attach additional information [Resume.pdf](#)

How You Heard About Us word of mouth

Electronic Signature Agreement I agree.

Electronic Signature Jennifer L. Rosa

Date Signed 03/09/2026

Section Break

Section Break

Section Break

Airport Advisory Board *Field not completed.*

Experience *Field not completed.*

Section Break

BC Area International Relations Committee *Field not completed.*

Experience *Field not completed.*

Section Break

BC Downtown Development Authority (DDA) *Field not completed.*

Experience *Field not completed.*

Section Break

| | |
|--|--|
| BC Housing Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| BC TIFA / Brownfield Redevelopment Authority | 1 |
| Experience | Property owner, Live in BC city limits |
| <i>Section Break</i> | |
| Board of Appeals (Housing) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Board of Review (Assessing) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Civil Service Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Community Oversight Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Construction Board of Appeals | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Dangerous Buildings Hearing Officer | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |

Development Area Citizens Council *Field not completed.*

Experience *Field not completed.*

Section Break

Dickman Road Business Improvement District (BID) *Field not completed.*

Experience *Field not completed.*

Section Break

Downtown Parking System Advisory Committee *Field not completed.*

Experience *Field not completed.*

Section Break

Economic Development Corporation *Field not completed.*

Experience *Field not completed.*

Section Break

Goghuac Lake Board *Field not completed.*

Experience *Field not completed.*

Section Break

Historic District Commission *Field not completed.*

Experience *Field not completed.*

Section Break

Income Tax Board of Appeals *Field not completed.*

Experience *Field not completed.*

Section Break

Lakeview Downtown Development Authority (DDA) *Field not completed.*

Experience *Field not completed.*

Section Break

License Review Board *Field not completed.*

Experience *Field not completed.*

Section Break

Local Development
Financing Authority (LDFA /
SmartZone) *Field not completed.*

Experience *Field not completed.*

Section Break

Local Officers'
Compensation Commission *Field not completed.*

Experience *Field not completed.*

Section Break

Planning Commission *Field not completed.*

Experience *Field not completed.*

Section Break

Police / Fire Retirement
System Board *Field not completed.*

Experience *Field not completed.*

Section Break

Sustainable BC Committee *Field not completed.*

Experience *Field not completed.*

Section Break

Technical Review
Committee *Field not completed.*

Experience *Field not completed.*

Section Break

Tree Advisory Council *Field not completed.*

Experience *Field not completed.*

Section Break

Water System Advisory Council *Field not completed.*

Experience *Field not completed.*

Section Break

Youth Advisory Board *Field not completed.*

Experience *Field not completed.*

Section Break

Zoning Board of Appeals (ZBA) *Field not completed.*

Experience *Field not completed.*

Email not displaying correctly? [View it in your browser.](#)





Resolution No: 368
City Commission Meeting 4/21/2026

368 - A Resolution appointing Jackson Bredehoft, Stephen Herbstreith and Jamie McCaulley as new members and reappointing Bryan Babel, Paul Conkey, Robert Corder, Linda Freybler, John Hart and Kelly Walden to the Downtown Parking System Advisory Committee.

Battle Creek City Commission
Action Summary

Staff Member: Patricia Worden, Executive Assistant

Department: City Manager's Office

Summary

RESOLUTION NO. 368

Resolved by the Commission of the City of Battle Creek:

That Jackson Bredehoft, Stephen Herbstreith and Jamie McCaulley are appointed as new members to the Downtown Parking System Advisory Committee, with terms to expire on April 21, 2028.

That Bryan Babel, Paul Conkey, Robert Corder, Linda Freybler, John Hart and Kelly Walden are reappointed to the Downtown Parking System Advisory Committee, with terms to expire on April 21, 2028.

Budgetary Considerations

History, Background and Discussion

Started by City Manager Aaron Marsh in 1975 (without a Resolution and chaired by the Director of Transportation) as an in-house Advisory Committee. Commission representation was not originally included in the committee makeup. The committee was formally created and authorized by the City Commission by Resolution 94 on April 14, 2020.

The Mayor appoints City Commission representative by Resolution. Businesses representative, owners and members at large are appointed by the City Manager in consultation with the Director of Public Works and the representative from the City's parking system administrator and approved by the City Commission.

Purpose: To advise City staff and the City's parking administrator on issues related to the municipally-owned and operated parking system.

Membership: The Committee shall consist of a minimum of 9 and a maximum of 15 members. The Committee shall be composed of the following: - A member of the Battle Creek City Commission - The Director of Public Works (Chair) - A representative from the city's parking system administrator - The Development Director for the City of Battle Creek - The General Manager of the Cereal City Development Corporation (or his or her designee) - The Chief Executive Officer of the Calhoun County Visitor's Bureau (or his or her designee) - The Battle Creek Chief of Police (or his or her designee) - Two members of the public at large, who must be residents of the City of Battle Creek. - Up to six additional members, including property owners or representatives of businesses located in downtown Battle Creek. Special Requirements: At large representatives must be residents of the City of Battle Creek.

Positions

The Review Committee is supportive of these appointments and reappointments.

Attachments

- | | |
|------------------------------|-------------------------------|
| 1. Bredehoft, Jackson - 2026 | Bredehoft, Jackson - 2026.pdf |
| 2. McCaulley, Jamie - 2026 | McCaulley, Jamie - 2026.pdf |
| 3. Babel, Bryan - 2026 | Babel, Bryan - 2026.pdf |
| 4. Conkey, Paul - 2026 | Conkey, Paul - 2026.pdf |
| 5. Corder - Robert - 2026 | Corder - Robert - 2026.pdf |
| 6. Freybler, Linda - 2026 | Freybler, Linda - 2026.pdf |
| 7. Walden, Kelly - 2026 | Walden, Kelly - 2026.pdf |

Patricia Worden

From: noreply@civicplus.com
Sent: Sunday, March 22, 2026 12:50 PM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

| | |
|--------------------------------|--|
| First Name | Jackson |
| Last Name | Bredehoft |
| Address | 49 N La Vista Blvd |
| City | Battle Creek |
| State | MI |
| Zip Code | 49015 |
| Phone Number | 269-420-5037 |
| Email Address | Jackson@getcaferica.com |
| Cell phone | 269-420-5037 |
| Are you 18 years or older? | Yes |
| Current occupation | Self Employed |
| Employer | Cafe Rica LLC |
| Educational background/ | B.A. Marketing Management University of Olivet |
| Boards/Commissions of Interest | Sustainable Battle Creek Committee, Downtown Parking system committee |
| Organizational Memberships | <i>Field not completed.</i> |
| Interest & Qualifications | I am a resident and business owner in Battle Creek who wants to get involved in city committees to improve my hometown |
| Attach additional information | <i>Field not completed.</i> |

| | |
|--------------------------------|---------------------|
| How You Heard About Us | City Website |
| Electronic Signature Agreement | I agree. |
| Electronic Signature | Jackson D Bredehoft |
| Date Signed | 03/22/2026 |

| | |
|------------------------|-----------------------------|
| Airport Advisory Board | <i>Field not completed.</i> |
|------------------------|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

| | |
|---|-----------------------------|
| BC Area International Relations Committee | <i>Field not completed.</i> |
|---|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

| | |
|---|---|
| BC Downtown Development Authority (DDA) | 2 |
|---|---|

| | |
|------------|---|
| Experience | Business representative, Live in BC city limits |
|------------|---|

| | |
|-----------------------|---|
| BC Housing Commission | 2 |
|-----------------------|---|

| | |
|------------|------------------------|
| Experience | Live in BC city limits |
|------------|------------------------|

BC TIFA / Brownfield Redevelopment Authority *Field not completed.*

Experience *Field not completed.*

Board of Appeals (Housing) *Field not completed.*

Experience *Field not completed.*

Board of Review (Assessing) *Field not completed.*

Experience *Field not completed.*

Civil Service Commission *Field not completed.*

Experience *Field not completed.*

Community Oversight Board *Field not completed.*

Experience *Field not completed.*

Construction Board of Appeals *Field not completed.*

Experience *Field not completed.*

Dangerous Buildings Hearing Officer *Field not completed.*

Experience *Field not completed.*

Development Area Citizens Council *Field not completed.*

Experience *Field not completed.*

Dickman Road Business Improvement District (BID) *Field not completed.*

Experience *Field not completed.*

Downtown Parking System Advisory Committee 2

Experience Downtown business/ property owner, Live in BC city limits

Economic Development Corporation *Field not completed.*

Experience *Field not completed.*

Gogvac Lake Board *Field not completed.*

Experience *Field not completed.*

Historic District Commission *Field not completed.*

Experience *Field not completed.*

Income Tax Board of Appeals *Field not completed.*

Experience *Field not completed.*

Lakeview Downtown Development Authority (DDA) *Field not completed.*

Experience *Field not completed.*

License Review Board *Field not completed.*

Experience *Field not completed.*

| | |
|--|---|
| Local Development Financing Authority (LDFA / SmartZone) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Local Officers' Compensation Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Planning Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Police / Fire Retirement System Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Sustainable BC Committee | 1 |
| Experience | Live in BC city limits, Business representative |
| Technical Review Committee | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Tree Advisory Council | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Water System Advisory Council | <i>Field not completed.</i> |

Experience *Field not completed.*

Youth Advisory Board *Field not completed.*

Experience *Field not completed.*

Zoning Board of Appeals
(ZBA) *Field not completed.*

Experience *Field not completed.*

Email not displaying correctly? [View it in your browser.](#)



Patricia Worden

From: noreply@civicplus.com
Sent: Friday, March 27, 2026 11:52 AM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

| | |
|--------------------------------|--|
| First Name | Jamie |
| Last Name | McCaulley |
| Address | 64 Yale St. |
| City | Battle Creek |
| State | MI |
| Zip Code | 49017 |
| Phone Number | 269-579-7002 |
| Email Address | jamie.mccaulley@abm.com |
| Cell phone | <i>Field not completed.</i> |
| Are you 18 years or older? | Yes |
| Current occupation | System Manager |
| Employer | ABM Parking Services |
| Educational background/ | National Parking Association - Certified Parking Professional |
| Boards/Commissions of Interest | N/A |
| Organizational Memberships | National Parking Association |
| Interest & Qualifications | I have worked for ABM Parking Services in Battle Creek for around 10 years. I was recently promoted to System Manager. |
| Attach additional information | <i>Field not completed.</i> |

| | |
|---|-----------------------------|
| How You Heard About Us | <i>Field not completed.</i> |
| Electronic Signature Agreement | I agree. |
| Electronic Signature | Jamie K McCaulley |
| Date Signed | 03/27/2026 |
| (Section Break) | |
| (Section Break) | |
| (Section Break) | |
| Airport Advisory Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| BC Area International Relations Committee | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| BC Downtown Development Authority (DDA) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| BC Housing Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |

BC TIFA / Brownfield
Redevelopment Authority *Field not completed.*

Experience *Field not completed.*

(Section Break)

Board of Appeals (Housing) *Field not completed.*

Experience *Field not completed.*

(Section Break)

Board of Review (Assessing) *Field not completed.*

Experience *Field not completed.*

(Section Break)

Civil Service Commission *Field not completed.*

Experience *Field not completed.*

(Section Break)

Community Oversight
Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Construction Board of
Appeals *Field not completed.*

Experience *Field not completed.*

(Section Break)

Dangerous Buildings
Hearing Officer *Field not completed.*

Experience *Field not completed.*

(Section Break)

Development Area Citizens
Council *Field not completed.*

Experience *Field not completed.*

(Section Break)

| | |
|--|-----------------------------|
| Dickman Road Business Improvement District (BID) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| Downtown Parking System Advisory Committee | 1 |
| Experience | Live in BC city limits |
| (Section Break) | |
| Economic Development Corporation | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| Goguac Lake Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| Historic District Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| Income Tax Board of Appeals | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| Lakeview Downtown Development Authority (DDA) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| License Review Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |

(Section Break)

| | |
|--|-----------------------------|
| Local Development Financing Authority (LDFA / SmartZone) | <i>Field not completed.</i> |
|--|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

(Section Break)

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| Local Officers' Compensation Commission | <i>Field not completed.</i> |
|---|-----------------------------|

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|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

(Section Break)

| | |
|---------------------|-----------------------------|
| Planning Commission | <i>Field not completed.</i> |
|---------------------|-----------------------------|

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|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
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(Section Break)

| | |
|---------------------------------------|-----------------------------|
| Police / Fire Retirement System Board | <i>Field not completed.</i> |
|---------------------------------------|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

(Section Break)

| | |
|--------------------------|-----------------------------|
| Sustainable BC Committee | <i>Field not completed.</i> |
|--------------------------|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

(Section Break)

| | |
|----------------------------|-----------------------------|
| Technical Review Committee | <i>Field not completed.</i> |
|----------------------------|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

(Section Break)

| | |
|-----------------------|-----------------------------|
| Tree Advisory Council | <i>Field not completed.</i> |
|-----------------------|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

(Section Break)

| | |
|-------------------------------|-----------------------------|
| Water System Advisory Council | <i>Field not completed.</i> |
|-------------------------------|-----------------------------|

Experience *Field not completed.*

(Section Break)

Youth Advisory Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Zoning Board of Appeals
(ZBA) *Field not completed.*

Experience *Field not completed.*

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Application

Applicant Information

How did you find out about our boards, committees, commissions, and councils?

Full Name:

Bryan Babel

Phone Number:

269-277-4379

Home Address:

12092 Highview Shores
Vicksburg, MI 49097

Email Address

Bryan.Babel@Kellogg.com

Current occupation (students list activities)

SR Manager Global Real Estate & Facilities

Are you at least 18 years of age?
(Yes/No)

Yes

No

Employer or school name and address

Mars Inc.

Educational background/ years in school

BBA

List any boards, commissions, committees, councils, or appointive positions you have served on, and the years you served.

Treasurer of First Of America Brokerage Company 4 years
Treasurer of The Vicksburg Lions Club 5 years

List any organizations you belong to. For example: professional, technical, community, or nonprofit organizations. Students may list school organizations.

Lions Club of Vicksburg

Briefly describe your interest, experience, or qualifications for the board you are applying for. Please be as specific as possible. You may use the back of the form for more space.

30 years in business managing budget and facilities

I understand that any or all information on this form may be verified. I consent to the release of this information for publicity purposes.

Signature

Date

Bryan Babel

2/23/26



City of Battle Creek Board, Commission and Committee Descriptions

Please check experience for up to three boards and commissions on which you are interested in serving.

Airport Advisory Board

Appointing authority: Mayor and Commission. Meets quarterly.

Description: The committee makes policy recommendations regarding airport matters in order to support the continued development of the airport and economic growth of the community, and acts as an advocate for the current and potential future economic value of the airport. Contact: Battle Creek Executive Airport at Kellogg Field, 269-966-3470.

Relevant Experience (check all that apply):

- Airport operations
- Economic Development
- Live in city limits

Battle Creek Area International Relations Committee

Appointing authority: Mayor, with Commission approval. Meets as needed.

Description: To promote the city's cultural assets and create a welcoming environment for foreign industrialists and their families. Contact: City Manager's Office, 269-966-3311.

Relevant Experience:

- Live in city limits

Battle Creek Downtown Development Authority

Appointing authority: City Manager, with Commission approval. Meets quarterly.

Description: The Downtown Development Authority (DDA), established under Public Act 57 of 2018, serves as a catalyst for growth and reinvestment in the city's downtown district. The DDA offers several funding tools—including tax increment financing—to support public improvements and enhance the vitality of the downtown area. Contact: City Manager's Office, 269-966-3311.

Relevant Experience (check all that apply):

- Property owner
- Business representative
- Live in city limits

Battle Creek Housing Commission

Appointing authority: Mayor and Commission. Meets: Monthly

Description: Manages all public housing facilities and rental voucher (Section 8) programs in the city. Public housing facilities include scattered site rental housing, home purchase programs and senior residential developments. Meets monthly. Contact: Community Services Director, 269-966-3406.

Relevant Experience (check all that apply):

- Public housing
- Live in city limits

Battle Creek TIFA/Brownfield Redevelopment Authority

Appointing authority: City Manager, with Commission approval. Meets: Quarterly

Description: To halt a decline of property values, increase property tax valuation, eliminate causes of decline in value, and promote growth in the Fort Custer Industrial Park. Contact: City Manager's Office, 269-966-3311.

Relevant Experience (check all that apply):

- Property owner
- Business owner
- Live in city limits

Board of Appeals (Housing)

Appointing authority: Mayor, with Commission approval. Meets: Monthly

Description: Board members hear and decide on appeals concerning the application or interpretation of the provisions and standards of the Building Code, the International Property Maintenance Code and Chapter 842 of these Codified Ordinances, and to hear appeals of decisions of the Dangerous Buildings Hearing Officer. Contact: Code Compliance Manager, 269-966-3387.

Relevant Experience (check all that apply):

- Building construction/ engineering
- Zoning
- Real estate/ development/ law
- Live in city limit

Board of Review (Assessing)

Appointing authority: Mayor and Commission. Meets for a minimum of five days in March; one day in July; and one day in December.

Description: Members serve for five years and must be city electors and property owners. Members may correct/amend assessment rolls and increase or decrease taxable property assessment or valuation. Contact: City Assessor, 269-966-3369.

Relevant Experience (check all that apply):

- Banking/ finance
- Property appraisal/ assessing
- Real Estate/ development/law
- Live in city limits

- City Commission**

Appointing authority: Elected by City of Battle Creek voters.

Description: City Commissioners serve two-year terms. Voters elect the mayor as a separate office to serve a two-year term. After an election, the vice mayor is selected by their fellow commissioners to serve a two-year term. The commission is comprised of five ward commissioners, representing geographic wards within the city, and four at-large commissioners. **All interested City Commission candidates must collect signatures, and submit nominating petitions. See more information about commissioner candidate requirements at www.battlecreekmi.gov/elections.** In the case of a position vacancy, the commission will follow a special process, about which information will be released separately. Contact: City Clerk, 269-966-3348.

Civil Service Commission

Appointing authority: Mayor and Commission appoint one member, Fire Department appoints one member, and those two members appoint a third member. Meets: Monthly

Description: Establishes rules applicable to all regular and full-time Fire Department personnel, excluding civilian employees. Members must reside in the city limits for one year, reside within the county for three years, and hold no other government office. There may be no more than two members of the same political party. Contact: City Clerk, 269-966-3348.

Relevant Experience (check all that apply):

- Live in city limits

- Community Oversight Board**

Appointing authority: Mayor and Commission. Meets quarterly.

Description: Serves in an advisory capacity to the City Manager by reviewing appeals related to investigations and findings of community complaints involving the Battle Creek Police Department. Builds bridges between the community and law enforcement by supporting education, transparency, and accountability; offering community perspective on departmental practices and policies; and working to strengthen credibility and public trust. The board consists of nine members—two of whom are non-voting city staff—and two alternates, selected to reflect the city’s demographics as closely as possible. Contact: Organizational Development Officer, 269-966-3311.

Relevant Experience (check all that apply):

- Live in city limits
- Live in other municipality with city police service
- Voces of Battle Creek rep.
- NAACP rep.
- Burma Center rep.

Construction Board of Appeals

Appointing authority: Mayor and Commission. Meets as needed.

Description: To hear appeals on building permit denials, and from any other decision pursuant or related to the Act or the State Construction Code. There are five members and one alternate. Members serve two-year terms. A member of the board shall be qualified by experience or training to perform the duties of the board. Contact: Chief Building Official, 269-966-3311.

Relevant Experience (check all that apply):

- Construction or related experience

Dangerous Buildings Hearing Officer

Appointing authority: Mayor, with Commission approval. Meets: Monthly

Description: Identifies structures within the city limits that are considered public nuisances; serves written notice of hearings to property owners or other parties of interest at the address listed on tax records; and conducts hearings to determine why such structures should not be ordered demolished, made safe, or properly maintained. Board members must possess expertise in housing-related matters, including—but not limited to—engineering, architecture, building construction, building inspection, or participation in a community housing organization. Contact: Code Compliance Manager, 269-966-3387.

Relevant Experience (check all that apply):

- Bldg. construction/ engineering

Real estate/ development/ law

Housing

Development Area Citizens Council

Appointing authority: City Commission

Description: An advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan. Contact: City Manager's Office, 269-966-3311.

Relevant Experience (check all that apply):

Lives within authority boundaries

Dickman Road Business Improvement District

Appointing authority: City Manager, with Commission approval; City of Springfield. Meets quarterly.

Description: Undertakes functions, objectives, and powers enumerated in Section 1 of Public Act 49 of the Public Acts of 1999, including the promotion of economic activity in the BID along Dickman Road and providing or contracting for the administration, security, and operation of the district, to include physical improvements and joint marketing. Contact: City Manager's Office, 269-966-3311.

Relevant Experience (check all that apply):

Non-automotive business representative

Automotive business representative

Downtown Parking System Advisory Committee

Appointing authority: Mayor appoints Commissioners. City Manager appoints property owners, members at large, with Commission approval.

Description: Advises city staff and the city's parking administrator on issues related to the municipally-owned and operated parking system. Contact: Public Works Director, 269-966-3343. Meets quarterly.

Relevant Experience (check all that apply):

Downtown business/property owner

Live in city limits

Economic Development Corporation

Appointing authority: Mayor, with Commission approval. Meets as needed.

Description: Alleviates unemployment conditions, assists in industry retention and promotes the general welfare of Battle Creek. Contact: 269-966-3311.

Relevant Experience (check all that apply):

- Economic development
- Live in city limits
- Goguac Lake Board**

Appointing authority: Two representatives and a Goguac Lake property owner by the Mayor and City Commission; a county commissioner by the Calhoun County Board of Commissioners chairperson; the county drain commissioner; a rep. of the Michigan Department of Environment, Great Lakes, and Energy. Meets quarterly.

Description: Pursuant to Public Act 451 of 1994, as amended by Public Act 59 of 1995, formed to protect the public health, safety and welfare, and conserve the natural resources and preserve property values around Goguac Lake. Contact: Utility Administrator 269-966-3496.

Relevant Experience (check all that apply):

- Own property on Goguac Lake
- Historic District Commission**

Appointing authority: Mayor, with Commission approval. Meets: Monthly

Description: Charged under state law and local ordinance with reviewing proposals for exterior alterations or demolition within federal, state, and local historic districts. Contact: Planning Division, 269-966-3320.

Relevant Experience (check all that apply):

Construction/Bldg. trades

- History
- Architecture
- Live in city limits
- Income Tax Board of Review**

Appointing authority: Mayor, with Commission approval. Meets as needed.

Description: Pursuant to State Act 284 of 1964, attempts to settle city income tax disputes. Contact: Income Tax Division, 269-966-3345.

Relevant Experience (check all that apply):

- Income tax/accounting

Live in city limits

Lakeview Downtown Development Authority

Appointing authority: City Manager, with Commission approval. Meets: Bi-annually

Description: Activities include, but are not limited to, defining a development area; originating a development plan; and implementing a development program as provided in Act 197 of Public Acts of 1975. Contact: City Manager's Office, 269-966-3311.

Relevant Experience (check all that apply):

District property owner/ business representative

Live in city limit

License Review Board

Appointing authority: Mayor, with Commission approval. Meets as needed.

Description: Provides an opportunity to appeal when an application to operate as a vendor within the city limits is denied or a current Vendor's License becomes subject to suspension or revocation. Contact: City Clerk, 269-966-3348.

Relevant Experience (check all that apply):

Live in city limits

Local Development Financing Authority

Appointing authority: City Manager, with Commission approval. Meets as needed.

Description: To conduct those activities authorized under Act 281, Public Acts of 1986, and as amended from time to time (MCLA Section 125.2151 et seq.; MSA Section 3.540 (351) et seq.), and to otherwise govern the affairs of the I-94 Business Park and Certified Technology Park (SmartZone) established by the City of Battle Creek, Michigan, pursuant to an Agreement (The Battle Creek Aviation and E-Learning SmartZone Agreement) with the Michigan Economic Development Corporation. Contact: City Manager's Office, 269-966-3311.

Relevant Experience (check all that apply):

Live in city limits

Calhoun County Commission/KCC/MEDC appointment

Local Officers' Compensation Commission

Appointing authority: Mayor, with Commission approval. Meets: Odd-numbered years.

Description: Determine salaries of elected officials. Shall meet for at least one, and not more than 15, session days in each odd-numbered year. "Session day" is a calendar day

on which the commission meets and for which a quorum is present. Contact: City Clerk, 269-966-3348.

Relevant Experience (check all that apply):

Live in city limits

Planning Commission

Appointing authority: Mayor, with Commission approval. Meets: Monthly

Description: Charged under state law with the adoption of plans for the city. Also considers requests for zoning classifications and special use permits, and makes recommendations to the City Commission on amendments to the planning and zoning code. Contact: Planning Division, 269-966-3320.

Relevant Experience (check all that apply):

Civil/engineering/landscape architecture

Land use planning

Real estate/development

Law

Police/Fire Retirement System Board

Appointing authority: Two members by City Commission, one member by Fire Department, one member by Police Department.

Description: Make rules and regulations necessary to properly conduct the business of the police/fire pension system, as directed by law. Contact: Finance Division, 269-966-3496.

Relevant Experience (check all that apply):

Finance and/or investing Live in city limits

Sustainable BC Committee

Appointing authority: City staff by City Manager; remaining members by Mayor, with Commission approval. Meets as needed.

Description: Increase the city's efforts to incorporate environmentally-responsible policies in the management of its facilities and services, including initiatives outlined in the Climate Protection Act Policy, adopted in August 2006, and the "15 percent by '15" renewable energy policy goal, adopted in March 2007. Will review and recommend environmental/conservation policy for the city, including recommendations for action to the City Commission. Contact: Utility Administrator, 269-966-3496.

Relevant Experience (check all that apply):

- Environmental
- Live in city limits
- Business rep.

Technical Review Committee

Appointing authority: City staff by City Manager; remaining members by contributing jurisdictions. Meets quarterly.

Description: Provides review, input, and recommendations to the city and the City Commission regarding various aspects of the Wastewater Treatment system and rates. Contact: Public Works Director, 269-966-3343.

Relevant Experience (check all that apply):

- Engineering
- Other technical expertise
- Industry representative

Tree Advisory Council

Appointing authority: Mayor, with Commission approval. Meets: At least once a year, in September.

Description: Members serve in an advisory role to the Dept. of Public Works and City Manager in developing the annual Tree Work Plan and issuing rules and regulations that supplement the city's tree ordinance; supports compliance with Tree City USA program criteria. Contact: DPW, 269-966-3311.

Relevant Experience (check all that apply):

- Horticulture
- Forestry

Water System Advisory Council

Appointing authority: Mayor and Commission. Meets: Annually

Description: To advise and assist in developing materials and plans to educate the community about lead in drinking water; support public awareness campaign development; consult on remediation and public education plans if lead action levels are exceeded; advise on private lead service line replacement efforts; promote transparency of lead-related data and documents; and collaborate with local community groups to ensure resident participation in lead education efforts. Contact: Public Works Director, 269-966-3343.

Relevant Experience (check all that apply):

- Interest/knowledge about lead in drinking water and its effects
- Live in city limits
- Youth Advisory Board**

Appointing authority: Mayor, with Commission approval. Meets: Monthly

Description: Established by Resolution 117 dated April 1, 2003 to involve area youth in local government policy development and administrative procedures that will improve the leadership development of the community's youth. Contact: City Manager's Office, 269-966-3311.

Relevant Experience (check all that apply):

- Live in city limits
- Age 14-20
- Zoning Board of Appeals**

Appointing authority: Mayor, with Commission approval. Meets: Monthly

Description: Considers requests for variances to the requirement of the planning and zoning code. Typical variance requests include yard setback reductions and the size of commercial signage. Contact: Planning Division, 269-966-3320.

Relevant Experience (check all that apply)

- Land-use planning
- Real estate/ development/ law
- Building construction/ engineering
- Live in city limits

Patricia Worden

From: noreply@civicplus.com
Sent: Tuesday, February 10, 2026 4:28 PM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

City of Battle Creek Boards, Committees, Commissions, & Councils Application

Please select the **top 3** boards, committees, commissions, or councils on which you would like to serve. This application will remain active for one year from the date we receive it and will be posted on the City's website. Thank you for applying!

| | |
|--------------------------------|--|
| First Name | Paul |
| Last Name | Conkey |
| Address | 303 Carpenter Drive |
| City | Battle Creek |
| State | MI |
| Zip Code | 49017 |
| Phone Number | 269-760-2835 |
| Email Address | mcfurlo@aol.com |
| Cell phone | 269-760-2835 |
| Are you 18 years or older? | Yes |
| Current occupation | Self Employed |
| Employer | Griffin Grill & Pub |
| Educational background/ | B.A. Communications |
| Boards/Commissions of Interest | Parking Advisory Battle Creek 15 years DDA of Battle Creek 9+ years |

CCDC, Kellogg Arena 10+ years
C.C.Visitors Bureau 10 + years
CACC Advisory board 4+ years All currently serving

Organizational Memberships NA

Interest & Qualifications Food Management, Business Management,

Attach additional information *Field not completed.*

How You Heard About Us *Field not completed.*

Electronic Signature Agreement I agree.

Signature Acknowledgement

By signing this form, you acknowledge that any or all information on this form may be verified, and consent to the release of this information for publicity purposes.

Electronic Signature Paul Conkey

Date Signed 02/10/2026

(Section Break)

Accessibility

The City of Battle Creek is committed to making our volunteer opportunities accessible to everyone. If you require a reasonable accommodation to fully participate on a board/committee or commission/council, please note your accommodation request(s) here:

Accommodation request(s): *Field not completed.*

(Section 2/3/4)

Boards, Committees, Commissions, & Councils Interest

Please rank your **first, second, and third choices** for boards, committees, commissions, and councils on which you would like to serve.

For each Experience category below, select all options that apply. **You may choose more than one option in each list.**

Airport Advisory Board

Makes policy recommendations to support continued airport development and community economic growth; acts as advocate for current and potential economic value of the airport.

Rank *Field not completed.*

Experience *Field not completed.*

BC Area International Relations Committee

To foster cultural promotion of the city, and provide a positive environment toward foreign industrialists and their families

Rank *Field not completed.*

Experience *Field not completed.*

BC Downtown Development Authority

Provides for a variety of funding options, including tax increment financing mechanism, which can be used to fund public improvements in the downtown district.

Rank 1

Experience Property owner, Business representative, Live in BC city limits

BC Housing Commission

Manages all public housing facilities and rental voucher (Section 8) programs in the city. Public housing facilities include scattered site rental housing, home purchase programs and senior residential developments.

Rank *Field not completed.*

Experience *Field not completed.*

BC TIFA/Brownfield Redevelopment Authority

BC Tax Increment Finance Authority. Works to halt a decline of property values, increase property tax valuation, eliminate causes of decline in value, and promote growth in the Fort Custer Industrial Park.

Rank *Field not completed.*

Experience *Field not completed.*

Board of Appeals (Housing)

Hears and decides on appeals concerning application or interpretation of the provisions and standards of the Building Code, the International Property Maintenance Code and Chapter 842 of these Codified Ordinances, and to hear appeals of decisions of the Dangerous Buildings Hearing Officer.

Rank *Field not completed.*

Experience *Field not completed.*

Board of Review (Assessing)

Members serve for five years, and must be city electors and property owners. Members may correct/amend assessment rolls, and increase or decrease taxable property assessment or valuation.

Rank *Field not completed.*

Experience *Field not completed.*

Civil Service Commission

Establishes rules applicable to all regular and full-time Fire Department personnel, excluding civilian employees. Members must reside in the city limits for one year, reside within the county for three years, and hold no other government office. There may be no more than two members of the same political party.

Rank *Field not completed.*

Experience *Field not completed.*

Community Oversight Board

Serves in an advisory capacity to the City Manager in reviewing appeals of investigations and findings of community complaints made against the Battle Creek Police Department. Creates bridges between community and law enforcement by supporting community education and transparency, providing community perspective on practices and policies of the department, and working to build credibility and community trust. There are seven members and two alternates, reflecting the city's demographics as closely as possible. Meets at least quarterly.

Rank *Field not completed.*

Experience *Field not completed.*

Construction Board of Appeals

To hear appeals on building permit denials, and from any other decision pursuant or related to the Act or the State Construction Code. There are five members and one alternate. Members serve two-year terms. A member of the board shall be qualified by experience or training to perform the duties of the board. The board meets as needed.

Rank *Field not completed.*

Experience *Field not completed.*

Dangerous Buildings Hearing Officer

Identifies structures in the city considered to be a public nuisance; serves written notice of a hearing to the owner or party of interest at the address shown on the tax records; and shows cause why the structure(s) should not be ordered demolished, otherwise made safe, or properly maintained. Must have expertise in housing matters, including, but not limited to: engineer, architect, building contractor, building inspector, or member of a community housing organization.

Rank *Field not completed.*

Experience *Field not completed.*

Development Area Citizens Council

An advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan.

Rank *Field not completed.*

Experience *Field not completed.*

Dickman Road Business Improvement District

Promotes economic activity in the BID along Dickman Road, and provides or contracts for the administration, security, and operation of the district, to include physical improvements and joint marketing.

Rank *Field not completed.*

Experience *Field not completed.*

Downtown Parking System Advisory Committee

Advises city staff and the city's parking administrator on issues related to the city-owned and operated parking system.

Rank *Field not completed.*

Experience *Field not completed.*

Economic Development Corporation

Alleviates unemployment conditions, assists in industry retention and promotes the general welfare of Battle Creek.

Rank *Field not completed.*

Experience *Field not completed.*

Goguac Lake Board

Formed to protect the public health, safety and welfare, and conserve the natural resources and preserve property values around Goguac Lake.

Rank *Field not completed.*

Experience *Field not completed.*

Historic District Commission

Reviews plans for exterior modifications or demolition of buildings within the federal, state, or local historic districts.

Rank *Field not completed.*

Experience *Field not completed.*

Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank *Field not completed.*

Experience *Field not completed.*

Lakeview Downtown Development Authority

The definition of a development area; the origination of a development plan; and the implementation of a development program

Rank *Field not completed.*

Experience *Field not completed.*

License Review Board

Provides an opportunity to appeal when an application to operate as a vendor within the city limits is denied or a current Vendor's License becomes subject to suspension or revocation.

Rank *Field not completed.*

Experience *Field not completed.*

Local Development Financing Authority

To govern the affairs of the I-94 Business Park and Certified Technology Park (SmartZone) established by the City of Battle Creek, pursuant to an Agreement (The Battle Creek Aviation and E-Learning SmartZone Agreement) with the Michigan Economic Development Corporation.

Rank *Field not completed.*

Experience *Field not completed.*

Local Officers' Compensation Commission

Determine salaries of elected officials. Shall meet for at least one, and not more than 15, session days in each odd-numbered year. "Session day" is a calendar day on which the commission meets and for which a quorum is present.

Rank *Field not completed.*

Experience *Field not completed.*

Planning Commission

Adopts plans for the city. Also considers requests for zoning classifications and special use permits, and makes recommendations to the City Commission on amendments to the planning and zoning code.

Rank *Field not completed.*

Experience *Field not completed.*

Police/Fire Retirement System Board

Make rules and regulations necessary to properly conduct the business of the police and fire pension system, as directed by law.

Rank *Field not completed.*

Experience *Field not completed.*

Sustainable BC Committee

Increase the city's efforts to incorporate environmentally-responsible policies in the management of its facilities and services, including initiatives outlined in the Climate Protection Act Policy, adopted in August 2006, and the 15 percent by '15 renewable energy policy goal, adopted in March 2007. Will review and recommend environmental/conservation policy for the city, including recommendations for action to the City Commission.

Rank *Field not completed.*

Experience *Field not completed.*

Technical Review Committee

Provides review, input, and recommendations to the city and the City Commission regarding various aspects of the wastewater treatment system and rates.

Rank *Field not completed.*

Experience *Field not completed.*

Tree Advisory Council

Helps develop the annual Tree Work Plan, and issue rules and regulations supplementary to the city's tree ordinance. Establishment meets a Tree City USA criterion.

Rank *Field not completed.*

Experience *Field not completed.*

Water System Advisory Council

Advises and assists with creation of materials and plans to educate the community about the dangers of lead in drinking water, assist with development of public awareness campaign materials, advise and consult on the development of appropriate plans for remediation and public education to be implemented if a lead action level is exceeded, advise and consult on efforts to replace private lead service lines, assist in promoting transparency of data and documents related to lead in drinking water, and collaborate with local community groups to ensure those living in the city have the opportunity to be involved in efforts to educate the community about lead in drinking water.

Rank *Field not completed.*

Experience *Field not completed.*

Youth Advisory Board

To involve area youth in local government policy development and administrative procedures that will improve the leadership development of the community's youth.

Rank *Field not completed.*

Experience *Field not completed.*

Zoning Board of Appeals

Considers requests for variances to the requirement of the planning and zoning code. Typical variance requests include yard setback reductions and the size of commercial signage.

Rank *Field not completed.*

Experience *Field not completed.*

Email not displaying correctly? [View it in your browser.](#)



Patricia Worden

From: noreply@civicplus.com
Sent: Monday, April 6, 2026 4:07 PM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

| | |
|--------------------------------|---|
| First Name | Robert |
| Last Name | Corder |
| Address | 274 Blackwawk Street |
| City | Battle Creek |
| State | MI |
| Zip Code | 49015 |
| Phone Number | 773-454-3817 |
| Email Address | corder@bcunlimited.org |
| Cell phone | 269-719-6829 |
| Are you 18 years or older? | Yes |
| Current occupation | Vice President, Attraction |
| Employer | Battle Creek Unlimited |
| Educational background/ | BA, International Relations, American University, Washington, DC (2003) |
| Boards/Commissions of Interest | City of Battle Creek Downtown Parking System Advisory Committee: January 2020 - present City of Battle Creek Downtown International Relations Committee: October 2020 – present Kellogg Community College Business Advisory Committee: November 2019 – present BCCHS Career Academies BEIT Advisory Board: November 2021 – present |

Organizational Memberships - Michigan Economic Development Association
- International Economic Development Council
- Japan America Society of Chicago, Board of Directors
- Great Lakes JET Program Alumni Association
- US-Japan Council,

Interest & Qualifications I work for Battle Creek Unlimited (BCU), the city's economic development organization. BCU's mission is attracting corporate investments to Battle Creek and creating job opportunities. BCU manages the Fort Custer Industrial Park, which is home to almost 90 companies, which collectively employ approximately 12,000 people. In recent years, BCU has expanded its focus to include community development, especially in the downtown business corridor. BCU's projects downtown include the RecordBox, New Holland Brewing, the DoubleTree Hotel, and most recently the Battle Creek Innovation Hub (the former Kendall Center). Parking is a key issue for all these projects.

Attach additional information [Corder - Resume.pdf](#)

How You Heard About Us Work

Electronic Signature Agreement I agree.

Electronic Signature Robert A Corder

Date Signed 04/06/2026

Section Break

Section Break

Section Break

Airport Advisory Board *Field not completed.*

Experience *Field not completed.*

BC Area International Relations Committee *Field not completed.*

Experience *Field not completed.*

BC Downtown Development Authority (DDA) *Field not completed.*

Experience *Field not completed.*

BC Housing Commission *Field not completed.*

Experience *Field not completed.*

BC TIFA / Brownfield Redevelopment Authority *Field not completed.*

Experience *Field not completed.*

Board of Appeals (Housing) *Field not completed.*

Experience *Field not completed.*

Board of Review (Assessing) *Field not completed.*

Experience *Field not completed.*

Civil Service Commission *Field not completed.*

Experience *Field not completed.*

Community Oversight Board *Field not completed.*

Experience *Field not completed.*

| | |
|-------------------------------|-----------------------------|
| Construction Board of Appeals | <i>Field not completed.</i> |
|-------------------------------|-----------------------------|

| | |
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| Experience | <i>Field not completed.</i> |
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| Dangerous Buildings Hearing Officer | <i>Field not completed.</i> |
|-------------------------------------|-----------------------------|

| | |
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| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

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|-----------------------------------|-----------------------------|
| Development Area Citizens Council | <i>Field not completed.</i> |
|-----------------------------------|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
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| Dickman Road Business Improvement District (BID) | <i>Field not completed.</i> |
|--|-----------------------------|

| | |
|------------|-----------------------------|
| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

| | |
|--|---|
| Downtown Parking System Advisory Committee | 1 |
|--|---|

| | |
|------------|---|
| Experience | Downtown business/ property owner, Live in BC city limits |
|------------|---|

| | |
|----------------------------------|-----------------------------|
| Economic Development Corporation | <i>Field not completed.</i> |
|----------------------------------|-----------------------------|

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| Experience | <i>Field not completed.</i> |
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| Goguac Lake Board | <i>Field not completed.</i> |
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| Experience | <i>Field not completed.</i> |
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|------------------------------|-----------------------------|
| Historic District Commission | <i>Field not completed.</i> |
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| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Income Tax Board of Appeals | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Lakeview Downtown Development Authority (DDA) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| License Review Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Local Development Financing Authority (LDFA / SmartZone) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Local Officers' Compensation Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Planning Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |
| Police / Fire Retirement System Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| <i>Section Break</i> | |

Sustainable BC Committee *Field not completed.*

Experience *Field not completed.*

Technical Review Committee *Field not completed.*

Experience *Field not completed.*

Tree Advisory Council *Field not completed.*

Experience *Field not completed.*

Water System Advisory Council *Field not completed.*

Experience *Field not completed.*

Youth Advisory Board *Field not completed.*

Experience *Field not completed.*

Zoning Board of Appeals (ZBA) *Field not completed.*

Experience *Field not completed.*

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Patricia Worden

From: noreply@civicplus.com
Sent: Thursday, February 26, 2026 12:30 PM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

| | |
|--------------------------------|---|
| First Name | Linda |
| Last Name | Freybler |
| Address | 34 W Jackson Street, Suite 1A |
| City | Battle Creek |
| State | MI |
| Zip Code | 49017 |
| Phone Number | 2694198100 |
| Email Address | linda@battlecreekvisitors.org |
| Cell phone | <i>Field not completed.</i> |
| Are you 18 years or older? | Yes |
| Current occupation | CEO |
| Employer | Calhoun County Visitors Bureau |
| Educational background/ | M. S. Michigan State University, B. S. Michigan State University |
| Boards/Commissions of Interest | Downtown Parking Committee |
| Organizational Memberships | Michigan Association of Convention and Visitors Bureau, Tourism Coalition of Michigan, Battle Creek Chamber Member, Michigan Restaurant and Lodging Association |
| Interest & Qualifications | As CEO of the Calhoun County Visitors Bureau, I work collaboratively with the city, Kellogg Arena, the Double Tree |

and other downtown businesses to bring visitors. Parking is a critical component of hosting large events downtown. I am Board Chair of Kellogg Arena as well and have a vested interest in helping with parking needs to for the arena. I run the Battle Creek Welcome Center - a downtown business.

Attach additional information *Field not completed.*

How You Heard About Us Previous appointment

Electronic Signature Agreement I agree.

Electronic Signature Linda Freybler

Date Signed 02/26/2026

(Section Break)

Accommodation request(s):

(Section Break)

(Section Break)

Airport Advisory Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

BC Area International Relations Committee *Field not completed.*

Experience *Field not completed.*

(Section Break)

BC Downtown Development Authority (DDA) 2

Experience Business representative

BC Housing Commission *Field not completed.*

Experience *Field not completed.*

Sector Break

BC TIFA / Brownfield
Redevelopment Authority *Field not completed.*

Experience *Field not completed.*

Sector Break

Board of Appeals (Housing) *Field not completed.*

Experience *Field not completed.*

Sector Break

Board of Review (Assessing) *Field not completed.*

Experience *Field not completed.*

Sector Break

Civil Service Commission *Field not completed.*

Experience *Field not completed.*

Sector Break

Community Oversight
Board *Field not completed.*

Experience *Field not completed.*

Sector Break

Construction Board of
Appeals *Field not completed.*

Experience *Field not completed.*

Sector Break

Dangerous Buildings
Hearing Officer *Field not completed.*

Experience *Field not completed.*

Development Area Citizens Council *Field not completed.*

Experience *Field not completed.*

(Section Break)

Dickman Road Business Improvement District (BID) *Field not completed.*

Experience *Field not completed.*

(Section Break)

Downtown Parking System Advisory Committee 1

Experience Downtown business/ property owner

(Section Break)

Economic Development Corporation *Field not completed.*

Experience *Field not completed.*

(Section Break)

Goguc Lake Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Historic District Commission *Field not completed.*

Experience *Field not completed.*

(Section Break)

Income Tax Board of Appeals *Field not completed.*

Experience *Field not completed.*

(Section Break)

Lakeview Downtown Development Authority (DDA) *Field not completed.*

Experience *Field not completed.*

(Section Break)

License Review Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Local Development
Financing Authority (LDFA /
SmartZone) *Field not completed.*

Experience *Field not completed.*

(Section Break)

Local Officers'
Compensation Commission *Field not completed.*

Experience *Field not completed.*

(Section Break)

Planning Commission *Field not completed.*

Experience *Field not completed.*

(Section Break)

Police / Fire Retirement
System Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Sustainable BC Committee *Field not completed.*

Experience *Field not completed.*

(Section Break)

Technical Review
Committee *Field not completed.*

Experience *Field not completed.*

(Section Break)

Tree Advisory Council *Field not completed.*

Experience *Field not completed.*

(Section Break)

Water System Advisory Council *Field not completed.*

Experience *Field not completed.*

(Section Break)

Youth Advisory Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Zoning Board of Appeals (ZBA) *Field not completed.*

Experience *Field not completed.*

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Patricia Worden

From: noreply@civicplus.com
Sent: Tuesday, February 24, 2026 10:12 AM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

| | |
|--------------------------------|---|
| First Name | Kelly |
| Last Name | Walden |
| Address | 1 McCamly Square |
| City | Battle Creek |
| State | MI |
| Zip Code | 49017 |
| Phone Number | 231-638-1923 |
| Email Address | kwalden@kelloggarena.com |
| Cell phone | 231-638-1923 |
| Are you 18 years or older? | Yes |
| Current occupation | General Manager |
| Employer | Cereal City Development Corp. dba Kellogg Arena |
| Educational background/ | Bachelors Western Michigan University |
| Boards/Commissions of Interest | Downtown Parking System Advisory Committee |
| Organizational Memberships | Calhoun County Visitors Bureau Vice Chair |
| Interest & Qualifications | Kellogg Arena is attached to the Hamblin Ave. Ramp. Knowledge of parking ramps in downtown and when events are happening. |

| | |
|---|-----------------------------|
| Attach additional information | <i>Field not completed.</i> |
| How You Heard About Us | city |
| Electronic Signature Agreement | I agree. |
| Electronic Signature | Kelly P. Walden |
| Date Signed | 02/24/2026 |
| (Section Break) | |
| Accommodation request(s): | |
| (Section Break) | |
| (Section Break) | |
| Airport Advisory Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| BC Area International Relations Committee | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| BC Downtown Development Authority (DDA) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| (Section Break) | |
| BC Housing Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |

BC TIFA / Brownfield
Redevelopment Authority *Field not completed.*

Experience *Field not completed.*

(Section Break)

Board of Appeals (Housing) *Field not completed.*

Experience *Field not completed.*

(Section Break)

Board of Review (Assessing) *Field not completed.*

Experience *Field not completed.*

(Section Break)

Civil Service Commission *Field not completed.*

Experience *Field not completed.*

(Section Break)

Community Oversight
Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Construction Board of
Appeals *Field not completed.*

Experience *Field not completed.*

(Section Break)

Dangerous Buildings
Hearing Officer *Field not completed.*

Experience *Field not completed.*

(Section Break)

Development Area Citizens
Council *Field not completed.*

Experience *Field not completed.*

Dickman Road Business Improvement District (BID) *Field not completed.*

Experience *Field not completed.*

Section Break

Downtown Parking System Advisory Committee *Field not completed.*

Experience *Field not completed.*

Section Break

Economic Development Corporation *Field not completed.*

Experience *Field not completed.*

Section Break

Goguac Lake Board *Field not completed.*

Experience *Field not completed.*

Section Break

Historic District Commission *Field not completed.*

Experience *Field not completed.*

Section Break

Income Tax Board of Appeals *Field not completed.*

Experience *Field not completed.*

Section Break

Lakeview Downtown Development Authority (DDA) *Field not completed.*

Experience *Field not completed.*

Section Break

License Review Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Local Development Financing Authority (LDFA / SmartZone) *Field not completed.*

Experience *Field not completed.*

(Section Break)

Local Officers' Compensation Commission *Field not completed.*

Experience *Field not completed.*

(Section Break)

Planning Commission *Field not completed.*

Experience *Field not completed.*

(Section Break)

Police / Fire Retirement System Board *Field not completed.*

Experience *Field not completed.*

(Section Break)

Sustainable BC Committee *Field not completed.*

Experience *Field not completed.*

(Section Break)

Technical Review Committee *Field not completed.*

Experience *Field not completed.*

(Section Break)

Tree Advisory Council *Field not completed.*

Experience *Field not completed.*

(Section Break)

Water System Advisory Council *Field not completed.*

Experience *Field not completed.*

Section Break

Youth Advisory Board *Field not completed.*

Experience *Field not completed.*

Section Break

Zoning Board of Appeals (ZBA) *Field not completed.*

Experience *Field not completed.*

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Resolution No: 369
City Commission Meeting 4/21/2026

369 - A Resolution appointing Jackson Bredehoft as a new member to the Sustainable Battle Creek Committee.

Battle Creek City Commission
Action Summary

Staff Member: Patricia Worden, Executive Assistant
Department: City Manager's Office

Summary

RESOLUTION NO. 369

Resolved by the Commission of the City of Battle Creek:

That Jackson Bredehoft is appointed as a new member to the Sustainable Battle Creek Committee with a term expiring on April 21, 2028.

Budgetary Considerations

None.

History, Background and Discussion

The purpose of the committee is to increase the city's efforts to incorporate environmentally responsible, cost-effective policy in the planning, administration and economic development of its built infrastructure and natural resources. The committee may make recommendations to the City Commission for its consideration and will be available to the commission as a resource on sustainable policy.

Positions

The Review Committee is supportive of this appointment.

Attachments

1. Bredehoft, Jackson - 2026 Bredehoft, Jackson - 2026.pdf

Patricia Worden

From: noreply@civicplus.com
Sent: Sunday, March 22, 2026 12:50 PM
To: Rebecca D. Forbes; Patricia Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

| | |
|--------------------------------|--|
| First Name | Jackson |
| Last Name | Bredehoft |
| Address | 49 N La Vista Blvd |
| City | Battle Creek |
| State | MI |
| Zip Code | 49015 |
| Phone Number | 269-420-5037 |
| Email Address | Jackson@getcaferica.com |
| Cell phone | 269-420-5037 |
| Are you 18 years or older? | Yes |
| Current occupation | Self Employed |
| Employer | Cafe Rica LLC |
| Educational background/ | B.A. Marketing Management University of Olivet |
| Boards/Commissions of Interest | Sustainable Battle Creek Committee, Downtown Parking system committee |
| Organizational Memberships | <i>Field not completed.</i> |
| Interest & Qualifications | I am a resident and business owner in Battle Creek who wants to get involved in city committees to improve my hometown |
| Attach additional information | <i>Field not completed.</i> |

| | |
|--------------------------------|---------------------|
| How You Heard About Us | City Website |
| Electronic Signature Agreement | I agree. |
| Electronic Signature | Jackson D Bredehoft |
| Date Signed | 03/22/2026 |

| | |
|------------------------|-----------------------------|
| Airport Advisory Board | <i>Field not completed.</i> |
|------------------------|-----------------------------|

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| Experience | <i>Field not completed.</i> |
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|---|-----------------------------|
| BC Area International Relations Committee | <i>Field not completed.</i> |
|---|-----------------------------|

| | |
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| Experience | <i>Field not completed.</i> |
|------------|-----------------------------|

| | |
|---|---|
| BC Downtown Development Authority (DDA) | 2 |
|---|---|

| | |
|------------|---|
| Experience | Business representative, Live in BC city limits |
|------------|---|

| | |
|-----------------------|---|
| BC Housing Commission | 2 |
|-----------------------|---|

| | |
|------------|------------------------|
| Experience | Live in BC city limits |
|------------|------------------------|

BC TIFA / Brownfield Redevelopment Authority *Field not completed.*

Experience *Field not completed.*

Board of Appeals (Housing) *Field not completed.*

Experience *Field not completed.*

Board of Review (Assessing) *Field not completed.*

Experience *Field not completed.*

Civil Service Commission *Field not completed.*

Experience *Field not completed.*

Community Oversight Board *Field not completed.*

Experience *Field not completed.*

Construction Board of Appeals *Field not completed.*

Experience *Field not completed.*

Dangerous Buildings Hearing Officer *Field not completed.*

Experience *Field not completed.*

Development Area Citizens Council *Field not completed.*

Experience *Field not completed.*

Dickman Road Business Improvement District (BID) *Field not completed.*

Experience *Field not completed.*

Downtown Parking System Advisory Committee 2

Experience Downtown business/ property owner, Live in BC city limits

Economic Development Corporation *Field not completed.*

Experience *Field not completed.*

Gogvac Lake Board *Field not completed.*

Experience *Field not completed.*

Historic District Commission *Field not completed.*

Experience *Field not completed.*

Income Tax Board of Appeals *Field not completed.*

Experience *Field not completed.*

Lakeview Downtown Development Authority (DDA) *Field not completed.*

Experience *Field not completed.*

License Review Board *Field not completed.*

Experience *Field not completed.*

| | |
|--|---|
| Local Development Financing Authority (LDFA / SmartZone) | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Local Officers' Compensation Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Planning Commission | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Police / Fire Retirement System Board | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Sustainable BC Committee | 1 |
| Experience | Live in BC city limits, Business representative |
| Technical Review Committee | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Tree Advisory Council | <i>Field not completed.</i> |
| Experience | <i>Field not completed.</i> |
| Water System Advisory Council | <i>Field not completed.</i> |

Experience *Field not completed.*

Youth Advisory Board *Field not completed.*

Experience *Field not completed.*

Zoning Board of Appeals
(ZBA) *Field not completed.*

Experience *Field not completed.*

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Resolution No: 370
City Commission Meeting 4/21/2026

370 - A Resolution seeking approval to declare Tuesday, April 28, 2026 as Workers Memorial Day in the City of Battle Creek.

Battle Creek City Commission
Action Summary

Staff Member: Patricia Worden, Executive Assistant

Department: City Manager's Office

Summary

RESOLUTION NO. 370

Resolved by the Commission of the City of Battle Creek:

That on April 28th, 1971, the Occupational Safety and Health Act (OSHA) went into effect, promising every worker the right to a safe job. Each year on April 28th, communities and worksites around the world honor friends, family members, and colleagues who have been killed or injured on the job.

The U.S. Department of Labor, and the Federal Bureau of Labor Statistics estimates that Michiganders have died while on the job at an average rate of 151 people per year over the past decade. The 2024 National Census of Fatal Occupational Injuries found a worker died every 104 minutes from a work-related injury.

It is appropriate to honor the memory of the courageous and dedicated members of Michigan's labor force who have been injured or disabled or have died as a result of workplace accidents. We remember those who have died in workplace catastrophes, suffered occupational-related diseases, or have been injured due to dangerous conditions.

Recognition of the integrity of Michigan's workforce and its achievements on behalf of the economic growth of our state is necessary and the City Commission wishes to pay tribute to the workers who have died or been injured or disabled in workplace accidents. We honor the contributions of Michigan's workforce and call for increased workplace safety.

The City Commission renews our efforts to seek stronger workplace safety and health protections, better standards and enforcement, and fair and just compensation and by rededicating ourselves to improving safety and health in every city workplace.

Budgetary Considerations

There are no budgetary considerations.

History, Background and Discussion

Positions

This Resolution is being brought forth to the Commission at the request of Commissioner Morris with the support of Commissioner Lance and Commissioner Reynolds.

Attachments



Resolution No: 371 City Commission Meeting 4/21/2026

371 - A Resolution approving updates to the Title VI Non-Discrimination Plan and the Limited English Proficiency Plan.

Battle Creek City Commission

Action Summary

Staff Member: Kimberly Holley, Organizational Development Officer

Department: City Manager's Office

Summary

RESOLUTION NO. 371

Resolved by the Commission of the City of Battle Creek:

That the attached amendments are adopted to include the City of Battle Creek's Title VI Non-Discrimination Plan providing for the investigation of non-transportation-related complaints, designating the City of Battle Creek Title VI Coordinator, and incorporating the City's most recently updated Limited English Proficiency (LEP) Plan. This Resolution also adopts the attached amendments to the LEP Plan which reflects the Title VI Coordinator designation, incorporates the most recent U.S. Census Data for the City of Battle Creek, and includes additional language access tools.

Budgetary Considerations

There are no budgetary considerations associated with these changes.

History, Background and Discussion

In compliance with Title VI of the Civil Rights Act of 1964, the City of Battle Creek operates all of its federal aid highway programs without regard to race, color, or national origin.

As the sub-recipient of federal transportation funds, the City of Battle Creek 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 or national origin. 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.

In February 2024, the city updated its Title VI Non-Discrimination Plan to reflect new guidance from the Michigan Department of Transportation’s (MDOT) Statewide Title VI Coordinator directing that all transportation-related Title VI complaints be forwarded to MDOT’s Statewide Title VI Coordinator or directly to Federal Highway Administration (FHWA). Under the new guidance, no recipient or sub-recipient of funds is to investigate any transportation-related Title VI complaint unless delegated to do so by FHWA.

As part of its Title VI obligations, the city 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. As a result, the city maintains an internal investigation protocol for non-transportation-related complaints.

In April 2026, the city made additional amendments to its Title VI Non-Discrimination Plan, designating Kimberly Holley, Organizational Development Officer as the City of Battle Creek Title VI Coordinator, and incorporating the City’s most recently updated LEP Plan in place of the original version.

The LEP Plan was updated in April 2026 to reflect the Title VI Coordinator designation, incorporate the most recent U.S. Census Data for the City of Battle Creek, include additional language access tools, and make other administrative revisions.

Positions

Attachments

1. City of Battle Creek Title VI Plan updated 4_2026 REDLINED VERSION City of Battle Creek Title VI Plan updated 4_2026 REDLINED VERSION.pdf
2. City of Battle Creek Title VI Plan updated 4-13-26_CLEAN VERSION City of Battle Creek Title VI Plan updated 4-13-26_CLEAN VERSION.pdf
3. City of Battle Creek LEP Plan updated 4-13-26 REDLINED VERSION City of Battle Creek LEP Plan updated 4-13-26 REDLINED VERSION.pdf
4. City of Battle Creek LEP Plan updated 4-13-26_CLEAN VERSION City of Battle Creek LEP Plan updated 4-13-26_CLEAN VERSION.pdf

CITY OF BATTLE CREEK

TITLE VI NON-DISCRIMINATION PLAN

(~~104~~/~~1513~~/20246)

10 North Division Street

~~Suite 206~~

Battle Creek, MI ~~49015~~49014

Phone: (269) 966-~~3378~~3311

Fax: (269) 966-6654

Website: www.battlecreekmi.gov

Title VI Coordinator:

~~Ted Dearing, Assistant City Manager~~Kimberly Holley,

Organizational Development Officer

Email: ~~klholley@battlecreekmi.gov~~tedearing@battlecreekmi.gov

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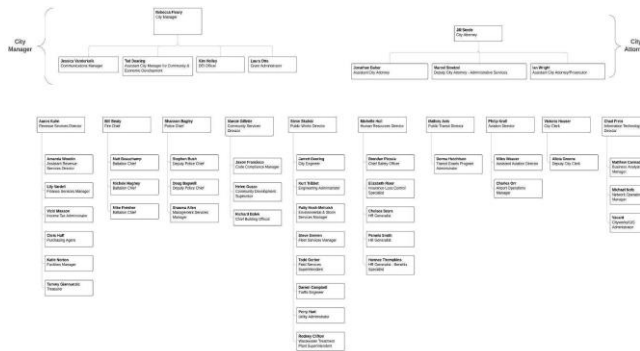
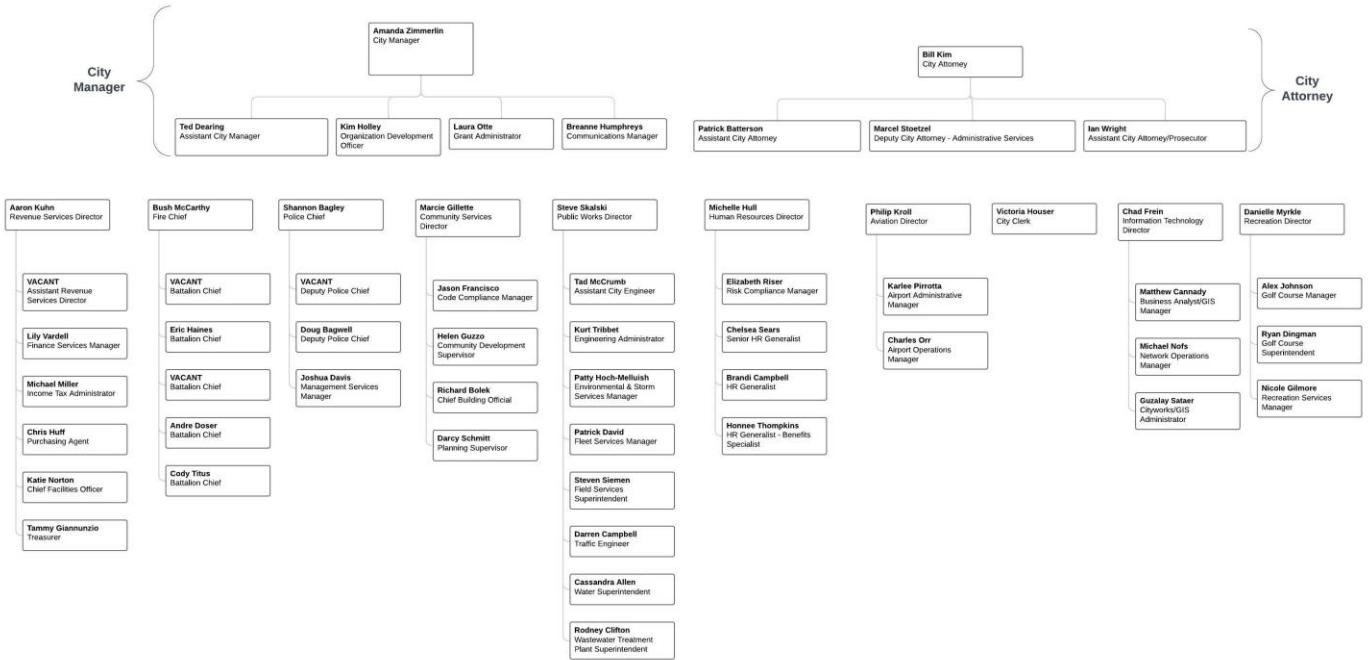
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CITY OF BATTLE CREEK ORGANIZATION CHART



INTRODUCTION

The City of Battle Creek was incorporated in 1859 and is located nearly halfway between Chicago and Detroit. Known as “Cereal City”, the City of Battle Creek serves as hub for breakfast food giants Kellogg Company and Post Cereals. The City of Battle Creek has also served as the long-time home of Sojourner Truth, one of the country’s most notable civil rights figures. The City of Battle Creek serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the City. The City of Battle Creek 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, the City of Battle Creek must provide access to individuals with limited ability to speak, write, or understand the English language. The City 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 Battle Creek'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 Battle Creek'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 a sub-recipient of federal transportation funds, the City of Battle Creek 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, 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 Battle Creek 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 Battle Creek, 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 Battle Creek’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 Battle Creek 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 BATTLE CREEK
NON-DISCRIMINATION POLICY STATEMENT**

The City of Battle Creek 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 service, 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 Battle Creek 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 Battle Creek designates ~~Ted Dearing, Assistant City Manager~~Kimberly Holley, Organizational Development Officer, as the Title VI Coordinator. The ~~Assistant City Manager~~Organizational Development Officer will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Battle Creek complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Battle Creek and Title VI may be directed to the ~~Assistant City Manager~~Organizational Development Officer, 10 North Division Street, Suite 2062, Battle Creek, MI 490154; Phone (269) 966-33783355; Fax: (269) 966-6654; Email: tedearing@battlecreekmi.govklholley@battlecreekmi.gov.

Mark Behnke
Mayor

~~Ted Dearing~~Kimberly Holley
~~Assistant City Manager~~Organizational Development Officer/Title VI Coordinator

**CITY OF BATTLE CREEK
TITLE VI ASSURANCES**

The City of Battle Creek (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 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 Battle Creek

Mark Behnke, 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 Battle Creek designates ~~Ted Dearing, Assistant City Manager~~Kimberly Holley, Organizational Development Officer, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). ~~Mr. Dearing~~Ms. Holley 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 and receipt will be acknowledged by the Coordinator and, depending on the nature of the complaint, will be investigated by the city or an independent third-party or forwarded to either MDOT's Statewide Title VI Coordinator or directly to the FHWA.

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 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 City's Title VI Plan within 90 days of approval on the main page of the City of Battle Creek's internet website, at www.battlecreekmi.gov.

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)

As a recipient of federal financial assistance—including grants, training, equipment, and other support—the City of Battle Creek is required to comply with Title VI of the Civil Rights Act of 1964 and related Limited English Proficiency (LEP) guidelines issued by the federal agencies that provide such funding. Federal financial assistance triggers coverage of an entire program or activity, meaning that all operations of a recipient organization are subject to these requirements, even if only one department or project receives federal funds.

The City of Battle Creek receives funding from the U.S. Department of Transportation (DOT) through the Federal Highway Administration and is therefore subject to the U.S. Department of Transportation's *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*, published December 14, 2005. This guidance applies broadly to all DOT funding recipients and extends to all municipal operations, requiring reasonable steps to ensure meaningful access to services for individuals with limited English proficiency. 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*¹, 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 encounterⁱⁱ. 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 federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

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

For more information regarding our policies on LEP, a copy of our LEP plan can be found on our website at www.battlecreekmi.gov or requested from:

City of Battle Creek
Attn: ~~Ted Dearing~~Kimberly Holley
10 North Division Street
Suite ~~206~~202
Battle Creek, MI 49015
Phone: (269) 966-~~3378~~3355
Fax: (269) 966-6654
Email: tedearing@battlecreekmi.gov/klholley@battlecreekmi.gov

ENVIRONMENTAL JUSTICE (EJ)

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 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 a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities 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 population groups 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 offsetting 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 the responsibility for assuring that the discrimination complaint process and procedures adhere to FHWA's guidance.

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. Within ten (10) days the City will acknowledge receipt of the complaint.

Complaints must be filed within 180 days of the alleged discrimination unless the time for filing is extended by Federal Highway Administration (FHWA.)

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: (Non-transportation related complaints)

For all non-transportation related complaints, 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 timeline
- 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 Battle Creek, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Battle Creek, 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 Battle Creek 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 ~~Fed Dearing~~ Kimberly Holley for review.

- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Investigation Plan: (Transportation related complaints)

For transportation related complaints, all complaints investigations are delegated by FHWA. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The Title VI Coordinator will gather relevant information in a fair and impartial manner and will submit the complaint to MDOT’s Statewide Title VI Coordinator who will forward the complaint to FHWA.

Timeframes for Investigations

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

For State DOTs that have been delegated an investigation from FHWA, 23 CFR § 200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

FHWA Investigation Potential Outcomes

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, FHWA Headquarters Office of Civil Rights (HCR) (or an investigator State DOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
 - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA’s satisfaction, then the complaint will be dismissed with no further action.

- If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
- 3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
- 4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
- 5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
 - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR §21.13(c).

All LOFs issued by FHWA are administratively final.

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:

~~Ted Dearing~~Kimberly Holley
 City of Battle Creek
 10 North Division Street
 Suite ~~206~~202
 Battle Creek, MI ~~49015~~49014
 Phone: (269) 966-~~3378~~3355
 Fax: (269) 966-6654
 Email: ~~tedearing@battlecreekmi.gov~~klholley@battlecreekmi.gov

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 LOF 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 BATTLE CREEK
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 Battle Creek 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 must be filed within 180 days of the alleged discrimination unless the time for filing is extended by the Federal Highway Administration (FHWA).**

If you need assistance completing this form, please contact ~~Fed Dearing~~ Kimberly Holley by phone at (269) 966-~~3378~~-3355 or via e-mail at tedearing@battlecreekmi.gov klholley@battlecreekmi.gov.

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 | ____ Disability | ____ Sex |
| ____ Color | ____ Religion | ____ Income |
| ____ Age | ____ National Origin | ____ Retaliation |

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: ~~Ted Dearing~~ Kimberly Holley, 10 North Division Street, Suite ~~206202~~, Battle Creek, MI ~~4901549014~~; Phone (269) 966-~~33783355~~; Fax: (269) 966-6654; Email: ~~tedearing@battlecreekmi.gov~~ klholley@battlecreekmi.gov.

Note: *The City of Battle Creek 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 has 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 ~~Assistant City Manager~~Organizational Development Officer.

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

1. The City of Battle Creek's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees. All City of Battle Creek employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The City of Battle Creek's Title VI Plan will be published on the main page of the City's website www.battlecreekmi.gov, 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 Battle Creek's Title VI Assurances 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. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
7. 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; 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/Eminent Domain:** The number of such actions and diversity of individual(s) 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)

CITY OF BATTLE CREEK

TITLE VI NON-DISCRIMINATION PLAN (4/13/2026)

10 North Division Street
Battle Creek, MI 49014
Phone: (269) 966-3311
Fax: (269) 966-6654
Website: www.battlecreekmi.gov

Title VI Coordinator:
Kimberly Holley, Organizational Development Officer
Email: klholley@battlecreekmi.gov

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INTRODUCTION

The City of Battle Creek was incorporated in 1859 and is located nearly halfway between Chicago and Detroit. Known as “Cereal City”, the City of Battle Creek serves as hub for breakfast food giants Kellogg Company and Post Cereals. The City of Battle Creek has also served as the long-time home of Sojourner Truth, one of the country’s most notable civil rights figures. The City of Battle Creek serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the City. The City of Battle Creek 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.

As a recipient of federal financial assistance, the City of Battle Creek must provide access to individuals with limited ability to speak, write, or understand the English language. The City 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 Battle Creek’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 Battle Creek’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 a sub-recipient of federal transportation funds, the City of Battle Creek 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, 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 Battle Creek 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 Battle Creek, 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 Battle Creek’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 Battle Creek 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 BATTLE CREEK
NON-DISCRIMINATION POLICY STATEMENT**

The City of Battle Creek 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 service, 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 Battle Creek 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 Battle Creek designates Kimberly Holley, Organizational Development Officer, as the Title VI Coordinator. The Organizational Development Officer will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Battle Creek complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Battle Creek and Title VI may be directed to the Kimberly Holley, Organizational Development Officer, 10 North Division Street, Suite 202, Battle Creek, MI 49014; Phone: (269) 966-3355; Fax: (269) 966-6654; Email: klholley@battlecreekmi.gov.

Mark Behnke
Mayor

Kimberly Holley
Organizational Development Officer/Title VI Coordinator

**CITY OF BATTLE CREEK
TITLE VI ASSURANCES**

The City of Battle Creek (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 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 Battle Creek

Mark Behnke, 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.

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

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 Battle Creek designates Kimberly Holley, Organizational Development Officer, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Ms. Holley 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 and receipt will be acknowledged by the Coordinator and, depending on the nature of the complaint, will be investigated by the city or an independent third-party or forwarded to either MDOT's Statewide Title VI Coordinator or directly to the FHWA.

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 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 City's Title VI Plan within 90 days of approval on the main page of the City of Battle Creek's internet website, at www.battlecreekmi.gov.

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)

As a recipient of federal financial assistance—including grants, training, equipment, and other support—the City of Battle Creek is required to comply with Title VI of the Civil Rights Act of 1964 and related Limited English Proficiency (LEP) guidelines issued by the federal agencies that provide such funding. Federal financial assistance triggers coverage of an entire program or activity, meaning that all operations of a recipient organization are subject to these requirements, even if only one department or project receives federal funds.

The City of Battle Creek receives funding from the U.S. Department of Transportation (DOT) through the Federal Highway Administration and is therefore subject to the U.S. Department of Transportation's *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*, published December 14, 2005. This guidance applies broadly to all DOT funding recipients and extends to all municipal operations, requiring reasonable steps to ensure meaningful access to services for individuals with limited English proficiency.

For more information regarding our policies on LEP, a copy of our LEP plan can be found on our website at www.battlecreekmi.gov or requested from:

City of Battle Creek
Attn: Kimberly Holley
10 North Division Street
Suite 202
Battle Creek, MI 49014
Phone: (269) 966-3355
Fax: (269) 966-6654
Email: klholley@battlecreekmi.gov

ENVIRONMENTAL JUSTICE (EJ)

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 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 a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities 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 population groups 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 offsetting 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 the responsibility for assuring that the discrimination complaint process and procedures adhere to FHWA's guidance.

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. Within ten (10) days the City will acknowledge receipt of the complaint.

Complaints must be filed within 180 days of the alleged discrimination unless the time for filing is extended by Federal Highway Administration (FHWA.)

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: (Non-transportation related complaints)

For all non-transportation related complaints, 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 timeline
- 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 Battle Creek, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Battle Creek, 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 Battle Creek 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 Kimberly Holley for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Investigation Plan: (Transportation related complaints)

For transportation related complaints, all complaints investigations are delegated by FHWA. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The Title VI Coordinator will gather relevant information in a fair and impartial manner and will submit the complaint to MDOT's Statewide Title VI Coordinator who will forward the complaint to FHWA.

Timeframes for Investigations

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

For State DOTs that have been delegated an investigation from FHWA, 23 CFR § 200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

FHWA Investigation Potential Outcomes

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, FHWA Headquarters Office of Civil Rights (HCR) (or an investigator State DOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
 - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
 - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.

4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
 - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR §21.13(c).

All LOFs issued by FHWA are administratively final.

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:

Kimberly Holley
City of Battle Creek
10 North Division Street
Suite 202
Battle Creek, MI 49014
Phone: (269) 966-3355
Fax: (269) 966-6654
Email: klholley@battlecreekmi.gov

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 LOF 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 BATTLE CREEK
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 Battle Creek 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 must be filed within 180 days of the alleged discrimination unless the time for filing is extended by the Federal Highway Administration (FHWA).**

If you need assistance completing this form, please contact Kimberly Holley by phone at (269) 966-3355 or via e-mail at klholley@battlecreekmi.gov.

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 | ____ Disability | ____ Sex |
| ____ Color | ____ Religion | ____ Income |
| ____ Age | ____ National Origin | ____ Retaliation |

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: Kimberly Holley, 10 North Division Street, Suite 202, Battle Creek, MI 49014; Phone (269)966-3355; Fax: (269)966-6654; Email: klholley@battlecreekmi.gov.

Note: *The City of Battle Creek 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 has 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 Organizational Development Officer.

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

1. The City of Battle Creek's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees. All City of Battle Creek employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The City of Battle Creek's Title VI Plan will be published on the main page of the City's website www.battlecreekmi.gov, 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 Battle Creek's Title VI Assurances 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. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
7. 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; 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/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
 - h. **Program Participants:** Racial data of program participants where possible.

CITY OF BATTLE CREEK

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

10 North Division Street
Suite 206
Battle Creek, MI 4901549014
Phone: (269) 966-3378-3311
Fax: (269) 966-6654
Website: www.battlecreekmi.gov

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~~A RESOLUTION OF THE
CITY OF BATTLE CREEK
ADOPTING THE
LIMITED ENGLISH PROFICIENCY (LEP) PLAN~~

~~In accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how City of Battle Creek will accommodate persons with Limited English Proficiency.~~

~~Individuals who do not speak English well and who have a limited ability to read, write, 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.~~

~~The City of Battle Creek City Commission hereby approves the establishment and adoption of the Limited English Proficiency Plan for the City of Battle Creek.~~

Adopted the ___ day of

Dave Walters
Mayor

Victoria Houser
City Clerk

Preface

The City of Battle Creek recognizes that diversity is a fundamental strength of the community and is essential to effective, inclusive, and responsive public service. Residents, workers, and visitors bring a wide range of cultural, linguistic, and life experiences that enrich civic life and contribute to the social and economic vitality of the community. The City of Battle Creek is committed to fostering an environment where all individuals are treated with dignity and respect and are able to engage fully in municipal programs and services, regardless of their background or primary language.

In support of this commitment, this Limited English Proficiency (LEP) Plan has been designed to ensure that individuals with limited proficiency in English have meaningful access to the programs, services, activities, and benefits provided by the City of Battle Creek. In accordance with Title VI of the Civil Rights Act of 1964 and related federal and state regulations, the City of Battle Creek is committed to taking reasonable steps to remove language barriers that may impede access to essential public services. This plan outlines the policies and procedures the City of Battle Creek will follow to identify LEP individuals, assess language needs, and provide appropriate language assistance to promote equitable, effective, and inclusive service delivery for all community members.

I. Introduction

As a recipient of federal financial assistance—including grants, training, equipment, and other support—the City of Battle Creek is required to comply with Title VI of the Civil Rights Act of 1964 and related Limited English Proficiency (LEP) guidelines issued by the federal agencies that provide such funding. Federal financial assistance triggers coverage of an entire program or activity, meaning that all operations of a recipient organization are subject to these requirements, even if only one department or project receives federal funds.

The City of Battle Creek receives funding from the U.S. Department of Transportation (DOT) through the Federal Highway Administration and is therefore subject to the U.S. Department of Transportation's *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*, published December 14, 2005. This guidance applies broadly to all DOT funding recipients and extends to all municipal operations, requiring reasonable steps to ensure meaningful access to services for individuals with limited English proficiency.

Introduction

~~On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, 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 encounterⁱⁱ. 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 do all federal agencies have 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 Battle Creek 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 Battle Creek 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.~~

II. 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.

III. 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 Battle Creek 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 federal~~ 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>.~~

IV. 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 Battle Creek 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 [U.S. 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 [U.S. Census 2015 Data 2024 American Community Survey](#) for the City of Battle Creek shows that [3,964,477 \(8.211.1%\)](#) of individuals in the City speak a language other than English; of those individuals, [1,278,137 \(2.74.4%\)](#) have identified themselves as speaking English less than 'very well'. Of those individuals, there are [609,713 \(1.35%\)](#) individuals in the Spanish language group, [21,244 \(0.00.5%\)](#) people in the Other Indo-European languages group, [640,1,176 \(1.32.4%\)](#) residents in the Asian and Pacific Islander languages group, and [8-4 \(0.0%\)](#) people whose native language is not English ("Other" language group).

TABLE #1

| LANGUAGE SPOKEN AT HOME | # of Individuals | Percentage |
|---|-------------------------------|---------------------------|
| Population 5 years and over | 48,089,49,158 | |
| English only | 44,125,43,711 | 91.888.9% |
| Language other than English | 3,964,477 | 8.211.1% |
| Speak English less than "very well" | 1,278,137 | 2.7%4.4% |
| Spanish | 2,350,2,492 | 4.95.1% |
| Speak English less than "very well" | 609,713 | 1.35% |
| Other Indo-European languages | 359,802 | 0.71.6% |
| Speak English less than "very well" | 21,244 | 0.05% |
| Asian and Pacific Islander languages | 1,182,2,065 | 2.54.2% |
| Speak English less than "very well" | 640,1,176 | 1.32.4% |
| Other languages | 7,388 | 0.2% |
| Speak English less than "very well" | 84 | 0.0% |

Source: U.S. Census Bureau, [American FactFinder website2004 American Community Survey](#)
~~DP02: SELECTED SOCIAL CHARACTERISTICS IN THE UNITED STATES~~
[1601: Language Spoken at Home](#)

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 had encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals. We also have staff that work in the field that could encounter LEP individuals. Additionally, regular Commission meetings are held twice every month, which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is moderate.

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

The City of Battle Creek serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to residents and other individuals, 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. Given the number of LEP individuals in the City, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the City of Battle Creek 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:~~

~~"A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns."~~

~~Based on this guidance, we We~~ have reviewed our resources and deemed that given the high concentration of LEP individuals in our City, upon request, we will translate our vital documents into the language requested to ensure accessibility.

~~Although there will not be a fixed amount allocated from our yearly budget for the translation of documents, the cost associated with the necessary translation of document in order to comply with LEP requirements will be allocated on an as-needed basis.~~

V. 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 3% or 500, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered, in accordance with the State of Michigan Public Act 241 of 2023. ~~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 that the number of LEP individuals in the City is above the Safe Harbor threshold, written translations of vital documents will be made upon request, or oral interpretation can be provided. The City of Battle Creek will translate all vital documents, which may include but not be limited to: the complaint form, complaint procedures, and all public meeting notices.~~

VI. 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 that 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 those requiring language

assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Battle Creek.

VII. 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 Battle Creek 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

Due to limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested, appropriate assistance will be provided.

Proposed Actions: What the City of Battle Creek will do. ~~What actions will the City of Battle Creek take?~~

- Notify the public that interpreter services are available upon request, with seven days advance notice.
- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and American Sign Language (ASL) for Deaf and Hard of Hearing individuals.~~signage for the hearing impaired.~~
- The City will utilize the *Translators Resource List* as provided by Michigan Department Of Transportation (MDOT) for translation services and ~~verbal-oral~~ interpretation, in addition to local resources and translation technology.
- 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, or other translation or interpretation tools or resources will be utilized to provide interpretation services.~~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 by the LEP individual.
2. Once the ~~foreign~~ language is determined, an interpreter resource or tool will be utilized to provide interpretation services. ~~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~~relevant city department will have the document translated and provided to the requestor as soon as possible.

3.4. The Title VI Coordinator will provide assistance, when needed

ROAD ENCOUNTER

1. ~~Road crew~~Field service 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 by the individual.
2. Once the ~~foreign~~ language is determined, an interpreter resource or tool will be utilized to provide interpretation services. ~~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~~relevant city department 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 a 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 and relevant city department 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 by 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.

VIII. The City of Battle Creek's Staff Training

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

IX. LEP Plan Access

A copy of the LEP plan document can be requested at the City ~~of Battle Creek's main office Hall~~ during normal business hours and the City of Battle Creek will make the plan available on the website at www.battlecreekmi.gov. Any person or agency may also request a copy by contacting:

Kimberly Holley
Organizational Development Officer
10 North Division Street
Suite 202
Battle Creek, MI 49014
Phone: (269) 966-3355
Fax: (269) 966-6654
Email: klholley@battlecreekmi.gov
~~Ted Dearing~~
~~Assistant City Manager~~
~~10 North Division Street~~
~~Suite 206~~
~~Battle Creek, MI 49015~~
~~Phone: (269) 966-3378~~
~~Fax: (269) 966-6654~~
~~Email: tedearing@battlecreekmi.gov~~

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.civilrights.dot.gov/civil-rights-awareness-enforcement/language-assistance>~~

^{iv} ~~<http://www.doter.ost.dot.gov/asp/lep/asp>~~

^v ~~Department of Justice Final LEP Guidelines, Federal Register June 18, 2002 Vol. 67 Number 117.~~

CITY OF BATTLE CREEK
LIMITED ENGLISH PROFICIENCY (LEP)
PLAN

10 North Division Street
Battle Creek, MI 49014
Phone: (269) 966-3311
Fax: (269) 966-6654
Website: www.battlecreekmi.gov

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Preface

The City of Battle Creek recognizes that diversity is a fundamental strength of the community and is essential to effective, inclusive, and responsive public service. Residents, workers, and visitors bring a wide range of cultural, linguistic, and life experiences that enrich civic life and contribute to the social and economic vitality of the community. The City of Battle Creek is committed to fostering an environment where all individuals are treated with dignity and respect and are able to engage fully in municipal programs and services, regardless of their background or primary language.

In support of this commitment, this Limited English Proficiency (LEP) Plan has been designed to ensure that individuals with limited proficiency in English have meaningful access to the programs, services, activities, and benefits provided by the City of Battle Creek. In accordance with Title VI of the Civil Rights Act of 1964 and related federal and state regulations, the City of Battle Creek is committed to taking reasonable steps to remove language barriers that may impede access to essential public services. This plan outlines the policies and procedures the City of Battle Creek will follow to identify LEP individuals, assess language needs, and provide appropriate language assistance to promote equitable, effective, and inclusive service delivery for all community members.

I. Introduction

As a recipient of federal financial assistance—including grants, training, equipment, and other support—the City of Battle Creek is required to comply with Title VI of the Civil Rights Act of 1964 and related Limited English Proficiency (LEP) guidelines issued by the federal agencies that provide such funding. Federal financial assistance triggers coverage of an entire program or activity, meaning that all operations of a recipient organization are subject to these requirements, even if only one department or project receives federal funds.

The City of Battle Creek receives funding from the U.S. Department of Transportation (DOT) through the Federal Highway Administration and is therefore subject to the U.S. Department of Transportation's *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*, published December 14, 2005. This guidance applies broadly to all DOT funding recipients and extends to all municipal operations, requiring reasonable steps to ensure meaningful access to services for individuals with limited English proficiency.

II. 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.

III. 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 Battle Creek 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 federal 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.

IV. 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 Battle Creek 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 U.S. 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 U.S. Census Data 2024 American Community Survey for the City of Battle Creek shows that 5,477 (11.1%) of individuals in the City speak a language other than English; of those individuals, 2,137 (4.4%) have identified themselves as speaking English less than 'very well'. Of those individuals, there are 713 (1.5%) individuals in the Spanish language group, 244 (0.5%) people in the Other Indo-European languages group, 1,176 (2.4%) residents in the Asian and Pacific Islander languages group, and 4 (0.0%) people whose native language is not English ("Other" language group).

TABLE #1

| LANGUAGE SPOKEN AT HOME | # of Individuals | Percentage |
|---|-------------------------|-------------------|
| Population 5 years and over | 49,158 | |
| English only | 43,711 | 88.9% |
| Language other than English | 5,447 | 11.1% |
| Speak English less than "very well" | 2,137 | 4.4% |
| Spanish | 2,492 | 5.1% |
| Speak English less than "very well" | 713 | 1.5% |
| Other Indo-European languages | 802 | 1.6% |
| Speak English less than "very well" | 244 | 0.5% |
| Asian and Pacific Islander languages | 2,065 | 4.2% |
| Speak English less than "very well" | 1,176 | 2.4% |
| Other languages | 88 | 0.2% |
| Speak English less than "very well" | 4 | 0.0% |

**Source: U.S. Census Bureau, 2024 American Community Survey
S1601: Language Spoken at Home**

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 had encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals. We also have staff that work in the field that could encounter LEP individuals. Additionally, regular Commission meetings are held twice every month, which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is moderate.

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

The City of Battle Creek serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to residents and other individuals, 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. Given the number of LEP individuals in the City, we will ensure accessibility to all of our programs, services, and activities.

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

We have reviewed our resources and deemed that given the high concentration of LEP individuals in our City, upon request, we will translate our vital documents into the language requested to ensure accessibility.

V. 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 3% or 500, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered, in accordance with the State of Michigan Public Act 241 of 2023. 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.

VI. 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 that 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 those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Battle Creek.

VII. 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.

The City of Battle Creek 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.

Due to limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested, appropriate assistance will be provided.

Proposed Actions: What the City of Battle Creek will do.

- Notify the public that interpreter services are available upon request, with seven days advance notice.
- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and American Sign Language (ASL) for Deaf and Hard of Hearing individuals.
- The City will utilize the *Translators Resource List* as provided by Michigan Department Of Transportation (MDOT) for translation services and oral interpretation, in addition to local resources and translation technology.
- 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, or other translation or interpretation tools or resources will be utilized 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 by the LEP individual.
2. Once the language is determined, an interpreter resource or tool will be utilized to provide interpretation services.
3. If the need is for a document to be translated, the relevant city department will have the document translated and provided to the requestor as soon as possible.
4. The Title VI Coordinator will provide assistance, when needed

ROAD ENCOUNTER

1. Field service employee will provide an I-speak language identification card to the LEP individual to determine the language spoken by the individual.
2. Once the language is determined, an interpreter resource or tool will be utilized to provide interpretation services.
3. If the need is for a document to be translated, the relevant city department 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 a translator to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency and relevant city department 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 by 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.

VIII. The City of Battle Creek's Staff Training

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

IX. LEP Plan Access

A copy of the LEP plan document can be requested at City Hall during normal business hours and the City of Battle Creek will make the plan available on the website at www.battlecreekmi.gov. Any person or agency may also request a copy by contacting:

Kimberly Holley
Organizational Development Officer
10 North Division Street
Suite 202
Battle Creek, MI 49014
Phone: (269) 966-3355
Fax: (269) 966-6654
Email: klholley@battlecreekmi.gov



Resolution No: 372
City Commission Meeting 4/21/2026

372 - A Resolution seeking approval for the submission of the Water Resources Division Grant Application to Michigan Department of Environment, Great Lakes, and Energy (EGLE) for Dickman Area Storm Water Improvements.

Battle Creek City Commission
Action Summary

Staff Member: Patty Hoch-Melluish, Environmental & Storm Service Manager

Department: Department of Public Works (DPW)

Summary

RESOLUTION NO. 372

Resolved by the Commission of the City of Battle Creek:

That the Dickman Road area has experienced flooding during intense rains. Parcel no. 54-150-009-00 is owned by the City of Springfield and will be designated for the purpose of improving stormwater management for this area. Funding is available under Section 1006 of PA 87 of 2021, where the Michigan Legislature appropriated \$14.35 million to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for a grant program to provide infrastructure and planning grants that directly address the impacts and vulnerabilities presented by severe weather events, with a focus on projects that address flooding, coastline erosion, urban heat, and stormwater management.

The City of Battle Creek Commission approves the submission of the grant application to the EGLE Water Resources Division in the amount of \$368,115.88 for the Dickman Road Stormwater Improvements and commits that the local match requirement shall be provided if the project is funded.

Budgetary Considerations

The anticipated total project cost is estimated to be \$460,144.85, 80% of which would be funded

through EGLE Water Resources Division and 20%, \$92,028.97, would be local match.

History, Background and Discussion

Positions

The Department of Public Works Director supports this submission.

Attachments



Resolution No: 373

City Commission Meeting

4/21/2026

373 - A Resolution seeking authorization for the City Manager to sign a contract for bus advertisements with Mesmerize Media, LLC for lead poisoning prevention funded by the HUD Lead Hazard Reduction Grant for a total of \$65,800.

Battle Creek City Commission

Action Summary

Staff Member: Emily Arntz, Lead Grant Coordinator

Department: Community Development

Summary

RESOLUTION NO. 373

Resolved by the Commission of the City of Battle Creek:

That on January 20, 2026, the City Commission approved the acceptance of the Fiscal Year 2025 Lead Hazard Reduction grant, MILHB0834-25-City of Battle Creek, in the amount of \$4,750,000 over a four-year performance period, March 16, 2026, to March 15, 2030, with the U.S. Department of Housing and Urban Development (HUD).

The federal grant includes funds for a public health education campaign to help the public, especially families with young children, become more aware of the effects of lead on brain development and the importance of getting lead blood tests for young children living in housing built before 1978. The bus advertisement campaign locks in pricing for the four years of the grant in the amount of \$65,800.

From May-November of each year of the grant, advertisements will run as follows:

4 Bus Tail Panels at \$30,800 total

50 Bus Interior Cards at \$35,000 total

The bus advertisements will run in conjunction with the billboard advertisements that were approved in Resolution 342.

The City Manager is authorized to sign a contract for bus advertisements with Mesmerize Media, LLC for lead poisoning prevention funded by the HUD Lead Hazard Reduction Grant for a total of \$65,800.

Budgetary Considerations

The costs of the bus tail panels and interior cards will be covered by the federal HUD Lead Hazard Reduction grant. This activity was in a line-item budget approved by HUD.

History, Background and Discussion

Community Development will partner with the Communications Department and with its outside partners, Community Action and the Calhoun County Public Health Department, to conduct an annual public health campaign around lead poisoning prevention. The new HUD Lead Hazard Reduction grant funds billboards, ads on buses and other outreach to help educate the public about the availability of the lead abatement program and the health risks of lead poisoning.

Positions

Attachments

1. COBC Transit Campaign -2026_2029
Contract Rev. 4.10.26
- COBC Transit Campaign -2026_2029
Contract Rev. 4.10.26.pdf

SPACE CONTRACT

259 Prospect Plains Rd, Building H
 Monroe, NJ 08831



MESMERIZE
 Out of home. Into action.

Sales Rep: Merickel
 Date: 4/7/26

Advertising Agreement

| Advertiser Information | | | | | Billing Information | | | | | |
|------------------------|--|---------------|-----|------------|---------------------|--|-----------|--------------|--------------------|--|
| Agency/Company: | City of Battle Creek | | | | Agency/Company: | City of Battle Creek | | | | |
| Contact Name: | Emily Arntz | | | | Contact Name: | Emily Arntz | | | | |
| Advertiser: | Community Development | | | | Advertiser: | Community Development | | | | |
| Street Address: | 10 North Division Street Suite 104 | | | | Street Address: | 10 North Division Street Suite 104 | | | | |
| City State Zip: | Battle Creek, MI 49014 | | | | City State Zip: | Battle Creek, MI 49014 | | | | |
| Phone: | 269-966-3355 ex 1521 | | | | Phone: | 269-966-3355 ex 1521 | | | | |
| Email: | emarntz@battlecreekmi.gov | | | | Email: | emarntz@battlecreekmi.gov | | | | |
| DMA | Transit Company | Product | QTY | Start Date | End Date | # of Periods | Unit Rate | 4-Week Cost | Total Cost | |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/25/26 | 11/8/26 | 6 | \$25.00 | \$1,250.00 | \$7,500.00 | |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/25/26 | 11/8/26 | 6 | \$275.00 | \$1,100.00 | \$6,600.00 | |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/24/27 | 11/7/27 | 6 | \$25 | \$1,250.00 | \$7,500.00 | |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/24/27 | 11/7/27 | 6 | \$275 | \$1,100.00 | \$6,600.00 | |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/22/28 | 11/5/28 | 6 | \$25 | \$1,250.00 | \$7,500.00 | |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/22/28 | 11/5/28 | 6 | \$275 | \$1,100.00 | \$6,600.00 | |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/21/29 | 11/4/29 | 6 | \$25 | \$1,250.00 | \$7,500.00 | |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/21/29 | 11/4/29 | 6 | \$275 | \$1,100.00 | \$6,600.00 | |
| | | | | | | | | Total | \$56,400.00 | |

Campaign Notes

This is a Non-Cancelable Agreement.

Payment Notes

Please confirm billing preference: invoice 100% for entire contract
 Credit cards are accepted for payment; processing fee will be added to the invoice amount

Advertiser Signature _____ **Date** _____

Please make checks payable to:
Mesmerize Media, LLC
 c/o MJH Life Sciences
 259 Prospect Plains Rd, Building H
 Monroe, NJ 08331

***Signature reflects approval for both media and production dollars (outlined on next page)*

PRODUCTION CONTRACT

259 Prospect Plains Rd, Building H
Monroe, NJ 08831



MESMERIZE
Out of home. Into action.

Sales Rep: Merickel
Date: 4/7/26

Advertising Agreement

| Advertiser Information | | | Billing Information | | | |
|------------------------|------------------------------------|---------------|---------------------|------------------------------------|--------------|-------------------|
| Agency: | City of Battle Creek | | Agency/Company: | City of Battle Creek | | |
| Contact Name: | Emily Arntz | | Contact Name: | Emily Arntz | | |
| Advertiser: | Community Development | | Advertiser: | Community Development | | |
| Street Address: | 10 North Division Street Suite 104 | | Street Address: | 10 North Division Street Suite 104 | | |
| City State Zip: | Battle Creek, MI 49014 | | City State Zip: | Battle Creek, MI 49014 | | |
| Phone: | 269-966-3355 ex 1521 | | Phone: | 269-966-3355 ex 1521 | | |
| Email: | emarntz@battlecreekmi.gov | | Email: | emarntz@battlecreekmi.gov | | |
| DMA | Transit Company | Product | QTY | Install Date | Unit Rate | Total Cost |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/25/26 | \$25 | \$1,250.00 |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/25/26 | \$275 | \$1,100.00 |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/24/27 | \$25 | \$1,250.00 |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/24/27 | \$275 | \$1,100.00 |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/22/28 | \$25 | \$1,250.00 |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/22/28 | \$275 | \$1,100.00 |
| Battle Creek | Battle Creek Transit | Interior Card | 50 | 5/21/29 | \$25 | \$1,250.00 |
| Battle Creek | Battle Creek Transit | Tail Panel | 4 | 5/21/29 | \$275 | \$1,100.00 |
| | | | | | Total | \$9,400.00 |

Production Notes

Payment Notes

Invoice 100%
Production is invoiced in full at start of contract
Credit cards are accepted for payment; processing fee will be added to the invoice amount

Advertiser Signature _____

Date _____

Make checks payable to:
Mesmerize Media, LLC
c/o MJH Life Sciences
259 Prospect Plains Rd, Building H
Monroe, NJ 08831

SCHEDULE A

GENERAL TERMS AND CONDITIONS

PAYMENT TERMS: Advertiser shall pay in full all amounts due for Media Fees under this Agreement within thirty (30) days of the Effective Date. If Advertiser fails to pay any amount due under this Agreement within thirty (30) days from the date when such amount is due, Advertiser shall pay interest on any overdue amount at the rate of 1.5% per month (equivalent to 18% per annum). If collection of any amounts due under this Agreement requires legal action by Mesmerize, Advertiser shall reimburse Mesmerize for all of its reasonable costs incurred in any such action, including its attorneys' fees and expenses. Mesmerize reserves the right to investigate Advertiser's creditworthiness from time to time and to request payment in advance if Mesmerize determines, in its sole discretion, that Advertiser's financial condition or payment history warrants same. In addition to the foregoing and all of its other legal rights and remedies, Mesmerize may remove any Media from distribution and discontinue any Service, and immediately terminate Mesmerize's obligations hereunder, if Advertiser defaults on any payment obligation.

REFUNDS: Advertiser acknowledges and agrees that Mesmerize will not grant or give any refunds or credits or otherwise prorate any charges for any reason, including, without limitation, any termination or attempted termination of this Agreement by Advertiser.

OWNERSHIP: All Media bearing advertisements or other promotional material of Advertiser remains the property of Mesmerize. Mesmerize shall retain all intellectual property rights arising from or otherwise in connection with any Media Services provided, including, without limitation, all trademarks, copyrights, patents, trade secret rights, and other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, works of authorship, or trade secrets, provided, however, that Advertiser shall retain ownership of its intellectual property.

DELIVERY OF FINISHED & APPROVED ARTWORK: All finished and approved Media artwork shall comply with all art specifications as may be designated by Mesmerize, and which specifications may be amended by Mesmerize from time to time. Mesmerize agrees to use its commercially reasonable efforts to distribute and sell the Media on a timely basis through its networks or otherwise to the Markets specified by Advertiser. Advertiser acknowledges that delivery and other delays may occur as a result of changes in Advertising Content (as defined below), as well as other changes outside of the parties' control, including, without limitation, delays caused by acts of God, strikes, lockouts or other industry labor disturbances, riots, insurrections, terrorism and civil commotions, unusually severe weather, sabotage, vandalism, shortage or unavailability of materials, supplies, labor, equipment or systems, changes to laws, or other unforeseeable circumstances ("Unforeseeable Circumstances"). In no instance shall Mesmerize be liable for any failures to deliver Media Services as a result of any Unforeseeable Circumstances.

APPROVAL OF MEDIA ARTWORK: Mesmerize will provide Advertiser or its agent with a sample of any text and graphics of the Media to be provided to Advertiser, either digitally or a physical color match. Advertiser or its agent shall communicate to Mesmerize any requested changes by means of email or other written communication within two (2) business days after receipt of a sample from Mesmerize; if Advertiser does not respond to Mesmerize within such two (2) business day period, Advertiser shall be deemed to have approved all such samples of Media.

MEDIA CONTENT: Mesmerize reserves the right to reject any copy, text, graphics, logotypes or other materials supplied by or on behalf of Advertiser (collectively "Advertising Content"), and/or remove Media from distribution and from Mesmerize's network if Mesmerize considers such content to be in violation of any laws, advertising industry standards, offensive to any person, group or community, or which Mesmerize believes reflects adversely on the character, integrity or standing of any person, group or community, or for any other reason, in Mesmerize's sole discretion. Mesmerize retains the right to imprint, along one edge of each Media, its company name, contact information, and advertising slogan, all as reflected on any sample provided to Advertiser. Mesmerize retains the right to use any Media (including images thereof) in Mesmerize's promotional, social media, and marketing materials, and Advertiser consents to such usage.

REPRESENTATIONS AND WARRANTIES: Advertiser represents and warrants that (i) it has the right and authority to enter into this Agreement, and the right and authority to provide the Advertising Content and grant Mesmerize the right to perform all applicable Services and to reproduce and distribute any Advertising Content on Advertiser's behalf; (ii) none of the Advertising Content included in the artwork or copy provided by, approved by, or prepared for Advertiser will infringe upon any trademark, service mark, copyright, patent or any intellectual property or other right of any other party; (iii) the Advertising Content does not constitute false or fraudulent advertising; and (iv) the media promoted by the Advertising Content do not infringe upon any trademark, service mark, copyright, patent or any intellectual property or other right of any other party, or violate any applicable law or regulation. If an agent is entering into this Agreement on behalf of the Advertiser, the agent represents and warrants the above for and on behalf of the Advertiser, and further represents and warrants that the agent is an authorized agent of the Advertiser with authority to enter into this Agreement for and on behalf of the Advertiser and to bind the Advertiser to the terms of this Agreement. Mesmerize reserves the right to recall and remove Media from distribution and from any of its networks and the Markets if any of the foregoing representations and warranties are false or inaccurate.

INDEMNIFICATION: To the extent allowed by law, the Advertiser agrees to indemnify, defend, and hold harmless Mesmerize and its subsidiaries, affiliates, partners, officers, directors, managers, members, employees and agents (collectively, "Mesmerize Indemnitees") from and against any and all claims, lawsuits, demands, liabilities, judgments, damages, costs and expenses, including but not limited to Mesmerize Indemnitees' reasonable attorneys' fees and expenses, arising from, relating to, resulting from, or in connection with (a) any breach by Advertiser and/or Advertiser's agent of (i) its payment obligations under this Agreement, or (ii) any covenant, representation or warranty of Advertiser contained in this Agreement, including but not limited to, any actual or alleged infringement of any intellectual property right, trademark, service mark, or copyright, misappropriation of any name or likeness, false representation, defamation, or violation of rights of publicity or privacy contained in any Media or Advertising Content prepared, approved or distributed by

copying, misappropriation of any name or likeness, false representation, defamation, or violation of rights of publicity or privacy, contained in any media or advertising content prepared, approved or distributed by or for Advertiser under this Agreement or (b) Mesmerize's performance of this Agreement, except to the extent arising solely from Mesmerize's gross negligence or intentional misconduct.

ERRORS OR DELAYS BY MESMERIZE: Mesmerize will not be liable to Advertiser for any loss of business or any other economic loss, cost, or damages of any kind whatsoever if any Media Services are not timely delivered, distributed or provided in accordance with the Media Service Form. In the event that Mesmerize fails to deliver Media Services on time due to any fault of Mesmerize, Advertiser's sole remedy shall be for Mesmerize to deliver any such Media Services in a subsequent scheduled delivery date to be mutually agreed upon by the parties.

LIMITATION OF LIABILITY: ANY MATERIALS, MEDIA SERVICES PROVIDED BY OR ON BEHALF OF MESMERIZE PURSUANT TO THIS AGREEMENT ARE PROVIDED "AS IS". MESMERIZE DISCLAIMS ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT WILL MESMERIZE BE LIABLE FOR ANY PUNITIVE, INCIDENTAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES IN ANY ACTION ARISING FROM OR RELATED TO THIS AGREEMENT, WHETHER BASED IN CONTRACT, TORT, INTENTIONAL OR OTHERWISE, INCLUDING WITHOUT LIMITATION, DAMAGES RELATING TO LOSS OF PROFITS, INCOME OR GOODWILL, REGARDLESS OF WHETHER ADVERTISER HAS ADVISED MESMERIZE AS TO THE POSSIBILITY OF SUCH DAMAGES. IN NO INSTANCE SHALL THE TOTAL LIABILITY OF MESMERIZE EXCEED THE AMOUNTS ACTUALLY PAID BY ADVERTISER TO MESMERIZE UNDER THIS AGREEMENT.

TERMINATION: This Agreement shall terminate upon the expiration of the Contract period, if applicable, or upon completion of the distribution of Media Services, as set forth in the Media Service Form. In its sole discretion, Mesmerize may immediately terminate this Agreement prior to its expiration if the Advertiser commits any breach hereof. In addition to the foregoing, Mesmerize may, upon thirty (30) days' written notice to Advertiser, terminate this Agreement for any or no reason. Upon termination or expiration of this Agreement, all amounts owing or accruing to Mesmerize shall immediately become due and payable by Advertiser, and Mesmerize shall provide to Advertiser any completed Med paid for by Advertiser that has not yet been delivered to Advertiser. Upon termination of this Agreement arising from Advertiser's breach hereof, Mesmerize may recall and remove all Media from the Markets where such Media was distributed.

ENFORCEMENT OF RIGHTS: Failure to enforce any rights under this Agreement does not constitute a waiver of any such rights, and any waiver must be in writing and signed by the party waiving any such rights.

GOVERNING LAW: This Agreement and the rights of the parties hereunder shall be governed by and interpreted under the laws of the State of Michigan.

VENUE: Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement or the transactions it contemplates shall bring the legal action or proceeding: (i) in the United States District Court for the Western District of Michigan; or (ii) in any court of the State of Michigan sitting in Calhoun County, if there is no federal subject matter jurisdiction.

COUNTERPARTS: This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

INTEGRATION: This Agreement constitutes the entire understanding and agreement existing between the parties concerning the subject matter of this Agreement and the rights and obligations created under it, and supersedes any and all prior agreements, negotiations, correspondence, understandings and communications between the parties, whether written or oral, respecting the subject matter hereof. No terms or provisions that may be contained in any purchase order or other documents submitted by or behalf of Advertiser shall have any legal force and effect.

SEVERABILITY: In the event that an arbitrator or court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable, the provision shall be restated to best reflect the original intent of the parties and the remainder of the Agreement will remain in full force and effect.

ASSIGNMENT: Advertiser may not assign this Agreement in whole or in part to any third party. Mesmerize may freely assign this Agreement to any of its parents, subsidiaries, affiliates, successors or assigns.

AMENDMENT: This Agreement may be amended only by a written instrument signed by the parties against whom enforcement of such amendment is sought.