



# RESOLUTION

No. 197

**APPROVED**

**A RESOLUTION ADOPTING GUIDELINES FOR EXEMPTING  
PERSONAL PROPERTY TAXES AS ALLOWED BY PUBLIC  
ACT 328 OF 1998, AS AMENDED.**

**BATTLE CREEK MICH., 5-30-01**

**Resolved by the Commission of the City of Battle Creek:**

The City Commission recognizes the need to reduce unemployment, promote economic growth and increase its tax base. It wants to attract new business and create new jobs. Public Act 328 of 1998, as amended, gives the Commission a tool it can use to provide incentives.

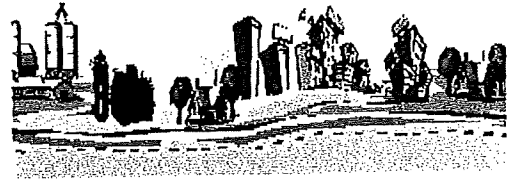
Under this act, the City Commission can grant qualified businesses some relief from personal property taxes. The City Commission wants to carefully use this law to promote economic growth while still providing city services.

To make sure exemptions granted under this act support this goal, the City Commission adopts the attached guidelines, application and agreement.

*John A. Grier*  
*Mayor*

**ORIGINAL**

# battle creek city assessor



**Date:** 5/21/01

**To:** Merrill Stanley, City Manager

**Cc:** City Attorney, City Clerk, Contract Compliance, Assistant City Manager, BCU

**From:** Judy Mudge, Assessor/RSG Manager

**RE:** GUIDELINES FOR PUBLIC ACT 328 PERSONAL PROPERTY TAX EXEMPTION

The Tax Abatement Committee met on May 1, 2001 to consider a request for tax exemption under Public Act 328 of 1998, as amended. Karl Dehn and Jim Hettinger presented draft guidelines for the discussion. After the meeting, you directed me to prepare guidelines for City Commission approval.

Before drafting the guidelines, I consulted with you and Karl Dehn to clarify certain issues. The most significant issue discussed was how the exemption applies to all new personal property acquired after the City Commission grants the exemption. The example below shows how the exemption is applied.

<b>Business' Initial Investment</b>	<b>\$30,000,000</b>	<b>Granted 10-year exemption</b>
<b>5 years later, the business invests again</b>	\$100,000,000	Exempt for remaining 5 years
<b>7 years later, the business invests again</b>	\$5,000,000	Exempt for remaining 3 years
<b>TOTAL EXEMPTION</b>	<b>\$135,000,000</b>	

The proposed guidelines are similar to those adopted for Industrial Facilities Tax (IFT) Exemptions.

While preparing the guidelines, I consulted with Russ Claggett, Employee Relations Director, for the definition of "permanent, full-time employees" and with Judy Ansell for information on Contract Compliance. I also consulted with Clyde Robinson, City Attorney. He reviewed the entire guidelines and the Property Tax Exemption Agreement from a legal perspective. Clyde offered valuable suggestions and advice.

Different from the IFT guidelines, the proposed guidelines include provisions for revocation if the exemption holder does not comply with the guidelines and statute over the exemption period. They also require the exemption holder to file annual reports on the number of permanent full-time jobs at its facility.

The attached packet of documents includes the following sections:

- The proposed guidelines, according to Public Act 328 of 1998, as amended.
- A complete application, including Contract Compliance forms and the Personal Property Tax Exemption Agreement.
- An addendum including contacts for more information and a copy of the Affirmative Action Policy for Vendors and Contractors.

Please let me know if you have any questions or need additional information about the guidelines.

**CITY OF BATTLE CREEK, MICHIGAN**

**GUIDELINES FOR  
PERSONAL PROPERTY TAX  
EXEMPTION**

**UNDER PUBLIC ACT 328 OF 1998,  
AS AMENDED**

**CITY OF BATTLE CREEK  
GUIDELINES FOR PUBLIC ACT 328 OF 1998, AS AMENDED**

Michigan Public Act 328 of 1998, as amended, allows the governing body of an eligible local assessing district to adopt a resolution exempting personal property taxes for all new personal property of an "eligible business" located in an "eligible district" or districts designated in the resolution.

The City of Battle Creek recognizes the need to reduce unemployment, promote economic growth and increase its industrial and commercial tax base by selective use of Public Act 328 of 1998. The issuance of an exemption under this act requires the applicant's proposed project to significantly comply with the purposes and goals of the act and to comply with the following guidelines.

**GUIDELINES**

**Statute Requirements:**

1. The personal property must be "new" personal property that was not previously subject to tax under Michigan's General Property Tax Act.
2. New personal property does not include:
  - a. Buildings on leased land, as described in Section 14(6) of the General Property Tax Act [MCL 211.14(6)].
  - b. Leasehold improvements or leasehold estates, as described at Section 8(h), (i) and (j) of the General Property Tax Act [MCL 211.8(h) (i) (j)].
3. The new personal property must be owned or leased by an "eligible business."
  - a. An "eligible business" is a business engaged primarily in manufacturing, mining, research and development, wholesale trade, or office operations.
  - b. An "eligible business" does not include a casino, retail establishment, professional sports stadium, or that portion of an eligible business used exclusively for retail sales.
4. The new personal property and the eligible business must be located in an "eligible district."
5. An "eligible district" is defined as one of the following:

- a. An industrial development district (1974 PA 198, MCL 207.551 to 207.572).
  - b. A renaissance zone (1996 PA 376, MCL 125.2681 to 125.2696).
  - c. An enterprise zone (1985 PA 224, MCL 125.2101 to 125.2123).
  - d. A brownfield redevelopment zone (1996 PA 381, MCL 125.2651 to 125.2672).
  - e. An empowerment zone as defined in subchapter U of chapter 1 of the internal revenue code (1986, 26 U.S.C. 1391 to 1397C and 1397E to 1397F).
  - f. An authority district or development area as defined in the tax increment finance authority act (1980 PA 450, MCL 125.1801 to 125.1830).
  - g. An authority district as defined in the local development financing act (1986 PA 281, MCL 125.2151 to 125.2174).
  - h. A downtown district or development area (1975 PA 197, MCL 125.1651 to 125.1681).
6. The new personal property must be placed in an "eligible district" after the City Commission approves a resolution granting the exemption.

**Minimum Local Requirements:**

- 1. The applicant must make a total minimum private investment of \$30 million or more for land, fixtures, buildings and personal property within the first two years of the proposed exemption period.
- 2. The applicant must create 100 or more new, permanent full-time jobs within the first two years of the proposed exemption period.
  - a. "Permanent full-time jobs" are defined as jobs where employees are regularly scheduled to work a standard workweek, have benefits provided by the "eligible business" and are expected to continue in duration.
  - b. Part-time, seasonal or contracted employees shall not be counted towards the 100-job creation requirement.

3. The applicant must provide a median wage rate for the new jobs, at the facility located in the City of Battle Creek and granted the tax exemption pursuant to this policy, of \$16.00 per hour or more, plus benefits.
4. The City is committed to using public resources to the greatest extent possible for the benefit of all citizens regardless of race, creed, color, sex, handicap, marital status, national origin, or age, with special concern for minorities, women, disabled and veterans.

In order to achieve this goal, the Applicant must meet the City's current Contract Compliance requirements for Industrial Facilities Tax Exemptions. The Applicant must demonstrate an affirmative approach to hiring minorities and economically disadvantaged persons, as currently defined in the City's Affirmative Action Policy for Vendors and Contractors, adopted by Resolution No. 343 on August 18, 1998. (See Addendum)

5. All fees, taxes, special assessments, city water and city sewer bills, plus penalties or debts owed to the City arising from the provision of city services to the applicant, or eligible business, shall be paid in full and current.
6. Execution of a Personal Property Tax Exemption Agreement with the City.

#### **Additional Factors and Considerations:**

In addition to the above-listed statutory and minimum local requirements, the following additional factors shall be considered by the City Commission in determining whether to grant any exemption, in whole or in part, pursuant to 1998 Public Act 328, as amended.

1. The number of new jobs created and retained in the first two years of the proposed project and over the total exemption period.
2. The wage level of the new, permanent full-time jobs, including the average wage, the median wage and the overall wage range from entry level to highest level.
3. The total private investment in the first two years of the proposed project and over the total exemption period.
4. The total public investment by the City and/or its special taxing authorities, such as Tax Incremental Financing Authority, Downtown Development Authority, and Brownfield.

5. The projected new tax revenues for the City and/or its special taxing authorities, such as Tax Incremental Financing Authority, Downtown Development Authority, and Brownfield.
6. The level of technology utilized by the company, the skill level required for the proposed new jobs, and the future growth potential for the company.
7. The effect the proposed project could have on existing Battle Creek businesses, including direct competitors.
8. The identified overall cost disadvantage for an applicant to locate a new facility or expand an existing facility in the City of Battle Creek versus other competing locations.
9. The substantial commitment of assistance and incentives by the State of Michigan and/or the Michigan Economic Development Corporation (training, funding, Michigan Economic Growth Authority, Single Business Tax credit, etc.)
10. The positive impact the proposed project could have on Battle Creek's distressed areas.

#### **Application Requirements:**

1. Applications are to be made on Form 3427, as prescribed by the State Tax Commission, Michigan Department of Treasury. The applicant must attach the legal description for the facility site and a detailed description of the business operation.
2. Current copies of Form 3427 can be obtained from the City Assessor or from the Michigan Department of Treasury's web site at:  
  
<http://www.treas.state.mi.us/formspub/propind.htm>
3. Applicants must complete and file current Contract Compliance and Equal Employment Opportunity forms with their application. Current forms can be obtained from the Contract Compliance Office or the City Assessor.
4. Applicants must complete and file a Personal Property Tax Exemption Agreement with their application. Agreement forms are to be obtained from the City Assessor.
5. Completed applications are filed with the City Clerk and shall include a \$150.00 filing fee

### **Administrative Requirements:**

1. The assessor shall review all applications for a Personal Property Tax Exemption to determine whether the proposed project qualifies under the city's guidelines and the state statute. The Tax Abatement Committee shall review issues or questions arising during the review process before the application is submitted to the City Commission.
2. In October each year, the City staff will prepare and send a report to the City Commission regarding the exemption holders' compliance with these guidelines and the statute. The staff may request information of the exemption holder when necessary to prepare said report.
3. The median wage rate shall be reviewed annually and may be subject to annual adjustment based upon said review.
4. The holder of the exemption must file timely annual personal property statements (Form 632, as prescribed by the State Tax Commission) with the City Assessor.
5. The holder of the exemption must file timely Contract Compliance forms with the Contract Compliance Office, when requested.
6. The holder of the exemption shall file by October 1 each year a report on the current number of permanent full time jobs at its facility in the City. This report shall include the following:
  - a. Any expected increases or decreases to the current number of permanent full time jobs at its facility in the City over the course of the next twelve (12) months.
  - b. The average wage, median wage and overall wage range of permanent full time jobs at its facility in the City.
7. Non-compliance with this policy or any provisions of the Personal Property Tax Exemption Agreement shall be cause of revocation of the personal property tax exemption available pursuant to Public Act 328 of 1998, as amended.

The City Commission, after giving notice in writing by certified mail to the eligible business, no later than 14 days prior to the public hearing on the matter, may by resolution act to revoke the exemption. The exemption may be revoked if the Commission finds the eligible business in violation of any of the guidelines of this policy, the statute or the Personal Property Tax Exemption Agreement. The effective date of the revocation would be the December 31 next following the date of the resolution revoking the exemption.



**CITY OF BATTLE CREEK, MICHIGAN**

**APPLICATION AND PERSONAL  
PROPERTY TAX EXEMPTION  
AGREEMENT**

**FOR**

**PERSONAL PROPERTY TAX  
EXEMPTION**

**UNDER PUBLIC ACT 328 OF 1998,  
AS AMENDED**

## APPLICATION FOR EXEMPTION OF NEW PERSONAL PROPERTY

Issued under P.A. 328 of 1998. Filing is voluntary. An exemption will not be received until approved by the State Tax Commission.

**INSTRUCTIONS:** Read instructions on the back of this form before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit.

### TO BE COMPLETED BY THE APPLICANT

1. Applicant/Company Name (Applicant must be an ELIGIBLE BUSINESS)		2. County
Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP)		3. City/Township/Village
Location of Eligible Business (No. and Street, City, State, ZIP) (Attach legal description)		4. Local School District
5. Check below the type of business in which you are engaged and provide a detailed description of the business operation on a separate sheet <input type="checkbox"/> Manufacturing <input type="checkbox"/> Research & Development <input type="checkbox"/> Office Operations <input type="checkbox"/> Mining <input type="checkbox"/> Wholesale Trade		
6a. Identify type of ELIGIBLE DISTRICT where Eligible Business	6b. Governing Unit that Established ELIGIBLE DISTRICT	6c. Date ELIGIBLE DISTRICT was Established
7. Name of Person in the Eligible Business to Contact for Further Information		8. Phone
9. Mailing Address		

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which application is being made. The undersigned, authorized officer further certifies that the applicant is an Eligible Business as defined in P.A. 328 of 1998.

10a. Type Name of Company Officer	11. Title
10b. Signature	12. Date

### TO BE COMPLETED BY THE CLERK OF LOCAL GOVERNMENT UNIT

13. Name of Local Governmental Unit Which Passed Resolution for Exemption of New Personal Property	14. Date of Resolution (Attach Copy)	15. Expiration Date of Exemption
16. Type of Business (See line 5 above)	17. Date that the assessor and the taxing units were notified and afforded an opportunity for a hearing.	
18. Signature	19. Date	

THIS SECTION FOR USE BY THE STATE TAX COMMISSION	
Application No.	Date Received
<input type="checkbox"/> Approve <input type="checkbox"/> Deny	

## **APPLICATION FOR EXEMPTION OF NEW PERSONAL PROPERTY**

### **Instructions**

As a supplement to the following instructions, please read State Tax Commission (STC) Bulletin No. 9 of 1999 which explains the provisions of Public Act (P.A.) 328 of 1998, as amended.

**Line 1:** P.A. 328 of 1998, as amended, states that, to qualify for exemption, New Personal Property must be owned or leased by an Eligible Business. Please see page 2 of STC Bulletin No. 9 of 1999 for the definition of an Eligible Business. Please note that a copy of the legal description for the property where the Eligible Business is located must be attached.

**Line 2, 3, 4:** Indicate the county; the city or township; or village; and the local school district in which the New Personal Property and the Eligible Business will be located.

**Line 5:** P.A. 328 of 1998, as amended, provides that an Eligible Business must be engaged in one of the following types of businesses: manufacturing, mining, research and development, wholesale trade, or office operations. Please see page 2 of STC Bulletin No. 9 of 1999 for the definition of an Eligible Business. Please note that a detailed description of the business operation must be provided on a separate sheet.

**Line 6:** P.A. 328 of 1998, as amended, provides that New Personal Property and the Eligible Business must be located in an Eligible District. Please see page 4 of STC Bulletin No. 9 of 1998 for a listing of the eight different types of Eligible Districts.

**Line 7:** If there is someone in your business, other than the person signing this application, who should be contacted if further information is needed, please name the person on line 7.

**Line 10b:** Please note that a signature is required on line 10b. This application cannot be processed without a signature.

**Lines 13 to 19:** These lines must be completed by the Clerk of the Local Governmental Unit which has adopted the resolution required by P.A. 328 of 1998, as amended.

Please note that a copy of the resolution must be sent to the State Tax Commission along with this application. If any of the information requested on lines 13 to 19 is missing, this form will be returned to the Clerk.

**City of Battle Creek**  
**Affirmative Action Policy for Vendors and Contractors**  
**Check List**

The following is a check list of factors that will be weighed by the City when determining certification of eligibility:

**FIRMS: SEE UNDERLINED SECTION. PLEASE COMPLETE BY CHECKING APPLICABLE BOXES FOR COMMUNITY PARTICIPATION PROGRAMS IN WHICH YOUR COMPANY PARTICIPATES, PROVIDE VERIFICATION IF POSSIBLE.**

☐ Number of minorities employed meets or exceeds current relevant Standard Metropolitan Statistical Percentage for Battle Creek (currently 9.3%) - Demonstrated through submission of contract compliance forms identifying employees by race, gender, and job classification (attached).

☐ Minority employment reflects Labor Force Participation Rate for that particular employment sector - Demonstrated through submission of contract compliance forms identifying employees by race, gender, and job classification.

☐ Existence and implementation of a proactive equal employment opportunity policy (attached).

**☐ Community participation in development of a diverse workforce through support of, or involvement with (demonstrated through written verification):**

- ☐ active internship programs,
- ☐ mentoring programs,
- ☐ job shadowing or training programs,
- ☐ recruitment of employees from welfare-to-work rolls as provided by the Workforce Development Board,
- ☐ employment of individuals formerly living below current poverty level,
- ☐ financial commitment to programs designed to upgrade skills, education, and facilities of economically disadvantaged (such as STRIVE),
- ☐ financial commitment to child care, transportation, or other barriers to employment issues,
- ☐ subcontracts with women or minority-owned businesses,
- ☐ employment of disabled individuals or veterans

☐ Bidders or vendors which have been certified by a local unit of government subscribing to the policies and procedures of the Cooperative Certification Consortium (CCC) and who submit their certification number will be considered certified vendors for the City of Battle Creek.

## FIRM DESCRIPTION

Project Name: \_\_\_\_\_

1. \_\_\_\_\_  
Firm Name

2. \_\_\_\_\_  
Address/City/State/Zip

\_\_\_\_\_  
Telephone Fax Number County

3. \_\_\_\_\_  
Name and address of Home Office, if different from above.

4. What is main function of your business? **(Be specific.)**  
\_\_\_\_\_

5. Is the business listed on line one (1) certified by:  
Another City \_\_\_\_\_ Name of City \_\_\_\_\_

6. Is the firm Minority Owned? \_\_\_\_\_ Woman Owned? \_\_\_\_\_  
(If yes, call for M/WBE certification forms)

7. Please include a copy of your current business license.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Position Title

## POLICY STATEMENT

\_\_\_\_\_  
(Company Name)

### Policy on Equal Employment Opportunity

It is the policy of \_\_\_\_\_ to promote equal opportunity for all qualified employees and applicants for employment and to prohibit discrimination in employment because of race, creed, color, national origin, sex, handicap, age, or marital status. The company will work to ensure fair and equitable treatment of all employees and applicants in recruitment, employment, promotions, demotions, transfers, layoffs and terminations.

The company has prepared and will implement an Affirmative Action Plan to ensure that all employment decisions are made to further our commitment to equal employment. This plan requires that, among other things, only valid criteria be used in making personnel decisions. Supervisory staff is expected to comply with both the letter and the spirit of this policy. Employees feeling that they have been the victim of discriminatory action should feel free to contact this office or the office of Contract Compliance.

This policy will be distributed to all company departments, to the union local office (if any) and to the company's recruitment sources.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

# COMPANY NAME

## CURRENT EMPLOYEES

JOB CATEGORIES	All Employees			Minorities Only**					Minorities Only**					For Information Only					
	TOTAL	Males		Females					All Employees			Disabled		Veterans					
		TOTAL	M	F	B	AI	H	A	O	B	AI	H	A	O	TOTAL	M	F	M	F
Officials & Managers																			
Professionals																			
Technical (Semi-professional)																			
Sales																			
Foreman/Supervisors																			
Office/Clerical																			
Craftsmen (skilled)																			
Operatives																			
(Semi-skilled)																			
Laborers (unskilled)																			
Service Workers																			
TOTAL																			
														Current Company %					
														(Completed by City) SMSA%					

AUTHORIZED SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

Name of person completing form \_\_\_\_\_

Telephone No. \_\_\_\_\_

\*\*B=Black A=Asian  
AI=American Indian  
H=Hispanic O=Other

## PERSONAL PROPERTY TAX EXEMPTION AGREEMENT

This agreement entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the City of Battle Creek, a municipal corporation with an address of 10 N. Division Street, Battle Creek, Michigan, 49017 (hereinafter referred to as the "City"), and \_\_\_\_\_ of \_\_\_\_\_ (hereinafter referred to as the "Applicant"), for a Personal Property Tax Exemption (PPTE), pursuant to Act 328 of 1998, with respect to the following matters:

The Applicant has requested the City approve a property tax abatement application filed pursuant to Act 328 of the Public Acts of 1998, wherein certain property taxes otherwise payable by the Applicant would be reduced pursuant to the application so filed; and

The City has elected to require a condition for granting any personal property tax exemption to the Applicant and that this Agreement be entered into between the City and the Applicant, and a copy thereof filed with the City Clerk's Office.

Now, therefore, the parties agree as follows:

1. That the Applicant shall comply with and be subject to the policies and administrative guidelines of the City of Battle Creek relating to the Affirmative Action Policy for Vendors and Contractors, as adopted by Resolution 343, dated August 18, 1998.

Said Applicant is also committed to examine the racial and sexual integration of all levels of its own workforce, to make every good faith



effort to correct any underutilization of minorities and women where it is found to exist, and to make every good faith effort to achieve the goals set forth in this Agreement.

2. The Applicant agrees to remain within the municipality for the period of the PPTE. The Applicant further understands that if it chooses to leave Battle Creek prior to the end of the term of the PPTE, it will provide the reasons for such decision. The City Commission may decide, based on the information provided, to recapture from the Applicant any reduced taxes from the previous years of the PPTE and revoke, after a public hearing, the PPTE for any future years remaining.

By signatures of representatives to both the Applicant and the City below, it is understood that both the Applicant's investment in the project and the City's investment through the granting of a PPTE are to encourage the economic growth of all. It is acknowledged that certain economic conditions can, at times, prohibit the maintenance of the Applicant's targeted status. Examples of such conditions are: a business downturn that did not allow the Applicant to hire and/or caused the Applicant to lay off permanent, full time employees; a loss of a contract which caused the cancellation of expansion of the plant or purchase of capital equipment; and any other conditions which would be acceptable to the Battle Creek City Commission. It is understood that if such conditions exist at the time, the City will carefully evaluate the Applicant's situation, and will inform the Applicant if any action is considered in order to give the Applicant an opportunity for correction.

The City agrees that so long as the conditions of this agreement and the law are fulfilled, it will not seek to revoke the PPTE issued by the State of Michigan as a result of the above mentioned Application during the term of that PPTE.

This agreement shall be binding upon the parties hereto and their successors and assigns.

In witness whereof, the parties hereto have executed this agreement as of the day and year first above provided and a true copy thereof shall be filed with the City Clerk's Office.

WITNESS

\_\_\_\_\_

ACKNOWLEDGED BY THE APPLICANT

By: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESS

\_\_\_\_\_

ACKNOWLEDGED BY THE CITY

By: \_\_\_\_\_

Date: \_\_\_\_\_

# **ADDENDUM**

## **CONTACTS FOR ADDITIONAL INFORMATION**

### **Proposed Projects and Economic Incentives:**

Karl Dehn	Phone	616-962-7526
BATTLE CREEK UNLIMITED	Fax:	616-962-8096
4950 W. Dickman Rd.	Email:	<a href="mailto:Dehn@BCUlimited.org">Dehn@BCUlimited.org</a>
Battle Creek, MI 49015		

### **Application Forms and Requirements:**

Judy Mudge	Phone	616-966-3369
CITY ASSESSOR	Fax:	616-966-0618
Room 104, City Hall	Email:	<a href="mailto:jamudge@ci.battle-creek.mi.us">jamudge@ci.battle-creek.mi.us</a>
10 N. Division St.		
Battle Creek, MI 49017		

### **Contract Compliance Forms and Requirements:**

Judy Ansell	Phone	616-966-3369
CONTRACT COMPLIANCE	Fax:	616-966-3627
Room 212, City Hall	Email:	<a href="mailto:jaansell@ci.battle-creek.mi.us">jaansell@ci.battle-creek.mi.us</a>
10 N. Division St.		
Battle Creek, MI 49017		

### **Application Filing and Fee:**

Debbie Owens	Phone	616-966-3348
CITY CLERK	Fax:	616-966-3555
Room 111, City Hall	Email:	<a href="mailto:dgowens@ci.battle-creek.mi.us">dgowens@ci.battle-creek.mi.us</a>
10 N. Division St.		
Battle Creek, MI 49017		



# RESOLUTION

# APPROVED

NO. 343

A RESOLUTION ADOPTING AN AFFIRMATIVE ACTION POLICY FOR VENDORS AND CONTRACTORS DOING BUSINESS WITH THE CITY OF BATTLE CREEK

*Cont - Compliance  
Purchasing  
City Taxes*

BATTLE CREEK MICH., 08/18/98

Resolved by the Commission of the City of Battle Creek:

WHEREAS, it is inherent in the policies of the City of Battle Creek to use public resources to the greatest extent possible for the benefit of all citizens regardless of race, creed, color, sex, handicap, marital status, national origin, or age, with special concern for minorities, women, disabled and veterans; and

WHEREAS, the City of Battle Creek will continue to make every good faith effort to promote, in all segments of its community, the equal employment of minorities, women, disabled and veterans, regardless of race, creed, color, sex, handicap, marital status, national original, or age.

NOW, THEREFORE, BE IT RESOLVED that the attached Affirmative Action Policy for Vendors and Contractors for the employment of minorities, disabled, women, and veterans through City Contracts be, and are hereby approved; and

BE IT FURTHER RESOLVED that the City of Battle Creek shall accept bids for goods and/or services in the amount of \$10,000 or more only from firms who follow the attached Affirmative Action Policy for Vendors and Contractors; and

BE IT FURTHER RESOLVED that the provision of this policy shall apply to all subcontractors holding subcontracts of \$10,000 or more when such subcontractors are a direct and inclusive result of a City purchase or contract of \$10,000 or more; and

BE IT FURTHER RESOLVED that this Policy replaces the Policy adopted by the City Commission on August 23, 1983.

# **City of Battle Creek**

## **Affirmative Action Policy for Vendors and Contractors**

### *Policy Philosophy:*

The City of Battle Creek is responsible for reflecting and creating community values, but is also responsible for creating an environment supportive of economic development and the business community. In the midst of economic prosperity, the Battle Creek community still has residents who are chronically under-employed or unemployed. Our community will be more successful if we can remove the barriers to employment for our neighbors so that all those wanting work can find work. The responsibility for addressing this complex issue does not lie only with those firms doing business with the City of Battle Creek and an affirmative action policy which places the burden with them cannot succeed. The City of Battle Creek takes responsibility, however, for leading community-wide efforts to address these barriers in other ways, including implementation of action plans and support of other activities that will continue to build bridges to employment for all economically disadvantaged residents of our community.

### *Policy Goal:*

The goal of the City of Battle Creek Affirmative Action Policy for vendors and contractors is to support economic opportunities for all residents through assisting City vendors and contractors with improving the diversity of their workforce.

### *Policy Evaluation Criteria:*

Evaluation criteria for this policy will include - number of minorities, women, disabled, and veterans employed by City vendors and contractors in July, 2001, compared to the number employed in total, and as a percentage of the vendors' total employees, in July, 1999.

### *Policy:*

All contractors, suppliers, vendors, consultants and service firms wishing to enter into contracts for City of Battle Creek projects or purchases of \$10,000.00 or more, as well as all businesses receiving at least \$10,000.00 (in a lump sum or aggregate) in City business during any fiscal year and who employ 15 or more employees, must submit contract compliance documents with their bid packets or contracts. Required documents are attached as Exhibit A.

Affirmative action information and forms will be sent with all bid requests and requests for proposals anticipated to exceed \$10,000 and to all vendors doing business in aggregate sums greater than \$10,000.

Businesses demonstrating an affirmative approach to hiring minorities and economically disadvantaged persons will receive Certification for a one-year period. The following factors will be weighed by the City when determining certification eligibility:

1. Number of minorities employed meets or exceeds current relevant Standard Metropolitan Statistical Percentage for Battle Creek (currently 9.4%) - Demonstrated through

submission of contract compliance forms identifying employees by race, gender and job classification.

If business locations/worksites are located primarily outside the Kalamazoo/Battle Creek SMSA, the Contract Compliance Officer will use his/her best judgment as to which SMSA will be used as a standard.

2. Minority employment reflects Labor Force Participation Rate for that particular employment sector - Demonstrated through submission of contract compliance forms identifying employees by race, gender and job classification.

3. Existence and implementation of a proactive equal employment opportunity policy (copy provided as evidence or submission of Exhibit A, pages 2-3 .)

4. Community participation in development of a diverse workforce through support of, or involvement with (demonstrated through written verification):

- active internship programs,
- mentoring programs,
- job shadowing or training programs,
- recruitment of employees from welfare-to-work rolls as provided by the Workforce Development Board,
- employment of individuals formerly living below current poverty level,
- financial commitment to programs designed to upgrade skills, education, and facilities of economically disadvantaged (such as STRIVE)
- financial commitment to child care, transportation, or other barriers to employment issues,
- subcontracts with women or minority-owned businesses,
- employment of disabled individuals or veterans

5. Bidders or vendors which have been certified by a local unit of government subscribing to the policies and procedures of the Cooperative Certification Consortium (CCC) and who submit their certification number will be considered certified vendors for the City of Battle Creek.

Provisional certificates for a six month period will be issued to new firms not meeting the above criteria, but demonstrating willingness to make progress in this area. The City will counsel and assist with development of a diversity development plan with timelines and monitor progress. Provisional certificates will continue to be awarded as long as progress is demonstrated to the satisfaction of the City Manager. Once adequate certification criteria have been met, a certificate will be issued. Monitoring may be done by the City, an independent party designated by the City, or both.

Failure to certify shall not be cause for loss of bid, however, failure to submit contract compliance documentation shall render the bid non responsive.

This policy expires on July 1, 2001, but may be reviewed and renewed by the Battle Creek City Commission at that time. Information from the policy evaluation report will be provided at this time.

The City Commission will receive a report each January 1 and July 1 indicating the number, type, and dollar amount of Minority Owned and Women Owned contractors and subcontractors doing business with the City; as well as total numbers of minorities, women, disabled persons and veterans employed by all City vendors subject to this policy. The information contained in the above reports will be based on each vendor's latest required submission.



**City of Battle Creek  
Affirmative Action Policy for Vendors and Contractors  
Check List**

The following is a check list of factors that will be weighed by the City when determining certification of eligibility:

**FIRMS: SEE UNDERLINED SECTION. PLEASE COMPLETE BY CHECKING APPLICABLE BOXES FOR COMMUNITY PARTICIPATION PROGRAMS IN WHICH YOUR COMPANY PARTICIPATES, PROVIDE VERIFICATION IF POSSIBLE.**

☐ Number of minorities employed meets or exceeds current relevant Standard Metropolitan Statistical Percentage for Battle Creek (currently 9.3%) - Demonstrated through submission of contract compliance forms identifying employees by race, gender, and job classification (attached).

☐ Minority employment reflects Labor Force Participation Rate for that particular employment sector - Demonstrated through submission of contract compliance forms identifying employees by race, gender, and job classification.

☐ Existence and implementation of a proactive equal employment opportunity policy (attached).

**☐ Community participation in development of a diverse workforce through support of, or involvement with (demonstrated through written verification):**

- ☐ active internship programs,
- ☐ mentoring programs,
- ☐ job shadowing or training programs,
- ☐ recruitment of employees from welfare-to-work rolls as provided by the Workforce Development Board,
- ☐ employment of individuals formerly living below current poverty level,
- ☐ financial commitment to programs designed to upgrade skills, education, and facilities of economically disadvantaged (such as STRIVE),
- ☐ financial commitment to child care, transportation, or other barriers to employment issues,
- ☐ subcontracts with women or minority-owned businesses,
- ☐ employment of disabled individuals or veterans

☐ Bidders or vendors which have been certified by a local unit of government subscribing to the policies and procedures of the Cooperative Certification Consortium (CCC) and who submit their certification number will be considered certified vendors for the City of Battle Creek.

## FIRM DESCRIPTION

Project Name: \_\_\_\_\_

1. \_\_\_\_\_  
Firm Name

2. \_\_\_\_\_  
Address/City/State/Zip

\_\_\_\_\_  
Telephone Fax Number County

3. \_\_\_\_\_  
Name and address of Home Office, if different from above.

4. What is main function of your business? **(Be specific.)**  
\_\_\_\_\_

5. Is the business listed on line one (1) certified by:  
Another City \_\_\_\_\_ Name of City \_\_\_\_\_

6. Is the firm Minority Owned? \_\_\_\_\_ Woman Owned? \_\_\_\_\_  
(If yes, call for M/WBE certification forms)

7. Please include a copy of your current business license.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Position Title

## POLICY STATEMENT

\_\_\_\_\_  
(Company Name)

### Policy on Equal Employment Opportunity

It is the policy of \_\_\_\_\_ to promote equal opportunity for all qualified employees and applicants for employment and to prohibit discrimination in employment because of race, creed, color, national origin, sex, handicap, age, or marital status. The company will work to ensure fair and equitable treatment of all employees and applicants in recruitment, employment, promotions, demotions, transfers, layoffs and terminations.

The company has prepared and will implement an Affirmative Action Plan to ensure that all employment decisions are made to further our commitment to equal employment. This plan requires that, among other things, only valid criteria be used in making personnel decisions. Supervisory staff is expected to comply with both the letter and the spirit of this policy. Employees feeling that they have been the victim of discriminatory action should feel free to contact this office or the office of Contract Compliance.

This policy will be distributed to all company departments, to the union local office (if any) and to the company's recruitment sources.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

# COMPANY NAME

## CURRENT EMPLOYEES

JOB CATEGORIES	All Employees		Minorities Only**					Minorities Only**					For Information Only					
			Males					Females					All Employees					
													Disabled					
	TOTAL	M	F	B	AI	H	A	O	B	AI	H	A	O	TOTAL	M	F	M	F
Officials & Managers																		
Professionals																		
Technical (Semi-professional)																		
Sales																		
Foreman/Supervisors																		
Office/Clerical																		
Craftsmen (skilled)																		
Operatives																		
(Semi-skilled)																		
Laborers (unskilled)																		
Service Workers																		
TOTAL																		
														Current Company %				
														(Completed by City) SMSA%				

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ \*\*B=Black A=Asian

Name of person completing form \_\_\_\_\_ Telephone No. \_\_\_\_\_ AI=American Indian

H=Hispanic O=Other