



Agenda: Battle Creek City Commission

Meeting Date: December 20, 2022- 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

Proclamation for Election Inspectors

PRESENTATIONS

2022 Election Presentation by Victoria Houser, City Clerk

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

PETITIONS COMMUNICATIONS REPORTS

ADOPTION OF ORDINANCES

- 19 A Resolution seeking to adopt Ordinance, 16-2022, to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances, to expand the length of time to remove snow and ice from public sidewalks after a snowfall and authorize the City to clear snow or ice at the property owner's expense and to repeal Section 13.
- 20 A Resolution seeking to adopt Ordinance, 17-2022, to rezone 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District.

PUBLIC COMMENTS REGARDING CONSENTAGENDAAND RESOLUTIONS NOT ON CONSENTAGENDA

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENTAGENDA

Minutes:

Minutes for the December 6, 2022 City Commission Organizational Meeting

Minutes for the December 6, 2022 City Commission Regular Meeting

Minutes for the December 6, 2022 City Commission Closed Session are on file in the Clerk's office.

Petitions, Communications, Reports:

City Manager Report for December 20, 2022

Resolutions:

- 21 A Resolution seeking authorization regarding a contract amendment to contract 2019-006R with Clark Hill, PLC. for as-needed labor attorney services.
- 22 A Resolution reappointing Robert Corder to the Battle Creek International Relations Committee.
- 23 A Resolution appointing Terry Youman Jr. to the Battle Creek Transit Local Coordinating Committee.
- 24 A Resolution appointing Lyanna Wesley and Rebecca Fleury and reappointing Kathy Szenda-Wilson and Boonikka Herring to the Human Relations Board.
- 25 A Resolution appointing Mark Steinbrunner to the Lakeview Downtown Development Authority Board.
- 26 A Resolution reappointing John Hughes, John Godfrey, and Cody Newman to the Planning Commission.
- 27 A Resolution appointing Michael Andrews to the Water System Advisory Council
- 28 A Resolution reappointing Bill Hanner to the Zoning Board of Appeals

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 29 A Resolution seeking authorization for the City Manager to sign contract #22-5404 with the Michigan Department of Transportation (MDOT).
- 30 A Resolution seeking authorization for the City Manager to execute the 2022 CDBG Voces Housing Liaison Services Grant Agreement for the amount of \$60,000.
- 31 A Resolution seeking authorization for the City Manager to execute an amendment to the agreement with Voces, dated the 26th day of April, 2021 for Interpretation and Housing Advocacy Services.
- 32 A Resolution seeking authorization for the City Manager to approve Battle Creek Transit's updated Public Transportation Agency Safety Plan (PTASP) and authorize submittal of the plan to the Federal Transit Administration (FTA).

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 speakers 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 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, 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 consideration of specific ordinances when scheduled, speakers may present facts and opinions on the specific ordinance being considered by the City Commission. Speakers addressing the City Commission during this time shall limit their comments to the specific issue being considered. A three-minute time limit, which may be lengthened or shortened by the Mayor or presiding officer when appropriate, is imposed per speaker, per matter considered.

(d) During the public comment period on the consent agenda and resolutions not on the consent agenda, each speaker may address the Commission once, regarding anything on the consent agenda and resolutions not on the consent agenda, for a total not to exceed three minutes regardless of how many consent agenda items or regular resolutions the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(e) 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.

(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 his or her 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.



General Detail

NO.

Proclamation for Election Inspectors

BATTLE CREEK, MICHIGAN - 12/20/2022

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Rebecca Forbes, Executive Assistant

Department: City Manager

SUMMARY

Proclamation for Election Inspectors

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
 2022_Election_Inspector_Recognition.pdf	2022 Election Inspector Recognition

Proclamation

- WHEREAS,** Elections are the foundation of our democracy and election officials work tirelessly to protect this critical infrastructure while maintaining public confidence in the outcome of our electoral process; and
- WHEREAS,** the multiple elections held each year in the City of Battle Creek would not be possible without the help of our dedicated Election Inspectors who go above and beyond their civic duties by offering their time and hard work to ensure Election Day is fair and open to all qualified electors; and
- WHEREAS,** for every election, to ensure that elections are fair, unbiased, and comply with changing election law, twenty to forty hours per precinct are dedicated to training, so that all our Election Inspectors are knowledgeable, efficient, unbiased, and as helpful as allowed by law; and
- WHEREAS,** in 2022 alone, Battle Creek's diligent and energetic Election Inspectors worked a combined total of 4,318.50 hours in our twenty-one precincts and our absent voter counting boards. In the 2022 elections held in August and November, our Election Inspectors faithfully assisted the citizens of Battle Creek in casting 23,176 ballots; and
- WHEREAS,** our Election Inspectors range in age from sixteen to ninety, coming from diverse generations, cultural backgrounds, and experiences; and selflessly offering their time, efforts, and spirit; and
- WHEREAS,** all of the hard work and hours our Election Inspectors dedicate to make Election Day run as smoothly as possible are greatly appreciated by the City of Battle Creek and its voters;
- NOW, THEREFORE,** I, Mayor Mark Behnke, and the Battle Creek City Commission, extend our gratitude to our Election Inspectors for their passion and their many hours of dedicated service to the voters of the City of Battle Creek.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of Battle Creek, Michigan, to be affixed this 20th day of December, 2022.


Mark A. Behnke, Mayor



General Detail

NO.

2022 Election Presentation by Victoria Houser, City Clerk

BATTLE CREEK, MICHIGAN - 12/20/2022

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Victoria L. Houser, City Clerk

Department: City Clerk

SUMMARY

2022 Election Presentation by Victoria Houser, City Clerk

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
 ELECTIONS_2022.pdf	2022 Election Report

The background of the slide is a light gray surface covered with numerous 'I VOTED' stickers. The stickers are circular and feature a blue field with white stars on the left and a red and white striped field on the right, mimicking the US flag. The word 'I VOTED' is printed in blue capital letters across the center of each sticker. Some stickers are partially visible at the edges of the frame.

ELECTIONS 2022

City Commission Presentation Tuesday, December 20, 2022

ELECTION DATES

May 3, 2022: Special Election

- Climax-Scotts Community Schools Proposal
- Election facilitated jointly Leroy Township

August 2, 2022 State Primary Election

- To determine which party candidates will appear on the November 2022 ballot
- Democratic and Republican candidates for Governor, Congressional Representative, State Senator, State Legislative Representative and County Commissioner
- Three (3) County Millage Proposals
 - Veterans Services Operating Millage Renewal
 - 911 Millage Proposal
 - Medical Care Facility Operating Millage Renewal

ELECTION DATES

November 8, 2022: General Election

- Governor & Lieutenant Governor
- Secretary of State
- Attorney General
- Congressional Representative
- State Senator
- State Legislative Representative
- State Boards
 - State Board of Education Member, Regent of the University of Michigan, Trustee of Michigan State University, and Governor of Wayne State University
- County Commissioner
- Judicial Candidates
- City Commission
 - Mayor, At-Large Commissioners and Ward Commissioners
- Community College Boards
 - Kellogg Community College and Kalamazoo Valley Community College
- Local School District Boards:
 - Battle Creek Public Schools, Lakeview School District, Harper Creek Community Schools, Pennfield Schools and Climax-Scotts Community Schools
- State Proposals: 22-1, 22-2 and 22-3

CITY COMMISSION VOTER PARTICIPATION

2022: 2nd Year the Battle Creek City Commission election has
been on a November General Election ballot

40.78% average Battle Creek City voter turnout (16,907 voters)

Mayor: 34.45% voter participation (14,363 voters)

Ward 1: 26.04% voter participation (3,092 voters)

Ward 2: 18.47% voter participation (1,478 voters)

Ward 3: 26.35% voter participation (2,094 voters)

Ward 4: 35.4% voter participation (3,094 voters)

Ward 5: 31.37% voter participation (2,814 voters)

*Based on total registered voters (Previous Voter Turnout: 2017: 9.29% : 2015: 8.46% : 2013: 9.95%)

PROPOSAL 22-2

Proposed Changes

- MOVE ballots accepted 6 days after the election if postmarked by Election Day
- Notify AV voter of any deficiencies when returning their AV application or ballot
- State funded pre-paid postage to return an AV application or AV ballot
- State funded AV ballot drop box
- Single Signed Absent Voter Application to cover ALL future elections
- State-wide Election Audits
- Early Voting: 9 days of early voting
 - Beginning on the second Saturday prior to Election Day
 - Ending on the Sunday prior to Election Day
 - 8 hours each day
 - No limit to the number of precincts in one Early Voting location
 - May serve voters from more than one municipality in the county
 - No Early Voting results shall be generated or reported until after 8:00 PM on Election Day
- May use Publicly-Disclosed Charitable Donations and In-Kind Contributions

RECOUNT 22-3

Recount filed by Election Integrity Force

- Statewide recount for select jurisdiction precincts
- 560 precincts, to include In-Person precincts and AVCB, with the exception for AVCBs for the City of Detroit only
- Calhoun County recount included 10 precincts
 - City of Battle Creek: Precincts 3 and 6
 - City of Marshall: Precincts 1 and 2
 - Marshall Township: Precinct 1
- Jackson County hosted the recount for Calhoun and Lenawee counties
- Battle Creek recount completed by City Clerk Staff, Springfield City Clerk, Bedford Twp. Deputy Clerk and 4 election inspectors
- All Calhoun County precincts completed with 100% accuracy
- The visual (manual) count of all votes exactly matched the Tabulator results!

PRECINCT ELECTION INSPECTORS

Election Inspectors facilitate the elections at 21 precincts and two Absentee Voter Counting Boards in 12 different locations

- Serving over 41,000 registered voters in the City
- Over 100 election inspectors are hired for each election
- Duties include
 - Assisting voters at the polls
 - Checking voter registrations
 - Issuing ballots using the electronic poll book
 - Setting up voting stations
- Several staff positions available, wage is based upon different responsibilities
 - Chairperson \$15.00/hour
 - Electronic Poll Book Operator \$14.00/hour
 - Precinct Inspector \$13.00/hour
 - Receiving Board member \$14.00/hour

PRECINCT ELECTION INSPECTORS

Qualifications

- At least 16 years of age and a Michigan resident and US citizen
- If over 18 years of age, must be a registered voter in the State of Michigan
- Cannot have been convicted of a felony or election crime
- Must attend an Election Inspector Certification Training
- Election Inspectors must be available the two weeks following Election Day for additional balancing at the Calhoun County Board of Canvassers if necessary
- Applications are available in the City Clerk's office or on the city website at battlecreekmi.gov/elections
- Complete applications must be submitted to the Clerk's office with a copy of state issued identification

STAFF

It takes a lot of Teamwork to successfully facilitate an election. That foundation of Teamwork starts with the incredible ladies in the Clerk's Office

Shawna Beach, Alicia Greene, Lisa Silkworth, Donna Kachman, Karen Diver, all who sacrifice their family time to ensure elections are conducted properly, from proofing, testing, training, programming, and most importantly, service to our residents and voters. And Dianna Baker, former Fredonia Twp Deputy Clerk, who assists with AV ballots the last 3 weeks prior to Election Day.

Lily Vardell, Finance Officer

City Hall Security: Sidney Parham

Facilities staff: Darian Couturier, Shawn Goshorn, Mary Morris and Katie Norton

DPW Equipment Delivery: James Angus, Micheal Town, Cuyler Ball, Colton Tebo, Raymond Willbur, Douglas Zeeryp, Andrew Wilson, Michael Brininstool, Gary Jewett, Bart Newman, Michael Town

Call Center staff: Michele Sutherland, Ronda Burgess, Jean Bixler, Deanna Perry and Brie Fredenburg

Communications staff: Jessica Vanderkolk and Eric McClure

Receiving Board: Ted Dearing, Michelle Hull, Shawna Allen, Travis Sullivan, Susan Cronander, Bill Beaty

Polling Location Hosts: Trinity Lutheran Church, Journey Church, Christ United Methodist Church, Woodland Church, Chapel Hill United Methodist Church, Trinity Neighborhood Center, St. Peter Lutheran Church, Second Baptist Missionary Church, Battle Creek Community Church, Maple United Methodist Church and Cherry Hill Manor

VOTER REFERENCES

Michigan Voter Information Center

Your source for Michigan election information

Visit **Michigan.gov/vote** to:

- View your sample ballot.
- Find out if you are registered to vote.
- Find your voting location.
- Track your absentee ballot.
- And much more!


Also available on smart devices.



Elections

November 8, 2022 City Commission Candidates
• 2022 Commission Candidates

Track Your Ballot



Apply For An Absentee Ballot



Check Your Voter Registration

Are You Registered To Vote?
Has Your Address Changed?
Has Your Name Changed?



Find Your Polling Location



OVERVIEW

- ABSENTEE BALLOTS
- CANDIDATE FILING INFORMATION
- ELECTION INSPECTORS
- ELECTION RESULTS
- FEDERAL POST CARD APPLICATION
- POLLING LOCATIONS
- VOTER REGISTRATION
- WARDS AND PRECINCT MAPS

FAQs

- [What if I am unable to vote in person on Election Day, how do I obtain an absentee ballot?](#)
- [Can I use a voter registration in order to vote?](#)
- [Can I use a "drop" ballot?](#)
- [May I receive assistance when voting?](#)
- [Can I bring my child with me to vote?](#)
- [Does my voter registration expire?](#)
- [Where do I go to vote?](#)
- [Can I learn more about the absentee/primary process?](#)
- [Can I check the status of my absentee ballot request?](#)
- [How do I request a ballot?](#)

<http://www.battlecreekmi.gov/509/Elections>

Questions?



Resolution

NO. 19

A Resolution seeking to adopt Ordinance, 16-2022, to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances, to expand the length of time to remove snow and ice from public sidewalks after a snowfall and authorize the City to clear snow or ice at the property owner's expense and to repeal Section 13.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That the following sections are adopted:

Section 1. An Ordinance, #16-2022, to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances to expand the length of time to remove snow and ice from public sidewalks after a snowfall and to authorize the City to clear snow or ice at the property owner's expense, and to repeal Section 13 since ice removal has been added to Section 12, as is attached and made a part hereof.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinances, in conflict with any of the provisions of this Ordinance, are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this ordinance, which shall remain subject to the ordinance provision existing at the time of the alleged violation.

Section 4. This Ordinance shall take effect ten (10) days from the date of its adoption, in accordance with the provisions of Section 4.3(B) of Chapter 4 of the City Charter.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Marcel Stoetzel, Deputy City Attorney

Department: City Attorney

SUMMARY

A Resolution seeking to adopt Ordinance, 16-2022, to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances, to expand the length of time to remove snow and ice from public sidewalks after a snowfall and authorize the City to clear snow or ice at the property owner's expense and to repeal Section 13.

BUDGETARY CONSIDERATIONS

There are none.

HISTORY, BACKGROUND and DISCUSSION

City staff have been requested to amend Section 1022.12 to establish a longer period of time for property owners to remove snow and ice from public sidewalks after a weather event and to incorporate ice removal into the same section.

The proposed amendments expand the length of time for property owners to remove snow or ice from the public sidewalks adjacent to or abutting a property making it more practical considering various circumstances. The amendments add a provision authorizing the City, when a property owner has failed to timely remove snow or ice, to clear the snow or ice at the expense of the owner. If a property owner does not pay the expense within 30 days after being billed, the expense will become a lien in favor of the City and levied as a special assessment against the property.

Section 13 has been repealed since it made sense to address snow and ice within the same section, which is now Section 12.

This ordinance amendment was introduced at the December 6, 2022 meeting.

DISCUSSION OF THE ISSUE

POSITIONS

The Community Services Director and the Code Compliance Manager support the ordinance amendments.

ATTACHMENTS:

File Name	Description
❏ 1022.12_Snow_and_Ice_Removal_red-line.pdf	1022.12 Snow and Ice Removal red-line
❏ 1022.12_Snow_and_Ice_Removal_clean.pdf	1022.12 Snow and Ice Removal clean

CHAPTER 1022

Sidewalks

- [1022.01](#) Definitions.
- [1022.02](#) Specifications for construction.
- [1022.03](#) Line and grade stakes.
- [1022.04](#) Sidewalk specifications.
- [1022.05](#) Permit suspension.
- [1022.06](#) Ordering construction.
- [1022.07](#) Construction by City.
- [1022.08](#) Prohibited sidewalk surfaces.
- [1022.09](#) Deposit of materials and merchandise; permit required.
- [1022.10](#) Pedestrian passage.
- [1022.11](#) Clear sidewalks required.
- [1022.12](#) Snow ~~and ice~~ removal.
- ~~[1022.13](#) Ice removal.~~ **REPEALED.**
- [1022.14](#) Dirt, refuse, etc.
- [1022.15](#) Clearing by City.
- [1022.16](#) Owner's liability.
- [1022.17](#) Application to residences.
- [1022.99](#) Penalty.

CROSS REFERENCES

- Failure of property owner to keep free of obstructions - see M.C.L.A. Sec. 103.4
- Sidewalks generally - see M.C.L.A. Secs. 691.1401 et seq.
- Abrogation of special assessments for sidewalk improvements - see ADM. [216.22](#)
- Riding on sidewalks - see TRAF. [410.04](#)(U.T.C. 6.12, 6.19)
- Sweeping and depositing debris in public ways - see GEN. OFF. ~~[672.16](#), [672.17](#)~~[642.02](#)

Field Code Changed

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1022.12 SNOW AND ICE REMOVAL.

(a) Whenever any snow falls or drifts on or across any public sidewalk of the City, the owner, occupant, tenant or lessee of the premises adjacent to or abutting upon such sidewalk shall remove such snow or cause the same to be removed within the periods of time herein prescribed. ~~Snow that has accumulated during the night shall be removed before 12:00 noon. Snow that has fallen or drifted during the day shall be removed before 12:00 noon of the following day. Snow that accumulates before noon on a sidewalk must be cleared by midnight the same day. Snow that accumulates after noon on a sidewalk must be cleared by midnight of the following day. For snow showers that occur on more than one consecutive day, snow must be cleared by the above stated times or within 48 hours after the first snowfall began, whichever is sooner.~~

~~(b) Snow shall not be piled or pushed into the street or the public Right-of-Way.~~

~~(c) Removal of ice.~~ Whenever any ice forms on a public sidewalk, the owner, occupant, tenant or lessee of the premises adjacent to or abutting upon such sidewalk shall, ~~if practical, immediately~~ remove such ice ~~within 24 hours of formation.~~ ~~or cause the same to be removed. However, w~~When immediate removal is impractical, ~~such the~~ owner, occupant, ~~tenant or lessee or tenant~~ shall ~~immediately cause~~apply suitable abrasives (~~salt, sand, etc.~~) or chemicals ~~to be strewn~~ upon the ice in such a manner and in such quantities as to prevent such sidewalk from being slippery and dangerous to pedestrians, ~~using the same. The ice shall be removed at the earliest possible moment thereafter.~~

~~(d) If the owner, occupant, tenant, or lessee shall neglect or fail to remove snow or ice from the public sidewalk adjacent to or abutting their property within the time allotted, the City may clear the snow or ice at the expense of the owner. The expense of removal and its associated administrative fee shall become a debt owed to the City, and if not paid within 30 days after billing, shall become a lien in favor of the City and levied as a special assessment against the said benefitted property.~~

~~(e)~~ A person who violates this section is responsible for a Class B Municipal civil infraction and shall be subject to the civil ~~f~~ines provided in Section 202.98.

~~1022.13 ICE REMOVAL REPEALED.~~

~~(a) Whenever any ice forms on a public sidewalk, the owner, occupant, lessee or tenant of the premises adjacent to or abutting upon such sidewalk shall, if practical, immediately remove such ice or cause the same to be removed. However, when immediate removal is impractical, such owner, occupant, lessee or tenant shall immediately cause suitable abrasives or chemical to be strewn upon the ice in such a manner and in such quantities as to prevent such sidewalk from being slippery and dangerous to pedestrians using the same. The ice shall be removed at the earliest possible moment thereafter.~~

~~(b) This section shall not be applicable to the Central Business District, as defined in the Zoning Code, in which District the use of calcium chloride or similar types of materials or chemicals, except sodium chloride, on any sidewalk, street or public walkway, is hereby prohibited, except when the use thereof is authorized in emergency situations by the City Manager or a person duly authorized by~~

~~the Manager to make such determination. It is hereby determined that the use of such chemicals or other substances would be highly injurious and damaging to the area where the Central Business District improvements have been constructed.~~

~~(c) A person who violates any of the provisions of this section is responsible for a Class B Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98.~~

CHAPTER 1022

Sidewalks

[1022.01](#) Definitions.

[1022.02](#) Specifications for construction.

[1022.03](#) Line and grade stakes.

[1022.04](#) Sidewalk specifications.

[1022.05](#) Permit suspension.

[1022.06](#) Ordering construction.

[1022.07](#) Construction by City.

[1022.08](#) Prohibited sidewalk surfaces.

[1022.09](#) Deposit of materials and merchandise; permit required.

[1022.10](#) Pedestrian passage.

[1022.11](#) Clear sidewalks required.

[1022.12](#) Snow and ice removal.

[1022.13](#) REPEALED.

[1022.14](#) Dirt, refuse, etc.

[1022.15](#) Clearing by City.

[1022.16](#) Owner's liability.

[1022.17](#) Application to residences.

[1022.99](#) Penalty.

CROSS REFERENCES

Failure of property owner to keep free of obstructions - see M.C.L.A. Sec. 103.4

Sidewalks generally - see M.C.L.A. Secs. 691.1401 et seq.

Abrogation of special assessments for sidewalk improvements - see ADM. [216.22](#)

Riding on sidewalks - see TRAF. [410.04](#)(U.T.C. 6.12, 6.19)

Sweeping and depositing debris in public ways - see GEN. OFF. 642.02

1022.12 SNOW AND ICE REMOVAL.

(a) Whenever any snow falls or drifts on or across any public sidewalk of the City, the owner, occupant, tenant or lessee of the premises adjacent to or abutting upon such sidewalk shall remove such snow or cause the same to be removed within the periods of time herein prescribed. Snow that accumulates before noon on a sidewalk must be cleared by midnight the same day. Snow that accumulates after noon on a sidewalk must be cleared by midnight of the following day. For snow showers that occur on more than one consecutive day, snow must be cleared by the above stated times or within 48 hours after the first snowfall began, whichever is sooner.

(b) Snow shall not be piled or pushed into the street or the public right-of-way.

(c) Removal of ice. Whenever any ice forms on a public sidewalk, the owner, occupant, tenant or lessee of the premises adjacent to or abutting upon such sidewalk shall remove such ice within 24 hours of formation. When immediate removal is impractical, the owner, occupant, tenant or lessee shall apply suitable abrasives (salt, sand, etc.) or chemicals upon the ice in such a manner and in such quantities as to prevent such sidewalk from being slippery and dangerous to pedestrians.

(d) If the owner, occupant, tenant, or lessee shall neglect or fail to remove snow or ice from the sidewalk adjacent to or abutting their property within the time allotted, the City may clear the snow or ice at the expense of the owner. The expense of removal and its associated administrative fee shall become a debt owed to the City, and if not paid within 30 days after billing, shall become a lien in favor of the City and levied as a special assessment against the property.

(e) A person who violates this section is responsible for a Class B Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98.

1022.13 REPEALED.



Resolution

NO. 20

A Resolution seeking to adopt Ordinance, 17-2022, to rezone 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That the following sections of Ordinance 17-2022 are adopted:

Section 1. An ordinance to rezone the parcel listed below from MFR High Density Multiple Family District to T-4 Downtown Commercial District.

Address: 183 West Street

Parcel #: 7960-00-007-0

Legal Description: SKINNER & STONES ADD THAT PART OF LOTS 13 THRU 22 & 24 THRU 33 & E ½ OF VAC THOMPkins ST LYING ADJ TO SD LOTS DESCRIBED AS FOLLOWS: COMM SE COR OF LOT 1 OF SD PLAT - N 00 DEG 28 MIN 29 SEC W ALG W LI OF WEST ST DIST OF 688.1 FT TO TRUE POB - S 79 DEG 27 MIN 25 SEC W 61.97 FT - S 30 DEG 55 MIN 50 SEC W 58 FT - S 27 DEG 48 MIN 44 SEC W 38.89 FT - S 29 DEG 28 MIN 19 SEC E 29.23 FT - S 60 DEG 31 MIN 41 SEC W 24.84 FT - N 29 DEG 28 MIN 19 SEC W 16.54 FT - S 59 DEG 49 MIN 35 SEC W 12.6 FT - S 13 DEG 58 MIN 29 SEC W 11.89 FT - N 75 DEG 41 MIN 48 SEC W 12 FT - S 59 DEG 57 MIN 16 SEC W 18.60 FT - S 30 DEG 33 MIN 53 SEC E 26.25 FT - S 59 DEG 26 MIN 35 SEC W 124.09 FT - S 89 DEG 53 MIN 09 SEC W 44 FT - N 00 DEG 28 MIN 50 SEC W ALG C/L OF VAC THOMPkins 313.33 FT - S 89 DEG 11 MIN 02 SEC E 25.21 FT - N 35 DEG 32 MIN 23 SEC E 300.17 FT - S 88 DEG 56 MIN 39 SEC E ALG N LI OF LOT 22 DIST OF 103.51 FT - S 00 DEG 28 MIN 29 SEC E ALG W LI OF WEST ST 326.75 FT TO POB((SLY MOST PORTION ASSESSED WITH #7960-00-007-0 IN 1983 THRU 2005 & WITH #7960-00-006-0 IN 2006 & 2007))

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinance in conflict with any of the provisions of this Ordinance are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this ordinance, which shall remain subject to the ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect seven (7) days from the date of its publication, in accordance with the provisions of Section 401 of the Michigan Zoning Enabling Act.

Battle Creek City Commission

12/20/2022

Action Summary

Staff Member: Marcie Gillette, Community Services Director

Department: Planning

SUMMARY

A Resolution seeking to adopt Ordinance, 17-2022, to rezone 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District.

BUDGETARY CONSIDERATIONS

There would be no financial impact on the City budget.

HISTORY, BACKGROUND and DISCUSSION

The subject property of the proposed rezone – 183 West St. - is located on the east side of West Street, and is south of the West St./Emmett intersection. The property is currently zoned MFR High Density Multiple Family District, with the Applicant seeking a rezoning of the property to T-4 Downtown Commercial District.

The property is owned by Westbrook Preservation LDHA LLC. The property features 323 feet of frontage along West St. and also has 100 feet of frontage bordering West Emmett St. The property is a very irregularly shaped parcel, with a width from just over forty (40) feet on the south side, to a width over 300 feet wide from the access to a City of Battle Creek park to the east. Total subject parcel square footage equals 111,949.2 or 2.570 acres. Located on the property is a 78,744 square foot building built in 1940, refurbished in 2006, and known as the “old hospital building”. The building is 5-6 stories tall with an average height of 12 feet per story, creating a minimum of a 60 foot tall building.

As a result of the 2018 Master Plan and 2020 Zoning Ordinance and Map, the subject parcel became zoned MFR High Density Residential. However, while most of the uses fit the place type identified in the 2018 Master Plan, the new MFR district’s dimensions do not allow buildings over 45 feet in height, or four stories. As such, at the time of the Zoning Map update this property became a legal-nonconformity, as the height of the building on the subject parcel is 60 plus feet tall and five to six stories which exceeds the 45 feet and four (4) story limit required under the new MFR zoning district. In addition, the old hospital building is barely, if at all, setback from the southern and eastern property lines which also increases the building’s nonconformity and creates a situation where no additions can be built, nor could the building be restored if it suffered fairly extensive destruction. A rezoning would allow for any future alterations to be permitted, as well as extensive rebuilding/renovations, if necessary.

DISCUSSION OF THE ISSUE

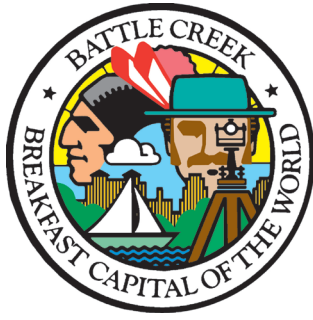
POSITIONS

The Planning Commission held a public hearing on November 16, 2022. The Planning Commission recommends to the City Commission approval of the rezoning request with the following findings:

- 183 West Street Westbrook Place functions as a senior housing facility. This use existed at the time of the adoption of the Land Use Plan included with the 2018 Master Plan, which identifies the intended future use of this property as Multi-Unit Residential. While this use designation aligns with the property's current zoning of MFR High Density Multiple Family, the dimensional requirements of the MFR District leave the building existing on the site with multiple dimensional nonconformities. Rezoning this property from MFR High Density Multiple Family to T-4 Downtown Commercial would relieve the property of all dimensional nonconformities related to height and positioning on the parcel and allow for the property's permitted use as a multi-family residential facility.
- The Zoning Ordinance, as currently written, would not allow for a structure of the size and dimensions as the one located at 183 West St. within the MFR zoning district. Given the close proximity to scores of properties zoned T-4, as well as the overall compatibility of uses permitted within the T-4 district with the surrounding area, a sensible solution to the legal-nonconforming status of 183 West St. would be to rezone the property to T-4 Downtown Commercial, allowing for the continued, unencumbered use of the property for multiple-family residential purposes, while also allowing for alterations, expansions, or reconstruction of the property in the future as necessary.
- The existing street system is capable of accommodating the uses permitted within the T-4 Downtown Commercial District.
- The City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.
- The new zoning designation as MFR did not take into account the dimensions of the existing building relative to the height and setback restrictions of the district. As such, the building was rendered nonconforming. A rezoning to T-4 Downtown Commercial would remedy the issue, while still allowing all types of residential since the T-4 is essentially a mixed use zoning district.
- The proposed amendment will not result in exclusionary zoning. The proposed amendment will also not result in spot zoning given close proximity to other T-4 zoned properties, as well as the current use's (and all uses permitted within the T-4 district) overall compatibility with the surrounding area.
- This property's physical, geological, and hydrological and other environmental features are compatible with the uses permitted in the proposed zoning district. There are no identified wetlands or floodplains on this parcel.
- Uses permitted in the T-4 Downtown Commercial District are compatible with the surrounding uses and zoning. Surrounding uses consist primarily of multiple-family housing, recreational athletic fields, healthcare facilities, and various commercial uses and associated parking areas, as well as public green space across Emmett St. W in Irving Park. Surrounding zoning consists of T-4, T-3, Green, and MFR.
- The boundaries of the proposed area of rezoning are limited to the subject parcel and are reasonable in relationship to surrounding zoning districts. The ability of the construction on the site is precisely the impetus for this proposed rezoning, which would allow the building on the site to enjoy full conformance with the dimensional regulations of the T-4 Downtown Commercial District. The parcel also more than meets the minimum for the 60 foot width and square footage of 2,900 for a T-4 parcel.
- The requested zoning district is the most appropriate from the City's perspective as the proposed rezoning would allow for the current use and building to continue in a fully-conforming fashion, while also providing compatibility with surrounding uses and zoning districts in the area. The proposed rezoning is also compatible with surrounding uses as this area has become a "medical corridor" featuring various healthcare and healthcare-adjacent uses.
- The list of T-4 uses are compatible with the surrounding area.
- The proposed property to be rezoned is adjacent to the T-4 Downtown Commercial District to the west, north and potentially a portion to the east, and will be compatible with the existing mixed use, recreational, medical and multiple family uses in the neighborhood.

ATTACHMENTS:

File Name	Description
183_West_St._Westbrook_Rezoning_Staff_Report.pdf	183 West St. Z-06-22 Rezoning Staff Report
183_West_St_Westbrook_Rezoning_application.pdf	183 West St. Rezoning Application
PC_11.16.22_Meeting_Minutes_DRAFT.pdf	11.16.22 PC Meeting Minutes DRAFT



Battle Creek City Planning Commission

Staff report for the November 16, 2022, Regular Meeting

To: Planning Commissioners

From: Susan C. Cronander, Planning and Zoning Administrator

Subject: Petition Z-06-22, request for rezoning of 183 West Street, Battle Creek (Parcel # 7960-00-007-0)

Summary

Petition from Westbrook Preservations LDHA LLC requesting the rezoning of property located at 183 West Street in Battle Creek (Parcel #7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District) pursuant to Sections 1240.14 and 1281.01 of the zoning code.

Background/Property Information

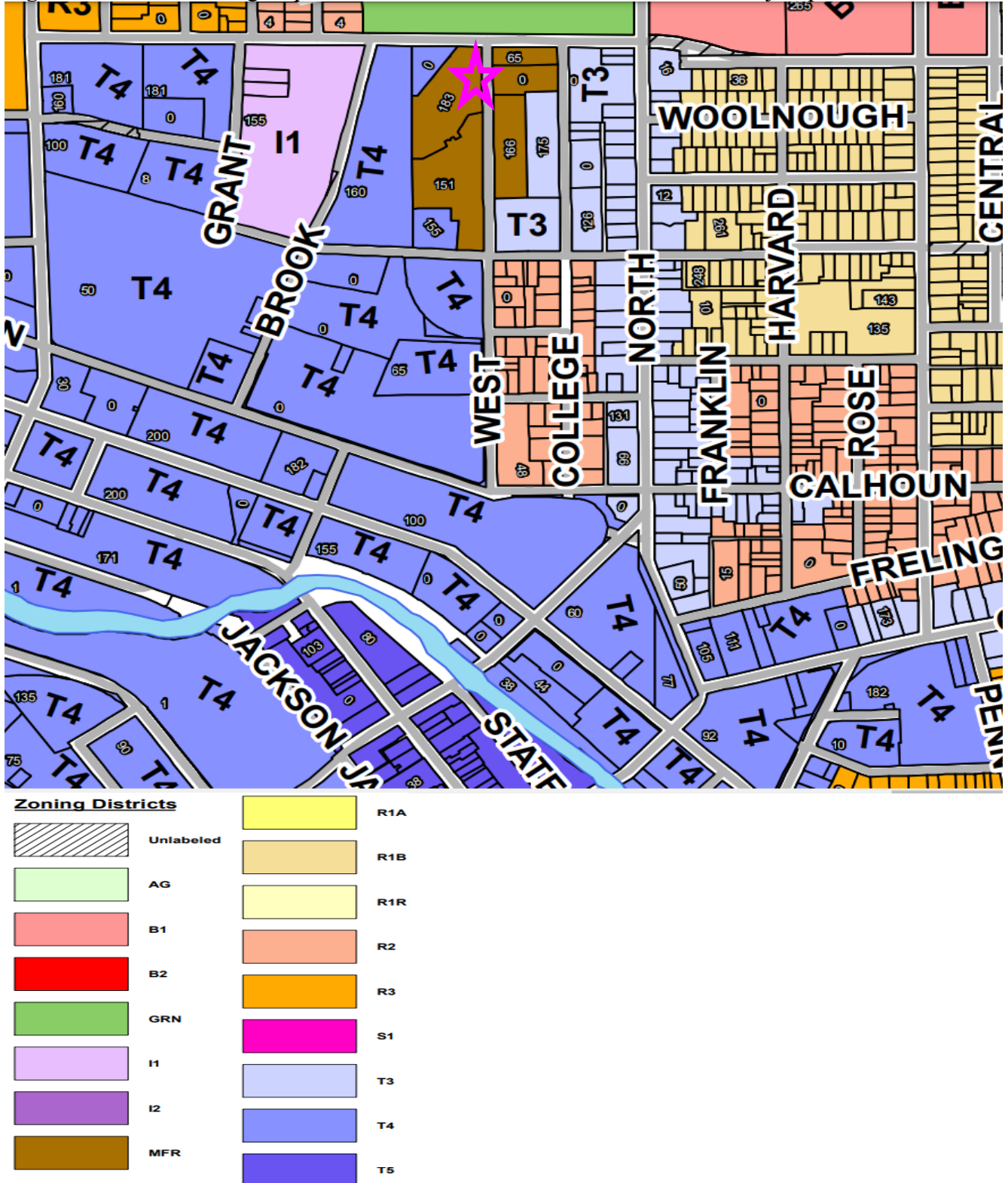
The subject property of the proposed rezone – 183 West St. - is located on the east side of West Street, and is south of the West St./Emmett intersection. The property is currently zoned MFR High Density Multiple Family District, with the Applicant seeking a rezoning of the property to T-4 Downtown Commercial District.

The property is owned by Westbrook Preservation LDHA LLC. The property features 323 feet of frontage along West St. and also has 100 feet of frontage bordering West Emmett St. The property is a very irregularly shaped parcel, with a width from just over forty (40) feet on the south side, to a width over 300 feet wide from the access to a City of Battle Creek park to the east. Total subject parcel square footage equals 111,949.2 or 2.570 acres. Located on the property is a 78,744 square foot building built in 1940, refurbished in 2006, and known as the “old hospital building.” Assessing records list the number of apartments in the building as 580. The building is 5-6 stories tall with an average height of 12 feet per story, creating a minimum of a 60 foot tall building.

As a result of the 2018 Master Plan and 2020 Zoning Ordinance and Map, the subject parcel became zoned MFR High Density Residential. However, while most of the uses fit the place type identified in the 2018 Master Plan, the new MFR district’s dimensions do not allow buildings over 45 feet in height, or four stories. As such, at the time of the Zoning Map update this property became a legal-nonconformity, as the height of the building on the subject parcel is 60 plus feet tall and five to six stories which exceeds the 45 feet and four (4) story limit required under the new MFR zoning district. In addition, the old hospital building is barely, if at all, setback from the southern and eastern property lines which also increases the building’s nonconformity and creates a situation where no additions can be built, nor could the building be restored if it suffered fairly extensive destruction.

The applicant is asking for a rezoning of the property to a T-4 Downtown Commercial District, as a rezoning would allow for any future alterations to be permitted, as well as extensive rebuilding/renovations, if necessary.

Figure 1: Current Zoning map 1/5/2022. Star indicates the location of the subject parcel



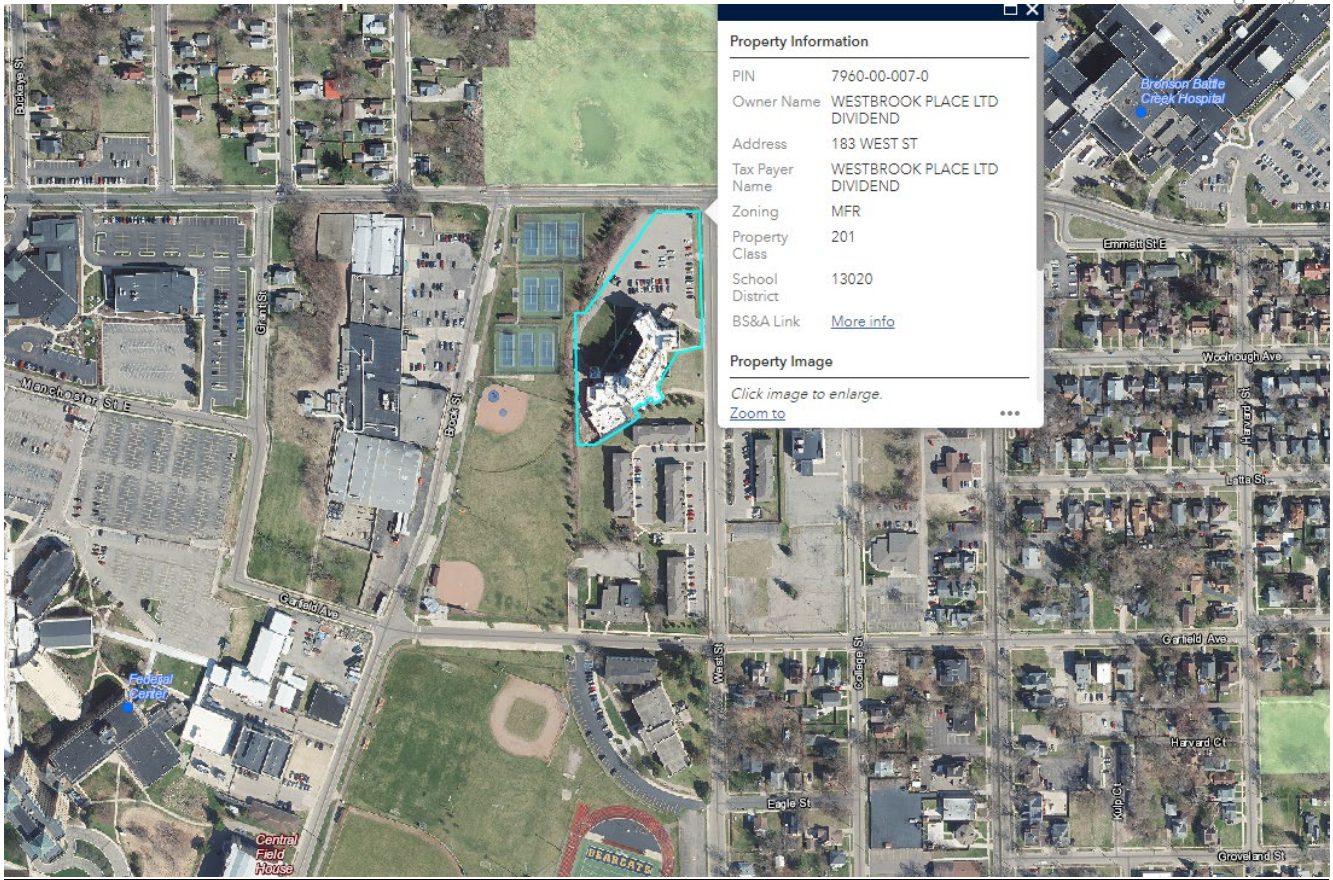


Photo 1: Aerial View of the Subject Parcel

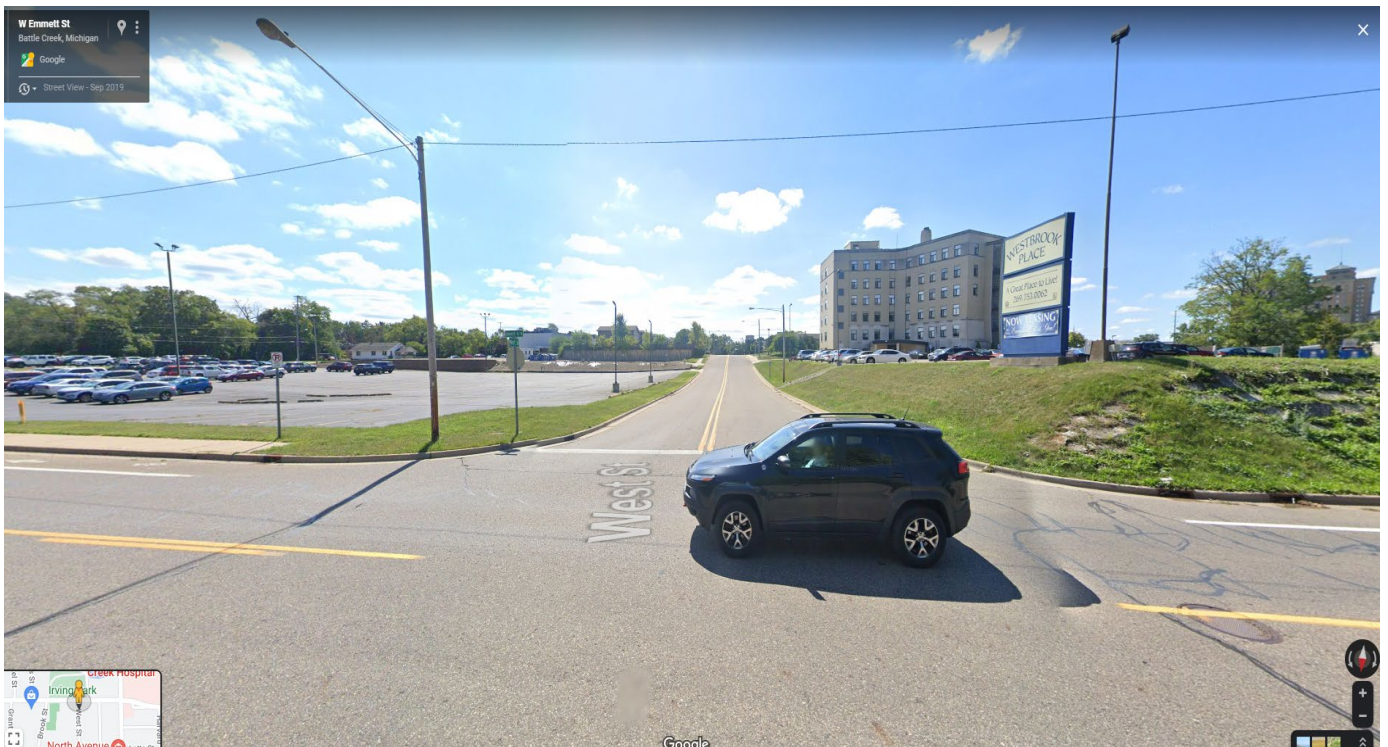


Photo 2: Street View from the Intersection of West St and Emmett



Photo 3: Street View from West Street of the Front of the Subject Parcel



Photo 4: Street View, Proceeding south on West Street



Photo 5: Street View – Looking toward the Subject Parcel from West Street and Garfield Intersection



Photo 6: Street View of Subject Parcel from City Park Sports Fields on Garfield



Photo 7: Street View of Subject Property from northern end of Sports Fields on Brook Street
The Industrial Property can be seen to the East / Right in the Picture



Photo 8: View from College Street and Emmett Intersection to the East
The County Mental Health Center can be seen in the Left Side of the Picture

Applicable Zoning Ordinance Provisions

Sections 1240.10, 1240.14, and 1281.01 of the 2020 Zoning Ordinance of the City of Battle Creek.

SECTION 1240.10 MFR HIGH DENSITY MULTIPLE FAMILY DISTRICT.

A. PURPOSE

The MFR High Density Multiple Family District is intended to accommodate new types of diversified residential developments of high densities, usually requiring a large tract of unplatted land. The types of residential structures include garden apartments, terrace apartments and row housing units and those special types of housing structures similar in character and density to multiple family housing.

B. PERMITTED USES

- Assisted Senior Living ([Section 1251.02](#))
- Bed and Breakfast ([Section 1251.08](#))
- Community Garden ([Section 1251.11](#))
- Convalescent Home, Nursing Home, or Home for the Aged ([Section 1251.12](#))
- Essential Services
- Independent Senior Living with Services ([Section 1251.20](#))
- Medical or Dental Clinic < 20,000 s.f.
- Multi-Family Dwelling Units ([Section 1251.32](#))
- Outdoor Recreation/ Public ([Section 1251.35](#))
- Public K-12 Schools
- Single Family Dwelling Unit Attached
- Single Family Dwelling Unit Detached
- Two-Family Dwelling Units

C. SPECIAL LAND USES

- Adaptive Reuse ([Section 1250.04 D](#))
- Banquet and Meeting Hall < 100 capacity ([Section 1251.07](#))
- Banquet and Meeting Hall > 100 capacity ([Section 1251.07](#))
- Cemetery ([Section 1251.10](#))
- Hospital > 20,000 s.f. ([Section 1251.18](#))
- Institutions of Higher Education
- Private K-12 Schools
- Religious Institutions ([Section 1251.38](#))

Refer to [Section 1230.06](#) for definitions of uses and refer to [Chapter 1251](#) for development standards for specific uses.

D. ACCESSORY USES

- Accessory Buildings ([Section 1260.01](#))
- Accessory Dwelling Unit
- Personal-Scale Solar Energy Facility ([Section 1251.36](#))
- Private Gardens
- State Licensed Child Care Family Home, 1-6 Children ([Section 1251.43](#))
- State Licensed Child Care Group Home, 7-12 Children ([Section 1251.44](#)), with SLU approval
- State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 persons ([Section 1251.45](#))
- State licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 persons ([Section 1251.46](#)), with SLU approval
- State licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 persons ([Section 1251.46](#)), with SLU approval
- Transitional and Supportive Home, 1-6 persons
- Transitional and Supportive Home, + 6 persons, with SLU approval

E. DIMENSION REGULATIONS

Lot Standards	MFR
Minimum Lot Area (sq. ft.)	2,170 (D) E
Minimum Lot Width (ft.)	120
Maximum Percent of Building Coverage	30
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Maximum Building Height	45 feet, 4 stories

Footnotes: Refer to [Chapter 1241](#) wherever a footnote is referenced in parentheses after one of the dimension regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Chapter 1251](#) for dimensional regulations for specific uses.

SECTION 1240.14 T-4 DOWNTOWN COMMERCIAL DISTRICT.

A. PURPOSE

The T-4 Downtown Commercial is established to encourage the development, redevelopment and use of properties in a manner compatible with the character of the downtown area and consistent with the protection and enhancement of property values.

B. PERMITTED USES

- Artisan/Maker Space
- Banquet and Meeting Hall < 100 capacity ([Section 1251.07](#))
- Banquet and Meeting Hall > 100 capacity ([Section 1251.07](#))
- Bar, Tavern, or Saloon
- Bookstore
- Brewpub
- Carry-Out Restaurant
- Catering Businesses
- Convalescent Home, Nursing Home, or Home for the Aged ([Section 1251.12](#))
- Distillery, Winery - w/ or w/o food
- Essential Services
- Financial Institutions
- Full-Service Restaurant
- Government/Public Uses ([Section 1251.15](#))
- Hotel ([Section 1251.19](#))
- Indoor Recreation
- Limited Service Restaurant
- Marihuana: Adult-Use Marihuana Retailers ([Section 1251.23](#)) ([Section 1251.24](#))
- Marihuana: Medical Marihuana Provisioning Center ([Section 1251.23](#)) ([Section 1251.29](#))
- Medical or Dental Clinic < 20,000 s.f.
- Microbrewery ([Section 1251.34](#))
- Motel ([Section 1251.19](#))
- Multi-Family Dwelling Units ([Section 1251.32](#))
- Nightclub
- Office < 5,000 s.f.
- Office 5,000 to 17,000 s.f.
- Office > 17,000 s.f.
- Outdoor Recreation/ Public ([Section 1251.35](#))
- Personal Service Establishments ([Section 1251.38](#))
- Public K-12 Schools
- Religious Institutions ([Section 1251.38](#))
- Retail Sales < 5,000 s.f.
- Retail Sales 5,000 to 17,000 s.f.
- Single Family Dwelling Unit Attached
- Two-Family Dwelling Units

C. SPECIAL LAND USES

- Adaptive Reuse ([Section 1250.04 D](#))
- Drive-In Restaurant
- Drive-Thru Restaurant ([Section 1251.13](#))
- Farmers' Market ([Section 1251.14](#))
- Funeral Homes, Mortuaries, and Crematoriums
- Hospital > 20,000 s.f. ([Section 1251.18](#))
- Independent Senior Living with Services ([Section 1251.20](#))
- Institutions of Higher Education
- Private K-12 Schools
- Parking as a Principal Use
- Research and Development
- Retail Sales > 17,000 s.f.
- Self-Storage Facilities ([Section 1251.42](#))
- State Licensed Child Care Group Home, 7-12 Children ([Section 1251.44](#))

Refer to [Section 1230.06](#) for definitions of uses and refer to [Chapter 1251](#) for development standards for specific uses. Refer to [Section 1250.04](#), Form Based Development Standards for the T-3, T-5, and T-5 Districts for additional development requirements.

D. EXISTING USES

- Single Family Dwelling Unit Detached

E. ACCESSORY USES

- Accessory Buildings ([Section 1260.01](#))
- Accessory Dwelling Unit
- Farmers Market ([Section 1251.14](#))
- State Licensed Child Care Family Home, 1-6 Children ([Section 1251.43](#))

F. DIMENSION REGULATIONS

Lot Standards	T-4
Minimum Lot Area (sq. ft.)	2,900 (D)
Minimum Lot Width (ft.)	60
Maximum Percent of Building Coverage	NL
Front Yard Setback (ft.)	NL
Rear Yard Setback (ft.)	NL
Side Yard Setback (ft.)	NL
Maximum Building Height	NL

Footnotes: Refer to [Chapter 1241](#) wherever a footnote is referenced in parentheses after one of the dimension regulations. Additionally, some uses have specific standards that overrule these Dimensional Regulations. Refer to [Chapter 1251](#) for dimensional regulations for specific uses.

Master Plan

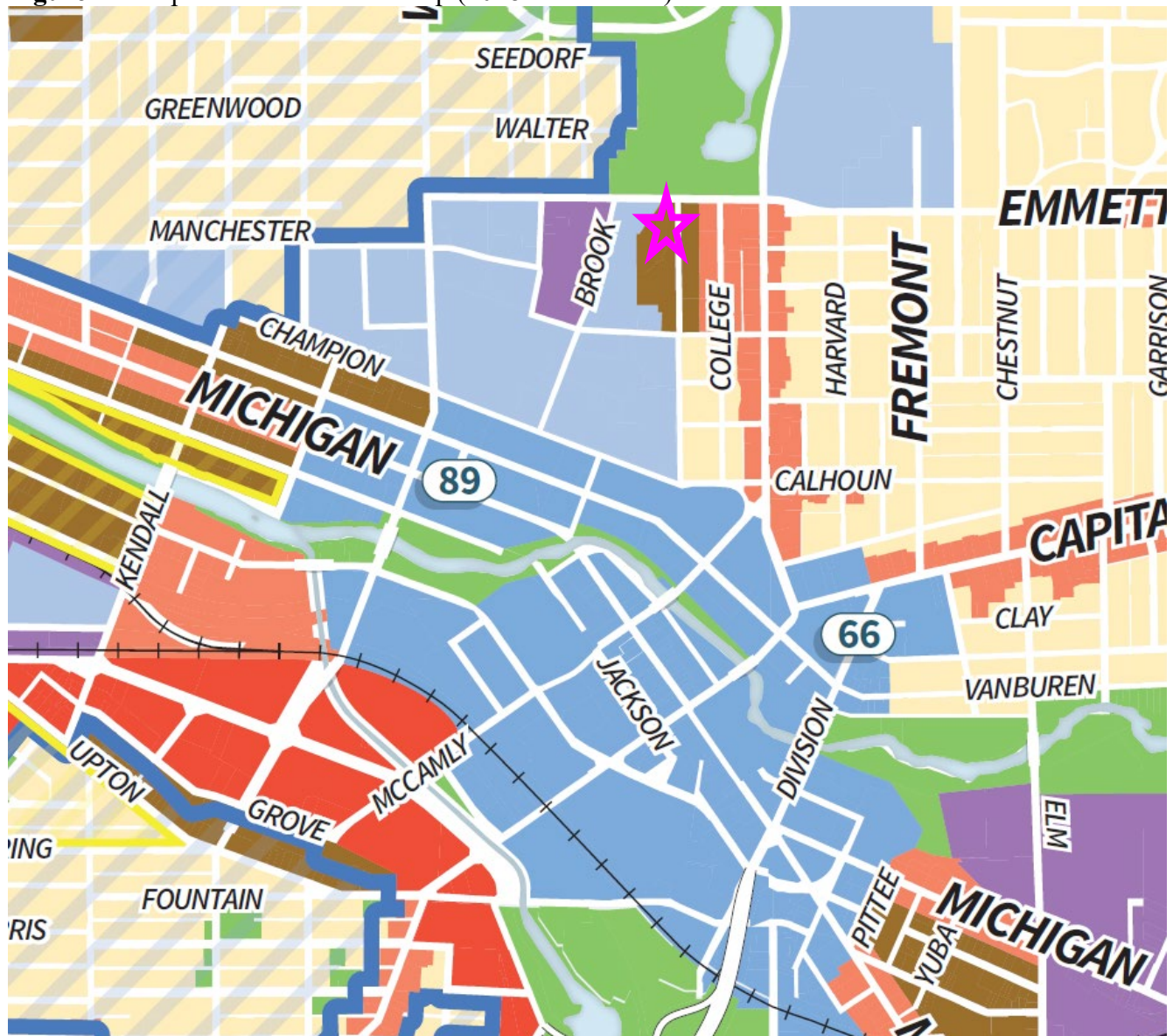
The Planning Enabling Act of 2008 requires a master plan be prepared and adopted that will “guide and accomplish development that is coordinated, adjusted, harmonious, efficient, and economical; that considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development; and will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.”

The master plan focuses on desired land use patterns for typically a twenty year time frame, and the enabling legislation and case law require that zoning be based upon this master plan. The City of Battle Creek Master Plan was adopted in 2018, and includes a Land Use Plan map, which is intended to guide in decision making with regard to planning and future land use patterns in accordance with the goals and vision articulated in the Master Plan.

The subject parcel proposed for rezoning was included in the “Multi-Unit Residential” category of the adopted 2018 Land Use Plan. When the property was rezoned to MFR High Density Residential during the 2020 rewrite of the Zoning Ordinance, because of the dimensional requirements in the new high density multiple family zoning district, the building on the subject property became nonconforming as to the height and the situation of the building on the subject parcel.

Master Plan Goals 1 and 5 both focus on promoting reinvestment and density in the City’s downtown core area. The illustrated core area in the 2018 Master Plan includes the sports fields next to the subject property. Though the Plan labels 183 West Street as a Multi Residential place type on the Land Use Map, the Plan goals and objectives appear to not have intended to create a situation where existing dense residential properties would become nonconforming. In this instance, similar to the proposed rezoning for the Calhoun County Mental Health building on College St., it seems likely that the Land Use Plan map simply did not contemplate the size and nature of the existing building constructed upon the subject parcel, and certainly did not contemplate the fact that the future MFR High Density Multiple Family District would include size restrictions and setbacks that would not fit the old hospital building.

Figure 2: Adopted Land Use Plan Map (2018 Master Plan)



- Neighborhood Commercial
- Multi-Unit Residential
- Traditional Neighborhood
- Community Services
- Downtown Commercial
- Community Open Space & Recreation
- Production & Employment Center

Public Hearing and Notice Requirements

This request has been scheduled for the November 16, 2022 Planning Commission meeting, with notice of the hearing published in the October 27, 2022 edition of the Battle Creek Shopper. Appropriate notices were also mailed to all property owners within a 300-foot radius of the subject parcels no fewer than 15 days prior to the hearing. Both requirements pursuant to the Zoning Enabling Act of 2006, as amended, have been met.

Neighborhood Outreach

Neighborhood Planning Councils (NPCs) are currently in the process of reorganizing and establishing membership and regular meeting dates. As the NPCs are not currently fully functional, staff has not received any comments from the neighborhood.

Analysis and Recommendation

The subject parcel is currently zoned MFR High Density Multiple Family District. Though there are clearly more allowed commercial uses (along with all types of residential uses) in the proposed T-4 District than in the MFR District, the above aerials and street view photos show that the parcel is already bordered by primarily non-residential uses as well as T-4 Downtown Commercial District zoning on a portion of the north, on the west, and potentially a portion on the east side. The rest of the zoning to the north of the subject property across Emmett is zoned Green District and is currently a park. Zoning to the south on the rest of the senior residential development is MFR High Density Multiple Family District. A rezoning to T-4 Downtown Commercial, which is a mixed use district that includes commercial as well as residential; and no industrial uses would not negatively impact the surrounding T-4, Green and MFR zoned properties.

As stated previously in this report, the subject parcel's current zoning as MFR High Density Multiple Family District renders the parcel's building completely nonconforming, as the MFR district contains a number of setback dimensions and a height restriction of forty five (45) feet or four (4) stories which do not match the sixty (60) plus height and limited setbacks of the existing high density residential building on the subject property. The City's Zoning Ordinance does not permit nonconforming buildings to be rebuilt if severely damaged, or allow an increase the height, area or bulk of a nonconforming building. In reviewing the differences in the dimensional requirements of the MFR District compared to the T-4 District, it is clear that the lack of setback requirements and height limitations would work well to preserve the high density residential use and building on the subject parcel.

When taking on a complete rewrite of the Zoning Ordinance and Zoning Map, it is difficult (if not impossible) to assess with 100% accuracy each property's size, building size and current use when attempting to assign zoning districts aligned with the adopted Land Use Plan. In this case, though the property's use fits the High Density Residential Place type on the Land Use Plan map, the MFR zoning district renders the old hospital on the subject property completely nonconforming and potentially obsolete if damaged. In addition, though the place type is Multi-Unit Residential, the 2018 Master Plan Goals appear to not have intended to create nonconforming high density buildings when the actual goals are to encourage density and reinvestment in the City's core.

Given the above factors, as well as the subject parcel's close proximity to the downtown area and other T-4 zoned properties, it is staff's opinion that a rezone of the property from MFR High Density Residential to Neighborhood Commercial to T-4 Downtown Commercial may be appropriate to

provide relief to the applicant from the size and setback restrictions so that the higher density residential use may be preserved.

Section 1281.01(D) provides the standards for review regarding Zoning Ordinance and Zoning Map amendments. These standards and staff response are as follows:

1. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

183 West Street Westbrook Place functions as a senior housing facility. This use existed at the time of the adoption of the Land Use Plan included with the 2018 Master Plan, which identifies the intended future use of this property as Multi-Unit Residential. While this use designation aligns with the property's current zoning of MFR High Density Multiple Family, the dimensional requirements of the MFR District leave the building existing on the site with multiple dimensional nonconformities.

Within the MFR zoning district, buildings are restricted to 45 feet in height and 4 stories, with the current building on the property exceeding both. Additionally, the MFR zoning district includes required front, side and rear yard setbacks, many of which are not met by the existing building which is situated, at many points, on or close to the lot line.

For these two reasons, the structure on the property is considered a legal-nonconformity. Due to this status, the building is currently not permitted to make alterations which would expand and/or alter the footprint or height. Additionally, it is unlikely that in the event of catastrophic loss the building would be allowed to be reconstructed.

While the Land Use Plan identifies this parcel as Multi-Unit Residential, it is important to take into consideration trends in housing and preserving existing stock such as the existing building on the site, when considering the use and zoning of this parcel. The need for housing only continues to increase. From a dimensional standpoint, the high density residential building has been zoned essentially into future obsolescence due to existing dimensional non-conformities. Rezoning this property from MFR High Density Multiple Family to T-4 Downtown Commercial would relieve the property of all dimensional nonconformities related to height and positioning on the parcel and allow for the property's permitted use as a multi-family residential facility.

In addition, the 2018 Master Plan goals promote the importance of residential density and investment in the downtown core area.

The Planning Commission may also want to consider the fact that the City Commission, with concurring recommendation from the Planning Commission, is in the process of rezoning the property immediately to the west at 175 College Street from T-3 Neighborhood Commercial to T-4 Downtown Commercial for similar reasons (nonconforming use due to building size), providing further justification and reasoning for the rezoning of 183 West St. to T-4 Downtown Commercial.

2. Consistency with the basic intent and purpose of this Zoning Ordinance.

The intent and purpose of the Zoning Ordinance is to provide the orderly, organized development and redevelopment of the City of Battle Creek. Central to this purpose is ensuring that, to the extent possible, accommodation of existing uses and structures are balanced with the visions and goals for future development and land use.

The Zoning Ordinance, as currently written, would not allow for a structure of the size and dimensions as the one located at 183 West St. within the MFR zoning district. Given the close proximity to scores of properties zoned T-4, as well as the overall compatibility of uses permitted within the T-4 district with the surrounding area, a sensible solution to the legal-nonconforming status of 183 West St. would be to rezone the property to T-4 Downtown Commercial, allowing for the continued, unencumbered use of the property for multiple-family residential purposes, while also allowing for alterations, expansions, or reconstruction of the property in the future as necessary.

3. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

The existing street system is capable of accommodating the uses permitted within the T-4 Downtown Commercial District.

4. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

The City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

5. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

Lack of housing continues to be more and more of an issue, especially with escalating cost; and preservation/allowance for restoration of existing housing stock has become extremely important. In addition, the property was rezoned in 2020 from its previous multiple family zoning to the new MFR High Density Multiple Family. While this was not a mistake per se (the new zoning district use aligned with the Land Use Plan), the new zoning designation as MFR did not take into account the dimensions of the existing building relative to the height and setback restrictions of the district. As such, the building was rendered nonconforming. A rezoning to T-4 Downtown Commercial would remedy the issue, while still allowing all types of residential since the T-4 is essentially a mixed use zoning district.

6. That the amendment will not be expected to result in exclusionary zoning or spot zoning.

The proposed amendment will not result in exclusionary zoning. The proposed amendment will also not result in spot zoning given close proximity to other T-4 zoned properties, as well as the current use's (and all uses permitted within the T-4 district) overall compatibility with the surrounding area.

7. If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

This property's physical, geological, and hydrological and other environmental features are compatible with the uses permitted in the proposed zoning district. There are no identified wetlands or floodplains on this parcel.

8. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

Uses permitted in the T-4 Downtown Commercial District are compatible with the surrounding uses and zoning. Surrounding uses consist primarily of multiple-family housing, recreational athletic fields, healthcare facilities, and various commercial uses and associated parking areas, as well as public green space across Emmett St. W in Irving Park. Surrounding zoning consists of T-4, T-3, Green, and MFR.

9. If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The boundaries of the proposed area of rezoning are limited to the subject parcel and are reasonable in relationship to surrounding zoning districts. The ability of the construction on the site is precisely the impetus for this proposed rezoning, which would allow the building on the site to enjoy full conformance with the dimensional regulations of the T-4 Downtown Commercial District. The parcel also more than meets the minimum for the 60 foot width and square footage of 2,900 for a T-4 parcel.

10. If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

The requested zoning district is the most appropriate from the City's perspective as the proposed rezoning would allow for the current use and building to continue in a fully-conforming fashion, while also providing compatibility with surrounding uses and zoning districts in the area. The proposed rezoning is also compatible with surrounding uses as this area has become a "medical corridor" featuring various healthcare and healthcare-adjacent uses.

11. If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

The only alternative to the proposed rezoning which would allow the property to achieve full compliance would be to alter the dimensional regulations of the MFR High Density Multiple Family District. Criteria #11 clearly indicates that the option to pursue a rezoning is preferable to amending the list of permitted uses in the current zoning district. This same intent can be logically applied to dimensional regulations as well, PROVIDED the list of the uses in the proposed district are compatible with the surrounding area. In the case of this proposal, it is the position of staff that the list of T-4 uses are compatible with the surrounding area.

12. If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The proposed property to be rezoned is adjacent to the T-4 Downtown Commercial District to the west, north and potentially a portion to the east, and will be compatible with the existing mixed use, recreational, medical and multiple family uses in the neighborhood.

Based on the above findings planning staff recommends that the Planning Commission recommend to the City Commission approval of Petition Z-06-22, a request for the rezoning of 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Residential District to T-4 Downtown Commercial District pursuant to Sections 1240.14 and 1281.01 of the zoning code.

Support Material

Application for Rezoning

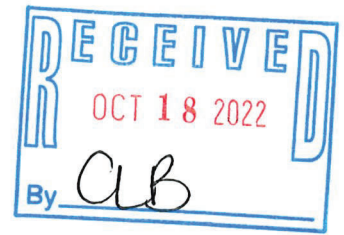


City of Battle Creek

Community Services - Planning and Zoning Division

City Hall • 10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014

Ph (269) 966-3320 • Fax (269) 966-3555 • www.battlecreekmi.gov



REZONING Application



Straight Rezoning
(to new zoning district)

____ **Conditional Rezoning**
(to allow specific use/development)

Petition No. Z-06-22

Date Received: 10.18.2022

APPLICANT

NAME: Westbrook Preservation LDHA LLC

ADDRESS: 310 South Peoria, Ste #500, Chicago, Illinois 60607

PHONE: 312-530-9600 FAX: _____

EMAIL: Jwilmoth@fccommunities.org

OWNER (if different from applicant)

NAME: _____

ADDRESS: _____ CITY/STATE: _____ ZIP: _____

PHONE: _____ FAX: _____

EMAIL: _____

****If the applicant is not the property owner, a letter signed by the owner agreeing to the Rezoning must be included with the application.**

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 183 West Street, Battle Creek, Michigan 49037

Pin# 7960-00-007-0

Current use of the property: Elderly Residential Apartment Units

List existing structures on the property, size, and the approximate age of each. One building, 5-6 stories,

111,949 square feet, original structure built in 1940 (82 years) and rehabbed in 2006.

Has property involved ever been the subject of a previous application? If yes, please list each one and the date the request came before the Planning Commission. No.

FOR STRAIGHT REZONING REQUESTS ONLY:

Current Zoning of Property: R3B

Requested Zoning District: T-4 MFR

Describe land uses surrounding the subject property and those in the vicinity: _____
(zoning districts T3 and T4, and GRN, and containing multifamily residential, public parks, and commercial/medical)

Would the rezoning place excess demands on public resources including roads, utilities, public safety, etc.?

Explain: No.

FOR CONDITIONAL REZONING REQUESTS ONLY (please attach extra pages if necessary):

What is the proposed use of the property that warrants the request? Provide specific details as to the use including square footage of each uses proposed for the property: The property is zoned as legal non conforming.

The Battle Creek zoning ordinance governs the ability to restore after a casualty. However, the standard here is tied to assessed value, \$0. Full Circle wouldn't be able to rebuild to the current height due to the legal non conforming status.

Please list all activities that will take place on the property if the request were approved?

Preserve affordable housing for seniors in the city of Battle Creek, Michigan.

How many employees currently work on the property? How many will be added if the request is approved, and what days/times will they be onsite? 2 full time employees and 1 part time employee. 3 full time employees are planned.

Employees are on staff Monday-Friday and for emergencies during nights/weekends.

Will the approval of the proposed use necessitate changes to the property, i.e. building construction, additional parking, landscaping, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the development and attach a site plan/building elevations showing existing and proposed improvements. What is the cost of investment proposed if the development were approved?
No.

What are the proposed hours of operation? Please indicate if the proposed use will be temporary, seasonal, or long term in nature, providing dates and timeframes if applicable: 9am-5pm Monday-Friday.

Explain the basis for which you feel this application should be approved. As a Non-Profit Full Circle Communities Inc.,

vows to preserve affordable housing with 75% of income allocated towards resident services.
Full Circle, believes investing in strong communities will build a better future and sustainable environment.

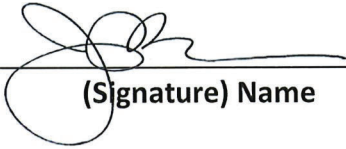
SUBMITTAL REQUIREMENTS

Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.

1. **Payment of a non-refundable \$600.00 filing fee, made payable to the City of Battle Creek.**
2. **An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.**
3. **Legal description of subject property and a list of all deed restrictions.**
4. **Property Site Plan, if site changes are proposed.**
5. **Building Elevations, if building elevation improvements are proposed.**

APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a rezoning application have been submitted. Furthermore, the applicant understands that all any approval is based upon the contents of the submitted application and any future proposed change must be reviewed with the Planning Department and may be subject to approval of a revision of the rezoning by the Planning Commission and City Commission.


(Signature) Name

Joshua Wilmoth
(Print Name)

10/17/2022
Date

**CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for Wednesday, November 16, 2022**

MEETING CALLED TO ORDER:

By Chairperson Godfrey at 4:02 p.m. This meeting was held in person.

ATTENDANCE: Chairperson Godfrey asked for a roll call attendance.

Commission Members Present:

Comm. Newman, present, in Battle Creek
Comm. Spranger, present, in Battle Creek
Comm. Godfrey III present, in Battle Creek

Mayor Behnke, present, in Battle Creek
Comm. Morris, present, in Battle Creek
Comm. Hughes, present, in Battle Creek

Commissioners Absent: **Comm. Gray, Vice Mayor Reynolds,**

Staff Present: Susan Cronander, Planning Administrator, Crystal Bax, Customer Service Representative, and Marcel Stoetzel, Deputy City Attorney.

APPROVAL OF MINUTES: Previous meeting minutes submitted for approval for October 26, 2022.

MOTION MADE BY COMM. SPRANGER TO APPROVE THE AMMENDED MINUTES FOR OCTOBER 26, 2022 MEETING MINUTES AS PRESENTED BY STAFF. SECONDED BY COMM. NEWMAN.

ROLL VOTE: Chairperson Godfrey asked everyone in favor to signify by saying “aye”:

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

CORRESPONDENCE: None.

ADDITIONS/DELETIONS: None.

PUBLIC HEARINGS/DELIBERATIONS:

CHAIRPERSON GODFREY asked to open the public hearing for item 6A (#Z-06-22) on the agenda.

- A. REZONING REQUEST #Z-06-22:** Petition from Westbrook Preservations LDHA LLC requesting the rezoning of property located at 183 West Street. Battle Creek, MI 49037. The property located at 183 West Street is currently zoned “MFR Multi-Family Residential District” and they are requesting to be rezoned as “T-4 Downtown Commercial District” pursuant to Section 1281.01 of the zoning code. PARCEL #: 7960-00-007-0

Staff Presentation: Susan Cronander, Planning Administrator, gave the staff report presentation. The applicant is requesting the rezoning of property located at 183 West Street in Battle Creek (Parcel #7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District) pursuant to Sections 1240.14 and 1281.01 of the zoning code.

As a result of the 2018 Master Plan and 2020 Zoning Ordinance and Map, the subject parcel became zoned MFR High Density Residential. However, while most of the uses fit the place type identified in the 2018 Master Plan, the new MFR district’s dimensions do not allow buildings over 45 feet in height, or four stories. As such, at the

time of the Zoning Map update this property became a legal non-conformity, as the height of the building on the subject parcel is 60 plus feet tall and five to six stories which exceeds the 45 feet and four (4) story limit required under the new MFR zoning district. In addition, the old hospital building is barely, if at all, setback from the southern and eastern property lines which also increases the building's nonconformity and creates a situation where no additions can be built, nor could the building be restored if it suffered fairly extensive destruction.

The applicant is asking for a rezoning of the property to a T-4 Downtown Commercial District, as a rezoning would allow for any future alterations to be permitted, as well as extensive rebuilding/renovations, if necessary.

Given the above factors, as well as the subject parcel's close proximity to the downtown area and other T-4 zoned properties, it is staff's opinion that a rezone of the property from MFR High Density Residential to Neighborhood Commercial to T-4 Downtown Commercial may be appropriate to provide relief to the applicant from the size and setback restrictions so that the higher density residential use may be preserved.

Based on the above findings planning staff recommends that the Planning Commission recommend to the City Commission approval of Petition Z-06-22, a request for the rezoning of 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Residential District to T-4 Downtown Commercial District pursuant to Sections 1240.14 and 1281.01 of the zoning code.

COMMISSIONER DISCUSSION:

Mayor Behnke asked Susan Cronander, Planning Administrator to abbreviate the meeting.

Applicant: (via zoom) Josh Wilmouth President and CEO of Full Circle Communities, the non-profit owner and managing member for the subject property. We obtained the property as of last year, and in the process of our acquisition we learned that one of the challenges facing this property is the non-conformity that would preclude us from restoring the property as it was should it sustain damages from weather and things of that nature. This request is to insure that they are able to make repairs and remain an affordable housing community for seniors.

Public Comments: None.

MOTION MADE BY COMM. MORRIS AND SECONDED BY COMM. NEWMAN TO APPROVE #Z-06-22 REZONING REQUEST FOR PROPERTY LOCATED AT 183 WEST STREET IN ADDITION TO THE CONDITIONS RECOMMENDED BY STAFF.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

.....
OLD BUSINESS: None

NEW BUSINESS: CAPITAL IMPROVEMENTS PROGRAM 2024-2029

Staff: We wanted to get it to you ahead of time, for the joint planning commission meeting and city commission meeting, were looking at that to happen a little sooner than when it was held last year.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Mayor Behnke, asked that the board consider a presentation time limit to be implemented in a future meeting.

Marcel Stoetzlel, asked the mayor if he has a time limit as far as minutes allowed for presentation in mind, and that he will work with staff to establish a time limit.

Mayor Behnke, did not have a suggestion on a time limit.

ADJOURNMENT:

Chairman Godfrey adjourned the meeting at 4:18 p.m.

Submitted by: Crystal Bax, CSR II, Planning and Zoning

L:\Planning Files\Planning Dept\1. Planning Commission\2.Minutes\Year 2022\PC 11.16.22 Meeting Minutes_DRAFT.docx

DRAFT



General Detail

NO.

Minutes for the December 6, 2022 City Commission Organizational Meeting

BATTLE CREEK, MICHIGAN - 12/20/2022

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Rebecca Forbes, Executive Assistant

Department: City Manager

SUMMARY

Minutes for the December 6, 2022 City Commission Organizational Meeting

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name

Description

☐ Minutes_2022_12_6_Meeting(838)_(1).pdf

Minutes for the December 6, 2022 City Commission Organizational Meeting



Minutes: Battle Creek City Commission Organizational Meeting

Meeting Date: December 6, 2022- 7:30 PM

Location: Virtual Meeting

Chair: Mayor Mark A. Behnke

Title: Battle Creek City Hall - City Commission Chambers, 3rd Floor

ATTENDANCE

Commissioners

Mayor Mark Behnke	Commissioner Roger Ballard
Commissioner Jim Lance	Commissioner Jenasia Morris
Commissioner Patrick O'Donnell	Commissioner Carla Reynolds
Commissioner Jake Smith	Commissioner Christopher Simmons
Commissioner Sherry Sofia	

City Staff

Rebecca Fleury, City Manager	Jill Steele, City Attorney
Ted Dearing, Assistant City Manager	Victoria Houser, City Clerk

REPORT OF THE BOARD OF CANVASSERS (Certificate of Determination) on the vote cast at the Annual City Election held November 8, 2022, for the offices of City Commission. (To be received)

Victoria Houser, City Clerk, presented the Board of Canvassers' Report:

Mayor Mark A. Behnke having received 6,917 votes.
At-Large City Commissioner Carla Reynolds having received 6,920 votes.
At-Large City Commissioner Sherry Sofia having received 6,408 votes.
At-Large City Commissioner Jake Smith having received 5,403 votes.
Ward 1 City Commissioner Roger Ballard having received 1,092 votes.
Ward 2 City Commissioner Jenasia Morris having received 1,143 votes.
Ward 3 City Commissioner Patrick O'Donnell having received 1,101 votes.
Ward 4 City Commissioner Christopher Simmons having received 1,252 votes.
Ward 5 City Commissioner Jim Lance having received 2,814 votes.

ADMINISTRATION OF OATHS OF OFFICE by the City Clerk

Clerk Houser administered the Oath of Office to the newly elected Mayor and City Commissioners.

GENERAL PUBLIC COMMENT - (LIMITED TO THREE MINUTES PER INDIVIDUAL)

Michelle Salazar commended Comm. Ballard for his strive in being a member of the City Commission, thanking him for his representation of the LGBT community, thanking all commissioners for their dedication to serving the City of Battle Creek.

David Moore congratulated the newly elected commissioners, wishing them all the best.

ELECTION OF VICE MAYOR

A motion was made by Comm. Lance, supported by Comm. Morris, that the election of the Vice Mayor be conducted by nomination and roll call vote, called in random order, by lot.

Ayes: BALLARD, BEHNKE, LANCE, MORRIS, O'DONNELL, REYNOLDS, SIMMONS, SMITH SOFIA

MOTION APPROVED

NOMINATION OF VICE MAYOR

Comm. Morris nominated Comm. Reynolds for office of Vice Mayor.

Comm. Simmons nominated Comm. Sofia for office of Vice Mayor.

Clerk Houser called the roll call vote, in random order, by lot.

Commissioners Ballard, Morris, Reynolds and Smith voted for Comm. Reynolds to serve as Vice Mayor.

Commissioners Lance, Behnke, O'Donnell, Simmons, and Sofia voted for Comm. Sofia to serve as Vice Mayor.

Comm. Sofia, having received the required 5 votes, is elected Vice Mayor of the City of Battle Creek for a two year term.

SETTING THE CITY COMMISSION MEETING SCHEDULE FOR THE FORTHCOMING YEAR

Mayor Behnke noted the next order of business was to set the City Commission schedule for the forthcoming year.

A motion was made by Comm. Lance, supported by Comm. Morris, that the Battle Creek City Commission shall meet at 7 pm in the City Commission Chambers, City Hall, unless the meeting is set to be virtual, on the first and third Tuesday of each month beginning December 6, 2022, pursuant to City Ordinance 212.04(d), with the following exceptions: that the April 4, 2023 meeting be moved to April 11, 2022 due to Spring Break and the July 4, 2023 meeting be moved to July 11, 2023 due to the July 4th holiday.

MOTION APPROVED

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Commission Schedule 2022-2023

CITY COMMISSION COMMENT

MOTION TO ADJOURN THE ORGANIZATIONAL MEETING

Mayor Behnke adjourned the Organizational meeting at 7:46.

Citizens who wish to address a specific issue on the floor may do so after being recognized by the Mayor or presiding Commissioner. At the time for general public comments, after being properly recognized, citizens may address the commission on any subject within the control and jurisdiction of the City of Battle Creek. Citizens will be subject to the following summarized limitations, which are set out fully in ordinance 212.02, Art XVII:

1. Citizen comments on any Resolution before the Commission may be made either before or after the Commissioners have had an opportunity to discuss the Resolution, at the discretion of the Chair;
2. Citizens wishing to speak to a particular Resolution should raise their hands and wait to be recognized before speaking;
3. Before speaking, an individual who has not filled out a comment card disclosing this information, shall identify themselves by name and address and, if appropriate, group affiliation for the record.
4. Citizens will confine their remarks to matters currently pending on the floor, and be brief and concise in making their remarks;
5. If a citizen becomes repetitive or, in the opinion of the Chair, takes an inordinate amount of time in making comments, that citizen will be ruled out of order and the Commission will continue with its business;
6. Citizens should address all remarks to the Commission as a whole, and not to individual Commissioners.

These Rules will apply to comments by citizens during the Public Comment section of the Agenda.

The City of Battle Creek will provide necessary, reasonable, auxiliary aids and services, such as signers for the hearing impaired, and audiotapes of printed materials being considered in the meeting, upon seven days' notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aids or services, should contact the City of Battle Creek by writing or calling the following:

Victoria Houser
Office of the City Clerk
Post Office Box 1717
Battle Creek, Michigan 49016
269/966-3348 (Voice)
269/966-3348 (TDD)

Summary:
Commission Schedule 2022-2023

ATTACHMENTS:

Description	Upload Date	Type
City Commission Schedule 2022-2023	11/22/2022	Backup Material



General Detail

NO.

Minutes for the December 6, 2022 City Commission Regular Meeting

BATTLE CREEK, MICHIGAN - 12/20/2022

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

Minutes for the December 6, 2022 City Commission Regular Meeting

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
❏ Minutes_2022_12_6_Meeting(839)_(2).pdf	Minutes for the December 6, 2022 City Commission Regular Meeting



Agenda: Battle Creek City Commission

Meeting Date: December 6, 2022- 8:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

Title: Battle Creek City Hall - City Commission Chambers, 3rd Floor

VIDEO

ATTENDANCE

Commissioners

Mayor Mark Behnke

Commissioner Roger Ballard

Commissioner Jim Lance

Commissioner Jenasia Morris

Commissioner Patrick O'Donnell

Commissioner Carla Reynolds

Commissioner Jake Smith

Commissioner Christopher Simmons

Vice Mayor Sherry Sofia

City Staff

Rebecca Fleury, City Manager

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Victoria Houser, City Clerk

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Sofia.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for Holiday Season National Enforcement Mobilization Month

Mayor Behnke proclaimed December 2022 as "Holiday Season National Enforcement Mobilization Month," also recognizing December 16, 2022 to January 1, 2023 as the "Drive Sober or Get Pulled Over" Enforcement and Awareness Campaign in Battle Creek, Michigan. Mayor Behnke called upon

everyone to promote awareness of the impaired driving problem, to promote safer and healthier behaviors regarding the use of alcohol and all drugs, and to promote the awareness campaign this holiday season and throughout the year.

Andy Tilma, BCATS, expressed appreciation to the city for the proclamation, noting the importance of reducing impaired driving incidents, encouraging all to drive sober.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

INTRODUCTION OF ORDINANCES

16-2022 A Proposed Ordinance, #16-2022, seeks to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances, to expand the length of time to remove snow and ice from public sidewalks after a snowfall and authorize the City to clear snow or ice at the property owner's expense and to repeal Section 13.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

John Kenefick commented on the city right-of-way areas, expressing his opinion the city is responsible for clearing the sidewalks.

Comm. Smith questioned how the fee to clear snow and ice from sidewalks would be determined.

Marcie Gillette, Community Services Director, noted the fees are listed in the Fee, Bond and Insurance Schedule, noting new fees will come before the Commission for approval, and the fees are limited to cover only the costs incurred.

Comm. Simmons noted the ordinance amendment gives residents additional time to clear sidewalks, noting often neighbors or others in the community assist residents who are not able to clear their own sidewalks.

Ayes: LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA
Nays: BALLARD

MOTION PASSED

17-2022 A Proposed Ordinance, 17-2022, to rezone 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

ADOPTION OF ORDINANCES

- 1 A Resolution seeking to adopt Ordinance 14-2022 to rezone parcels located along Robertson Avenue, Newtown Avenue, W. Columbia Avenue, Independence Avenue, and Songbird Lane from I-2 Heavy Industrial District to R-1A Single Family Residential District.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 2 A Resolution adopting Ordinance 15-2022 to rezone sixteen (16) parcels located along Dickman Road from McCamly Street S. to 80 Riverside Drive / Dickman Road at Guguac Street E. from T-3 Neighborhood Commercial District to T-4 Downtown Commercial District.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENTAGENDA AND RESOLUTIONS NOT ON CONSENTAGENDA

Reece Adkins commented on resolutions 4, 5, 6 and 7, asking that the names of persons being appointed to committees be listed in the resolution title.

David Moore expressed agreement with Mr. Adkins.

John Kenefick commented on resolutions 15, 16 and 17, regarding the source of the funds.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENTAGENDA

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

Minutes for the November 15, 2022 City Commission Regular Meeting

Ambulance Report for October 2022

City Manager's Report for December 6, 2022

CONSENT RESOLUTIONS

- 3 A Resolution regarding the City of Battle Creek - FY 2022 Emergency Management Performance Grant Agreement (EMPG).

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 4 A Resolution for renewal of 4 members to the Post/Franklin Neighborhood Planning Council (NPC # 1).

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 5 A Resolution appointing / renewal of 1 members to the Northeast Neighborhood Planning Council (NPC # 4).

Motion to Approve

Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

- 6 A Resolution appointing / renewal of 1 member to the Central Neighborhood
Planning Council (NPC # 3).

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

- 7 A Resolution reappointing and appointing members to the Battle Creek
International Relations Committee.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

- 8 A Resolution accepting the proposal of best value for turnout gear extractors,
washers, and dryers at various fire stations from Universal Laundry Machinery in a
not-to-exceed amount of \$53,435.00.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

- 9 A Resolution seeking approval for a License Agreement with Duncan Aviation for use of a pole barn on airport property during construction.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 10 A Resolution seeking acceptance of dedication of a parcel of vacant land, number 52-0127-00-016-3 for use as a Public Road commonly known as Barney Boulevard.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 11 A Resolution seeking to establish a revised Battle Creek Transit Title VI policy to ensure equal opportunity in the transportation for all persons regardless of race, color, or national origin.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 12 A Resolution seeking approval to set goals for potential contracting opportunities for FY2022-2025 for an established Disadvantaged Business Enterprise (DBE) Program for Battle Creek Transit (BCT) in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 13 A Resolution seeking authorization for the City Manager to grant Consumers Energy Company, a Michigan corporation, a temporary easement in, on, over, under, across and through a portion of City-owned property on Armstrong Road identified as parcel # 52-3020-01-093-1.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 14 A Resolution seeking authorization the City Manager to employ retiree Jerry Porter on a part-time, temporary basis under 296.09(c).

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 15 A Resolution seeking authorization for the City Manager to execute the 2022 HOME-ARP Battle Creek Community Foundation Supportive Services Grant Agreement for the amount of \$42,000.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Comm. Morris stated she would abstain from voting as she is an employee of the grant agreement recipient.

Ayes: BALLARD, LANCE, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

Abstain: MORRIS

MOTION PASSED

- 16 A Resolution seeking authorization for the City Manager to execute the 2022 HOME-ARP Gracious Homes Supportive Services Grant Agreement for the amount of \$52,000.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 17 A Resolution seeking authorization for the City Manager to execute the 2022 HOME-ARP Drop-in Self-help Center Supportive Services Grant Agreement for the amount of \$111,090.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 18 A Resolution seeking approval to conduct a Closed Session on a legal matter.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

GENERAL PUBLIC COMMENT

Tristen Bredehoft asked the commission to consider a way to get more food access in the community and to limit the growth of marihuana and alcohol retail stores, instead increasing the number of grocery stores.

Michelle Salazar also expressed concerns with an increase of alcohol stores, recognizing the

detrimental affect on those struggling with mental health and substance abuse issues.

David Moore stated he supports the necessities for the city, not the luxuries.

Reece Adkins commented on the retirement of Police Chief Jim Blocker, commending the work Chief Blocker has done with the Police Department, wishing Deputy Chief Shannon Bagley, future Police Chief, the best.

John Kenefick commented on the future work of the commissioners, commenting on the cost of loans and fees charged for services.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Ballard thanked Ms. Salazar for her concerns regarding liquor stores in the community, asking all commissioners to consider her comments.

Comm. O'Donnell stated he was excited to be serving with all of the other commissioners, stating he hopes to see the city return to its previous glory, also expressing concerns with food access throughout the city.

Comm. Simmons thanked the voters of Ward 4 for their vote, noting everyone makes sacrifices to serve the community, but he was looking forward to working with everyone.

RECESS

The City Commission recessed to Closed Session at 8:48 pm.

CLOSED SESSION

RETURN FROM RECESS

The City Commission returned from Closed Session at 9:08 pm.

MOTION: To authorize settling the MTT case *Lakeview Square LLC v City of Battle Creek*, MTT NO. 2021-002375, based upon an appraised value of \$6,130,000.

Motion to Approve

Moved by: JIM LANCE

Supported by: JENASIA MORRIS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

ADJOURNMENT

Mayor Behnke adjourned the meeting at 9:09 pm.

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 speakers

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 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, 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 consideration of specific ordinances when scheduled, speakers may present facts and opinions on the specific ordinance being considered by the City Commission. Speakers addressing the City Commission during this time shall limit their comments to the specific issue being considered. A three-minute time limit, which may be lengthened or shortened by the Mayor or presiding officer when appropriate, is imposed per speaker, per matter considered.

(d) During the public comment period on the consent agenda and resolutions not on the consent agenda, each speaker may address the Commission once, regarding anything on the consent agenda and resolutions not on the consent agenda, for a total not to exceed three minutes regardless of how many consent agenda items or regular resolutions the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(e) 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.

(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 his or her 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.



General Detail

NO.

City Manager Report for December 20, 2022

BATTLE CREEK, MICHIGAN - 12/20/2022

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Rebecca L. Fleury, City Manager

Department: City Manager

SUMMARY

City Manager Report for December 20, 2022

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
 City_Manager_Report_12202022.docx.pdf	City Manager Report for December 20, 2022

MEMO

Date: 12/20/2022
To: Mayor and City Commission
From: Rebecca L. Fleury, City Manager
RE: City Manager's December 20, 2022, Agenda Report

19

A Resolution seeking to adopt Ordinance, 16-2022, to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances, to expand the length of time to remove snow and ice from public sidewalks after a snowfall and authorize the City to clear snow or ice at the property owner's expense and to repeal Section 13.

City staff have been requested to amend Section 1022.12 to establish a longer period of time for property owners to remove snow and ice from public sidewalks after a weather event and to incorporate ice removal into the same section.

This Resolution seeks to adopt Ordinance, 16-2022, to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances, to expand the length of time to remove snow and ice from public sidewalks after a snowfall and authorize the City to clear snow or ice at the property owner's expense and to repeal Section 13. **Adoption is Recommended**

20

A Resolution seeking to adopt Ordinance, 17-2022, to rezone 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District.

The subject property of the proposed rezone – 183 West St. - is located on the east side of West Street, and is south of the West St./Emmet intersection. The property is currently zoned MFR High Density Multiple Family District, with the Applicant seeking a rezoning of the property to T-4 Downtown Commercial District.

The property is owned by Westbrook Preservation LDHA LLC. The property features 323 feet of frontage along West St. and also has 100 feet of frontage bordering West Emmett St.

The property is a very irregularly shaped parcel, with a width from just over forty (40) feet on the south side, to a width over 300 feet wide from the access to a City of Battle Creek park to the east.

This Resolution seeks to adopt Ordinance, 17-2022, to rezone 183 West Street from MFR High Density Multiple Family District to T-4 Downtown Commercial District. **Adoption is Recommended**

29

A Resolution seeking authorization for the City Manager to sign contract #22-5404 with the Michigan Department of Transportation (MDOT).

As part of the planned construction of the Columbia Ave Bridge over Interstate I-194, the City of Battle Creek and the Michigan Department of Transportation (MDOT) have developed the conceptual gateway treatment which is similar to the approved treatment to the Capital Ave SW Bridge over Interstate I-94. The City will be responsible for the cost associated with the installation and maintenance.

This Resolution seeks authorization for the City Manager to sign contract #22-5404 with the Michigan Department of Transportation (MDOT). **Approval is Recommended**

30

A Resolution seeking authorization for the City Manager to execute the 2022 CDBG Voces Housing Liaison Services Grant Agreement for the amount of \$60,000.

The City of Battle Creek receives federal Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). The intent of the CDBG program is to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

The City of Battle Creek in its 2020-24 Consolidated Plan and in subsequent Annual Action Plans identified housing case management as a strategy to help members of vulnerable populations access housing resources and secure affordable housing.

In response to the identified need, the City sub-granted CDBG-CV funds to Voces to create a pilot program to provide housing case management, interpretation, and advocacy services to Latino families. The pilot program has been remarkably successful in helping families access resources and secure affordable housing.

This Resolution seeks authorization for the City Manager to execute the 2022 CDBG Voces Housing Liaison Services Grant Agreement for the amount of \$60,000. **Approval is Recommended**

31

A Resolution seeking authorization for the City Manager to execute an amendment to the agreement with Voces, dated the 26th day of April, 2021 for Interpretation and Housing Advocacy Services.

On April 26, 2021 the City awarded CDBG-CV funds to Voces to create a pilot program to provide housing case management, interpretation, and advocacy services to Hispanic and Latino families. The pilot program has been successful in helping families access resources and secure affordable housing.

This amendment to the agreement with Voces allocates \$16,100 of the uncommitted CDBG-CV funds to continue the work of the pilot program, and extends the period of performance through January 30, 2023.

This Resolution seeks authorization for the City Manager to execute an amendment to the agreement with Voces, dated the 26th day of April, 2021 for Interpretation and Housing Advocacy Services. **Approval is Recommended**

32

A Resolution seeking authorization for the City Manager to approve Battle Creek Transit's updated Public Transportation Agency Safety Plan (PTASP) and authorize submittal of the plan to the Federal Transit Administration (FTA).

On July 19, 2018, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (PTASP) Final Rule, which required certain operators of public transportation system that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS).

The rule implements an innovative, performance-based approach to improving transit safety founded on SMS principles. SMS is a comprehensive, collaborative approach to managing safety. It brings management and labor together to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more precisely. SMS implementation will provide transit agency leadership with a better understanding of the safety risks within their organizations and enable them to maximize federal, state and local transit investments to proactively implement appropriate solutions to address those risks and

ensure the safety of transit passengers and employees. The plan is required to include safety performance targets.

This Resolution seeks authorization for the City Manager to approve Battle Creek Transit's updated Public Transportation Agency Safety Plan (PTASP) and authorize submittal of the plan to the Federal Transit Administration (FTA). **Approval is Recommended**



Resolution

NO. 21

A Resolution seeking authorization regarding a contract amendment to contract 2019-006R with Clark Hill, PLC. for as-needed labor attorney services.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute an amendment to contract 2019-006R with Clark Hill, PLC. for as-needed labor attorney services for a period expiring December 31, 2023, which will be paid from GL 101.05.2250.801.030.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Christine Huff, Purchasing Agent

Department: Purchasing

SUMMARY

A Resolution seeking authorization regarding a contract amendment to contract 2019-006R with Clark Hill, PLC. for as-needed labor attorney services.

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

Resolution #15 dated 11/20/18 approved a contract and all renewals with Clark Hill PLC for labor attorney services, with an onsite attorney for 24 hours per week. This contract had renewals available through November 30, 2024, with rates contracted for each term. The hourly rates were discounted because of the guaranteed hours onsite, and the benefit to the City was instant legal work.

However, due to a change in staffing at Clark Hill PLC, it is now necessary to change the services to off-site, but only as-needed. This necessitates the City moving to market rates, with the differences below:

Original guaranteed-hours onsite rates for term through November 30, 2024 would have been:

\$210 per hour: Labor & Employment
\$210 per hour: Municipal
\$275 per hour: Matters for Court, Arbitration, MDCR, etc
\$275 per hour: Litigation
\$190 per hour: Associate Attorneys
\$150 per hour: Paralegals

This amendment's rates for off-site and only as-needed through December 31, 2023.

\$275 per hour: Labor & Employment
\$275 per hour: Municipal
\$275 per hour: Matters for Court, Arbitration, MDCR, etc
\$275 per hour: Litigation
\$225 per hour: Associate Attorneys
\$200 per hour: Paralegals

A resolution is required because the pricing change from what was approved with original resolution.

The term change from November 30, 2023, to an ending term date of December 31, 2023, would put any subsequent contracts on the calendar year, which is easier for attorney firms to calculate annual rates going forward. The City Manager would like to renew only through the entirety of 2023, and will do an RFP next year for labor attorney services for a term starting January 1, 2024.

I agree that these changes are in the best interest of the City of Battle Creek.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Amendment_2.pdf	Amendment to be signed
<input type="checkbox"/> 2019-006R_Labor_Attorney.pdf	Original contract

CONTRACT AMENDMENT

CITY OF BATTLE CREEK
PURCHASING DEPARTMENT
10 N. DIVISION ST., STE 214
BATTLE CREEK, MI 49014

PAGE NO. 1
Phone: (269) 966-3390
Fax: (269) 963-9222

AMENDMENT TWO CONTRACT 2019-006R Labor Attorney

This amendment is for the purpose of renewing the contract for thirteen months, for a period from December 1, 2022, to December 31, 2023, for the following rates for as-needed off-site services, with on-site only as-needed.

\$275 per hour: Labor & Employment
\$275 per hour: Municipal
\$275 per hour: Matters for Court, Arbitration, MDCR, etc
\$275 per hour: Litigation
\$225 per hour: Associate Attorneys
\$200 per hour: Paralegals

This amendment also removes item "3.2 PRICE ADJUSTMENT: Pricing shall be established at contract inception, and valid for each of the 3 2-year terms."

All other terms and conditions of the original contract and any previous amendments remain the same. In cases of conflict, the most recent document takes precedence.

VENDOR HEREBY ACKNOWLEDGES RECEIPT AND AGREEMENT TO THE ABOVE AMENDMENT I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder, and that our firm is not debarred from doing business under the Federal Excluded Parties List System (epls.gov):

THE ABOVE REFERENCED CONTRACT
AMENDMENT IS ISSUED THIS DATE _____
AT BATTLE CREEK, MI

I, the Contractor or Contractor's legally authorized signer, further certify compliance with the City of Battle Creek Ordinance Chapter 214, Discrimination Prohibited. I further acknowledge and agree that the Contractor's violation of Chapter 214 shall be a material breach of this contract. In addition, Contractor acknowledges and agrees that it shall be liable for any costs or expenses incurred by the City in obtaining from other sources, the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract as a result of a material breach in the Contract for violations of Chapter 214.

 December 13, 2022

Signature Date

Marshall W. Grate, Attorney

Printed Name and Title

City Manager Date

Clark Hill, PLC

Company Name

212 E. Cesar Chavez Ave.

Address

Lansing **MI** **48906**

City State Zip

517-318-3020 **mgrate@clarkhill.com**

Telephone Number Email

CONTRACT AMENDMENT

CITY OF BATTLE CREEK
PURCHASING DEPARTMENT
10 N. DIVISION ST., STE 214
BATTLE CREEK, MI 49014

PAGE NO. 1
Phone: (269) 966-3390
Fax: (269) 963-9222

AMENDMENT ONE (1) CONTRACT 2019-006R Labor Attorney

This amendment is for the purpose of renewing the contract for two years, for a period from December 1, 2020, to November 30, 2022. All other terms and conditions of the original contract and any previous amendments remain the same. In cases of conflict, the most recent document takes precedence.

VENDOR HEREBY ACKNOWLEDGES RECEIPT AND AGREEMENT TO THE ABOVE AMENDMENT I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder, and that our firm is not debarred from doing business under the Federal Excluded Parties List System (efis.gov):

THE ABOVE REFERENCED CONTRACT
AMENDMENT IS ISSUED THIS DATE _____
AT BATTLE CREEK, MI

I, the Contractor or Contractor's legally authorized signer, further certify compliance with the City of Battle Creek Ordinance Chapter 214, Discrimination Prohibited. I further acknowledge and agree that the Contractor's violation of Chapter 214 shall be a material breach of this contract. In addition, Contractor acknowledges and agrees that it shall be liable for any costs or expenses incurred by the City in obtaining from other sources, the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract as result of material breach in the Contract for violations of Chapter 214.

3/10/20 10.6.2020
Signature Date
Nancy Mullett
Printed Name and Title
Clark Hill, PLC
Company Name
212 E. Cesar Chavez Av
Address
Lenexa MI 48406
City State Zip
517-318-3020 616.608.1180
Telephone Number Fax Number

Rebecca J. Teleny 11/2/20
City Manager Date

 Jill H. Steele
On 10/20/2020 2:22 PM
To: Chris L. Huff
Cc: Gabriela Vicente (amur), Michelle Crisp
Class:

I have reviewed amendment #1 to Contract #2019-006R with Clark Hill, PLC for Labor & Employment Law legal services, and I approve it for Rebecca's signature.





Berkshire Hathaway
Specialty Insurance

National Fire & Marine Insurance Company

ProfessionalFirst™

LAWYERS PROFESSIONAL LIABILITY POLICY

DECLARATIONS

NOTICE: THE COVERAGE PROVIDED UNDER THIS POLICY IS LIMITED TO ONLY THOSE CLAIMS FIRST MADE DURING THE POLICY PERIOD OR ANY APPLICABLE DISCOVERY PERIOD. THE LIMIT OF LIABILITY TO PAY JUDGMENTS OR SETTLEMENTS WILL BE REDUCED AND MAY BE EXHAUSTED BY DEFENSE COSTS, AND DEFENSE COSTS WILL BE APPLIED AGAINST THE RETENTION. THE INSURER WILL NOT BE LIABLE FOR DEFENSE COSTS OR OTHER LOSS IN EXCESS OF THE APPLICABLE LIMIT OF LIABILITY. THE INSURER DOES NOT ASSUME ANY DUTY TO DEFEND UNDER THIS POLICY. PLEASE REVIEW THE POLICY CAREFULLY.

Policy No.: 42-EPP-303929-04

Renewal of: 42-EPP-303929-03

1. **Named Insured:** Clark Hill PLC
Clark Hill LLP
Clark Hill Strasburger

Mailing Address: 500 Woodward Ave. Suite 3500
Detroit, MI 48226

2. **Insurer:** National Fire & Marine Insurance Company

3. **Predecessor Insured:** All Predecessor Firms

4. **Policy Period:** From: July 1, 2020 to July 1, 2021
12:01 a.m. local time at Mailing Address listed in Item 1, above.

5. **Limit of Liability:**

A. Per Claim Limit of Liability:	\$5,000,000* part of \$10,000,000
B. Aggregate Limit of Liability for all Claims:	\$10,000,000 part of \$20,000,000

* Round the Clock Reinstatement



Berkshire Hathaway
Specialty Insurance

6. **Retention:**
- A. \$1,000,000 Each **Claim**
 - B. \$2,000,000 Annual Aggregate
 - C. \$500,000 Maintenance

7. **Notices to Insurer:**

For **Claims** or **Potential Claims**

Claims Contact:

Anthony P. Spain, Esq.
Mendes & Mount LLP

By Email: anthony.spain@mendes.com

By Fax: (212) 261-8750

By Mail:

750 Seventh Avenue New York, NY 10019

8. **Underwriters' Representative:**

Mendes & Mount
750 Seventh Avenue
New York, NY 10019

9. **Insured's Representative:**

Willis of New York
One World Financial Center, 200 Liberty Street
New York, NY 10281

10. **Date of First Policy:**

July 1, 2017

11. **Premium:**

THESE DECLARATIONS, TOGETHER WITH THE COMPLETED AND SIGNED APPLICATION FOR THIS POLICY, THE POLICY FORM AND ANY ENDORSEMENTS ATTACHED HERETO, CONSTITUTE THE ABOVE NUMBERED INSURANCE POLICY.

Signatures:

Brian G. Snover, Secretary

Donald Wurster, President

Dated: 7/10/2019



Resolution NO. 15

A Resolution accepting the proposal of best value for labor and employment law services from Clark Hill, PLC for labor and employment law services.

BATTLE CREEK, MICHIGAN - 11/20/2018

Resolved by the Commission of the City of Battle Creek:

The proposal of best value for Labor Attorney is accepted from Clark Hill, PLC for labor and employment law services. The City Manager is authorized to execute Contract No. 2019-006R and all renewals, which will be paid from GL 101.05.2250.801.030.

I, Victoria Houser, City Clerk of the City of Battle Creek, hereby certify the above and foregoing is a true and correct copy of a Resolution adopted by the Battle Creek City Commission at a Regular meeting held on November 20, 2018.

Victoria Houser

Battle Creek City Commission
11/20/2018

Action Summary

Staff Member: Christine Huff

Department: Purchasing

SUMMARY

A Resolution accepting the proposal of best value for labor and employment law services from Clark Hill, PLC for labor and employment law services.

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

BACKGROUND

The City Attorney's office is the primary provider of legal services to the City with the exception of labor and employment law. This has been contractually handled (outsourced) since 2014 with the departure of the Employee Relations Director. The Labor and Employment Law contract is directly managed by the City Manager.

The Human Resources department performs a wide range of personnel, employment, and labor relations related functions in support of city operations. Services include recruitment, testing, and selection of qualified candidates; compliance with personnel policies; administration of compensation and benefits programs for all union and non-union employees; coordination of safety, training, and employee development programs; maintaining official employment and personnel records on all City employees; and administration of the City's workers' compensation and disability programs.

The HR Director and staff work closely with the provider of legal services for Labor and Employment law with regard to compliance, contract administration, contract negotiations, grievance investigation, and adjudication.

The management negotiating team is made up of the Labor & Employment Law services contract lead, Human Resources Director and the Revenue Services Director. The City Manager is brought in as needed.

SOLICITATION FOR SERVICES

The solicitation was issued September 19, 2018, for labor and employment law services. This contract is for two years, with two 2-year optional renewals (up to six years in total). Clark Hill PLC will provide advice and counsel, and where necessary, representation in matters involving labor and employment law and issues.

Proposals were due October 4, 2018, and we received proposals from two firms:

Clark Hill PLC
Foster Swift

Copies of the proposals were sent to the following selection committee members for tentative scoring against the evaluation criteria stated in the RFP.

Rebecca Fleury, City Manager
Jill Steele, City Attorney
Ted Dearing, Assistant City Manager for Community and Economic Development

Greg Bond, Human Resources Director, was not able to serve on the selection committee because he was scheduled to be out of town.

Committee members met on October 18, 2018, and discussed the two proposals.

After discussion, the committee members came up with consensus scores out of 100, as follows:


Clark Hill 95
Foster Swift 80

While both firms were qualified, Clark Hill stood out in terms of experience with municipalities and union issues/negotiation. In addition, Clark Hill's fees were lower and they did not bill for such things as daily commute.

The committee agreed that interviews were not necessary, and I agreed that interviews would not change the standing of the two proposers. The Committee agreed that award to Clark Hill, PLC would be in the best interest of the City of Battle Creek.

POSITIONS

ATTACHMENTS:

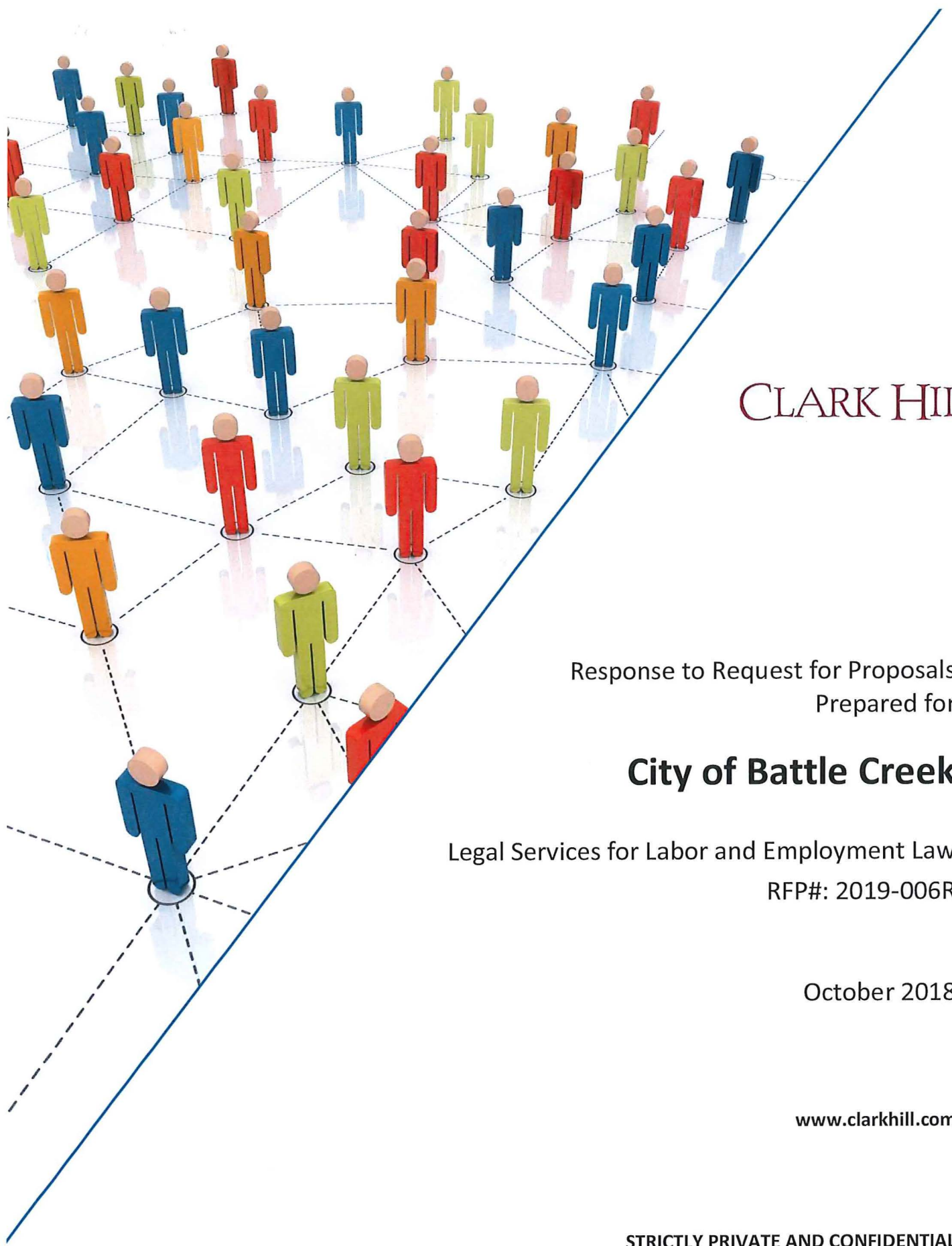
File Name	Description
 Fleury_memo.pdf	Fleury memo

DOCUMENTS INCORPORATED INTO CONTRACT #2019-006R
LABOR ATTORNEY
Clark Hill PLC

City Manager's signing of the Offer and Acceptance page constitutes the City's acceptance to all of the following documents, which form the contract as explained in the RFP listed below. The most recent document takes precedence in cases where conflicts arise.

Please leave all documents in the order listed below

- Proposal submitted on October 4, 2018
- Request for Proposal #2019-006R Addendum 1
- Request for Proposal #2019-006R



CLARK HILL

Response to Request for Proposals
Prepared for

City of Battle Creek

Legal Services for Labor and Employment Law
RFP#: 2019-006R

October 2018

www.clarkhill.com

STRICTLY PRIVATE AND CONFIDENTIAL

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EXECUTIVE SUMMARY

Clark Hill appreciates the opportunity to submit our qualifications to the City of Battle Creek (the City) to provide legal services in the area of labor and employment law. We have represented the City on a broad range of labor and employment matters for a number of years, and we are well positioned to continue and further expand this successful relationship.

Why Clark Hill?

Our sophisticated Labor and Employment attorneys have decades of experience working at the forefront of emerging legal issues. Furthermore, we regularly counsel public employers throughout Michigan and have an in-depth understanding of all legal matters faced by municipalities. Coupling this extensive experience with our historical knowledge of the City, we offer the comprehensive and seamless capabilities needed to achieve your goals.

Familiarity With the City

Over the past four years, we have served as labor and employment counsel to the City. In fact, our lead attorney, Nancy L. Mullett, currently maintains 24-hours of weekly on-site counsel for the City, addressing general labor and employment issues. Nancy was also involved in the negotiation of all nine of the City's collective bargaining agreements. Additionally, prior to the City employing a full-time HR Director, Kristin Baker—a member of our HR-subsidiary HR/Advantage Advisory and a certified HR professional—provided the City with outsourced human resource, risk management, and compliance services. Through this representation, our team has a keen insight into the HR-related challenges and responsibilities faced by the City and your employees.

Our team has strong and trusted relationships with key leadership at the City, providing us with a deep understanding of the history and legacy of the City and a solid foundation for helping you succeed in the future. As such, our attorneys are intimately familiar with the concerns, culture, and sensitivities of the City's work environment. This perspective enables us to effectively evaluate the issues that affect the City and develop efficient strategies to resolve those issues. Our counsel goes beyond simple legal representation. We address not only the regulatory and reputational risks facing the City in a given matter, but also the remedial measures that may be necessary to avoid the recurrence of root issues.

Depth and Breadth of Labor and Employment Capabilities

Our Labor and Employment practice includes more than 70 lawyers who represent public and private employers, senior executives, and managers in all aspects of labor and employment law. We provide clients with practical solutions that maximize the employer-employee relationship and minimize the financial, operational, and regulatory risks associated with labor and employment disputes. We help employers anticipate and avoid potential problems whenever possible and reasonable; however, when litigation provides the better path to resolution, we are forceful advocates for our clients.

Our attorneys have vast experience representing public employers in labor negotiations, Labor Board matters, grievance and interest arbitrations, all aspects of civil service employment, promotion, and discipline as well as on state and federal employment discrimination statutes, the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Family and Medical Leave Act (FMLA), and related Michigan laws, including the Elliot-Larsen Civil Rights Act.

Extensive Experience Representing Michigan Municipalities

In addition to our relationship with the City, our attorneys—particularly those within our Labor and Employment practice—have extensive experience representing municipalities and their respective authorities. We have served hundreds of municipal clients as general counsel, special counsel, or bond counsel. We team with municipalities to fully inform the governing council, municipal officers, and other governmental bodies of legally available options, of legal impacts and consequences, of risk assessments, etc. Our attorneys offer not only the experience and knowledge gained over decades of public sector law practice, but also the significant resources of the firm's full-service capabilities. Those services include a national presence, cutting-edge practice technology, and an array of other resources. We understand municipal law is about community improvement, about service to the community's residents and taxpayers, and about cost-effective and timely results.

Conclusion

We have a thorough understanding of the legal and regulatory concerns facing the City in the labor and employment area and will leverage our industry experience to employ best-practice strategies to continue to efficiently and effectively address, resolve, and mitigate these issues.

FIRM EXPERIENCE AND PERSONNEL QUALIFICATIONS

Questionnaire

(1) Firm legal name

Clark Hill PLC

(2) Office location that will service account

Grand Rapids, Michigan

(3) Other locations, if any

Other Michigan Locations:

Birmingham | Detroit | Lansing

Other US Locations:

Austin, TX | Beaumont, TX | Chicago, IL | Collin County, TX | Dallas, TX | Houston, TX | Las Vegas, NV | Los Angeles, CA | Morgantown, WV | New York, NY | Philadelphia, PA | Phoenix, AZ | Pittsburgh, PA | Princeton, NJ | San Antonio, TX | San Diego, CA | San Francisco, CA | Washington, DC | Wilmington, DE

International Locations:

Dublin, Ireland | Mexico City, Mexico

(4) Year firm established

Clark Hill has a rich history dating back to 1890, when our firm was founded in Detroit.

(5) Years in business located in Michigan

More than 120 years.

(6) Type of Organization (e.g., Individual, Partnership, Corporation, Joint Venture, Other)

Clark Hill is a limited liability corporation.

(7) How many years has your company been providing labor and employment legal services?

Provide historical narrative.

Clark Hill has been providing labor and employment legal services for decades. Attorneys currently in our practice have more than 45 years of experience and our team lead, Nancy Mullett, has been representing clients in the full spectrum of labor and employment matters for 28 years.

(8) Describe your firm's philosophy relative to public sector labor negotiations.

The cornerstone of successful labor negotiations and good labor relationships stresses and continually strives for employer-employee cooperation, open and effective communication, understanding of

shared goals, joint problem solving based on mutual respect, and positive leadership and direction. The result of such an environment will produce a cohesive, productive workforce.

(9) How many municipalities does your firm currently represent in the areas of labor and employment law? Explain the types and breadth of services provided.

Our attorneys have extensive experience and over the recent past several years have represented numerous municipalities, including:

- City of Otsego
- City of Portland
- City of Greenville
- Village of Sparta
- Village of Mackinaw City
- City of South Haven
- Village of Cassopolis
- Village of Eastlake
- Village of Martin
- Campbell Township

We have counseled public sector clients, including cities, counties, municipalities, state-supported universities, school districts, transit authorities, water and sewer authorities, regional police departments, and individual officials of these entities who have from time to time been sued in their official and/or individual capacities.

Traditional Labor

We advise employers of all sizes and across virtually all industries in connection with union representation campaigns, collective bargaining negotiations, administering collective bargaining agreements, strikes and lockouts preparations, labor arbitrations, and both Michigan Employment Relations Commission (MERC) and National Labor Relations Board (NLRB) proceedings.

We regularly represents clients during collective bargaining negotiations. We meet with the client to identify and design proposals that meet their business objectives and assist in analyzing union proposals. In our role as chief negotiator, we have avoided strikes and successfully negotiated contracts that both met our clients' objectives and provided harmony in the workplace. We also advise clients on the administration of collective bargaining agreements and the drafting of contract language to avoid unnecessary grievances. In the event a grievance is filed, we have extensive experience in contract interpretation and discipline arbitrations. As a firm, we have appeared in hundreds of labor arbitrations on behalf of management.

Employment Counseling and Training

We counsel clients on the full spectrum of workplace and employment-related issues, from day-to-day employee management and discipline, to the development, implementation, communication, and enforcement of employment policies, contracts, and agreements. We also provide counsel on the full range of federal and state regulations that affect the employment relationship, including equal employment and affirmative action, occupational health and safety, wage and hour compliance, and HIPAA and other data privacy requirements.

We conduct a variety of comprehensive training programs, webinars, and seminars designed to bring clients up to date with changes in employment and labor laws. Our training programs are designed to provide human resources and management-level employees with a practical understanding of the law so that they can recognize potential problems and address them swiftly, effectively, and appropriately. Our training goes hand-in-hand with our counseling efforts that focus on preventing problems before they arise. Our training sessions are specifically tailored to each client's objectives and use innovative techniques to hold the audience's attention.

Our goal is to not only provide our clients with counseling that can effectively resolve the issue at hand, but also to provide our clients with knowledge so they become more effective at spotting issues and properly addressing them before they develop into disputes. Our overall goal when counseling clients is to help them avoid arbitration and litigation by providing workable solutions that foster a productive and harmonious work environment.

Employment Disputes

Our attorneys represent employers in employment claims before federal and state district, appellate, and supreme courts, as well as administrative agencies such as the US Equal Employment Opportunity Commission (EEOC), Office of Federal Contract Compliance Programs (OFCCP), Occupational Safety and Health Administration (OSHA), and Department of Labor (DOL), and their state counterparts. In addition to our services to corporate employers, we have a well-established team providing legal defense to federal, state, and local law enforcement officers across the country.

Our skilled litigators and trial attorneys handle a wide variety of employment-related claims and litigation, including multi-plaintiff, multi-jurisdictional and class action matters. Our litigation experience includes defending employers in the following areas:

- Civil rights, discrimination, and other federal and state statutory claims, including claims brought pursuant to Title VII, ADEA, ADA, and FMLA alleging allegations of employment discrimination/harassment because of age, race, sex, religion, disability, national origin, height, weight, marital/familial status, veterans' status, and family and medical leave
- Employment torts, including whistleblower, retaliation, free speech, invasion of privacy, and negligent hiring, retention, and supervision
- Wrongful discharge and other types of employment-related claims, including class actions, resulting from downsizing or other personnel actions
- Federal and state court lawsuits based on public policy, contract, covenant of good faith and fair dealing, infliction of emotional distress, fraud, and defamation
- Noncompetition, nondisclosure, and trade secret claims
- Wage and hour disputes
- ERISA claims
- FLSA, including collective actions
- Protection of proprietary information
- Workplace violence

(10) Provide a list of public sector client references (minimum of five). Include name, address, phone number, contact person. Briefly describe scope of services for each.

Similar to our services to the City, we provide various labor and employment services to the following:

Client Contacts	Client Contacts
Mr. Brian Dissette City Manager City of South Haven 539 Phoenix Street South Haven, MI 49090 269.637.0700	Ms. Katherine Ambrose District Court Administrator Calhoun County 161 E. Michigan Avenue Battle Creek, MI 49014 269.969.6666
Ms. Sheila Dorsey Assistant Superintendent, Human Resources Kalamazoo Public Schools 1220 Howard Street Kalamazoo, MI 49008 269.3370100	Ms. Emilie Sarratore Village Manger Village of Cassopolis 117 S. Broadway Street, Suite 100 Cassopolis, MI 49031 269.445.8648
Natalie Thompson Chief of Police City of South Haven 90 Blue Star highway, #1 South Haven MI 49090 269.637.5151	Mr. Andrew Jensen Board Chair Sparta Area Schools 465 S. Union Street Sparta, MI 49345 616.887.1741

(11) Provide a list of the most recent three public sector clients that have ceased using your firm's labor and employment legal services, and the reason, if known.

We are not aware of any client who has terminated its relationship with any of the individuals who are or would be on the team for the City. Past clients who are not doing business with us are 'past' because they do not need our services at a particular time, not because they were dissatisfied with our representation of them.

(12) Total personnel of firm, specify professional and support staff

We have more than 600 attorneys and 600 support personnel located throughout our 25 offices in the United States, Mexico, and Ireland.

(13) Provide experience and qualifications of lead attorney and all other personnel to be assigned to the City. Include previous work experience involving similarly sized municipal governments. Include name; position title; total years' experience with current firm and any other; year of admittance to the State Bar of Michigan; education; and summary of pertinent experience and qualifications and other information that would assist the City in determining

the qualifications of the individuals and their ability to complete the services required. In response to this question, you may attach firm biographies and/or curriculum vitae.

Lead Attorney



Nancy L. Mullett | Senior Counsel | 616.608.1147 | nmullett@clarkhill.com

Nancy helps public and private employers navigate state and federal law on a variety of matters. As Senior Counsel in Clark Hill's Grand Rapids office, she practices in our Education and Municipal Law practice and has extensive experience with labor negotiations, employee misconduct, discrimination/harassment complaints, best practices in human resources, and wage and hour laws.

Nancy has been with Clark Hill for one year, though she previously was with the firm from 2008–2012. Prior to joining Clark Hill, Nancy served as a shareholder at Kreis Enderle Hudgin & Borsos, PLC and as the Corporation Counsel for Calhoun County, where she focused on all aspects of municipal law and acted as the chief negotiator for the County's collective bargaining units. In addition, Nancy worked as an assistant prosecutor for Calhoun County and as a special assistant attorney general for the Michigan Attorney General's Office.

Nancy is actively involved and committed to her community. She serves on the board of several foundations and nonprofit agencies and volunteers regularly at various school and community functions.

Education

- LL.M., Western Michigan University Cooley Law School, Lansing, Michigan
- J.D., Thomas M. Cooley Law School, Lansing, Michigan
- B.A., Central Michigan University, Mount Pleasant, Michigan, Education

Bar Admission

- Michigan (1990)
- U.S. District Ct., E.D. of Michigan
- U.S. District Ct., W.D. of Michigan

Other Team Members

Nancy will serve as the lead attorney for the City; however, she will mentor and engage other attorneys in our representation, ensuring multiple attorneys understand your HR function, objectives, and the risks and challenges you face. We commit that our team will be available when needed both inside and outside normal working hours. The team will include Marshall W. Grate and Kara T. Rozin.



Marshall W. Grate | Senior Attorney | 616.608.1103 | mgrate@clarkhill.com

Marshall focuses his practice in public school law, labor and employment law, municipal corporations, and private sector employers. Marshall has broad experience in all labor and employment matters, and focuses on school code compliance, Family

Educational Rights and Privacy Act (FERPA), constitutional legal issues that affect public schools, personnel administration, wage and hour issues, employment discrimination (EEOC), teacher tenure cases, FMLA, unfair labor practices, collective bargaining, mediation, fact-finding, and labor arbitration. Marshall has successfully defended clients in both bench and jury trials and administrative proceedings.

Marshall has been with the firm for more than 12 years.

While in law school, he was the Associate Editor to the *Indiana Law Review*. Marshall has published several articles, including, "COBRA'S Requirements for Group Health Plans, Do They Apply in a Strike" and "Binding Arbitrations of Statutory Employment Discrimination Claims". He currently serves as editor of Clark Hill's educational newsletter. He has also had numerous speaking engagements for labor, employment, and school law issues, including the Michigan Negotiators Association, Michigan Association of School Board Attorneys, and the Michigan Association of School Law Attorneys.

Education

- LL.M., Western Michigan University Cooley Law School, Lansing, Michigan
- J.D., Thomas M. Cooley Law School, Lansing, Michigan
- B.A., Central Michigan University, Mount Pleasant, Michigan, Education

Bar and Court Admissions

- Michigan (1985)
- Indiana
- U.S. Court of Appeals, 6th Circuit
- U.S. Court of Appeals, 7th Circuit
- U.S. Supreme Court



Kara T. Rozin | Member | 616.608.1110 | krozin@clarkhill.com

Kara defends school districts and employers in claims alleging employment discrimination, retaliation, wrongful termination, violation of constitutional or civil rights, sexual harassment, intentional torts, and other related matters. She also serves to protect the interests of school districts and private employers during quasi-judicial proceedings such as investigations by the Department of Education, Office of Civil Rights, EEOC, and the Michigan Department of Civil Rights. These investigations include complaints alleging violations of the ADA, FMLA, Title VII, Title IX, ADEA, and the Elliot-Larsen Civil Rights Act.

In addition, Kara frequently delivers compliance training programs on complex topics such as Title IX, Title VII, FMLA, ADA, Restorative Justice, Seclusion and Restraint, Transgender, and Employer Investigations. She also provides educational seminars to employers and employees across the state of Michigan.

Kara has been with the firm for two years.

Education

- J.D., Thomas M. Cooley Law School, Lansing, Michigan
- B.S., Purdue University-Main Campus, West Lafayette, Indiana

Bar Admissions

- Michigan (2008)

(14) Provide a description of the service, special qualifications and experience that you would bring to the City, if selected.

As noted in our Executive Summary, we bring to bear a thorough understanding of the City's labor and employment issues, key personnel, and bargaining units. We have provided effective counsel to the City for a number of years and will leverage our sophisticated labor and employment capabilities and extensive municipal law experience to provide comprehensive, targeted, and cost-effective counsel to the City.

(15) Provide a summary of your firm's municipal experience and qualifications in the following areas: Labor Negotiations; Public Act 312 Arbitration and Mediation/Fact Finding; and Unfair Labor Practice Charges**Labor Negotiations**

Nancy Mullett has served as the chief negotiator and spokesperson for numerous collective bargaining negotiations in both the public and private sector since 2004. Most recent negotiations include Fruitport Community Schools Education Association teacher contract on behalf of Fruitport Schools; U.S. Steel Workers on behalf of Vail Rubber Works, Inc.; and Organization of Supervisory Personnel on behalf of the City of Battle Creek.

Public Act 312 Arbitration and Mediation/Fact Finding

Nancy Mullett has participated in labor arbitrations including 312 arbitrations, mediation, and fact finding since 2004. In the past year, arbitrations were on behalf of the City of South Haven Police Department, and Village of Cassopolis, Department of Public Works. Mediation in the past year were on behalf of the City of Battle Creek and City of South Haven.

Unfair Labor Practice Charges

Unfair labor practice charges are rare if the labor relationships between the union and management are cooperative and positive. In the past, Nancy Mullett has defended the City of Battle Creek and Kalamazoo Public Schools against charges of unfair labor practices.

(16) Based on your prior experience, what type of professional consulting services would you anticipate using that would need to be subcontracted, if any? Describe how the relationship between any subcontractors and the City would work.

As we have been handling the full scope of the City's labor and employment needs, we do not anticipate utilizing any subcontractors for this engagement. We are, however, committed to fostering engagements with diverse-owned businesses and will look for opportunities where partnering with diverse-owned businesses will enhance our service offering to the City.

(17) Are all attorneys in your firm members of the State Bar of Michigan?

Yes, all members of our proposed team are members of the State Bar of Michigan.

(18) Are all attorneys in good standing with the State Bar of Michigan? If not, please explain.

Yes, all members of our proposed team are in good standing with the State Bar of Michigan.

(19) Do you have a standard contract form that you use? If so, please include a copy.

Please see Appendix B for the firm's standard terms of engagement.

(20) What are your billing procedures?

Unlike most law firms, we do not charge clients for telephone toll charges, faxes, postage, computerized legal research services, routine photocopy projects, or e-alerts. Moreover, we do not charge our public sector clients for travel time. However, clients are responsible for the reimbursement of all other costs and expenses advanced on their behalf, including but not limited to deposition and transcript costs; witness fees; travel expenses; charges of outside experts and consultants; and other legal counsel fees. Whenever such costs are incurred, they are clearly itemized on our invoices and charged at our cost.

We will keep accurate records of the time we devote to City work, including conferences (both in person and over the telephone), negotiations, factual and legal research and analysis, document preparation and revision, and other related matters. We record our time in tenths of an hour.

(21) Has the firm been a party to any litigation during the past five years? If so, please provide an explanation, including the outcome of any such litigation.

From time to time, the firm has been subject to claims of professional negligence. All such claims have been dismissed or covered by insurance.

(22) Provide statement that your firm is not an Iran linked business as defined in PA 517 of 2012.

We are not an Iran-linked business as defined by PA 517 of 2012.

Pricing

Provide a complete Cost Proposal including hourly rates for all personnel. Clearly define all other relative direct and indirect costs and hourly minimums. Add additional positions, if necessary

Cost proposal shall be firm for the following periods, through all renewals:

Position	Hourly rate for period 12-1-18 to 11-30-20	Hourly rate for period 12-1-20 to 11-30-22	Hourly rate for period 12-1-22 to 11-30-24
Principal/Lead Attorney	\$190.00 for general on-site labor and employment legal services. \$275.00 for litigation.	\$200.00 for general on-site labor and employment legal services. \$275.00 for litigation.	\$210.00 for general on-site labor and employment legal services. \$275.00 for litigation.
Associate Attorneys	\$190.00	\$190.00	\$190.00
Paralegals	\$150.00	\$150.00	\$150.00
Law Clerks	N/A	N/A	N/A
Expert Witnesses	Market rate	Market rate	Market rate
Arbitration (to include attorney rates)	\$275.00	\$275.00	\$275.00

Identify how travel time is handled and invoiced, if applicable. Not applicable, as Clark Hill will not bill for travel time.

Expenses, where applicable, shall be billed no higher than Federal rates and billed at cost, without markup.

Offer and Acceptance Form

Please see Appendix B for our completed and signed Offer and Acceptance Form.

Exceptions to RFP

We do not request any exceptions to the RFP or its requirements.

Disadvantaged Business Form

Please see Appendix C for our completed Disadvantaged Business (DBE) form.

WORK PLAN

Understanding of Engagement and Approach to Services

Through our current representation of the City on all labor and employment legal matters, we have a strong understanding of what is needed to successfully address and resolve all of the City's labor and employment issues. Over the past four years, we have established a strong working relationship with the City and City employees and we will employ these strategies in our ongoing representation.

Nancy Mullett will continue to work directly and attentively with the City to ensure productive and successful results. In all cases, Nancy will have direct, hands-on involvement in all key aspects of the engagement and will supervise other attorneys as appropriate for their level of skill and experience. A member of our Labor and Employment Group will be available to assist the City at all times, including evenings and weekends.

Our team consists of attorneys who devote a significant portion of their practice to public sector labor and employment law, and are backed by a deep bench of attorneys across our national Labor and Employment practice. These attorneys represent a range of Michigan public employers on critical issues such as collective bargaining, interest and grievance arbitration, contract interpretation, unfair labor practice charges, bargaining unit certification proceedings, pension matters, civil service issues, veterans' preference, implementation of collective bargaining agreements, and every other labor and employment issue that the City may face.

Approach to Client Service

Our approach to serving as counsel is to act as a strategic partner and trusted advisor to our clients. Our team develops a thorough understanding of our clients' objectives and unique risks and challenges. We use that understanding proactively to aid clients in identifying, avoiding, and solving problems in keeping with the strategy, objectives, risk tolerances, cost concerns, and other factors of importance to the client.

We partner with our clients to ensure that all needs are understood and met through regular meetings, ongoing open communication, and unfettered access to our team of attorneys and other professionals. We tailor our communication strategies for the different needs of each client and matter. In order to serve our clients most effectively and efficiently, we ensure each client is aware of a clear communication strategy before we commence work. In providing counsel, we look at the situation from our client's perspective and work to develop appropriate solutions. We respect and value the judgment, professional expertise, and experience of the client. Our ultimate goal is to assist the client in making considered decisions with an understanding of the risks associated with such decisions. We do not attempt to create problems where none exist, and we recognize and believe that "reinventing the wheel" is neither a time- nor cost-effective exercise. Our lawyers work with clients from the outset to determine goals, concerns, and preferences. We work with the client to evaluate each matter and consider the critical factors that may affect our approach.

Based on these discussions, we develop a plan for each matter. Early evaluation of each matter enables us to propose appropriate staffing and management responsibilities. As the matters progress, our lawyers and our clients use the plan as a barometer to measure progress, plan future action, and weigh the most appropriate and cost-effective solution.

On-Site Office Hours and Days

If engaged, we would continue to maintain on-site hours Monday, Wednesday, and Friday from 8 a.m. to 5 p.m.

APPENDIX A: SAMPLE CONTRACT

STANDARD TERMS OF ENGAGEMENT FOR LEGAL SERVICES

This statement provides the standard terms of our engagement as your lawyers. Unless modified in writing by mutual agreement, these terms will be an integral part of our agreement with you. Therefore, we ask that you review this statement carefully and contact us promptly if you have any questions.

GENERAL RIGHTS AND RESPONSIBILITIES OF CLIENTS OF THE FIRM

A client of the firm has the right to: (A) expect competent representation by the firm; (B) determine the purposes to be served by the legal representation, so long as those purposes are legal and do not violate the firm's obligation to the profession or to the judiciary; (C) be kept reasonably informed about the status of the matter and have the firm respond promptly to reasonable requests for information; and (D) terminate the representation at any time, with or without cause, subject to the obligation for payment of legal services provided and costs incurred by the firm.

A client of the firm has the responsibility to: (A) obey all orders issued by a court or other tribunal concerning your matter; (B) be candid and truthful with the firm and the court or other tribunal; and (C) pay the firm as provided by this agreement and any other agreements regarding payment for legal services and expenses. A client may not: (A) demand that the firm use offensive tactics or treat anyone involved in the legal process with anything but courtesy and consideration; (B) demand any assistance which violates the Rules of Professional Conduct; or (C) pursue or insist upon a course of action which the firm reasonably believes to be illegal, fraudulent, offensive or unwise. The firm may terminate this agreement for reasons permitted under the Rules of Professional Conduct.

OBLIGATIONS OF A LAWYER

All lawyers are required to observe and uphold the law, including applicable court rules; and are governed by Rules of Professional Conduct that pertain to our relationship with a client, with third persons, other professionals and the courts. All of these laws and rules apply to our representation of you, and we welcome your inquiry about them.

WHOM WE REPRESENT

The person or entity whom we represent is the person or entity identified in our engagement letter and does not include any affiliates or related parties of such person or entity, such as parent companies, subsidiaries, sibling entities, and/or other affiliates; or employees, officers, directors, shareholders of a corporation, partners of a partnership, members of an association or limited liability company, and/or other constituents of a named client unless our engagement letter expressly provides otherwise.

THE SCOPE OF OUR WORK

You should have a clear understanding of the legal services we will provide. Any questions that you have should be dealt with promptly.

We will at all times act on your behalf to the best of our ability. Any expressions on our part concerning the outcome of your legal matters are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed. Your obligation to pay our fees as provided in this letter is not in any way contingent upon a result or results in the matter.

Our attorney-client relationship will be considered ended upon the earliest of (a) our completion of services in the matter(s) for which you have engaged us, (b) notification by you to us that you desire to terminate such services, or (c) notification by the firm of termination of our attorney-client relationship.

WHO WILL PROVIDE THE LEGAL SERVICES

Customarily, each client of the firm is served by a principal attorney contact. The principal attorney should be someone in whom you have confidence and with whom you enjoy working. You are free to request a change of principal attorney at any time. Subject to the supervisory role of the principal attorney, your work or parts of it may be performed by other lawyers and paralegals in the firm. Such delegation may be for the purpose of involving lawyers or paralegals with special expertise in a given area or for the purpose of providing services on an efficient and timely basis.

PRESERVATION OF EVIDENCE AND COMMUNICATION PROTOCOL IN LITIGATED MATTERS

All evidence of any nature that is arguably relevant to this matter, including but not limited to documents (whether hard copy or electronic) and other physical evidence, must be preserved. Moreover, scheduled routine destruction of any stored records (whether hard copy or electronic) must be suspended immediately until after this matter is concluded. Failure to do so may result in sanctions by a court or tribunal.

In order to preserve the attorney-client privilege that attaches to our communications, it is important that all future oral communications about this matter occur only in the presence of a Clark Hill attorney. Further, all written communications about the matter should be directed to a Clark Hill attorney. You recognize that, while convenient and sometimes necessary, communications transmitted by internet, mobile and other electronic means may not be entirely secure. Therefore, in communicating by such means you accept the risks that such communications may not be protected by the attorney-client privilege, and we agree that no party will be liable for any loss, damage, expense, harm or inconvenience resulting from the loss, delay, interception, corruption, or alteration of any such communications due to any reason beyond that party's reasonable control.

HOW FEES WILL BE SET

Unless our engagement letter provides otherwise, our fees will be charged on an hourly basis, *i.e.*, time expended multiplied by the hourly rates of our lawyers and other professionals. Among the factors we consider in determining the staffing of the matter and the fees charged are:

- The novelty and complexity of the issues presented, and the skill required to perform the legal services;
- The fees customarily charged in the community for similar services and the value of the services to you;
- The amount of money or value of property involved;
- The time constraints imposed by you as our client and other circumstances, such as an emergency closing, the need for injunctive relief from court, or substantial disruption of other office business;
- The experience, reputation and expertise of the lawyers performing the services.

We will keep accurate records of the time we devote to your work, including conferences (both in person and over the telephone), negotiations, factual and legal research and analysis, document preparation and revision, travel on your behalf, and other related matters. We record our time in tenths of an hour.

The hourly rates of our lawyers and other professionals are adjusted periodically to reflect current levels of legal experience, changes in overhead costs and other factors.

We are often requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter. Whenever possible we will respond to your request by furnishing an estimate based upon our professional judgment, but always with a clear understanding that it is not a maximum or fixed fee quotation. The ultimate cost frequently is more or less than the amount estimated.

RETAINER AND TRUST DEPOSITS

Clients of the firm are commonly asked to deposit a retainer with the firm. Unless otherwise agreed, the retainer deposit will be credited toward your unpaid invoices, if any, at the conclusion of services. While the retainer is on deposit, you grant us a security interest in such funds. At the conclusion of our legal representation or at such time as the deposit is unnecessary or is appropriately reduced, the remaining balance or an appropriate part of it will be returned to you.

Deposits which are received to cover specific items will be disbursed as provided in our agreement with you, and you will be notified from time to time of the amounts applied or withdrawn. Any amount remaining after disbursement will be returned to you.

All trust deposits we receive from you will be placed in a trust account for your benefit. Your deposit will be placed in a pooled account unless you request a segregated account. By law, interest earned on the pooled account is payable to a charitable foundation. Interest earned on a segregated trust account will be added to the deposit for your benefit and will be includable in your taxable income.

EXPENSES

We frequently incur and/or pay on behalf of our clients a variety of expenses arising in connection with legal services. These expenses include charges made by courts, other government agencies, and service vendors. You authorize us to incur such charges on your behalf, and agree to reimburse the firm to the extent we pay these charges on your behalf. You also authorize us to incur on your behalf expenses incidental to the representation, including but not limited to deposition and transcript costs; witness fees; travel expenses; charges of outside experts and consultants; and other legal counsel fees. You agree that you will be solely responsible for such expenses and that the firm will not be responsible for such expenses. We will usually advance expenses up to \$100, and require that our clients directly pay, or deposit with us funds to pay, expenses exceeding \$100.

The firm does not charge for internal costs of routine copying, telephone, third party charges for research, faxes, secretarial overtime, mailing, and the like. However, the firm does charge for extraordinary expenses of this type, and we will bill you for them at our cost.

FILES AND OTHER MATERIALS

Files generated in the matter will be retained by the firm as required by law, and thereafter may be retained or destroyed, at our discretion. To the extent we retain them, we will provide you reasonable access to matter files in accordance with applicable law, excluding firm files (firm administrative records, time and expense reports, personnel and staffing materials, accounting records, and internal lawyers' work product, *e.g.*, drafts, notes, internal memoranda, legal research, and factual research). Matter files to which you are given access may be reproduced at your request and at your expense. We reserve the right to make and retain copies of all documents generated or received by us in connection with the matter. After our engagement in this matter ends, upon your request and at your expense we will return any property you have entrusted to us, unless there is a balance on your account. If there is a balance on your account, the firm will assert a retaining lien on such property to the extent allowed by law. If you have not requested return of such property within a reasonable time after our engagement in the matter ends, we may retain or destroy such property at our discretion.

TERMINATION

You may terminate our representation at any time, with or without cause, by notifying us. Your termination of our services will not affect your responsibility for payment of legal services rendered and out-of-pocket costs and internal charges incurred before termination and in connection with an orderly transition of the matter.

The Rules of Professional Conduct list several types of conduct or circumstances that require or allow us to withdraw from representing a client, including, for example: persistence in a course of conduct which we reasonably believe to be criminal or fraudulent, insistence upon pursuing an objective which we consider to be repugnant or imprudent, failure of a substantial nature to fulfill an obligation after reasonable warning that it will result in our withdrawal, or other good cause.

BILLING ARRANGEMENTS AND TERMS OF PAYMENT

Our invoices will report the hours and rates for attorneys and other professionals on the matter, and describe the work performed. Unless otherwise provided in our engagement letter, we will provide you with a bill on a monthly basis. Payment is due on receipt. Any balance unpaid after 30 days of the date of the invoice shall accrue interest at the rate of seven percent (7%) per annum. Payments shall be applied first to costs and expenses, then to accrued interest, if any, and then to the unpaid fees.

We will give you notice if your account becomes delinquent, and you agree to bring the account or the retainer deposit current. If the delinquency continues and you do not arrange satisfactory payment terms, we may withdraw from the representation and pursue collection of your account. We may also request permission of any court in which we have filed an appearance on your behalf to allow us to withdraw as your counsel, and you agree that non-payment of our fees is a valid basis for our request to so withdraw. To the extent collection of your account becomes necessary, you agree that, in addition to any unpaid balance and interest thereon, we will be entitled to recover all costs and expenses of collection, including reasonable attorney fees.

APPENDIX B: OFFER AND ACCEPTANCE FORM

8.0 - OFFER AND ACCEPTANCE FORM

TO THE CITY OF BATTLE CREEK: We propose to furnish all labor, materials, equipment, tools, transportation and services required to complete the work in accordance with the specifications and conditions contained herein in consideration of the sum or sums stated below and agree that this document will constitute the contract if accepted by the City.

We hereby offer and agree to provide service in compliance with all terms, conditions, specifications, and amendments in the Request for Proposals and any written exceptions in the offer. We understand that the items in this Request for Proposals, including, but not limited to, all required certificates are fully incorporated herein as a material and necessary part of the contract.

We acknowledge receipt of the following addendum(s): _____.

I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder, and that our firm is not debarred from doing business under the Federal Excluded Parties List System (epls.gov).

I, the Contractor or Contractor's legally authorized signer, further certify compliance with the City of Battle Creek Ordinance Chapter 214, Discrimination Prohibited. I further acknowledge and agree that the Contractor's violation of Chapter 214 shall be a material breach of this contract. In addition, Contractor acknowledges and agrees that it shall be liable for any costs or expenses incurred by the City in obtaining from other sources, the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract as a result of a material breach in the Contract for violations of Chapter 214.

Clark Hill PLC
Company Name

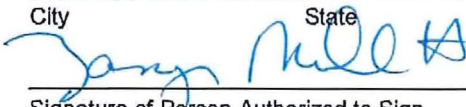
For clarification of this offer, contact:

200 Ottawa NW, Suite 500
Address

Name: Nancy L. Mullett

Grand Rapids, MI 49503
City State Zip

Phone: 616.608.1147


Signature of Person Authorized to Sign

Fax: 616.608.1180

Nancy L. Mullett
Printed Name

Email: nmullett@clarkhill.com

Senior Counsel
Title

**APPROVED by resolution #15
dated 11/20/18**

ACCEPTANCE OF OFFER:

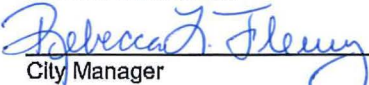
The Offer is hereby accepted.

Contact Term: 12-1-18 to 11-30-20

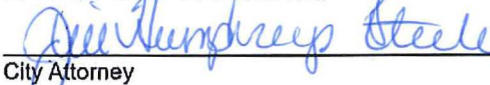
The Contractor is now bound to provide services listed by the attached contract and based upon the Request for Proposal, including all terms, conditions, specification, amendments, etc. and the Contractor's Offer as accepted by the City.

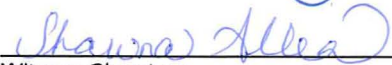
This contract shall henceforth be referred to as Contract No. 2019-006R. The Contractor has been cautioned not to commence any billable work or to provide any material or service under this contract until Contractor receives purchase order and/or a notice to proceed from the City of Battle Creek Purchasing Agent.

COUNTERSIGNED:

 11/30/18
City Manager Date

APPROVED AS TO FORM BY:


City Attorney


Witness Signature

11/29/18
Date



APPENDIX C: DISADVANTAGED BUSINESS FORM

ATTACHMENT A - DISADVANTAGED BUSINESS (DBE) FORM

I. YOUR FIRM'S BACKGROUND:

Is your firm an MBE (at least 51% minority ownership)? ☐ YES ☒ NO

Is your firm a WBE (at least 51% woman ownership)? ☐ YES ☒ NO

Are you subcontracting any part of this project? ☐ YES ☒ NO

II. SUBCONTRACTING INFORMATION: If subcontracting any part of the project, the bidder/contractor expressly agrees that:

- (1) If awarded a contract as a result of this bid, the major subcontractors used in the prosecution of the work will be those listed below, and
- (2) The following list includes all subcontractors who will perform work representing approximately five percent (5%) or more of the Total Base Bid.
- (3) The Bidder represents that the subcontractors listed below are financially responsible and are qualified to do the work required.

SUBCONTRACTOR NAME	City/State	Trade or Commodity	MBE	WBE	Approximate dollar value
N/A					
			Y / N	Y / N	\$ _____
			Y / N	Y / N	\$ _____
			Y / N	Y / N	\$ _____
			Y / N	Y / N	\$ _____
			Y / N	Y / N	\$ _____
			Y / N	Y / N	\$ _____
			Y / N	Y / N	\$ _____

III. DBE RECRUITMENT ACTIVITY LOG: List the MBE's and WBE's that were approached about being a subcontractor for this job, but who are NOT listed above as a subcontractor.

NAME OF FIRM APPROACHED, BUT NOT USED ON THIS PROJECT	City/State	Trade or Commodity	MBE	WBE	Reason not used on this project
N/A					
			Y / N	Y / N	_____
			Y / N	Y / N	_____
			Y / N	Y / N	_____
			Y / N	Y / N	_____

CLARK HILL OFFICES

Austin

720 Brazos Street
Suite 700
Austin, TX 78701
512.499.3600

Beaumont

2615 Calder Avenue
Suite 240
Beaumont, TX 77702
409.351.3800

Birmingham

151 South Old Woodward
Suite 200
Birmingham, MI 48009
248.642.9692

Chicago

130 East Randolph Street
Suite 3900
Chicago, IL 60601
312.985.5900

Collin County

2600 Dallas Parkway
Suite 600
Frisco, TX 75034
469.287.3900

Dallas

901 Main Street
Suite 6000
Dallas, TX 75202
214.651.4300

Detroit

500 Woodward Avenue
Suite 3500
Detroit, MI 48226
313.965.8300

Grand Rapids

200 Ottawa NW
Suite 500
Grand Rapids, MI 49503
616.608.1100

Houston

909 Fannin Street
Suite 2300
Houston, TX 77010
713.951.5600

Lansing

212 East Cesar Chavez
Avenue
Lansing, MI 48906
517.318.3100

Las Vegas

3800 Howard Hughes Parkway
Suite 500
Las Vegas, NV 89169
702.862.8300

Los Angeles

1055 West Seventh Street
Suite 2400
Los Angeles, CA 90017
213.891.9100

Morgantown

1290 Suncrest Towne
Centre
Morgantown, WV 26505
304.233.5599

New York

830 Third Avenue
Suite 200
New York, NY 10022
646.395.8580

Philadelphia

One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103
215.640.8500

Phoenix

14850 N. Scottsdale Road
Suite 500
Scottsdale, AZ 85254
480.684.1100

Pittsburgh

One Oxford Centre
301 Grant Street
14th Floor
Pittsburgh, PA 15219
412.394.7711

Princeton

210 Carnegie Center
Suite 102
Princeton, NJ 08540
609.785.2968

San Antonio

2301 Broadway Street
San Antonio, TX 78215
210.250.6000

San Diego

One America Plaza
600 West Broadway
Suite 500
San Diego, CA 92101
619.557.0404

San Francisco

One Embarcadero Center
Suite 400
San Francisco, CA 94111
415.984.8500

Washington, DC

1001 Pennsylvania Avenue NW
Suite 1300 South
Washington, DC 20004
202.772.0909

Wilmington

824 North Market Street
Suite 710
Wilmington, DE 19801
302.250.4750

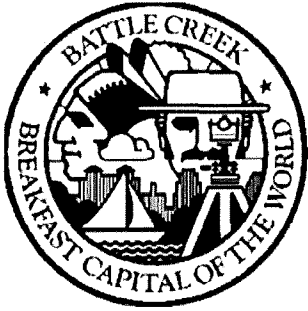
Dublin, Ireland

Fitzwilliam Hall
Fitzwilliam Place
Dublin, D02 T292
+353.0.1.9011.115

Mexico City, Mexico

Bosque de Radiatas No. 42, Despacho 104
Colonia Bosques de las Lomas
Ciudad de Mexico, C. P. 05120
+52.55.4161.6064

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CITY OF BATTLE CREEK
NOTICE OF REQUEST FOR PROPOSALS

RFP#: 2019-006R

TITLE: Legal Services for Labor and Employment Law

ISSUE DATE: September 19, 2018

PROPOSAL DUE DATE: October 4, 2018, at 3:00 PM Local Time (office hours 8-12 and 1-5)

LOCATION: Purchasing Department
10 N. Division Street, Suite 214
Battle Creek, MI 49014

NOTE! City Hall has Security on the 1st floor. Please allow extra time to get through Security when dropping off your proposal.

Purchasing Contact: Christine Huff
Phone: (269) 966-1646
E-mail: clhuff@battlecreekmi.gov

DESCRIPTION: The City is seeking proposals from qualified attorneys or firms to provide labor and employment law legal services. This contract is for a term of up to six years. See Submittal Information, page 8.

Download this solicitation from our website at: battlecreekmi.gov. Copies of the complete Request for Proposals documents may also be obtained from the Purchasing Department, Room 214, 10 N. Division Street, Battle Creek, Michigan 49014, (269) 966-3390.

Proposals must be in the actual possession of the Purchasing Department at the location indicated, on or prior to the exact time and date indicated above. Proposals received by the correct time and date shall be publicly acknowledged. Late proposals shall not be considered.

PROPOSERS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE ENTIRE REQUEST FOR PROPOSALS.

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1.0 GENERAL INFORMATION

- 1.1 **ISSUING OFFICE:** This RFP is issued for the City of Battle Creek, Michigan (hereinafter referred to as the "City") through the Purchasing Office, which shall be referred to as the "Issuing Office."
- 1.2 **PROPOSALS:** All proposals received by the City in response to this RFP will be retained.
- A. Proposals must be signed by an individual authorized to bind the contractor to its provisions.
 - B. Proposals must arrive in the Office of the Purchasing Agent on or before the date and time indicated, Battle Creek time to be considered timely. Contractors mailing proposals should allow normal mail delivery time to ensure timely receipt of the proposal. Late proposals will not be accepted and will be returned to the proposer. The prevailing clock shall be www.time.gov.
 - C. All proposals submitted in response to this invitation shall become the property of the City. Proposals shall be a matter of public record available for review, unless an exemption is requested and approved, in advance, for protection of trade secrets. However, proposals shall not be considered fully received for the purpose of Freedom of Information Act requests until the City has determined that no additional clarifications or revisions of offers shall be accepted.
 - D. Proposals are an irrevocable offer and may not be withdrawn within 90 days after the deadline for submission. Submission of clarifications and revised offers automatically establish a new 90-day period.
 - E. The City of Battle Creek is not liable for any costs incurred by contractors prior to issuance of a contract.
 - F. Before submitting a proposal, firms shall carefully examine the scope of work and shall fully inform themselves as to all existing conditions and limitations and shall indicate in the proposal all items requested.
- 1.3 **TENTATIVE SCHEDULE:** The City may deviate from this schedule. The City will not discuss the status of any proposal or the selection process; **please do not contact City staff seeking this information**. All proposers will be notified in writing of the City's decision.

Proposal Reviews:	week of October 15
Interviews, if applicable:	October 25 afternoon, October 29 afternoon
Final Decision:	week of November 12

- 1.4 **PRE-PROPOSAL ASSISTANCE:** Questions relative to the development of a proposal are to be directed to Chris Huff, clhuff@battlecreekmi.gov.
- 1.5 **AWARD OF CONTRACT:** This project will be awarded to a single contractor who submits the proposal deemed to be in the best interest of the City, unless otherwise noted in this document. Notwithstanding any other provision of the Request for Proposal, the City reserves the right to: (1) waive any immaterial defect or informality; or (2) reject any or all proposals, or portions thereof; or (3) reissue the Request for Proposal.

A response to any Request for Proposal is an offer to contract with the City based upon the terms, conditions, and specifications contained in the City's Request for Proposal. Proposals do not become contracts unless and until the City executes them. A contract has its inception in the award, eliminating a formal signing of a separate contract. For that reason, all of the terms and conditions of the contract are contained in the Request for Proposal, unless any of the terms and conditions are modified by a Request for Proposal amendment, a contract amendment, a Best and Final Offer, or by mutually agreed terms and conditions.

- 1.6 **SPECIAL INFORMATION**
- A. Addenda to the RFP: In the event it becomes necessary to revise any part of the RFP, addenda will be provided to all contractors who are recorded as having received the RFP. It shall be the bidder's responsibility to make inquiry as to changes or addenda issued. All such changes or addenda shall become part of the contract and all bidders shall be bound by such addenda.
 - B. News Releases: News releases pertaining to this RFP or the services, study or project to which it relates will not be made without prior approval, and then only in coordination with the Issuing Office.
- 1.7 **INDEPENDENT PRICE DETERMINATION**
- By submission of a proposal, the offeror certifies that in connection with this proposal:
- A. The fees in the proposal have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such fees with any other offeror or with any competitor; and,
 - B. Unless otherwise required by law, the fees which have been quoted in the proposal have not been knowingly disclosed by the offeror directly or indirectly to any other offeror or to any competitor; and,
 - C. No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

- 1.8 **CURRENCY**
Prices submitted shall be U.S. dollars.

1.9 **DEFINITIONS**

- A. The "City" – The City of Battle Creek
- B. "Contractor," "Vendor," "Firm," or "Proposer" - The firm submitting a proposal, ultimately responsible for any contract that results from this RFP.
- C. "RFP" – This Request for Proposals.

1.10 **INTERVIEWS**: The City anticipates shortlisting the proposers based upon responses to the submittal requirements. If necessary, the City shall conduct interviews. However, the City may determine that interviews are not necessary.

1.11 **FIRM QUALIFICATIONS**: Experiences with the City and entities that evaluation committee members represent may be taken into consideration when evaluating qualifications and experience. The City reserves the right to make such additional investigations as it deems necessary to establish the competency and financial stability of any firm submitting a proposal.

1.12 **CONTRACT AWARD**: A response to any Request for Proposal is an offer to contract with the City based upon the terms, conditions, and specifications contained in the City's RFP. Proposals do not become contracts unless and until the City executes them. A contract has its inception in the award, eliminating a formal signing of a separate contract. For that reason, all of the terms and conditions of the contract are contained in the Request for Proposal, unless any of the terms and conditions are modified by a Request for Proposal amendment, a contract amendment, a Best and Final Offer, or by mutually agreed terms and conditions.

2.0 - GENERAL TERMS AND CONDITIONS

- 2.1 NON-DISCRIMINATION CLAUSE:** The bidder agrees not to discriminate against any employee or applicant for employment, to be employed in the performance of such contract, with respect to hire, tenure, terms, conditions or privileges, of employment, or any matter directly or indirectly related to employment, because of his or her actual or perceived race, color, religion, national origin, age, sex, height, weight, physical or mental disability, family status, sexual orientation, gender identity or marital status. Breach of this covenant may be regarded as material breach of the contract as provided for in Act 220 and Act 453 of the Public Acts of 1976, as amended, entitled "Michigan Handicapper's Civil Rights Act" and the Michigan Elliott Larson Civil Rights Act." The bidder further agrees to require similar provisions from any subcontractors, or suppliers. The bidder agrees to comply with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, as supplemented in Department of Labor regulations (41 CFR, Chapter 60).
- 2.3 ASSIGNMENT OF CONTRACT:** The contractor shall assign no right or interest in this contract in whole or in part and no delegation of any duty of Contractor shall be made without prior written permission of the City.
- 2.4 INDEMNIFICATION:** The contractor shall protect, defend, and save the City, its officials, employees, departments and agents harmless from and against any and all claims, demands, suits, actions, or proceedings of any kind or nature, in any way resulting from acts or omissions of the contractor or any of its agents, employees, boards, commissions, divisions, departments, or authorities in performing obligations under this agreement. Each party to this agreement agrees that any bond or insurance protection required by this agreement or otherwise provided shall in no way limit the terms of this indemnification provision. In case of any action or proceeding brought against the City by reason of any such claim, suit, action or demand, upon prompt notice from the City, contractor covenants to defend such action or proceeding by counsel that is reasonably satisfactory to the City.
- 2.5 CONTRACT:** The contract shall contain the entire agreement between the City and the Contractor relating to this requirement and shall prevail over any and all previous contracts, proposals, negotiations, or master agreements in any form. By signing the Offer to Contract, it is understood and agreed to that the RFP in its entirety and all enclosed forms are fully incorporated herein as a material and necessary part of the contract. In case of conflicts, the most recent document prevails.
- 2.6 PROVISIONS REQUIRED BY LAW:** Every provision of law and any clause required by law to be in the contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.
- 2.7 RELATIONSHIP OF PARTIES:** It is clearly understood that each party shall act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of one party shall not be deemed or construed to be the employee or agent of the other party for any purpose whatsoever. The Contractor is advised that taxes or social security payments shall not be withheld from a City payment issued hereunder and that Contractor should make arrangements to directly pay such expenses, if any.
- 2.8 RIGHTS AND REMEDIES:** No provision in this document or in the bidder's offer shall be construed, expressly or by implication as a waiver by either party of any existing or future right and/or remedy available by law in the event of any claim or default or breach of contract. The failure of either party to insist upon the strict performance of any term or condition of the contract or to exercise or delay the exercise of any right or remedy provided in the contract, or by law, or the acceptance of materials or services, obligations imposed by this contract or by law, and shall not be deemed a waiver of any right of either party to insist upon the strict performance of the contract.
- 2.9 ADVERTISING:** Contractor shall not advertise, issue a press release or otherwise publish information concerning this RFP or contract without prior written consent of the City. The City shall not unreasonably withhold permission.
- 2.10 APPLICABLE REGULATIONS/POLICIES:** The Revised Code of the State of Michigan, the Charter of the City of Battle Creek, all City Ordinances, Rules and Regulations and Policies shall apply. It shall be the responsibility of the Proposer to be familiar and comply with said regulations/policies.

2.11 SUBCONTRACTORS: No subcontract shall be made by the contractor with any other party for furnishing any of the services herein contracted for without the advance written approval of the City. All subcontractors shall comply with Federal and State laws and regulations that are applicable to the services covered by the subcontractor and shall include all the terms and conditions set forth herein which shall apply with equal force to the subcontract, as if the subcontractor were the Contractor referred to herein. Contractor is responsible for contract performance whether or not subcontractors are used.

2.12 PATENTS, COPYRIGHTS: All services, information, computer program elements, reports, and other deliverables that are created under this Agreement shall be the property of the City. The Contractor shall place no restrictions on the City with regard to the distribution of any of these materials; the City shall have full, unrestricted rights to make and distribute unlimited copies of any services, information, computer programs/elements, reports, or any other deliverable.

2.13 MICHIGAN CONSTITUTIONAL REQUIREMENT:

a). Notwithstanding any provision in this Contract to the contrary, and in accordance with Article I, Section 26 of the Michigan Constitution as adopted by the electorate November 7, 2006, CONTRACTOR shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of this Contract.

b). This section shall not prohibit any action that must be taken to establish or maintain eligibility for any federal program if ineligibility would result in a loss of federal funds in connection with this Contract, nor shall this section be interpreted as prohibiting bona fide qualifications based on sex that are reasonable necessary to the execution of this Contract.

c). In the event of conflict between any term of this Contract and this section, the language of this section shall control.

d.) "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."

2.14 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.

2.15 GOVERNING LAW: This agreement shall be enforced under the laws of the State of Michigan. Contractor must comply with all applicable federal, state, county, and City laws, ordinances, and regulations. Contractor shall ensure payment of all taxes, licenses, permits, and other expenses of any nature associated with the provision of services herein. Contractor shall maintain in current status all Federal, State and Local licenses and permits required for the operation of the business conducted by the Contractor.

3.0 - SPECIAL TERMS AND CONDITIONS

3.1 TERM AND RENEWAL: The term of the contract shall commence on the first of the month following award, unless otherwise identified herein or a sooner date is required. The contract shall remain in effect for a period of two (2) years, unless terminated, canceled or extended as otherwise provided herein. The contractor agrees that the City shall have the right, upon mutual consent, to renew the contract for up to two (2) additional two-year periods. In the event that the City exercises such right, all terms, conditions and provisions of the original contract shall remain the same and apply during the renewal period. Prices shall be renewed per the pricing schedule submitted at contract inception.

3.2 PRICE ADJUSTMENT: Pricing shall be established at contract inception, and valid for each of the 3 2-year terms.

3.3 KEY PERSONNEL: It is essential that the contractor provide adequate experienced personnel, capable of and devoted to the successful accomplishment of work to be performed under this contract. The Contractor must agree to assign specific individuals to the key positions.

- A. The Contractor agrees that, once assigned to work under this contract, key personnel shall not be removed or replaced without written notice to the City.
- B. If key personnel are not available for work under this contract for a continuous period exceeding thirty calendar days, or are expected to devote substantially less effort to the work than initially anticipated, the Contractor shall immediately notify the City, and shall, subject to the concurrence of the City, replace such personnel with personnel of substantially equal ability and qualifications.

3.5 CANCELLATION: Both parties have the right to terminate the contract for any reason, provided written notice is provided to the other party at least 30 days before termination.

3.6 PAYMENT: Payment shall be made monthly, or at the end of each project, within 30 days of the submittal of a correct invoice for work performed. If applicable, expenses shall be billed at cost without markup, and must be supported by actual receipts. Mileage and per diem rates, if applicable, shall not exceed the federal rates.

3.7 INSURANCE:

The Contractor shall at the time of execution of this contract, provide proof of malpractice insurance.

4.0 - SUBMITTAL INFORMATION

4.1 SUBMITTAL TERMS AND CONDITIONS

- A. **Basic Submittal Instructions:** Each proposal received by the City in response to this RFP becomes the property of the City. See item 1.2, Section 1.0 General Information.
- B. **Proposal Costs:** The City is not liable for any costs incurred by contractors prior to issuance of a contract.
- C. **Exceptions To Contract Terms And Specifications:** Offeror shall clearly identify and reference by paragraphs any proposed deviations from the Contract Terms or Scope in the RFP. The exception shall include, at a minimum, the Offeror's proposed substitute language and opinion as to why the suggested substitution will provide equivalent or better service and performance. If no exceptions are noted in the Offeror's proposal, the City will assume complete conformance with this specification and the successful Offeror will be required to perform accordingly.

4.2 SUBMITTAL REQUIREMENTS (provide the following documents in a SEALED envelope/box):

PROVIDE:

One (1) original, single-sided, unbound, reproducible and single-sided (i.e., ready to insert into a copier with no clips, staples, bindings, cardstock, dividers, brochures, business cards, etc.). Do not separate, divide, mark, staple, clip, or bind, any of the above documents. If these instructions are unclear, please contact the person listed in section 1.4, Pre-Proposal Assistance of A and B, below:

Four (4) complete and bound complete proposals that contain A and B, below. These copies will be distributed to the selection committee, and should appear professional and organized. These copies should have a table of contents, page numbers, dividers, and clearly marked sections. Committee members usually have many proposals to evaluate; if information is difficult to find, it could be overlooked. Provide for A and B, below:

A. FIRM EXPERIENCE AND PERSONNEL QUALIFICATIONS

1. Provide response to all questions in section 6.0, Questionnaire
2. Submit completed section 7.0, Price Page and provide other relevant pricing information. A firm may be scored lower if fees are substantially higher than other firms' submitted fees.
3. Submit signed Offer from section 8.0, Offer to Contract. If any addenda are issued between the issue and the due date, acknowledgement can be made on the Offer page.
4. State, and clearly identify, any exceptions you take to this RFP and its requirements.
5. Completed Attachment A, Disadvantaged Business (DBE) Form

B. WORK PLAN

1. Describe in detail your understanding of your firm's engagement and approach to represent the City's interest.
2. State the office hours and days you intend to maintain on site at the City.

The above categories, listed in relative order of importance, will be considered in selection. The response to this RFP shall focus on these criteria, and shall be submitted in the same order as requested and must contain complete responses.

5.0 - SCOPE OF WORK

BACKGROUND OF SCOPE

The City of Battle Creek seeks legal services for labor and employment law. Applicants must have 10+ years' experience in municipal labor and employment law.

The City Attorney's office is the primary provider of legal services to the City with the exception of labor and employment law. This has been contractually handled since 2014 with the creation of the Human Resources department from the Employee Relations model. The Labor and Employment Law contract is directly managed by the City Manager.

The Human Resources department performs a wide range of personnel, employment, and labor relations related functions in support of city operations. Services include recruitment, testing, and selection of qualified candidate; compliance with personnel policies; administration of compensation and benefits programs for all union and non-union employees; coordination of safety, training, and employee development programs; maintaining official employment and personnel records on all City employees; and administration of the City's workers' compensation and disability programs.

The HR Director and staff work closely with the provider of legal services for Labor and Employment law with regard to compliance, contract administration, contract negotiations, grievance investigation, and adjudication.

The management negotiating team is made up of the Labor & Employment Law services contract lead, Human Resources Director and the Revenue Services Director. The City Manager is brought in as needed.

CITY OF BATTLE CREEK PROFILE

The City of Battle Creek is located in Calhoun County off I-94 nearly halfway between Detroit and Chicago.

The City has an elected nine-member, non-partisan Commission and is framed by the Council-Manager form of government.

The City has approximately 456 full time employees and 1 part time employee, along with seasonal. We have approximately 114 sworn police officers and 77 full time firefighters.

The City has nine bargaining units:

Employee Group	Union Affiliation	Abbreviation	Approx. Number of Members	Contract Terms
Department of Public Works, Parks, Facilities Maintenance, Equipment Operators, Airport	American Federation of State, County & Municipal Employees	AFSCME	116	July 1, 2016 to June 30, 2019
Transit operators, utility workers, dispatchers	Amalgamated Transit Union	ATU	35	June 30, 2017 to June 30, 2018
Supervisors and managers across the organization	Battle Creek Supervisors Association	BCSA	25	July 1, 2016 to June 30, 2019
Firefighters, Fire Lts., Fire Cpts.	International Association of Firefighters	IAFF	77	July 1, 2017 through June 30, 2020
Fire Battalion Chiefs	Organization of Supervisory Personnel	BATT CHIEF	4	April 2, 2015 to June 30, 2018
Police Officers	Police Officers' Labor Council	POLC-NON SUP	86	July 1, 2016 to June 30, 2019
Police Sergeants	Police Officers' Labor Council	POLC-SGTS	17	July 1, 2016 to June 30, 2019
Police Lts.	Police Officers' Labor Council	POLC-LTS	4	July 1, 2016 to June 30, 2019
Technical, Professional and Building Inspectors	Service Employees International Union	SEIU	94 (1 part time)	July 1, 2016 through June 30, 2019
Non-represented	None	N/A	73	N/A

All non-represented employees are considered at-will employees.

All other part-time, temporary, seasonal, and variable hour employees are considered at-will employees.

SCOPE OF WORK

The successful firm shall provide advice and counsel, and where necessary, representation in matters involving labor and employment law and issues.

Minimum requirements of law firm:

- a) The main attorney assigned to the City of Battle Creek must have at least ten (10) years' experience providing legal services for municipal clients with regard to labor and employment law matters.
- b) The firm representative assigned to the City of Battle Creek must possess current licenses to practice law in the State of Michigan.
- c) All licenses required by the State of Michigan are to be maintained by the firm during the course of the contract.
- d) All required insurances are to be maintained by the firm during the course of the contract.

Legal representation will include, but may not be limited to:

- e) Advising and providing counsel to the City, through the City Manager, in legal matters pertaining to labor and employment law.
- f) Providing labor contract interpretation and guidance.

- g) Providing legal guidance and interpretation of state and federal legislation impacting the areas of labor, employment, or benefit law (e.g., Affordable Care Act)
- h) Assisting the City with and providing representation to the City in labor mediations and arbitrations, including Act 312 arbitration.
- i) Assisting the City in prosecuting or defending unfair labor practice charges.
- j) Assisting the City in any labor or employment related litigation, as requested, and conduct trials, appeals and other proceedings affecting the interest of the City.
- k) Advising and providing counsel to the City on Employment and Human Resource functions.

Services may include, but may not be limited to:

- a) Providing labor contract interpretation and guidance.
- b) Assisting with grievance resolution, arbitration proceedings, including research, advice, and representation at hearings.
- c) Providing counsel and representation for labor and employment related matters up to and including appearances before the Michigan Employment Relations Commission, the Michigan Department of Civil Rights, state and federal courts, or other administrative agencies.
- d) As necessary, attending City Commission meetings and departmental staff meetings to confer and provide legal advice on labor matters as it relates to negotiation of the 9 collective bargaining agreements.
- e) Negotiating labor contracts on behalf of the City.
- f) As necessary, providing routine labor and employment legal advice and counsel.
- g) Development of new job descriptions or revisions of current job descriptions, with coordination with management and applicable unions.

REQUIREMENTS

- a) Advice and counsel may be provided by way of telephone, electronic documents, email, facsimile, and U.S. mail, provided the response is acceptable and timely using one of these methods.
- b) Successful firm/attorney shall be on site at the City, at minimum, 3 8-hour days per week. The City Manager's preference would be Monday, Wednesday, Friday, with flexibility for negotiations, arbitrations, special meetings, or holidays.
- c) Contractor shall identify a lead attorney with whom the City Manager will have primary contact.
- d) Timeliness of response and accessibility is an important aspect of the service.
- e) Contractor shall provide and use their own, or their firm's, computer to store all confidential files and documents, which shall not be stored on City owned equipment or servers, in order to maintain attorney-client privilege due to Freedom of Information Act. Contractor is responsible for IT support for their own computer.
- f) The firm shall provide a single point of contact for the duration of the contract.
- g) The firm shall ensure a 24-hour response time on services.
- h) The firm shall comply with administrative procedures of the City.
- i) The firm shall meet with applicable City departments, City Manager, and City Commission, as appropriate, to review specific concerns or issues.
- j) The firm shall attend all meetings as requested.
- k) The firm shall provide status updates to the City through the City Manager, as requested.

The City will provide:

- a) A private, lockable, and furnished office
- b) VoIP phone and extension
- c) Laptop to access City shared drives and City email
- d) IT support for the City computer and VoIP phone
- e) Verizon MiFi
- f) Access to conference rooms

6.0 – QUESTIONNAIRE

Provide responses to the following. If for some reason, you cannot answer an item, provide an explanation

- (1) Firm legal name
- (2) Office location that will service account
- (3) Other locations, if any
- (4) Year firm established
- (5) Years in business located in Michigan
- (6) Type of Organization (e.g., Individual, Partnership, Corporation, Joint Venture, Other)
- (7) How many years has your company been providing labor and employment legal services? Provide historical narrative.
- (8) Describe your firm's philosophy relative to public sector labor negotiations.
- (9) How many municipalities does your firm currently represent in the areas of labor and employment law? Explain the types and breadth of services provided.
- (10) Provide a list of public sector client references (minimum of five). Include name, address, phone number, contact person. Briefly describe scope of services for each.
- (11) Provide a list of the most recent three public sector clients that have ceased using your firm's labor and employment legal services, and the reason, if known.
- (12) Total personnel of firm, specify professional and support staff
- (13) Provide experience and qualifications of lead attorney and all other personnel to be assigned to the City. Include previous work experience involving similarly sized municipal governments.
 - name
 - position title
 - total years' experience with current firm and any other
 - year of admittance to the State Bar of Michigan
 - education
 - summary of pertinent experience and qualifications and other information that would assist the City in determining the qualifications of the individuals and their ability to complete the services required. In response to this question, you may attach firm biographies and/or curriculum vitae.
- (14) Provide a description of the service, special qualifications and experience that you would bring to the City, if selected.
- (15) Provide a summary of your firm's municipal experience and qualifications in the following areas:
 - Labor Negotiations

- Public Act 312 Arbitration and Mediation/Fact Finding
 - Unfair Labor Practice Charges
- (16) Based on your prior experience, what type of professional consulting services would you anticipate using that would need to be subcontracted, if any? Describe how the relationship between any subcontractors and the City would work.
- (17) Are all attorneys in your firm members of the State Bar of Michigan?
- (18) Are all attorneys in good standing with the State Bar of Michigan? If not, please explain.
- (19) Do you have a standard contract form that you use? If so, please include a copy.
- (20) What are your billing procedures?
- (21) Has the firm been a party to any litigation during the past five years? If so, please provide an explanation, including the outcome of any such litigation.
- (22) Provide statement that your firm is not an Iran linked business as defined in PA 517 of 2012.

7.0 – PRICE PAGE

Provide a complete Cost Proposal including hourly rates for all personnel. Clearly define all other relative direct and indirect costs and hourly minimums.

Add additional positions, if necessary

Cost proposal shall be firm for the following periods, through all renewals:

Position	Hourly rate for period 12-1-18 to 11-30-20	Hourly rate for period 12-1-20 to 11-30-22	Hourly rate for period 12-1-22 to 11-30-24
Principal/Lead Attorney			
Associate Attorneys			
Paralegals			
Law Clerks			
Expert Witnesses			
Arbitration (to include attorney rates)			

Identify how travel time is handled and invoiced, if applicable.

Expenses, where applicable, shall be billed no higher than Federal rates and billed at cost, without markup.

8.0 - OFFER AND ACCEPTANCE FORM

TO THE CITY OF BATTLE CREEK: We propose to furnish all labor, materials, equipment, tools, transportation and services required to complete the work in accordance with the specifications and conditions contained herein in consideration of the sum or sums stated below and agree that this document will constitute the contract if accepted by the City.

We hereby offer and agree to provide service in compliance with all terms, conditions, specifications, and amendments in the Request for Proposals and any written exceptions in the offer. We understand that the items in this Request for Proposals, including, but not limited to, all required certificates are fully incorporated herein as a material and necessary part of the contract.

We acknowledge receipt of the following addendum(s): _____.

I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder, and that our firm is not debarred from doing business under the Federal Excluded Parties List System (epls.gov).

I, the Contractor or Contractor's legally authorized signer, further certify compliance with the City of Battle Creek Ordinance Chapter 214, Discrimination Prohibited. I further acknowledge and agree that the Contractor's violation of Chapter 214 shall be a material breach of this contract. In addition, Contractor acknowledges and agrees that it shall be liable for any costs or expenses incurred by the City in obtaining from other sources, the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract as a result of a material breach in the Contract for violations of Chapter 214.

For clarification of this offer, contact:

Company Name

Name: _____

Address

Phone: _____

City State Zip

Fax: _____

Signature of Person Authorized to Sign

Email: _____

Printed Name

Title

ACCEPTANCE OF OFFER:

The Offer is hereby accepted.

Contact Term: _____

The Contractor is now bound to provide services listed by the attached contract and based upon the Request for Proposal, including all terms, conditions, specification, amendments, etc. and the Contractor's Offer as accepted by the City.

This contract shall henceforth be referred to as Contract No. 2019-006R. The Contractor has been cautioned not to commence any billable work or to provide any material or service under this contract until Contractor receives purchase order and/or a notice to proceed from the City of Battle Creek Purchasing Agent.

COUNTERSIGNED:

APPROVED AS TO FORM BY:

City Manager Date

City Attorney

Witness Signature

Date

ATTACHMENT A - DISADVANTAGED BUSINESS (DBE) FORM

I. YOUR FIRM'S BACKGROUND:

Is your firm an MBE (at least 51% minority ownership)? ☐ YES ☐ NO

Is your firm a WBE (at least 51% woman ownership)? ☐ YES ☐ NO

Are you subcontracting any part of this project? ☐ YES ☐ NO

II. SUBCONTRACTING INFORMATION: If subcontracting any part of the project, the bidder/contractor expressly agrees that:

- (1) If awarded a contract as a result of this bid, the major subcontractors used in the prosecution of the work will be those listed below, and
- (2) The following list includes all subcontractors who will perform work representing approximately five percent (5%) or more of the Total Base Bid.
- (3) The Bidder represents that the subcontractors listed below are financially responsible and are qualified to do the work required.

SUBCONTRACTOR NAME	City/State	Trade or Commodity	MBE	WBE	Approximate dollar value
_____	_____	_____	Y / N	Y / N	\$ _____
_____	_____	_____	Y / N	Y / N	\$ _____
_____	_____	_____	Y / N	Y / N	\$ _____
_____	_____	_____	Y / N	Y / N	\$ _____
_____	_____	_____	Y / N	Y / N	\$ _____
_____	_____	_____	Y / N	Y / N	\$ _____
_____	_____	_____	Y / N	Y / N	\$ _____

III. DBE RECRUITMENT ACTIVITY LOG: List the MBE's and WBE's that were approached about being a subcontractor for this job, but who are NOT listed above as a subcontractor.

NAME OF FIRM APPROACHED, BUT NOT USED ON THIS PROJECT	City/State	Trade or Commodity	MBE	WBE	Reason not used on this project
_____	_____	_____	Y / N	Y / N	_____
_____	_____	_____	Y / N	Y / N	_____
_____	_____	_____	Y / N	Y / N	_____
_____	_____	_____	Y / N	Y / N	_____



Resolution

NO. 22

A Resolution reappointing Robert Corder to the Battle Creek International Relations Committee.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That Robert Corder, Battle Creek Unlimited Vice President, be reappointed to the Battle Creek Area International Relations Committee with a term to expire on of December 15, 2024.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

A Resolution reappointing Robert Corder to the Battle Creek International Relations Committee.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

The Battle Creek International Relations Committee was created by Resolution No. 305, adopted October 28, 1975, for the purpose of fostering cultural promotion of the City and to provide a positive environment toward foreign industrialists and their families.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
<div data-bbox="164 157 183 184"></div> Corder__Robert_-_2022.pdf	Corder, Robert - 2022
<div data-bbox="164 199 183 226"></div> Battle_Creek_Area_International_Relations_Committee.docx	Battle Creek Area International Relations Committee

From: noreply@civicplus.com
To: mkculp@battlecreekmi.gov; [Rebecca D. Forbes](#); [Heather Robinson](#)
Subject: Online Form Submittal: *New* City of Battle Creek Boards and Commissions Application
Date: Friday, December 2, 2022 4:59:05 PM

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

New City of Battle Creek Boards and Commissions Application

City of Battle Creek Board and Commission Application

Please select the **top 3** board(s) or commission(s) on which 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!

Name	Robert Corder
Are you 18 years or older?	Yes
Home address	274 Blackhawk
City	Battle Creek
State	MI
Zip code	49015
Email address	racorder@gmail.com
Home phone	773-454-3817
Work phone	269-962-7526
Cell phone	269-719-6829
Current occupation (students, list school activities)	Vice President, Attraction
Employer and work address (students, list school)	Battle Creek Unlimited, 4950 W Dickman Road, Suite 1, Battle Creek, MI 49037
Educational background/degrees (students, list current year in school)	BA in International Relations, American University, Washington, DC (2003)
List any appointed	City of Battle Creek Downtown Parking System Advisory

positions, boards, commissions, or committees on which you have served, and years of service

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
Japan America Society of Chicago Board of Directors (2016-
present)
Great Lakes JETAA Board of Directors (2018-present)

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations)

US-Japan Council
Michigan Economic Development Association
Great Lakes JET Program Alumni Association
International Economic Development Council
BC Ignite

Briefly explain your interest, experience, and/or qualifications for the boards for which you are applying

I work for Battle Creek Unlimited (BCU), the city's lead 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 almost 14,000 people. Since 1972, BCU has been working to bring international investment to Battle Creek. I have a degree in international relations and spent 4 years living in Japan. I worked for JETRO, the Japanese government's economic development organization for 10 years before moving to Battle Creek in 2017. In my job at BCU, I work with international companies which have established operations in Battle Creek as well as those companies considering expanding here.

Attach additional information

[Corder - Resume.pdf](#)

Electronic Signature Agreement

I agree.

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

Robert A. Corder

Date

12/02/2022

(Section Break)

Demographic Information

We request the following Affirmative Action and Equal Opportunity information to help determine whether application information for city boards and commissions is

reaching all parts of the community. **Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.**

Race/Hispanic Origin	White
Sexual Orientation	Prefer to self-describe
Gender	Prefer to self-describe
Do you have a disability?	No

(Section Break)

Boards, Councils, and Commissions Interest

Please rank your first, second, and third choices for boards on which you would like to serve. Please check the boxes to indicate your experience and/or credentials for each of your three choices. Thank you!

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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AMSA Construction Board of Appeals

Hears appeals on building permit denials, and from any other related decision pursuant or related to.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Advisory Council

Advises the City in areas relating to planning, delivery, and operation of public transportation in the community and to provide recommendations and input regarding accessibility including the annual approval of Battle Creek Transit's Vehicle Accessibility Plan.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Coordinating Committee

Determines annually how the Specialized Services funds will be allocated among the various sub-recipients, related to transportation services for the elderly and those with disabilities.

Rank	<i>Field not completed.</i>
------	-----------------------------

Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Bicycle Advisory Committee

League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing

research, community outreach, and policy recommendations to city commission and staff.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Board of Appeals

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

Columbia Avenue Business Improvement District

Promotes economic activity in the BID along Columbia Avenue; and provides or contracts for the administration, security, and operation of the District, to include physical improvements, and joint marketing.

Rank	<i>Field not completed.</i>
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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 Citizen's 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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Historic District Commission

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Human Relations Board

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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International Relations Committee

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

Rank

1

Experience

Live in BC city limits

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

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)

BATTLE CREEK AREA INTERNATIONAL RELATIONS COMMITTEE

Authorization: Established by Resolution No. 305, adopted October 28, 1975.

Appointing Authority: Mayor with concurrence of City Commission.

Purpose: To foster cultural promotion of the City and provide a positive environment toward foreign industrialists and their families

Liaison: Ted Dearing - TEDearing@battlecreekmi.gov

Membership: Three (3)

Terms: Two-year.

Special Requirements: None

Compensation: None

Members:

Name:	Organization/Affiliation:	Term Expires:
Robert Corder , Vice President	Battle Creek Unlimited	10-06-2022
Ted Dearing , Assistant City Mgr	City of Battle Creek	12-15-2024
Aaron Kuhn , Finance Director	City of Battle Creek	12-15-2024



Resolution

NO. 23

A Resolution appointing Terry Youman Jr. to the Battle Creek Transit Local Coordinating Committee.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That Terry Youman Jr. is appointed to the Battle Creek Transit Local Coordinating Committee filling a vacancy with a term to expire on September 1, 2024.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

A Resolution appointing Terry Youman Jr. to the Battle Creek Transit Local Coordinating Committee.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

Public Act 51 of 1951, as amended, requires there to be a local coordination of transportation services to the elderly and disabled. Because of this requirement, the Michigan Department of Transportation has directed that each transit agency have a "Local Coordinating Committee" whose legal function it is to determine how the Specialized Services funds from the State and Federal governments will be allocated among the various sub-recipients. These funds are administered by the Battle Creek Transit and are distributed to sub-recipients based on invoices submitted to Battle Creek Transit on a quarterly basis.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
📎 Youmans__Terry_Jr._-2022.pdf	Youmans, Terry Jr. - 2022
📎 Battle_Creek_Transit_Local_Coordinating_Committee.docx	Battle Creek Transit Local Coordinating Committee



BOARD AND COMMISSION APPLICATION

CITY OF BATTLE CREEK

10 N. Division Street
Battle Creek, Michigan 49014-4004
269.966.3378

PLEASE CHECK THE TOP (3) BOARD(S) OR COMMISSION(S) ON WHICH YOU ARE INTERESTED IN SERVING

(This application will remain active for one year from the date of receipt and will be posted on the City website.)

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Gogua Lake Board |
| <input type="checkbox"/> AMSA Construction Board of Appeals | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Battle Creek Downtown Development Authority | <input type="checkbox"/> Human Relations Board |
| <input type="checkbox"/> Battle Creek Housing Commission | <input type="checkbox"/> Income Tax Board of Appeals |
| <input type="checkbox"/> Battle Creek Transit Local Advisory Council | <input type="checkbox"/> International Relations Committee |
| <input checked="" type="checkbox"/> Battle Creek Transit Local Coordinating Committee | <input type="checkbox"/> Lakeview Downtown Development Authority |
| <input type="checkbox"/> Battle Creek TIFA/Brownfield Development Authority | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Bicycle Advisory Committee | <input type="checkbox"/> Local Development Financing Authority |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Local Officers' Compensation Commission |
| <input type="checkbox"/> Board of Review (Assessing) | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Sustainable BC Committee |
| <input type="checkbox"/> Columbia Avenue Business Improvement District | <input type="checkbox"/> Technical Review Committee |
| <input type="checkbox"/> Dangerous Building Hearings Officer | <input type="checkbox"/> Tree Advisory Council |
| <input type="checkbox"/> Development Area Citizen's Council | <input type="checkbox"/> Water System Advisory Council |
| <input type="checkbox"/> Dickman Road Business Improvement District | <input type="checkbox"/> Youth Advisory Board |
| <input type="checkbox"/> Downtown Parking System Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Economic Development Corporation | |

Name Youmans Jr. Terry L
Last First M.I.
Home Address: 221105 Pine Lake Rd Battle Creek E-mail: TerryY@caasc.com.org
Telephone: Home 269 275 6154 Work 269 441 1332 Cell 269 275 6154

Are you at least 18 years of age? Yes ☒ No ☐

Current occupation (students, list school activities) TRANSPORTATION COORDINATOR

Employer/work address (students, list school) COMMUNITY ACTION SOUTH-CENTRAL MICH. 169 MAIN ST.

Educational background/degrees (students, list year in school) HIGH SCHOOL DIPLOMA / SOME COLLEGE AT KCC

List any appointive positions/boards/commissions or committees on which you have served and year(s) of service BOARD OF DIRECTORS FOR AMERICAN LEGION RIDERS POST #298 Pennfield Rocket Football League Board

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations) _____

CURRENTLY A SPORTS ANNOUNCER AT PENNFIELD HIGH SCHOOL. BOARD DIRECTORS AMERICAN LEGION RIDERS

Briefly indicate your interest, experience, and/or qualifications for the board for which you are applying. Please be specific (use back of form if necessary). AS A 13 YEAR EMPLOYEE AT COMMUNITY ACTION AND NOW MY POSITION AS TRANSPORTATION COORDINATOR I AM INTERESTED IN BEING ON THE LCC. MY YEARS OF SERVICE IN NON PROFIT IS THE EXPERIENCE AND QUALIFICATION I CAN OFFER.

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 Terry L Youmans Jr Date 11/11/22

RETURN APPLICATION TO: City Manager's Office, 10 N. Division Street,
Room 206, Battle Creek, MI 49014

Demographics

We request the following Affirmative Action and Equal Opportunity information to help determine whether application information for city boards and commissioners is reaching all parts of the community. Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.

Race and Hispanic Origin (Select all that apply)

☐ American Indian and Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian and Other Pacific Islander

☒ White

☐ Two or More Races

☐ Hispanic or Latinx

☐ Not Hispanic or Latinx

Sexual Orientation

☒ Straight/Heterosexual

☐ Gay or Lesbian

☐ Bisexual

☐ Prefer to self-describe

☐ Prefer not to say

Gender

☒ Man

☐ Woman

☐ Non-binary or third gender

☐ Prefer to self-describe

☐ Prefer not to say

Do you have a disability?

☐ Yes

☒ No

☐ Prefer not to respond

City of Battle Creek Boards, Commissions and Committees – Descriptions

**PLEASE CHECK EXPERIENCE FOR THE (3) BOARD(S) OR COMMISSION(S) ON WHICH
YOU ARE INTERESTED IN SERVING**

Airport Advisory Board – Appointing authority: Mayor and Commission.

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. Meets quarterly.

Contact: Battle Creek Executive Airport at Kellogg Field, 269-966-3470

Experience: ☐ Airport Operations ☐ Economic Development ☐ Live in city limits

AMSA Construction Board of Appeals – Appointing authority: Proposed by AMSA committee, appointed by the Mayor.

This committee hears appeals on building permit denials and from any other decision pursuant or related to. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Architecture ☐ Building Construction ☐ Engineering ☐ Real Estate/Development/Law

Battle Creek Downtown Development Authority – Appointing authority: City Manager, with Commission approval.

The Downtown Development Authority, Public Act 57 of 2018, is designed to be a catalyst in the development of the city's downtown district. The DDA provides for a variety of funding options including a tax increment financing mechanism, which can be used to fund public improvements in the downtown district. Meets quarterly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Property Owner ☐ Business Representative ☐ Live in city limits

Battle Creek Housing Commission – Appointing authority: Mayor and 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. Meets monthly.

Contact: Community Services Director, 269-966-3387

Experience: ☐ Public Housing ☐ Live in city limits

Battle Creek Transit Local Advisory Council – Appointing authority: Mayor and Commission.

Public Act 51 of 1951, as amended, required there to be a Local Advisory Council whose legal function is to review and comment on the applicant Vehicle Accessibility Plan and annual updates to that plan. Meets annually, with special meetings scheduled if necessary.

Contact: Battle Creek Transit, 269-966-3374

Experience: ☐ Public Transportation ☐ Live in city limits

Battle Creek Transit Local Coordinating Committee – Appointing authority: Mayor and Commission.

Public Act 51 of 1951, as amended, required there to be a local coordination of transportation services to the elderly and disabled. Because of this requirement, the Michigan Department of Transportation directed that each transit agency have a "local coordinating committee" whose legal function is to determine annually how the Specialized Services funds will be allocated among the various sub-recipients. Meets Quarterly.

Contact: Battle Creek Transit, 269-966-3474

Experience: ☒ Public Transportation ☐ Live in city limits

Battle Creek TIFA/Brownfield Redevelopment Authority – Appointing authority: City Manager, with Commission approval.

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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Property Owner ☐ Business Owner ☐ Live in city limits

Bicycle Advisory Committee – Appointing authority: City Manager for city staff members; Mayor and Commission for remaining members.

The League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing research, community outreach, and policy recommendations to the Commission and city staff. Meets monthly.
Contact: Recreation Department, 269-966-3431; Engineering Division, 269-966-3343

Experience: ☐ Business Representative ☐ Live in city limits

Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Code Compliance Manager, 269-966-3387

Experience: ☐ Building Construction/Engineering ☐ Zoning ☐ Real Estate/Development/Law ☐ Live in city limits

Board of Review (Assessing) – Appointing authority: Mayor and Commission.

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. Meets for a minimum of five days in March; one day in July; and one day in December.

Contact: City Assessor, 269-966-3369

Experience: ☐ Banking/Finance ☐ Property Appraisal/Assessing ☐ Real Estate/Development/Law ☐ Live in city limits

City Commission – Appointing authority: Elected by City of Battle Creek voters.

City Commissioners serve two-year terms.

City 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 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.

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. Meets monthly.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Columbia Avenue Business Improvement District – Appointing authority: Mayor and City Commission

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 Columbia Avenue and providing or contracting for the administration, security, and operation of the District, to include physical improvements and joint marketing. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Business Representative ☐ Live in city limits

Dangerous Building Hearings Officer – Appointing authority: Mayor, with Commission approval.

Identifies those structures within the city confines that are 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: an engineer, architect, building contractor, building inspector, or member of a community housing organization. Meets monthly.

Contact: Code Compliance Manager, 269-966-3387

Experience: ☐ Building Construction/Engineering ☐ Real Estate/Development/Law ☐ Housing

Development Area Citizen's Council – Appointing authority: City CommissionAn advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan. Contact: City Manager, 269-966-3378Experience: ☐ Lives within authority boundaries

Dickman Road Business Improvement District – Appointing authority: City Manager, with Commission approval; City of Springfield

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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Non-automotive Business Representative ☐ Automotive Business Representative

Downtown Parking System Advisory Committee – Appointing authority: Mayor appoints commissioners; City Manager appoints owners and members at large with Commission approval.

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

Contact: Public Works Director, 269-966-3490

Experience: ☐ Downtown Business/Property Owner ☐ Live in city limits

Economic Development Corporation – Appointing authority: Mayor, with Commission approval.

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

Contact: City Manager's Office, 269-966-3378

Experience: ☐ 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 representative of the Michigan Department of Environment, Great Lakes, and Energy.

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. Meets quarterly.

Contact: Utility Administrator, 269-966-3343

Experience: ☐ Own property on Goguac Lake

Historic District Commission – Appointing authority: Mayor, with Commission approval.

Charged under state law and local ordinance with reviewing plans for exterior modifications or demolition of buildings within the federal, state or local historic districts. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Constriction/Building Trades ☐ History ☐ Architecture ☐ Live in city limits

Human Relations Board – Appointing authority: Mayor, with Commission approval.

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To also increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships

within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in the metropolitan area

Income Tax Board of Appeals – Appointing authority: Mayor, with Commission approval.

Pursuant to State Act 284 of 1964, attempts to settle city income tax disputes. Meets as needed.

Contact: Income Tax Division, 269-966-3345

Experience: ☐ Income Tax/Accounting ☐ Live in city limits

International Relations Committee – Appointing authority: Mayor, with Commission approval.

To foster cultural promotion of the city and provide a positive environment toward foreign industrialists and their families. Meets as needed.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits

Lakeview Downtown Development Authority – Appointing authority: City Manager, with Commission approval.

The LDDA's activities shall include, but are not limited to, the definition of a development area; the origination of a development plan; and the implementation of a development program as provided in Act 197 of PA 1975. Meets bi-annually.

Contact: City Manager, 269-966-3378

Experience: ☐ District Property Owner/Business Representative ☐ Live in city limits

License Review Board – Appointing authority: Mayor, with Commission approval.

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. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Local Development Financing Authority – Appointing authority: City Manager, with Commission approval.

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. Meets as needed.

Contact: City Manager, 269-966-3378

Experience: ☐ Live in city limits ☐ Calhoun County Commission/KCC/MEDC appointment

Local Officers' Compensation Commission – Appointing authority: Mayor, with Commission approval.

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

Experience: ☐ Live in city limits

Planning Commission – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Civil/Engineering/Landscape Architecture ☐ Land Use Planning ☐ Real Estate/Development ☐ Law

Sustainable BC Committee – Appointing authority: City staff by City Manager; remaining members by Mayor, with Commission approval.

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. Meets as needed.

Contact: Utility Administrator, 269-966-3343

Experience: ☐ Environmental ☐ Live in city limits ☐ Business Representative

Technical Review Committee – Appointing authority: City staff by City Manager; remaining members by contributing jurisdictions.

Provides review, input, and recommendations to the City and the City Commission regarding various aspects of the Wastewater Treatment system and rates. Meets quarterly.

Contact: Public Works Director, 269-966-3490

Experience: ☐ Engineering ☐ Other Technical Expertise ☐ Industry Representative

Tree Advisory Council – Appointing authority: Mayor, with Commission approval.

Members serve in an advisory capacity to the Department of Public Works and the City Manager in developing the annual Tree Work Plan and the issuance of rules and regulations supplementary to the city's tree ordinance. Establishment meets a Tree City USA criterion. Meets at least once a year, in September.

Contact: City Engineer, 269-966-3343

Experience: ☐ Horticulture ☐ Forestry

Water System Advisory Council – Appointing authority: Mayor and Commission.

To advise and assist with the 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. Meets annually.

Contact: Public Works Director, 269-966-3490

Experience: ☐ Interest/knowledge about lead in drinking water and its effects ☐ Live in city limits

Youth Advisory Board – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits ☐ Age 14-20

Zoning Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Land Use Planning ☐ Real Estate/Development/Law ☐ Building Construction/Engineering ☐ Live in city limits

BATTLE CREEK TRANSIT LOCAL COORDINATING COMMITTEE

Authorization: Public Act 51, as amended.

Appointing Authority: City Commission.

Purpose: To ensure coordination of transportation services to the elderly and individuals with disabilities and allocation of Specialized Services assistance funding between eligible authorities or governmental agencies that provide public transportation services.

Liaison: mravis@battlecreekmi.gov

Membership: Minimum of nine.

Terms: Two years.

Special Requirements: At a minimum, seniors and individuals with disabilities, public transit, and the Local Advisory Council (LAC) must be represented. When transportation to work issues are discussed, the Michigan Department of Human Services and the Michigan Works! Agency must be represented. Each member can represent only one agency.

Compensation: None.

Members:

Name:	Organization/Affiliation:	Email/Contact Info:	Term Expires:
Andy Tilma	Battle Creek Area Transportation Study	tilmaa@bcatsmpo.org	9/01/2023
Charles Asher	Community Action Agency	charlesa@caascn.org	9/01/2023
Jerry Sigourney	Users of Public Transit	(269) 339-6788	9/01/2023
Mallory Avis	Battle Creek Transit	mravis@battlecreekmi.gov	9/01/2023
Mark Woodford	Users of Public Transit	(269)660-8433	9/01/2023
Mary Frisby	Marian E. Burch Adult Day Center	mfrisby@ccmcf.com	9/01/2023
Paul Ecklund	Disability Network Southwest Michigan	ecklundp@dnswm.org	9/01/2023
Rhonda Ostrander-Cook	Community Inclusive Recreation	rostrandercook@cirfun.com	9/01/2023
Vacant			



Resolution

NO. 24

A Resolution appointing Lyanna Wesley and Rebecca Fleury and reappointing Kathy Szenda-Wilson and Boonikka Herring to the Human Relations Board.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That the following residents are appointed and reappointed to the Human Relations Board:

- Kathy Szenda-Wilson is reappointed as a resident with a term expiring July 01, 2023.
- Lyanna Wesley is appointed with a term expiring July 01, 2024
- Boonikka Herring is reappointed as a resident with a term expiring July 01, 2025.
- Rebecca Fleury is appointed as Ex-Officio with a term open ended.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

A Resolution appointing Lyanna Wesley and Rebecca Fleury and reappointing Kathy Szenda-Wilson and Boonikka Herring to the Human Relations Board.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

This Board was created in 1986 by Resolution No. 307, approved August 26, 1986, for the purpose of fostering mutual understanding and respect among all racial, religious, and nationality groups in the City.

The Board became inactive in 1995 and it is now the desire of the City Commission to reactivate the Human Relations Board.

The Board is to be comprised of 15 members with staggered terms of one, two, and three years except in filling a vacancy, which term must be for the unexpired date. The requirements for membership must be representative of management and labor, various religions, various races, and others who have an interest in human relations.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
❏ Wesley__Lyanne_-_2022.pdf	Wesley, Lyanne - 2022
❏ Herring__Boonikka_-_2022.pdf	Herring, Boonikka - 2022
❏ Szenda_Wilson__Kathy_-_2022.pdf	Szenda Wilson, Kathy - 2022
❏ Human_Relations_Board.docx	Human Relations Board

Heather Robinson

From: noreply@civicplus.com
Sent: Friday, November 11, 2022 9:59 AM
To: mkculp@battlecreekmi.gov; Rebecca D. Forbes; Heather Robinson
Subject: Online Form Submittal: *New* City of Battle Creek Boards and Commissions Application
Categories: Memberships

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

New City of Battle Creek Boards and Commissions Application

City of Battle Creek Board and Commission Application

Please select the **top 3** board(s) or commission(s) on which 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!

Name	Lyanne Wesley
Are you 18 years or older?	Yes
Home address	290 Sigel Ave
City	Battle Creek
State	MI
Zip code	49037
Email address	lyannewesley@outlook.com
Home phone	517-213-9323
Work phone	<i>Field not completed.</i>
Cell phone	<i>Field not completed.</i>
Current occupation (students, list school activities)	Team Member Relations Supervisor
Employer and work address (students, list school)	FireKeepers Casino Hotel, 11177 E Michigan Ave, Battle Creek, MI 49014

Educational background/degrees (students, list current year in school)	Freshman at LCC studying for Associates in Business with a Human Resources Focus
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List any appointed positions, boards, commissions, or committees on which you have served, and years of service	<i>Field not completed.</i>
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List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations)	MI SHRM Membership; ASIST Certified
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Briefly explain your interest, experience, and/or qualifications for the boards for which you are applying	I've been in Human Resources formally for over 7 years and have participated in community action and volunteer programs over the years. As an advocate for diversity and inclusion I would love to work with as well as represent the community in which I live, in a meaningful and impactful way.
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Attach additional information	<i>Field not completed.</i>
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Electronic Signature Agreement	I agree.
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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	Lyanne K. Wesley
----------------------	------------------

Date	11/11/2022
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(Section Break)

Demographic Information

We request the following Affirmative Action and Equal Opportunity information to help determine whether application information for city boards and commissions is reaching all parts of the community. **Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.**

Race/Hispanic Origin	Black or African American, White , Two or more races
----------------------	--

Sexual Orientation	Bisexual
Gender	Woman
Do you have a disability?	No

(Section Break)

Boards, Councils, and Commissions Interest

Please rank your first, second, and third choices for boards on which you would like to serve. Please check the boxes to indicate your experience and/or credentials for each of your three choices. Thank you!

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

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

AMSA Construction Board of Appeals

Hears appeals on building permit denials, and from any other related decision pursuant or related to.

Rank	<i>Field not completed.</i>
------	-----------------------------

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

Experience	<i>Field not completed.</i>
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BC Transit Local Advisory Council

Advises the City in areas relating to planning, delivery, and operation of public transportation in the community and to provide recommendations and input regarding accessibility including the annual approval of Battle Creek Transit's Vehicle Accessibility Plan.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Coordinating Committee

Determines annually how the Specialized Services funds will be allocated among the various sub-recipients, related to transportation services for the elderly and those with disabilities.

Rank	<i>Field not completed.</i>
------	-----------------------------

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

Experience	<i>Field not completed.</i>
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Bicycle Advisory Committee

League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing research, community outreach, and policy recommendations to city commission and staff.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Board of Appeals

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Columbia Avenue Business Improvement District

Promotes economic activity in the BID along Columbia Avenue; and provides or contracts for the administration, security, and operation of the District, to include physical improvements, and joint marketing.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Development Area Citizen's Council

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Economic Development Corporation

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Historic District Commission

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Human Relations Board

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.

Rank	1
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Experience	Live in the metropolitan area
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Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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International Relations Committee

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Lakeview Downtown Development Authority

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)

Heather Robinson

From: noreply@civicplus.com
Sent: Tuesday, November 29, 2022 6:46 PM
To: mkculp@battlecreekmi.gov; Rebecca D. Forbes; Heather Robinson
Subject: Online Form Submittal: *New* City of Battle Creek Boards and Commissions Application
Categories: Memberships

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

New City of Battle Creek Boards and Commissions Application

City of Battle Creek Board and Commission Application

Please select the **top 3** board(s) or commission(s) on which 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!

Name	Boonikka herring
Are you 18 years or older?	Yes
Home address	82 East Emmett Street
City	Battle Creek
State	MI
Zip code	49017
Email address	HerringBoonikka@gmail.com
Home phone	2695800761
Work phone	<i>Field not completed.</i>
Cell phone	<i>Field not completed.</i>
Current occupation (students, list school activities)	<i>Field not completed.</i>
Employer and work address (students, list school)	82 East Emmett Street

Educational
background/degrees
(students, list current year
in school)

Field not completed.

List any appointed
positions, boards,
commissions, or
committees on which you
have served, and years of
service

Field not completed.

List any organizations to
which you belong
(professional, technical,
community, nonprofit;
students, list school
organizations)

Field not completed.

Briefly explain your
interest, experience,
and/or qualifications for
the boards for which you
are applying

Field not completed.

Attach additional
information

Field not completed.

Electronic Signature
Agreement

I agree.

*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

Boonikka M. Herring

Date

11-29-22

(Section Break)

Demographic Information

We request the following Affirmative Action and Equal Opportunity information to
help determine whether application information for city boards and commissions is
reaching all parts of the community. **Providing the following information is
optional, and if you wish to leave this section blank or incomplete, it will not
affect your potential membership.**

Race/Hispanic Origin

Black or African American, Not Hispanic or Latinx

Sexual Orientation	Straight/heterosexual
Gender	Woman
Do you have a disability?	Yes

(Section Break)

Boards, Councils, and Commissions Interest

Please rank your first, second, and third choices for boards on which you would like to serve. Please check the boxes to indicate your experience and/or credentials for each of your three choices. Thank you!

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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AMSA Construction Board of Appeals

Hears appeals on building permit denials, and from any other related decision pursuant or related to.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	3
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Experience	Live in BC city limits
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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	1
Experience	Public housing, Live in BC city limits

BC Transit Local Advisory Council

Advises the City in areas relating to planning, delivery, and operation of public transportation in the community and to provide recommendations and input regarding accessibility including the annual approval of Battle Creek Transit's Vehicle Accessibility Plan.

Rank	<i>Field not completed.</i>
Experience	<i>Field not completed.</i>

BC Transit Local Coordinating Committee

Determines annually how the Specialized Services funds will be allocated among the various sub-recipients, related to transportation services for the elderly and those with disabilities.

Rank	<i>Field not completed.</i>
Experience	<i>Field not completed.</i>

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

Bicycle Advisory Committee

League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing research, community outreach, and policy recommendations to city commission and staff.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Board of Appeals

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Columbia Avenue Business Improvement District

Promotes economic activity in the BID along Columbia Avenue; and provides or contracts for the administration, security, and operation of the District, to include physical improvements, and joint marketing.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Development Area Citizen's Council

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Economic Development Corporation

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Historic District Commission

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Human Relations Board

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.

Rank	1
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Experience	Live in the metropolitan area
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Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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International Relations Committee

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Lakeview Downtown Development Authority

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	1
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Experience	Live in BC city limits
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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	<i>Field not completed.</i>
------	-----------------------------

Experience	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)

Heather Robinson

From: noreply@civicplus.com
Sent: Tuesday, December 13, 2022 8:36 AM
To: mkculp@battlecreekmi.gov; Rebecca D. Forbes; Heather Robinson
Subject: Online Form Submittal: *New* City of Battle Creek Boards and Commissions Application

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

New City of Battle Creek Boards and Commissions Application

City of Battle Creek Board and Commission Application

Please select the **top 3** board(s) or commission(s) on which 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!

Name	Kathy Szenda Wilson
Are you 18 years or older?	Yes
Home address	24 Adams Road
City	Battle Creek
State	Michigan
Zip code	49015
Email address	szenda1969@gmail.com
Home phone	2699860797
Work phone	Field not completed.
Cell phone	2699860797
Current occupation (students, list school activities)	Executive Director - Nonprofit
Employer and work address (students, list school)	300 S. Westnedge, Kalamazoo, MI
Educational background/degrees	BS

(students, list current year
in school)

List any appointed
positions, boards,
commissions, or
committees on which you
have served, and years of
service

City of Battle Creek, Human Relations Board, Current Chair;
former Ward 4 City Commissioner; Speak It Forward, board
member; Grassroots Grantmakers, board member

List any organizations to
which you belong
(professional, technical,
community, nonprofit;
students, list school
organizations)

Field not completed.

Briefly explain your
interest, experience,
and/or qualifications for
the boards for which you
are applying

As a former City Commissioner and current chair of the Human
Relations Board, I wish to continue my service to the City in the
capacity of Chair until my term expires. The Board's purpose
aligns with my values and I believe the work board members
accomplish together goes a long way in helping our neighbors
in Battle Creek thrive.

Attach additional
information

[KSW 2022 canva bio.pdf](#)

Electronic Signature
Agreement

I agree.

*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

Kathy Szenda Wilson

Date

12-13-22

(Section Break)

Demographic Information

We request the following Affirmative Action and Equal Opportunity information to
help determine whether application information for city boards and commissions is
reaching all parts of the community. **Providing the following information is
optional, and if you wish to leave this section blank or incomplete, it will not
affect your potential membership.**

Race/Hispanic Origin

White

Sexual Orientation	Straight/heterosexual
Gender	Woman
Do you have a disability?	No

(Section Break)

Boards, Councils, and Commissions Interest

Please rank your first, second, and third choices for boards on which you would like to serve. Please check the boxes to indicate your experience and/or credentials for each of your three choices. Thank you!

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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AMSA Construction Board of Appeals

Hears appeals on building permit denials, and from any other related decision pursuant or related to.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Advisory Council

Advises the City in areas relating to planning, delivery, and operation of public transportation in the community and to provide recommendations and input regarding accessibility including the annual approval of Battle Creek Transit's Vehicle Accessibility Plan.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Coordinating Committee

Determines annually how the Specialized Services funds will be allocated among the various sub-recipients, related to transportation services for the elderly and those with disabilities.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Bicycle Advisory Committee

League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing research, community outreach, and policy recommendations to city commission and staff.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Board of Appeals

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Columbia Avenue Business Improvement District

Promotes economic activity in the BID along Columbia Avenue; and provides or contracts for the administration, security, and operation of the District, to include physical improvements, and joint marketing.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Development Area Citizen's Council

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Economic Development Corporation

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Historic District Commission

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Human Relations Board

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.

Rank	1
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Experience	Live in the metropolitan area
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Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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International Relations Committee

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Lakeview Downtown Development Authority

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Email not displaying correctly? [View it in your browser.](#)

HUMAN RELATIONS BOARD

<u>Authorization:</u>	City Codified Ordinances, Part 2, Chapter 274.
<u>Appointing Authority:</u>	Mayor with concurrence of City Commission.
<u>Purpose:</u>	To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity, or socioeconomic status and between residents, public officials and community organizations, thereby promoting harmonious and productive relationships within the community and equitable access to community resources for all. (Updated Res. 158, June 21, 2016)
<u>Members:</u>	Twelve by Resolution No. 307, approved August 26, 1986. Membership increased to fifteen by Resolution No. 617, approved February 9, 1988.
<u>Terms:</u>	Staggered terms of one, two, and three years except in filling a vacancy, which term must be for the unexpired date.
<u>Special Requirements:</u>	Shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.
<u>Compensation:</u>	None

Members:

Name:	Term Expires:
Boonikka Herring, City Commissioner	07-21-2023
Chris Lussier	07-21-2023
Derrick Freeman	07-21-2023
Emirrora Austin	07-21-2023
Jeffrey Cotton	07-21-2023
Jennifer Gregor	07-21-2023
Kathy Szenda Wilson, City Commissioner	07-21-2023
Aubrey Kipp	07-21-2024
Donald Woodward	07-21-2024
Keona Ackley	07-21-2024
Pam Lasley	07-21-2024
Deana Spencer	07-21-2026
Joe Hooper	07-21-2026
Whitney Wardell	07-21-2026
Ex-Officio members:	
Vacant	
Vacant	



Resolution

NO. 25

A Resolution appointing Mark Steinbrunner to the Lakeview Downtown Development Authority Board.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That Mark Steinbrunner is appointed to the Lakeview Downtown Development Authority with a term to expire on June 21, 2024.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

A Resolution appointing Mark Steinbrunner to the Lakeview Downtown Development Authority Board.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

The LDDA was created and authorized by the adoption of Ordinance 280 on October 26, 1981, by the Battle Creek Township Board of Trustees, to Act 197 of the Public Acts of 1975 of the State of Michigan.

The membership is made up of the City Manager, plus 12 other members, 8 of whom have an interest in property located in the LDDA District. The LDDA's activities shall include, but are not limited to, the definition of a development area; the origination of a development plan; and the implementation of a development program as provided in Act 197 of PA 1975.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
▣ Steinbrunner__Mark_-_2022.pdf	Steinbrunner, Mark - 2022
▣ Lakeview_Downtown_Development_Authority.docx	Lakeview Downtown Development Authority

Heather Robinson

From: noreply@civicplus.com
Sent: Tuesday, November 15, 2022 1:00 PM
To: mkculp@battlecreekmi.gov; Rebecca D. Forbes; Heather Robinson
Subject: Online Form Submittal: *New* City of Battle Creek Boards and Commissions Application

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

New City of Battle Creek Boards and Commissions Application

City of Battle Creek Board and Commission Application

Please select the **top 3** board(s) or commission(s) on which 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!

Name	Mark Steinbrunner
Are you 18 years or older?	Yes
Home address	125 Lakewood Drive
City	Battle Creek
State	MI
Zip code	49015
Email address	marksteinbrunner@gmail.com
Home phone	<i>Field not completed.</i>
Work phone	<i>Field not completed.</i>
Cell phone	773-860-9680
Current occupation (students, list school activities)	Retail Manager / Senior Researcher
Employer and work address (students, list school)	Dollar Tree - 5700 Beckley Rd, Battle Creek / Appraisal Associates - 4025 W Main Street, Kalamazoo
Educational background/degrees	1989 BS Degree, Western Michigan University, 1985 Associate Degree in Art and General Studies, KCC

(students, list current year
in school)

List any appointed
positions, boards,
commissions, or
committees on which you
have served, and years of
service

Field not completed.

List any organizations to
which you belong
(professional, technical,
community, nonprofit;
students, list school
organizations)

President, Willard Woods Civic Improvement Association

Briefly explain your
interest, experience,
and/or qualifications for
the boards for which you
are applying

I have always had a desire to give back to the community, I
have an avid interest in Battle Creek history.

Attach additional
information

Field not completed.

Electronic Signature
Agreement

I agree.

*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

Mark J Steinbrunner

Date

11/15/2022

(Section Break)

Demographic Information

We request the following Affirmative Action and Equal Opportunity information to
help determine whether application information for city boards and commissions is
reaching all parts of the community. **Providing the following information is
optional, and if you wish to leave this section blank or incomplete, it will not
affect your potential membership.**

Race/Hispanic Origin

White

Sexual Orientation

Gay or lesbian

Gender Man

Do you have a disability? No

(Section Break)

Boards, Councils, and Commissions Interest

Please rank your first, second, and third choices for boards on which you would like to serve. Please check the boxes to indicate your experience and/or credentials for each of your three choices. Thank you!

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.*

AMSA Construction Board of Appeals

Hears appeals on building permit denials, and from any other related decision pursuant or related to.

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 *Field not completed.*

Experience *Field not completed.*

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Advisory Council

Advises the City in areas relating to planning, delivery, and operation of public transportation in the community and to provide recommendations and input regarding accessibility including the annual approval of Battle Creek Transit's Vehicle Accessibility Plan.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Coordinating Committee

Determines annually how the Specialized Services funds will be allocated among the various sub-recipients, related to transportation services for the elderly and those with disabilities.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Bicycle Advisory Committee

League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing research, community outreach, and policy recommendations to city commission and staff.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Board of Appeals

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Columbia Avenue Business Improvement District

Promotes economic activity in the BID along Columbia Avenue; and provides or contracts for the administration, security, and operation of the District, to include physical improvements, and joint marketing.

Rank	2
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Experience	Live in BC city limits
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Development Area Citizen's Council

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Economic Development Corporation

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Historic District Commission

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

Rank	1
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Experience	History, Live in BC city limits
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Human Relations Board

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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International Relations Committee

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

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Lakeview Downtown Development Authority

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

Rank	3
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Experience	Live in BC city limits
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
------	-----------------------------

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

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

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

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

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

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

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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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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	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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LAKEVIEW DOWNTOWN DEVELOPMENT AUTHORITY

<u>Authorization:</u>	Adoption of Ordinance 280 on October 26, 1981, by Battle Creek Township Board of Trustees, pursuant to Act 197 of PA 1975, of the State of Michigan.
<u>Appointing Authority:</u>	City Manager with approval of the City Commission.
<u>Purpose:</u>	The LDDA's activities shall include, but are not limited to, the definition of a development area; the origination of a development plan; and the implementation of a development program as provided in Act 197 of PA 1975.
<u>Membership:</u>	Up to twelve (plus City Manager), eight of whom shall be persons owning property in the District or having an interest in property in the District. New appointees to take oath of office.
<u>Term:</u>	Members shall be appointed for a term of four years after the initial appointments, or to fill an unexpired term.
<u>Compensation:</u>	None, except for reimbursement for actual and necessary expenses incurred in the performance of their official duties.

Members:

<u>Name:</u>	<u>Address</u>	<u>Term Expires</u>
Anmar Atchu **	750 Trade Centre Way, Ste. 100, Portage, MI 49002	11/13/2026
David Rost , DVM	51 Minges Rd. W.	02/06/2026
T.R. Shaw **	935 Hillbrook Drive	02/06/2026
Dave Schweitzer Schweitzer Construction	9807 Bellevue Road (14)	06/21/2024
Vacancy		
Ex-Officio:		
Rebecca L. Fleury City Manager	10 N. Division Street	Open

Property Owners in the District**



Resolution

NO. 26

A Resolution reappointing John Hughes, John Godfrey, and Cody Newman to the Planning Commission.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That this Resolution reappoints the following to the Planning Commission with a term to expire on January 1, 2026:

- John Hughes
- John Godfrey
- Cody Newman

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

A Resolution reappointing John Hughes, John Godfrey, and Cody Newman to the Planning Commission.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION


The Battle Creek Planning Commission was created in accordance with Act 285 of the Public Acts of 1931, State of Michigan as amended; and Part 12, Chapter 1202, of the City Codified Ordinances. There are nine members on the Planning Commission (this is set by State Law). The Mayor appoints eight persons, seven of whom are members of the community, one of whom is a City Commissioner.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
 Godfrey__John_-_2022.pdf	Godfrey, John - 2022
 Hughes__John_-_2022.pdf	Hughes, John - 2022
 Newman__Cody_-_2022.pdf	Newman, Cody - 2022
 Planning_Commission.docx	Planning Commission



BOARD AND COMMISSION APPLICATION

CITY OF BATTLE CREEK

10 N. Division Street
Battle Creek, Michigan 49014-4004
269.966.3378

PLEASE CHECK THE TOP (3) BOARD(S) OR COMMISSION(S) ON WHICH YOU ARE INTERESTED IN SERVING

(This application will remain active for one year from the date of receipt and will be posted on the City website.)

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Gogua Lake Board |
| <input type="checkbox"/> AMSA Construction Board of Appeals | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Battle Creek Downtown Development Authority | <input type="checkbox"/> Human Relations Board |
| <input type="checkbox"/> Battle Creek Housing Commission | <input type="checkbox"/> Income Tax Board of Appeals |
| <input type="checkbox"/> Battle Creek Transit Local Advisory Council | <input type="checkbox"/> International Relations Committee |
| <input type="checkbox"/> Battle Creek Transit Local Coordinating Committee | <input type="checkbox"/> Lakeview Downtown Development Authority |
| <input type="checkbox"/> Battle Creek TIFA/Brownfield Development Authority | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Bicycle Advisory Committee | <input type="checkbox"/> Local Development Financing Authority |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Local Officers' Compensation Commission |
| <input type="checkbox"/> Board of Review (Assessing) | <input checked="" type="checkbox"/> * Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Sustainable BC Committee |
| <input type="checkbox"/> Columbia Avenue Business Improvement District | <input type="checkbox"/> Technical Review Committee |
| <input type="checkbox"/> Dangerous Building Hearings Officer | <input type="checkbox"/> Tree Advisory Council |
| <input type="checkbox"/> Development Area Citizen's Council | <input type="checkbox"/> Water System Advisory Council |
| <input type="checkbox"/> Dickman Road Business Improvement District | <input type="checkbox"/> Youth Advisory Board |
| <input type="checkbox"/> Downtown Parking System Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Economic Development Corporation | |

Name GODFREY, John M.I. K.
Last First
Home Address: 625 MORNINGSIDE DRIVE E-mail: jkymorningside3@gmail.com

Telephone: Home 269-968-9574 Work N/A Cell 269-209-5755

Are you at least 18 years of age? Yes ☒ No ☐

Current occupation (students, list school activities) RETIRED

Employer/work address (students, list school) N/A

Educational background/degrees (students, list year in school) BA - MSU (1966) - POLITICAL SCIENCE

List any appointive positions/boards/commissions or committees on which you have served and year(s) of service CITY COMMISSION
1999-2009, Mayor 2003-2007, DDA, PLANNING COMMISSION

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations)

ROTARY CLUB OF BATTLE CREEK, OAK HILL CEMETARY BOARD, HABITAT FOR HUMANITY BOARD
ST. MARK LUTHERAN COUNCIL, BATTLE CREEK SYMPHONY BOARD

Briefly indicate your interest, experience, and/or qualifications for the board for which you are applying. Please be specific (use back of form if necessary). MEMBER OF THE PLANNING COMMISSION SINCE THE LATE
1990's. GRADUATE OF THE MSU CITIZEN PLANNER PROGRAM - 2011.

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 John K. Godfrey Date 11-16-2022

RETURN APPLICATION TO: City Manager's Office, 10 N. Division Street,
Room 206, Battle Creek, MI 49014

Demographics

We request the following Affirmative Action and Equal Opportunity information to help determine whether application information for city boards and commissioners is reaching all parts of the community. Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.

Race and Hispanic Origin (Select all that apply)

☐ American Indian and Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian and Other Pacific Islander

☒ White

☐ Two or More Races

☐ Hispanic or Latinx

☐ Not Hispanic or Latinx

Sexual Orientation

☒ Straight/Heterosexual

☐ Gay or Lesbian

☐ Bisexual

☐ Prefer to self-describe

☐ Prefer not to say

Gender

☒ Man

☐ Woman

☐ Non-binary or third gender

☐ Prefer to self-describe

☐ Prefer not to say

Do you have a disability?

☐ Yes

☒ No

☐ Prefer not to respond



BOARD AND COMMISSION APPLICATION

CITY OF BATTLE CREEK

10 N. Division Street
Battle Creek, Michigan 49014-4004
269.966.3378

PLEASE CHECK THE TOP (3) BOARD(S) OR COMMISSION(S) ON WHICH YOU ARE INTERESTED IN SERVING

(This application will remain active for one year from the date of receipt and will be posted on the City website.)

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Gogua Lake Board |
| <input type="checkbox"/> AMSA Construction Board of Appeals | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Battle Creek Downtown Development Authority | <input type="checkbox"/> Human Relations Board |
| <input type="checkbox"/> Battle Creek Housing Commission | <input type="checkbox"/> Income Tax Board of Appeals |
| <input type="checkbox"/> Battle Creek Transit Local Advisory Council | <input type="checkbox"/> International Relations Committee |
| <input type="checkbox"/> Battle Creek Transit Local Coordinating Committee | <input type="checkbox"/> Lakeview Downtown Development Authority |
| <input type="checkbox"/> Battle Creek TIFA/Brownfield Development Authority | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Bicycle Advisory Committee | <input type="checkbox"/> Local Development Financing Authority |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Local Officers' Compensation Commission |
| <input type="checkbox"/> Board of Review (Assessing) | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Sustainable BC Committee |
| <input type="checkbox"/> Columbia Avenue Business Improvement District | <input type="checkbox"/> Technical Review Committee |
| <input type="checkbox"/> Dangerous Building Hearings Officer | <input type="checkbox"/> Tree Advisory Council |
| <input type="checkbox"/> Development Area Citizen's Council | <input type="checkbox"/> Water System Advisory Council |
| <input type="checkbox"/> Dickman Road Business Improvement District | <input type="checkbox"/> Youth Advisory Board |
| <input type="checkbox"/> Downtown Parking System Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Economic Development Corporation | |

Name Hughes, John W

Home Address: 409 Robertson Ave Battle Creek, MI 49015 E-mail jhughes.waterland@gmail.com

Telephone: Home 269-419-1429 Work 269-318-2111 Cell 269-419-1429

Are you at least 18 years of age? Yes ☒ No ☐

Current occupation (students, list school activities) Economic Development Specialist

Employer/work address (students, list school) Battle Creek Unlimited

Educational background/degrees (students, list year in school) Enrolled- KCC

List any appointive positions/boards/commissions or committees on which you have served and year(s) of service BC Planning Commission- Replaced Joe Sobieralski (BCU) mid-term in 2022. Less than a year.

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations) IEDC, MEDA, InterNACHI, Active MI Real Estate License, Battle Creek Manufacturing Consortium

Briefly indicate your interest, experience, and/or qualifications for the board for which you are applying. Please be specific (use back of form if necessary). My experience for the planning commission comes from holding an active real estate license for the past 7 years which I have utilized by working in commercial real estate, and also from my current role at BCU where I work in economic and community development on a daily basis. My interest in the planning commission goes far beyond the involvement I have in related work and includes my personal interest as a city resident to work in partnership with city staff to ensure planning and zoning is effective and attractive.

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

Signed by:

Signature John Hughes

F6CA686835E145D...

Date 11/17/2022

RETURN APPLICATION TO: City Manager's Office, 10 N. Division Street,
Room 206, Battle Creek, MI 49014

Demographics

We request the following Affirmative Action and Equal Opportunity information to help determine whether application information for city boards and commissioners is reaching all parts of the community. Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.

Race and Hispanic Origin (Select all that apply)

☐ American Indian and Alaska Native☐ Asian☐ Black or African American☐ Native Hawaiian and Other Pacific Islander☒ White☐ Two or More Races☐ Hispanic or Latinx☐ Not Hispanic or Latinx

Sexual Orientation

☒ Straight/Heterosexual☐ Gay or Lesbian☐ Bisexual☐ Prefer to self-describe☐ Prefer not to say

Gender

☒ Man ☐ Woman ☐ Non-binary or third gender ☐ Prefer to self-describe ☐ Prefer not to say

Do you have a disability?

☐ Yes ☒ No ☐ Prefer not to respond

City of Battle Creek Boards, Commissions and Committees – Descriptions

**PLEASE CHECK EXPERIENCE FOR THE (3) BOARD(S) OR COMMISSION(S) ON WHICH
YOU ARE INTERESTED IN SERVING**

Airport Advisory Board – Appointing authority: Mayor and Commission.

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. Meets quarterly.

Contact: Battle Creek Executive Airport at Kellogg Field, 269-966-3470

Experience: ☐ Airport Operations ☐ Economic Development ☐ Live in city limits

AMSA Construction Board of Appeals – Appointing authority: Proposed by AMSA committee, appointed by the Mayor.

This committee hears appeals on building permit denials and from any other decision pursuant or related to. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Architecture ☐ Building Construction ☐ Engineering ☐ Real Estate/Development/Law

Battle Creek Downtown Development Authority – Appointing authority: City Manager, with Commission approval.

The Downtown Development Authority, Public Act 57 of 2018, is designed to be a catalyst in the development of the city's downtown district. The DDA provides for a variety of funding options including a tax increment financing mechanism, which can be used to fund public improvements in the downtown district. Meets quarterly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Property Owner ☐ Business Representative ☐ Live in city limits

Battle Creek Housing Commission – Appointing authority: Mayor and 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. Meets monthly.

Contact: Community Services Director, 269-966-3387

Experience: ☐ Public Housing ☐ Live in city limits

Battle Creek Transit Local Advisory Council – Appointing authority: Mayor and Commission.

Public Act 51 of 1951, as amended, required there to be a Local Advisory Council whose legal function is to review and comment on the applicant Vehicle Accessibility Plan and annual updates to that plan. Meets annually, with special meetings scheduled if necessary.

Contact: Battle Creek Transit, 269-966-3374

Experience: ☐ Public Transportation ☐ Live in city limits

Battle Creek Transit Local Coordinating Committee – Appointing authority: Mayor and Commission.

Public Act 51 of 1951, as amended, required there to be a local coordination of transportation services to the elderly and disabled. Because of this requirement, the Michigan Department of Transportation directed that each transit agency have a "local coordinating committee" whose legal function is to determine annually how the Specialized Services funds will be allocated among the various sub-recipients. Meets Quarterly.

Contact: Battle Creek Transit, 269-966-3474

Experience: ☐ Public Transportation ☐ Live in city limits

Battle Creek TIFA/Brownfield Redevelopment Authority – Appointing authority: City Manager, with Commission approval.

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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Property Owner ☐ Business Owner ☐ Live in city limits

Bicycle Advisory Committee – Appointing authority: City Manager for city staff members; Mayor and Commission for remaining members.

The League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing research, community outreach, and policy recommendations to the Commission and city staff. Meets monthly.

Contact: Recreation Department, 269-966-3431; Engineering Division, 269-966-3343

Experience: ☐ Business Representative ☐ Live in city limits

Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Code Compliance Manager, 269-966-3387

Experience: ☐ Building Construction/Engineering ☐ Zoning ☐ Real Estate/Development/Law ☐ Live in city limits

Board of Review (Assessing) – Appointing authority: Mayor and Commission.

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. Meets for a minimum of five days in March; one day in July; and one day in December.

Contact: City Assessor, 269-966-3369

Experience: ☐ Banking/Finance ☐ Property Appraisal/Assessing ☐ Real Estate/Development/Law ☐ Live in city limits

City Commission – Appointing authority: Elected by City of Battle Creek voters.

City Commissioners serve two-year terms.

City 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 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.

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. Meets monthly.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Columbia Avenue Business Improvement District – Appointing authority: Mayor and City Commission

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 Columbia Avenue and providing or contracting for the administration, security, and operation of the District, to include physical improvements and joint marketing. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Business Representative ☐ Live in city limits

Dangerous Building Hearings Officer – Appointing authority: Mayor, with Commission approval.

Identifies those structures within the city confines that are 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: an engineer, architect, building contractor, building inspector, or member of a community housing organization. Meets monthly.

Contact: Code Compliance Manager, 269-966-3387

Experience: ☐ Building Construction/Engineering ☐ Real Estate/Development/Law ☐ Housing

Development Area Citizen's Council – Appointing authority: City CommissionAn advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan. Contact: City Manager, 269-966-3378Experience: ☐ Lives within authority boundaries

Dickman Road Business Improvement District – Appointing authority: City Manager, with Commission approval; City of Springfield

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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Non-automotive Business Representative ☐ Automotive Business Representative

Downtown Parking System Advisory Committee – Appointing authority: Mayor appoints commissioners; City Manager appoints owners and members at large with Commission approval.

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

Contact: Public Works Director, 269-966-3490

Experience: ☐ Downtown Business/Property Owner ☐ Live in city limits

Economic Development Corporation – Appointing authority: Mayor, with Commission approval.

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

Contact: City Manager's Office, 269-966-3378

Experience: ☐ 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 representative of the Michigan Department of Environment, Great Lakes, and Energy.

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. Meets quarterly.

Contact: Utility Administrator, 269-966-3343

Experience: ☐ Own property on Goguac Lake

Historic District Commission – Appointing authority: Mayor, with Commission approval.

Charged under state law and local ordinance with reviewing plans for exterior modifications or demolition of buildings within the federal, state or local historic districts. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Constriction/Building Trades ☐ History ☐ Architecture ☐ Live in city limits

Human Relations Board – Appointing authority: Mayor, with Commission approval.

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To also increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships

within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in the metropolitan area

Income Tax Board of Appeals – Appointing authority: Mayor, with Commission approval.

Pursuant to State Act 284 of 1964, attempts to settle city income tax disputes. Meets as needed.

Contact: Income Tax Division, 269-966-3345

Experience: ☐ Income Tax/Accounting ☐ Live in city limits

International Relations Committee – Appointing authority: Mayor, with Commission approval.

To foster cultural promotion of the city and provide a positive environment toward foreign industrialists and their families. Meets as needed.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits

Lakeview Downtown Development Authority – Appointing authority: City Manager, with Commission approval.

The LDDA's activities shall include, but are not limited to, the definition of a development area; the origination of a development plan; and the implementation of a development program as provided in Act 197 of PA 1975. Meets bi-annually.

Contact: City Manager, 269-966-3378

Experience: ☐ District Property Owner/Business Representative ☐ Live in city limits

License Review Board – Appointing authority: Mayor, with Commission approval.

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. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Local Development Financing Authority – Appointing authority: City Manager, with Commission approval.

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. Meets as needed.

Contact: City Manager, 269-966-3378

Experience: ☐ Live in city limits ☐ Calhoun County Commission/KCC/MEDC appointment

Local Officers' Compensation Commission – Appointing authority: Mayor, with Commission approval.

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

Experience: ☐ Live in city limits

Planning Commission – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Civil/Engineering/Landscape Architecture ☐ Land Use Planning ☒ Real Estate/Development ☐ Law

Sustainable BC Committee – Appointing authority: City staff by City Manager; remaining members by Mayor, with Commission approval.

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. Meets as needed.

Contact: Utility Administrator, 269-966-3343

Experience: ☐ Environmental ☐ Live in city limits ☐ Business Representative

Technical Review Committee – Appointing authority: City staff by City Manager; remaining members by contributing jurisdictions.

Provides review, input, and recommendations to the City and the City Commission regarding various aspects of the Wastewater Treatment system and rates. Meets quarterly.

Contact: Public Works Director, 269-966-3490

Experience: ☐ Engineering ☐ Other Technical Expertise ☐ Industry Representative

Tree Advisory Council – Appointing authority: Mayor, with Commission approval.

Members serve in an advisory capacity to the Department of Public Works and the City Manager in developing the annual Tree Work Plan and the issuance of rules and regulations supplementary to the city's tree ordinance. Establishment meets a Tree City USA criterion. Meets at least once a year, in September.

Contact: City Engineer, 269-966-3343

Experience: ☐ Horticulture ☐ Forestry

Water System Advisory Council – Appointing authority: Mayor and Commission.

To advise and assist with the 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. Meets annually.

Contact: Public Works Director, 269-966-3490

Experience: ☐ Interest/knowledge about lead in drinking water and its effects ☐ Live in city limits

Youth Advisory Board – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits ☐ Age 14-20

Zoning Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Land Use Planning ☐ Real Estate/Development/Law ☐ Building Construction/Engineering ☐ Live in city limits



BOARD AND COMMISSION APPLICATION

CITY OF BATTLE CREEK

10 N. Division Street
Battle Creek, Michigan 49014-4004
269.966.3378

PLEASE CHECK THE TOP (3) BOARD(S) OR COMMISSION(S) ON WHICH YOU ARE INTERESTED IN SERVING

(This application will remain active for one year from the date of receipt and will be posted on the City website.)

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Goguac Lake Board |
| <input type="checkbox"/> AMSA Construction Board of Appeals | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Battle Creek Downtown Development Authority | <input type="checkbox"/> Human Relations Board |
| <input type="checkbox"/> Battle Creek Housing Commission | <input type="checkbox"/> Income Tax Board of Appeals |
| <input type="checkbox"/> Battle Creek Transit Local Advisory Council | <input type="checkbox"/> International Relations Committee |
| <input type="checkbox"/> Battle Creek Transit Local Coordinating Committee | <input type="checkbox"/> Lakeview Downtown Development Authority |
| <input type="checkbox"/> Battle Creek TIFA/Brownfield Development Authority | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Bicycle Advisory Committee | <input type="checkbox"/> Local Development Financing Authority |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Local Officers' Compensation Commission |
| <input type="checkbox"/> Board of Review (Assessing) | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Sustainable BC Committee |
| <input type="checkbox"/> Columbia Avenue Business Improvement District | <input type="checkbox"/> Technical Review Committee |
| <input type="checkbox"/> Dangerous Building Hearings Officer | <input type="checkbox"/> Tree Advisory Council |
| <input type="checkbox"/> Development Area Citizen's Council | <input type="checkbox"/> Water System Advisory Council |
| <input type="checkbox"/> Dickman Road Business Improvement District | <input type="checkbox"/> Youth Advisory Board |
| <input type="checkbox"/> Downtown Parking System Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Economic Development Corporation | |

Name _____

Last

First

M.I.

Home Address: _____ E-mail _____

Telephone: Home _____ Work _____ Cell _____

Are you at least 18 years of age? Yes _____ No _____

Current occupation (students, list school activities) _____

Employer/work address (students, list school) _____

Educational background/degrees (students, list year in school) _____

List any appointive positions/boards/commissions or committees on which you have served and year(s) of service _____

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations) _____

Briefly indicate your interest, experience, and/or qualifications for the board for which you are applying. Please be specific (use back of form if necessary). _____

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 Cody Ma _____

Date _____

RETURN APPLICATION TO: City Manager's Office, 10 N. Division Street,
Room 206, Battle Creek, MI 49014

Demographics

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☐ American Indian and Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian and Other Pacific Islander

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☐ Prefer to self-describe

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Gender

☒ Man ☐ Woman ☐ Non-binary or third gender ☐ Prefer to self-describe ☐ Prefer not to say

Do you have a disability?

☐ Yes ☒ No ☐ Prefer not to respond

City of Battle Creek Boards, Commissions and Committees – Descriptions

**PLEASE CHECK EXPERIENCE FOR THE (3) BOARD(S) OR COMMISSION(S) ON WHICH
YOU ARE INTERESTED IN SERVING**

Airport Advisory Board – Appointing authority: Mayor and Commission.

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. Meets quarterly.

Contact: Battle Creek Executive Airport at Kellogg Field, 269-966-3470

Experience: ☐ Airport Operations ☐ Economic Development ☐ Live in city limits

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This committee hears appeals on building permit denials and from any other decision pursuant or related to. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Architecture ☐ Building Construction ☐ Engineering ☐ Real Estate/Development/Law

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Experience: ☐ Property Owner ☐ Business Representative ☐ Live in city limits

Battle Creek Housing Commission – Appointing authority: Mayor and 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. Meets monthly.

Contact: Community Services Director, 269-966-3387

Experience: ☐ Public Housing ☐ Live in city limits

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Experience: ☐ Public Transportation ☐ Live in city limits

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Experience: ☐ Public Transportation ☐ Live in city limits

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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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Property Owner ☐ Business Owner ☐ Live in city limits

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Contact: Recreation Department, 269-966-3431; Engineering Division, 269-966-3343

Experience: ☐ Business Representative ☐ Live in city limits

Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Code Compliance Manager, 269-966-3387

Experience: ☐ Building Construction/Engineering ☐ Zoning ☐ Real Estate/Development/Law ☐ Live in city limits

Board of Review (Assessing) – Appointing authority: Mayor and Commission.

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. Meets for a minimum of five days in March; one day in July; and one day in December.

Contact: City Assessor, 269-966-3369

Experience: ☐ Banking/Finance ☐ Property Appraisal/Assessing ☐ Real Estate/Development/Law ☐ Live in city limits

City Commission – Appointing authority: Elected by City of Battle Creek voters.

City Commissioners serve two-year terms.

City 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 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.

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. Meets monthly.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Columbia Avenue Business Improvement District – Appointing authority: Mayor and City Commission

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 Columbia Avenue and providing or contracting for the administration, security, and operation of the District, to include physical improvements and joint marketing. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Business Representative ☐ Live in city limits

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Identifies those structures within the city confines that are 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: an engineer, architect, building contractor, building inspector, or member of a community housing organization. Meets monthly.

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Experience: ☐ Building Construction/Engineering ☐ Real Estate/Development/Law ☐ Housing

Development Area Citizen's Council – Appointing authority: City CommissionAn advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan. Contact: City Manager, 269-966-3378Experience: ☐ Lives within authority boundaries

Dickman Road Business Improvement District – Appointing authority: City Manager, with Commission approval; City of Springfield

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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Non-automotive Business Representative ☐ Automotive Business Representative

Downtown Parking System Advisory Committee – Appointing authority: Mayor appoints commissioners; City Manager appoints owners and members at large with Commission approval.

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

Contact: Public Works Director, 269-966-3490

Experience: ☐ Downtown Business/Property Owner ☐ Live in city limits

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

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Experience: ☐ Economic Development ☐ Live in city limits

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Contact: Utility Administrator, 269-966-3343

Experience: ☐ Own property on Goguac Lake

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Charged under state law and local ordinance with reviewing plans for exterior modifications or demolition of buildings within the federal, state or local historic districts. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Constriction/Building Trades ☐ History ☒ Architecture ☐ Live in city limits

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within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in the metropolitan area

Income Tax Board of Appeals – Appointing authority: Mayor, with Commission approval.

Pursuant to State Act 284 of 1964, attempts to settle city income tax disputes. Meets as needed.

Contact: Income Tax Division, 269-966-3345

Experience: ☐ Income Tax/Accounting ☐ Live in city limits

International Relations Committee – Appointing authority: Mayor, with Commission approval.

To foster cultural promotion of the city and provide a positive environment toward foreign industrialists and their families. Meets as needed.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits

Lakeview Downtown Development Authority – Appointing authority: City Manager, with Commission approval.

The LDDA's activities shall include, but are not limited to, the definition of a development area; the origination of a development plan; and the implementation of a development program as provided in Act 197 of PA 1975. Meets bi-annually.

Contact: City Manager, 269-966-3378

Experience: ☐ District Property Owner/Business Representative ☐ Live in city limits

License Review Board – Appointing authority: Mayor, with Commission approval.

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. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Local Development Financing Authority – Appointing authority: City Manager, with Commission approval.

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. Meets as needed.

Contact: City Manager, 269-966-3378

Experience: ☐ Live in city limits ☐ Calhoun County Commission/KCC/MEDC appointment

Local Officers' Compensation Commission – Appointing authority: Mayor, with Commission approval.

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

Experience: ☐ Live in city limits

Planning Commission – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☒ Civil/Engineering/Landscape Architecture ☐ Land Use Planning ☐ Real Estate/Development ☐ Law

Sustainable BC Committee – Appointing authority: City staff by City Manager; remaining members by Mayor, with Commission approval.

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. Meets as needed.

Contact: Utility Administrator, 269-966-3343

Experience: ☐ Environmental ☐ Live in city limits ☐ Business Representative

Technical Review Committee – Appointing authority: City staff by City Manager; remaining members by contributing jurisdictions.

Provides review, input, and recommendations to the City and the City Commission regarding various aspects of the Wastewater Treatment system and rates. Meets quarterly.

Contact: Public Works Director, 269-966-3490

Experience: ☐ Engineering ☐ Other Technical Expertise ☐ Industry Representative

Tree Advisory Council – Appointing authority: Mayor, with Commission approval.

Members serve in an advisory capacity to the Department of Public Works and the City Manager in developing the annual Tree Work Plan and the issuance of rules and regulations supplementary to the city's tree ordinance. Establishment meets a Tree City USA criterion. Meets at least once a year, in September.

Contact: City Engineer, 269-966-3343

Experience: ☐ Horticulture ☐ Forestry

Water System Advisory Council – Appointing authority: Mayor and Commission.

To advise and assist with the 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. Meets annually.

Contact: Public Works Director, 269-966-3490

Experience: ☐ Interest/knowledge about lead in drinking water and its effects ☐ Live in city limits

Youth Advisory Board – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits ☐ Age 14-20

Zoning Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Land Use Planning ☐ Real Estate/Development/Law ☐ Building Construction/Engineering ☐ Live in city limits

PLANNING COMMISSION

<u>Authorization:</u>	Created in accordance with Michigan Planning Enabling Act (PA 33 of 2008; as amended); and Part 12, Chapter 1202, of the City Codified Ordinances.
<u>Appointing Authority:</u>	City Ordinance 1280.02(b)(1) and MCL 125.3815(1): The Planning Commission shall consist of nine members appointed by the Mayor, subject to the approval, by a majority vote, of the members of the City Commission elected and serving. Members may include the City Manager or a person designated by the City Manager, if any, the Mayor and one or more members of the City Commission, or any combination thereof, as ex officio members; however, not more than one-third of the members of the Planning Commission may be ex officio members. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the Planning Commission.
<u>Purpose:</u>	Participation in the planning process by conducting public hearings and recommending a master plan in accordance with which the zoning ordinance is to be prepared and amended. Participation in the legislative process of establishing and amending the zoning ordinance by conducting public hearings and making a recommendation regarding whether proposed ordinance amendments should be adopted by the City Commission. Participation in the administration of the zoning ordinance once adopted such as conducting the public hearing and making reports and recommendations to the City Commission regarding special land uses, and Planned Unit Developments. Preparation for the City Commission, at least once per year, of a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.
<u>Membership:</u>	Nine. Mayor appoints eight persons, seven of whom are members of the community, one of whom is a City Commissioner. Mayor and City Commissioner are ex-officio with full voting rights.
<u>Term:</u>	Three years or until successor takes office. Ex-Officio members shall serve one year.
<u>Compensation:</u>	None

Members:

Name:	Address:	Term Expires:
Mayor Mark Behnke markbehnke@aol.com	Ex-Officio	11/02/2022
Vice Mayor Carla Reynolds ccreynolds@battlecreekmi.gov	Ex-Officio	11/02/2022
Cody Newman Cnewman0330@gmail.com	11 Carlyle St.	01/01/2023
John Godfrey III (Chair) Jkgmorningside3@gmail.com	625 Morningside Drive	01/01/2023
John Hughes hughes@bcunlimited.org	Battle Creek Unlimited	01/01/2023
Chip (Herman) Spranger cspranger@battlecreek-homes.com	174 Brentwood Drive	01/01/2024
Lynn Ward-Gray G4bcnow@gmail.com	245 Irving Park Dr.	01/01/2024
Ariel Laws Malyklaws11@gmail.com	176 N. Union St.	01/01/2025
William Morris Billmorris110@gmail.com	120 Clubhouse Drive	01/01/2025



Resolution

NO. 27

A Resolution appointing Michael Andrews to the Water System Advisory Council

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That Michael Andrews is appointed to the Water System Advisory Council, with terms to expire on December 04, 2024.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

A Resolution appointing Michael Andrews to the Water System Advisory Council

BUDGETARY CONSIDERATIONS

Any necessary costs associated with the activities of the WSAC council will be financed out of the water fund budget.

HISTORY, BACKGROUND and DISCUSSION

City Charter Section 12.15 permits the City Commission to create Advisory Committees to advise and consult with them regarding any municipal activity.

The Water System Advisory Council was established under Resolution 23, dated December 4, 2018, pursuant to Michigan Department of Environmental Quality administrative rules.

On June 14, 2018 the Michigan Department of Environmental Quality issued changes to the administrative rules concerning lead and copper in drinking water promulgated under the Michigan Safe Drinking Water Act, 1976 PA 399.

Rule 325.10410(7) requires that each water supply serving more than 50,000 people, must establish a water system advisory council within 180 days (December 11, 2018). The water system advisory council shall consist of at least 5 members, appointed by the community supply. Members shall have a demonstrated interest in or knowledge about lead in drinking water and its effects. At least one member must be a local resident who does not formally represent the interests of any incorporated organization.

The WSAC shall be responsible for the following:

1. Develop plans for continuing public awareness about lead in drinking water, even when the action level is not exceeded.
2. Review public awareness materials provided by the statewide drinking water advisory council to ensure the needs and interests of the community, considering the economic and cultural diversity of its residents, are addressed.
3. Advise and consult with the water supply on the development of appropriate plans for remediation and public education to be implemented if a lead action level is exceeded.
4. Advise and consult with the water supply on efforts to replace private lead service lines at locations where the owner declined service line replacement.
5. Assist in promoting transparency of all data and documents related to lead in drinking water within the water supply service area.
6. Collaborate with local community groups to ensure that residents have the opportunity to be involved in efforts to educate the community about lead in drinking water.

The WSAC may independently seek advice, direction, and assistance from the Michigan Department of Environmental Quality or the statewide advisory council.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Andrews__Michael_-_2022.pdf	Andrews, Michael - 2022
<input type="checkbox"/> Water_System_Advisory_Council.docx	Water System Advisory Council



BOARD AND COMMISSION APPLICATION

CITY OF BATTLE CREEK

10 N. Division Street
Battle Creek, Michigan 49014-4004
269.966.3378

PLEASE CHECK THE TOP (3) BOARD(S) OR COMMISSION(S) ON WHICH YOU ARE INTERESTED IN SERVING

(This application will remain active for one year from the date of receipt and will be posted on the City website.)

- | | |
|---|---|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Goguac Lake Board |
| <input type="checkbox"/> AMSA Construction Board of Appeals | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Battle Creek Downtown Development Authority | <input type="checkbox"/> Human Relations Board |
| <input type="checkbox"/> Battle Creek Housing Commission | <input type="checkbox"/> Income Tax Board of Appeals |
| <input type="checkbox"/> Battle Creek Transit Local Advisory Council | <input type="checkbox"/> International Relations Committee |
| <input type="checkbox"/> Battle Creek Transit Local Coordinating Committee | <input type="checkbox"/> Lakeview Downtown Development Authority |
| <input type="checkbox"/> Battle Creek TIFA/Brownfield Development Authority | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Bicycle Advisory Committee | <input type="checkbox"/> Local Development Financing Authority |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Local Officers' Compensation Commission |
| <input type="checkbox"/> Board of Review (Assessing) | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Sustainable BC Committee |
| <input type="checkbox"/> Columbia Avenue Business Improvement District | <input type="checkbox"/> Technical Review Committee |
| <input type="checkbox"/> Dangerous Building Hearings Officer | <input type="checkbox"/> Tree Advisory Council |
| <input type="checkbox"/> Development Area Citizen's Council | <input checked="" type="checkbox"/> Water System Advisory Council |
| <input type="checkbox"/> Dickman Road Business Improvement District | <input type="checkbox"/> Youth Advisory Board |
| <input type="checkbox"/> Downtown Parking System Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Economic Development Corporation | |

Name Andrews Michael G
Last First M.I.
Home Address: 492 E. Hamilton Lane E-mail: mike539415@gmail.com
Telephone: Home _____ Work _____ Cell 269-209-7771

Are you at least 18 years of age? Yes ☒ No ☐

Current occupation (students, list school activities) Retired

Employer/work address (students, list school) _____

Educational background/degrees (students, list year in school) Masters Public Administration

List any appointive positions/boards/commissions or committees on which you have served and year(s) of service _____

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations) _____

Briefly indicate your interest, experience, and/or qualifications for the board for which you are applying. Please be specific (use back of form if necessary).

see back of form

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

Michael Andrews

Date 11/29/22

RETURN APPLICATION TO: City Manager's Office, 10 N. Division Street,
Room 206, Battle Creek, MI 49014

Demographics

We request the following Affirmative Action and Equal Opportunity information to help determine whether application information for city boards and commissioners is reaching all parts of the community. Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.

Race and Hispanic Origin (Select all that apply)

☐ American Indian and Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian and Other Pacific Islander

☒ White

☐ Two or More Races

☐ Hispanic or Latinx

☐ Not Hispanic or Latinx

Sexual Orientation

☒ Straight/Heterosexual

☐ Gay or Lesbian

☐ Bisexual

☐ Prefer to self-describe

☐ Prefer not to say

Gender

☒ Man ☐ Woman ☐ Non-binary or third gender ☐ Prefer to self-describe ☐ Prefer not to say

Do you have a disability?

☐ Yes

☒ No

☐ Prefer not to respond

City of Battle Creek Boards, Commissions and Committees – Descriptions

**PLEASE CHECK EXPERIENCE FOR THE (3) BOARD(S) OR COMMISSION(S) ON WHICH
YOU ARE INTERESTED IN SERVING**

Airport Advisory Board – Appointing authority: Mayor and Commission.

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. Meets quarterly.

Contact: Battle Creek Executive Airport at Kellogg Field, 269-966-3470

Experience: ☐ Airport Operations ☐ Economic Development ☐ Live in city limits

AMSA Construction Board of Appeals – Appointing authority: Proposed by AMSA committee, appointed by the Mayor.

This committee hears appeals on building permit denials and from any other decision pursuant or related to. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Architecture ☐ Building Construction ☐ Engineering ☐ Real Estate/Development/Law

Battle Creek Downtown Development Authority – Appointing authority: City Manager, with Commission approval.

The Downtown Development Authority, Public Act 57 of 2018, is designed to be a catalyst in the development of the city's downtown district. The DDA provides for a variety of funding options including a tax increment financing mechanism, which can be used to fund public improvements in the downtown district. Meets quarterly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Property Owner ☐ Business Representative ☐ Live in city limits

Battle Creek Housing Commission – Appointing authority: Mayor and 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. Meets monthly.

Contact: Community Services Director, 269-966-3387

Experience: ☐ Public Housing ☐ Live in city limits

Battle Creek Transit Local Advisory Council – Appointing authority: Mayor and Commission.

Public Act 51 of 1951, as amended, required there to be a Local Advisory Council whose legal function is to review and comment on the applicant Vehicle Accessibility Plan and annual updates to that plan. Meets annually, with special meetings scheduled if necessary.

Contact: Battle Creek Transit, 269-966-3374

Experience: ☐ Public Transportation ☐ Live in city limits

Battle Creek Transit Local Coordinating Committee – Appointing authority: Mayor and Commission.

Public Act 51 of 1951, as amended, required there to be a local coordination of transportation services to the elderly and disabled. Because of this requirement, the Michigan Department of Transportation directed that each transit agency have a "local coordinating committee" whose legal function is to determine annually how the Specialized Services funds will be allocated among the various sub-recipients. Meets Quarterly.

Contact: Battle Creek Transit, 269-966-3474

Experience: ☐ Public Transportation ☐ Live in city limits

Battle Creek TIFA/Brownfield Redevelopment Authority – Appointing authority: City Manager, with Commission approval.

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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Property Owner ☐ Business Owner ☐ Live in city limits

Bicycle Advisory Committee – Appointing authority: City Manager for city staff members; Mayor and Commission for remaining members.

The League of American Bicyclists has created a framework for communities to use to become Bicycle Friendly Communities, which includes the creation and maintenance of a bicycle advisory committee to assist the city by providing research, community outreach, and policy recommendations to the Commission and city staff. Meets monthly.

Contact: Recreation Department, 269-966-3431; Engineering Division, 269-966-3343

Experience: ☐ Business Representative ☐ Live in city limits

Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Code Compliance Manager, 269-966-3387

Experience: ☐ Building Construction/Engineering ☐ Zoning ☐ Real Estate/Development/Law ☐ Live in city limits

Board of Review (Assessing) – Appointing authority: Mayor and Commission.

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. Meets for a minimum of five days in March; one day in July; and one day in December.

Contact: City Assessor, 269-966-3369

Experience: ☐ Banking/Finance ☐ Property Appraisal/Assessing ☐ Real Estate/Development/Law ☐ Live in city limits

City Commission – Appointing authority: Elected by City of Battle Creek voters.

City Commissioners serve two-year terms.

City 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 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.

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. Meets monthly.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Columbia Avenue Business Improvement District – Appointing authority: Mayor and City Commission

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 Columbia Avenue and providing or contracting for the administration, security, and operation of the District, to include physical improvements and joint marketing. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Business Representative ☐ Live in city limits



Dangerous Building Hearings Officer – Appointing authority: Mayor, with Commission approval.

Identifies those structures within the city confines that are 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: an engineer, architect, building contractor, building inspector, or member of a community housing organization. Meets monthly.

Contact: Code Compliance Manager, 269-966-3387

Experience: ☐ Building Construction/Engineering ☐ Real Estate/Development/Law ☐ Housing

Development Area Citizen's Council – Appointing authority: City CommissionAn advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan. Contact: City Manager, 269-966-3378Experience: ☐ Lives within authority boundaries

Dickman Road Business Improvement District – Appointing authority: City Manager, with Commission approval; City of Springfield

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. Meets quarterly.

Contact: City Manager, 269-966-3378

Experience: ☐ Non-automotive Business Representative ☐ Automotive Business Representative

Downtown Parking System Advisory Committee – Appointing authority: Mayor appoints commissioners; City Manager appoints owners and members at large with Commission approval.

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

Contact: Public Works Director, 269-966-3490

Experience: ☐ Downtown Business/Property Owner ☐ Live in city limits

Economic Development Corporation – Appointing authority: Mayor, with Commission approval.

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

Contact: City Manager's Office, 269-966-3378

Experience: ☐ 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 representative of the Michigan Department of Environment, Great Lakes, and Energy.

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. Meets quarterly.

Contact: Utility Administrator, 269-966-3343

Experience: ☐ Own property on Goguac Lake

Historic District Commission – Appointing authority: Mayor, with Commission approval.

Charged under state law and local ordinance with reviewing plans for exterior modifications or demolition of buildings within the federal, state or local historic districts. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Constriction/Building Trades ☐ History ☐ Architecture ☐ Live in city limits

Human Relations Board – Appointing authority: Mayor, with Commission approval.

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To also increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships

within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in the metropolitan area

Income Tax Board of Appeals – Appointing authority: Mayor, with Commission approval.

Pursuant to State Act 284 of 1964, attempts to settle city income tax disputes. Meets as needed.

Contact: Income Tax Division, 269-966-3345

Experience: ☐ Income Tax/Accounting ☐ Live in city limits

International Relations Committee – Appointing authority: Mayor, with Commission approval.

To foster cultural promotion of the city and provide a positive environment toward foreign industrialists and their families. Meets as needed.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits

Lakeview Downtown Development Authority – Appointing authority: City Manager, with Commission approval.

The LDDA's activities shall include, but are not limited to, the definition of a development area; the origination of a development plan; and the implementation of a development program as provided in Act 197 of PA 1975. Meets bi-annually.

Contact: City Manager, 269-966-3378

Experience: ☐ District Property Owner/Business Representative ☐ Live in city limits

License Review Board – Appointing authority: Mayor, with Commission approval.

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. Meets as needed.

Contact: City Clerk, 269-966-3348

Experience: ☐ Live in city limits

Local Development Financing Authority – Appointing authority: City Manager, with Commission approval.

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. Meets as needed.

Contact: City Manager, 269-966-3378

Experience: ☐ Live in city limits ☐ Calhoun County Commission/KCC/MEDC appointment

Local Officers' Compensation Commission – Appointing authority: Mayor, with Commission approval.

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

Experience: ☐ Live in city limits

Planning Commission – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Civil/Engineering/Landscape Architecture ☐ Land Use Planning ☐ Real Estate/Development ☐ Law

Sustainable BC Committee – Appointing authority: City staff by City Manager; remaining members by Mayor, with Commission approval.

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. Meets as needed.

Contact: Utility Administrator, 269-966-3343

Experience: ☐ Environmental ☐ Live in city limits ☐ Business Representative

Technical Review Committee – Appointing authority: City staff by City Manager; remaining members by contributing jurisdictions.

Provides review, input, and recommendations to the City and the City Commission regarding various aspects of the Wastewater Treatment system and rates. Meets quarterly.

Contact: Public Works Director, 269-966-3490

Experience: ☐ Engineering ☐ Other Technical Expertise ☐ Industry Representative

Tree Advisory Council – Appointing authority: Mayor, with Commission approval.

Members serve in an advisory capacity to the Department of Public Works and the City Manager in developing the annual Tree Work Plan and the issuance of rules and regulations supplementary to the city's tree ordinance. Establishment meets a Tree City USA criterion. Meets at least once a year, in September.

Contact: City Engineer, 269-966-3343

Experience: ☐ Horticulture ☐ Forestry

Water System Advisory Council – Appointing authority: Mayor and Commission.

To advise and assist with the 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. Meets annually.

Contact: Public Works Director, 269-966-3490

Experience: ☒ Interest/knowledge about lead in drinking water and its effects ☒ Live in city limits

Youth Advisory Board – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: City Manager's Office, 269-966-3378

Experience: ☐ Live in city limits ☐ Age 14-20

Zoning Board of Appeals – Appointing authority: Mayor, with Commission approval.

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. Meets monthly.

Contact: Planning Division, 269-966-3320

Experience: ☐ Land Use Planning ☐ Real Estate/Development/Law ☐ Building Construction/Engineering ☐ Live in city limits

I have thirty eight years of experience in wastewater compliance. I was also ~~was~~ responsible for overseeing spills to the stormwater collection system for the City of Battle Creek. I have a Bachelor Degree in Natural Resources from Michigan State University and a Master's degree in Public Administration from Western Michigan University. My combination of education and hands on experience would be beneficial to the Water System Advisory Council.

WATER SYSTEM ADVISORY COUNCIL

- Authorization: Resolution No. 23, dated December 4, 2018. Michigan Safe Drinking Water Act, 1976 PA 399, MCL 325.1001 to 325.1023 and the Administrative Rules, Supplying Water to the Public, R 325.10101 to R 325.12820.
- Appointing Authority: Mayor and City Commission
- Purpose: To advise and assist with the 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 residents have the opportunity to be involved in efforts to educate the community about lead in drinking water.
- Membership: At least five members.
- Special Requirements: Members shall have a demonstrated interest in or knowledge about lead in drinking water and its effects. At least one member must be a local resident who does not formally represent the interests of any incorporated organization.
- Term: Two-year and four-year terms.
- Compensation: None.

Members:

Name:	Term Expires:
Kathy Antaya, City Resident	12-4-2022
Carl Fedders, DPW Director	12-4-2024
Chris Lussier, Community Development Manager	12-4-2024
Mayor Mark Behnke, or designee	12-4-2024
Perry Hart, Utility Administrator	12-4-2024



Resolution

NO. 28

A Resolution reappointing Bill Hanner to the Zoning Board of Appeals

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That Bill Hanner is reappointed to the Zoning Board of Appeals with a term expiring on January 1, 2026.

Battle Creek City Commission

12/20/2022

Action Summary

Staff Member: Heather Robinson, Executive Assistant

Department: City Manager

SUMMARY

A Resolution reappointing Bill Hanner to the Zoning Board of Appeals

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

The Zoning Board of Appeals was created in accordance with Public Act 207 of 1921, as amended. Members hear appeals from citizens regarding zoning problems and reach a decision in each case. The Board consists of seven members, with not more than two alternate members. At least one member of the Board shall be a member of the Planning Commission.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
<div data-bbox="164 159 183 184"></div> Hanner__Bill_-_2022.pdf	Hanner, Bill - 2022
<div data-bbox="164 201 183 226"></div> Zoning_Board_of__Appeals.docx	Zoning Board of Appeals



BOARD AND COMMISSION APPLICATION

CITY OF BATTLE CREEK

10 N. Division Street
Battle Creek, Michigan 49014-4004
269.966.3378

PLEASE CHECK THE TOP (3) BOARD(S) OR COMMISSION(S) ON WHICH YOU ARE INTERESTED IN SERVING

(This application will remain active for one year from the date of receipt and will be posted on the City website.)

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Goguac Lake Board |
| <input type="checkbox"/> AMSA Construction Board of Appeals | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Battle Creek Downtown Development Authority | <input type="checkbox"/> Human Relations Board |
| <input type="checkbox"/> Battle Creek Housing Commission | <input type="checkbox"/> Income Tax Board of Appeals |
| <input type="checkbox"/> Battle Creek Transit Local Advisory Council | <input type="checkbox"/> International Relations Committee |
| <input type="checkbox"/> Battle Creek Transit Local Coordinating Committee | <input type="checkbox"/> Lakeview Downtown Development Authority |
| <input type="checkbox"/> Battle Creek TIFA/Brownfield Development Authority | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Bicycle Advisory Committee | <input type="checkbox"/> Local Development Financing Authority |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Local Officers' Compensation Commission |
| <input type="checkbox"/> Board of Review (Assessing) | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Sustainable BC Committee |
| <input type="checkbox"/> Columbia Avenue Business Improvement District | <input type="checkbox"/> Technical Review Committee |
| <input type="checkbox"/> Dangerous Building Hearings Officer | <input type="checkbox"/> Tree Advisory Council |
| <input type="checkbox"/> Development Area Citizen's Council | <input type="checkbox"/> Water System Advisory Council |
| <input type="checkbox"/> Dickman Road Business Improvement District | <input type="checkbox"/> Youth Advisory Board |
| <input type="checkbox"/> Downtown Parking System Advisory Committee | <input type="checkbox"/> YES Zoning Board of Appeals |
| <input type="checkbox"/> Economic Development Corporation | |

Name Hanner Bill J.

Last

First

M.I.

Home Address: 239 S. 20th Street

E-mail billhanner49@gmail.com

Telephone: Home 269-962-8698

Work 269-441-4204

Cell 269-209-9791

Are you at least 18 years of age? Yes YES No

Current occupation (students, list school activities) REALTOR (17 years) Teacher/Principal/Union President (35) BCPS

Employer/work address (students, list school) Berkshire Hathaway HomeServices Michigan Real Estate

Educational background/degrees (students, list year in school) BS in Education & Masters in Educational Administration

List any appointive positions/boards/commissions or committees on which you have served and year(s) of service BC Zoning Board (6 years).....BC Blue Ribbon Advisory Committee (1 year +)

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations) National Association of Realtors, Michigan Realtors, BC Area Association of Realtors, National Education Association Retired,.....

Briefly indicate your interest, experience, and/or qualifications for the board for which you are applying. Please be specific (use back of form if necessary) Continue as a commissioner/trustee with the BC Zoning Board of Appeals

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

Bill Hanner

Date 11-15-22

RETURN APPLICATION TO: City Manager's Office, 10 N. Division Street,
Room 206, Battle Creek, MI 49014

Demographics

We request the following Affirmative Action and Equal Opportunity information to help determine whether application information for city boards and commissioners is reaching all parts of the community. Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.

Race and Hispanic Origin (Select all that apply)

☐ American Indian and Alaska Native

☐ Asian

☐ Black or African American

☐ Native Hawaiian and Other Pacific Islander

☒ White

☐ Two or More Races

☐ Hispanic or Latinx

☐ Not Hispanic or Latinx

Sexual Orientation

☒ Straight/Heterosexual

☐ Gay or Lesbian

☐ Bisexual

☐ Prefer to self-describe

☐ Prefer not to say

Gender

☒ Man ☐ Woman ☐ Non-binary or third gender ☐ Prefer to self-describe ☐ Prefer not to say

Do you have a disability?

☐ Yes ☒ No ☐ Prefer not to respond

ZONING BOARD OF APPEALS

<u>Authorization:</u>	PA 110 of 2006, as amended Chapter 1234, Section 1234.01(b), City Codified Ordinances.
<u>Appointing Authority:</u>	Mayor with approval of majority vote of the City Commission.
<u>Purpose:</u>	Interpretation of the zoning ordinance; hear requests and grant variances to the zoning ordinance for specific warranted circumstances; hear appeals from citizens affected by a decision relative to the zoning ordinance.
<u>Membership:</u>	Seven (7) members, as established by ordinance with not more than two (2) alternate members.
<u>Term:</u>	Staggered. Initially, 2 for one year; 2 for two years; 3 for three years. Thereafter, all appointments shall be for 3 years each.
<u>Special Requirements:</u>	One member of the Zoning Board of Appeals shall be a member of the Planning Commission as established by ordinance. The Chairman and Vice Chairman shall be elected annually by members of the board.
<u>Members:</u>	

<u>Name:</u>	<u>Address:</u>	<u>Term Expires:</u>
Bill Hanner	239 S. 20 th Street	01/01/2023
Mark Jones	30 E. Columbia Ave., Ste F-1 #211	01/01/2023
Michael Delaware	33 N. Broad St	01/01/2024
Noris Lindsey	2153 E. Columbia Ave.	01/01/2024
Chris Rogers	131 Kings Ct.	01/01/2024
James Moreno	451 Main Street	01/01/2026
Janine Reed	70 W. Michigan Ave. Ste. 810	01/01/2026
<u>Alternate:</u>		



Resolution

NO. 29

A Resolution seeking authorization for the City Manager to sign contract #22-5404 with the Michigan Department of Transportation (MDOT).

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to sign contract #22-5404 with the Michigan Department of Transportation (MDOT) for the following work:

Context Sensitive Solutions For Alternative Use of Highway Right-of-Way for the gateway treatment to Columbia Ave (M-96) over I-194 lighting and aesthetic signing.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Carl Fedders, DPW Director

Department: Engineering

SUMMARY

A Resolution seeking authorization for the City Manager to sign contract #22-5404 with the Michigan Department of Transportation (MDOT).

BUDGETARY CONSIDERATIONS

The total cost of the project is estimated at \$82,300 and will be funded with GL 401.22.4295.801.310

HISTORY, BACKGROUND and DISCUSSION

As part of the planned construction of the Columbia Ave Bridge over Interstate I-194, the City of Battle Creek and the Michigan Department of Transportation (MDOT) have developed the conceptual gateway treatment which is similar to the approved treatment to the Capital Ave SW Bridge over Interstate I-94. The City will be responsible for the cost associated with the installation and maintenance.

The resolution of support for the project was previously approved through Resolution 441 on June 19,

2022.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
 MDOT_contract_22-5404.pdf	MDOT Contract 22-5404

SPECIAL TRUNKLINE
NON-ACT-51
ADDED WORK

DA	
Control Section	IM 13033; ST 13033
Job Number	208435CON; 208435PE
Fed Project #	23A0078; 20A1051
Contract	22-5404

THIS CONTRACT is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF BATTLE CREEK, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements in conjunction with the DEPARTMENT'S construction on Highway M-96 (Columbia Avenue), within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning bridge rehabilitation work on Structure S02 of 13033 which carries Highway M-96 (Columbia Avenue) over Highway I-194; and

WHEREAS, the CITY has requested that the DEPARTMENT perform additional work for and on behalf of the CITY in connection with the Highway M-96 (Columbia Avenue) construction, which additional work is hereinafter referred to as the "PROJECT" and is located and described as follows:

Gateway lighting system and aesthetic signing installation work on Structure S02 of 13033 which carries Highway M-96 (Columbia Avenue) over Highway I-194, including aesthetic texturing and conduit installation work; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: \$82,300; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written Contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties shall undertake and complete the construction of the PROJECT in accordance with this Contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of the construction of the PROJECT including the costs of preliminary engineering (PE), plans and specifications; physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and construction engineering (CE), and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY will approve the design intent of the PROJECT and shall accept full responsibility for the constructed PROJECT functioning as a part of the CITY'S facilities. The CITY is solely responsible for any input which it provides as it relates to the design of the PROJECT functioning as part of the CITY'S facilities.

4. The DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

5. The PROJECT COST shall be charged to the CITY 100 percent and paid in the manner and at the times hereinafter set forth. Such cost is estimated to be as follows:

PROJECT COST - \$82,300

The PE costs will be apportioned in the same ratio as the actual construction award and the CE costs will be apportioned in the same ratio as the actual direct construction costs.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY not including payments made for a working capital deposit. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _____", or "Final Billing". Payment is due within 30 days of receipt of invoice. Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

The CITY will deposit with the DEPARTMENT the following amount which will be used by the DEPARTMENT as working capital and applied toward the end of the project for the contracted work and cost incurred by the DEPARTMENT in connection with the PROJECT:

DEPOSIT - \$32,900

The total deposit will be billed to the CITY by the DEPARTMENT and shall be paid by the CITY within 30 days after receipt of invoice.

7. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, the DEPARTMENT is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the CITY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

8. Upon completion of the PROJECT, the CITY shall accept the facilities constructed as built to specifications within the construction contract documents. It is understood that the CITY shall own the facilities and shall operate and maintain the facilities in accordance with all applicable Federal and State laws and regulations, DEPARTMENT Road and Bridge Standard Plans and the Standard Specifications for Construction at no cost to the DEPARTMENT. Maintenance work shall include, but not be limited to replacement or upgrade of lights and poles, as needed.

All expenses for electrical service and maintenance of the PROJECT shall be the responsibility of the CITY.

9. Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this Contract are done to assist the CITY. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the CITY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control or jurisdiction.

When providing approvals, reviews and recommendations under this Contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

10. In connection with the performance of PROJECT work under this Contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this Contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

11. This Contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said Contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF BATTLE CREEK

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:



APPENDIX A

PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B

TITLE VI ASSURANCE

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

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under 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 and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier 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 issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (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 Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.



Resolution

NO. 30

A Resolution seeking authorization for the City Manager to execute the 2022 CDBG Voces Housing Liaison Services Grant Agreement for the amount of \$60,000.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute 2022 CDBG Voces Housing Liaison Services Grant Agreement for the amount of \$60,000.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Chris Lussier, Community Development Supervisor

Department: Community Development

SUMMARY

A Resolution seeking authorization for the City Manager to execute the 2022 CDBG Voces Housing Liaison Services Grant Agreement for the amount of \$60,000.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

The City of Battle Creek receives federal Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). The intent of the CDBG program is to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

The City of Battle Creek in its 2020-24 Consolidated Plan and in subsequent Annual Action Plans identified housing case management as a strategy to help members of vulnerable

populations access housing resources and secure affordable housing. In 2020, the City's Community Development Division hired Truth, Racial Healing, and Transformation (TRHT) to do an Affirmative Marketing Plan and Report for its CDBG-CV grants to identify the groups in Battle Creek least likely to access housing resources. The report identified a lack of translation or interpretation services for limited English proficient speakers as a significant barrier to accessing services and affordable housing in Battle Creek. This finding is also supported by the City's 2021 HOME-ARP Allocation Plan which included consultations with representatives from over a dozen local non-profit housing and homelessness prevention service providers.

In response to the identified need, the City sub-granted CDBG-CV funds to Voces to create a pilot program to provide housing case management, interpretation, and advocacy services to Latino families. The pilot program has been remarkably successful in helping families access resources and secure affordable housing. In the past year, the percentage of minor home repair funds granted to Hispanic and Latino families increased from 1.5% to 9.5%. Anecdotal evidence from other housing resource providers indicate similar results.

The agreement with Voces continues the work of the pilot program by providing a part time housing liaison position for fifteen months to provide case management and interpretation services to limited English proficiency, low and moderate income Battle Creek residents seeking housing resources and assistance securing affordable housing.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
2022_VOCES__CDBG_(FINAL_12.13.22).docx.pdf	2022 CDBG Voces Housing Liaison Services Agreement
Affirmative_Marketing_Report__Plan_(FINAL).pdf	2020 CDBG-CV Affirmative Marketing Plan and Report

**AGREEMENT BETWEEN THE CITY OF BATTLE CREEK
AND
VOCES
FOR
INTERPRETATION AND HOUSING ADVOCACY SERVICES**

This Agreement, entered into, and effective, this ____ day of ____ 2022, by and between the City of Battle Creek, a Michigan municipal corporation, of 10 N. Division Street, Battle Creek, MI 49014, (herein the “Grantee”) and VOCES, a Michigan non-profit corporation, of 520 W. Michigan Avenue, Battle Creek, MI 49037 (herein the “Subrecipient”).

Whereas, Grantee has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, (HCD Act), Public Law 93-383, as amended; and

Whereas, Grantee wishes to engage Subrecipient to assist Grantee in utilizing such funds.

Now, therefore, it is agreed between the parties hereto that:

I. SCOPE OF SERVICE

A. Activities:

Subrecipient will be responsible for administering a Community Development Block Grant (CDBG) Year 2022-2023 Interpretation and Housing Advocacy Services program in a manner satisfactory to Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the CDBG Program:

Program Delivery:

Activity #1

Subrecipient will provide up to 25 hours of housing advocacy and interpretation services a week for one year. This will include meeting with clients to assess needs and make referrals. Subrecipient will also provide interpretation and translation services to clients to help them access housing resources, including assisting them with reading documents, completing forms, participating in intake interviews, and communicating needs or questions to service agency staff.

Activity #2

Subrecipient will develop an implementation plan that includes procedures for providing service to clients, engaging service agencies and community organizations, and developing a working knowledge of local programs, services, and resources. Subrecipient will engage the following agencies and community

organizations at a minimum: The Burma Center, Fair Housing Center of Southwest Michigan, New Level Sports Ministries, R.I.S.E. Corp., Southwestern Michigan Urban League, United Way of the Battle Creek and Kalamazoo Region, Summit Pointe, The Community Action Agency of South Central Michigan, Legal Services of South Central Michigan, Haven of Rest Ministries of Battle Creek, S.A.F.E. Place, The Coordinating Council of Calhoun County, Homeless Coalition Calhoun County, Neighborhoods Inc. of Battle Creek, and the City of Battle Creek Community Development Division. This includes securing Memorandums of Understanding (MOU) with local housing service providers as needed to make referrals, act as a liaison and client advocate, and receive training on program guidelines.

Activity #3

Develop an outreach plan that includes how interpretation and advocacy services will be promoted to groups less likely to access resources, particularly Hispanic and Latino households.

Activity #4

Complete program eligibility determinations for all clients receiving assistance to ensure they live or are seeking housing within Battle Creek city limits and meet one of the following requirements: Low or Moderate Income (less than 80% of Area Median Income), or meet the HUD definition of homeless. Maintain all records and files in accordance with HUD guidelines. This includes documenting household income, race, ethnicity, and other demographic information of persons served as required for reporting purposes. All outcome measurement data will be provided to the Grantee.

Activity #5

Provide monthly activity and progress reports to designated City of Battle Creek staff. Reports on client activity shall include at a minimum number of clients served, client demographic data, referrals made, and client outcomes. Reports on progress should include narrative regarding client outreach, service provider engagement, barriers identified, addressed, and/or unresolved, lessons learned, etc. Subrecipient shall submit monthly vouchers and corresponding invoices with backup materials.

B. National Objectives

Subrecipient certifies that the activities carried out with funds provided under this Agreement will meet one or more of the CDBG Program's National Objectives — 1) benefit low/moderate income persons, 2) aid in the prevention or elimination of slums or blight, 3) meet community needs having a particular urgency - as defined in 24 CFR Part 570.208.

C. Levels of Accomplishment

In addition to the normal administrative services required as part of this Agreement, Subrecipient agrees to provide the following levels of program services:

<u>Activity</u>	<u>Units per Quarter</u>	<u>Total Units per Year</u>
Households Served by the caseworker	5	20

D. Staffing

<u>Title</u>	<u>Total Salary/Benefits</u>	<u>CDBG Share</u>	<u>%</u>
Community Housing Liaison	\$80,000/yr	\$19.00/hr	50

Any changes in the key personnel assigned as noted above or their general responsibilities under this project are subject to the prior approval of Grantee. Requests for said changes shall be communicated in writing by Subrecipient to Grantee within a reasonable amount of time prior to the effective date of the change.

E. Performance Monitoring

Grantee will monitor the performance of Subrecipient against goals and performance standards required herein. Substandard performance as determined by Grantee will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by Subrecipient within a reasonable period of time (e.g., 30 days) after being notified by Grantee, contract suspension or termination procedures will be initiated.

II. TIME OF PERFORMANCE

Services of Subrecipient shall start on the 3rd day of January, 2023, and end on the 31st day of March, 2024. The term of the Agreement and the provisions herein shall be extended to cover any additional time period during which Subrecipient remains in control of CDBG funds or other CDBG assets, including program income.

III. BUDGET

<u>Line Item / Account Description</u>	<u>Amount</u>
Salaries	\$54,000

Administrative Expenses	\$6,000
TOTAL	\$60,000

Any indirect costs charged must be consistent with the conditions of Paragraph VIII.C.2. of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. Any amendments to this budget must be approved in writing by both Grantee and Subrecipient.

IV. PAYMENT

It is expressly agreed and understood that the total to be paid by Grantee under this Agreement shall not exceed \$60,000. Drawdown for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance. Payments made by Grantee to Subrecipient for eligible expenses incurred under this Agreement shall be paid on a reimbursable basis, given that Subrecipient has provided proper and complete source documentation to Grantee.

Payments may be contingent upon certification of Subrecipient's financial management system in accordance with the standards specified in 2 CFR Part 200.

V. NOTICES

Communication and details concerning this Agreement shall be directed to the following contract representatives:

Grantee

Chris Lussier, Community Development Supervisor
City of Battle Creek
10 N. Division St.
Battle Creek, MI 49014
(269) 966-3315

Subrecipient

Jose Luis Orozco, Jr.
Executive Director
VOCES
520 W. Michigan Ave.

Battle Creek, MI 49037
(269) 841-1111

VI. SPECIAL CONDITIONS

None.

VII. GENERAL CONDITIONS

A. General Compliance

Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Department of Housing and Urban Development regulations concerning CDBG). Subrecipient also agrees to comply with all other applicable federal, state and local laws, regulations, and policies governing the funds provided under this Agreement. Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. Independent Contractor

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance, and Workers' Compensation except as is specified in this Agreement.

C. Hold Harmless

Subrecipient shall hold harmless, defend and indemnify Grantee from any and all claims, actions, suits, charges and judgments whatsoever that arise out of Subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement.

D. Workers' Compensation

Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

E. Insurance and Bonding

1. In addition to any other insurance and bonding requirements of this Contract, Subrecipient shall maintain at least the following insurance coverage:

- a. Workers' compensation coverage that meets at least the minimal State of Michigan statutory requirements.
 - b. Subrecipient shall comply with the bonding and insurance requirements of 2 CFR Part 215, as they may apply.
2. Subrecipient shall at the time of execution of this contract, file with the City the Certificate of Insurance, which shall cover all of his insurance as required herein, including evidence of payment of premiums thereon, and the policy or policies of insurance covering said City and their officers, agents and employees. Each such policy and certificate shall be satisfactory to the City. Nothing contained in these insurance requirements is to be construed as limiting the extent of Subrecipient's responsibility for payment of damages resulting from his operations under this Contract.
3. Subrecipient shall maintain insurances in force at all times during the term of this agreement at the minimum amounts and types as indicated.

<u>Coverage Afforded</u>		<u>Limits of Liability</u>
Workers' Compensation		\$ 100,000 or statutory limit
Commercial General Liability: (including XCU if appropriate)	Bodily Injury	\$1,000,000 each occurrence
	Property Damage	\$1,000,000 each occurrence
	Or Combined Single Limit	\$1,000,000
Automobile Liability:	Bodily Injury	\$ 300,000 each person
	Liability	\$ 300,000 each occurrence
	Property Damage	\$ 500,000
	Or combined Single Limit	\$ 500,000

The City of Battle Creek shall be listed as an additional insured on general liability coverage, and shall be provided with a Certificate of Insurance that reflects this additional insured status. A 30-day notice of cancellation or material change shall be provided to the City and so noted on the Certificate of Insurance. All certificates and notices shall be sent to City of Battle Creek Community Development, ATTN: Chris Lussier, 10 N. Division St. Battle Creek, Michigan, 49014.

F. Grantee Recognition

Subrecipient shall insure recognition of the role of HUD and the grantee agency in providing services through this Agreement. All activities, facilities and item utilized pursuant to this Agreement shall be prominently labeled as to its funding source. In addition, Subrecipient shall include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

G. Amendments

Grantee or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release Grantee or Subrecipient from its obligations under this Agreement.

Grantee may, at its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Subrecipient.

H. Suspension or Termination

Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial terminations of the Scope of Service in Paragraph I.A. above may only be undertaken with the prior approval of Grantee. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by Subrecipient under this Agreement shall, at the option of the Grantee, become the property of Grantee, and Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

Grantee may also suspend or terminate this Agreement, in whole or in part, if Subrecipient materially fails to comply with any written term of this Agreement, or with any of the rules, regulations or provisions referred to herein; and Grantee may declare Subrecipient ineligible for any further participation in Grantee's contracts, in addition to other remedies as provided by law. In the event there is probable cause to believe Subrecipient is in noncompliance with any applicable rules or regulations, Grantee may withhold up to fifteen (15) percent of said contract funds until such time as Subrecipient is found to be in compliance by Grantee, or is otherwise adjudicated to be in compliance.

VIII. ADMINISTRATIVE REQUIREMENTS

Subrecipient shall comply with applicable uniform administrative requirements contained at 24 CFR 570.502 including, but not limited to the following:

A. Financial Management

1. Accounting Standards

Subrecipient agrees to comply with 2 CFR Part 215 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

Subrecipient shall administer its program in conformance with 2 CFR Parts 230 or 220, as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record Keeping

1. Records to be Maintained

Subrecipient shall maintain all records required by the Federal regulations specified in 24 CFR 570.506 that are pertinent to the activities to be funded under this Agreement. Such records shall include, but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG Program;
- c. Records required to determine the eligibility of activities;
- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG Program;
- f. Financial records as required by 24 CFR 570.502, and 2 CFR Part 215; and
- g. Other records necessary to document compliance with Subpart K of 24 CFR 570.

2. Retention

Subrecipient shall retain all records pertinent to expenditures incurred under this Agreement for a period of five (5) years after the termination of all activities funded under this Agreement. Records for nonexpendable property acquired with funds under this Agreement shall be retained for five (5) years after final disposition of such property. Records for any displaced person must be kept for five (5) years after he/she has received final payment. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the five year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the five year period, whichever occurs later.

3. Client Data

Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of services provided. Such information shall be made available to Grantee monitors or their designees for review upon request.

4. Disclosure

Subrecipient understands that client information collected under this Agreement is private and the use of disclosure of such information, when not directly connected with the administration of Grantee's or Subrecipient's responsibilities with respect to services provided under this Agreement, is prohibited unless written consent is obtained from such person receiving service, and in the case of a minor, that of a responsible parent/guardian or as subject to the Freedom of Information Act.

5. Property Records

Subrecipient shall maintain real property inventory records which clearly identify properties purchased, improved or sold with funds provided under this Agreement. Properties retained shall continue to meet eligibility criteria and shall conform to the "changes in use" restrictions specified in 24 CFR 570.503(b)(8), as applicable.

6. Close-outs

Subrecipient's obligation to Grantee shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances and accounts receivable to Grantee) and determining the custodianship of records.

7. Audits and Inspections

All Subrecipient records with respect to any matters covered by this Agreement shall be made available to Grantee, grantor agency, their designees or the Federal Government, at any time during normal business hours, as often as Grantee or grantor agency deems necessary, to audit, examine and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by Subrecipient.

Failure of Subrecipient to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments. Subrecipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy and as applicable 2 CFR Part 200, Subpart F.

8. Reversion of Assets

Upon the expiration of this Agreement, Subrecipient shall transfer to Grantee any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. Any real property under Subrecipient's control shall be disposed of as required at 24 CFR 570.503(b)(8).

9. Administrative Requirements

Subrecipient shall comply with applicable program rules contained in 24 CFR 570 Subpart K.

C. Reporting and Payment Procedures

1. Program Income

Subrecipient shall report quarterly all program income as defined at 24 CFR 570.500(a) generated by activities carried out with CDBG funds made available under this Agreement. The use of program income by Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, Subrecipient may use such program income during the Agreement period for activities permitted under this Agreement and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unused program income shall be returned to Grantee at the end of the Agreement period. Any interest earned on cash advances from the U.S. Treasury is not program income and shall be remitted promptly to Grantee.

2. Indirect Costs

If indirect costs are charged, Subrecipient shall develop an indirect cost allocation plan for determining the appropriate Subrecipient's share of administrative costs to be charged under this Agreement and Subrecipient shall submit such a plan to Grantee for approval prior to reimbursement of expenses and in a form specified by Grantee.

3. Payment Procedures

Grantee will pay to Subrecipient funds available under this Agreement based upon information submitted by Subrecipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by Grantee in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, Grantee reserves the right to liquidate funds available under this Agreement for cost incurred by the Grantee on behalf of Subrecipient.

4. Progress Reports

Subrecipient shall submit regular progress reports to Grantee in the form, content and frequency as required by Grantee.

D. Procurement

1. Compliance

Subrecipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all nonexpendable personal property as defined by such policy as may be procured with funds provided herein. Subrecipient shall procure all materials, property and/or services in accordance with the requirements of 24 CFR Part 84 and any other pertinent rules or regulations.

2. Travel

Subrecipient must obtain prior written approval from Grantee for any travel outside the metropolitan area with funds provided under this Agreement.

IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

Subrecipient agrees to comply with 1) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); 2) the requirements of 24 CFR 570.606(c) governing the Residential Anti-Displacement and Relocation Assistance Plan under Section 104(d) of the HCD Act of 1974, as amended; and 3) the requirements in 24 CFR 570.606(d) governing optional relocation policies.

Subrecipient shall provide relocation assistance to the persons (families, individuals, businesses, nonprofit organizations and farms) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-funded project. Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions and policies concerning the displacement of persons from their residences.

X. PERSONNEL AND PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

Subrecipient agrees to comply with the following: Elliott-Larson Civil Rights Act, Michigan Civil Rights Act; Title VI of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; Section 104 (b) and Section 109 of Title I of the Housing and Community Development Act of 1974, as amended; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; Executive Order 11063, 11246, 11375, and 12086, as amended.

2. Nondiscrimination

Subrecipient agrees that in carrying out the terms of this Agreement that it shall not deny any person the equal protection of the laws; nor shall Subrecipient deny any person the enjoyment of their civil rights or discriminate against any person because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity. Subrecipient will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include, but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

Subrecipient's signature on this Agreement is a certification that it is in compliance with the provisions of Chapter 214 of Battle Creek City ordinances. Subrecipient further acknowledges and agrees that its breach of the agreement not to discriminate shall be a material breach of this contract.

3. Land Covenants

This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and 24 CFR 570.601 and 602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

Subrecipient agrees to comply with any Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any Federally assisted program. Grantee shall provide Subrecipient with any applicable federal guidelines necessary for compliance with that portion of the regulations enforced during the term of this Agreement.

B. Equal Opportunity

1. Equal Employment Opportunity
Subrecipient agrees that it is committed to carrying out the activities under this Agreement in keeping with the principles as provided in Executive Order 11246 of September 24, 1965, as amended.
2. Women- and Minority-Owned Business Enterprises
Subrecipient will use its best efforts to afford women- and minority- owned business enterprises the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the term “women- and minority-owned business enterprises” means a business at least fifty-one percent owned and controlled by women or minority group members. Subrecipient may rely on written representations by businesses regarding their status as women- and minority-owned business enterprises in lieu of an independent investigation.
3. Access to Records
Subrecipient shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized federal officials for purposes of investigation to ascertain compliance with rules, regulations and provisions stated herein.
4. Notifications
Subrecipient will send to each labor union and/or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker’s representative of Subrecipient’s commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
5. EEO Statement
Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of Subrecipient, state that it is an Equal Opportunity Employer.
6. Subcontract Provisions
Subrecipient will include the provisions of Paragraphs X(A) Civil Rights, and (B) Equal Opportunity, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; sectarian or religious activities; lobbying, political patronage, and nepotism activities.

2. Labor Standards

Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti- Kickback" Act (40 U.S.C. 276a-276a-5; 40 U.S.C. 327 and 40 U.S.C. 276c) and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. Subrecipient shall maintain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to Grantee for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000 for construction, renovation or repair work financed in whole or in part with assistance provided under this Agreement, shall comply with Federal requirements adopted by the Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and regulations are as imposed by state or local law. N, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. "Section 3" Clause Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders issued hereunder prior to the execution of this Agreement, shall be a condition of the federal financial assistance provided under this Agreement and binding upon Grantee, Subrecipient and any of Subrecipient's subrecipients and/or subcontractors. Failure to fulfill these requirements shall subject Grantee, Subrecipient and any of Subrecipient's subrecipients and/or subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which federal assistance is provided. Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all sub- contracts executed under this Agreement:

- a. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development of 1968, as amended (12 U.S.C. 1701u). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulation.
- c. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected, but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- f. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- g. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to

be performed under this contract. Section 7(b) requires that, to the greatest extent feasible, (1) preference and opportunities for training and employment shall be given to Indians, and (2) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3, to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

D. Conduct

1. Assignability

Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of Grantee; provided, however, that claims for money due or to become due to Subrecipient from Grantee under this Agreement may be assigned to a bank, trust company, or other financial institutions without such approval. Notice of any such assignment or transfer shall be furnished promptly to Grantee.

2. Subcontracts

a. Approvals

Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of Grantee prior to the execution of such agreement.

b. Monitoring

Subrecipient will monitor all subcontracted services on a regular basis to ensure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

Subrecipient shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

Subrecipient shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to Grantee along with documentation concerning the selection process.

3. Hatch Act

Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

4. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 24 CFR 570.611 with respect to conflicts of interest, and covenants that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, currently have, or may obtain, a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of Grantee, or of any designated public agencies or of subrecipients which are receiving funds under the CDBG Entitlement program.

5. Lobbying

Subrecipient hereby certifies that:

- a. No federal appropriated funds have been paid or will paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- c. It will require that the language of subsection d. Lobbying Certification of this section be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly; and
- d. Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31 U.S. Code. Any person who

fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

6. Copyright

If this Agreement results in any copyrightable material or inventions, Grantee and/or Grantor reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize other to use, the work or materials for governmental purposes.

7. Religious Organizations

Subrecipient agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the Federal regulations specified in 24 CFR 570.200(j).

XII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Agreement shall nevertheless be in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written above.

Grantee

By: _____

Rebecca Fleury

Title: City Manager

Witness: _____

Subrecipient

By: _____

Jose Luis Orozco Jr

Title: Executive Director

Witness: _____

Fed. ID#: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Deputy City Attorney: C. Marcel Stoetzel, III

Affirmative Marketing Report & Plan

Housing Assistance and Services in Battle Creek, Michigan



Battle Creek Community Development Block Grant
Racial Equity Task Force
October 2020

**Affirmative Marketing Report & Plan:
Housing Assistance and Services in Battle Creek, Michigan
Battle Creek Community Development Block Grant Racial Equity Task Force
October 14, 2020**

Authors and Contributors

Rosemary Linares
Kimberly Holley
J.R. Reynolds
Katina Mayes
Nakia Baylis
Damon Brown
L.E. Johnson
Christopher McCoy
Jose Orozco
Tha Par
Lian Pi
Mariel Ramírez

Acknowledgements

The authors of this report wish to extend immense gratitude to the City of Battle Creek and in particular to Chris Lussier, the Community Development Manager, without whom we would not have had the opportunity to conduct this research or develop this document. The authors also offer much appreciation to all of the Community Development Block Grant subrecipients whose leaders and staff responded to the survey, participated in interviews, and have attended collaborative meetings to support relationship and trust building activities. Additionally, there were community member reviewers who offered thoughtful feedback, input, and suggestions on the draft report including Sharon Yaskulski, Jacqueline Slaby, and Jill Anderson. The authors want to also thank the Battle Creek Community Foundation in its role as the fiscal sponsor for this contract, especially with the guidance and support of Brenda Hunt, Sarah LaGro, and Abby Green. Finally, the authors want to thank community members who are currently navigating their own experiences of homelessness and housing insecurity, while continuing to survive, persist, and rise up against injustices and inequities.

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Executive Summary

Dr. Martin Luther King Jr.'s vision for a Beloved Community was rooted in love. Dr. Martin Luther King Jr. envisioned a Beloved Community across the world where all people can share in the wealth of the Earth. In this Beloved Community, the foundational tenants are the interdependence and common humanity across race and ethnicity for a shared future free from poverty, hunger, homelessness, discrimination, and racism.¹

In service to Dr. Martin Luther King Jr.'s vision for a Beloved Community, this report and affirmative marketing plan are rooted in compassion and a shared love for community, humanity, and reciprocity. The country is currently experiencing a turning point for equity as it reckons with historic and contemporary inequality caused by racism and white supremacy.² The coronavirus laid bare the compounded health and economic disparities experienced by Black, Indigenous, People of Color (BIPOC) that existed prior to the pandemic and were exacerbated by COVID-19. These disparities result from systemic oppression based on race, ethnicity, socio-economic status, gender identity, sexual orientation, disability, age, religion, and other dimensions of difference. In particular, BIPOC communities experience disparities in the social determinants of health; access to education, housing and economic opportunities; civic engagement access; and disproportionate policing, violence from law enforcement, and incarceration rates across the country and locally.

In June 2020, the U.S. Department of Housing and Urban Development published a three page guide for centering racial equity as it relates to the homeless system and rehousing activation response to COVID-19. The document states, "COVID-19 has amplified the historic and current racial biases and discrimination embedded in our systems, processes, and practices."³ Only through genuine collaboration and partnership will communities be able to combat these disparities and inequalities. Though this report includes information that is challenging to digest, it does not serve to indict, blame, or shame any individual. The authors ask that the reader quietly sit with any discomfort and carefully explore every reaction that this report elicits. The authors invite the reader to extend grace to the multiple players depicted in the data reflected in this report.

¹ The King Center. (2019, January 08). The King Philosophy. Retrieved October 12, 2020, from <https://thekingcenter.org/king-philosophy/>

² See definition for "white supremacy" on page 8.

³ HUD. (2020, June). COVID-19 Homeless System Response: Rehousing Activation and Racial Equity. Retrieved October 13, 2020, from <https://www.hudexchange.info/resource/6048/covid19-homeless-system-response-rehousing-activation-and-racial-equity/>

The City of Battle Creek’s leadership commissioned this action-oriented report. This community-wide commitment to facing difficult truths and taking action is a strength embedded in Battle Creek’s DNA. Coalitions of leaders working to collaboratively address needs around homelessness and housing insecurity have already been meeting and openly working on building new relationships and deepening trust. This is a testament to the strength of this community and its commitment to continuous growth, learning, and improvement. The City of Battle Creek awarded the contract to complete this report to the Battle Creek Coalition for Truth, Racial Healing, and Transformation (TRHT) to:

1. Ensure that COVID-19 Housing Response Grant funds are disbursed in an equitable manner that addresses root causes of disparities and applies a racial equity lens.
2. Demonstrate the value of a collaborative process for resource distribution, centering the voices of those most heavily impacted by housing disparities.

TRHT sub-contracted with and convened community partner organizations that comprise the Community Development Block Grant Coronavirus (CDBG-CV) Racial Equity Task Force to complete this contract. In addition to TRHT, organizations represented on the **CDBG-CV Racial Equity Task Force** include:

1. Burma Center
2. Fair Housing Center of Southwest Michigan
3. New Level Sports
4. RISE Corp.
5. Southwestern Urban League
6. Voces
7. United Way for the Battle Creek and Kalamazoo Region

In addition to the CDBG-CV Racial Equity Task Force, the City and TRHT have collaboratively convened all of the other CDBG-CV subrecipients and housing stakeholders for convenings of a group titled the CDBG-CV Collaborative. **Members of the CDBG-CV Collaborative include:**

- | | | |
|---|---|--|
| 1. CDBG-CV Racial Equity Task Force Members | 4. Legal Services of South Central Michigan | 7. The Coordinating Council (TCC) |
| 2. Summit Pointe | 5. The Haven | 8. Continuum of Care/ Homeless Coalition |
| 3. Community Action Agency | 6. Safe Place | |

The local, state, and federal housing system is complex. Working within this system can be challenging - particularly within the context of a pandemic. This research and report focus on the elements of the housing system related to addressing housing insecurity, homelessness, and affordable rental housing. There are additional elements related to the broader housing system that are outside of the scope of this report and should be included in future research and analysis.

An affirmative marketing plan is a marketing strategy designed to reach renters and people experiencing homelessness and housing insecurity, representing all racial and ethnic groups, across all nationally protected categories. The plan at the end of this document (beginning on page 44) describes initial advertising, outreach, and other marketing activities to inform community members of the available funds to provide rent and utility assistance, housing case management, homeless outreach, and eviction diversion services through CDBG-CV grant dollars.

This report incorporated a community-based participatory research methodology, including quantitative and qualitative findings from primary and secondary research methods. The CDBG-CV Racial Equity Task Force analyzed the findings from the data collection phase, and synthesized themes related to the barriers and challenges in accessing housing assistance as well as ideas to ameliorate those barriers.

Barriers

The barriers identified in this report are categorized at the individual, organizational, and systemic levels, including the following:

Individual Level

1. The experience of homelessness and housing insecurity is traumatic.
2. The compounded impact from poverty can prevent people from accessing the resources they need.

Organizational Level

1. Organizations are not currently reaching individuals eligible for services with the requisite information to become aware of and gain access to available resources and services.
2. There is a lack of translation or interpretation services for limited English proficient speakers.
3. There is a lack of financial assistance provided to undocumented immigrants.
4. Application and intake processes are onerous in terms of time and documentation requirements, as well as degree of mental and emotional difficulty.
5. Smaller nonprofits are often stuck in cycles of scarcity due to lack of funding, especially given disparities in investment levels in nonprofits led by people who are Black, Indigenous or other people of color (BIPOC).

Systemic Level

1. There are challenges in coordination between institutional human services agencies and smaller BIPOC-led community based organizations that are serving the same populations.

2. Funding timelines and eligibility requirements are determined by multiple external entities, such as the federal or state government, and are burdensome, particularly during a crisis.
3. Though unintentionally, organizations currently operating within the housing sector reproduce systemic oppression, implicit bias, and white supremacy that contribute to widening disparities and inequities in housing and wealth building.
4. Health and economic vulnerabilities - due to poverty, intergenerational trauma, social determinants of health, adverse childhood experiences, mental illness, substance use disorder, and the disparate impact of comorbidities and COVID-19 on communities of color - make racism a public health crisis that impacts housing.

Ideas for Circumventing Barriers

The CDBG-CV Racial Equity Task Force categorized the following ideas at the individual, organizational, and systemic levels to serve as a starting point to collectively move forward and achieve the shared goals of the CDBG-CV Collaborative, including:

Individual Level

- Those closest to the problems are closest to the solutions; stakeholders in the housing system are well poised to exercise their leadership in bringing about meaningful change.

Organizational Level

- The community will benefit from honest, authentic, and transparent communication, coordination, and partnership across organizations.

Systemic Level

- Leaders must build a new system while simultaneously operating within the existing system to meet current needs.
- Promoting and amplifying the leadership and power of Black, Indigenous, and People of Color (BIPOC) in housing work will benefit the entire community.

The authors of this report recommend that all stakeholders take advantage of this moment of disruption from COVID-19 to adjust systems, policies, procedures, and practices that may perpetuate inequality and harm. Leaders need to make adaptations that center racial equity and practices that promote the equitable distribution of resources and the common humanity of everyone involved. The CDBG-CV Task Force compiled comprehensive recommendations (see page 38) for a variety of stakeholders addressing housing insecurity, homelessness, and affordable rental housing. Recommendations are framed to support individuals, CDBG-CV subrecipients, nonprofits in the housing and human services sector, funders, and local, state, and federal policymakers and government officials.

The final section of this report includes practical affirmative marketing plan requirements and procedures for CDBG-CV subrecipients (see page 12). Elements included in this plan may be incorporated within other systems and used by other organizations. The required components of the plan include:

1. **Targeting:** To identify the segments of the eligible population who are least likely to apply, regardless of race, ethnicity, national origin, sex, gender identity and expression, sexual orientation, disability, socioeconomic status, religion, or familial status. Ensure to the maximum extent possible the inclusion of people of color, women, and members of the lesbian, gay, bisexual, and transgender community.
2. **Outreach:** To outline an outreach program that includes special measures designed to attract those groups identified as least likely to apply and other efforts designed to attract persons from the total population.
3. **Indicators & Accountability Measures:** To state the indicators to be used to measure the success of the marketing program.

Each CDBG-CV subrecipient is required to submit a specific and unique plan to the city, to be reviewed and discussed by peer members of the CDBG-CV Collaborative.

The coalition of organizations working to address housing insecurity, homelessness, and affordable rental housing has a long history of ongoing collaboration and partnership. As a result, the existing connections and collaborative networks of the organizations selected as subrecipients of CDBG-CV funds will contribute to their collective success meeting the goal of equitably distributing resources. This Affirmative Marketing Plan Report is an important step for the community to continue adopting practices that support the centering of racial equity, inclusion, and belonging.

Introduction

The country is currently experiencing a turning point for equity as it reckons with the historic and contemporary inequality caused by racism and white supremacy. The United States was founded through settler colonialism and the forced removal of indigenous peoples from their land, as well as the enslavement of people of African descent over 400 hundred years ago. For centuries systemic oppression and structural racism were integrated throughout this country's structures, laws, economic, social, political, and cultural systems. Systemic oppression presents as the false hierarchy of human value based on socially constructed categories of difference such as color, race, ethnicity, gender identity, sexual orientation, disability, and other social identity categories. Systemic oppression exists at the level of institutions (such as harmful policies and practices) and across systems (e.g. education, health, transportation, economy, etc) that interconnect and reinforce over time.

Due to the science of how the human brain operates, individuals reinforce systemic oppression via the manifestation of implicit bias, or the automatic associations and discriminatory stereotypes about individuals and groups of people that affect one's understanding, actions, and decisions in an unconscious manner.⁴ White supremacy often connotes the beliefs and actions of isolated individuals who are members of the KKK or have swastika tattoos. In this report, the term *white supremacy* is used to refer to a socio-political economic system of domination based on racial categories that benefit those defined and perceived as white. The system of white supremacy rests on the historical and current accumulation of structural power that privileges, centralizes, and elevates white people as a group.⁵ In the past half century, federal laws and supreme court decisions have significantly contributed to the advancement in civil and human rights, but the legacy of this country's founding continues to result in contemporary inequality.

The coronavirus laid bare the compounded health and economic disparities experienced by Black, Indigenous, People of Color (BIPOC) that existed prior to the pandemic and were exacerbated by COVID-19. These compounded disparities result from intersecting forms of systemic oppression across race, ethnicity, socio-economic status, gender identity, sexual orientation, disability, age, religion, and other dimensions of difference. *Intersectionality* is a term coined by Kimberlé Crenshaw, and is a mode of thinking about the ways in which systems of oppression overlap and intersect with social identities.⁶ In particular, BIPOC communities experience disparities in the social determinants of health; access to education, housing and economic opportunities; civic engagement access; and disproportionate policing, violence from law enforcement, and incarceration rates across the country and locally.

⁴ National Initiative for Building Community Trust and Justice. (2017). *Implicit Bias*. Retrieved 2018, from <https://trustandjustice.org/resources/intervention/implicit-bias>

⁵ DiAngelo, R. "No I Won't Stop Saying White Supremacy." *Good Men Project*. August 12, 2017.

⁶ Rangelhelli, L., Choi, J., and Petergorsky, D. (2018) *Power Moves: Your essential philanthropy assessment guide for equity and justice*. National Committee for Responsive Philanthropy.

In June 2020, HUD published a three page guide for centering racial equity as it relates to the homeless system and rehousing activation response to COVID-19. The document states, “COVID-19 has amplified the historic and current racial biases and discrimination embedded in our systems, processes, and practices.”⁷ The document defines the term *equity* as:

“Proportional representation (by race, class, gender, etc.) of opportunities in housing, healthcare, employment, and all indicators of living a healthy life. When talking about equity, it is helpful to distinguish it from equality. Equality is typically defined as treating everyone the same and giving everyone access to the same opportunities. The assumption is that everyone will benefit from the same support and services. This is not true. Some populations are situated differently because of historical and current discrimination against them. Equity addresses those differences. Equality is about sameness; it focuses on making sure everyone gets the same thing. Equity is about fairness; it ensures that each person gets what the person/population needs. To achieve equity, policies and procedures may result in an unequal distribution of resources, but will lead to equitable outcomes for everyone.”⁸

Racism is inextricably linked to other forms of oppression, an important understanding for dismantling systemic oppression. This Affirmative Marketing Plan centers racial equity while applying an intersectional lens to the analysis of equitable practices, policies, and procedures in housing. Race is the primary lense for this report, because as a 2020 report from Bridgespan and Echoing Green states:

“Race is one of the most reliable predictors of life outcomes across several areas, including life expectancy, academic achievement, income, wealth, physical and mental health, and maternal mortality... Holding all other factors constant, one’s race predicts outcomes better than anything else.”

To address these systemic disparities and inequities across systems, guidance issued by HUD defines *racial equity* as:

“The condition that would be achieved if one’s racial identity no longer predicted, in a statistical sense, one’s housing, economic, and health outcomes. With racial equity, race would no longer be used to predict outcomes, and outcomes for all groups are improved. Racial equity includes addressing root causes of inequities, not just their outcomes. This includes elimination of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or otherwise fail to address them. Racial equity is also a

⁷ HUD. (2020, June). *COVID-19 Homeless System Response: Rehousing Activation and Racial Equity*. Retrieved September 21, 2020, from <https://www.hudexchange.info/resource/6048/covid19-homeless-system-response-rehousing-activation-and-racial-equity/>

⁸ HUD. (2020, June). *COVID-19 Homeless System Response: Part 1: Equity as the Foundation*. Retrieved September 21, 2020, from <https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Rehousing-Activation-and-Racial-Equity-Part-1-Equity-as-the-Foundation.pdf>

process. This means that Black people, Indigenous people, and people of color—those most impacted—are part of the decision-making about funding, policies and programs.”⁹

In service to a shared vision for Dr. Martin Luther King Jr.’s Beloved Community, this report and affirmative marketing plan are rooted in a shared love for community and humanity. This report presents salient data to illustrate Battle Creek and Calhoun County’s landscape relating to aspects of housing security and affordability within the broader housing system. These findings help contextualize the opportunity and responsibility facing the group of organizations that are subrecipients of the Community Development Block Grant - Coronavirus (CDBG-CV). Through careful analysis, the members of the CDBG-CV Racial Equity Task Force have designed recommendations to promote accountability, antiracism, and the transformation of the local housing system. This report also represents a unique snapshot in time, immediately following a global pandemic. If there were ever a time to dream about how this country’s institutions and systems can best serve all people, now is that time.

⁹ *ibid.*

Background

The City of Battle Creek awarded the Battle Creek Coalition for Truth, Racial Healing, and Transformation (TRHT) with a contract in response to the city's Request For Proposals to assist with outreach and affirmative marketing coordination. The City received a \$729,344 allocation from the Department of Housing and Urban Development through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), to prevent, prepare for, and respond to the coronavirus (COVID-19). The funds are for rent and utility assistance, housing case management, homeless outreach, eviction diversion services, and to cover costs associated with the operation of an emergency homeless shelter. The goals of TRHT's proposal were to:

1. Ensure that COVID-19 Housing Response Grant funds are disbursed in an equitable manner that addresses root causes of disparities and applies a racial equity lens.
2. Demonstrate the value of a collaborative process for resource distribution, centering the voices of those most heavily impacted by housing disparities.

This work commenced in late July 2020. The contract includes the development and evaluation of an affirmative marketing plan, in addition to technical assistance with implementation of the plan including outreach and marketing efforts. An affirmative marketing plan is a marketing strategy designed to reach renters and people experiencing homelessness and housing insecurity, representing all racial and ethnic groups, across all nationally protected categories. This report, affirmative marketing plan, and associated activities are intended to identify demographic groups least likely to access services without special outreach efforts; convene local representatives of affected groups, propose strategies and assist with implementation; communicate about the emerging needs of affected groups related to the coronavirus response; and provide evaluation of efforts to address needs.

The City of Battle Creek is a founding member organization of the Battle Creek Coalition for Truth, Racial Healing, and Transformation with representation on the TRHT Leadership and Beyond Separation Design Teams. The Battle Creek Coalition for Truth, Racial Healing, and Transformation is fiscally sponsored by the Battle Creek Community Foundation, the contracting entity for this project. The mission of TRHT is to be the catalyst for a racial equity movement in Battle Creek that transforms the way we live, work, and interact as a community. The Coalition for TRHT's vision is for Battle Creek to experience a shared humanity where ALL can flourish. To bring about this vision, TRHT's theory of change posits that through its work, community members take ownership of TRHT principles and weave them into the fabric of the community, embedding TRHT in all aspects of the work completed independently and in collaboration with one another.

TRHT sub-contracted with and convened community partner organizations to comprise the CDBG-CV Racial Equity Task Force to complete this contract. In addition to Battle Creek Coalition for Truth, Racial Healing, and Transformation, organizations represented on the **CDBG-CV Racial Equity Task Force** include:

1. Burma Center
2. Fair Housing Center of Southwest Michigan
3. New Level Sports
4. RISE Corp.
5. Southwestern Urban League
6. Voces
7. United Way for the Battle Creek and Kalamazoo Region

In addition to CDBG-CV Racial Equity Task Force, the City and TRHT have collaboratively convened all of the other CDBG-CV subrecipients and housing stakeholders for convenings of a group titled the CDBG-CV Collaborative. **Members of the CDBG-CV Collaborative include:**

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South Central
Michigan | 7. The Coordinating
Council (TCC) |
| 2. Summit Pointe | 5. The Haven | 8. Continuum of Care/
Homeless Coalition |
| 3. Community Action
Agency | 6. Safe Place | |

The intention behind the CDBG-CV Collaborative is to convene this group of leaders on an ongoing basis to build trust, relationships, and partnership to collectively address the barriers, ideas, and recommendations that are reflected in this report and accompanying affirmative marketing plan.

Methodology

This report incorporates a community-based participatory research methodology, including quantitative and qualitative findings from primary and secondary research methods. The CDBG-CV Racial Equity Task Force convened via Zoom over eight meetings for two hours each, starting on July 28, 2020. Task Force members began by discussing the housing landscape in Battle Creek. From this discussion, members created a list of preliminary ideas to discuss with the broader CDBG-CV subrecipients during Zoom meetings convened by the City's Community Development Manager. These initial discussions informed the co-development of a survey instrument that the Task Force administered to CDBG-CV subrecipients for a deeper understanding of the services and resources available to ameliorate housing insecurity and homelessness. During a meeting on August 12, 2020 planned in partnership with the City and facilitated by a Task Force member, the full group of CDBG-CV Collaborative organizations discussed the initial list and generated new ideas. This meeting also deepened the relationships with individuals and across the organizations within the collaborative.

In early August, the Racial Equity Task Force disseminated an online survey link via SurveyMonkey to all CDBG-CV Collaborative members. The survey link was open for 10 days from August 7 to the 17th and included 11 complete responses, representing 11 distinct organizations. After the survey link was closed, the Racial Equity Task Force members discussed the findings and designed an interview protocol for deeper understanding and exploration with the other CDBG-CV subrecipients.

Members of the Racial Equity Task Force requested formal interviews with two representatives per CDBG-CV subrecipient organization, including the CDBG-CV grant liaison (usually the executive director/CEO) and a case manager or staff member that directly interfaces with clients. A CDBG-CV grant liaison participated in the interviews with at least one other staff member, except for one interview where only the liaison was present. Six members of the Racial Equity Task Force interviewed seven individuals, representing four of the CDBG-CV subrecipients. The interview procedure included at least one lead interviewer and a note taker from the Racial Equity Task Force. Each interview took approximately one hour long. Each interviewee returned a signed consent form and approved the interview transcription prior to the information being shared amongst the Racial Equity Task Force members for analysis. The interviewees also had the opportunity to provide additional written narrative responses to the original interview protocol questions. One of the organizations redacted a significant portion of the interview transcription and provided written responses; the other organizations approved the transcriptions and did not provide any additional written responses. One CDBG-CV subrecipient conducted a one-on-one informal conversation to share information with the facilitator of the CDBG-CV Racial Equity Task Force.

For the data review, two CDBG-CV Racial Equity Task Force members reviewed recently published reports as well as the MI Calhoun data website.

Findings

Data Review

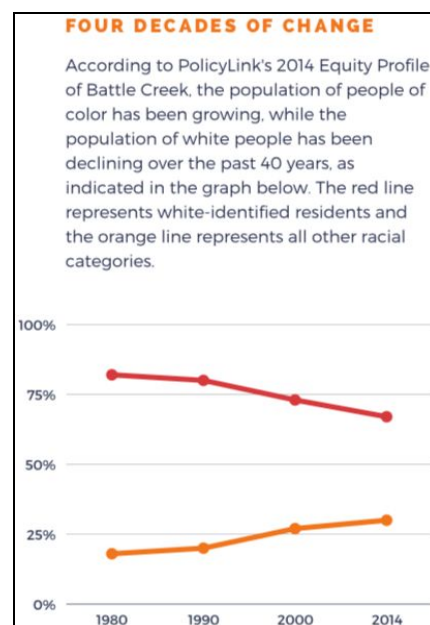
This section of the report highlights disparities and findings from the data review that support targeted approaches for an equitable distribution of CDBG-CV funds. With generous support from local funders, leaders in Calhoun County have commissioned significant research and investigation into racial disparities and economic opportunity for racial equity. In June 2017 Policy Link published an Equity Profile for Battle Creek which summarized the report with the following statement:

“Battle Creek, Michigan is becoming a majority people-of-color city, and communities of color will continue to drive growth and change into the foreseeable future. Embedding an equity approach throughout city government and advancing policy strategies to grow good jobs, build healthy communities of opportunity, prevent displacement, and ensure just policing and court systems, is fundamental to a brighter future for all of Battle Creek’s residents.

The way forward is with an equity-driven growth model. To secure America’s health and prosperity, the nation must implement a new economic model based on equity, fairness, and opportunity. Leaders across all sectors must remove barriers to full participation, connect more people to opportunity, and invest in human potential.”¹⁰

Directly excerpted from the Policy Link Equity Profile are the following examples of disparities:¹¹

- “Battle Creek has experienced net population decline since 1980, with all of the net decline attributable to the white population.”
- “The percentage of residents who are people of color increased from 18% in 1980 to 33% in 2014.” (See image at right)
- “Despite similar labor force participation rates, the Black population in Battle Creek is nearly twice as likely to be unemployed as the white population.”
- “Black, Latino, Native American, and Mixed/other residents face the highest poverty rates in the city.”



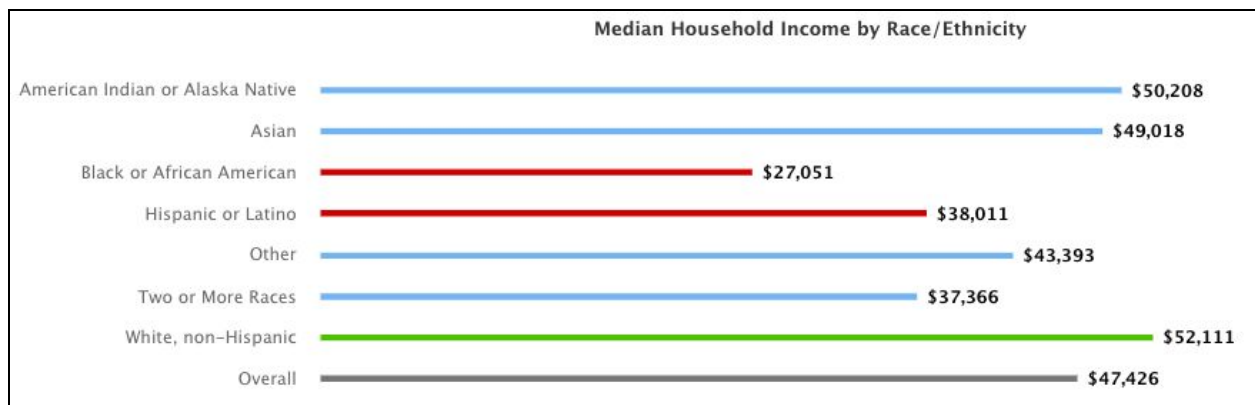
¹⁰ Policy Link and Program for Environmental and Regional Equity at the University of Southern California. (2017). *An Equity Profile of Battle Creek*. Retrieved from <https://www.policylink.org/resources-tools/equity-profile-battle-creek>

¹¹ *ibid.*

- “The top 20% of households hold more than half of all income in the city while the bottom 20% hold 3% of total income.”
- “The city also has a higher unemployment rate than the nation. Among Battle Creek residents in the labor force, 14% are unemployed. Black residents have the highest unemployment rate followed by Latino residents.”

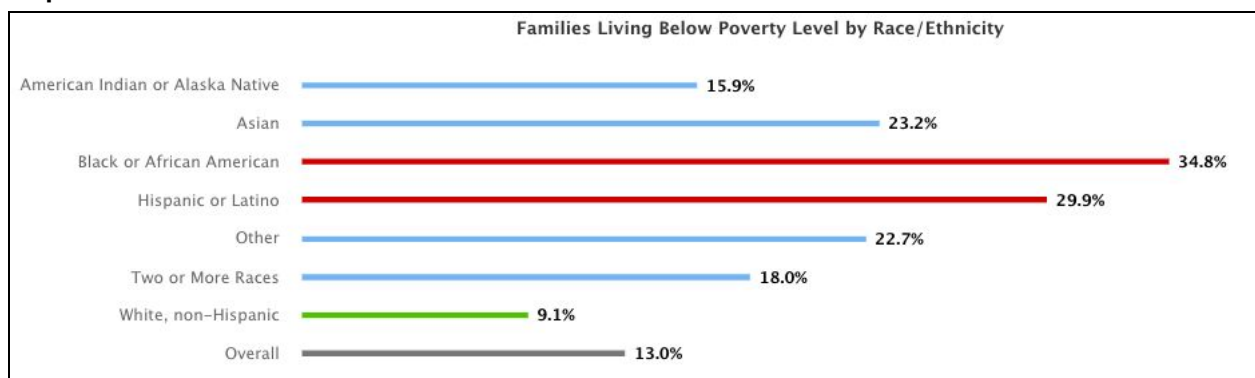
The median household income in Calhoun County varies greatly by racial/ethnic identity, as presented in the graph below. The difference in median household income for African Americans and non-Hispanic whites was \$25,060, or almost half (48%) the median household income of whites. The difference in median income of households with two or more races or Latino households was also disparate (\$14,745 and \$14,100 respectively).¹²

Graph One: Median Household Income by Race/Ethnicity from MiCalhoun Disparities Dashboard



The disparities for families living below the poverty line mirror the findings of household income. More than one in three Black families are living below the poverty level in Calhoun County and slightly less than one in three Latino families are living below the poverty level (34.8% and 29.9% respectively). Slightly more than one in five Asian and other race families live below the poverty level.

Graph Two: Families Living Below Poverty Level by Race/Ethnicity from MiCalhoun.com Disparities Dashboard



¹² MiCalhoun. (2018). *Community Health Dashboards*. Retrieved September 18, 2020, from <http://www.micalhoun.org/index.php?module=indicators>

There is a direct link between poverty and housing insecurity. Given the racial disparities and high rates of poverty in Battle Creek and across the county, there is significant need for eviction diversion case management and bill payment assistance, among other interventions and support for renters, the unhoused, and homeowners. In 2018 in Calhoun County, there were a total of 16,182 rental households.¹³ A report commissioned by the city of Battle Creek in 2013 demonstrated an undersupply of rental units available (7,344) compared to a higher demand for rental units (7,910).¹⁴ These findings also show that almost half of rental households in Calhoun County are concentrated in Battle Creek. According to the US Census Bureau 2013—2017 American Community Survey 5-Year Data Profile, 42.8% of renters in Calhoun County paid 35% or more of their annual income on rent. Of all occupied units paying rent in 2017 in the County, 68.5% of renters paid between \$500-\$999. In that same time period, 16% paid less than \$500; 12.6% paid between \$1,000 - \$1,499; 2.1% paid between \$1,500 - \$1,999; .4% paid between \$2,000 - \$2,499; .1% paid between \$2,500 - \$2,999; and .2% paid more than \$3,000.¹⁵ Policy Link's Equity Profile illustrated that in the city of Battle Creek: "More than half of renter households are cost burdened... meaning they spend more than 30% of household income on housing costs. Twenty-nine percent are severely cost burdened – spending more than half of their income on rent."¹⁶

Lower income and employment affects the ability of an individual or family to remain housed, and especially with the economic crisis spurred by the pandemic, eviction cases are on the rise. Overall in the state of Michigan in 2018, there was about one eviction case for every six rental units (17%).¹⁷ Michigan's filing rate appears to be much higher than those reported elsewhere: eviction filing rates in Chicago, Philadelphia, and the Cincinnati area during a similar time period, for example, were 3.9%, 7.8%, and 8.7%, respectively.¹⁸ The six counties with the highest eviction filing rates in the state (18.4% to 25.7%) are Genessee, Macomb, Monroe,

¹³ Slagter, M. (2020, May 20). "See which Michigan counties have the highest rate of eviction filings." *MLive*. Retrieved from <https://www.mlive.com/public-interest/2020/05/see-which-michigan-counties-have-the-highest-rate-of-eviction-filings.html>

¹⁴ McKenna Associates. (2013) *Comprehensive Housing Study: City of Battle Creek*. Retrieved from <https://www.battlecreekmi.gov/ArchiveCenter/ViewFile/Item/71>

¹⁵ US Census Bureau. (2018). *American Community Survey 5 Year Estimates*. Retrieved September 23, 2020 from https://data.census.gov/cedsci/table?g=0400000US26_0500000US26025

¹⁶ Policy Link and Program for Environmental and Regional Equity at the University of Southern California. (2017). *An Equity Profile of Battle Creek*. Retrieved from <https://www.policylink.org/resources-tools/equity-profile-battle-creek>

¹⁷ Slagter, M. (2020, May 20). "See which Michigan counties have the highest rate of eviction filings." *MLive*. Retrieved from <https://www.mlive.com/public-interest/2020/05/see-which-michigan-counties-have-the-highest-rate-of-eviction-filings.html>

¹⁸ Goodspeed, R., Deward, M., and Schaafsma, J. (2020, May). *Michigan's Eviction Crisis*. University of Michigan Poverty Solutions. Retrieved from <https://poverty.umich.edu/files/2020/05/Michigan-Eviction-Project-policy-brief.pdf>

Calhoun, Wayne and Muskegon.¹⁹ Thus, Calhoun County ranks fourth in the state of counties with the highest eviction rates. The eviction filing rate in Calhoun in 2018 was about one eviction case for every five rental units (22.14%), higher than the rate for the state.²⁰ In 2018 there were 3,583 eviction filings and the average number of eviction filings per year from 2014-2018 was 3,489.²¹ This means that in 2018 in Calhoun County, almost 300 households were evicted per month; approximately 69 households were evicted per week; and almost 10 households were evicted per day.

The Michigan Eviction Project at the University of Michigan (UM) used a statewide multivariate analysis showing that the number of eviction cases filed within a census tract is related to the percent of single mother households, number of mortgage foreclosures, and percent of population living in mobile homes. In urban areas, the number of cases is positively related to additional factors, including the percent African Americans, percent of the population under 18, and percent of housing units vacant in the census tract.²² Robert Goodspeed, UM assistant professor of urban planning and lead researcher on the report said, “Although I can’t speculate how the pandemic may change these relationships, in the absence of structural changes to the housing or legal systems, it seems likely these neighborhoods will continue to experience disproportionately more evictions than other neighborhoods.”²³ Of the statewide eviction cases filed between 2014 and 2018, just 4.8% of tenants were represented by an attorney, compared to 83.2% of landlords.²⁴

4TH
Highest ranking county for
eviction rates in the state.
Calhoun County follows
Genesee, Macomb, and Monroe

22%
Calhoun County's
eviction rate, higher than
the state of Michigan
(17%)

9.8
Evictions per day in
Calhoun County in 2018,
for a total of 3,583
evictions that year.

¹⁹ Slagter, M. (2020, May 20). “See which Michigan counties have the highest rate of eviction filings.” *MLive*. Retrieved from <https://www.mlive.com/public-interest/2020/05/see-which-michigan-counties-have-the-highest-rate-of-eviction-filings.html>

²⁰ Goodspeed, R., Dewar, M., and Schaafsma, J. (2020, May). *Michigan’s Eviction Crisis*. University of Michigan Poverty Solutions. Retrieved from <https://poverty.umich.edu/files/2020/05/Michigan-Eviction-Project-policy-brief.pdf>

²¹ Slagter, M. (2020, May 20). “See which Michigan counties have the highest rate of eviction filings.” *MLive*. Retrieved from <https://www.mlive.com/public-interest/2020/05/see-which-michigan-counties-have-the-highest-rate-of-eviction-filings.html>

²² Goodspeed, R., Kyle Slugg, K., Dewar, M., and Benton, E. (2020, May). *Michigan Evictions: Trends, Data Sources, and Neighborhood Determinants*. University of Michigan Poverty Solutions.

²³ Slagter, M. (2020, May 20). “See which Michigan counties have the highest rate of eviction filings.” *MLive*. Retrieved from <https://www.mlive.com/public-interest/2020/05/see-which-michigan-counties-have-the-highest-rate-of-eviction-filings.html>

²⁴ *ibid.*

The United Way of the Battle Creek Kalamazoo Region (UWBCKR) has also been a strong advocate to address barriers facing the ALICE population – Asset Limited, Income Constrained, Employed. Chris Sargent, CEO wrote an article on UWBCKR website April 10, 2019 indicating that 61% of all jobs in Michigan are low-paying jobs. He wrote, “the number of ALICE families has grown, in part because some have managed to climb out of poverty—our region’s poverty rate shrunk slightly from 15% in 2015 to 14% in 2017—but also because households barely above the ALICE threshold a few years ago have slipped back due to flat wages and rising living costs.”

Homelessness is another challenge the community is facing and the population of people experiencing homelessness in Calhoun County has grown over time. In 2015, the county’s unhoused population was 1,116.²⁵ That number has grown to 2019 estimates of 1,199 of the county’s total population of 134,128.²⁶ According to data from the U.S. Department of Housing and Urban Development, homeless services in Calhoun County serve approximately 1,100 people per year, or about 240 people at any one time.²⁷

After the pandemic, the organizations primarily serving Battle Creek’s unhoused population, The Share Center, the Haven of Rest, and Safe Place, had to drastically alter their operations to accommodate the requirements for sheltering in place. In partnership with the City of Battle Creek, the Share Center operated a shelter at the Full Blast facility. Prior to the recent opening of a 14,000 square foot shelter for the unhoused, there was a temporary period where people experiencing homelessness took shelter under a tent in a parking lot. The Haven of Rest and Safe Place had to comply with the governor’s executive order to depopulate shelters in March to stop the spread of COVID-19. The Haven went from 77 people to 20 people in two weeks, which cut the shelter’s revenue by 75% or a \$150,000 reduction in income.²⁸ Daniel Jones told News Channel 3 that in many of those cases, the answer was as simple as a bus ticket out of town, or people waiting for a check to pay for a security deposit for an apartment. Jones said the Haven of Rest was able to accommodate some people’s needs with emergency funds.²⁹

²⁵ Simons, J. (2019, January 31). “Plans to serve homeless population in Calhoun County start with a thorough count.” *Second Wave Southwest Michigan*. Retrieved from <https://www.secondwavemedia.com/southwest-michigan/features/Plans-to-serve-homeless-population-in-Calhoun-County-starts-with-a-count-0131.aspx>

²⁶ *ibid.*

²⁷ H. (2020, June). “COVID-19 Homeless System Response: Rehousing Activation and Racial Equity.” *Battle Creek Enquirer*. Retrieved October 13, 2020, from <https://www.hudexchange.info/resource/6048/covid19-homeless-system-response-rehousing-activation-and-racial-equity/>

²⁸ Knep, S. (2020, September 08). “How homeless people in Battle Creek are making it through the COVID-19 pandemic.” *WWMT*. Retrieved from <https://wwmt.com/news/local/how-homeless-people-in-battle-creek-are-making-it-through-the-covid-19-pandemic>

²⁹ *ibid.*

Survey and Interview Findings

The economic fallout from the pandemic will be far reaching due to the interconnections between access to housing, healthcare, employment, education, and legal services. To better understand the linkages across these areas within the housing system, the CDBG-CV Racial Equity Task Force disseminated a survey to sub-awardees of CDBG-CV funds. The survey examined current organizational operating models, levels of available funding, services offered and potential barriers to access, data collection and eligibility requirements for assistance, adaptation of outreach methods in the era of COVID-19 era, and ideas for collaborative solutions.

The CDBG-CV Collaborative survey link was open for thirteen days from August 4 to the 17th, 2020. Given the rapidly changing environment due to the pandemic, some findings may have changed compared to when the survey was disseminated. The link was sent to 26 individuals representing 16 different organizations, all of which are active members of the CDBG-CV Collaborative (see page 12 for complete list). Out of the possible 26 respondents, 11 people completed the survey, each representing a distinct member organization of the CDBG-CV Collaborative, including the following organizations:

1. Burma Center
2. Continuum of Care/Homeless Coalition
3. Community Action Agency of South Central Michigan
4. Fair Housing Center for Southwest Michigan
5. The Haven
6. RISE Corp
7. Safe Place
8. Southwestern Michigan Urban League
9. Summit Pointe HARA
10. TRHT
11. Voces

Amounts and Sources of Housing Funding in Region

The survey respondents indicated their best estimates of total amounts of funding coming from a variety of federal and private sources that are earmarked for housing assistance and related services. The table below indicates the aggregate amounts for each source of funding, as well as the total amount of funding received between March and August 2020 for housing assistance and related services.

Type of Funding for Disbursement after March 2020 (n=10)	Approximate Amount of Funding Reported	Organizations Reporting Funds
CDBG-CV – (Community Development Block Grant through CARES Act)	\$458,800	5

Type of Funding for Disbursement after March 2020 (n=10)	Approximate Amount of Funding Reported	Organizations Reporting Funds
CSBG – (Community Services Block Grant from CARES Act)	\$770,000	1
CRF – Coronavirus Relief Fund (from CARES Act)	\$289,000	1
ESG – Emergency Solutions Grant (from CARES Act)	\$77,000	2
HOME – Home Investment Partnerships Program	\$243,000	1
Other federal grants	\$112,912	3
State grant dollars	\$131,978 (\$50,000 is not yet confirmed)	1
Restricted dollars from private funders	\$198,257	4
Unrestricted dollars from private funders or individual donors	\$320,600	4
Public housing, Section 8 vouchers, and project-based rental assistance through HUD	0	10
Total	\$2,142,747	10
Amount and percentage of total funding that was received by members of CDBG-CV Racial Equity Task Force:	\$175,100	8.17%

Housing and Related Services

Survey respondents indicated the **types of housing services** their organizations provide, including eviction diversion services (5), wrap around services (4), rent payment (4), rehousing (4), water bill and electricity payment (3), mortgage payment (2), emergency shelter (2), phone bill and internet bill payments (1), meals (1), case management (1), legal services (1), rehab work in a specific neighborhood (1), and resources on racial equity (1).

Respondents also indicated the type of **related services** their organizations provide, including food (4), transportation (3), supplies - toiletries, cleaning, and diapers (3), personal protection equipment - PPE (3), mental health (3), banking and financial literacy (2), workforce development (1), entrepreneurship training (1) school-related expenses (1), learning technology - laptop, cell phone, tablet (1), employment opportunities (1), and COVID testing (1).

CDBG-CV Subrecipient Staffing and Demographics

Nine respondents indicated that a total of 30 people are full time equivalent (FTE) staff members who directly interface with community members and provide the services listed above. Of the total staff of CDBG-CV Collaborative members directly interfacing with community members:

- 1 organization has 7 FTE
- 1 organization has 6 FTE
- 2 organizations have 5 FTE
- 1 organization has 4 FTE
- 3 organizations have 1 FTE
- 1 organization has 0 FTE

The nine survey respondents indicated the following:

- 5 organizations have Black or African American staff
- 5 organizations have white staff
- 3 organizations have staff with two or more races
- 1 organization has staff with other racial identity
- 1 organization preferred not to indicate the racial identities of staff
- 8 organizations have female staff
- 3 organizations have male staff
- 1 organization preferred not to indicate the gender identity of staff

On separate items in the survey, 11 respondents indicated the following:

- 5 organizations do not have Latinx staff
- 4 organizations have Latinx staff
- 1 organization is not sure if there are Latinx staff
- 1 organization preferred not to say if there were Latinx staff
- 9 organizations have staff who speak English
- 2 organizations have staff who speak Spanish
- 4 organizations have contracts with an agency for interpretation³⁰
 - 3 organizations contract with Voces
 - 2 organizations contract with Burma Center
 - 1 Organization uses Language Line
- 5 organizations do not contract with an agency for interpretation

³⁰ **Note:** *interpretation refers to live, oral communication and translation is for written communications, e.g. fliers, email messages, and reports.*

Organizational Intake Process, Data Documentation, and Eligibility Requirements

The intake process to receive housing assistance requires a lot of documentation of client information. Per the federal grant requirements, subrecipients must collect certain information to remain compliant. Other data points may not be required, but are collected because they offer helpful information for making strategic decisions regarding fund distribution. Eight survey respondents indicated that in the past 12 months, their organizations collected the following information: zip code (8), total number of people living in household (7), age (7), number of minors 17 or younger in household (6), Household status - single parent family, multi-family occupied, childless (6), race and ethnicity (6), disability status (6), other areas of assistance needed in addition to rent (5), number of adults in household working part or full time (5), income level (5), gender - options include non-binary and/or transgender (5), referring organization or individual (4), primary languages spoken at home (3), household members at high risk of contracting COVID or receiving treatment for COVID (1), sexual orientation (1), immigration status (1), and gender - female and male only (1). One respondent indicated that clients are requested to provide demographic information though this information is not required in order to receive services (i.e. clients may decline to answer any question and still remain eligible for services).

In addition to providing demographic information, eight survey respondents indicated the following additional requirements from their organizations' intake processes in the past 12 months, including: completion of intake process on site (5), proof of money owed - bill or receipt (3), pay stub(s) for past 30 days or more (3), specific sources and amounts of income (2), monthly total income amount (2), verification of home address via mail or bill (2), driver's license (2), 1099 (1), W-2 form (1), percentage of average median income (AMI) that is 100% or less (1), past year tax return (1), bank statement (1), or social security number - verbal report or demonstration of physical card (1).

One respondent commented that their organization requires any document that can provide identity and income, including any of the items on the list. This organization also allows a self-certification form if the other items are not available. Another comment indicated that while the intake process is normally done on site, it can also take place over the phone. The interviews indicated that at least two organizations are completing virtual/telephonic intake processes due to social distancing rules and safety guidelines. For at least one organization, clients are able to take a picture to send by text or email, fax, and/or mail in the required documentation to complete the virtual intake process.

Specifically for eviction diversion services, out of nine respondents, three required communication with a landlord, two required an eviction notice, one required a lease agreement and one required court records. One comment indicated that without these documents, they may still offer assistance to a client.

The interviews expounded on the findings from the survey regarding the intake process and data management systems for organizations receiving state and federal grants. Summit Pointe,

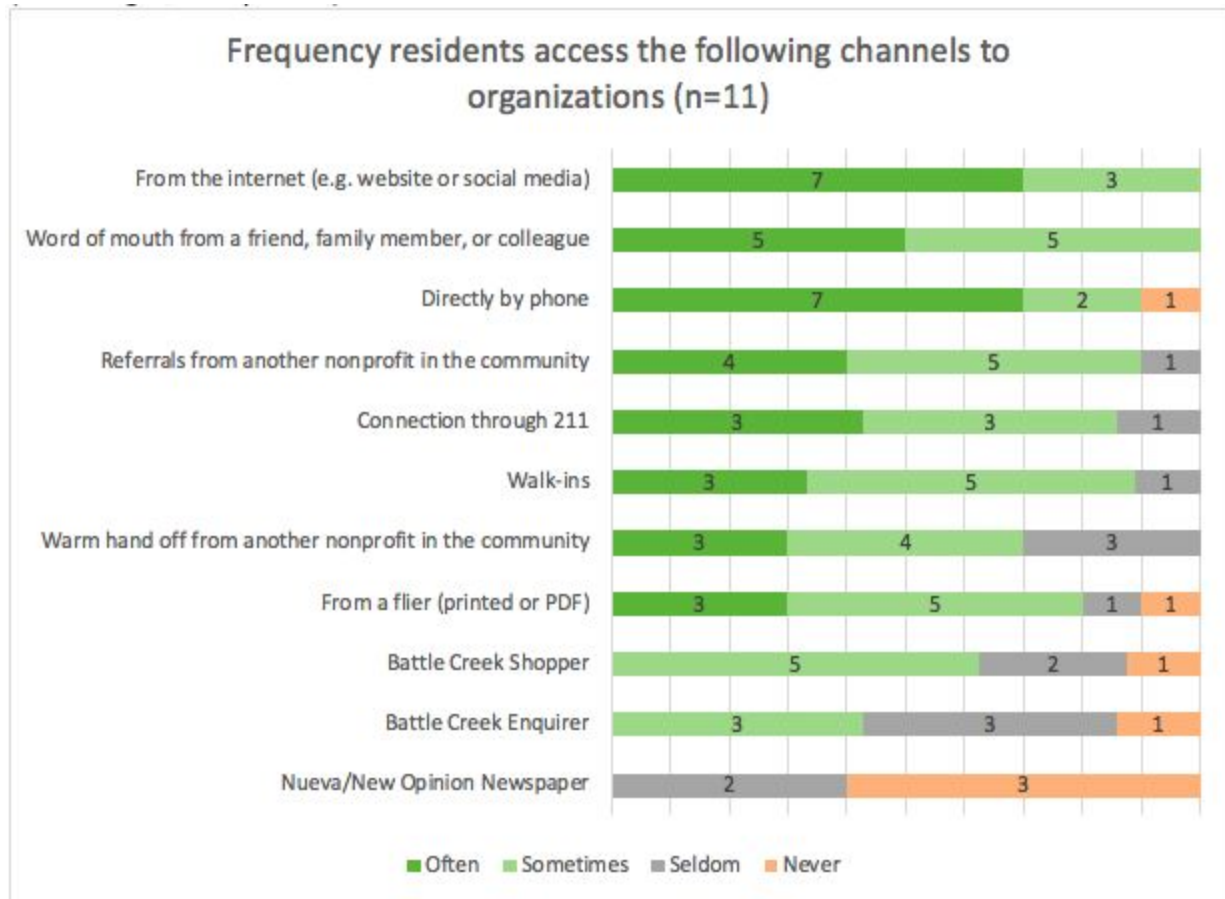
The Haven, and Share Center all use Homeless Management Information System (HMIS) and Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT). Community Action Agency uses the Michigan Community Action Agency's database platform, though it is very similar to HMIS. Safe Place uses EmpowerDB and Legal Services uses a separate system. There is also a pre-screen application that Summit Pointe has shared with other CDBG-CV subrecipients. For at least two organizations, the funds for housing assistance are not given directly to the client, rather they are issued as checks made out to the landlord, utility company, or other vendor.

At least two organizations work with Voces and/or Burma Center to assist with interpretation for clients. Two organizations use the national service called Language Line that is available 24/7. Only one organization indicated that they had a Spanish speaking staff member to assist with the intake process. Two organizations indicated that they have one Spanish speaking staff member, and one organization has one Burmese speaking staff member, though at the time of the interviews, these bi-lingual/multilingual staff members were not in case management roles or performed the intake process. Of the four organizations interviewed, one followed up with specific reports on the racial demographics of the population the organization serves and the demographic composition of this organization's board.

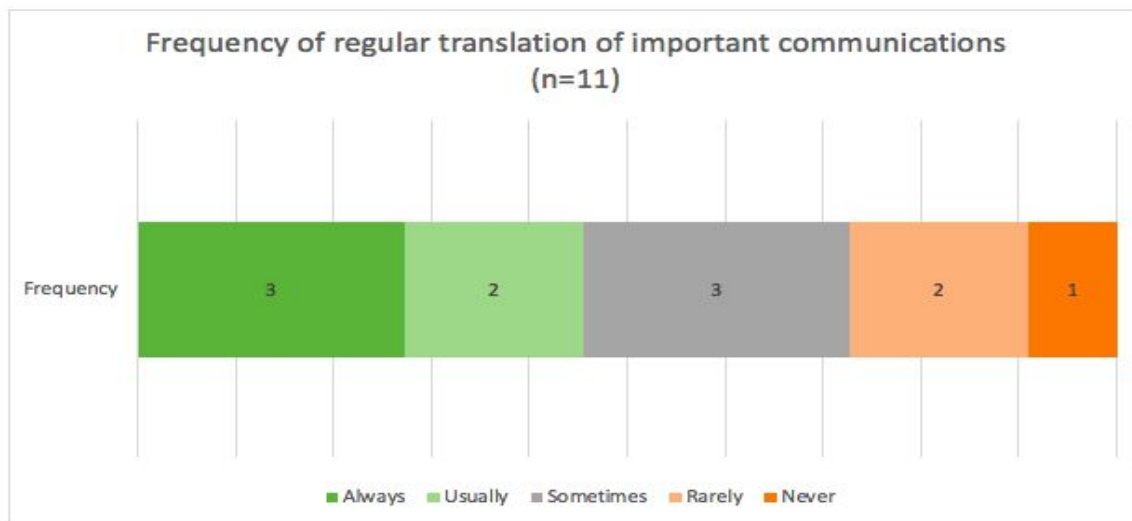
The amount of assistance and types of services offered vary greatly by each organization, usually based on the restrictions from the source of funding. For example, one organization mentioned providing assistance to people with up to 250% AMI and another serves people with 50% or less of AMI. Financial assistance in many cases may be used for a security deposit, arrearage, and/or rent payments. One organization has a \$4,000 cap for assistance and another has a \$2,000 cap. One organization stated that it can provide up to six months of rent assistance. Two organizations provide shelter for up to 60 days.

Communication & Outreach Methods

Survey respondents indicated the predominant communication channels for how they believe clients learn about their services. The bar graph below indicates the top methods of communications and outreach, excluding the “not applicable” responses.



All 11 respondents indicated the frequency of translation of important communications:



Survey Respondent Comments Regarding Translation
Three organizations translate communications to Spanish
One organization also translates to Burmese and Arabic
Two organizations indicated a desire to intentionally translate more communications in the future:
“The awareness of translation services is acute and we are looking for ways to increase inclusion in our outreach and services.”
“Have rarely done so in the past and have plans to do more translation moving forward.”

Analysis

The local, state, and federal housing system is complex. Working within this system can be challenging - particularly within the context of a pandemic. This research and report focus on the elements of the housing system related to addressing housing insecurity, homelessness, and affordable rental housing. There are additional elements related to the broader housing system that are outside of the scope of this report and should be included in future research and analysis.

The coalition of organizations working to address housing insecurity, homelessness, and affordable housing has a long history of ongoing collaboration and partnership. For example, the Homeless Coalition meets regularly and shares minutes from meetings on The Coordinating Council website for the public to review. The leaders and staff who work for this coalition of organizations are passionate and dedicated to serving people during a very vulnerable moment in their lives. As a result, the existing connections and collaborative networks of the organizations selected as subrecipients of CDBG-CV funds will contribute to their collective success toward the goal of equitably distributing resources. This section presents the CDBG-CV Racial Equity Task Force’s analysis of the findings from the data collection phase, synthesizing themes related to the barriers and challenges in accessing housing assistance as well as ideas to ameliorate those barriers. This presentation serves as a starting point to collectively develop a blueprint to move forward and achieve the shared goals of the organizations included in this work.

Barriers to Housing Assistance in Battle Creek

Across the country, news headlines are highlighting the ramifications to the housing system resulting from the dual public health and economic crisis because of COVID-19. The challenges in the system existed prior to the arrival of COVID-19, and the pandemic is shining a spotlight on myriad disparities and inequities that result from a variety of barriers to accessing affordable, safe, and stable housing. Local barriers to access manifest at the individual, organizational, and systemic levels, including:

Individual Level

1. The experience of homelessness and housing insecurity is traumatic.
2. The compounded impact from poverty can prevent people from accessing the resources they need.

Organizational Level

1. Organizations are not currently reaching individuals eligible for services with the requisite information to become aware of and gain access to available resources and services.
2. There is a lack of translation or interpretation services for limited English proficient speakers.
3. There is a lack of financial assistance provided to undocumented immigrants.
4. Application and intake processes are onerous in terms of time and documentation requirements, as well as degree of mental and emotional difficulty.
5. Smaller nonprofits are often stuck in cycles of scarcity due to lack of funding, especially given disparities in investment levels in nonprofits led by people who are Black, Indigenous or other people of color (BIPOC).

Systemic Level

1. There are challenges in coordination between institutional human services agencies and smaller BIPOC-led community based organizations that are serving the same populations.
2. Funding timelines and eligibility requirements are determined by multiple external entities, such as the federal or state government, and are burdensome, particularly during a crisis.
3. Though unintentionally, organizations currently operating within the housing sector reproduce systemic oppression, implicit bias, and white supremacy that contribute to widening disparities and inequities in housing and wealth building.
4. Health and economic vulnerabilities - due to poverty, intergenerational trauma, social determinants of health, adverse childhood experiences, mental illness, substance use disorder, and the disparate impact of comorbidities and COVID-19 on communities of color - make racism a public health crisis that impacts housing.

Barriers at the Individual Level

The experience of homelessness and housing insecurity is traumatic. Individuals may experience the process of being screened as harmful and stigmatizing, possibly out of fear of being judged by intake staff, family, or friends. Not being able to provide basic necessities like shelter for oneself or family, places one in a position of incredible vulnerability. Facing that vulnerability while answering very personal questions with a stranger during an intake process can feel intrusive and disconcerting, even when necessary. One interviewee said, “There are some cultural pieces where neighbors, friends, the group that supports a person can cause them to feel defeated or badly if they ask for resources or help.” Another interviewee made a similar comment, “Pride and their ability to feel like they’re able to provide for themselves without having help is sometimes a barrier for people to get resources.” Situations where an applicant is ultimately ineligible for assistance are particularly disheartening and distressful. Moving through this system the way the federal government has established it via relevant laws and policies can be a dehumanizing experience.

The compounded impact from poverty can prevent people from accessing the resources they need. The confluence of the effects of living in poverty or being part of the ALICE (Asset Limited, Income Constrained, Employed) population can include lack of safety net, access to affordable and safe housing, fair employment/entrepreneurship opportunities, transportation, childcare, healthcare, and effective legal representation. For example, as one interviewee said, “Transportation is a barrier for a lot of people to get there. If they're working and work the whole time the agencies are available, it's hard to find the time to get in. It's been a great learning experience with us with the virtual intake process; we've been able to address some of that.”

Other consequences of poverty like low credit scores, past evictions, or felony convictions limit available local housing options as well. A lack of local affordable housing options compounds this challenge, as mentioned by two interviewees. Furthermore, since the pandemic hit, unemployment continues to grow. Jobs in the service and entertainment industries, for example, may not be coming back for a long time given social distancing safety requirements. People who previously had full time jobs may be only working part time, be furloughed, or continue to be unemployed since March. The lack of free, affordable, and/or available childcare is also negatively impacting the ability of parents to work, and more women are making the difficult choice to drop out of the workforce altogether. In September, according to the Labor Department, 865,000 women over 20 dropped out of the American workforce compared with 216,000 men in the same age group.³¹ Ultimately, many working parents are not getting the aid they need to be able to secure childcare and work at the same time. This situation is creating an

³¹ Schneider, A., Hsu, A., & Horsley, S. (2020, October 02). “Enough Already: Multiple Demands Causing Women To Abandon Workforce.” *NPR*. Retrieved from https://www.npr.org/sections/coronavirus-live-updates/2020/10/02/919517914/enough-already-multiple-demands-causing-women-to-abandon-workforce?utm_source=facebook.com

almost impossible situation that disproportionately impacts low and no-income people, un and under-employed individuals, single parents, immigrants, and people who are immunocompromised.

Barriers at the Organizational Level

Organizations are not currently reaching individuals eligible for services with the requisite information to become aware of and gain access to available resources and services. The system addressing homelessness and housing insecurity is complex and multifaceted with many moving and changing parts. As a result, organizations are not currently reaching all eligible individuals to make them aware of the housing resources and services available to them. Other individuals may judge any possible future opportunities based on past experiences. One interviewee said,

“I think there are a lot of people who don't know about the assistance available. Partly because of the [complex eligibility] terms and what is available changes all the time, both in our organization and in the community at large. Some people have tried to access resources before and they haven't been successful, so they believe they'll never be successful.”

Another interviewee recognized that lack of awareness can also come from the challenges inherent in navigating a housing system that is primarily conducted in English. This interviewee said, “Language can be a barrier too if you don't know how to initially ask for [interpretation] or are intimidated...when you first call a number.”

There is a lack of translation or interpretation services for limited English proficient speakers. At the time of the interviews, only one of the CDBG-CV subrecipients had staff who spoke Spanish and none had staff who spoke any of the Burmese dialects. All of the organizations interviewed recognize the need for a third party (e.g. Burma Center, Voces, or Language Line) to interpret for clients. Some CDBG-CV subrecipients have current contracts with Burma Center, Voces, and/or Language Line. Yet, at least one organization expressed that it had a contract in place, but after checking internally, Burma Center and/or Voces identified that the contract was expired or did not exist. According to HUD's website, “under Title VI of the Civil Rights Act of 1964 and in accordance with Supreme Court precedent in *Lau v. Nichols*, recipients of federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by limited English proficient (LEP) persons.”³²

There is a lack of financial assistance provided to undocumented immigrants.

Categorically every organization interviewed recognizes that the undocumented community faces extreme barriers to receiving financial assistance for housing. There are an estimated 129,000 undocumented immigrants living in Michigan, or about 1% of the population in the

³² HUD. (n.d.). *Limited English Proficiency*. U.S. Department of Housing and Urban Development. Retrieved from https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency_0

state.³³ However, there are few clear solutions for supporting undocumented community members in getting the resources they need to stay housed after their disproportionately negative economic impact after the pandemic. One interviewee said, “There are significant barriers for undocumented community members. That would come back to grant and funding requirements. You have to have documentation [and legal immigration status] to access services.” For example, the The Coronavirus Aid, Relief, and Economic Security (CARES) Act stimulus checks were not distributed to undocumented or mixed status families, and undocumented immigrants were not eligible for the expanded unemployment benefits. According to a report from the National Housing Law Project and National Immigration Law Center:

“Some federal financial assistance programs restrict eligibility based on immigration status and may have implications under the Department of Homeland Security’s new public charge rule, which determines if noncitizens seeking admission to the U.S. or applying for lawful permanent resident status (green card) are likely to become ‘primarily dependent on the government.’”³⁴

This same report demonstrated that CDBG-CV funding does not have specific immigration status eligibility requirements. Immigrants without documentation are able to access emergency services provided by nonprofit charitable organizations. Receiving CDBG-CV funds also will not trigger the public charge determination.

In other words, without a concerted and collaborative effort, an estimated one thousand people in Calhoun County may not have access to financial assistance to help them stay housed. Anecdotal evidence indicates that increased policing, profiling, detention, and deportation under the Trump administration resulted in increased family separation and heightened anxiety and trauma in the local immigrant communities. For fear of initiating a deportation action, due to limited English proficiency, or because of lack of access, many immigrants have generally been avoiding routine interactions with government agencies and healthcare providers.

Application and intake processes are onerous in terms of time and documentation requirements, as well as degree of mental and emotional difficulty. There are different documentation requirements for different types of services, such as providing identification, social security number, physical address, sources of income, percentage of annual median income (AMI), etc. One interviewee said, “Everybody requires certain documentation and to have documentation - we know that IDs have been a barrier for some. Now that the Share Center has an ID Program, that can help, but they still run into those kinds of barriers.”

³³ Jayyousi, M. (2019, October 19). “Michigan has second highest rate of ICE arrests in nation.” *Detroit Metro Times*. Retrieved from <https://www.metrotimes.com/news-hits/archives/2019/07/16/michigan-has-second-highest-rate-of-ice-arrests-in-nation>

³⁴ National Immigration Law Center. (2020, May 06). *FAQ: Eligibility for Assistance Based on Immigration Status*. Retrieved from <https://www.nilc.org/resources-covid19-crisis-and-consequences/faq-eligibility-for-assistance-based-on-immigration-status/>

Organizations that require the intake process to happen on site can be challenging for people without transportation, childcare, or the requisite time to go through the intake process during business hours. Additionally, many CDBG-CV Racial Equity Task Force members were surprised to learn that Summit Pointe HARA is located at the Share Center. On the one hand, this aids accessibility for people who are already familiar with and/or visiting the Share Center, and the building may not seem as large and possibly intimidating as other human service agencies. On the other hand, it would be a waste of time and resources if an applicant were to take time off work with children in tow, walk to Summit Pointe expecting to find the HARA, and then discover that the housing intake process happens at a different location. Post-pandemic, having a virtual intake process may be advantageous in some ways, but barriers are still present. One interviewee said, “Some people, especially over the phone, have a hard time understanding what we do need, why we need to have it, what it looks like, and what that means to them.” Another person said, “The virtual intake process sometimes [can be a barrier] without that face to face interaction with the client.”

Smaller nonprofits are often stuck in cycles of scarcity due to lack of funding, especially given disparities in investment levels in nonprofits led by people who are Black, Indigenous or other people of color (BIPOC). This is also known as philanthropic redlining, as described in a May 2020 article in the *Chronicle of Philanthropy* highlighting a report from Bridgespan and Echoing Green. In the article Susan Taylor Batten, CEO of the Association of Black Foundation Executives (ABFE), stated that the pattern of underfunding nonprofits led by BIPOC results in “smaller staff, smaller budgets, and little to no operating reserves. We call it philanthropic redlining.”³⁵ The report illustrates how organizations led by people of color receive less grant money and are trusted less to make decisions about how to spend funds than organizations with white leaders. The research found that organizations with leaders of color had unrestricted assets that were 76% smaller than white-led organizations. The ABFE published its own study in December 2019 which found that 60% of organizations surveyed had budgets of \$500,000 or less and only 23% had reserves of three months or more. The pattern of underinvestment in organizations and leaders of color serves as a significant barrier for BIPOC communities. Compounding philanthropic redlining may be the role that larger nonprofits play in receiving significant levels of funding to provide human services programming while serving as gatekeepers of resources, services, and information. Gatekeepers are typically accountable to their institutional bosses and funders rather than the communities that they serve, and usually help maintain, rather than change the system.

Barriers at the Systems Level

There are challenges in coordination between institutional human services agencies and smaller BIPOC-led community based organizations that are serving the same

³⁵ Rendon, Jim. “Nonprofits Led by People of Color Win Less Grant Money With More Strings (Study).” *Chronicle of Philanthropy*. May 7, 2020.

populations. Anecdotally, members of the CDBG-CV Collaborative have shared that BIPOC individuals, especially Black, Latinx and Burmese folks, go to the organizations where they have established rapport and trust, such as the community-based organizations (CBOs) serving on the CDBG-CV Racial Equity Task Force. If these individuals are not first going to the larger housing-focused organizations for services, it may be because they start with their trusted sources first. In order to ensure that these community members receive the services they need, staff with the smaller BIPOC-led CBOs serve as intermediaries for the larger housing-focused organizations, taking the requisite time to bridge connections to support their constituents. In doing this, these CBOs are able to share their expertise and leverage the trust they have built with their constituents. However, the effort to connect their constituents with the larger housing-focused organizations translates to extra staff time and workload. Absent additional compensation or funding to cover the expenses for the CBO staff time, this process becomes unsustainable. Also, in these scenarios, intermediaries are often left out of the final decision-making process and may not hear about the impact their unpaid labor had. Therefore, additional resources need to be available to these trusted leaders in order to fairly compensate them for their work and/or for them to provide assistance to their constituents directly.

Funding timelines and eligibility requirements are determined by multiple external entities, such as the federal or state government, and are burdensome, particularly during a crisis. One interviewee stated succinctly, “I think some of the barriers come from the funding sources themselves.” The leaders of the CDBG-CV subrecipient organizations do not control the development of the programmatic parameters or decisions regarding eligibility requirements; they are responsible for program delivery. This can become challenging when organizations must enforce onerous and complicated requirements. One example is the requirement for applicants to already have received an eviction notice in order to access assistance, which can result in serious ramifications for an applicant, such as a reduced credit score, repossessed car, inability to rent because of eviction history, emotional stress, and deeper poverty. Requiring communication with the landlord can also be a barrier. Institutional timelines or waitlists also may not match up with the urgent need for a family facing eviction. By the end of September, Legal Services of South Central Michigan was seeing around 70 different clients per week, some of whom owed \$3,000 to \$4,000 in back rent since April. Across the state, Legal Services has never seen such an influx of cases before, doubling the number of cases seen last year.

Another complicating factor is the rapid changing nature of the requirements and parameters of the federal and state funding. An interviewee said, “One of the issues... is that things are always changing. Protocols are always changing. Things and resources are always changing.” The Eviction Diversion Program (EDP) funded through Michigan State Housing Development Authority (MSHDA) using Coronavirus Relief Funds through the CARES Act set challenging requirements and timelines. For instance, these funds are required to be spent before other sources of funding and should be spent down by December 31, 2020, yet the first checks were not distributed until mid-September. This requires nonprofits to front the cash while they wait to be reimbursed. Leaders working for the EDP have had to rush to build a new system to disburse

those funds within a very short time frame while making adaptations on a weekly basis in order to implement the work as effectively as possible.

Though unintentionally, organizations currently operating within the housing sector reproduce systemic oppression, implicit bias, and white supremacy that contribute to widening disparities and inequities in housing and wealth building. The Introduction of this report details how centuries of systemic oppression and structural racism are deeply ingrained in this country's structures, laws, economic, social, political, and cultural systems. Systemic oppression shows up as the false hierarchy of human value based on socially constructed categories of difference such as color, race, ethnicity, gender identity, sexual orientation, disability, and other identity categories. Systemic oppression exists at the level of institutions (such as harmful policies and practices) and across systems (e.g. education, health, transportation, economy, etc) that interconnect and reinforce over time. Individuals reinforce systemic oppression via the manifestation of implicit bias, or the automatic associations and discriminatory stereotypes about individuals and groups of people that affect one's understanding, actions, and decisions in an unconscious manner.³⁶ White supremacy refers to a socio-political economic system of domination based on racial categories that benefit those defined and perceived as white. This system rests on the historical and current accumulation of structural power that privileges, centralizes, and elevates white people as a group.³⁷ In the past half century, federal laws and supreme court decisions have contributed to the advancement in civil and human rights, yet the legacy of this country's founding continues to result in contemporary inequality.

A housing-specific example is detailed in the book *The Color of Law* by Richard Rothstein. Rothstein explains how the U.S. government sanctioned the separation and segregation of people by race through policies, laws, and practices that fortified housing discrimination. These actions produced significant racial disparities in wealth accumulation and financial well-being. Research shows that these differences are so entrenched that if current trends continue, it could take more than 200 years for the average Black family to accumulate the same amount of wealth as the average white family.³⁸ From a recent Center for American Progress report:

"Across the country, historic and ongoing displacement, exclusion, and segregation continue to prevent people of color from obtaining and retaining their own homes and accessing safe, affordable housing. While homeownership and affordable housing are not a panacea for eliminating entrenched racial inequality, lawmakers must make amends for past and present harms by enacting new laws designed to expand access to prosperity for all Americans."

³⁶ National Initiative for Building Community Trust and Justice. (2017). *Implicit Bias*. Retrieved 2018, from <https://trustandjustice.org/resources/intervention/implicit-bias>

³⁷ DiAngelo, R. "No I Won't Stop Saying White Supremacy." *Good Men Project*. August 12, 2017.

³⁸ Danyelle Solomon, C. (2019, August 7). *Systemic Inequality: Displacement, Exclusion, and Segregation*. Center for American Progress. Retrieved from <https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/>

In order to address this inequitable and broken housing system, the organizations that were created to serve people in need must also perform a self-examination on the ways in which implicit bias and structural oppression show up in day to day operations. The nonprofit organizations that exist to ameliorate the impact from such stark racial disparities also reproduce the norms and values of white supremacy. A recent Stanford Social Innovation Review article declared the following:

“The standards of professionalism, according to American grassroots organizer-scholars Tema Okun and Keith Jones, are heavily deemed by white supremacy culture—or the systemic, institutionalized centering of whiteness. In the workplace, white supremacy culture explicitly and implicitly privileges whiteness and discriminates against non-Western and non-white professionalism standards related to dress code, speech, work style, and timeliness.”³⁹

‘[Data from Harvard’s] Implicit Association Test (IAT) show that more people in the United States overwhelmingly have a pro-white preference. This connects with the professionalism tendency to privilege whiteness and white cultural norms.’ According to Okun and Jones, white supremacy culture at an organizational level is apparent in: the belief that traditional standards and values are objective and unbiased; the emphasis on a sense of urgency and quantity over quality, which can be summarized by the phrase ‘the ends justify the means’; perfectionism that leaves little room for mistakes; and binary thinking.⁴⁰

It is difficult and uncomfortable to reckon with the vast racial disparities in housing. Yet, leaders of organizations that were designed to provide housing assistance must play a role in disrupting the ongoing patterns of inequality. To assess and fix the contemporary challenges in the housing system, it is necessary to address the historical impact of this country’s policies and laws.

Health and economic vulnerabilities - due to poverty, intergenerational trauma, social determinants of health, adverse childhood experiences, mental illness, substance use disorder, and the disparate impact of comorbidities and COVID-19 on communities of color - make racism a public health crisis that impacts housing. The COVID-19 pandemic illustrates this systemic vulnerability. Communities of color across the United States are more likely to be affected by the virus as a result of systemic racism that has limited access to adequate health care, paid leave, healthy food, and stable housing for people who are BIPOC. Racial disparities existed prior to the pandemic, however. One interviewee stated, “Homelessness is a symptom of something going wrong in someone’s life. The underlying root causes, such as an addiction, mental illness, and generational poverty take longer to get to than in 60 days.”

³⁹ Gray, A. (2019, June 4). “The Bias of ‘Professionalism’ Standards.” *Stanford Social Innovation Review*.

⁴⁰ *ibid.*

Ideas for Circumventing Barriers and Equitably Distributing CDBG-CV Funds

This section includes ideas for circumventing the barriers listed in the previous section and respond to the findings that surfaced via this Affirmative Marketing Plan report. These ideas are categorized at the individual, organizational, and systemic levels:

Individual Level

- Those closest to the problems are closest to the solutions; stakeholders in the housing system are well poised to exercise their leadership in bringing about meaningful change.

Organizational Level

- The community will benefit from honest, authentic, and transparent communication, coordination, and partnership across organizations.

Systemic Level

- Leaders must build a new system while simultaneously operating within the existing system to meet current needs.
- Promoting and amplifying the leadership and power of Black, Indigenous, and People of Color (BIPOC) in housing work will benefit the entire community.

Ideas for the Individual Level

Those closest to the problems are closest to the solutions; stakeholders in the housing system are well poised to exercise their leadership in bringing about meaningful change.

In the 2020 Bridgespan report referenced in the previous section, Darren Walker, President of the Ford Foundation is quoted saying,

“Listening, learning, and lifting up voices who are most proximate and most essential to unlocking solutions is critical to the type of change making that we seek. This requires examining what gets in the way of trust—deeply rooted cultural norms and structures, including racial, gender, ethnic, class, sexual orientation, and disability biases.”⁴¹

Darren’s quote exemplifies the philosophy that those who are closest to the problems are closest to the solutions.

People who have gone through or are currently experiencing housing insecurity and homelessness have much to offer in identifying solutions to these deeply entrenched problems and designing innovative ways to disrupt the ongoing cycles of scarcity for people experiencing housing insecurity. In addition to coming up with strategies for addressing current disparities, people who are directly affected by housing insecurity must also define what the “promised land” would look like for the Beloved Community, determining how to co-create a future where

⁴¹ Dorsey, C., Bradach, J., and Kim, P. (2020, May) *Racial Equity and Philanthropy: Disparities in Funding for Leaders of Color Leave Impact on the Table*. Bridgespan Group and Echoing Green.

housing insecurity is no longer a threat. People currently experiencing homelessness and housing insecurity are humans, deserve to live with dignity and respect, and carry leadership skills that the housing sector needs in order to remain relevant and effective.

For example, in September the Kalamazoo City Commission unanimously passed an anti-discrimination housing ordinance making changes to prohibit discrimination based on several categories and creating a civil rights board to give its opinion following complaints. The ordinance bans landlords from using “blanket policies” to eliminate prospective tenants based on specific factors such as criminal background and source of income. Kalamazoo Vice Mayor Patrese Griffin said, “I just want everyone to know how important your voices are and you don’t have to have a title to make an impact. You just have to have a belief.” The issue of housing insecurity is a personal subject for Griffin and her family of five and deeply influenced her leadership in developing and passing the ordinance. According to an MLive article from September 8, 2020:

“About four years ago, [Patrese and her family] became homeless for more than a year after the home they were renting was condemned and they could not find another place to accept them as renters. They stayed in a hotel for about a week, and moved into a friend’s house for over a year while looking for a new place to rent. They turned in multiple rental applications and they were turned away again and again when they applied for housing, Griffin said. ‘We went through the phases and learned about all the gaps in housing in Kalamazoo.’

Griffin’s husband, Ed Genesis, said he started to realize the family was being denied housing because of his criminal record... from 18 years ago... His past was impacting his future, and preventing his family from finding anywhere to live. Genesis remembers at the time when they were trying to figure out why, and had just spent \$350 on application fees. ‘I said, ‘do you think it’s me?’” Genesis remembers, because he couldn’t think of other reasons that would keep his family homeless...

Their daughter started her freshman year of high school while they were living in a hotel, Griffin said. The couple worked hard to find a place to live but continued to struggle to get approved by a landlord. They were trying to juggle community work and other obligations, and felt bad that their children were going through homelessness while in school. Griffin said her family’s personal struggle helped inform her about the needs that exist.⁴²

Because of Griffin’s leadership, community service, and collaboration with others, such as Kalamazoo TRHT and the Fair Housing Center of Southwest Michigan, this new ordinance will make a difference in the lives of local neighbors who have historically had a difficult time finding

⁴² Devereaux, B. (2020, September 09). “Kalamazoo passes anti-discrimination housing ordinance championed by once-homeless commissioner.” *MLive*. Retrieved from <https://www.mlive.com/news/kalamazoo/2020/09/kalamazoo-passes-anti-discrimination-housing-ordinance-championed-by-once-homeless-commissioner.html>

housing. Her passion and personal experience ultimately led to this important policy change in her community.

Ideas for the Organizational Level

The community will benefit from honest, authentic, and transparent communication, coordination, and partnership across organizations. During the CDBG-CV Collaborative meetings, one participant asked the group, “How do we partner differently? How do we show up differently? How do we engage differently and relationship differently? How do we show up as our authentic selves in a space and know that it’s safe, that it’s ok, and that we’re not going to lose funding or divert funding?” In order to accomplish open and transparent communication and trust, the leaders and staff of each CDBG-CV subrecipient and the City must establish ongoing relationships and connections via regular meetings. As organizations experience staff and leadership transitions, it is incumbent on remaining staff to build connections with new leaders, proactively offering support and guidance. Additionally, defining protocols and promising practices for building deeper connections within particular communities, such as the local Black, Latinx, and Burmese communities, would help ensure that the whole community is fully supported. These connections may happen between individual organizations while also leveraging the role of an external intermediary organization and/or sharing a resource coordinator or navigator position to convene the collective group on an ongoing basis to support the goal of trust building and open communication. This resource coordinator/navigator could also serve as a conduit between organizations and clients to bridge connections across social services agencies, such as Saint Joseph County’s Collaborative Coordinator. The Coordinating Council and/or 211 may also serve as important bridge builders to accomplish this.

An example of leaders proactively communicating in order to coordinate access to services to the same population was shared with permission. Legal Services noticed a pattern of inequitable access for a particular, historically marginalized group of people. To address this, Legal Services developed an internal policy intended to protect and prioritize these clients who were historically marginalized by first requiring applicants to receive referrals through a separate nonprofit organization prior to offering legal representation. Two of the CDBG-CV Racial Equity Task Force members had constituents who were experiencing challenges because of this requirement, sharing that this process resulted in additional barriers for their limited English proficient constituents. Legal Services recognized that while the intention behind the internal policy of first requiring a referral was important, the impact for limited English proficient speakers resulted in barriers to access. Because of the resulting communication and dialogue based on trust and relationships across the organizations, Legal Services was able to modify internal policy in order to dismantle the unintended barriers to access.

Ideas for the Systems Level

Leaders must build a new system while simultaneously operating within the existing system to meet current needs. While organizations are partnering, coordinating, and communicating more effectively to meet immediate needs, they can also work on building the

new system to help bring about the vision for the “promised land” that would result from realizing the Beloved Community. Organizational leaders, along with community members most affected by the problems of housing insecurity and homelessness, can co-define a shared vision for creating the “promised land” of systems level change in the housing sector. An effort for this that has been in progress over several years is the vision for the Village Reemergence Plan, initiated by Pastor Christopher McCoy with New Level Sports Ministries. This vision is also expanding via the collaboration of members of the United Way for Battle Creek and Kalamazoo Region’s Catalyzing Community Giving work who are collectively growing this vision. Furthermore, In conversations with the CDBG-CV Racial Equity Task force and previous events convened by the Coalition for Truth, Racial Healing, and Transformation, some ideas that have surfaced and could be incorporated in a shared vision for the promised land include:

- Addressing the root causes of the role the system plays in perpetuating housing insecurity, keeping people stuck in pattern of crisis mode and cycles of poverty
- Policy change, advocacy, and action around expungement of criminal records
- Stronger interconnection of systems - housing, health and nutrition, income, education, childcare, and legal systems
- Change within the legal system, including modifying court processes regarding evictions; include courts in discussions for systems change
- Creation of a Fair Chance ordinance similar to Kalamazoo’s Chapter 18 ordinance to prevent discrimination based on past evictions or convictions
- Creation of more affordable housing options
- Strengthen homelessness interventions including 24 hour homeless shelter and wrap around services
- Support for landlords who are trying to do the right things but are hampered by thin resources, e.g. incentives not to evict tenants
- Proactive and effective collaboration between landlords and tenants in adhering to code enforcement and safety of rental properties, in partnership with the City’s code compliance division.
- Programs for tenants and landlords to work together, pre-eviction
- Campaign for increased wages and equitable employment opportunities

Promoting and amplifying the leadership and power of Black, Indigenous, and People of Color (BIPOC) in housing work will benefit the entire community. The collaboration across the members of the CDBG-CV Racial Equity Task Force mirrored similar types of collective action in other spheres, such as the United Way’s Catalyzing Community Giving (CCG) work. In fact, many members of the Racial Equity Task Force are also members of CCG. This intentional amplification of the leadership, ideas, and decision making power of local BIPOC leaders is rooted in the values of reciprocity, mutual aid, solidarity, and abundance. Members of the Task Force appreciated the opportunity to work collaboratively to generate this report and plan, as well as in partnership with the broader CDBG-CV Collaborative to support the equitable distribution of funds to eligible community members. Replicating this intentional form of collaboration, relationship building, and collective impact that centers BIPOC leadership would benefit the broader Battle Creek community across systems and institutions.

Recommendations for Moving Forward

This section includes specific and practical recommendations for stakeholders operating in the realm of housing insecurity and homelessness prevention. The recommendations are numbered and may be included in future conversations across the collective and individual organizations.

The authors of this report recommend that all stakeholders take advantage of this moment of disruption from COVID-19 to adjust systems, policies, procedures, and practices that may perpetuate inequality and harm. Leaders need to make adaptations that center racial equity and practices that promote the equitable distribution of resources and the common humanity of everyone involved.

Recommendations for Individuals

1. Give yourself and others grace. Healing is an individual and collective process. We can heal ourselves through this work in our individual and collective journeys, while simultaneously dismantling oppression within ourselves and the systems in which we operate. As individuals, we are not responsible for creating systems of oppression; we can accept the invitation and responsibility to change these systems.

Recommendations for CDBG-CV Subrecipients

1. Complete Affirmative Marketing Plan at the end of this document starting on page 44. Keep records describing actions taken and methods used to assess the results of these actions.
2. Define a flow chart and protocol for channels to resources in the housing system. [Here is a visual example](#) using the protocols for the VI-SPDAT to show a visual aid for flow and process.
3. When possible, enter into ongoing and updated contracts with Voces and Burma Center for interpretation and translation services. If contracts with an outside entity are necessary, investigate contracts with services that offer video technology and/or can leverage technology tools like Zoom translate features.
4. Make communications accessible to all clients of services by translating all public communications into Spanish and Burmese before dissemination, as well as translation into other languages as needed.
5. Co-develop messaging to increase awareness of available resources with CDBG-CV Collaborative.

6. Work with Burma Center, Fair Housing Center, New Level Sports, RISE, Urban League, and Voces to explore how the intake process could happen in partnership. Ensure that strategies are **coupled with resources** to support shifts in workload for community based organizations. For example, Summit Pointe or Community Action could be “on site” (physically or virtually) to conduct the intake process on specific dates.
7. Ensure accessibility to funds that may be used to support people who are undocumented.
8. Invest in a shared housing resource coordinator or navigator position to work on behalf of and across organizations and clients. Hire someone who is multilingual and with deep relationships in Black, Latins and Burmese communities. This resource coordinator/navigator could serve as a conduit between organizations and clients to bridge connections across social services agencies.
9. Leverage the role of an external organization (e.g. TCC and/or 211) to convene the CDBG-CV Collaborative on an ongoing basis to support the goal of trust building and open communication.
10. Pilot a Housing Advocate role, similar to a Survivor Advocate or Court-appointed Special Advocate (CASA), as a peer advocate that receives relevant [information](#) and training and focuses on supporting individuals in obtaining affordable rental housing and maintaining housing, pre-eviction.
11. Collaboratively launch a project management platform like Slack, Monday.com, Asana, Trello, or just Google docs/sheets and Google groups to facilitate ongoing communication across organizations within the housing and human services system to help get people what they need. Being mindful of privacy concerns and not duplicating efforts, such as the IST group, this recommendation warrants additional, collaborative investigation and planning before implementation.

Recommendations for All Nonprofits in Housing & Human Services Sector

1. Assess and evaluate existing partnerships and collaborations with other service providers across systems such as Grace Health, the courts, childcare partners, public schools, Michigan Works, corporations etc. Determine gaps, such as identifying which community based organizations, service providers, leaders, and community representatives are not currently at the table and should be in order to effectively promote racial equity, inclusion, and belonging. Build consensus on goals to collectively improve measurable outcomes and decrease racial disparities in homelessness, eviction, maternal mortality, physical and mental health, life expectancy, academic achievement, income, wealth, and other measures.

2. Apply a Racial Equity Impact Assessment BEFORE making decisions:
(Adapted from Annie E. Casey Racial Equity and Inclusion Action Guide and Race Forward Racial Equity Impact Assessment Guide)

These questions can help you begin a racial equity impact assessment:

1. Are all identity groups that are affected by this housing issue at the table?
(Including people who have benefited from or rejected housing assistance and services in the past?)
 2. How will the proposed policy, practice or decision affect *each* group?
 3. Does the policy, practice or decision worsen or ignore existing disparities? What adverse impacts or unintended consequences could result?
 4. How could adverse impacts be prevented or minimized? Are there better ways to reduce racial disparities and advance racial equity?
 5. Based on the above responses, what revisions are needed in the policy, practice or decision under discussion?
 6. Are there provisions to ensure ongoing data collection, public reporting, stakeholder participation and public accountability?
 7. What are the success indicators and progress benchmarks?
3. Support the Village Reemergence Plan, a scale-up of the [Youth Village](#) originally envisioned and created by New Level Sports Ministries, and collaboratively moving forward with the support of members of Catalyzing Community Giving through the United Way of the Battle Creek and Kalamazoo Region.
 4. Create a model such as Kalamazoo Defender's the "[Village](#)" concept which could be a physical or virtual one-stop shop or hub for human services agencies.
 5. Support and promote "Expungement Fairs" that are coordinated with Legal Services. These are opportunities for eligible individuals to apply to have their records expunged (i.e. made nonpublic), receive follow-up assistance, and learn about upcoming changes in the law around this topic.
 6. Implement regular feedback loops and ongoing communication with BIPOC leaders of community based organizations (CBO) about the state of housing services in the community, including meeting as a group a minimum of four times a year. Offer compensation for CBO staff time offering assistance during the intake process for another institution at the rate of \$100 or more per hour, and via contract.
 7. Always disaggregate data by race and other demographic markers for high level analysis, to discuss strengths and gaps in services on an ongoing basis.
 8. Model inclusion and belonging by implementing equitable practices that promote racially and gender diverse hiring and vendor selection. Ensure to the maximum extent possible

the inclusion of people of color, women, and members of the lesbian, gay, bisexual, and transgender community.

9. When hiring for new staff positions always include language in job posts and the hiring process encouraging women and people of color to apply, as well as seeking multilingual staff. Ensure that multilingual employees are always on staff. Always include the salary range in a job post, which is considered a best practice to promote equity.
10. Make communications accessible to all by translating all public communications into Spanish and Burmese before dissemination, as well as translation into other languages as needed.
11. All providers should go through training on antiracism, implicit bias, and culturally responsive practices to develop a shared understanding and analysis of the present day implications and impact of the historic legacy of settler colonialism, colonization, and enslavement in this country as well as local manifestations.

Recommendations for Funders

1. Increase funding and unrestricted resources for related housing supportive services and emergency rental assistance.
2. Implement a system like [Barrier Busters](#) in Washtenaw County where human services organizations and community based organizations can tap into a pool of shared and unrestricted funding available across systems in order to extend assistance to everyone who walks through any door.
3. Increase funding for affordable housing options and emergency rental assistance.
4. Include translation and interpretation services as components of grant and funding requirements, including contributing appropriate dollars to support these activities.
5. Create and implement clear grant reporting requirements on the demographics of a grantee's organizational leadership and population served, for year over year comparisons. Include additional funding for data collection and analysis as needed.

Recommendations for Local, State, and Federal Policymakers & Government Officials

1. Develop and pass a housing ordinance similar to Chapter 18 in Kalamazoo and referenced on page 35 in an effort to offer greater fair chances for housing with respect to people with past evictions and convictions on their records, thereby expanding protected classes from housing discrimination

2. Support legislation that limits access to eviction records and permanently seals cases that were satisfied, dismissed or decided in the tenant's favor; also known as civil expungement. Similar laws have been passed in Illinois and Minnesota.
3. Create and implement a County ID program like in Detroit, Washtenaw County for community members to access alternative forms of acceptable identification for eligibility.
4. Support building the capacity of BIPOC-led community based organizations to become recipients of federal funding, while also working to strengthen partnerships with existing subrecipients to work together collaboratively. Ensure that at least 25% of federal dollars are invested directly in BIPOC community based organizations to support the equitable distribution of funds to community members.
5. Enact legislation to prevent landlords from charging late fees until the rent is 30 days late, or during the COVID-19 emergency, and to limit the amount of late fees.⁴³
6. Enact legislation to eliminate courts' ability to award parties in eviction cases \$75-\$150 in "taxable costs" on top of their actual costs in the case.⁴⁴
7. Remove the Michigan Department of Health and Human Services requirement that tenants receive a summons and complaint before becoming eligible for state emergency relief to help with back rent.⁴⁵
8. The City of Battle Creek could hire a Director of Justice, Equity, Diversity, and Inclusion (JEDI) or Director of Inclusion, Diversity, Equity, and Accessibility (IDEA).
9. All public servant staff and elected policymakers should go through training on antiracism, implicit bias, and culturally responsive practices to develop a shared understanding and analysis of the present day implications and impact of the historic legacy of settler colonialism, colonization, and enslavement in this country as well as local manifestations.
10. The City and County may model inclusion and belonging by implementing equitable practices that promote racially and gender diverse hiring and vendor selection. Ensure to the maximum extent possible the inclusion of people of color, women, and members of the lesbian, gay, bisexual, and transgender community.
11. Leverage corporate funding to invest in affordable and stable housing options for the community.

⁴³ Goodspeed, R., Deward, M., and Schaafsma, J. (2020, May). *Michigan's Eviction Crisis*. University of Michigan Poverty Solutions. Retrieved from <https://poverty.umich.edu/files/2020/05/Michigan-Eviction-Project-policy-brief.pdf>

⁴⁴ *ibid.*

⁴⁵ *ibid.*

12. Support policy change to grant access to driver's licenses for all drivers in Michigan.
13. Address root causes of disparities that come from generations of systemic oppression and inequities, such as enslavement, Jim Crow laws, redlining, restrictive covenants in housing, restrictive immigration policy, the Bracero program, settler colonialism, systemic implicit bias, etc. Note the impact of interlinking systems on housing disparities, such as economic and workforce development investment and growth; child care, paid family leave and economic policies to close the pay gap between white people and BIPOC as well as men and women.

Conclusion

Because the nature of equity, diversity, inclusion, racial justice, and antiracism is complex and multifaceted, a complex and multifaceted solution is required. Members of the CDBG-CV Collaborative must continue to commit significant time and resources in bringing about change over the long-term. This Affirmative Marketing Plan Report is an important step for adopting practices that support the equitable distribution of CDBG-CV funds. The interviewees shared freely about what inhibits or facilitates their engagement in this work. The authors' hope is that the findings are useful not only for CDBG-CV subrecipients and stakeholders, but also for those who provide technical and financial assistance to them. All these parties play a part and are accountable for collectively advancing progress toward a racially equitable housing system.

If you finished reading this report and feel overwhelmed, that's ok. If you feel defensive, that's ok too. If you feel motivated, great! Pay attention to what your reaction teaches you, noting that this report is not a personal indictment meant to blame or shame any individual. Identify your role in helping to bring about meaningful change in the local housing system. The solutions detailed here can only be accomplished through the diligent and committed partnership and communication across all CDBG-CV subrecipient organizations. The participatory process to develop this report affirmed the commitment of the skilled and passionate leaders who are contributing their time, energy, and expertise to this ongoing process to equitably distribute CDBG-CV funds. This community-wide commitment to facing difficult truths and taking action is embedded in Battle Creek's DNA. This is a testament to the strength of this community and its commitment to continuous growth, learning, and improvement.

Affirmative Marketing Requirements and Procedures

An affirmative marketing plan is a marketing strategy designed to reach renters and people experiencing homelessness and housing insecurity, representing all racial and ethnic groups, across all nationally protected categories. This plan will describe initial advertising, outreach, and other marketing activities to inform community members of the available funds to provide rent and utility assistance, housing case management, homeless outreach, and eviction diversion services.

Affirmative marketing differs from general marketing activities because it specifically targets tenants and the unhoused who are least likely to apply for available housing assistance, in order to make them aware of available opportunities for rehousing, staying housed, and diversion from eviction proceedings. This marketing plan and procedure is a guide to assist the City of Battle Creek and subrecipients receiving CDBG-CV funds.

In developing an Affirmative Marketing Plan, the City of Battle Creek requires the following:

1. **Targeting:** Identify the segments of the eligible population who are least likely to apply, regardless of race, ethnicity, national origin, sex, gender identity and expression, sexual orientation, disability, socioeconomic status, religion, or familial status. Ensure to the maximum extent possible the inclusion of people of color, women, and members of the lesbian, gay, bisexual, and transgender community.
2. **Outreach:** Outline an outreach program that includes special measures designed to attract those groups identified as least likely to apply and other efforts designed to attract persons from the total population.
3. **Indicators & Accountability Measures:** State the indicators to be used to measure the success of the marketing program.

All applicants are required to make a “good faith effort” to carry out the provisions of these Affirmative Marketing requirements. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply.

Each CDBG-CV subrecipient liaison must complete a specific Affirmative Marketing Plan on behalf of the subrecipient organization within 45 days of receiving this report. Each plan will be made available to all CDBG-CV subrecipients and to the public upon request.

The City of Battle Creek will convene the CDBG-CV subrecipients as needed, a minimum of four times or up to 24 times, within the 12 month period following the completion of the contract process. Progress on implementation of plans will be discussed during these meetings. All deliverables included within each plan must be submitted within 30 days following the end of the grant contract period.

Affirmative Marketing Plan

1. Start and End Date of Plan: _____
2. Organization Name: _____
3. Name and Title of Organizational Liaison: _____
4. Email Address of Organizational Liaison: _____
5. Signature of Organizational Liaison: _____

Incomplete, illegible, inaccurate, altered reports or failure to complete the required number of accountability measures within the allotted window of time, may result in withholding or delaying a payment or less future funding, absent a peer-approved corrective action plan from fellow CDBG-CV Collaborative members. Submit a signed copy of this plan to Chris Lussier, Community Development Manager, via email at CPLussier@battlecreekmi.gov to be reviewed and discussed by the CDBG-CV Collaborative members.

Targeting

Of the following demographic markers of difference, indicate which groups of people your organization will affirmatively target via the outreach and marketing activities that follow on the next page:

1. **Racial and ethnic categories, including but not limited to:** Asian, American Indian or Alaskan Native, Black or African American, Hispanic or Latinx, Middle Eastern, North African, or Arab American, Native Hawaiian or Other Pacific Islander, White, or other race or ethnicity
2. **Gender categories, including but not limited to:** female, male, non-binary, gender nonconforming, gender fluid, transgender, etc.
3. **Family categories, including but not limited to:** single parents, multi-family households, multigenerational families, same gender-led households, single people, etc.
4. **Disability categories, including but not limited to:** people who are pregnant, people with physical and mental disabilities, people who are neurodivergent and neurotypical, people with specific learning disabilities, people on the autism spectrum, people who are deaf and hard of hearing, people with visual impairment or blindness, etc.

Justification

Please explain why your organization has determined that the groups indicated above are the least likely to apply for housing assistance and services. For example, one may write “The data and evidence presented in this Affirmative Marketing Plan Report indicated that the groups listed in the above section are currently underrepresented and/or need additional outreach and marketing initiatives in order to overcome barriers and access the available services and resources our organization is currently providing.”

Methods for Informing the Public of Available Services and Resources

For subrecipients receiving \$20,000 or less, select a minimum of 3 of the possible activities listed below. For subrecipients receiving more than \$20,000, select a minimum of 6 of the following possible activities:

#	Possible Outreach Activities	Select Activity
1)	Digital flier in JPG disseminated via social media with organic reach of at least 1,000 people (English, Spanish, 4 dialects of Burmese, and Arabic).*	
2)	Digital flier in PDF disseminated via mailing list with organic reach of at least 1,000 people (English, Spanish, 4 dialects of Burmese, and Arabic).*	
3)	Minimum of 500 hard copies of printed flier posted in libraries, schools, childcare centers, laundromats, dollar stores, grocery stores, restaurants (also to go bags), gas stations, convenience stores, food banks, social service agencies, plasma center, hardware stores, barber shops, and hair & nail salons (English, Spanish, 4 dialects of Burmese, & Arabic).*	
4)	Set up a table in front of a laundromat, dollar store, grocery store, restaurant, gas station, food bank, social service agency, barber shop, or hair and nail salons to disseminate fliers directly to community members and answer questions.	
5)	Printed hard copies of flier and sent through the city water bill (will reach 20,000 people).*	
6)	Print yard signs and post in key neighborhoods	
7)	Paid ad in the Shopper*	
8)	Paid ad in the Enquirer*	
9)	Paid ad in Spanish print media like Nueva/New Opinion*	
10)	Pre-recorded, paid TV ad (English and at least one other language)	
11)	Pre-recorded, paid ad for radio or streaming service such as Alma Latina, other local radio stations, Pandora, or Spotify (English and at least one other language)	
12)	Flier distribution <i>and</i> presentation to a <i>minimum</i> of at least one Black, Latinx, and Burmese church or faith-based institution, emphasizing those located in close proximity to neighborhoods with high eviction rates.*	
13)	Flier distribution and presentation to minimum of 25 landlords and/or property managers*	
14)	Interview with print media for news story like Concentrate, Second Wave, or MLive	
15)	Live interview on TV	
16)	Live interview on radio/podcast	

*Customizable templates for flier design will be produced and shared by the CDBG-CV Racial Equity Task Force and made available upon request. Fliers may be co-created and co-branded across CDBG-CV subrecipients. The contract between TRHT and the City includes limited funding to support marketing activities including design and translation of templates. Subrecipients will be responsible for implementing their specific Affirmative Marketing Plan.

Accountability Measures

Through the use of standard business processes and data collection methods, CDBG-CV subrecipients will present a robust amalgam of effective strategies that leverage data-informed decisions, promote equitable practices, respond to client needs, and deliver on mission. Holding subrecipients accountable for performance practices that support achievement of program goals will streamline burdensome compliance requirements for those that demonstrate results.

Leaders of all subrecipient organizations are required to read this report and be familiar with the Affirmative Marketing Plan on behalf of their organization. It is highly recommended that case managers are familiar with this report to the extent possible. The effectiveness of the marketing program can be determined by noting if the program effectively attracted eligible individuals from traditionally underrepresented groups who have not historically received this type of financial assistance to the degree that the demographics of the population might suggest is warranted. For local demographic context, please review page 14.

For subrecipients receiving \$20,000 or less, select a minimum of 3 of the possible accountability activities listed below. For subrecipients receiving more than \$20,000, select a minimum of 6 of the following possible activities:

#	Results-Oriented Performance Accountability Activities	Select Activity
1)	Institute post-service surveys of clients, including items on referral methods ("how did you hear about us?") and satisfaction ("how would you rate your experience with our organization?"). Disaggregate data by race, age, language(s) spoken at the start and end of the end of the grant period. Discuss results at each CDBG-CV convening. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
2)	Complete a narrative report of 3-5 pages, available to the public, including metrics on people served, progress, and results of outreach activities and spending of grant funds. Disaggregate data by race, age, language(s) spoken of clients served at the beginning and at the end of the grant period. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
3)	Select three cases to discuss at CDBG-CV convening: one of high satisfaction, one of low satisfaction, and one in between. Disaggregate data by race, age, language(s) spoken at the start and end of the end of the grant period. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	

4)	Complete Racial Equity Impact Assessments (see example from Seattle Public Schools or example on page 40) before making any decisions related to the spending of CDBG-CV funds. Document responses and discussion. Share documentation during convenings and/or include in a narrative report. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
5)	Document the organization's language access plan to reach non-English speakers for services, e.g. language line, hiring multilingual staff, contracting with Voces and Burma Center, etc. Track and report on the number of people who use interpretation services. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
6)	Document organizational staff, leadership, and board racial and ethnic demographic composition as compared to the population the organization serves. Also indicate the aggregate number of staff who self-identify as peers to program participants, i.e. experienced homelessness, housing insecurity, and/or are survivors of intimate partner violence. Make year over year comparisons. Document how findings will be used and discuss results at each CDBG-CV convening. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
7)	Hold focus groups or listening sessions with current and past recipients of services, as well as people who are eligible but have never received services from subrecipient, for honest feedback. Compensate participants with at least \$35 per meeting. Document how findings will be used. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
8)	Contract with an external vendor and/or allocate professional development dollars for staff and board to receive training on antiracism, implicit bias, and culturally responsive service provision. Document number of staff who participated in training and results from post-training surveys. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
9)	Contract with an external vendor to complete an Equity Audit of the organization's intake process. External contractor would send testers to go through the subrecipient's intake process, much like fair housing testers, to document the experience, share findings, and create a list of recommendations for improvement. Document how findings will be used. Share your ideas for promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
10)	Contract with an external vendor to complete a Justice, Equity, Diversity, and Inclusion Audit of the entire organization. Share the results with fellow CDBG-CV	

	Collaborative members to discuss promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	
11)	Contract with an external vendor to complete an Justice, Equity, Diversity, and Inclusion Action Plan for your organization. Equity Action Plans tie specific activities, outcomes, metrics, timeline, and champions to goals to advance justice, equity, diversity, and inclusion. Share the results with fellow CDBG-CV Collaborative members to discuss promising practices, corrective action, and continuous improvement and solicit feedback from the CDBG-CV Collaborative.	



Resolution

NO. 31

A Resolution seeking authorization for the City Manager to execute an amendment to the agreement with Voces, dated the 26th day of April, 2021 for Interpretation and Housing Advocacy Services.

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute the amendment to the agreement with Voces, dated the 26th day of April, 2021 for Interpretation and Housing Advocacy Services to extend the period of performance through the 30th day of January, 2023 and increase the amount of the agreement to \$59,572.

Battle Creek City Commission
12/20/2022

Action Summary

Staff Member: Chris Lussier, Community Development Supervisor

Department: Community Development

SUMMARY

A Resolution seeking authorization for the City Manager to execute an amendment to the agreement with Voces, dated the 26th day of April, 2021 for Interpretation and Housing Advocacy Services.

BUDGETARY CONSIDERATIONS

There are no general fund considerations at this time. This agreement is funded by Community Development Block Grant-Corona Virus (CDBG-CV) funds. The amendment increases the amount of the original agreement by \$16,100 using unspent funds from completed CDBG-CV projects.

HISTORY, BACKGROUND and DISCUSSION

On March 27, 2020 the United States Congress passed The Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748). The bill provided HUD \$5 billion of Community Development Block Grant—Corona Virus (CDBG-CV) funds to disseminate to States and Participating Jurisdictions to rapidly respond to COVID-19 and the economic and housing impacts caused by it, including rental assistance and the expansion of community health facilities and shelters.

To date, the City of Battle Creek has received \$1,004,976 of these CDBG-CV funds, allocating \$729,344 on May 15, 2020 and \$215,025 on May 18, 2021 to activities via substantial amendments adopted by the Commission. Seven of the eleven funded CDBG-CV activities are complete. Two activities completed with less than 100% expenditure of funds, resulting in CDBG-CV funds in the amount of \$18,642 no longer being committed to projects.

On April 26, 2021 the City awarded CDBG-CV funds to Voces to create a pilot program to provide housing case management, interpretation, and advocacy services to Hispanic and Latino families. The pilot program has been successful in helping families access resources and secure affordable housing.

This amendment to the agreement with Voces, dated the 26th of April, 2021, allocates \$16,100 of the uncommitted CDBG-CV funds to continue the work of the pilot program, and extends the period of performance through January 30, 2023.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
Amendment_to_VOCES_Contract_(FINAL_CPL12.8.22).pdf	Voces Amendment
Voces_Interepretation_and_Housing_Advocacy_Services_Agreement__May_2021.pdf	Original Voces Agreement

**FIRST AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF BATTLE CREEK AND VOCES FOR INTERPRETATION AND
HOUSING ADVOCACY SERVICES**

This Amendment is entered into this ____ day of _____, 2022, by and between the City of Battle Creek, a Michigan municipal corporation, whose address is 10 N. Division St., Battle Creek, MI 49014 (herein called the “Grantee”) and VOCES, whose address is 520 West Michigan Avenue, Battle Creek, MI 49037 (herein called the “Subrecipient”).

Whereas, the Grantee received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended and the Coronavirus Aid, Relief, and Economic Security Act of 2020 (H.R. 748)

Whereas, the Grantee and the Subrecipient executed a Community Development Block Grant – Coronavirus (CDBG-CV) Agreement dated the 26th day of April, 2021 for interpretation and housing advocacy services that ended on the 30th day of June 2022; and

Whereas, the Grantee and the Subrecipient agree to extend the Agreement through January 31, 2023 and amend the project budget.

NOW, THEREFORE, it is hereby agreed by and between the parties that pursuant to Section VII.G. Amendments the Agreement be amended, as follows:

1. Section II. TIME OF PERFORMANCE shall be replaced with the following:

“Services of the Subrecipient shall start on the 26th day of April, 2021, and end on the 31st day of January, 2023. The term of the Agreement and the provisions herein shall be extended to cover any additional time period during which the Subrecipient remains in control of CDBG-CV funds or other assets, including program income.”

2. Section III. BUDGET shall be replaced with the following:

<u>Line Item / Account Description</u>	<u>Amount</u>
Salaries	\$54,010
Administrative Expenses	<u>\$ 5,562</u>
TOTAL	\$59,572

Any indirect costs charged must be consistent with the conditions of Paragraph VIII (C)(2) of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. Any amendments to this budget must be approved in writing by the Grantee and the Subrecipient.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

Subrecipient

By: Jose Luis Orozco, Jr. Date
Its: Executive Director
VOCES
520 W Michigan Ave
Battle Creek, MI 49037

Grantee

By: Rebecca L. Fleury Date
Its: City Manager

DRAFTED BY:
C. Marcel Stoetzel, III (P61912)
Deputy City Attorney
City of Battle Creek
10 N Division Street, Suite 207
Battle Creek, MI 49014

**AGREEMENT BETWEEN THE CITY OF BATTLE CREEK
AND
VOCES
FOR
INTERPRETATION AND HOUSING ADVOCACY SERVICES**

This Agreement is entered into on this 26th day of April, 2021, by and between the City of Battle Creek, a Michigan municipal corporation organized under the laws of the State of Michigan (herein called the "Grantee") and VOCES (herein called the "Subrecipient") whose address is 520 West Michigan Avenue, Battle Creek, MI 49037. The Subrecipient will be in a subrecipient relationship with the City of Battle Creek.

Whereas, the Grantee has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; and

Whereas, the Grantee wishes to engage the Subrecipient to assist the Grantee in utilizing such funds.

Now, therefore, it is agreed between the parties hereto that

I. SCOPE OF SERVICE

A. Activities:

The Subrecipient will be responsible for administering a Community Development Block Grant-Coronavirus (CDBG-CV) 2019-2020 Interpretation and Housing Advocacy Services program in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the CDBG-CV Program:

Program Delivery:

Activity #1

The Subrecipient will provide up to 20 hours per week of housing advocacy and interpretation services for one year. This will include meeting with clients to assess needs and make referrals. Subrecipient will also provide interpretation and translation services to clients to help them access housing resources, including assisting them with reading documents, completing forms, participating in intake interviews, and communicating needs or questions to service agency staff, etc.

Activity #2

Subrecipient will develop an implementation plan that includes procedures for providing service to clients, engaging service agencies and community

organizations, and developing a working knowledge of local programs, services, and resources. Subrecipient will at a minimum engage the following agencies and community organizations: Burma Center, Fair Housing Center of Southwest Michigan, New Level Sports Ministries, R.I.S.E. Corp., Southwestern Michigan Urban League, United Way of the Battle Creek and Kalamazoo Region, Summit Pointe, Community Action, Legal Services of South Central Michigan, Haven of Rest Ministries, S.A.F.E. Place, The Coordinating Council, Homeless Coalition of Calhoun County, Neighborhoods, Inc. of Battle Creek, and the City of Battle Creek Community Development Division. This includes securing memorandums of understanding with local housing service providers, as needed, to make referrals, act as a liaison and client advocate, and receive training on program guidelines, etc.

Activity #3

Develop an outreach plan that includes how interpretation and advocacy services will be promoted to groups less likely to access resources, particularly Hispanic and Latino households.

Activity #4

Complete program eligibility determinations for all clients receiving assistance to ensure they live or are seeking housing within the Battle Creek city limits and meet one of the following requirements: low or moderate Income (less than 80% of Area Median Income), meet the HUD definition of homeless, or have experienced loss of income due to COVID-19. Maintain all records and files in accordance with HUD guidelines. This includes documenting household income, race, ethnicity, and other demographic information of persons served as required for reporting purposes. All outcome measurement data will be provided to the Grantee.

Activity #5

Provide monthly activity and progress reports to designated City staff. Reports on client activity shall include at a minimum number of clients served, client demographic data, referrals made, and client outcomes. Reports on progress should include narrative regarding client outreach, service provider engagement, barriers identified, addressed, and/or unresolved, lessons learned, etc. Subrecipient shall submit monthly vouchers and corresponding invoices with backup materials.

B. National Objectives

Subrecipient certifies that the activities carried out with funds provided under this Agreement will meet one or more of the CDBG Program's National Objectives as defined in 24 CFR Part 570.208: 1) benefit low/moderate income persons, 2) aid in the prevention or elimination of slums or blight, or 3) meet community needs having a particular urgency.

C. Levels of Accomplishment

In addition to the normal administrative services required as part of this Agreement, the Subrecipient agrees to provide the following levels of program services:

<u>Activity</u>	<u>Units per Quarter</u>	<u>Total Units per Year</u>
Households served by the caseworker	5	20

D. Staffing

<u>Title</u>	<u>Total Salary/Benefits</u>	<u>CDBG Share</u>	<u>%</u>
Community Housing Liaison	\$38.00/hr	\$38.00/hr	100

Any changes in the key personnel assigned as noted above or their general responsibilities under this project are subject to the prior approval of the Grantee. Notification of said changes shall be communicated in writing by the Subrecipient to the Grantee within a reasonable amount of time.

E. Performance Monitoring

The Grantee will monitor the performance of the Subrecipient against goals and performance standards required herein. Substandard performance as determined by the Grantee will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated.

II. TIME OF PERFORMANCE

Services of the Subrecipient shall start on the 26th day of April, 2021, and end on the 30th day of June, 2022. The term of the Agreement and the provisions herein shall be extended to cover any additional time period during which the Subrecipient remains in control of CDBG funds or other assets, including program income.

III. BUDGET

<u>Line Item / Account Description</u>	<u>Amount</u>
Salaries	\$39,520
Administrative Expenses	<u>\$ 3,952</u>

TOTAL

\$43,472

Any indirect costs charged must be consistent with the conditions of Paragraph VIII (C)(2) of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. Any amendments to this budget must be approved in writing by the Grantee and the Subrecipient.

IV. PAYMENT

It is expressly agreed and understood that the total to be paid by the Grantee under this Agreement shall not exceed \$43,472. Drawdown for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Payments made by the Grantee to the Subrecipient for eligible expenses incurred under this Agreement shall be paid on a reimbursable basis, given that the Subrecipient has provided proper and complete source documentation to the Grantee.

Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in 2 CFR Part 215.

V. NOTICES

Communication and details concerning this Agreement shall be directed to the following contract representatives:

Grantee

Chris Lussier, Community Development Supervisor
City of Battle Creek
10 N. Division St.
Battle Creek, MI 49014
(269) 966-3315

Subrecipient

Jose Luis Orozco, Jr., Executive Director
VOCES
520 W. Michigan Ave.
Battle Creek, MI 49037
(269) 841-1111

VI. SPECIAL CONDITIONS

None.

VII. GENERAL CONDITIONS

A. General Compliance

The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Department of Housing and Urban Development regulations concerning CDBG's). The Subrecipient also agrees to comply with all other applicable federal, state and local laws, regulations and policies governing the funds provided under this Agreement. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation except as is specified in this Agreement.

C. Hold Harmless

The Subrecipient shall hold harmless, defend and indemnify the Grantee from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement.

D. Workers' Compensation

The Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

E. Insurance and Bonding

1. In addition to any other insurance and bonding requirements of this Contract, the Subrecipient shall maintain at least the following insurance coverage:

- (a) Workers' compensation coverage that meets at least the minimal State of Michigan statutory requirements.

- (b) The Subrecipient shall comply with the bonding and insurance requirements of 2 CFR Part 215, as they may apply.
- 2. (a) The Subrecipient shall at the time of execution of this contract, file with the City the Certificate of Insurance, which shall cover all of his insurance as required herein, including evidence of payment of premiums thereon, and the policy or policies of insurance covering said City and their officers, agents and employees. Each such policy and certificate shall be satisfactory to the City. Nothing contained in these insurance requirements is to be construed as limiting the extent of the Subrecipient's responsibility for payment of damages resulting from his operations under this Contract.
- (b) The Subrecipient shall maintain insurances in force at all times during the term of this agreement at the minimum amounts and types as indicated.

<u>Coverage Afforded</u>		<u>Limits of Liability</u>
Workers' Compensation		\$ 100,000 or statutory limit
Commercial General Liability: (including XCU if appropriate)	Bodily Injury	\$1,000,000 each occurrence
	Property Damage	\$1,000,000 each occurrence
	Or Combined Single Limit	\$1,000,000
Automobile Liability:	Bodily Injury	\$ 300,000 each person
	Liability	\$ 300,000 each occurrence
	Property Damage	\$ 500,000
	Or combined Single Limit	\$ 500,000

The City of Battle Creek shall be listed as an additional insured on general liability coverage, and shall be provided with a Certificate of Insurance that reflects this additional insured status. A 30-day notice of cancellation or material change shall be provided to the City and so noted on the Certificate of Insurance. All certificates and notices shall be sent to City of Battle Creek Community Development, ATTN: Chris Lussier, 10 N. Division St. Battle Creek, Michigan, 49014.

F. Grantor Recognition

The Subrecipient shall insure recognition of the role of the grantor agency in providing services through this Agreement. All activities, facilities and item utilized pursuant to this Agreement shall be prominently labeled as to its funding source. In addition, the Subrecipient shall include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

G. Amendments

The Grantee or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Subrecipient from its obligations under this Agreement.

The Grantee may, at its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, as part of this Agreement, such modifications will be incorporated only by written amendment signed by both the Grantee and Subrecipient.

H. Suspension or Termination

Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial terminations of the Scope of Service in Paragraph I (A) above may only be undertaken with the prior approval of the Grantee. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Subrecipient under this Agreement shall, at the option of the Grantee, become the property of the Grantee, and the Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

The Grantee may also suspend or terminate this Agreement, in whole or in part, if the Subrecipient materially fails to comply with any written term of this Agreement, or with any of the rules, regulations or provisions referred to herein; and the Grantee may declare the Subrecipient ineligible for any further participation in the Grantee's contracts, in addition to other remedies as provided by law. In the event there is probable cause to believe the Subrecipient is in noncompliance with any applicable rules or regulations, the Grantee may withhold up to fifteen (15) percent of said contract funds until such time as the Subrecipient is found to be in compliance by the Grantee, or is otherwise adjudicated to be in compliance.

VIII. ADMINISTRATIVE REQUIREMENTS

The Subrecipient shall comply with applicable uniform administrative requirements contained at 24 CFR 570.502 including, but not limited to the following:

A. Financial Management

1. Accounting Standards

The Subrecipient agrees to comply with 2 CFR Part 215 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The Subrecipient shall administer its program in conformance with 2 CFR Parts 230 or 220, as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record Keeping

1. Records to be Maintained

The Subrecipient shall maintain all records required by the federal regulations specified in 24 CFR 570.506 that are pertinent to the activities to be funded under this Agreement. Such records shall include, but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG Program;
- c. Records required to determine the eligibility of activities;
- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG Program;
- f. Financial records as required by 24 CFR 570.502, and 2 CFR Part 215; and
- g. Other records necessary to document compliance with Subpart K of 24 CFR 570.

2. Retention

The Subrecipient shall retain all records pertinent to expenditures incurred under this Agreement for a period of five (5) years after the termination of all activities funded under this Agreement. Records for nonexpendable property acquired with funds under this Agreement shall be retained for five (5) years after final disposition of such property. Records for any displaced person must be kept for five (5) years after he/she has received final payment.

Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the five year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the five year period, whichever occurs later.

3. Client Data

The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of services provided. Such information shall be made available to Grantee monitors or their designees for review upon request.

4. Disclosure

The Subrecipient understands that client information collected under this Agreement is private and the use of disclosure of such information, when not directly connected with the administration of the Grantee's or Subrecipient's responsibilities with respect to services provided under this Agreement, is prohibited unless written consent is obtained from such person receiving service, and in the case of a minor, that of a responsible parent/guardian or as subject to the Freedom of Information Act.

5. Property Records

The Subrecipient shall maintain real property inventory records which clearly identify properties purchased, improved or sold with funds provided under this Agreement. Properties retained shall continue to meet eligibility criteria and shall conform to the "changes in use" restrictions specified in 24 CFR 570.503(b)(8), as applicable.

6. Close-outs

The Subrecipient's obligation to the Grantee shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances and accounts receivable to the Grantee) and determining the custodianship of records.

7. Audits and Inspections

All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, their designees or the Federal Government, at any time during normal business hours, as often as the Grantee or grantor agency deems necessary, to audit, examine and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient.

Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments. The Subrecipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy and as applicable 2 CFR Part 200, Subpart F.

8. Reversion of Assets

Upon the expiration of this Agreement, the Subrecipient shall transfer to the Grantee any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. Any real property under the Subrecipient's control shall be disposed of as required at 24 CFR 570.503 (b)(8).

9. Administrative Requirements

Subrecipient shall comply with applicable program rules contained in 24 CFR 570 Subpart K.

C. Reporting and Payment Procedures

1. Program Income

The Subrecipient shall report quarterly all program income as defined at 24 CFR 570.500 (a) generated by activities carried out with CDBG funds made available under this Agreement. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such program income during the Agreement period for activities permitted under this Agreement and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unused program income shall be returned to the Grantee at the end of the Agreement period. Any interest earned on cash advances from the U.S. Treasury is not program income and shall be remitted promptly to the Grantee.

2. Indirect Costs

If indirect costs are charged, the Subrecipient shall develop an indirect cost allocation plan for determining the appropriate Subrecipient's share of administrative costs to be charged under this Agreement and the Subrecipient shall submit such a plan to the Grantee for approval prior to reimbursement of expenses and in a form specified by the Grantee.

3. Payment Procedures

The Grantee will pay to the Subrecipient funds available under this Agreement based upon information submitted by the Subrecipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, the Grantee reserves the right to liquidate funds available under this Agreement for cost incurred by the Grantee on behalf of the Subrecipient.

4. Progress Reports

The Subrecipient shall submit regular progress reports to the Grantee in the form, content and frequency as required by the Grantee.

D. Procurement

1. Compliance

The Subrecipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all nonexpendable personal property as defined by such policy as may be procured with funds provided herein. The Subrecipient shall procure all materials, property and/or services in accordance with the requirements of 24 CFR Part 84 and any other pertinent rules or regulations.

2. Travel

The Subrecipient must obtain prior written approval from the Grantee for any travel outside the metropolitan area with funds provided under this Agreement.

IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

The Subrecipient agrees to comply with 1) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606 (b); and 2) the requirements of 24 CFR 570.606 (c) governing the Residential Anti-Displacement and Relocation Assistance Plan under Section 104(d) of the HCD Act of 1974, as amended; and 3) the requirements in 24 CFR 570.606 (d) governing optional relocation policies.

The Subrecipient shall provide relocation assistance to the persons (families, individuals, businesses, nonprofit organizations and farms) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-funded project. The Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions and policies concerning the displacement of persons from their residences.

X. PERSONNEL AND PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Subrecipient agrees to comply with the following: Elliott-Larson Civil Rights Act, Public Act 453 of 1976, as amended; Title VI of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; Section 104 (b) and Section 109 of Title I of the Housing and Community Development Act of 1974, as amended; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; Executive Orders 11063, 11246, 11375, and 12086, as amended.

2. Nondiscrimination

The Subrecipient will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Subrecipient will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include, but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

3. Land Covenants

This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and 24 CFR 570.601 and 602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Subrecipient agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any federally assisted program. The Grantee shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations enforced during the term of this Agreement.

B. Equal Opportunity

1. Equal Employment Opportunity

The Subrecipient agrees that it shall be committed to carry out the activities under this Agreement in keeping with the principles as provided in Executive Order 11246 of September 24, 1965, as amended.

2. Women- and Minority-Owned Business Enterprises

The Subrecipient will use its best efforts to afford women- and minority- owned business enterprises the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the term "women- and minority-owned business enterprises" means a business at least fifty-one percent owned and controlled by women or minority group members. The Subrecipient may rely on written representations by businesses regarding their status as women- and minority-owned business enterprises in lieu of an independent investigation.

3. Access to Records

The Subrecipient shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized federal officials for purposes of investigation to ascertain compliance with rules, regulations and provisions stated herein.

4. Notifications

The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Subrecipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. EEO Statement

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity Employer.

6. Subcontract Provisions

The Subrecipient will include the provisions of Paragraphs X (A) Civil Rights, and (B) Equal Opportunity, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for political activities, sectarian or religious activities, lobbying, political patronage, or nepotism activities.

2. Labor Standards

The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, the provisions of

Contract Work Hours and Safety Standards Act, the Copeland "Anti- Kickback" Act (40 U.S.C. 276a-276a-5; 40 U.S.C. 327 and 40 U.S.C. 276c) and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Subrecipient shall maintain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000 for construction, renovation or repair work financed in whole or in part with assistance provided under this Agreement, shall comply with federal requirements adopted by the Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. "Section 3" Clause Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders issued hereunder prior to the execution of this Agreement, shall be a condition of the federal financial assistance provided under this Agreement and binding upon the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all sub- contracts executed under this Agreement:

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development of 1968, as amended (12 U.S.C. 1701u). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulation.
- C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected, but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- F. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indian housing assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that, to the

greatest extent feasible, (1) preference and opportunities for training and employment shall be given to Indians, and (2) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3, to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

D. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Grantee under this Agreement may be assigned to a bank, trust company, or other financial institutions without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

a. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of the Grantee prior to the execution of such agreement.

b. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Subrecipient shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Subrecipient shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

4. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 24 CFR 570.611 with respect to conflicts of interest, and covenants that it presently has no financial interest shall be employed or retained by the Subrecipient hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the Grantee, or of any designated public agencies or subrecipients which are receiving funds under the CDBG Entitlement program.

5. Lobbying

The Subrecipient hereby certifies that:

- a. No federal appropriated funds have been paid or will paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- c. It will require that the language of Paragraph (d) of this certification be included in the award documents for all Sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly; and
- d. Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31 U.S. Code. Any person who

fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

6. Copyright

If this Agreement results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize other to use, the work or materials for governmental purposes.

7. Religious Organizations

The Subrecipient agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j).

XI. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

1. Clean Air Act, 42 U.S.C. 7401, et seq., as amended, section 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued there under.
2. Environmental Protection Agency regulations pursuant to 40 CFR Part 50, as amended.

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, as amended, the Subrecipient shall assure that for activities located in an area identified by FEMA as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD lead-based paint regulations at 24 CFR 570.608, and 24 CFR Part 35. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the systems, treatment and precautions that should be taken when dealing

with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under the age of seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be taken.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, 16 U.S.C. 470, as amended, and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this Agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a federal, state, or local historic property list.

XII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Agreement shall nevertheless be in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written above.

Grantee

By: Rebecca L. Fleury
Rebecca L. Fleury
Title: City Manager

Witness: Shawna D. Allen

Subrecipient

By: Jose Luis Orozco Jr
Jose Luis Orozco Jr
Title: Executive Director

Witness: _____

Fed. ID#: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

C. Marcel Stoetzel, III
Deputy City Attorney: C. Marcel Stoetzel, III



Resolution

NO. 32

A Resolution seeking authorization for the City Manager to approve Battle Creek Transit's updated Public Transportation Agency Safety Plan (PTASP) and authorize submittal of the plan to the Federal Transit Administration (FTA).

BATTLE CREEK, MICHIGAN - 12/20/2022

Resolved by the Commission of the City of Battle Creek:

That through the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation Act (FAST Act), Congress required operators of public transportation systems that receive FTA funds to develop and implement a Public Transportation Agency Safety Plan (PTASP) and submit updated plans to the FTA after adoption by its approving board.

The City Manager is authorized to approve Battle Creek Transit's updated Public Transportation Agency Safety Plan (PTASP) and authorize submittal of the plan to the Federal Transit Administration (FTA).

Battle Creek City Commission

12/20/2022

Action Summary

Staff Member: Donna Hutchison, Grants Program Administrator

Department: Transit

SUMMARY

A Resolution seeking authorization for the City Manager to approve Battle Creek Transit's updated Public Transportation Agency Safety Plan (PTASP) and authorize submittal of the plan to the Federal Transit Administration (FTA).

BUDGETARY CONSIDERATIONS

There are no City funds involved in this program.

HISTORY, BACKGROUND and DISCUSSION

On July 19, 2018, the Federal Transit Administration (FTA) published the Public Transportation Agency

Safety Plan (PTASP) Final Rule, which required certain operators of public transportation system that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS).

The rule implements an innovative, performance-based approach to improving transit safety founded on SMS principles. SMS is a comprehensive, collaborative approach to managing safety. It brings management and labor together to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more precisely. SMS implementation will provide transit agency leadership with a better understanding of the safety risks within their organizations and enable them to maximize federal, state and local transit investments to proactively implement appropriate solutions to address those risks and ensure the safety of transit passengers and employees. The plan is required to include safety performance targets.


Battle Creek Transit has been working closely with the City of Battle Creek's Chief Safety Officer, Brendan Pizzala, to develop this plan in cooperation with frontline employees.

DISCUSSION OF THE ISSUE

POSITIONS

Battle Creek Transit supports the approval and submittal of this plan to the FTA.

ATTACHMENTS:

File Name	Description
 BCT_PTASP_2022_Update.pdf	BCT PTASP 2022

BATTLE CREEK TRANSIT

PUBLIC TRANSPORTATION AGENCY SAFETY PLAN



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1. Transit Agency Information

Transit Agency Name	Battle Creek Transit (BCT)		
Transit Agency Address	339 W. Michigan Avenue, Battle Creek, Michigan, 49037		
Name and Title of Accountable Executive	Mallory Avis, Public Transit Director		
Name of Chief Safety Officer or SMS Executive	Brendan Pizzala, Chief Safety Officer		
Mode(s) of Service Covered by This Plan	Fixed Route Bus; Paratransit/Demand Response	List All FTA Funding Types	5307, 5339, 5304, 5303
Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)	Fixed Route Bus; Paratransit/Demand Response		
Does this agency provide transit services on behalf of another transit agency or entity?	No	Description of Arrangement(s)	None
Name and Address of Transit Agency(ies) or Entity(ies) for Which Service is Provided	None		
Frontline Employee Representatives	ATU Local 1251; BCT CANDOR Team; BCT Safety Vision Team		

2. Plan Development, Approval, and Updates

Name of Person(s) Who Drafted This Plan	Mallory Avis, Public Transit Director; Brendan Pizzala, Chief Safety Officer; Amalgamated Transit Union Local 1251	
Signature by the Accountable Executive	Signature of Accountable Executive	Date of Signature
		December 20, 2022
Signature by the Chief Safety Officer	Signature of the Chief Safety Officer	Date of Signature
		December 20, 2022
Signature of Frontline Representative	Signature of Frontline Representative	Date of Signature
		December 20, 2022
Approval by the Board of Directors or an Equivalent Authority	City Commission	Date of Approval
	Resolution # _____	December 20, 2022
	Relevant Documentation (title and location)	
	A copy of City Commission Resolution # _____, approving the Agency Safety Plan (ASP), is maintained on file by the Public Transit Director and Chief Safety Officer.	

Version Number and Updates			
<i>Record the complete history of successive versions of this plan.</i>			
Version Number	Section/Pages Affected	Reason for Change	Date Issued
1	PTASP Creation	New Document	June 16, 2020
N/A	None	Review – No Change	February 20, 2021
2	Section 2, Pg 4; Section 5, Pg 12; Section 9, Pg 20.	Add language and definition of infectious disease; include frontline staff	December 20, 2022

Annual Review and Update of the Public Transportation Agency Safety Plan
This plan will be jointly reviewed and updated by the Chief Safety Officer, Public Transit Director, and frontline staff by July 1 of each year. The Accountable Executive will review and approve any changes, signing the new ASP, then forward to the City Commission for review and approval.

3. Safety Performance Targets

Safety Performance Targets							
Targets below are based on the previous 5 years of BCT's safety performance data.							
Mode of Transit Service	Fatalities (total)	Fatalities (per 10k VRM)	Injuries (total)	Injuries (per 10k VRM)	Safety Events (total)	Safety Events (per 10k VRM)	System Reliability (VRM / failures)
Fixed Route Bus	0	0	1	.024	2	.047	15,000
ADA / Paratransit	0	0	0	0	1	.08	20,000

Safety Performance Target Coordination		
BCT's Accountable Executive shares our ASP, including safety performance targets, with the Metropolitan Planning Organization (MPO) in our service area each year after its formal adoption by the City Commission. BCT's Accountable Executive also provides a copy of our formally adopted plan to the Michigan Department of Transportation. BCT coordinates with the State and MPO in the selection of State and MPO safety performance targets, to the maximum extent practicable.		
Targets Transmitted to the State	State Entity Name	Date Targets Transmitted
	Michigan Department of Transportation	12/26/2022
Targets Transmitted to the Metropolitan Planning Organization(s)	Metropolitan Planning Organization Name	Date Targets Transmitted
	Battle Creek Area Transportation Study (BCATS)	12/26/2022

4. Safety Management Policy

Safety Management Policy Statement

Battle Creek Transit is committed to developing, implementing, maintaining, and improving processes to ensure that all transit service delivery activities take place under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting established standards.

All levels of management and all employees are accountable for the delivery of this highest level of safety performance, starting with the Public Transit Director.

Battle Creek Transit's commitment is to:

- **Support** the management of safety through the provision of appropriate resources, that will result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication, and actively manages safety with the same attention to results as other management systems of the organization;
- **Integrate** the management of safety among the primary responsibilities of all managers and employees;
- **Clearly define** for all staff, managers and employees alike, their accountabilities and responsibilities for delivery of the organization's safety performance and the performance of our safety management system;
- **Establish and operate** hazard identification and analysis, and safety risk evaluation activities, including an employee safety reporting program as a fundamental source for safety concerns and hazard identification, in order to eliminate or mitigate the safety risks of the consequences of hazards resulting from our operations or activities to a point which is consistent with our acceptable level of safety performance;
- **Ensure** that no action will be taken against any employee who discloses a safety concern through the employee safety reporting program unless disclosure indicates, an illegal act, negligence, or a disregard of regulations, policies or procedures;
- **Comply** with, and whenever possible exceed, legislative and regulatory requirements and standards;
- **Ensure** that sufficient skilled and trained human resources are available to implement safety management processes;
- **Ensure** that all staff are provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills;
- **Establish** and measure our safety performance against realistic and data-driven safety performance indicators and safety performance targets;
- **Continually improve** our safety performance through management processes that ensure that appropriate safety management action is taken and is effective; and
- **Ensure** externally supplied systems and services to support our operations are delivered meeting our safety performance standards.

Safety Management Policy Communication

The Safety Management Policy is communicated through a variety of ways that include the following;

- Posting of the Safety Management Policy in the lobby, training room, maintenance conference room and breakrooms.
- Utilization of an acknowledgement form to document the review of the policy by all team members.
- Provide policy introduction during new team member orientation.

Authorities, Accountabilities, and Responsibilities

Accountable Executive	<p>The Public Transit Director serves as BCT's Accountable Executive with the following authorities, accountabilities, and responsibilities under this plan:</p> <ul style="list-style-type: none"> • Controls and directs human and capital resources needed to develop and maintain the ASP and SMS. • Designates an adequately trained Chief Safety Officer who has a direct line of reporting. • Ensures that BCT's SMS is effectively implemented. • Ensures action is taken to address substandard performance in BCT's SMS. • Assumes ultimate responsibility for carrying out BCT's ASP and SMS. • Maintains responsibility for carrying out the agency's Transit Asset Management Plan (TAMP).
Chief Safety Officer or SMS Executive	<p>The Accountable Executive designates the City of Battle Creek's Chief Safety Officer as BCT's Chief Safety Officer as it pertains to the ASP. The Chief Safety Officer has the following authorities, accountabilities, and responsibilities under this plan:</p> <ul style="list-style-type: none"> • Develops BCT's ASP and SMS policies and procedures • Ensures implementation and operation of BCT's SMS • Manages BCT's ESRP • Chairs the BCT Safety Vision Team and <ul style="list-style-type: none"> ○ Coordinates the activities of the team and sub-committees; ○ Establishes and maintains BCT's Safety Risk Register and Safety Event Log to monitor and analyze trends in hazards, occurrences, incidents, and accidents; and ○ Maintains and distributes minutes of sub-committee meetings

	<ul style="list-style-type: none"> • Advises the Accountable Executive on SMS progress and status. • Identifies substandard performance in BCT's SMS and develops action plans for approval by the Accountable Executive. • Ensures BCT policies are consistent with BCT's safety objectives. • Provides Safety Risk Management (SRM) expertise and support for other BCT personnel who conduct and oversee Safety Assurance activities.
Agency Leadership and Executive Management	<p>Agency Leadership and Executive Management also have authorities and responsibilities for day-to-day SMS implementation and operation of BCT's SMS under this plan. BCT Leadership and Executive Management include:</p> <ul style="list-style-type: none"> • Transit Grants Program Administrator • Transit Maintenance Supervisor • Transit Operations Supervisor <p>BCT Leadership and Executive Management personnel have the following authorities, accountabilities, and responsibilities:</p> <ul style="list-style-type: none"> • Participate as members of BCT's Safety Vision Team • Complete training on SMS and BCT's ASP elements • Oversee day-to-day operations of the SMS in their departments. <ul style="list-style-type: none"> ○ Operations Supervisor is responsible for SMS within system operations, including passenger and employee/operator safety. ○ Maintenance Supervisor is responsible for SMS within the maintenance department including vehicle related safety as well as maintenance employee safety. ○ Grant Program Administrator is responsible for SMS within office operations. • Modify policies in their departments consistent with implementation of the SMS, as necessary. • Provide subject matter expertise to support implementation of the SMS as requested by the Accountable Executive or the Chief Safety Officer, including SMS activities, investigation of safety events, development of safety risk mitigations, and monitoring of mitigation effectiveness.
Key Staff and Activities	<p>BCT has designated the following positions as Key Staff:</p> <ul style="list-style-type: none"> • Coach Operator (Driver) • Transit Dispatcher

	<ul style="list-style-type: none"> • Transit Mechanic Class A, B, and C • Transit Utility Worker • Customer Service Representative II • Mobility Manager
Employee Safety Reporting Program	
<p>Team Members are often best positioned to identify safety and health concerns and program shortcomings, such as emerging workplace hazards, unsafe conditions, close calls/near misses, and actual incidents. By encouraging reporting and following up promptly on all reports, Battle Creek Transit can address issues before someone gets hurt, becomes ill, equipment becomes damaged, or a customer is at risk from injury.</p> <p>Any Team Member can report injuries, illnesses, close calls/near misses, hazards, and other safety and health concerns by doing any of the following:</p> <ul style="list-style-type: none"> • Report conditions directly to the dispatcher, who will add them to the daily Dispatch Log. • Completing an end of shift report. • Directly reporting to their respective supervisor. • Directly reporting to the Public Transit Director. • Directly reporting to the Chief Safety Officer. • Submission of an Injury/Illness Report directly to their supervisor (see below for Injury/Illness Report). <p><i>It is important to make note that any information utilized in the report will only be used to improve workplace safety and health, and that no member will experience retaliation for bringing such information to attention.</i></p> <p>Examples of information typically reported include:</p> <ul style="list-style-type: none"> • Safety concerns in the operating environment (for example, county or city road conditions or the condition of facilities or vehicles); • Policies and procedures that are not working as intended (for example, insufficient time to complete pre-trip inspection); • Events that managers might not otherwise know about (for example, near misses); and • Information about why a safety event occurred (for example, radio communication challenges). <p>The End of Shift Report can be found in Appendix A and its primary purpose is to report close calls/near misses, hazards and other safety and health concerns. It is crucial in preventing injury or property damage and ensuring continuous improvement in BCT's safety management system.</p>	

Team members can utilize this form anytime they feel the need to bring a hazardous condition to the forefront of BCT operations. The form can be submitted directly to BCT Leadership, the Chief Safety Officer and/or Public Transit Director. End of shift reports are required to be completed daily and provide an opportunity to report safety hazards or concerns.

This form can also be utilized anonymously by completing a paper copy of the report and placing in the designated drop boxes.

The Safety Report can also be submitted via email in case pictures of a hazard or other safety related conditions need to be submitted.

BCT encourages participation in the ESRP by protecting employees that report safety conditions in good faith. However, BCT may take disciplinary action if the report involves any of the following:

- Participation in illegal activity, such as assault or theft;
- Negligence, such as knowingly utilizing heavy equipment for purposes other than intended such that people or property are put at risk; or
- Disregard of regulations, policies or procedures, such as reporting to work under the influence of controlled substances.

5. Safety Risk Management

Safety Risk Management Process

BCT uses the SRM process as a primary method to ensure the safety of our operations, passengers, employees, vehicles, and facilities. It is a process whereby hazards and their consequences are identified, assessed for potential safety risk, and resolved in a manner acceptable to BCT's leadership. BCT's SRM process allows us to carefully examine what could cause harm and determine whether we have taken sufficient precautions to minimize the harm, or if further mitigations are necessary.

BCT's Chief Safety Officer leads BCT's SRM process, working with BCT's Safety Vision Team to identify hazards and consequences, assess safety risk of potential consequences, and mitigate safety risk. The result of BCT's SRM process are documented in our Safety Risk Register and referenced materials.

BCT's SRM process applies to all elements of our system including our operations and maintenance; facilities and vehicles; and personnel recruitment, training, and supervision.

In carrying out the SRM process, BCT uses the following terms:

- Event – Any accident, incident, or occurrence.
- Hazard – Any real or potential condition that can cause injury, illness, or death; damage to or loss of facilities, equipment, rolling stock, or infrastructure belonging to BCT; or damage to the environment.
- Risk – Composite of predicted severity and likelihood of the potential effect of a hazard.
- Risk Mitigation – Method(s) to eliminate or reduce the effects of hazards.
- Consequence – An effect of a hazard involving injury, illness, death, or damage to BCT property or the environment.

Safety Hazard Identification

The safety hazard identification process offers BCT the ability to identify hazards and potential consequences in the operation and maintenance of our system. Hazards can be identified through a variety of sources, including:

- ESRP;
- Review of vehicle camera footage;
- Review of monthly performance data and safety performance targets;
- Observations from supervisors;
- Maintenance reports;
- Comments from customers, passengers, and third parties, including BCT's insurance and vendors;
- Safety Vision Team, Drivers', and All-Staff Meetings;
- Results of audits and inspections of vehicles and facilities;
- Results of training assessments;
- Investigations into safety events, incidents, and occurrences;
- Identification and review of guidance and strategies promulgated under the Centers for Disease Control and Prevention (CDC), State Health Authority, or Local Health Authority regarding infectious disease; and
- Federal Transit Administration (FTA) and other oversight authorities

When a safety concern is observed by BCT's management or supervisory personnel, whatever the source, it is reported to BCT's Chief Safety Officer. Procedures for reporting hazards to BCT's Chief Safety Officer are reviewed during Safety Vision Team meetings. BCT's Chief Safety Officer also receives employee reports for ERSP, customer comments related to safety, and a summary of any near-misses, accidents, incidents, or safety reports recorded in the dispatch log or end of shift reports. BCT's Chief Safety Officer reviews these sources for hazards and documents them in BCT's Safety Risk Register.

BCT's Chief Safety Officer also may enter hazards into the Safety Risk Register based on their

review of BCT's operations and maintenance, the results of audits and observations, and information received from FTA and other oversight authorities, as well as National Transportation Safety Board.

BCT's Chief Safety Officer may conduct further analyses of hazards and consequences entered into the Safety Risk Register to collect information and identify additional consequences and to inform which hazards should be prioritized for safety risk assessment. In following up on identified hazards, BCT's Chief Safety Officer may:

- Contact reporting party, if available, to gather information about the reported hazard;
- Conduct a walkthrough of the affected area, assessing the possible hazards condition, generating visual documentation (photographs and/or video), and taking any measurements deemed necessary;
- Conduct interviews with employees in the area to gather potentially relevant information on the reported hazard;
- Review any documentation associated with the hazard (records, reports, procedure, inspections, technical documents, etc.);
- Contact other departments that may have association with or technical knowledge relevant to the reported hazard;
- Review any past reported hazards of a similar nature; and
- Evaluate tasks and/or processes associated with the reported hazard.

BCT's Chief Safety Officer will then prepare an agenda to discuss identified hazards and consequences with the Safety Vision Team during bimonthly meetings. This agenda may include additional background on the hazards and consequences, such as the results of read analyses, vehicle camera footage, vendor documentation, report and observations, or information supplied by FTA or other oversight authorities.

Any identified hazard that poses a real immediate threat to life, property, or the environment must immediately be brought to the attention of the Accountable Executive and addressed through the SRM process (with or without the full Safety Vision Team) for safety risk assessment and mitigation. This means that the Chief Safety Officer believes immediate intervention is necessary to preserve life, prevent major property destruction, or avoid harm to the environment that would constitute a violation of Environmental Protection Agency or Michigan environmental protection standards. Otherwise, the Safety Vision Team will prioritize hazards for further SRM activity.

Safety Risk Assessment

BCT assesses safety risk associated with identified safety hazards using its safety risk assessment process. This includes an assessment of the likelihood and severity of the consequences of hazards, including existing mitigations, and prioritizing hazards based on safety risk.

The Chief Safety Officer and Safety Vision Team assess prioritized hazards using BCT's Safety Risk Matrix. This matrix expresses assessed risk as a combination of one severity category and one likelihood level, also referred to as hazard rating. For example, a risk may be assessed as "1A" or the combination of a Catastrophic (1) severity category and a Frequent (A) probability level.

This matrix also categorizes combined risks into levels, High, Medium, or Low, based on the likelihood of occurrence and severity of the outcome. For purposes of accepting risk:

- "High" hazard ratings will be considered unacceptable and require immediate action from BCT to mitigate the safety risk,
- "Medium" hazard ratings will be considered undesirable and require BCT's Safety Vision Team to make a decision regarding their acceptability, and
- "Low" hazard ratings may be accepted by the Chief Safety Officer without additional review.

Using a categorization of High, Medium, or Low allows hazards to be prioritized for mitigation based on their associated safety risk.

The Chief Safety Officer schedules safety risk assessment activities on the Safety Vision Team agenda and prepares a Safety Risk Assessment Package. This package is distributed at least one week in advance of the Safety Vision Team meeting. During the meeting, the Chief Safety Officer reviews the hazard and its consequence(s) and reviews available information distributed in the Safety Risk Assessment Package on severity and likelihood. The Chief Safety Officer may request support from members of the Safety Vision Team in obtaining additional information to support the safety risk assessment.

Once sufficient information has been obtained, the Chief Safety Officer will facilitate completion of relevant sections of the Safety Risk Register, using the BCT Safety Risk Assessment Matrix, with the Safety Vision Team. The Chief Safety Officer will document the Safety Vision Team's safety risk assessment, including hazard rating and mitigation options for each assessed safety hazard in the Safety Risk Register. The Chief Safety Officer will maintain and file Safety Vision Team agendas, Safety Risk Assessment Packages, additional information collection, and completed Safety Risk Register sections for a period of three years from the date of generation.

SAFETY RISK ASSESSMENT MATRIX				
Severity Likelihood	(1) Catastrophic	(2) Critical	(3) Marginal	(4) Negligible
(A) Frequent	High	High	High	Medium
(B) Probable	High	High	Medium	Medium
(C) Occasional	High	Medium	Medium	Low
(D) Remote	Medium	Medium	Low	Low
(E) Improbable	Medium	Low	Low	Low
<p>Safety Risk Mitigation</p> <p>BCT's Accountable Executive and Chief Safety Officer review current methods of safety risk mitigation and establish methods or procedures to mitigate or eliminate safety risk associated with specific hazards made on recommendation from the Safety Vision Team. BCT can reduce safety risk by reducing the likelihood and/or severity of potential consequences of hazards.</p> <p>Prioritization of safety risk mitigations is based on the results of safety risk assessments. BCT's Chief Safety Officer tracks and updates safety risk mitigation information in the Safety Risk Register and makes the Register available to the Safety Vision Team during bimonthly meetings and to BCT staff upon request.</p> <p>In the Safety Risk Register, BCT's Chief Safety Officer will also document any specific measures or activities, such as reviews, observations, or audits, that will be conducted to monitor the effectiveness of mitigations once implemented.</p>				

6. Safety Assurance

Through our Safety Assurance process, BCT:

- Evaluates our compliance with operations and maintenance procedures to determine whether our existing rules and procedures are sufficient to control our safety risk;
- Assesses the effectiveness of safety risk mitigations to make sure the mitigations are appropriate and are implemented as intended;
- Investigates safety events to identify causal factors; and
- Analyzes information from safety reporting, including data about safety failures, defects, or conditions.

Safety Performance Monitoring and Measurement

BCT has many processes in place to monitor its entire transit system for compliance with operations and maintenance procedures, including:

- Safety Audits,
- Informal inspections,
- Regular review of onboard camera footage to assess drivers and specific incidents,
- Safety surveys,
- ESRP,
- Investigation of safety occurrences,
- Safety review prior to the launch or modification of any facet of service,
- Daily data gathering and monitoring of data related to the delivery of service, and
- Regular vehicle inspections and preventative maintenance.

Results from the above processes are compared against recent performance trends quarterly and annually by the Chief Safety Officer to determine where action needs to be taken. The Chief Safety Officer enters any identified non-compliant or ineffective activities, including mitigations, back into the SRM process for reevaluation by the Safety Vision Team.

BCT monitors safety risk mitigations to determine if they have been implemented and are effective, appropriate, and working as intended. The Chief Safety Officer maintains a list of safety risk mitigations in the Safety Risk Register. The mechanism for monitoring safety risk mitigations varies depending on the mitigation.

The Chief Safety Officer establishes one or more mechanisms for monitoring safety risk mitigations as part of the mitigation implementation process and assigns monitoring activities to the appropriate director, manager, or supervisor. These monitoring mechanisms may include tracking a specific metric on daily, weekly, or monthly logs or reports; conducting job performance observations, or other activities. The Chief Safety Officer will endeavor to make use of existing BCT processes and activities before assigning new information collection activities.

BCT's Chief Safety Office and Safety Vision Team review the performance of individual safety risk mitigations during bimonthly safety meetings, based on the reporting schedule determined for mitigation, and determines if a specific safety risk mitigation is not implemented or performing as intended. If the mitigation is not implemented or performing as intended, the Safety Vision Team will propose a course of action to modify the mitigation or take other action to manage the safety risk. The Chief Safety Officer will approve or modify this proposed course of action and oversee its execution.

BCT's Chief Safety Officer and Safety Vision Team also monitor BCT's operations on a large scale to identify mitigation that may be ineffective, inappropriate, or not implemented as intended by:

- Reviewing results from accident, incident, and occurrence investigations;
- Monitoring employee safety reporting;
- Reviewing results of internal safety audits and inspections; and
- Analyzing operational and safety data to identify emerging safety concerns.

The Chief Safety Officer works with the Safety Vision Team and Accountable Executive to carry out and document all monitoring activities.

BCT maintains documented procedures for conducting safety investigations of events (accidents, incidents, and occurrences, as defined by FTA) to find causal and contributing factors and review the existing mitigations in place at the time of the event (see BCT Safety Event Investigation Procedures Manual for specific procedures for conducting safety investigations). These procedures also reflect all traffic safety reporting and investigation requirements established by Michigan's Department of Motor Vehicles.

The Chief Safety Officer and Operations Supervisor maintain all documentation for BCT's investigation policies, processes, forms, checklists, activities, and results. As detailed in BCT's procedures, an investigation report is prepared and sent to the Confirmation and Consensus team for integration into their analysis of the event.

BCT's Confirmation and Consensus Team consists of the same seven members that represent management, the union, operations, and maintenance on the Safety Vision Team. The Chief Safety Officer chairs the board. BCT's Confirmation and Consensus team determines whether:

- The accident was preventable or non-preventable;
- The causal factor(s) indicate(s) that a safety hazard contributed to or was present during the event; and
- The accident appears to involve underlying organizational causal factors beyond just individual employee behavior.

The Chief Safety Officer and Safety Vision Team routinely review safety data captured in employee safety reports, safety meeting minutes, customer complaints, and other safety communication channels. When necessary, the Chief Safety Officer and Safety Vision Team ensure that the concerns are investigated or analyzed through BCT's SRM process.

The Chief Safety Officer and Safety Vision Team also review internal and external reviews, including audits and assessments, with findings concerning BCT's safety performance, compliance with operations and maintenance procedures, or the effectiveness of safety risk mitigations.

7. Safety Promotion

BCT's comprehensive safety training program applies to all BCT employees directly responsible for safety, including:

- Bus vehicle operators,
- Dispatchers,
- Maintenance technicians and utility,
- Clerical staff,
- Managers and Supervisors,
- Agency Leadership and Executive Management,
- Chief Safety Officer, and
- Accountable Executive

BCT dedicates resources to conduct a comprehensive safety training program, as well as training on SMS roles and responsibilities. The scope of the safety training, including annual refresher training, is appropriate to each employee's individual safety-related job responsibilities and their role in the SMS. Basic training requirements for BCT employees, including frequencies and refresher training, are documented in BCT's Safety Training Matrix and BCT Employee Handbook.

Operations safety-related skill training includes the following:

- New-hire bus vehicle operator classroom and hands-on skill training,
- Bus vehicle operator refresher training,
- Classroom and on-the-job training for dispatchers,
- Classroom and on-the-job training for operations supervisors and managers, and
- Accident investigation training for operations supervisors and managers.

Vehicle maintenance safety-related skill training includes the following:

- Ongoing vehicle maintenance technician skill training,
- Ongoing skill training for vehicle maintenance supervisors,
- Accident investigation training for vehicle maintenance supervisors,
- Ongoing hazardous material training for vehicle maintenance technicians and supervisors, and
- Training provided by vendors.

BCT's Accountable Executive and Agency Leadership and Executive Management team must complete FTA's SMS Awareness online training.

Safety Communications

BCT's Chief Safety Officer, BCT Director, and BCT Operations and Maintenance Supervisors coordinate BCT's safety communication activities for SMS. BCT's activities focus on the three categories of communication activity established in 49 CFR Part 673 (Part 673):

- **Communicating safety and safety performance information throughout the agency:** BCT communicates information on safety and safety performance during quarterly All-Staff Meetings. Information typically conveyed during these meetings includes safety performance statistics, lessons learned from recent occurrences, upcoming events that may impact BCT's service or safety performance, and updates regarding SMS implementation. BCT also requests information from drivers during these meetings, which is recorded in meeting minutes. Finally, BCT's Director, Chief Safety Officer, or Maintenance and Operations Supervisors post safety bulletins and flyers on the bulletin boards located in all bus operator and maintenance technician break rooms, advertising safety messages and promoting awareness of safety issues.
- **Communicating information on hazards and safety risks relevant to employees' roles and responsibilities throughout the agency:** As part of a new-hire training, BCT distributes safety policies and procedures, including BCT's Employee Handbook, to all employees. BCT provides training on these policies and procedures and discusses them during safety talks between supervisors and bus operators and maintenance technicians. For newly emerging issues or safety events at the agency, BCT's Chief Safety Officer issues bulletins or messages to employees that are reinforced by supervisors in one-on-one or group discussions with employees.
- **Informing employees of safety actions taken in response to reports submitted through the ESRP:** BCT provides targeted communications to inform employees of safety actions taken in response to reports submitted through the ESRP, including handouts and flyers, safety talks, updates to bulletin boards, and one-on-one discussions between employees and supervisors.

8. Additional Information

Supporting Documentation

BCT will maintain documentation related to the implementation of its SMS; the programs, policies, and procedures used to carry out this ASP; and the results from its SMS processes and activities for three years after creation. They will be available to the FTA or other Federal or oversight entity upon request.

9. Definitions of Terms Used in the Safety Plan

BCT incorporates all of FTA's definitions that are in 49 CFR S 673.5 of the Public Transportation Agency Safety Plan regulation.

- **Accident** means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of rail transit vehicle, at any location, at any time, whatever the cause.
- **Accountable Executive** means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan, in accordance with 49 U.S.C. 5326.
- **Equivalent Authority** means an entity that carries out duties similar to that of a Board of Directors for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.
- **Event** means any Accident, Incident, or Occurrence.
- **Hazard** means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.
- **Incident** means an event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.
- **Infectious Disease** are illnesses caused by germs (such as bacteria, viruses, and fungi) that enter the body, multiply, and can cause infection. Some infectious diseases are contagious (or communicable) that is spread from one person to another. Other infectious disease can be spread by germs carried in air, water, food, or soil. They can also be spread by vectors (like biting insects) or by animals.
- **Investigation** means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

- **National Public Transportation Safety Plan** means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.
- **Occurrence** means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.
- **Operator** of a public transportation system means a provider of public transportation as defined under 49 U.S.C. 5302.
- **Performance measure** means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.
- **Performance target** means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.
- **Public Transportation Agency Safety Plan (or Agency Safety Plan)** means the documented comprehensive Agency Safety Plan for a transit agency that is required by 49 U.S.C. 5329 and Part 673.
- **Risk** means the composite of predicted severity and likelihood of the potential effect of a hazard.
- **Risk mitigation** means a method or methods to eliminate or reduce the effects of hazards.
- **Safety Assurance** means processes within a transit agency's Safety Management System that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.
- **Safety Management Policy** means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.
- **Safety Management System** means the formal, top-down, organizational-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.
- **Safety performance target** means a performance target related to safety management activities.
- **Safety Promotion** means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.
- **Safety risk assessment** means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.
- **Safety Risk Management** means a process within a transit agency's Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.
- **Serious injury** means any injury which (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date when the injury was received; (2)

Results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage; (4) Involves an internal organ; or (5) Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

- **Transit agency** means an operator of a public transportation system.
- **Transit Asset Management Plan** means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625.

10. Commonly Used Acronyms

Acronym	Word or Phrase
ADA	American's with Disabilities Act of 1990
ASP	Agency Safety Plan (also referred to as a PTASP in Part 673)
BCT	Battle Creek Transit
CFR	Code of Federal Regulations
ESRP	Employee Safety Reporting Program
FTA	Federal Transit Administration
MPO	Metropolitan Planning Organization
Part 673	49 CFR Part 673 (Public Transportation Agency Safety Plan)
SMS	Safety Management System
SRM	Safety Risk Management
U.S.C.	United States Code
VRM	Vehicle Revenue Miles