



## **Agenda: Battle Creek City Commission**

Meeting Date: January 17, 2023- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

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

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### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **PROCLAMATIONS AWARDS**

Proclamation for Ida McCray Day

Proclamation for National Day of Racial Healing

Proclamation for Human Trafficking Awareness Month

### **CHAIR NOTES ADDED OR DELETED RESOLUTIONS**

### **PETITIONS COMMUNICATIONS REPORTS**

### **PUBLIC COMMENTS REGARDING CONSENTAGENDAAND RESOLUTIONS NOT ON CONSENTAGENDA**

(Limited to three minutes per individual)

### **COMMISSION COMMENT REGARDING MEETING BUSINESS**

### **CONSENTAGENDA**

#### **Minutes:**

Minutes for the January 3, 2023 City Commission Workshop

Minutes for the January 3, 2023 City Commission Regular Meeting

#### **Petitions, Communications, Reports:**

City Manager's Report for January 17, 2023

Ambulance Report for December 2022

#### **Resolutions:**

- 47      A Resolution appointing, reappointing or confirming the appointment of City Commissioners to various boards and committees.

- 48 A Resolution appointment various staff members to replace former Department of Public Works Director Carl Fedders on various boards and committees.
- 49 A Resolution supporting submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Specialized Services funding.
- 50 A Resolution replacing Chief Jim Blocker with Interim Chief Shannon Bagley on the Calhoun County Consolidated Dispatch Authority (CCFDA) Board and the RMS Governing Board.
- 51 A Resolution appointing Mark Steinbrunner and reappointing Deboraha Sallee to the Historic District Commission.
- 52 A Resolution reappointing Robert Gilbert to the Sustainable Battle Creek Committee.

#### **RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

- 53 A Resolution authorizing the City Manager to employ retiree Bradley Waite on a part-time basis under 296.09(c).
- 54 A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Service Development and New Technology Program (SDNT) funding.
- 55 A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for New Freedom Funding.
- 56 A Resolution of Intent to apply for State financial assistance for Battle Creek Transit for FY2024 under Act No. 51 of the Public Acts of 1951, as amended.
- 57 A Resolution Seeking Authorization of Publication of a Notice of Intent to Issue Water and Wastewater System Revenue Bonds
- 58 A Resolution seeking authorization for the Battle Creek Fire Department to participate in the Michigan Mutual Aid Box Alarm System Task Force 1.
- 59 A Resolution seeking approval to direct staff to fly the Pan-African flag at City Hall from noon January 18, 2023 through February 17, 2023.

#### **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.

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

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

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

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise 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.

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





General Detail

NO.

Proclamation for Ida McCray Day

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Rebecca Forbes, Executive Assistant

**Department:** City Manager

**SUMMARY**

Proclamation for Ida McCray Day

**BUDGETARY CONSIDERATIONS**

**HISTORY, BACKGROUND and DISCUSSION**

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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**ATTACHMENTS:**

File Name	Description
 Ida_McCray.pdf	Ida McCray

# Proclamation

- WHEREAS,** Ms. Ida McCray has served the students of Calhoun County for 50 years as a support staff educator with the Culinary Arts and Hospitality Program at the Calhoun Area Career Center in the Calhoun Intermediate School District; and
- WHEREAS,** Ms. McCray is a tireless educator who has impacted the lives of thousands of students across both the City of Battle Creek and Calhoun County; and
- WHEREAS,** during her time with Culinary Arts and Hospitality Program, Ida has worked with six different Culinary instructors and multiple administrators across five decades; and
- WHEREAS,** Ida McCray's dedication to helping others learn and flourish has impacted generations of students and their families; and
- WHEREAS,** the Assistant Superintendent of Career and Technical Education, Tim Staffen stated "Ida McCray has been a positive presence and has over the years shown not only technical skills in culinary arts and hospitality but served our students and community in the capacity of helping students grow into outstanding individuals who leave high school able to learn, earn, and live. She has always exemplified the belief in ALL kids;"

**NOW, THEREFORE,** I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, in honor of this devoted community member do hereby proclaim January 18, 2023, as

## "Ida McCray Day"

in the greater Battle Creek area in recognition of her dedication to education in the Battle Creek community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Logo and Seal of the City of Battle Creek, Michigan, to be affixed this 17<sup>th</sup> day of January 2023.



  
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Mark A. Behnke, Mayor



General Detail

NO.

Proclamation for National Day of Racial Healing

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Rebecca Forbes, Executive Assistant

**Department:** City Manager

**SUMMARY**

Proclamation for National Day of Racial Healing

**BUDGETARY CONSIDERATIONS**

**HISTORY, BACKGROUND and DISCUSSION**

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> National_Day_of_Racial_Healing_2023.pdf	National Day of Racial Healing 2023

# Proclamation

**WHEREAS,** we have all witnessed racial divisiveness rising in America's urban, rural, suburban, and tribal communities today, which threatens the very core of this great country's unified front; and

**WHEREAS,** just like those who came before us, it is our duty to protect the children of this country and maintain communities in which they may **all** have the opportunity to succeed; and

**WHEREAS,** we understand and recognize that there is a racial divide in our country and we must all work earnestly to heal the wounds created by racial, ethnic and religious bias and build an equitable and just society so that **all** children can thrive; and

**WHEREAS,** children have the right to be provided every opportunity to learn, grow, and thrive in nurturing environments that don't violate their safety, dignity, and humanity; and

**WHEREAS,** every single person has the capability to make changes within themselves that can have profound effects on an entire society; and

**WHEREAS,** if we all dedicate ourselves to the principles of truth, racial healing and transformation, we can bring about the necessary changes in thinking, behavior, and systems that will propel this great country forward as a unified force, where racial biases will become a thing of the past; and

**WHEREAS,** racial healing is a vital and crucial commitment to the education, social, mental and overall well-being of our children; and

**WHEREAS,** the state of Michigan has issued a gubernatorial proclamation acknowledging January 17, 2023 as the "National Day of Racial Healing;"

**NOW, THEREFORE,** I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, in conjunction with others across the United States of America, acknowledge and do hereby proclaim, *Tuesday, January 17, 2023* as

## **"NATIONAL DAY OF RACIAL HEALING"**

and urge the neighbors of our community, and communities across the country, to promote racial healing and transformation in the ways that are best suited for them individually, as a means to working together to ensure the best quality of life for every child.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Logo of the City of Battle Creek, Michigan, to be affixed this 17<sup>th</sup> day of January, 2023.

A handwritten signature in dark ink, appearing to read "Mark Behnke".

Mark A. Behnke, Mayor



General Detail

NO.

Proclamation for Human Trafficking Awareness Month

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Rebecca D. Forbes, Executive Assistant

**Department:** City Manager

**SUMMARY**

Proclamation for Human Trafficking Awareness Month

**BUDGETARY CONSIDERATIONS**

**HISTORY, BACKGROUND and DISCUSSION**

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> Human_Trafficking_Awareness_Month_2023.pdf	Human Trafficking Awareness Month 2023



# Proclamation

- WHEREAS,** Human Trafficking is a worldwide health and civil rights crisis. Victims and survivors of both labor and sex trafficking span across the globe with both international and domestic victims; and
- WHEREAS,** anyone can become a victim of trafficking regardless of age, sex, ability, race, ethnicity, sexual orientation, socioeconomic status, or religion. Traffickers target individuals who, for any reason, are vulnerable; and
- WHEREAS,** from January to December 2021, there were 10,359 trafficking situations reported to the National Human Trafficking Hotline from across the country. In those situations, a total of 16,554 likely victims of trafficking were identified; and
- WHEREAS,** the United States Attorney's Office for the Western District of Michigan has prosecuted 18 defendants for sex trafficking since 2013 while many others are prosecuted at the state and county level; and
- WHEREAS,** the true extent of the human trafficking problem is very hard to determine as most times victims and situations are not reported or brought forward; and
- WHEREAS,** every member of our community can play a role in preventing human trafficking. Observing January as Human Trafficking Awareness Month provides an excellent opportunity to increase awareness of both labor and sex trafficking and, therefore, empower the community to prevent human trafficking by seeking education to recognize the signs of this abuse and taking meaningful action to break the cycle. Human Trafficking Awareness Month is also a reminder of the importance of organizations like S.A.F.E. Place in Calhoun County to provide critical confidential services such as free legal advocacy, counseling, support groups, and emergency shelter for victims of sex trafficking and domestic violence and their dependent children;


**NOW, THEREFORE,** I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, do hereby proclaim  
*the month of January 2023, as*

## **"HUMAN TRAFFICKING AWARENESS MONTH"**

in the Greater Battle Creek Area and urge all the citizens of Battle Creek to do their part to end human trafficking in this county by working together and supporting their communities' efforts to promote safe, healthy, and supportive environments and to assist victims in finding the help that they need and to ensure that no survivor of human trafficking ever has to struggle alone.



IN WITNESS WHEREOF, I have hereunto set our hand and caused the Official Logo of the City of Battle Creek, Michigan, to be affixed this 17<sup>th</sup> day of January 2023.

  
Mark A. Behnke, Mayor



General Detail

NO.

Minutes for the January 3, 2023 City Commission Workshop

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Rebecca Forbes, Executive Assistant

**Department:** City Manager

**SUMMARY**

Minutes for the January 3, 2023 City Commission Workshop

**BUDGETARY CONSIDERATIONS**

**HISTORY, BACKGROUND and DISCUSSION**

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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**ATTACHMENTS:**

File Name	Description
☐ Minutes_2023_1_3_Meeting(842).Workshop.pdf	Minutes for the January 3, 2023 City Commission Workshop



## Agenda: Battle Creek City Commission

**Meeting Type:** Workshop

**Meeting Date:** January 3, 2023

**Chair:** Mayor Mark A. Behnke

**Prepared By:** City Commission Chambers

City Commission

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### ATTENDANCE

#### Commissioners

Mayor Mark Behnke

Commissioner Roger Ballard

Commissioner Jenasia Morrie

Commissioner Patrick O'Donnell

Commissioner Carla Reynolds

Commissioner Jake Smith

Commissioner Christopher Simmons

Vice Mayor Sherry Sofia

**Absent:** Commissioner Jim Lance

#### City Staff

Rebecca Fleury, City Manager

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Alicia Greene, Deputy City Clerk

### Public Comment

There were no public comments.

### Training with Brandon Fournier, Shifman Fournier Law, on Roles and Responsibilities of Commission and City Manager

Rebecca Fleury introduced Mr Brandon Fournier, General Counsel for Shifman Fournier Law, to present information to assist the City Commissioners in their roles and responsibilities as city officials.

Mr. Fournier presented information to Commissioners related to roles and responsibilities of city officials. Mr. Fournier reviewed the Home Rules City Act, Act 279 of 1909, allowing for the incorporation of cities. Mr. Fournier reviewed provisions of the city charter, discussing key state statutes that city officials are required to adhere to.

Mr. Fournier stated the City of Battle Creek has a City Commission Manager form of government. Noting the Mayor is elected At-Large and serves as the presiding officer of the City Commission, with a voice on the Commission, emergency powers and serves as the ceremonial Chief Executive Officer.

Mr. Fournier reminded Commissioners that all employee requests and media reports are to be directed the the City Manager or appropriate staff.



Mr. Fournier reviewed local Charter Provisions covering the City of Battle Creek, noting all employees, with the exception of the City Attorney, report to the City Manager.

Mr. Fournier presented 6 hypothetical cases, seeking feedback from Commissioners on how to handle each example.

1. A resident experienced a silent leak in their restroom and now has an extremely high bill.
2. A Union member approaches a City Commissioner about reaching impasse at the bargaining table.
3. A resident contacted you concerning the location of a business and asked that the City Commission turn the application down.
4. Poor language is used during a City Commission Meeting, or other verbal assaults are levied.
5. A concern is raised about police conduct, a video surfaces supporting police misconduct. Profane language is used by the officer.
6. A non-profit has asked for the City to provide supplemental funding to a poverty program.

## **ADJOURNMENT**

Mayor Behnke adjourned the meeting at 6:00 pm.

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:

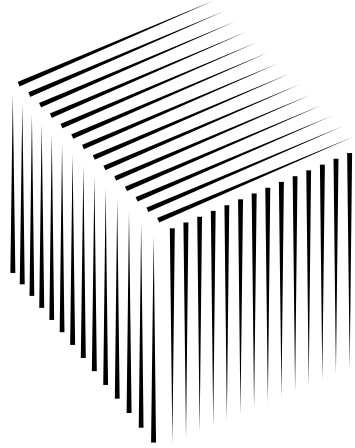
1. Citizen comments on any Resolution before the Commission may be made either before or after the Commissioners have had an opportunity to discuss the Resolution, at the discretion of the Chair;
2. Citizens wishing to speak to a particular Resolution should raise their hands and wait to be recognized 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.

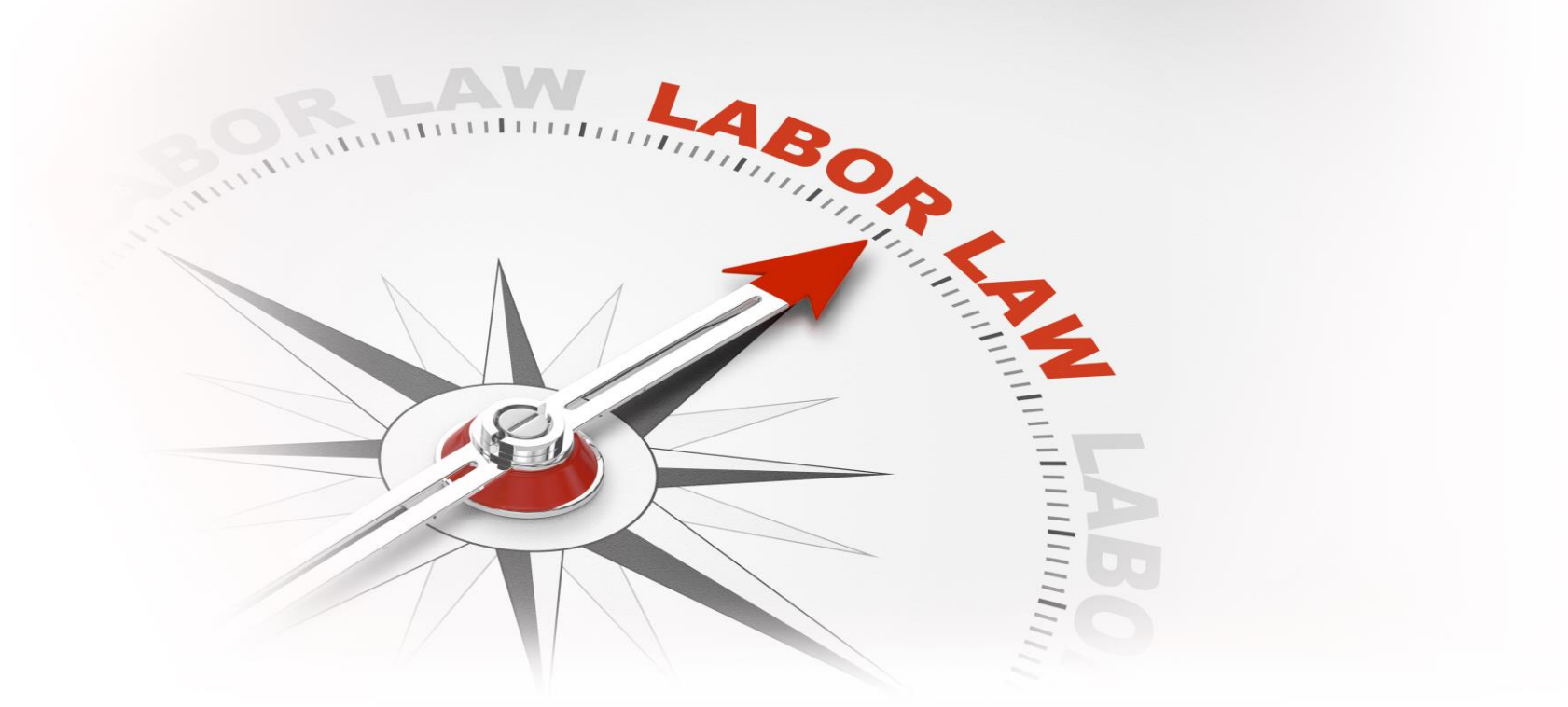
The City of Battle Creek will provide necessary, reasonable, auxiliary aids and services, such as signers for the hearing impaired, and audiotapes of printed materials being considered in the meeting, upon seven days' notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary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



shifman  
fournier



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31600 Telegraph Road, Suite 100, Bingham Farms, MI 48025  
(248) 642-2383 [shifmanfournier.com](http://shifmanfournier.com)

# THE HOME RULE CITY ACT

## Act 279 of 1909

- An Act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds...

# City of Battle Creek

## Mandatory City Charter Provisions

- Election of Officials
- Elections
- Officer compensation
- Taxation
- Financial Appropriation
- Ordinance authority
- Open Meetings
- System of Accounts

# City of Battle Creek

## Local Government Official Overview

### Other Key Statutes

- Michigan Open Meetings Act: Requires Public Meetings, minutes, etc.
- Michigan Freedom of Information Act: Most City records are public
- Public Employee Labor Relation Act: Created collective bargaining rights.
- General Property Tax Act: System of taxation and foreclosure

# City of Battle Creek

## Local Government Official Overview

### Other Key Statutes

- Surplus Funds Investment Pool Act: How Cities invest Money.
- Uniform Budgeting and Accounting Act: Creates budget requirements.
- Urban Cooperation Act: Permits City's to work with close communities.
- Michigan Zoning and Enabling Act.
- Many, many more...

# City of Battle Creek

## City Commission Manager Form of Government

- Voters elect Mayor and City Commission (elected officials are not employees)
  - Approximately 175 Michigan Cities are Manager Commission Government
    - The City Commission serves as policy makers
- The City Manager is the Chief Administrative Officer, Personnel Director and has numerous executive functions.
  - Mayor is the Chief member of the City Commission



# City of Battle Creek

## Local Charter Provisions: Charter Sections § 2.2, 2.3, 2.4, 2.9, and 3.3

- Mayor, elected At-large as a separately elected office.
- Has a voice on the Commission
- Presiding Officer of the Commission
- Emergency Powers Law
- Ceremonial Chief Executive Officer

# City of Battle Creek

## Local Charter Provisions: City Commission

- The City Commission shall have full authority, except as otherwise provided herein or by general law, to exercise all of the powers conferred upon the City, to adopt all ordinances, resolutions or other measures relating to its Municipal concerns, and to otherwise govern its affairs.

# City of Battle Creek

## Local Charter Provisions: City Commission

- All meetings require a quorum (a majority of members)
- Make policy through a resolution
- Adopts resolutions through official act of the Commission, individual members do not set policy or adopt resolutions.
- Cities are like the Federal and State government, powers are limited to the Charter and various state statutes.

# City of Battle Creek

## Local Charter Provisions: § 5.1. City Manager .

- A City Manager shall be appointed by a majority of the membership of the City Commission to hold office for an indefinite term and at the pleasure of said majority of the City Commission.
- All employees report to the City Manager
- Directs daily operations.
- Purchasing Director
- Budget and Audit are completed under the director on the City Manager.

# City of Battle Creek

## Local Charter Provisions: § 5.3. Manager's General Powers

- To supervise and control the administrative affairs of the City and all departments thereof and to seek quality, economy and efficiency therein.
- To fully advise the Commission regarding the policies, affairs, and financial condition and needs of the City, with the right to take part in all discussions relating thereto.
- To recommend an annual budget or budgets to the City Commission and to carry out the policies, budgets, and directives of the Commission.
- To preserve the public peace, health, and safety of persons and property and see to the enforcement of the ordinances of this City, this Charter, and general law.
- To install a system of centralized purchasing, control expenditures, and superintend all operating units and contracts of the City.
- To appoint and remove, subject to the provisions of this Charter or the administrative code adopted pursuant hereto, all officers and employees of the City, all appointments to be on a basis of fitness, training and experience and for indefinite terms.
- To perform such other functions and have such other powers as may be established by general law, this Charter, any ordinance or resolution of this City, or as may be required of or accorded to him by the Commission.

# City of Battle Creek Commission Meetings:

- 212.02 RULES OF PROCEDURE OF THE COMMISSION.
- Well established format of a meeting.
- Formal process of the legislative body.

# City of Battle Creek: Commission Overview

- All department and employee requests are to be directed to the City Manager or appropriate staff.
- All actions taken as a commissioner become part of the City's official records
- This includes text messages and emails from personal accounts, that were part of their duties.
- Information requests are

# City of Battle Creek: Best Practices

- All department and employee requests are to be directed to the City Manager or appropriate staff.
- All actions taken as a commissioner become part of the City's official records
- Media Reports should be directed to the City Manager
- All elected officials receive the same information.
- Asking questions in advance: staff welcomes the opportunity to provide a thorough explanation prior to a Commission Meeting, providing ample time to research the issue.



# Elected Official Hypothetical

- A resident experienced a silent leak in their restroom and now has an extremely high bill.
- What can the City Commission do?
- Water that is charged passed through a meter.

# Elected Official Hypothetical

- A Union Member approaches a City Commissioner about reaching impasse at the bargaining table?
- What should the commissioner say?
- How does PERA apply?

# Elected Official Hypothetical

- A resident has contacted you concerning the location of a particular business has asked that the City Commission turn the application down.
- Michigan Zoning Law has an established objective process. It is not about the business request, but the current ordinance standards.

# Elected Official Hypothetical

- A resident has contacted you concerning the location of a particular business has asked that the City Commission turn the application down.
- What governs the placement of a business.

# Elected Official Hypothetical

- Poor language is used during a City Commission Meeting, or other verbal assaults are levied.
- What is the remedy?
- Defamation standards for public officials.
- City Commission role.

# Elected Official Hypothetical

- A concern is raised about police conduct, a video surfaces supporting police misconduct. Profane language is used by the officer.
- Public Sector Labor Rights, the process of the CBA.
- Public statements municipal liability.

# Elected Official Hypothetical

- A non-profit has asked for the City to provide supplemental funding to a poverty program.
- Governmental spending has strict limitations.
- Expenses are to be community based and not base
- Such expenditures have been held not to be used for a public purpose. Even if the expenditure benefits the public incidentally, the expenditure may be nonetheless invalid if the appropriation is not under control of the city/village.



General Detail

NO.

Minutes for the January 3, 2023 City Commission Regular Meeting

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Rebecca Forbes, Executive Assistant

**Department:** City Manager

**SUMMARY**

Minutes for the January 3, 2023 City Commission Regular Meeting

**BUDGETARY CONSIDERATIONS**

**HISTORY, BACKGROUND and DISCUSSION**

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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**ATTACHMENTS:**

File Name	Description
☐ Minutes_2023_1_3_Meeting(841).pdf	Minutes for the January 3, 2023 City Commission Regular Meeting





## **Agenda: Battle Creek City Commission**

Meeting Date: January 3, 2023- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

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

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### **ATTENDANCE**

#### **Commissioners**

Mayor Mark Behnke

Commissioner Jim Lance

Commissioner Patrick O'Donnell

Commissioner Jake Smith

Vice Mayor Sherry Sofia

Commissioner Roger Ballard

Commissioner Jenasia Morris

Commissioner Carla Reynolds

Commissioner Christopher Simmons

#### **City Staff**

Rebecca Fleury, City Manager

Ted Dearing, Assistant City Manager

Mallory Avis, Transit Director

Travis Sullivan, Planner

Marcel Stoetzel, Deputy City Attorney

Shannon Bagley, Deputy Police Chief

Jill Steele, City Attorney

Alicia Greene, Deputy City Clerk

Eric McClure, Communications Specialist

Jonathan Baber, Deputy City Attorney

Bill Beaty, Fire Chief

Marcie Gillette, Community Services  
Director

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Jake Smith.

### **ROLL CALL**

### **CHAIR NOTES ADDED OR DELETED RESOLUTIONS**

There were no added or deleted resolutions.

### **PETITIONS COMMUNICATIONS REPORTS**

There were no petitions or reports.

A communication from Mr. John Kenefick was forwarded to all commissioners.

**PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA**

Joey Kejbou, attorney for businesses located at 477 W. Michigan Ave. and 327 Capital Ave., spoke on Resolutions 40 & 41, related to a Special Use Permits to allow an Adult Retail marihuana establishments. Mr. Kejbou requested the Mayor allow him extra time to speak, as he had two items to speak on.

Attorney Steele reminded the Mayor of the provision allowing him to grant additional time to an applicant or their attorney when speaking to the Commission regarding an application.

Mr. Kejbou spoke regarding Resolution 41, explaining the process of appearing before the Planning Commission. Mr. Kejbou stated the Planning Commission voted 4-3, not recommending approval to the City Commission. Mr. Kejbou noted the Planning Directors report to the Planning Commission recommended approval of the Special Use Permit.

Mr. Kejbou spoke to Resolution 40, noting support from the Planning Commission and requesting the application be approved.

Scott Harrington, local Realtor, spoke in support of resolution 41.

John Kenefick, 234 South Ave., shared concerns with Resolution 44 and the financial stability of Full Blast.

Whitney Hudson, local resident and General Manager of 327 SW Capital Ave., spoke in favor of Resolution 40.

Cindy Dian, 24 Poplar St., spoke in opposition to marihuana in the City of Battle Creek.

Mary Bourgeois, 231 Springview Dr., complimented Battle Creek Police and Fire Departments for being supportive and friendly while serving the community.

Jerry Steiner, 115 S. 26th Street, spoke in favor of marihuana in the City of Battle Creek.

(Limited to three minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

There were no Commission comments.

**CONSENT AGENDA**

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

Ambulance Report for November 2022

City Manager Report for January 3, 2023

**CONSENT RESOLUTIONS**

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 33            A Resolution seeking authorization for the City Manager to execute a METRO Act Bilateral Right-of-Way Telecommunications Permit with Crown Castle Fiber, LLC.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 34            A Resolution seeking authorization for the City Manager to execute all necessary documents to reassign contract 2022-091B Minges Brook Pump Station Improvements project from Davis Construction, Inc., to RK Davis, Inc.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 35            A Resolution authorizing the City Manager to remove Public Works Director Carl Fedders as the City of Battle Creek Street Administrator with the Michigan Department of Transportation, and replace him with Field Services Superintendent,

Todd Gerber.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 36            A Resolution authorizing the City Manager to sign Contract No. 22-5540 with the Michigan Department of Transportation for improvements to the Union St Bridge over the Battle Creek River.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

Comm Reynolds question for Jill gave guidance.

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

MOTION PASSED

- 37            A Resolution appointing / renewal of 2 members to the North Central Neighborhood Planning Council (NPC # 2).

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

**RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

- 38            A Resolution seeking approval for the City Manager to enter into six agreements with Binger Holdings LLC and the Battle Creek Tax Increment Finance Authority providing for the grant of permanent and temporary easements to the City for the purpose of a roundabout at the intersection of Skyline Drive, Hill Brady Road, and Logistics Drive.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 39            A Resolution seeking to approve S17-22, a Special Use Permit to allow for a new child care center at 520 W. Michigan Avenue in a T-3 Neighborhood Commercial District pursuant to Sections 1240.13(C) and 1281.05 of the zoning code.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 40            A Resolution seeking to approve S18-22 for a Special Use Permit to allow for an Adult Use Marihuana Retailer Establishment at 327 SW Capital Avenue (parcel #1530-00-059-0). The property is zoned T-3 Neighborhood Commercial Zoning District where marihuana retail centers can be allowed as a special use pursuant to Chapter 1240, Section 1240.13 and Chapter 1251 Sections 1251.23-24, 26.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 41            A Resolution seeking to approve S19-2022, reapplication for a Special Use Permit to allow for an Adult Use Marihuana Retailer Establishment located at 477 W. Michigan Avenue. The property is zoned T-3 Neighborhood Commercial District pursuant to Chapter 1240, Section 1240.13, and Chapter 1251, Sections 1251.23-24, 26.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

Attorney Steele, responding to Comm. Reynolds, provided clarifying information about Special Use Permits process, stating this is not a discretionary decision, if all factors set out in the ordinance are met then you shall approve the permit. Attorney Steele noted the Planning Staff report indicates they have been met all factors. Attorney Steele additionally stated, if denied an appeal is expected to be

filed in Circuit Court.

Attorney Steele, responding to Comm. Lance, confirmed the Planning Commission did not recommend approval and had receive the same Staff report, however the City Commission is the deciding body on this matter.

Marcia Gillette, Community Services Director, responded to a request by Comm. Simmons for additional explanation on the Planning Commissions decision. Ms. Gillette reviewed the Planning Commissions draft minutes and the eight (8) factor taken into consideration.

Ms. Gillette, provided an explanation in response to Vice Mayor Sofia, explaining prior to the 2020 Zoning Ordinance amendments a Special Use Permit was not required, however, with the changes a Special Use Permit to add the additional license for an Adult Use Provisioning Center is required.

Ms. Gillette noted, the 1000 foot buffer is measured property line to property line.

Mayor Behnke spoke in opposition to approval, noting the incoming daycare center and an existing adult daycare in the area.

Mayor Behnke corrected his vote, stating he had pushed the incorrect button in the voting module, as indicated in his verbal opposition the intent was to vote NO.

Deputy Clerk Greene corrected the vote, now noting Resolution 41 was not approved.

Attorney Steele agreed the correction would be allowed, as it was acknowledge and corrected quickly.

Ayes: BALLARD, MORRIS, SIMMONS, SMITH

Nays: LANCE, O'DONNELL, BEHNKE, REYNOLDS, SOFIA

#### MOTION FAILED

- 42            A Resolution seeking authorization for the City Manager to execute a Sponsor Contract, and all other related documents as approved by the City Attorney, for Municipal Airport PFAS Grant Funding.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

#### MOTION PASSED

- 43            A Resolution seeking acceptance of the proposal of best value for generators at three fire stations from Shouldice Industrial Manufacturers and Contractors, Inc., in a not-to-exceed amount of \$118,042.00.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

SMITH, SOFIA

MOTION PASSED

- 44            A Resolution seeking acceptance of the proposal of best value for Flash Flood Water Park Pool Resurfacing from Advanced Pool Services, Inc in a not-to-exceed amount of \$264,500.00.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

Mr. Dearing responding to Comm O'Donnell, provided additional information on Resolution 44.

Mr. Dearing stated the pool was constructed in the mid to late 90's and some areas have been partially redone over the years. Mr. Dearing noted with Resolution 44 will not be a complete stripping but will be addressing problem areas with a life expectancy of approximately 5 years. Mr. Dearing noted the warranty is 1-2 years, however this also depends on the maintenance of the pool.

Comm Smith and Comm. Ballard requested additional information on the Full Blast property be provided to the Commission.

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

MOTION PASSED

- 45            A Resolution seeking authorization for the City Manager to enter into a new Agreement with Battle Creek Community Foundation (BCCF) for continued police department grant administration services.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

Comm. Morris, noted a perceived impropriety as she is employed by the Battle Creek Community Foundation, stating she has spoken to the City Attorney and no conflict exist.

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

MOTION PASSED

- 46            A Resolution seeking authorization for the City Manager to enter into Inter-Agency Agreements related to State of Michigan Stormwater Permits with the following "Nested Jurisdictions": Kellogg Community College, Hart-Dole-Inouye Federal Center, Battle Creek Public Schools and Lakeview School District.

Motion to Approve

Moved By: JAKE SMITH

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

**GENERAL PUBLIC COMMENT**

Mayor Behnke requested, State House Representative, Jim Haadsma address the Commission.

Mr. Haadsma congratulated VOCES on their new child care center and voiced support for the Community Review Board (CRB).

Mr. Haadsma invited the public to join him on the 1st Saturday of each month for Coffee Hours, meeting at different locations in Calhoun County.

Cary Whitfield, 337 Carpenter Dr., provided an overview of the work done by the NAACP to develop and organize a CRB in the City. Mr. Whitfield stated, a proposal was developed and presented to City Manager Fleury and Police Chief Blocker in 2021. Mr. Whitfield will be presenting the proposal to the Human Relations Board (HRB) for review, their recommendation will be brought before the City Commission for consideration.

Rochelle Hatcher, Calhoun County Commissioner, 139 Ann Ave, voiced support for a CRB.

Jose Orozco Jr., VOCES Executive Director, spoke in support of several businesses and families reinvesting in the community and in opposition to Resolution 41..

Sam Gray, 245 Irving Park Dr. voiced opposition to Resolution 41, thanking the Commission on their vote. Mr. Gray stated they want a safe, family friendly, community.

Damon Brown, 78 Grand Ave, shared support for the creation of a CRB.

Lynn Ward Gray, 245 Irving Park Dr., spoke in support of a CRB, asking the City Commission to consider it strongly when brought before them.

Reece Adkins, 24 Poplar St., requested an update on the status of the old Kmart lot. Mr. Adkins requested the City honor retiring Police Chief Blocker and recognize his service to the City. Mr. Adkins thanked the Commission for their vote on Resolution 41.

Linda Whitfield, shared concerns with Police and public interactions, supporting the creation of a CRB.

Jerry Steiner, 115 S. 26th St, provided suggestions on the rising prices of City bus services.

Mary Bourgeois, 231 Springview, spoke in support of Resolution 44 and the creation of a CRB.

Cindy Dian, 24 Poplar St., supporting Mr. Steiner on bus services.

Jerry Logan, 10429 I Drive N., requested traffic sign changes at Port St. and 2nd St. and a signal change at Elm St. on to Michigan, asking for the removing of the no left turn on red signal.

John Kenefick, 234 South Ave, spoke regarding the citing for violations of sidewalk clearing on properties owned by the City of Battle Creek, Calhoun County, Calhoun County Land Bank and MDOT.

(Limited to three minutes per individual)



## **COMMISSION COMMENTS**

Comm. Smith, asked if any data existed showing the correlation of marihuana facilities where there has been neighborhood deterioration as opposed to other types of businesses..

Comm. Ballard, voice support of Resolution 41, stating he had visited 5 shops personally, all where clean and following the rules.

Comm. Ballard noted his research of CRB's which shows a reduction of complaints once implemented in other communities.

Comm. Ballard stated, Transit prices are extremely low in Battle Creek as compared to other transit systems across the country.

Comm. Ballard noted, the new stop sign at Van Buren Hill has greatly reduced accidents.

Comm. O'Donnell thanked VOCES for bringing a new Day Care center to the community.

Comm. O'Donnell shared support for Full Blast being maintained.

Comm. O'Donnell thanked all the citizens and workers for the positive response to the last snow emergency, wishing everyone a Happy New Year 2023.

## **ADJOURNMENT**

Mayor Behnke adjourned the meeting at 9:00 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.

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

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

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

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise 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.

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



General Detail

NO.

City Manager's Report for January 17, 2023

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Ted Dearing, Assistant City Manager

**Department:** City Manager

**SUMMARY**

City Manager's Report for January 17, 2023

**BUDGETARY CONSIDERATIONS**

**HISTORY, BACKGROUND and DISCUSSION**

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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**ATTACHMENTS:**

File Name	Description
 City_Manager_Report_01172023.pdf	City Manager's Report for January 17, 2023

## MEMO

**Date:** 01/17/2023

**To:** Mayor and City Commission

**From:** Ted Dearing, Assistant City Manager

**RE:** City Manager's January 17, 2023, Agenda Report

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**53**                    **A Resolution authorizing the City Manager to employ retiree Bradley Waite on a part-time basis under 296.09(c).**

Pursuant to Employment Provision 296.09 " (c) No person shall be employed by the City, or paid with City funds, who has retired under the provisions of the Michigan Municipal Employees' Retirement System. The City Manager may make exceptions to this provision, with the approval of the City Commission, when . . . "she" feels the interests of the City would be served thereby. If approved, this Resolution authorizes the City Manager to employ retiree Bradley Waite on a part-time basis under Provision. **Approval is Recommended.**

**54**                    **A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Service Development and New Technology Program (SDNT) funding.**

Battle Creek Transit (BCT) is seeking funding for the continuation and expansion of our Calhoun County Coordinated Mobility Pilot, operating as BCGo. Through the development and launch of the Calhoun County Mobility Pilot, BCT has been successful in expanding access to public transportation while remaining affordable, reliable, and accessible.

The goals of the pilot center around the feasibility of coordinating service with other local transportation providers in the area, with focused efforts on providing public transportation to areas previously underserved. Through this next phase, it is Transit's intent to collaborate with another local transit provider to implement coordination and address the limitations that operating as a stand-alone agency creates.

If approved, this Resolution supports the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Service Development and New Technology Program funding. **Approval is Recommended.**

**55**                    **A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for New Freedom Funding.**

The goal of the New Freedom program is to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the workforce and full participation in society. Lack of adequate transportation is a primary barrier for work for individuals with disabilities. New Freedom funding will be used to continue the mobility management model at Battle Creek Transit to coordinate transportation and implement a centralized dispatch system which coordinates services between multiple providers. Funds also support a mobility manager that works closely with community transportation partners, human services agencies, and organizations which serve vulnerable and underserved populations, and provides travel training, trip planning, and additional assistance to passengers.

If approved, this Resolution supports the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for New Freedom Funding. **Approval is Recommended.**

**56**

**A Resolution of Intent to apply for State financial assistance for Battle Creek Transit for FY2024 under Act No. 51 of the Public Acts of 1951, as amended.**

If approved, this Resolution authorizes the City Manager to submit to MDOT an application for financial assistance for FY2024 under Act No. 51 of the Public Acts of 1951. Furthermore, this Resolution also authorizes the City Manager to execute any agreements for the funds requested in the attached application.

Battle Creek Transit's Local Coordinating Committee (LCC) met on January 10, 2023 to review and discuss the application. Also Battle Creek Transit's Local Advisory Council (LAC) met January 17, 2023, to review and discuss Battle Creek Transit's Vehicle Accessibility Plan included in the application. A 30-day public comment period is scheduled for January/February to receive feedback on the application. **Approval is Recommended.**

**57**

**A Resolution Seeking Authorization of Publication of a Notice of Intent to Issue Water and Wastewater System Revenue Bonds**

The State of Michigan Department of Environment, Great Lakes, & Energy has issued a notice of deficiency to the City based on issues related to well casings and contamination at the Verona Wellfield. The City's Finance Department is working to secure bond financing to complete needed improvements to the system estimated at approximately \$8.1 million.

The Revenue Bond Act requires the City to notify electors of its intent to issue bonds by publishing a notice which gives the voters a referendum right on the issuance of the bonds. The bonds can be issued without a vote of the City electors unless a petition is filed with the City Clerk within 45 days of publication of the notice.

The City's water system does not currently have any outstanding debt and will be able to accommodate the expense of the debt service from current revenues. Furthermore, this debt issuance was a planned part of the rate study recently completed for the water and wastewater systems.

This Resolution, if approved, authorizes the Publication of a Notice of Intent to Issue Water and Wastewater System Revenue Bonds. **Approval is Recommended.**

**58**

**A Resolution seeking authorization for the Battle Creek Fire Department to participate in the Michigan Mutual Aid Box Alarm System Task Force 1.**

In 2015, the Battle Creek City Commission authorized its Fire Department to participate in the Calhoun County Michigan Mutual Aid Box Alarm System, which is a subsection of the Michigan Mutual Aid Box Alarm System, and is a user-driven system designed to streamline the requesting and providing of emergency and fire services resources across Michigan for day-to-day mutual aid and for large-scale events such as major fires, train derailments, tornadoes, wildfires, domestic or foreign terrorism and other events that may overwhelm local resources.

The Michigan Mutual Aid Box Alarm System has created Task Force 1, organized for the purpose of meeting the needs of the State of Michigan as related to urban search and rescue (US&R). If approved, this Resolution authorizes the Battle Creek Fire Department to participate in the Michigan Mutual Aid Box Alarm System Task Force 1. **Approval is Recommended.**

**59**

**A Resolution seeking approval to direct staff to fly the Pan-African flag at City Hall from noon January 18, 2023 through February 17, 2023.**

On July 6, 2021, the City Commission approved Resolution No. 180, establishing a policy regarding flag display. This policy declares that the City's flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, and City Flags, or the temporary replacement of the City Flag with any commemorative flag as may be authorized by resolution of the City Commission as an expression of the City's official sentiments.

If approved, this Resolution, in accordance with the established flag policy, hereby authorizes staff to fly the Pan-African flag at City Hall from noon on January 18, 2023 through February 17, 2023.



Resolution NO.

Ambulance Report for December 2022

**BATTLE CREEK, MICHIGAN - 1/17/2023**

**AMBULANCE SERVICES  
MONTHLY PERFORMANCE REPORT**

*Report for the month of December 2022*

**Life Care Ambulance Service**

Life Care Ambulance Service is under Contract with the City of Battle Creek effective June 2, 1998.

Under the Contract, they are requested to meet the following criteria at a minimum of 90% of all calls per month:

Life-threatening emergency runs throughout the City -- 8 Minutes, 30 Seconds

Life-threatening emergency runs per Ward -- 9 Minutes, 30 Seconds

Priority 3 Responses -- 15 Minutes

**Life-threatening Emergencies City-wide**

Number of runs for the month 568. Percentage of runs accomplished within guidelines 82.0%

**Life-threatening Emergencies per Ward**

	<b>Ward 1</b>	<b>Ward 2</b>	<b>Ward 3</b>	<b>Ward 4</b>	<b>Ward 5</b>
Number of Runs	106	218	73	83	88
Percentage Achieved	80.2%	94.0%	93.2%	89.2%	75.0%

**Priority 3 Responses**

Number of runs for the month 428. Percentage of runs accomplished within guidelines 83.6%

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Battle Creek City Commission  
1/17/2023  
**Action Summary**

**Staff Member:** Shawna Beach, Records/Election Clerk

**Department:** City Clerk

**SUMMARY**

Ambulance Report for December 2022

**BUDGETARY CONSIDERATIONS**

**HISTORY, BACKGROUND and DISCUSSION**

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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ATTACHMENTS:

File Name

Description

No Attachments Available





## Resolution

NO. 47

A Resolution appointing, reappointing or confirming the appointment of City Commissioners to various boards and committees.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That following Commissioners are appointed, reappointed or confirmed as members to the following boards:

#### **Mayor**

- Mark Behnke
  - City Attorney Evaluation Committee - ALT
    - reappointed as an alternate for a term expiring on 12/31/2023
  - Battle Creek Area Metropolitan Service Agency (AMSA)
    - reappointed for a term expiring on 11/10/2024
  - BCATS Policy Committee (staff serves as permanent ALT)
    - reappointed (staff attends on behalf)
  - Bicycle Advisory Committee
    - reappointed for a term expiring on 07/22/2024
  - Binder Park Golf Course Advisory Committee - ALT
    - reappointed as an alternate for a term open-ended
  - City Commission Ethics & Meeting Rules Committee - ALT
    - reappointed as an alternate for a term open-ended
  - City Manager Performance Evaluation Committee - ALT
    - reappointed as an alternate for a term expiring on 12/31/2024
  - Downtown Parking System Advisory Committee
    - reappointed for a term expiring on 04/13/2024
  - Economic Development Corporation
    - reappointed for a term expiring on 01/16/2024
  - Goguac Lake Board
    - reappointed for a term open-ended
  - Planning Commission
    - reappointed for a term expiring on 01/01/2026
  - Public Transportation Committee
    - reappointed for a term open-ended
  - Sustainable Battle Creek Committee
    - reappointed for a term expiring on 01/16/2025
  - Tax Abatement
    - reappointed for a term open-ended
  - Technical Review Committee - ALT
    - appointed as an alternate for a term open-ended
  - Water System Advisory Council
    - reappointed for a term expiring on 12/04/2026

- Youth Advisory Board - ALT
  - reappointed as an alternate for a term open-ended

### **At-Large**

- Carla Reynolds
  - Airport Advisory Board
    - reappointed for a term expiring on 05/04/2025
  - City Attorney Evaluation Committee
    - reappointed for a term expiring on 12/31/2023
  - Battle Creek Area Metropolitan Service Agency (AMSA)
    - reappointed for a term expiring on 11/10/2024
  - BCATS Policy Committee (staff serves as permanent ALT)
    - reappointed (staff attends on behalf)
  - Battle Creek Downtown Development Authority
    - reappointed for a term open-ended
  - Binder Park Golf Course Advisory Committee
    - appointed as an alternate for a term open-ended
  - City Commission Ethics & Meeting Rules Committee
    - reappointed for a term open-ended
  - City Manager Performance Evaluation Committee
    - reappointed for a term expiring on 12/31/2024
  - Local Development Financing Authority (LDFA)
    - confirmed for a term expiring on 04/28/2026
  - Neighborhoods Inc Board
    - confirmed for a term open-ended
  - Tax Abatement
    - reappointed for a term open-ended
- Jake Smith
  - City Commission Travel Expense Committee
    - appointed for a term open-ended, replacing Carla Reynolds
  - Insurance Policy Review Committee
    - appointed for a term open-ended, replacing Jenasia Morris
  - Public Transportation Committee
    - appointed for a term open-ended, replacing Kristin Blood
  - Sustainable Battle Creek Committee
    - appointed for a term expiring on 01/16/2025, filling a vacancy
  - Youth Advisory Board
    - appointed for a term open-ended, replacing Boonikka Herring
- Sherry Sofia - Vice Mayor
  - City Attorney Evaluation Committee
    - reappointed for a term expiring on 12/31/2023
  - Battle Creek Area Metropolitan Service Agency (AMSA)
    - appointed for a term expiring on 11/10/2024, replacing Kathy Szenda Wilson
  - City Commission Ethics & Meeting Rules Committee
    - reappointed for a term open-ended
  - City Commission Travel Expense Committee
    - reappointed for a term open-ended
  - City Manager Performance Evaluation Committee
    - reappointed for a term expiring on 12/31/2024
  - Insurance Policy Review Committee

- appointed for a term open-ended, replacing Lynn Ward Gray
- Tax Abatement
  - reappointed for a term open-ended
- Technical Review Committee
  - appointed for a term open-ended, replacing Carla Reynolds

### **Ward 1**

- Roger Ballard
  - Human Relations Board
    - appointed for a term expiring on 07/21/2024, filling a vacancy
  - Insurance Policy Review Committee
    - appointed for a term open-ended, replacing Carla Reynolds
  - Public Transportation Committee
    - appointed for a term open-ended, replacing Carla Reynolds
  - Sustainable Battle Creek Committee
    - appointed for a term expiring on 01/16/2025, filling a vacancy

### **Ward 2**

- Jenasia Morris
  - City Attorney Evaluation Committee
    - reappointed for a term expiring on 12/31/2023
  - City Commission Travel Expense Committee
    - reappointed for a term open-ended
  - City Manager Performance Evaluation Committee
    - reappointed for a term expiring on 12/31/2024
  - Historic District Commission
    - reappointed for a term open-ended
  - Public Transportation Committee
    - reappointed for a term open-ended
  - Youth Advisory Board
    - reappointed for a term open-ended

### **Ward 3**

- Patrick O'Donnell
  - Bicycle Advisory Committee
    - appointed for a term expiring on 07/22/2024, replacing Kaytee Faris
  - Binder Park Golf Course Advisory Committee
    - appointed for a term open-ended, replacing Mayor Mark A. Behnke
  - Calhoun County Consolidated Dispatch Authority
    - appointed for a term open-ended, replacing Kristin Blood contingent on approval from Calhoun County Consolidated Dispatch Authority
  - City Commission Ethics & Meeting Rules Committee
    - appointed for a term open-ended, replacing Jim Lance
  - Planning Commission
    - appointed for a term expiring on 01/01/2026, replacing Carla Reynolds

### **Ward 4**

- Christopher Simmons
  - City Attorney Evaluation Committee - ALT
    - appointed as an alternate for a term expiring on 12/31/2023
  - Battle Creek Downtown Development Authority
    - appointed for a term open-ended, replacing Boonikka Herring

- Binder Park Golf Course Advisory Committee
  - appointed for a term open-ended, replacing Carla Reynolds
- City Commission Ethics & Meeting Rules Committee
  - appointed for a term open-ended, replacing Kathy Szenda Wilson
- City Manager Performance Evaluation Committee - ALT
  - appointed as an alternate for a term expiring on 12/31/2024, replacing Kristin Blood

## **Ward 5**

- Jim Lance
  - Access Vision
    - reappointed for a term open-ended
  - Airport Advisory Board
    - reappointed for a term expiring on 05/04/2025
  - Binder Park Golf Course Advisory Committee
    - reappointed for a term open-ended
  - City Attorney Evaluation Committee
    - reappointed for a term expiring on 12/31/2023
  - City Manager Performance Evaluation Committee
    - reappointed for a term expiring on 12/31/2024
  - Tax Abatement
    - reappointed for a term open-ended

---

Battle Creek City Commission  
1/17/2023

## **Action Summary**

**Staff Member:** Heather Robinson, Executive Assistant

**Department:** City Manager

### **SUMMARY**

A Resolution appointing, reappointing or confirming the appointment of City Commissioners to various boards and committees.

### **BUDGETARY CONSIDERATIONS**

None.

### **HISTORY, BACKGROUND and DISCUSSION**

### **DISCUSSION OF THE ISSUE**

### **POSITIONS**

---

**ATTACHMENTS:**

**File Name**

**Description**

No Attachments Available



Resolution

NO. 48

A Resolution appointment various staff members to replace former Department of Public Works Director Carl Fedders on various boards and committees.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That the following individuals shall replace former DPW Director Carl Fedders on the boards and committees listed:

- Jarrett Geering to replace Carl Fedders on the BCATS Technical Committee
- Todd Gerber to replace Carl Fedders on the Dickman Road Business Improvement District with a term to expire 10/01/2024
- John Hart to replace Carl Fedders on the Downtown Parking System Advisory Committee with a term to expire 04/13/2024
- Rodney Clifton to replace Carl Fedders on the Technical Review Committee with a term open-ended
- Kurt Tribbett to replace Carl Fedders on the Water System Advisory Council with a term to expire 12/04/2024

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Heather Robinson, Executive Assistant

**Department:** City Manager

**SUMMARY**

A Resolution appointment various staff members to replace former Department of Public Works Director Carl Fedders on various boards and committees.

**BUDGETARY CONSIDERATIONS**

There are none.

## **HISTORY, BACKGROUND and DISCUSSION**

The City has a need to replace former Department of Public Works Director Carl Fedders on various boards and committees. Staff worked with Mr. Fedders prior to his departure to identify the appropriate staff members best positioned to serve.

## **DISCUSSION OF THE ISSUE**

## **POSITIONS**

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### ATTACHMENTS:

File Name

Description

No Attachments Available



Resolution

NO. 49

A Resolution supporting submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Specialized Services funding.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That this Resolution supports the submittal of an application to MDOT by, and on behalf of, local human service agencies and Battle Creek Transit, for funds in the amount of \$108,434 to support transportation services to senior citizens and persons with disabilities in FY2024, covering the period of October 1, 2023 - September 30, 2024.

Moreover, the City of Battle Creek supports requests by area human services agencies of Section 5310 Capital funds to purchase vehicles and/or equipment used in providing transportation services to senior citizens and persons with disabilities.

The City Manager is also authorized to execute MDOT and third-party agreements with local agencies on behalf of the City of Battle Creek for FY2024 Specialized Services funds.

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Donna Hutchison, Grants Program Administrator

**Department:** Transit

**SUMMARY**

A Resolution supporting submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Specialized Services funding.

**BUDGETARY CONSIDERATIONS**

There are no City funds requested in this grant application. All funding will come from MDOT.

**HISTORY, BACKGROUND and DISCUSSION**



Each year at this time, Battle Creek Transit works with area human service agencies and organizations to develop and submit grant applications to MDOT. Funds requested in these grant applications are available under MDOT's Specialized Services and Section 5310 programs to help eligible agencies and organizations provide transportation services to senior citizens and persons with disabilities. Community Action, Community Inclusive Recreation, Marian E. Burch Adult Day Care and Battle Creek Transit are requesting a portion of \$108,434 in Specialized Services funds to help provide these services. The actual allocation of these funds for FY2024 to these agencies was determined and approved by Battle Creek Transit's Local Coordinating Committee (LCC) at its meeting on January 10, 2023.

The application was developed as part of Battle Creek Transit's "Outreach Plan" that was created in response to a request by the City Commission, as well as a review by MDOT of its grant procedures and how they impacted grantees. This included timely notification of the availability of State transportation funds to area agencies and technical assistance to help these agencies develop and submit applications.

Additionally, Specialized Services and Human Service Agencies are responsible for submitting their own capital requests to the State for capital funds under the Section 5310 program to purchase new or replacement vehicles and/or equipment. Approval or denial of their applications be made by MDOT based upon established guidelines, criteria, and availability of funding.

The Vehicle Accessibility Plans (VAPs) for all agencies requesting funding were reviewed by Battle Creek Transit's Local Advisory Council (LAC) at its meeting on January 17, 2023.

This Resolution supports the submittal of the application by the City on behalf of the human service agencies to MDOT for State funds for FY2034 beginning October 1, 2023. The Resolution also authorized the City Manager to execute agreements with MDOT and the human service agencies for FY2024 Specialized Services funds.

## **DISCUSSION OF THE ISSUE**

### **POSITIONS**

The Local Coordinating Committee (LCC) met on January 10, 2023 and discussed the Specialized Services application and allocated the Specialized Services funding as noted in the Specialized Services application. The Local Advisory Council (LAC) met on January 17, 2023 and reviewed and discussed the human service agencies vehicle accessibility plans.

Battle Creek Transit supports the submittal of these applications to MDOT.

A public notice is posted and advertised allowing individuals the opportunity to review the proposed applications and provide comment.

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### **ATTACHMENTS:**

File Name	Description
❏ FY_24_Specialized_Services_Application.pdf	FY 24 Specialized Services Application
❏ LCC_Minutes_1.10.2023.pdf	LCC Minutes 1.10.2023

**Battle Creek Transit**

**339 West Michigan Ave.  
Battle Creek, MI 49037**

**(269) 966-3588**

**Urban Medium**

**Specialized Services/5310**

**Annual Budgeted**

**2024**

**Total Eligible Expenses: \$0**

**Comments: FY 2024 Annual Specialized Services application covering the period of October 1, 2023 to September 30, 2024.**

**Vehicle Allocations: Community Action - 10; Marian Burch - 8; Community Inclusive Recreation 6; Battle Creek Transit - 2**

**Battle Creek Transit**  
**Urban Medium**  
**Specialized Services/5310**  
**Annual Budgeted**  
**2024**

**Non Financial Schedule Report**

**Public Service**

<b>Code</b>	<b>Description</b>	<b>Agency</b>	<b>Volunteer</b>	<b>Total</b>
610	Vehicle Hours	36,790	0	36,790
611	Vehicle Miles	621,880	0	621,880
616	Unlinked Passenger Trips - Elderly	8,333	0	8,333
617	Unlinked Passenger Trips - Persons w/Disabilities	15,913	0	15,913
618	Unlinked Passenger Trips - Elderly Persons w/Disabilities	2,397	0	2,397

**Total Passengers: 26,643**

**Vehicle Information**

<b>Code</b>	<b>Description</b>	<b>Quantity</b>
655	Total Demand-Response Vehicles	25
656	Demand-Response Vehicle w/ Lifts	19
658	Total Transit Vehicles	25

**Total Vehicles: 25**

**Miscellaneous Information**

<b>Code</b>	<b>Description</b>	<b>Quantity DR</b>
-------------	--------------------	--------------------

**FY 2024 SPECIALIZED SERVICES**  
**BUDGET DATA FORM**

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**REVENUE SCHEDULE**

**FY 2024**

**Passenger Fares(paid by rider)**

\$ 15,000

**Contract Fares (paid by another organization)**

\$ 75,000

**Local (source)**

BC Community Foundation

\$ 10,000

United Way

\$ 5,000

Fundraiser

\$ 10,000

Calhoun County Senior Mil

\$ 500,000

501(c)3

\$ 110,000

\$

\$

\$

**State (source)**

Specialized Services

\$ 108,434

\$

**Federal (source)**

\$

\$

**Other (source)**

Program Revenue

\$ 131,622

Foster Grandparent Progra

\$ 5,000

Program

\$ 4,000

\$

**Total Operating Revenue**

\$ 974,056

**EXPENSE SCHEDULE**

**Labor and Fringe Benefits**

\$ 519,856

**Services, Materials and Supplies (gas, oil, work performed by another agency)**

\$ 236,000

**Casualty and Liability insurance**

\$ 53,522

**Purchased Transportation Service Within Service Area**

\$

<b>Leases and Rentals</b>	\$ <input type="text"/>
<b>Depreciation and Amortization</b>	\$ <input type="text" value="87,000"/>
<b>All Other</b>	\$ <input type="text" value="56,656"/>
<b>Total Operating Expenses</b>	\$ <input type="text" value="953,034"/>

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**A. DOES YOUR COORDINATION COMMITTEE MEET AT LEAST QUARTERLY?**

☒ Yes ☐ No

**B. Identify the coordination committee's basic responsibilities. Provide a brief narrative of activities and/or major accomplishments the committee achieved in the previous fiscal year. Consider the following examples of activities: community events, customer input opportunities, designated leadership roles, coordination of client rides, development of specific goals and objectives, clearinghouse, central dispatch, joint driver training programs, shared maintenance, performance reviews, and budget management.**

The Local Coordinating Committee (LCC) votes specifically to allocate Specialized Services funds to human service agencies. Battle Creek Transit refers riders to other agencies when it is not able to provide transportation to them as requested.

**C. DESCRIBE PLANNED ACTIVITIES FOR THE NEXT FISCAL YEAR.**

Each of the specialized service agencies will continue to provide transportation to senior citizens or persons with disabilities for a wide array of activities whether it be employment or work programs, medical related appointments, or simply social/recreational activities to the best of their abilities with staffing shortages affecting everyone at this time.

**D. Organizations must ensure that the level and quality of service will be provided without regard to race, color, or national origin and that these groups are not adversely affected by service changes. Please describe your efforts to comply with this requirement.**

BCT's Title VI Plan, including a LEP Plan was submitted to FTA's Region V in December 2022 in accordance with FTA's Title VI Circular. BCT is updating it's schedules and will continue its outreach efforts by providing them in Spanish and Burmese as well. Our website is able to be translated to almost any language by clicking a button found on the bottom of the web page. Each of the specialized service agencies also agree to provide service without regard to race, color, or national origin.

E. Act 51 requires proposals for coordinated Specialized Services assistance funding be developed jointly between existing eligible authorities or eligible governmental agencies that provide public transportation services and the area agencies on aging or any other organization representing specialized services interests.

**COORDINATION COMMITTEE PARTICIPATION** (List the people who have participated and the agency they represent.)

<b>NAME</b>	Terry Youmans	<b>AFFILIATION</b>	Community Action
<b>NAME</b>	Mark Woodford	<b>AFFILIATION</b>	Citizen using services & LAC Member
<b>NAME</b>	Paul Ecklund	<b>AFFILIATION</b>	Disability Network
<b>NAME</b>	Mary Frisby	<b>AFFILIATION</b>	Marian Burch Adult Day Care
<b>NAME</b>	Andy Tilma	<b>AFFILIATION</b>	Battle Creek Area Transportation Study
<b>NAME</b>	Jerry Sigourney	<b>AFFILIATION</b>	Citizen using services & LAC Member
<b>NAME</b>	Rhonda Ostrander-Cook	<b>AFFILIATION</b>	Community Inclusive Recreation
<b>NAME</b>	Mallory R. Avis	<b>AFFILIATION</b>	Battle Creek Transit

## FY 2024 SPECIALIZED SERVICES SERVICE DESCRIPTION

Name Of Applicant (legal organization name)

Battle Creek, City of

### A. Provide the following information for your proposed service

Regular Service/Paid Driver.

Description of service and information for applicant and/or each sub-applicant as applicable (service area, schedule, type of service, etc.).

Specialized Services FY24 program is anticipated to be provided by the following agencies, all of which will be reimbursed on a per passenger basis & will utilize paid drivers & agency vehicles that have been funded following Section 5310 guidelines:

- 1) Community Action will provide demand response, door-to-door transportation services for senior citizens & persons with disabilities in Calhoun County, including rural areas. Services will be provided Monday-Friday, 8am - 5pm & Saturday 8am - 12pm. Rides will be schedule by telephone reservations.
- 2) Community Inclusive Recreation-provides accessible, supported door-to-door transportation for people with disabilities & seniors to employment, work & skill building programs, recreation, arts & community events. Services are scheduled rides, on demand, 8am - 9pm depending upon availability
- 3) Marian Burch provides ridership to those living in Calhoun County, Monday thru Friday from 7:30 am to 4:30 pm. This service is a door-to-door scheduled service for those attending the adult day care center.
- 4) Battle Creek Transit provides demand response services beyond what is required of complimentary paratransit. This service is open to the general public but primarily serves seniors & people with disabilities who do not meet ADA qualifications.

Note: Available funding for the area will be the same as the current fiscal year. Funds may be redistributed among subrecipients by agreement of the Coordination Committee.

Below, please provide the continuation funds being requested by the applicant...etc.

Applicant:

Dollar Amount Requested  ☐ by Mile Estimated Miles

Dollar Amount Requested  ☒ by Passenger Estimated Passengers

Do you have sub-applicants? ☐ Yes ☒ No

Volunteer Driver Service

Do You have volunteer Drivers? ☐ Yes ☒ No



**Describe training efforts relating to boarding equipment/assistance, sensitivity, etc, for agency staff and volunteer drivers. Provide information for applicant and/or each sub-applicant as applicable.**

- 1) Community Action: Boarding Equipment/Assistance-Drivers attend monthly meetings which include training & updates for assisting clients with walkers or in wheelchairs, proper wheelchair securement, operation of the wheelchair lift, securing the occupant, & what to do in case of an accident or emergency. Drivers are also trained in the proper use of boarding equipment such as wheelchair straps & lap belts. Sensitivity-Monthly meetings include training that prepare drivers to perform their duties while maintaining a respectful attitude towards every client. Drivers are trained to use "People First" language resources, to understand that not every disability is visible & to treat every client in a respectful manner. Other-Changes & updates to Policy & Procedures are discussed in monthly staff meetings. Transportation staff attend MassTransit conferences annually as funding will allow. Partnering agencies maintain & share a knowledge & training base of the changing needs of their clients & local state requirements for the program.
- 2) Community Inclusive Recreation: All drivers are trained in boarding assistance, recipient rights, people first language, person centered planning, & the culture of gentleness. They all have had CPR/First Aid training & maintain current certifications. They are also trained in de-escalation & non-violent intervention techniques. They receive special training on lift operation & tie downs for various designs of wheelchairs & other equipment.
- 3) Marian Burch: The training program for those providing services through the day care is as follows: Training orientation that covers using lockdowns for vehicles, vehicle inspection, driving each route with the assigned driver so they understand the county, use of gait belts and the wheelchair lift, in-service mandatory training on client rights, bloodborne pathogens, behavior management, Alzheimer's Dementia, Cognitive Impairment, Ethics, Elder Justice Act, Infection Control, Personal Protective Equipment, Diversity and Inclusivity, and many others.
- 4) BCT: Drivers complete Passenger Assistance Safety & Sensitivity (PASS) basic driver training. Drivers are trained on how to use wheelchair lifts/ramps & the proper method for securing mobility devices into the vehicles. All staff are provided customer service, equality, and diversity training. BCT provides training for new hires on the routes, all aspects of boarding & transporting passengers, & other needed trainings such as Title VI, HIPPA, confidentiality, etc. Staff receives periodic refresher training on all of the above mentioned items.

**BATTLE CREEK TRANSIT LOCAL COORDINATING COMMITTEE**  
**339 W. MICHIGAN AVENUE**  
**BATTLE CREEK, MICHIGAN**  
**January 10, 2023**  
**1:30 PM**

**Committee Members Present:** Paul Ecklund, Mallory Avis, Mary Frisby, Rhonda Ostrander-Cook, Andy Tilma and Terry Youmans

**Committee Members Absent:** Jerry Sigourney and Mark Woodford

**Others Present:** Kelly Linton

**Staff Members Present:** Marcel Stoetzel, Deputy City Attorney: Donna Hutchison, Transit Grants Administrator: Alicia Greene, Deputy City Clerk: Kristy Grestini, Transit Mobility Manager

**Call to Order/Recognition of Quorum:** Mr. Ecklund called the meeting to order at 1:30 PM, recognizing that a quorum was present.

**Approval of Agenda of the January 10, 2023 Meeting:**

A motion was made by Ms. Frisby, supported by Ms. Ostrander-Cook, to approve the agenda. All in favor, none opposed. Motion approved.

**Approval of Minutes of September 13, 2023 Meeting:**

A motion was made by Mr. Tilma, supported by Mr. Youmans, to approve September 13, 2023 meeting minutes. All yes, none opposed. Motion approved.

**Communications to the Committee:** Ms. Avis shared the resignation of Mr. Charles Asher, who has retired and the introduction of Mr. Terry Youmans, as his replacement.

Ms. Avis noted the LAC meeting for today has been cancelled due to lack of quorum, once rescheduled everyone will be notified.

**Reports from Officers:** None

**General Public Comment:** None

**Old Business:** None

**New Business:**

**A. Welcome New Member-Terry Youmans from Community Action**

**B. Discuss Chairperson election**

- A motion was made by Mr. Tilma, supported by Ms. Frisby, to elect Paul Ecklund to be the Chair and Terry Youmans to be the Vice Chair of the Local Coordinating Committee. All yes, none opposed. Motion approved.

**C. Review proposed FY2024 Specialized Services Application/Funding Allocations**

- Transit Application Specialized Services & 5310 apps due to MDOT February 1, 2023 in which we are requesting \$108,434.00 to be distributed as follow;
  - a. Marion Birch-13,156
  - b. CIR-50,100
  - c. CAA-24,156
  - d. BCT-21,022
- A motion was made by Mr. Youmans, supported by Ms. Ostrander-Cook, to submit the proposed funding request. All yes, none opposed. Motion approved.

**D. Discuss Transit State Application-** Ms. Avis provided an overview of what BCT is requesting from the State. Ms. Avis stated the request is for continuation funding for a majority of our services with the exception of BCGo and Mobility Management activities where we will be requesting expansion funding. With the hopes of bringing back full service in 2024.

Ms. Avis noted phase 1 of the BCGo project was funded through the State of Michigan for one year. Phase 2 covered operation costs only and the proposed final phase 3 would be to include additional service providers.

**E. Discuss Timetable for MDOT reminders:**

- Transit Applications, Specialized Services & 5310 Applications are due by February 1, 2023
- Make sure to post your public notice
- Send Andy Tilma any Capital requests

**F. Agency Updates**

- **Battle Creek Transit:** Discussed service reductions, noting difficulty finding qualified CDL drivers.
- **Community Action:** Currently in need of CDL drivers.
- **Community Inclusive Recreation:** Currently running near or at full capacity, also in need of CDL drivers.
- **Marian E. Burch:** Opened Dec 5<sup>th</sup>, decent turn out, are in need of staff and drivers. Have working with CAA to provide rides when needed.
- **Other:** Ms. Avis noted an additional applicant for Specialized Services funding, from Kingdom Builders, however the application was not complete and could not be brought before you today. Once the required information is complete and received it will be brought before this committee.

**Announcements:**

A. **Next Meeting:** June 13, 2023 at 1:30 p.m. at Transit.

B. **Committee Member Comment:** Member comment took place.

**Adjournment:** The meeting was adjourned at 2:03pm.



Resolution

NO. 50

A Resolution replacing Chief Jim Blocker with Interim Chief Shannon Bagley on the Calhoun County Consolidated Dispatch Authority (CCCD) Board and the RMS Governing Board.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That Interim Police Chief Shannon Bagley is appointed to the Calhoun County Consolidated Dispatch Authority (CCCD) Board and RMS Governing Board, replacing Chief Jim Blocker pending approval by the respective boards.

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Heather Robinson, Executive Assistant

**Department:** City Manager

**SUMMARY**

A Resolution replacing Chief Jim Blocker with Interim Chief Shannon Bagley on the Calhoun County Consolidated Dispatch Authority (CCCD) Board and the RMS Governing Board.

**BUDGETARY CONSIDERATIONS**

There is none.

**HISTORY, BACKGROUND and DISCUSSION**

With his pending retirement, there is a need to replace Police Chief Jim Blocker with Interim Chief Shannon Bagley on the Calhoun County Consolidated Dispatch Authority (CCCD) Board and RMS Governing Board.

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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ATTACHMENTS:

File Name

Description

No Attachments Available



Resolution

NO. 51

A Resolution appointing Mark Steinbrunner and reappointing Deboraha Sallee to the Historic District Commission.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That Mark Steinbrunner is appointed to the Historic District Commission, replacing Adam Reid with a term ending 01/01/2026.

That Deboraha Sallee is reappointed to the Historic District Commission with a term ending 01/01/2026.

---

Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Heather Robinson, Executive Assistant

**Department:** City Manager

**SUMMARY**

A Resolution appointing Mark Steinbrunner and reappointing Deboraha Sallee to the Historic District Commission.

**BUDGETARY CONSIDERATIONS**

There is none.

**HISTORY, BACKGROUND and DISCUSSION**


This Commission is charged under State Law and local ordinance with reviewing plans for the exterior modification or demolition of buildings within the Federal, State, or Local Historic Districts. It is composed of seven (7) members who shall reside in the City, and one of whom shall be a duly registered architect. The appointing authority is the Mayor with concurrence of the City Commission.

**DISCUSSION OF THE ISSUE**

**POSITIONS**

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**ATTACHMENTS:**

<b>File Name</b>	<b>Description</b>
 Steinbrunner__Mark_-_2022.pdf	Steinbrunner, Mark - 2022
 Sallee__Deboraha_-_2022.pdf	Sallee, Deboraha - 2022
 Historic_District_Commission.docx	Historic District Commission

## Heather Robinson

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**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)

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#### 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.

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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.

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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.

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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>
------	-----------------------------

---

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.

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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.

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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.

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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>
------	-----------------------------

---

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.

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Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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#### Goguac Lake Board

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

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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.

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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.

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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

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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

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**From:** noreply@civicplus.com  
**Sent:** Wednesday, December 14, 2022 3:02 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	Deboraha L. Sallee
Are you 18 years or older?	Yes
Home address	69 Boyd Street
City	Battle Creek
State	MI
Zip code	49037-2701
Email address	deborahasallee@aol.com
Home phone	269.968.1072
Work phone	Retired
Cell phone	269.317.7139
Current occupation (students, list school activities)	Retired from the City of Battle Creek in 2020
Employer and work address (students, list school)	Retired from City of Battle Creek in 2020
Educational background/degrees	Graduated from Battle Creek Central 1965, took some College Classes in Accounting at Kellogg Community College in 1973

(students, list current year  
in school)

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

PLEASE SEE ATTACHED BIO. Thank you. There is not  
enough space on this link space for me to put everything.

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

PLEASE SEE ATTACHED BIO. Thank you. There is not  
enough space on this link space for me to put everything.

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

I was born in 1947 and have been a resident of Battle Creek for 75 years and I have always loved and enjoyed exploring the History of our city and as see some buildings in the Historic districts of Battle being demolished because of age or people of the city wanting to upgrade their property with fences, roofs, overhangs, etc. I would like to be able to make a decision based on whether these additions or changes would effect the site and ask questions when it comes to demolishing a fixture. Over the years I have seen how neighborhoods have been demolished and other sites put in and I know this because my grandmother lived on Plum Street which was in a section of Battle Creek that was called the bottoms it was off of Dickman Rd.. I was young and did not have a voice but it caused her a lot of heartache and grief to be put out of her house with know where to go except with her daughter and son-in-law which were my parents, I also remember when they demolished houses on the east end of town where I lived which was on Lansing Avenue and me and my family had to move. So it is because of these issues that I would like to be on the Historical District Commission so I will be able to have input into these issues. I could go on with what I have seen in Battle Creek but I believe I have given you enough reasons why I would like to set on this board. Also Mayor Mark Benkhe asked me if I would like to set on a commission board because he would like to see me on one. Thank you.

Attach additional  
information

[Bio Deboraha Lee {Burgess} Sallee - Updated 12-14-2022 PDF.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.*

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Electronic Signature	Deboraha L. Sallee
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Date	December 14, 2022
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(Section Break)

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#### 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.**

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Race/Hispanic Origin	American Indian and/or Alaska Native, Black or African American
----------------------	-----------------------------------------------------------------

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Sexual Orientation	Straight/heterosexual
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---

Gender	Woman
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Do you have a disability?	No
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(Section Break)

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#### 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.

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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

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

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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.

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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.

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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.

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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>
------	-----------------------------

---

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>
------	-----------------------------

---

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.

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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>
Experience	<i>Field not completed.</i>
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>
Experience	<i>Field not completed.</i>
Economic Development Corporation	
Alleviates unemployment conditions, assists in industry retention and promotes the general welfare of Battle Creek.	
Rank	<i>Field not completed.</i>
Experience	<i>Field not completed.</i>
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>
Experience	<i>Field not completed.</i>
Historic District Commission	
Reviews plans for exterior modifications or demolition of buildings within the federal, state, or local historic districts.	
Rank	1
Experience	History, Live in BC city limits
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>
------	-----------------------------

---

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>
------	-----------------------------

---

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

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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>
------	-----------------------------

---

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>
------	-----------------------------

---

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>
------	-----------------------------

---

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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## **Historic District Commission**

**Authorization:** Public Act 169 of 1970 of the State of Michigan provided for the establishment of a Historic District Study Commission; and, further, Ordinance No. 22-81, adopted October 6, 1981, allowed for the establishment of a Historic District Commission to implement said Ordinance.

**Appointing Authority:** Mayor with concurrence of City Commission.

**Purpose:** See Authorization above.

**Membership:** Seven (7) members who shall reside in the City, one (1) of whom shall be a graduate of an accredited school of architecture, (2) years of architectural experience, or an architect registered in the state, if available. The bylaws and authorizing State Statute provides that the Mayor shall appoint at least (2) members from a list of citizens submitted by (1) or more duly organized local historic preservation organizations.

**Term:** Three-year terms.

**Special Requirement:** Members are limited to two consecutive terms by ordinance and the bylaws.

**Compensation:** None.

**Members:**

<b>Name:</b>	<b>Email/Contact Info:</b>	<b>Term Expires:</b>
<a href="#">Deboraha Sallee</a>	<a href="mailto:deborahasallee@aol.com">deborahasallee@aol.com</a>	01/01/2023
<a href="#">Adam Reid</a>	<a href="mailto:areidbc@gmail.com">areidbc@gmail.com</a>	01/01/2024
<a href="#">Gerardyne Drozdowski</a>	<a href="mailto:gdrozdowski@wnj.com">gdrozdowski@wnj.com</a>	01/01/2024
<a href="#">Cody Newman</a>	<a href="mailto:cnewman0330@gmail.com">cnewman0330@gmail.com</a>	01/01/2025
<a href="#">Jana Davis</a>	<a href="mailto:janamdavis73@yahoo.com">janamdavis73@yahoo.com</a>	01/01/2025
<a href="#">Ross Simpson</a>	<a href="mailto:clarasmail@sbcglobal.net">clarasmail@sbcglobal.net</a>	01/01/2025
<a href="#">Kurt Thornton</a>	<a href="mailto:thorntonkurt@att.net">thorntonkurt@att.net</a>	01/01/2026
<b>City Commission Liaison:</b>		
Commissioner Jenasia Morris	<a href="mailto:jmmorris@battlecreekmi.gov">jmmorris@battlecreekmi.gov</a>	Open



Resolution

NO. 52

A Resolution reappointing Robert Gilbert to the Sustainable Battle Creek Committee.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That Robert Gilbert is reappointed to the Sustainable Battle Creek Committee, with a term to expire on 01/08/2025.

---

Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Heather Robinson, Executive Assistant

**Department:** City Manager

**SUMMARY**

A Resolution reappointing Robert Gilbert to the Sustainable Battle Creek Committee.

**BUDGETARY CONSIDERATIONS**

There is none.

**HISTORY, BACKGROUND and DISCUSSION**

On December 4, 2007, the Battle Creek City Commission established the Environmental Policy Study Committee. The purpose of the Committee, as established, is to 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% by 15 renewable energy policy goal adopted in March, 2007.

The membership of the Committee, many of whom were original members, believed that a refinement of the Committee's purpose statement was needed, along with a more reflective Committee name, so on June 18, 2013, the City Commission approved changing the name of the committee from Environmental Policy Study Committee to Sustainable BC Committee, and updated the purpose statement.

On December 19, 2017, the membership guidelines were updated to allow the Mayor and City Commission to appoint one member of the City Commission as an alternate to attend meetings only in the event of the unavailability of an appointed City Commission member.

## **DISCUSSION OF THE ISSUE**

## **POSITIONS**

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### ATTACHMENTS:

File Name	Description
Robert_Gilbert_-_2022.pdf	Robert Gilbert - 2022
Sustainable_Battle_Creek_Committee.docx	Sustainable Battle Creek Committee

## Heather Robinson

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**From:** noreply@civicplus.com  
**Sent:** Friday, December 23, 2022 7:38 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	Robert E Gilbert Jr
Are you 18 years or older?	Yes
Home address	6380 Purdy Dr
City	Battle Creek
State	Michigan
Zip code	49017
Email address	bgilber@outlook.com
Home phone	<i>Field not completed.</i>
Work phone	<i>Field not completed.</i>
Cell phone	2694251122
Current occupation (students, list school activities)	Operations Director
Employer and work address (students, list school)	6380 Purdy Dr
Educational background/degrees	Master of Liberal Arts, Sustainable Environmental Management, Harvard University - Bachelor Business



(students, list current year in school)	Administration, Computer Information Systems, Western Michigan University
List any appointed positions, boards, commissions, or committees on which you have served, and years of service	Currently appointed the Sustainable BC Committee
List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations)	<i>Field not completed.</i>
Briefly explain your interest, experience, and/or qualifications for the boards for which you are applying	I have spent a considerable portion of my professional and academic life promoting, developing, and implementing environmental stewardship and efficiency programs. I believe I can be a valuable member of the Sustainable BC Committee
Attach additional information	<i>Field not completed.</i>
Electronic Signature Agreement	I agree.
<i>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.</i>	
Electronic Signature	Robert E Gilbert Jr
Date	12/23/2022
(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. <b>Providing the following information is optional, and if you wish to leave this section blank or incomplete, it will not affect your potential membership.</b>	
Race/Hispanic Origin	White
Sexual Orientation	<i>Field not completed.</i>

Gender Man

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Do you have a disability? No

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(Section Break)

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#### 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.

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Rank *Field not completed.*

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Experience *Field not completed.*

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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.

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Rank *Field not completed.*

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Experience *Field not completed.*

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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.

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Rank *Field not completed.*

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Experience *Field not completed.*

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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#### Goguac Lake Board

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

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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.

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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.

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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.

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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

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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

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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.

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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.

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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.

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Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Planning Commission

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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.

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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.

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Rank	1
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Experience	Environmental, Business representative
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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.

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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.

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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.

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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.

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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.

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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.](#)

## **SUSTAINABLE BATTLE CREEK COMMITTEE**

<u>Authorization:</u>	Resolution No. 41, adopted by the City Commission on December 4, 2007, established the Environmental Policy Study Committee. Resolution No. 158, adopted June 18, 2013, changed the name of the committee to be the Sustainable BC Committee, and updated its purpose. Resolution No. 36, adopted December 19, 2017, changed the membership guidelines to allow for the appointment of Commissioner Alternates.
<u>Appointing Authority:</u>	City staff members of the Committee shall be appointed by the City Manager and the remaining Committee members shall be appointed by the Mayor and City Commission. The Mayor and City Commission is authorized to also appoint one member of the City Commission as an alternate to attend meetings only in the event of the unavailability of an appointed City Commission member.
<u>Purpose:</u>	The purpose of the Committee is to increase the city's efforts to incorporate environmentally responsible, cost-effective policy in the planning, administration and economic development of its built infrastructure and natural resources. The committee may make recommendations to the city commission for its consideration and will be available to the commission as a resource on sustainable policy.
<u>Members:</u>	<p>The Committee may have up to 19 members and will review and recommend environmental/conservation policy for the City, including recommendations for action to the City Commission. The Committee shall be composed of up to four City Commissioners, two city staff, as well as representatives from the community. Community representatives shall reside in the City of Battle Creek, or represent:</p> <ul style="list-style-type: none"><li>--small business located in the City of Battle Creek</li><li>--moderate to large business located in Battle Creek</li><li>--conservation experience</li><li>--manufacturing experience</li><li>--recreation experience</li><li>--legal or technical experience in environmental issues</li><li>--other interests as determined to be appropriate by the Commission.</li></ul>
<u>Term:</u>	Two Years
<u>Compensation:</u>	None.
<u>Members:</u>	(Next Page)

Members:

<b>Name:</b>	<b>Address:</b>	<b>Term Expires:</b>
<a href="#">Jill Anderson</a>	12 Lakeside Dr., Battle Creek, MI 49015	01/08/2023
<a href="#">Keona Ackley</a>	246 S. 20th St., Battle Creek, MI 49015	01/08/2023
<a href="#">Robert Gilbert</a>	6380 Purdy Dr., Battle Creek, MI 49017	01/08/2023
Andy Helmboldt	303 Sherman Rd., Battle Creek, MI 49015	01/16/2024
<a href="#">Barry Skutt Jr.</a>	384 Main St., Battle Creek, MI 49014	01/16/2024
Bessie Stears, Environmental Program Coordinator	PO Box 1717, Battle Creek, MI 49016	01/16/2024
<a href="#">Franklin Drury</a>	14 Spartan Drive, Battle Creek MI 49037	01/16/2024
Kathy Antaya	117 Parkridge Drive, Battle Creek, MI 49037	01/16/2024
Mark Behnke, Mayor	PO Box 1717, Battle Creek, MI 49016	01/16/2024
Patty Hoch-Melluish, Environ. & Stormwater Manager	PO Box 1717, Battle Creek, MI 49016	01/16/2024
Sarah Kelly	Calhoun County Public Health Department	01/16/2024
<a href="#">Janine A Reed</a>	70 W. Michigan Ave. Ste. 810, Battle Creek, MI	01/08/2024
Vacant		
Vacant		
<b>Commission Alternate:</b>		
Vacant		
Vacant		
Vacant		
Vacant		
Vacant		
Vacant		



Resolution

NO. 53

A Resolution authorizing the City Manager to employ retiree Bradley Waite on a part-time basis under 296.09(c).

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That, the City Manager is authorized to employ retiree Bradley Waite on a part-time basis to support a temporary training need in the Finance Department.

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Michelle Hull, HR Director

**Department:** Human Resources

**SUMMARY**

A Resolution authorizing the City Manager to employ retiree Bradley Waite on a part-time basis under 296.09(c).

**BUDGETARY CONSIDERATIONS**

This temporary, part-time employment offer is for \$42.81/hour for all hours worked. Weekly hours are not-to-exceed 20 hours per week unless an emergency requires additional hours devoted to service and annual hours are not-to-exceed 1,000 per calendar year. Due to the part-time and temporary nature of the role, the position is ineligible for all fringe benefits. It is estimated that this temporary need will not last past the end of this fiscal year.

**HISTORY, BACKGROUND and DISCUSSION**

Pursuant to Employment Provision 296.09 " (c) No person shall be employed by the City, or paid with City funds, who has retired under the provisions of . . . the Michigan Municipal Employees' Retirement System . . . The City Manager may make exceptions to this provision, with the approval of the City Commission, when . . . "she" feels the interests of the City would be served thereby."

Brad Waite, retired Budget Officer, will be assisting the Finance department in training and guidance through the FY24 Budget Process. Brad's previous experience and specialized knowledge with the City's budget preparation is needed for training current budget officers who have not yet had the opportunity to work through a full budget process due to being new to their position. The City Manager believes that the interests of the City would be best served by making an exception to the general prohibition of re-employing City Retirees.

## **DISCUSSION OF THE ISSUE**

## **POSITIONS**

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### ATTACHMENTS:

File Name

Description

No Attachments Available



Resolution

NO. 54

A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Service Development and New Technology Program (SDNT) funding.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That this Resolution supports the submittal of an application to MDOT on behalf of Battle Creek Transit for capital funds in the amount of \$500,000 under MDOTs Service Development and New Technology (SDNT) Program. If awarded this funding, this Resolution also supports the acceptance and execution of the grant award.

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Donna Hutchison, Grants Program Administrator

**Department:** Transit

**SUMMARY**

A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for Service Development and New Technology Program (SDNT) funding.

**BUDGETARY CONSIDERATIONS**

Up to 80 percent of federal funding assistance is provided with the balance coming from state matching funds.

**HISTORY, BACKGROUND and DISCUSSION**

Battle Creek Transit (BCT) is seeking funding for the continuation and expansion of our Calhoun County Coordinated Mobility Pilot, operating as BCGo.

Through the development and launch of the Calhoun County Mobility Pilot, BCT has been successful in expanding access to public transportation while remaining affordable, reliable, and accessible. Although launching during a pandemic imposed challenges on creating partnerships and developing a centralized

dispatch system, coordination between providers remains our priority as we move forward.

Previous transportation studies have identified key deficiencies in transportation options for rural residents as well as the elderly, disabled, and low-income residents of Calhoun County. The goals of our pilot center around the feasibility of coordinating service with other local transportation providers in the area, with focused efforts on providing public transportation to areas previously un(der)served. Through this next phase, it is our intent to collaborate with another local transit provider to implement coordination and address the limitations that operating as a stand-alone agency creates.

The goals of this project are:

- create partnerships between existing transportation providers in Calhoun County
- improve access to affordable public transportation
- expand service area through coordination of services
- improve scheduling efficiency through utilization of a technology enabled platform shared by coordinating partners
- increase vehicle efficiency and utilization

As originally planned, this pilot will continue to expand demand responsive transportation throughout Calhoun County. Through the coordination of services, we intend to implement a centralized dispatch system with the ability for coordinating partners to book on each provider's vehicles.

BCT will provide administration support to collaborating partner(s) through training, incorporation of provider's vehicles to existing technology platform, and daily operations. By leveraging our existing technology platform and expanding the number of vehicles able to provide service, we are able to coordinate services, program eligibility, and improve efficiency among fleets while decreasing any potential for duplication of service. These efficiencies and increased ridership provide the opportunity for decreased operating expenses and increased revenues for collaborating agencies.

## **DISCUSSION OF THE ISSUE**

### **POSITIONS**

There are no City funds requested in this grant application.

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### **ATTACHMENTS:**

File Name	Description
📎 FY_24_SDNT_Application.pdf	FY 24 SDNT Application

**FY 2024 SERVICE DEVELOPMENT AND NEW  
TECHNOLOGY (SDNT) APPLICATION**

**Name Of Applicant (legal organization name)**

City of Battle Creek / Battle Creek Transit

**Name of Applicant's Project Manager** Mallory R. Avis

**Project Manager Phone #** 2699663588

**Project Manager Email Address** mravis@battlecreekmi.gov

**Project Title** BCGo Phase 3 - Continuation AND Expansion

Project Objective (Explain why the project is needed, what is the existing issue to be resolved, what is the purpose or goal of the project, how will this project resolve the issue, who will benefit from the project, and who is the target audience of the project. How will you achieve the project's purpose or goal? Who will conduct the project? What methods do you anticipate using and why do you prefer these methods? Why do you think these methods are the best choice for the target audience and what are the anticipated results? How will you communicate these results to the target audience? Please include any additional relevant information about the project and its expected impacts and outcomes.)

Battle Creek Transit (BCT) is seeking funding for the continuation and expansion of our Calhoun County Coordinated Mobility Pilot, operating as BCGo.

Through the development and launch of the Calhoun County Mobility Pilot, BCT has been successful in expanding access to public transportation while remaining affordable, reliable, and accessible. Although launching during a pandemic imposed challenges on creating partnerships and developing a centralized dispatch system, coordination between providers remains our priority as we move forward.

Previous transportation studies have identified key deficiencies in transportation options for rural residents as well as the elderly, disabled, and low-income residents of Calhoun County. The goals of our pilot center around the feasibility of coordinating service with other local transportation providers in the area, with focused efforts on providing public transportation to areas previously un(der)served. Through this next phase, it is our intent to collaborate with Marshall DART to implement coordination and address the limitations that operating as a stand-alone agency creates.

The goals of this project are:

- ☐ create partnerships between existing transportation providers in Calhoun County
- ☐ improve access to affordable public transportation
- ☐ expand service area through coordination of services
- ☐ improve scheduling efficiency through utilization of a technology enabled platform shared by coordinating partners
- ☐ increase vehicle efficiency and utilization

As originally planned, this pilot will continue to expand demand responsive transportation throughout Calhoun County. Through the coordination of services, we intend to implement a centralized dispatch system with the ability for coordinating partners to book on each provider's vehicles.

BCT will provide administration support to collaborating partner(s) through training, incorporation of provider's vehicles to existing technology platform and daily operations. By leveraging our existing technology platform and



**PROJECT AND DELIVERABLES: What will be produced and/or implemented using the results of this project?**

The key deliverables in this next phase of our pilot include:

- 1) Coordination of services between Battle Creek Transit and Marshall DART
- 2) Implementation of centralized dispatch system that improves scheduling for our collaborating organization, riders, and better utilization of vehicle capacities
- 3) A reduction in service denials should occur as cancellations and scheduling become more efficient
- 4) Improved access to public transit in areas previously un(der)served
- 5) Data from the CAD platform will be used to provide information on service demand, scheduling and unused capacity
- 6) Inform the creation of a countywide system

What is the timeframe for the project? Projects are expected to begin within six months of an executed authorization. Please complete estimated milestone dates:

Solicitation Issued:

Contract Awarded:

Contract Completed:

Services would begin/continue upon funding.

**PROJECT SUPPORT Note: Provide letters of support- if the project is within a transit agency's geographical area, letters of support and coordination from the local transit agency must be provided.**

**BUDGET (If project will have multiple activities, or is paid based on milestone progress, split budget accordingly; otherwise show as one activity with the total amount being requested.)**

ACTIVITY/ITEM	FEDERAL	STATE	LOCAL	TOTAL
Equipment & Software	\$ <input type="text" value="0"/>	\$ <input type="text" value="50,000"/>	\$ <input type="text" value="\$0"/>	\$ <input type="text" value="50,000"/>
Operations & Adminstratio	\$ <input type="text" value="0"/>	\$ <input type="text" value="390,000"/>	\$ <input type="text" value="\$0"/>	\$ <input type="text" value="390,000"/>
Vehicle Maintenance	\$ <input type="text" value="0"/>	\$ <input type="text" value="50,000"/>	\$ <input type="text" value="\$0"/>	\$ <input type="text" value="50,000"/>
Marketing	\$ <input type="text" value="0"/>	\$ <input type="text" value="10,000"/>	\$ <input type="text" value="\$0"/>	\$ <input type="text" value="10,000"/>
<b>TOTAL</b>	\$ <input type="text" value="\$0"/>	\$ <input type="text" value="\$500000"/>	\$ <input type="text" value="\$0"/>	\$ <input type="text" value="\$500000"/>

## FY 2024 ADA COMPLAINT INFORMATION

*You must retain copies of complaints for at least one year and a summary of all complaints for at least five years.*

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**Has the agency been named in any lawsuits or complaints in the last year which allege an individual was discriminated against or denied full participation in transportation based on disability.**

☐ Yes ☒ No

**In the last year, have you had ADA compliance review conducted on your transportation program as part of an overall FTA or MDOT Compliance Review?**

☐ Yes ☒ No

**Have any changes been made to your ADA Complaint Policy?**

☒ Yes ☐ No

Please provide an explanation of changes.

The ADA Coordinator has changed from Mallory Avis to Kristy Grestini.

**If your agency is operating inaccessible revenue vehicles, is equivalent service\* being offered to riders?**

\*Equivalent service means that all riders, including wheelchair users, must be provided with the same level of service.

☒ Yes ☐ No

I acknowledge that I have reviewed a copy of the Contract Clauses. I understand that the nature of the project will determine which requirements of the contract clauses apply and I will comply with all applicable clauses for all FTA-funded contracts for the application year.

**Name Of The Person Authorized To Sign A Contract Or Project Authorization**

Rebecca L. Fleury

**Legal Organization Name**

Battle Creek, City of

**Title Of Authorized Signer**

**Signature Of Authorized Signer \*\* (See Below)**

**Date**

City Manager

01/17/2023

**Governing Board Chair Information \*\*\*:**

**Name\***

Rebecca L. Fleury

**Phone\* (###)###-####**

269-966-3378

**Email\***

rlfleury@battlecreekmi.gov

\* If the organization has a master agreement with MDOT, **the organization name must match the name as it appears on the master agreement.** Organizations with multiple contracts must submit multiple contract clauses certifications.

\*\* If the organization has a master agreement with MDOT, the signature must be the same as the authorized signer of the master agreement or an individual with legal authority to sign a project authorization for the organization. Your agency can change, add or remove an authorized signer at any time by completing a signature resolution.

\*\*\* Chair of the governing board having supervisory powers over your agency.

## FY 2024 FTA CERTIFICATIONS AND ASSURANCES

### Name Of Applicant (legal organization name)

Battle Creek, City of

The Applicant agrees to comply with the applicable requirements of categories below. \* ☒  
Those requirements that do not apply to you or your project will not be enforced.

<u>Categories</u>	<u>Descriptions</u>
01.	Certifications and Assurances Required of Every Applicant.
02.	Public Transportation Agency Safety Plans.
03.	Tax Liability and Felony Convictions.
04.	Lobbying.
05.	Private Sector Protections.
06.	Transit Asset Management Plan.
07.	Rolling Stock Buy America Reviews and Bus Testing.
08.	Formula Grants for Rural Areas.
09.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.
10.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs.
11.	Alcohol and Controlled Substances Testing.
12.	Demand Responsive Service.
13.	Interest and Financing Costs.
14.	Emergency Relief Program.

FTA and MDOT intend that the certifications and assurances the Applicant has selected on this form should apply, as required, to each project for which the Applicant seeks FTA assistance during application year.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document, and acknowledges that the provisions of the program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 et.seq., and implemented by DOT regulations, 'Program Fraud Civil Remedies,' 49 CFR part 31 apply to any certification, assurance, or submission made to FTA. The criminal fraud provisions of 18 U.S. C. 1001 may apply to any certification, assurance, or submission made in connection with any program administered by FTA.

Name Of Applicant (legal organization name)

Battle Creek, City of

All FTA funds recipients, except for urban agencies that receive all of their FTA funds directly from FTA, must submit the following information that covers the period since your last MDOT application. First-time applicants should submit information for the previous fiscal year.

1. Are there any active lawsuits or complaints naming the applicant that allege discrimination based on race, color or national origin with respect to service or other transit benefits?

☐ Yes ☒ No

2. Have you had any Title VI compliance review activities conducted with regard to your transportation program, including triennial compliance reviews conducted by FTA and/or MDOT?

☐ Yes ☒ No

3. When was your last title VI program approved by MDOT or FTA  MM/DD/YYYY

4. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved?

☐ Yes ☒ No

5. Has your organization had any projects and/or service change that have Title VI, Limited English Proficiency (LEP), or Environmental Justice (EJ) impacts? Service change includes service expansion/reduction, route and/or hour changes, etc

☒ Yes ☐ No

a. Provide a brief description of these projects/service changes.

Fare increase on 7/1/2022.

b. What did you do to ensure that populations affected by the project and/or service change had meaningful access to and involvement in the development process?

Multiple public notices were published with opportunity for comment. A public workshop was held. A public hearing was held. A public meeting was held. A public commission meeting was held.

c. What is the number or percentage of LEP or EJ populations affected by the project and/or service change

This fare increase impacted all passengers equally.

**6. During this reporting period, how were your employees educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities?**

New employees are given a one-on-one training with the Transit Director or the Grants Program Administrator. Each individual is given a printout of the material covered and sign a form acknowledging receipt.



Resolution

NO. 55

A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for New Freedom Funding.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That this Resolution supports the submittal of an application to MDOT on behalf of Battle Creek Transit for continuation of operating funds in the amount of \$229,995 and \$82,500 in continuation of capital funds under MDOTs 5310/New Freedom Program. If awarded this funding, this Resolution also supports the acceptance and execution of the grant award.

---

Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Donna Hutchison, Grants Program Administrator

**Department:** Transit

**SUMMARY**

A Resolution supporting the submittal of an application to the Michigan Department of Transportation (MDOT) for FY2024 for New Freedom Funding.

**BUDGETARY CONSIDERATIONS**

Operating funds require a \$229,995 match. Capital funds require no local contribution.

**HISTORY, BACKGROUND and DISCUSSION**

The goal of the New Freedom program is to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the workforce and full participation in society. Lack of adequate transportation is a primary barrier for work for individuals with disabilities.

Mobility Management: to continue mobility management model that works at or with BCT to coordinate transportation and implement a centralized dispatch system which coordinates services between multiple

providers. The mobility manager works closely with community transportation partners, human services agencies, and organizations which serve vulnerable and underserved populations, and provides travel training, trip planning, and additional assistance to passengers.

Operating: provides for after hours demand response service which runs from 7 pm to 12 am Monday through Friday, 5 pm to 12 am Saturday, and 9 am to 6 pm Sunday serving seniors, people with disabilities, and general public. No fixed routes are operating during these hours.

This Resolution also authorizes the City Manager to execute any agreement for the funds requested in the attached application.

## **DISCUSSION OF THE ISSUE**

### **POSITIONS**

Battle Creek Transit supports the submittal of this application to MDOT.

---

### **ATTACHMENTS:**

<b>File Name</b>	<b>Description</b>
 FY24_New_Freedom_Application.pdf	FY24 New Freedom Application



**Battle Creek Transit**  
**339 West Michigan Ave.**  
**Battle Creek, MI 49037**

**(269) 966-3588**

**Urban Medium**

**New Freedom**

**Annual Budgeted**

**2024**

**Total Eligible Expenses: \$573,183**

**Comments: FY2024 New Freedom application for the period of October 1, 2023 through September 30, 2024. Local Match provided by City of Battle Creek General Fund.**

**Battle Creek Transit  
Urban Medium  
New Freedom  
Annual Budgeted  
2024**

**Revenue Schedule Report**

<b>Code</b>	<b>Description</b>	<b>LH</b>	<b>DR</b>	<b>Total</b>
<b>401 : Farebox Revenue</b>				
40100	Passenger Fares (-)		\$51,482	\$51,482
<b>409 : Local Revenue</b>				
40910	Local Operating Assistance (-)		\$332,506	\$332,506
<b>413 : Federal Contracts</b>				
41399	Other Federal Transit Contracts & Reimbursements (Explain in comment field) (-)		\$229,995	\$229,995
<b>Total Revenues: \$613,983</b>				

**Battle Creek Transit  
Urban Medium  
New Freedom  
Annual Budgeted  
2024**

**Expense Schedule Report**

<b>Code</b>	<b>Description</b>	<b>LH</b>	<b>DR</b>	<b>Amount</b>
<b>501 :</b>	<b>Labor</b>			
50101	Operators Salaries & Wages (-)		\$180,638	\$180,638
50102	Other Salaries & Wages (-)		\$94,988	\$94,988
<b>502 :</b>	<b>Fringe Benefits</b>			
50200	Fringe Benefits (-)		\$89,254	\$89,254
50210	DC Pensions (-)		\$6,242	\$6,242
50220	DB Pensions (-)		\$50,114	\$50,114
<b>503 :</b>	<b>Services</b>			
50302	Advertising Fees (-)		\$21	\$21
50305	Audit Costs (-)		\$1,228	\$1,228
50399	Other Services (-)		\$31,407	\$31,407
<b>504 :</b>	<b>Materials and Supplies</b>			
50401	Fuel & Lubricants (-)		\$27,026	\$27,026
50402	Tires & Tubes (-)		\$4,116	\$4,116
50499	Other Materials & Supplies (-)		\$20,916	\$20,916
<b>505 :</b>	<b>Utilities</b>			
50500	Utilities (-)		\$6,574	\$6,574
<b>506 :</b>	<b>Insurance</b>			
50603	Liability Insurance (-)		\$7,257	\$7,257
50699	Other Insurance (-)		\$1,158	\$1,158

**Battle Creek Transit  
Urban Medium  
New Freedom  
Annual Budgeted  
2024**

**Expense Schedule Report**

<b>Code</b>	<b>Description</b>	<b>LH</b>	<b>DR</b>	<b>Amount</b>
<b>507 :</b>	<b>Taxes &amp; Fees</b>			
50700	Taxes & Fees (-)		\$24	\$24
<b>509 :</b>	<b>Misc Expenses</b>			
50902	Travel, Meetings & Training (-)		\$284	\$284
50903	Association Dues & Subscriptions (-)		\$1,159	\$1,159
<b>512 :</b>	<b>Operating Leases &amp; Rentals</b>			
51200	Operating Leases & Rentals (-)		\$1,293	\$1,293
<b>513 :</b>	<b>Depreciation</b>			
51300	Depreciation (-)		\$38,802	\$38,802
<b>550 :</b>	<b>Ineligible Expenses</b>			
55000	Ineligible JARC and NF Fares (-)		\$-51,482	\$-51,482
55007	Ineligible Depreciation (-)		\$38,802	\$38,802
55009	Ineligible Percent of Association Dues (-)		\$140	\$140
55010	Other Ineligible Expense Associated w/Aux. & Nontrans (Explain in comment field) (-)		\$1,858	\$1,858

**Total Expenses: \$562,501**

**Total Ineligible Expenses: \$-10,682**

**Total Eligible Expenses: \$573,183**

**Battle Creek Transit  
Urban Medium  
New Freedom  
Annual Budgeted  
2024**

**Non Financial Schedule Report**

**Public Service**

Code	Description	Quantity LH	Quantity DR	Total
610	Vehicle Hours	0	1,121	1,121
611	Vehicle Miles	0	8,746	8,746
615	Unlinked Passenger Trips - Regular	0	25	25
616	Unlinked Passenger Trips - Elderly	0	142	142
617	Unlinked Passenger Trips - Persons w/Disabilities	0	142	142
618	Unlinked Passenger Trips - Elderly Persons w/Disabilities	0	17	17
622	Total Demand-Response Unlinked Passenger Trips	0	326	326
625	Days Operated	0	257	257

**Total Passengers: 326**

**Vehicle Information**

Code	Description	Quantity
655	Total Demand-Response Vehicles	2
656	Demand-Response Vehicle w/ Lifts	2
658	Total Transit Vehicles	2

**Total Vehicles: 2**

**Miscellaneous Information**

Code	Description	Quantity LH	Quantity DR
661	Total Transit Agency Employees (Full-Time Equivalents)	0	44
662	Total Revenue Vehicle Operators (Full-Time Equivalents)	0	28

## FY 2024 ADA COMPLAINT INFORMATION

*You must retain copies of complaints for at least one year and a summary of all complaints for at least five years.*

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**Has the agency been named in any lawsuits or complaints in the last year which allege an individual was discriminated against or denied full participation in transportation based on disability.**

☐ Yes ☒ No

**In the last year, have you had ADA compliance review conducted on your transportation program as part of an overall FTA or MDOT Compliance Review?**

☐ Yes ☒ No

**Have any changes been made to your ADA Complaint Policy?**

☒ Yes ☐ No

Please provide an explanation of changes.

The ADA Coordinator has changed from Mallory Avis to Kristy Grestini.

**If your agency is operating inaccessible revenue vehicles, is equivalent service\* being offered to riders?**

\*Equivalent service means that all riders, including wheelchair users, must be provided with the same level of service.

☒ Yes ☐ No

FY 2024 CERTIFICATION OF LOCAL MATCH

Name of Applicant (legal organization name)

Battle Creek, City of

certifies that local funds in the amount of \$ 

229,995

are available to match federal Section 5317 New Freedom (NF) grant funds should they be awarded. **Farebox cannot be used as local match for NF, and must be backed out as ineligible under expense code 55000 in your OAR.** In the box below, please provide a breakdown of the source and amount of local funds. Please indicate if it is in-kind contribution or cash. For in-kind contributions, please indicate the types of services that will be provided and how you determined the value. Please refer to the Revenue & Expense Manual for an explanation of in-kind contributions.

City of Battle Creek General Fund  
  
(Expenses require overmatch since we are not requesting an expansion of NF Operating, only continuation)

I acknowledge that I have reviewed a copy of the Contract Clauses. I understand that the nature of the project will determine which requirements of the contract clauses apply and I will comply with all applicable clauses for all FTA-funded contracts for the application year.

**Name Of The Person Authorized To Sign A Contract Or Project Authorization**

Rebecca L. Fleury

**Legal Organization Name**

Battle Creek, City of

**Title Of Authorized Signer**

**Signature Of Authorized Signer \*\* (See Below)**

**Date**

City Manager

01/17/2023

**Governing Board Chair Information \*\*\*:**

**Name\***

Rebecca L. Fleury

**Phone\* (###)###-####**

269-966-3378

**Email\***

rlfleury@battlecreekmi.gov

\* If the organization has a master agreement with MDOT, **the organization name must match the name as it appears on the master agreement.** Organizations with multiple contracts must submit multiple contract clauses certifications.

\*\* If the organization has a master agreement with MDOT, the signature must be the same as the authorized signer of the master agreement or an individual with legal authority to sign a project authorization for the organization. Your agency can change, add or remove an authorized signer at any time by completing a signature resolution.

\*\*\* Chair of the governing board having supervisory powers over your agency.



## FY 2024 FTA CERTIFICATIONS AND ASSURANCES

### Name Of Applicant (legal organization name)

Battle Creek, City of

The Applicant agrees to comply with the applicable requirements of categories below. \* ☒  
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FY 2024 SECTION 5310/NEW FREEDOM  
GENERAL INFORMATION FORM

Name Of Applicant (legal organization name)

Battle Creek, City of

Check One :

☒ Urbanized Area ☐ Non Urbanized Area

Name of urbanized area

Battle Creek

Is your agency within a metropolitan planning organization (MPO)?

☒ Yes ☐ No

Has the project been included in the transportation improvement program (TIP) for this area?

☒ Yes ☐ No

Services Provided by applicant (including how 5310 vehicles will be used, service area, days and hours of operation, and reservation requirements)

Funds are used to support late night transit after F-R services have ended. This D-R service operates Mon-Fri 7pm-12am, Sat 5pm-12am, and Sun 9am-5pm. Due to the COVID19 pandemic and the subsequent driver shortage services were reduced in the past. It is expected that services will resume to full operating levels in FY23 and FY24. Additionally, BCT provides the area's Mobility Management services.

Projected Annual 5310 Ridership

12,482

Estimated Percentage of Ridership(%)

Elderly  % Disabled  % Other  %

Specify Other

General public

Vehicles are intended to:

☐ Replace Existing Vehicles ☐ Expand Existing Service ☐ Start New Service

Select One:

☐ Attached are letters of support from each public and private transit and paratransit operator in the proposed service area indicating that he or she does not, and is not intending to, offer similar service in the same area; or proof of a good faith effort made in obtaining letters of support if an operator will not respond.

☒ A public notice has been published (attach a copy of published public notice in PTMS).

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**Check One :**

☒ **Urbanized Area**      ☐ **Non Urbanized Area**

**Name of urbanized area**

Battle Creek

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Battle Creek, City of

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Name Of Applicant (legal organization name)

Battle Creek, City of

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1. Are there any active lawsuits or complaints naming the applicant that allege discrimination based on race, color or national origin with respect to service or other transit benefits?

☐ Yes ☒ No

2. Have you had any Title VI compliance review activities conducted with regard to your transportation program, including triennial compliance reviews conducted by FTA and/or MDOT?

☐ Yes ☒ No

3. When was your last title VI program approved by MDOT or FTA  MM/DD/YYYY

4. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved?

☐ Yes ☒ No

5. Has your organization had any projects and/or service change that have Title VI, Limited English Proficiency (LEP), or Environmental Justice (EJ) impacts? Service change includes service expansion/reduction, route and/or hour changes, etc

☒ Yes ☐ No

a. Provide a brief description of these projects/service changes.

Fare increase on 7/1/2022.

b. What did you do to ensure that populations affected by the project and/or service change had meaningful access to and involvement in the development process?

Multiple public notices were published with opportunity for comment. A public workshop was held. A public hearing was held. A public meeting was held. A public commission meeting was held.

c. What is the number or percentage of LEP or EJ populations affected by the project and/or service change

This fare increase impacted all passengers equally.



**6. During this reporting period, how were your employees educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities?**

New employees are given a one-on-one training with the Transit Director or the Grants Program Administrator. Each individual is given a printout of the material covered and sign a form acknowledging receipt.

**NOTICE: The Local Advisory Council(LAC) must review and be given the opportunity to comment on this Vehicle Accessibility Plan (VAP). Please attach the signed minutes of the LAC meeting at which this VAP was discussed and approved.**

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**1. Total D-R Fleet anticipated for application year (including locally funded vehicles)**

11

**2.Total Anticipated D-R Fleet Accessible or lift-equipped (including locally funded vehicles)**

11

**2a. If your agency is operating inaccessible revenue vehicles, is equivalent service being offered to riders?**

**3. Has the agency made any changes in vehicle inventory described in No. 1 and No. 2 above since the last accessibility plan update was submitted?**

**(If "yes" explain changes and reasons for those changes below.)**

No

**4. Has the agency made any changes in the following since the last accessibility plan update was submitted?**

**A. Fare structure** Yes

**Please Explain**

Fare increase was implemented 7/1/22.

**B. Service area information** No

**C. Service availability information** No

**D. Service Hours/days of operation** No

**E. Local advisory council membership** Yes

Changes in membership due to resignations.

**5. Has the agency made any other changes in its vehicle accessibility plan since last submission of an accessibility plan or annual update?**

No

**6. How frequently does the agency's LAC meet?**

Quarterly

**7. LAC MEMBER LIST (List below the members of your agency LAC. Attach a separate page of additional names if necessary.)**

**NOTICE:** The Local Advisory Council (LAC) must review and be given the opportunity to comment on this Vehicle Accessibility Plan (VAP). Please attach the signed minutes of the LAC meeting at which this VAP was discussed and approved.

**NOTE:** MDOT Administrative Rule 202 requires that the applicant agency shall establish a LAC composed of a minimum of three members. No LAC member shall be a staff or board member of the applicant agency. The applicant agency shall ensure all of the following:

**1) 50% of the LAC membership represents persons who are 65 years of age or older and persons who have disabilities within the service area;**

**2) the LAC membership includes people who have diverse disabilities and the elderly who are users of public transportation; and**

**3) the applicant agency has approved at least one member, or 12% of the membership, jointly with the area agency on aging.**

**Does the list of members reflect the membership in the minutes?**

Yes

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**1. CHAIRPERSON'S NAME**

Paul Ecklund

**Affiliation (Name of organization, if any)**

Disability Network Southwest Michigan

---

**This member represents**

Persons with Disabilities

---

**This member is**

A user of public transportation

A Person with Disabilities

---

**2. NAME**

Paulette Porter

**Affiliation (Name of organization, if any)**

CareWell (Area Agency on Aging)

---

**This member represents**

Persons 65 years and older

---

**This member is**

Jointly appointed by an area

---

**3. NAME**

Jerry Sigourney

**Affiliation (Name of organization, if any)**

None

---

**This member represents**

Persons with Disabilities

---

**This member is**

A user of public transportation

A Person with Disabilities

---

**4. NAME**

Mark Woodford

**Affiliation (Name of organization, if any)**

None

---

**This member represents**

Persons 65 years and older

---

**This member is**

Age 65 or older

A user of public transportation

A Person with Disabilities

---

---

# **BATTLE CREEK TRANSIT**

---

## **VEHICLE ACCESSIBILITY PLAN**

Prepared by:  
Mallory R. Avis, Public Transit Director  
Donna M. Hutchison, Grants Program Administrator

Effective Date: January 17, 2023

Presented to Battle Creek City Commission as part of Annual Application: January 17, 2023

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# I Purpose

This accessibility plan is submitted in compliance with Section 10e(18) of the Michigan Transportation Fund Act (MCL 247.660e) (hereinafter “the Act”) and the official administrative rules for administration of Michigan’s Comprehensive Transportation Fund. The purpose of this accessibility plan is to describe the demand response service provided by Battle Creek Transit (BCT) to seniors and individuals with disabilities. This accessibility plan demonstrates it is the policy of BCT to comply with the following requirements of Section 10e(18):

- A. That demand response service is provided to persons 60 years of age or older and individuals with disabilities residing in BCT’s entire service area. (See attached map defining service area.)
- B. That as a minimum, demand response service is provided to persons 60 years of age or older and individuals with disabilities during the same hours as service is provided to all other persons in BCT’s service area.
- C. That the average time required for demand response service to persons 60 years and older and individuals with disabilities, from the initiation of a service request to arrival at the destination, is equal to the average time period required for demand response service provided to all other persons in BCT’s service area.
- D. That BCT has established a Local Advisory Council (LAC) with not less than 50 percent of its membership representing persons 60 years of age or older and individuals with disabilities in BCT’s service area. At least one member (or 12 percent of membership has been appointed jointly with the area agency on aging. The LAC has had an opportunity to review and comment on this plan before its submission to the Michigan Department of Transportation. (See attached BCT’s LAC Minutes)

All rules cited below refer to the official administrative rules for the administration of the Comprehensive Transportation Fund. These rules are found in the Michigan Administrative Code, beginning at Rule 241.4101, et seq.

## 2 Definition of Senior and Individual with a Disability – Rule 201 (2) (c)

As used in this Accessibility Plan:

- (a) “individual with a disability” means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such an impairment. See Michigan Administrative Code Rule 247.4101(1)(m).
- (b) “senior” means an individual 60 years of age or older.

### **3 Number of Senior and Individuals with Disabilities in Service Area – Rule 201 (2) (c)**

BCT estimates that a total of 38,681 persons fitting the above definitions reside in the agency's defined service area based on the 2020 Census.

### **4 Description of Plan Development Process And Local Advisory Council Involvement – Rule 201(2) (e)**

BCT developed this plan using the following process:

- a. BCT staff drafted a plan, incorporating all information required by R 247.4201 and R247.4202 of the Michigan Administrative Code.
- b. The draft plan content was reviewed at a meeting of BCT's Local Advisory Council, held on January 17, 2023, wherein the Local Advisory Council was given opportunity to review and comment on the content of the plan. In accordance with Sec. 10e(18)(d) of the Act, all comments on the plan received at this meeting by Local Advisory Council members are contained in a separate section of this plan, below.
- c. A final draft plan was submitted to and approved by BCT's governing body.

### **5 Local Advisory Council Composition – Rule 202**

BCT's Local Advisory Council is currently comprised of four members, which meets or exceeds the required minimum of three members. In accordance with Rule 202, no member of the Local Advisory Council is an employee, executive committee member, or governing board member of BCT. BCT ensures that at least 50 percent of its Local Advisory Council membership represents persons who are 65 years of age or older and persons who have disabilities within the agency's defined service area. BCT further ensures that at least one member of its Local Advisory Council (or one of every eight members, whichever is larger) is approved jointly with the area agency on aging. BCT further ensures that its Local Advisory Council membership will include people with various disabilities and senior(s) who are users of public transportation. BCT's Local Advisory Council is, at the time of adoption and submission of this plan, composed of the following members:



**1. LAC Chairperson Name:** Paul Ecklund **AFFILIATION:** Disability Network Southwest MI

This Member is a:

- ☒ Person with Disabilities  
☐ Person 65 years and older  
☐ Neither of the above groups  
☒ Represents one of the above

This Member is a:

- ☐ Jointly appointed by the area agency on aging  
☒ A user of public transportation  
☐ Neither of the above

**2. Name:** Paulette Porter

This Member is a:

- ☐ Person with Disabilities  
☐ Person 65 years and older  
☐ Neither of the above groups  
☒ Represents one of the above

**AFFILIATION:** CareWell (Area Agency on Aging)

This Member is a:

- ☒ Jointly appointed by the area agency on aging  
☐ A user of public transportation  
☐ Neither of the above

**3. Name:** Jerry Sigourney

This Member is a:

- ☒ Person with Disabilities  
☐ Person 65 years and older  
☐ Neither of the above groups  
☐ Represents one of the above

**AFFILIATION:** None

This Member is a:

- ☐ Jointly appointed by the area agency on aging  
☒ A user of public transportation  
☐ Neither of the above

**4. Name:** Mark Woodford

This Member is a:

- ☒ Person with Disabilities  
☒ Person 65 years and older  
☐ Neither of the above groups  
☐ Represents one of the above

**AFFILIATION:** None

This Member is a:

- ☐ Jointly appointed by the area agency on aging  
☒ A user of public transportation  
☐ Neither of the above

## 6 Present Vehicle Inventory – Rule 20I (2) (a)

BCT's demand response vehicle inventory presently in service is as follows:

- a. Number of demand response vehicles presently in service purchased with Comprehensive Transportation Fund monies is nine (9).
- b. Number of accessible demand response vehicles presently in service purchased with Comprehensive Transportation Fund monies is nine (9).

## 7 Anticipated Vehicle Inventory – Rule 20I (2) (b)

BCT's anticipated demand response vehicle inventory is as follows:

- a. Number of demand response vehicles in agency's anticipated fleet which will be purchased with Comprehensive Transportation Fund monies is eleven (11).
- b. Number of accessible demand response vehicles in agency's anticipated fleet which will be purchased with Comprehensive Transportation Fund monies is eleven (11).

## 8 Narrative Summary of Vehicles Requested – Rule 20I (2) (l)

As indicated above, the agency currently operates or plans to operate a total of nine (9) demand response vehicles. Of these vehicles, the total number that will be fully accessible to seniors and individuals with disabilities is nine (9) vehicles. The reason for operating or planning to operate this number of accessible vehicles is the flexibility offered by a fully accessible fleet and the increased number of seniors and individuals with disabilities using the service.

## 9 Fare Structure – Rule 20I (2) (d)

BCT's fare structure that is in use for seniors, individuals with disabilities, and the general public for demand response and fixed route service is as follows:

	General Public/ Peak	General Public/ Non-Peak	Seniors/Disabled
Demand Response	\$7.00	\$5.00	\$3.00
Fixed Route	\$1.75	\$1.75	\$0.85
Demand Response Countywide	\$3-\$15	\$3-\$15	\$3-\$15

## **I0 Map and Narrative Description of Service Area – Rule 20I (2) (f)**

For fixed route and demand response service, BCT's service area is 72 square miles.

For countywide demand response service, BCT's service area is 718 square miles.

Refer to the attached map of BCT's service area at appendix A, depicting BCT's service area and routes.

## **I I Service Schedule – Rule 20I (2) (g)**

BCT's current service schedules, including hours of day and days per week for fixed route and demand response service is as follows :

- a. Fixed Route – Monday through Friday 5:15 am to 6:45 pm and Saturday 9:15 am to 5:15 pm
- b. Demand Response – Monday through Friday, 5:15 am to Midnight and Saturday 9:15 to 5:00 pm.

## **I2 Schedules in Alternative Formats – Rule 20I (2) (h)**

BCT has made arrangements to produce copies of its current service schedule in an alternative format that can be utilized by individuals who are blind or have other disabilities.

## **I3 Vehicle Availability on Other Than Regular Service Hours and Days – Rule 20I (2) (i)**

BCT does not make demand response service vehicles available for use during hours or days other than regular service hours and days. BCT confirms that accessible transit vehicles are available for use by the senior and individuals with disabilities to the same extent as the general public.

## **I4 Advance Requests for Demand Actuate Service – Rule 20I (2) (j)**

BCT does require that seniors, individuals with disabilities, and the general public must make an advance request to obtain demand response service. The required advance request time period is 24 hours but no more than 2 weeks. Same day requests are accommodated as space permits.

## **I5 Constraints on Capacity and Restrictions on Trip Purpose – Rule 20I (2) (k)**

BCT has no capacity constraints for weight requirements on mobile wheelchair units and no restrictions on trip purpose in the provision of its demand response service.

## **I6 Local Advisory Council (LAC) Comments on this Plan – Rule 20I (2) (m)**

BCT's LAC comments on this Plan are included in the minutes to the LAC's meeting on January 17, 2023, which are attached as Appendix B

## **I7 Agency Response to Local Advisory Council (LAC) Comments on the Plan – Rule 20I (2) (n)**

BCT's response to LAC comments on the Plan are included in the minutes to the LAC's meeting on January 17, 2023.

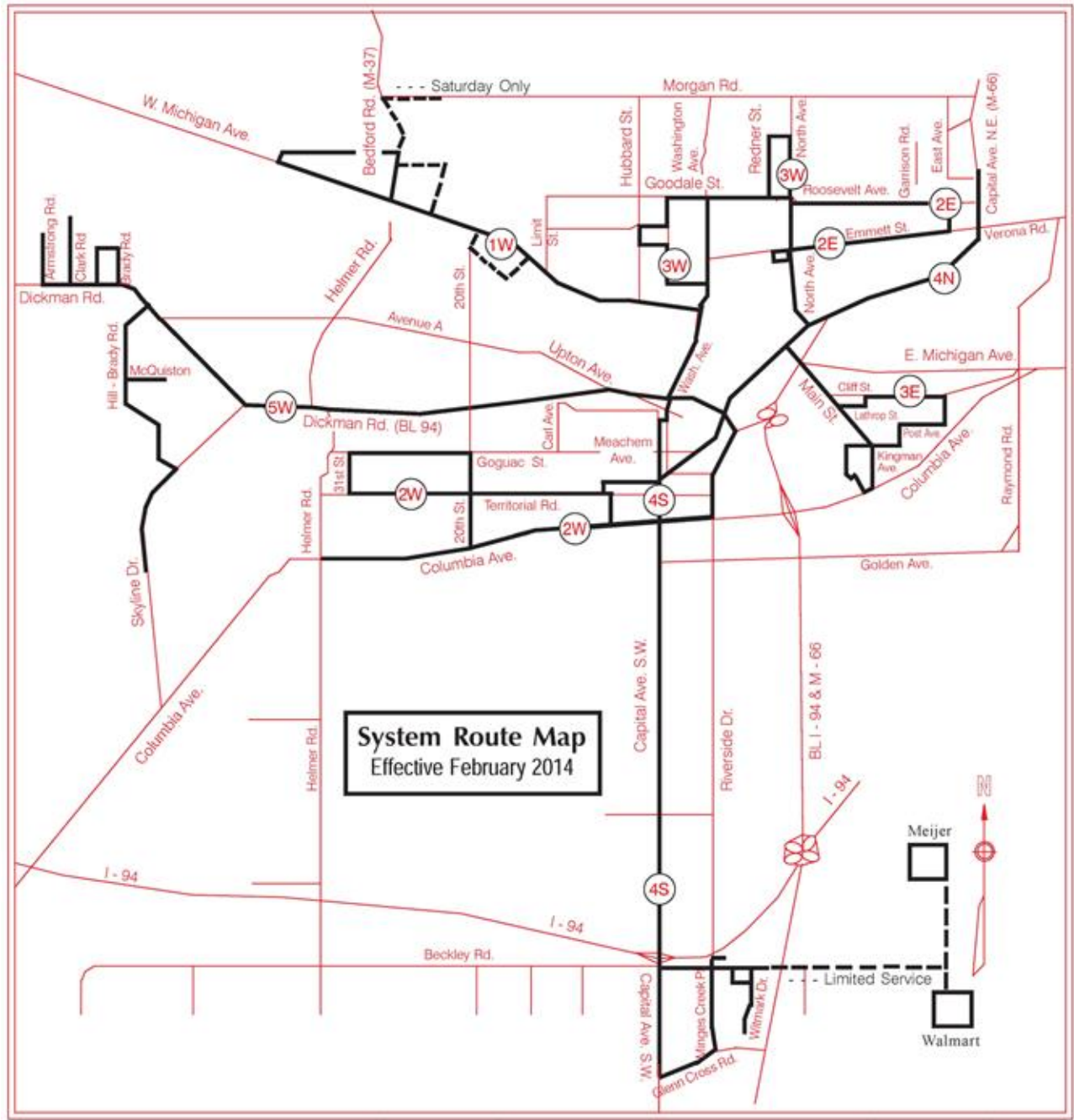
## **I8 Appendixes**

Map defining service area – Appendix A

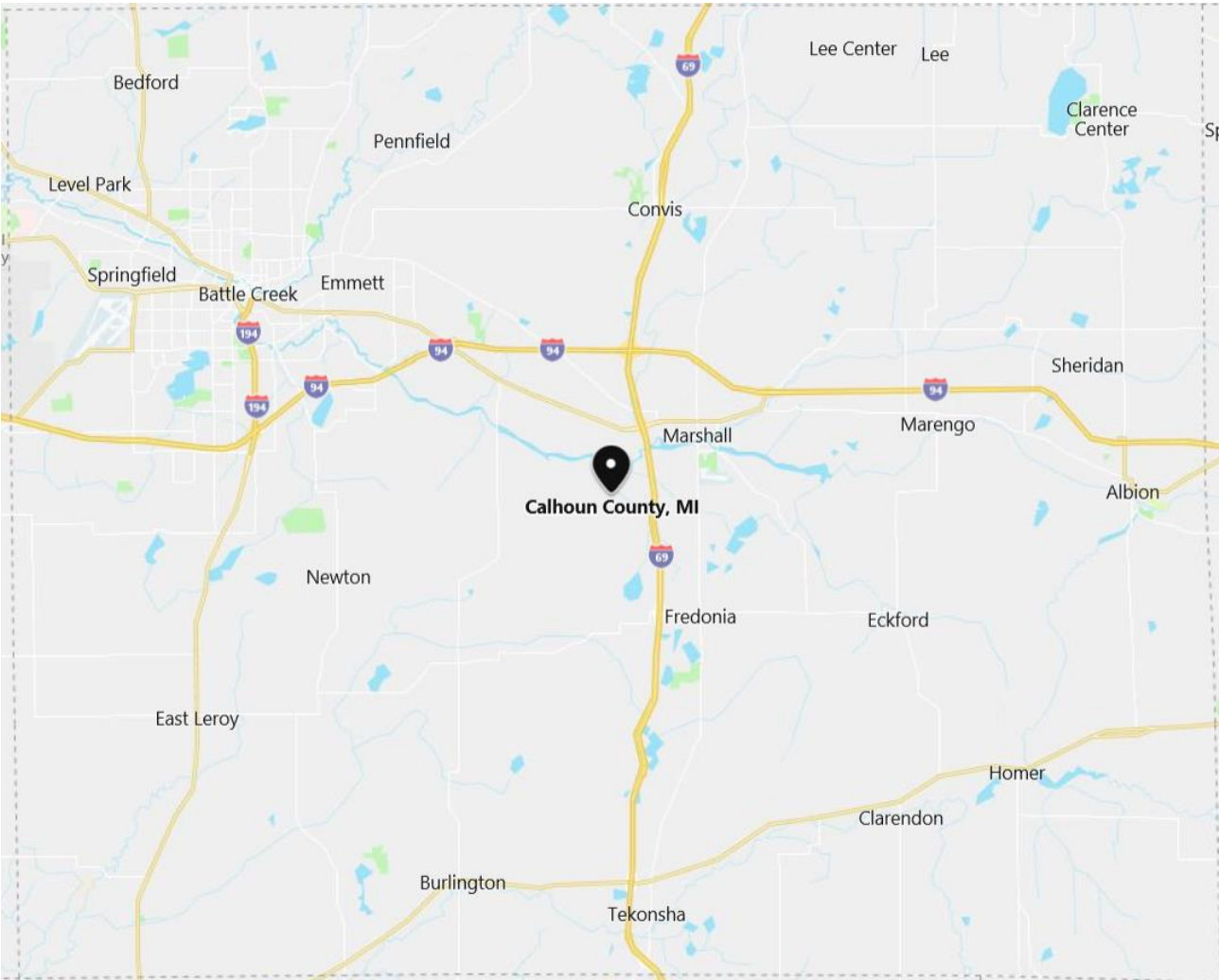
Local Advisory Minutes from January 17, 2023 Meeting – Appendix B

# Appendix A – Battle Creek Service Area and Countywide Service Area

## Battle Creek Service Area



Countywide Service Area



# Appendix B – LAC Minutes, January 17, 2023

**BATTLE CREEK TRANSIT LOCAL ADVISORY COUNCIL  
CITY COMMISSION CHAMBERS  
10 NORTH DIVISION  
BATTLE CREEK, MICHIGAN**

**January 17, 2023  
8:30AM**

**Committee Members Present:** Paul Ecklund, remotely from the City of Kalamazoo; Paulette Porter and Mark Woodford

**Committee Members Absent:** Jerry Sigourney

**Others Present:** Mary Frisby and Terry Youmans

**Staff Members Present:** Mallory Avis, Transit Director: Alicia Greene, Deputy City Clerk: Jonathan Baber, Deputy City Attorney: Donna Hutchison, Transit Grants Administrator: Kristy Grestini, Mobility Manager

**Call to Order/Recognition of Quorum:** Mr. Ecklund called the meeting to order at 8:30AM, noting a quorum was present.

**Approval of Agenda of January 17, 2023 Meeting:** A motion was made by Ms. Porter, supported by Mr. Woodford, to approve the January 17, 2023 LAC meeting agenda. All in favor, none opposed. Motion approved.

**Approval of Minutes of September 13, 2022 Meeting:** Ms. Porter, supported by Mr. Woodford, to approve the September 13, 2022 LAC meeting minutes. All in favor, none opposed. Motion approved.

**Communications to the Council:** None

**Reports from Officers:** None

**General Public Comment:** None

**Old Business:** None

## **New Business:**

### **A. Discuss Vice Chairperson election:**

Mr. Ecklund nominated Paulette Porter as the Vice Chair of the Transit Local Advisory Committee.

A motion was made by Mr. Ecklund, supported by Mr. Woodford, to appoint Paulette Porter as Vice Chair to the Transit Local Advisory Committee. All in favor, none opposed. Motion approved.

### **B. Review/Action on FY 2024 Agency Vehicle Accessibility Plans-as discussed at the LCC on January 10, 2023.**

Ms. Avis noted each agency has done a full update to their vehicle accessibility plans, as required by MDOT. Each agency provided information on their vehicles, with Marian Burch having 8 vehicles, all accessible: Community Action having 10 vehicles, 5 which are accessible: BCT having 9 vehicles and 4 BCGo mini vans, all being accessible and Community Inclusive Recreation having 6 vehicles, which are all accessible.

After review of each agency's vehicle accessibility plan, a motion was made by Mr. Woodford, supported by Ms. Porter, to approve the FY 2024 Agency Vehicle Accessibility plans submitted by Battle Creek Transit, Community Action, Community Inclusive Recreation and Marian Burch. All in favor, none opposed. Motion approved.

### **C. Review/Discuss Transit State Application**

Ms. Avis provided an overview of the application submitted to MDOT, noting this was discussed at the LCC meeting on January 10, 2023 and is primarily for continuation funding.

- \$500,000.00 in funding to expand and continue BCGo service.
- \$229,995.00 in New Freedom Dollars, to fund late night service.
- Continuation of mobility management funding, staffed by BCT providing transportation information to the community.
- \$108,000.00 Specialized Service to fund all community partners
- Continuation of local bus operating funding.

All applications will be available for the next 30 days for review and will be on the City of Battle Creek Commission agenda this evening January 17, 2023.

**D. Discuss Timetable for MDOT, Specialized Services & 5310 applications are due February 1, 2023-discussed**

**E. Agency Updates**

- Battle Creek Transit – Ms. Avis provided an update.**
- Community Action – Terry Youmans provided an update.**
- Community Inclusive Recreation – No update**
- Marian E. Burch – Ms. Frisby provided an update.**
- Other – No update provided**

**Announcements:**

- Next Meeting:** June 13, 2023 at 2:30 following LCC meeting at approximately 2:30PM.
- Committee Member Comment:** Mr. Woodford thankful for what we have today.

**Adjournment:** The meeting was adjourned at 8:49AM.

I, Victoria L. Houser, City Clerk  
of the City of Battle Creek,  
hereby certify  
the above and foregoing is a true and accurate copy  
of the minutes recorded for the January 17, 2023 meeting  
of the Battle Creek Transit Local Advisory Council.

*Victoria L. Houser*

---

Victoria L. Houser, City Clerk

Please note there has not been a subsequent meeting of the Local Advisory Council where the minutes could be considered or approved.

*Paul Ecklund*

---

Paul Ecklund, LAC Chairperson

*1/17/23*





Resolution

NO. 56

A Resolution of Intent to apply for State financial assistance for Battle Creek Transit for FY2024 under Act No. 51 of the Public Acts of 1951, as amended.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That Pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the City of Battle Creek, established under Act 279, to provide a local transportation program for the State fiscal year of 2024 and, therefore, apply for state financial assistance under provisions of Act 51.

This Resolution authorizes the City Manager to apply for both operating and capital funds to the Michigan Department of Transportation (MDOT) on behalf of Battle Creek Transit for FY2024. Furthermore, this Resolution authorizes the City Manager to execute any agreements for the funds requested in the attached application.

The City certifies that no changes in eligibility documentation has occurred during the past State fiscal year. The City of Battle Creek has reviewed and approved the proposed budget within the application for State financial assistance, including estimated federal funding sources of \$2,071,298, estimated state funds of \$1,496,592, estimated local funds of \$574,706 with a total estimated expense of \$4,612,304.

The City of Battle Creek does make its intentions known to provide public transportation service and to apply for State financial assistance with this annual plan, in accordance with Act 51. Additionally, Mallory R. Avis is appointed the Transportation Coordinator for all public transportation matters and is authorized to provide such information deemed necessary by the State Transportation Commission or department for its administration of Act 51 for FY2024.

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Donna Hutchison, Grants Program Administrator

**Department:** Transit

## **SUMMARY**

A Resolution of Intent to apply for State financial assistance for Battle Creek Transit for FY2024 under Act No. 51 of the Public Acts of 1951, as amended.

## **BUDGETARY CONSIDERATIONS**

State financial assistance (local bus operating/LBO) to Battle Creek Transit is based upon a percentage of Transit's annual eligible expenses, estimated to be \$4,277,760. State operating funds in the estimated amount of \$1,496,592, for FY2024 is being requested.

## **HISTORY, BACKGROUND and DISCUSSION**

Battle Creek Transit's Local Coordinating Committee (LCC) met on January 10, 2023 to review and discuss the attached application. Also Battle Creek Transit's Local Advisory Council (LAC) met January 17, 2023, to review and discuss Battle Creek Transit's Vehicle Accessibility Plan (also in the attached application). A 30-day public comment period is being provided in January/February to which the provided applications will be noticed in the Battle Creek Shopper and on Transit's website.

This Resolution authorizes the City Manager to submit to MDOT an application for financial assistance for FY2024 under Act No. 51 of the Public Acts of 1951. Furthermore, this Resolution also authorizes the City Manager to execute any agreements for the funds requested in the attached application.

## **DISCUSSION OF THE ISSUE**

## **POSITIONS**

Battle Creek Transit supports the submittal of this application to MDOT. This application has been discussed by the Local Coordinating Committee (LCC) and the Vehicle Accessibility Plan has been reviewed by the Local Advisory Council (LAC).

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## **ATTACHMENTS:**

File Name	Description
❏ LAC_Minutes_1-17-23_Signed.pdf	LAC Minutes 1.17.23
❏ LCC_Minutes_1.10.2023.pdf	LCC Minutes 1.10.23
❏ FY24_Regular_App.pdf	FY24 Regular Application

**BATTLE CREEK TRANSIT LOCAL ADVISORY COUNCIL  
CITY COMMISSION CHAMBERS  
10 NORTH DIVISION  
BATTLE CREEK, MICHIGAN**

**January 17, 2023  
8:30AM**

**Committee Members Present:** Paul Ecklund, remotely from the City of Kalamazoo; Paulette Porter and Mark Woodford

**Committee Members Absent:** Jerry Sigourney

**Others Present:** Mary Frisby and Terry Youmans

**Staff Members Present:** Mallory Avis, Transit Director: Alicia Greene, Deputy City Clerk: Jonathan Baber, Deputy City Attorney: Donna Hutchison, Transit Grants Administrator: Kristy Grestini, Mobility Manager

**Call to Order/Recognition of Quorum:** Mr. Ecklund called the meeting to order at 8:30AM, noting a quorum was present.

**Approval of Agenda of January 17, 2023 Meeting:** A motion was made by Ms. Porter, supported by Mr. Woodford, to approve the January 17, 2023 LAC meeting agenda. All in favor, none opposed. Motion approved.

**Approval of Minutes of September 13, 2022 Meeting:** Ms. Porter, supported by Mr. Woodford, to approve the September 13, 2022 LAC meeting minutes. All in favor, none opposed. Motion approved.

**Communications to the Council:** None

**Reports from Officers:** None

**General Public Comment:** None

**Old Business:** None

**New Business:**

**A. Discuss Vice Chairperson election:**

Mr. Ecklund nominated Paulette Porter as the Vice Chair of the Transit Local Advisory Committee.

A motion was made by Mr. Ecklund, supported by Mr. Woodford, to appoint Paulette Porter as Vice Chair to the Transit Local Advisory Committee. All in favor, none opposed. Motion approved.

**B. Review/Action on FY 2024 Agency Vehicle Accessibility Plans-as discussed at the LCC on January 10, 2023.**

Ms. Avis noted each agency has done a full update to their vehicle accessibility plans, as required by MDOT. Each agency provided information on their vehicles, with Marian Burch having 8 vehicles, all accessible: Community Action having 10 vehicles, 5 which are accessible: BCT having 9 vehicles and 4 BCGo mini vans, all being accessible and Community Inclusive Recreation having 6 vehicles, which are all accessible.

After review of each agency's vehicle accessibility plan, a motion was made by Mr. Woodford, supported by Ms. Porter, to approve the FY 2024 Agency Vehicle Accessibility plans submitted by Battle Creek Transit, Community Action, Community Inclusive Recreation and Marian Burch. All in favor, none opposed. Motion approved.

**C. Review/Discuss Transit State Application**

Ms. Avis provided an overview of the application submitted to MDOT, noting this was discussed at the LCC meeting on January 10, 2023 and is primarily for continuation funding.

- \$500,000.00 in funding to expand and continue BCGo service.
- \$229,995.00 in New Freedom Dollars, to fund late night service.
- Continuation of mobility management funding, staffed by BCT providing transportation information to the community.
- \$108,000.00 Specialized Service to fund all community partners
- Continuation of local bus operating funding.

All applications will be available for the next 30 days for review and will be on the City of Battle Creek Commission agenda this evening January 17, 2023.

**D. Discuss Timetable for MDOT, Specialized Services & 5310 applications are due February 1, 2023-discussed**

**E. Agency Updates**

- Battle Creek Transit – Ms. Avis provided an update.**
- Community Action – Terry Youmans provided an update.**
- Community Inclusive Recreation – No update**
- Marian E. Burch – Ms. Frisby provided an update.**
- Other – No update provided**

**Announcements:**

- Next Meeting:** June 13, 2023 at 2:30 following LCC meeting at approximately 2:30PM.
- Committee Member Comment:** Mr. Woodford thankful for what we have today.

**Adjournment:** The meeting was adjourned at 8:49AM.

I, Victoria L. Houser, City Clerk  
of the City of Battle Creek,  
hereby certify  
the above and foregoing is a true and accurate copy  
of the minutes recorded for the January 17, 2023 meeting  
of the Battle Creek Transit Local Advisory Council.

*Victoria L. Houser*

Victoria L. Houser, City Clerk

Please note there has not been a subsequent meeting of the Local Advisory Council where the minutes could be considered or approved.

*Paul Ecklund*

Paul Ecklund, LAC Chairperson

*V17/23*

**BATTLE CREEK TRANSIT LOCAL COORDINATING COMMITTEE**  
**339 W. MICHIGAN AVENUE**  
**BATTLE CREEK, MICHIGAN**  
**January 10, 2023**  
**1:30 PM**

**Committee Members Present:** Paul Ecklund, Mallory Avis, Mary Frisby, Rhonda Ostrander-Cook, Andy Tilma and Terry Youmans

**Committee Members Absent:** Jerry Sigourney and Mark Woodford

**Others Present:** Kelly Linton

**Staff Members Present:** Marcel Stoetzel, Deputy City Attorney: Donna Hutchison, Transit Grants Administrator: Alicia Greene, Deputy City Clerk: Kristy Grestini, Transit Mobility Manager

**Call to Order/Recognition of Quorum:** Mr. Ecklund called the meeting to order at 1:30 PM, recognizing that a quorum was present.

**Approval of Agenda of the January 10, 2023 Meeting:**

A motion was made by Ms. Frisby, supported by Ms. Ostrander-Cook, to approve the agenda. All in favor, none opposed. Motion approved.

**Approval of Minutes of September 13, 2023 Meeting:**

A motion was made by Mr. Tilma, supported by Mr. Youmans, to approve September 13, 2023 meeting minutes. All yes, none opposed. Motion approved.

**Communications to the Committee:** Ms. Avis shared the resignation of Mr. Charles Asher, who has retired and the introduction of Mr. Terry Youmans, as his replacement.

Ms. Avis noted the LAC meeting for today has been cancelled due to lack of quorum, once rescheduled everyone will be notified.

**Reports from Officers:** None

**General Public Comment:** None

**Old Business:** None

**New Business:**

**A. Welcome New Member-Terry Youmans from Community Action**

**B. Discuss Chairperson election**

- A motion was made by Mr. Tilma, supported by Ms. Frisby, to elect Paul Ecklund to be the Chair and Terry Youmans to be the Vice Chair of the Local Coordinating Committee. All yes, none opposed. Motion approved.

**C. Review proposed FY2024 Specialized Services Application/Funding Allocations**

- Transit Application Specialized Services & 5310 apps due to MDOT February 1, 2023 in which we are requesting \$108,434.00 to be distributed as follow;
  - a. Marion Birch-13,156
  - b. CIR-50,100
  - c. CAA-24,156
  - d. BCT-21,022
- A motion was made by Mr. Youmans, supported by Ms. Ostrander-Cook, to submit the proposed funding request. All yes, none opposed. Motion approved.

**D. Discuss Transit State Application-** Ms. Avis provided an overview of what BCT is requesting from the State. Ms. Avis stated the request is for continuation funding for a majority of our services with the exception of BCGo and Mobility Management activities where we will be requesting expansion funding. With the hopes of bringing back full service in 2024.

Ms. Avis noted phase 1 of the BCGo project was funded through the State of Michigan for one year. Phase 2 covered operation costs only and the proposed final phase 3 would be to include additional service providers.

**E. Discuss Timetable for MDOT reminders:**

- Transit Applications, Specialized Services & 5310 Applications are due by February 1, 2023
- Make sure to post your public notice
- Send Andy Tilma any Capital requests

**F. Agency Updates**

- **Battle Creek Transit:** Discussed service reductions, noting difficulty finding qualified CDL drivers.
- **Community Action:** Currently in need of CDL drivers.
- **Community Inclusive Recreation:** Currently running near or at full capacity, also in need of CDL drivers.
- **Marian E. Burch:** Opened Dec 5<sup>th</sup>, decent turn out, are in need of staff and drivers. Have working with CAA to provide rides when needed.
- **Other:** Ms. Avis noted an additional applicant for Specialized Services funding, from Kingdom Builders, however the application was not complete and could not be brought before you today. Once the required information is complete and received it will be brought before this committee.

**Announcements:**

A. **Next Meeting:** June 13, 2023 at 1:30 p.m. at Transit.

B. **Committee Member Comment:** Member comment took place.

**Adjournment:** The meeting was adjourned at 2:03pm.

**Battle Creek Transit**  
**339 West Michigan Ave.**  
**Battle Creek, MI 49037**

**(269) 966-3588**

**Urban Medium**

**Regular Service**

**Annual Budgeted**

**2024**

**Total Eligible Expenses: \$4,277,761**

**Comments: FY2024 Annual operating Grant Application for the period of October 1, 2023 through September 30, 2024**

**Battle Creek Transit  
Urban Medium  
Regular Service  
Annual Budgeted  
2024**

**Revenue Schedule Report**

<b>Code</b>	<b>Description</b>	<b>LH</b>	<b>DR</b>	<b>Total</b>
<b>401 :</b>	<b>Farebox Revenue</b>			
40100	Passenger Fares (-)	\$422,133		\$422,133
<b>406 :</b>	<b>Auxiliary Trans Revenues</b>			
40615	Advertising (-)	\$46,075		\$46,075
<b>407 :</b>	<b>NonTrans Revenues</b>			
40799	Other NonTrans Revenue (Explain in comment field) (-Scrap Metal, ID Cards)	\$1,500		\$1,500
<b>409 :</b>	<b>Local Revenue</b>			
40910	Local Operating Assistance (-)	\$574,706		\$574,706
<b>411 :</b>	<b>State Formula and Contracts</b>			
41101	State Operating Assistance (-)	\$1,496,592		\$1,496,592
<b>413 :</b>	<b>Federal Contracts</b>			
41302	Federal Section 5307 Operating (operating funds only) (-)	\$2,071,298		\$2,071,298
<b>Total Revenues: \$4,612,304</b>				



**Battle Creek Transit**  
**Urban Medium**  
**Regular Service**  
**Annual Budgeted**  
**2024**

**Expense Schedule Report**

<b>Code</b>	<b>Description</b>	<b>LH</b>	<b>DR</b>	<b>Amount</b>
<b>501 :</b>	<b>Labor</b>			
50101	Operators Salaries & Wages (-)	\$1,481,167		\$1,481,167
50102	Other Salaries & Wages (-)	\$778,867		\$778,867
<b>502 :</b>	<b>Fringe Benefits</b>			
50200	Fringe Benefits (-)	\$731,850		\$731,850
50210	DC Pensions (-)	\$51,186		\$51,186
50220	DB Pensions (-)	\$410,912		\$410,912
<b>503 :</b>	<b>Services</b>			
50302	Advertising Fees (-)	\$176		\$176
50305	Audit Costs (-)	\$10,070		\$10,070
50399	Other Services (-)	\$257,523		\$257,523
<b>504 :</b>	<b>Materials and Supplies</b>			
50401	Fuel & Lubricants (-)	\$221,606		\$221,606
50402	Tires & Tubes (-)	\$33,752		\$33,752
50499	Other Materials & Supplies (-)	\$171,507		\$171,507
<b>505 :</b>	<b>Utilities</b>			
50500	Utilities (-)	\$53,904		\$53,904
<b>506 :</b>	<b>Insurance</b>			
50603	Liability Insurance (-)	\$59,502		\$59,502
50699	Other Insurance (-)	\$9,495		\$9,495

**Battle Creek Transit  
Urban Medium  
Regular Service  
Annual Budgeted  
2024**

**Expense Schedule Report**

<b>Code</b>	<b>Description</b>	<b>LH</b>	<b>DR</b>	<b>Amount</b>
<b>507 :</b>	<b>Taxes &amp; Fees</b>			
50700	Taxes & Fees (-)	\$197		\$197
<b>509 :</b>	<b>Misc Expenses</b>			
50902	Travel, Meetings & Training (-)	\$2,326		\$2,326
50903	Association Dues & Subscriptions (-)	\$9,499		\$9,499
<b>512 :</b>	<b>Operating Leases &amp; Rentals</b>			
51200	Operating Leases & Rentals (-)	\$10,603		\$10,603
<b>513 :</b>	<b>Depreciation</b>			
51300	Depreciation (-)	\$318,162		\$318,162
<b>550 :</b>	<b>Ineligible Expenses</b>			
55007	Ineligible Depreciation (-)	\$318,162		\$318,162
55009	Ineligible Percent of Association Dues (-)	\$1,147		\$1,147
55010	Other Ineligible Expense Associated w/Aux. & Nontrans (Explain in comment field) (-)	\$15,234		\$15,234

**Total Expenses: \$4,612,304**

**Total Ineligible Expenses: \$334,543**

**Total Eligible Expenses: \$4,277,761**

**Battle Creek Transit**  
**Urban Medium**  
**Regular Service**  
**Annual Budgeted**  
**2024**

**Non Financial Schedule Report**

**Public Service**

Code	Description	Quantity LH	Quantity DR	Total
610	Vehicle Hours	27,471	4,127	31,598
611	Vehicle Miles	401,724	50,564	452,288
615	Unlinked Passenger Trips - Regular	180,907	998	181,905
616	Unlinked Passenger Trips - Elderly	26,958	4,231	31,189
617	Unlinked Passenger Trips - Persons w/Disabilities	9,945	4,231	14,176
618	Unlinked Passenger Trips - Elderly Persons w/Disabilities	4,639	499	5,138
621	Total Line-Haul Unlinked Passenger Trips	222,449	0	222,449
622	Total Demand-Response Unlinked Passenger Trips	0	9,959	9,959
625	Days Operated	307	307	614

**Total Passengers: 232,408**

**Vehicle Information**

Code	Description	Quantity
653	Total Line-Haul Vehicles	13
654	Line-Haul Vehicle w/ Lifts	13
655	Total Demand-Response Vehicles	11
656	Demand-Response Vehicle w/ Lifts	11
658	Total Transit Vehicles	24

**Total Vehicles: 24**

**Miscellaneous Information**

Code	Description	Quantity LH	Quantity DR
601	Number of Routes (Line Haul Only)	8	0
602	Total Route Miles (Line Haul Only)	83	0
661	Total Transit Agency Employees (Full-Time Equivalents)	44	0
662	Total Revenue Vehicle Operators (Full-Time Equivalents)	28	0

**Name Of Applicant (legal organization name)**

Battle Creek, City of

is applying for Section 5311, 5311(f), and/or 5339 funding under Federal Transit Law, as amended, for the application year. We will be bound by the provisions of this special 5333(b) [former 13(c)] labor warranty for the period of the grant.

**Does a union represent the applicant's employees?**

☒ Yes

☐ No

**List union representation (only staff that has duties connected to the transit operation)**

Union Name: Amalgamated Transit Union (ATU)

Union Name: Service Employees International (SEIU)

Union Name: Battle Creek Supervisors Association (BCSA)

**Does agency use a third party transportation provider?**

☐ Yes

☒ No

**Are there other surface transportation providers in your area?**

☒ Yes

☐ No

Note: Do not include school bus transportation providers and their unions

**Indicate public transit-providers and their union representation or none.**

Provider :	Community Action	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Community Inclusive Recre	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Marian Burch AdultDayCare	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Carewell-AreaAgencyAging	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Kingdom Builders Transp	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Greyhound Bus	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Dean Trailways of Mich	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	LifeCare	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Concorde Transportation	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	B & W Charters	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Great Lakes Motorcoach	Union Names:		None	<input checked="" type="checkbox"/>
Provider :	Indian Trails, Inc.	Union Names:		None	<input checked="" type="checkbox"/>
Provider :		Union Names:		None	<input type="checkbox"/>
Provider :		Union Names:		None	<input type="checkbox"/>
Provider :		Union Names:		None	<input type="checkbox"/>

## FY 2024 ADA COMPLAINT INFORMATION

*You must retain copies of complaints for at least one year and a summary of all complaints for at least five years.*

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**Has the agency been named in any lawsuits or complaints in the last year which allege an individual was discriminated against or denied full participation in transportation based on disability.**

☐ Yes ☒ No

**In the last year, have you had ADA compliance review conducted on your transportation program as part of an overall FTA or MDOT Compliance Review?**

☐ Yes ☒ No

**Have any changes been made to your ADA Complaint Policy?**

☒ Yes ☐ No

Please provide an explanation of changes.

The ADA Coordinator has changed from Mallory Avis to Kristy Grestini.

**If your agency is operating inaccessible revenue vehicles, is equivalent service\* being offered to riders?**

\*Equivalent service means that all riders, including wheelchair users, must be provided with the same level of service.

☒ Yes ☐ No

## FY 2024 CONTRACT CLAUSES CERTIFICATION

Certification 1

I acknowledge that I have reviewed a copy of the Contract Clauses. I understand that the nature of the project will determine which requirements of the contract clauses apply and I will comply with all applicable clauses for all FTA-funded contracts for the application year.

### Name Of The Person Authorized To Sign A Contract Or Project Authorization

Rebecca L. Fleury

### Legal Organization Name

Battle Creek, City of

### Title Of Authorized Signer

City Manager

### Signature Of Authorized Signer \*\* (See Below)

### Date

01/17/2023

### Governing Board Chair Information \*\*\*:

#### Name\*

Rebecca L. Fleury

#### Phone\* (###)###-####

269-966-3378

#### Email\*

rlfleury@battlecreekmi.gov

\* If the organization has a master agreement with MDOT, **the organization name must match the name as it appears on the master agreement.** Organizations with multiple contracts must submit multiple contract clauses certifications.

\*\* If the organization has a master agreement with MDOT, the signature must be the same as the authorized signer of the master agreement or an individual with legal authority to sign a project authorization for the organization. Your agency can change, add or remove an authorized signer at any time by completing a signature resolution.

\*\*\* Chair of the governing board having supervisory powers over your agency.

## FY 2024 FTA CERTIFICATIONS AND ASSURANCES

### Name Of Applicant (legal organization name)

Battle Creek, City of

The Applicant agrees to comply with the applicable requirements of categories below. \* ☒  
Those requirements that do not apply to you or your project will not be enforced.

<u>Categories</u>	<u>Descriptions</u>
01.	Certifications and Assurances Required of Every Applicant.
02.	Public Transportation Agency Safety Plans.
03.	Tax Liability and Felony Convictions.
04.	Lobbying.
05.	Private Sector Protections.
06.	Transit Asset Management Plan.
07.	Rolling Stock Buy America Reviews and Bus Testing.
08.	Formula Grants for Rural Areas.
09.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.
10.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs.
11.	Alcohol and Controlled Substances Testing.
12.	Demand Responsive Service.
13.	Interest and Financing Costs.
14.	Emergency Relief Program.

FTA and MDOT intend that the certifications and assurances the Applicant has selected on this form should apply, as required, to each project for which the Applicant seeks FTA assistance during application year.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document, and acknowledges that the provisions of the program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 et.seq., and implemented by DOT regulations, 'Program Fraud Civil Remedies,' 49 CFR part 31 apply to any certification, assurance, or submission made to FTA. The criminal fraud provisions of 18 U.S. C. 1001 may apply to any certification, assurance, or submission made in connection with any program administered by FTA.

This form is required for all agencies applying for Regular Services, Section 5311 JARC, Section 5310, and/or New Freedom projects.

Name of Applicant (legal organization name)

Battle Creek, City of

THE APPLICANT AGREES TO COMPLY WITH THE APPLICABLE REQUIREMENTS SELECTED BELOW:

- This organization has the necessary operational lifts on its vehicles as required by Act 51, [Section 10e  
A. (17) and 10e(18)] of the Public Acts of 1951, as amended, and the Americans with Disabilities Act of 1990. ☒  
The organization also certifies that the lifts are maintained and cycled on a regularly scheduled basis.
- B. This organization has proof of insurance on file that meets the insurance requirements in exhibit a of your master agreement with the Michigan Department of Transportation. ☒

The applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in statements submitted herein with this document. The truthfulness and accuracy of this document will enable the applicant to receive state funding.



Name Of Applicant (legal organization name)

Battle Creek, City of

All FTA funds recipients, except for urban agencies that receive all of their FTA funds directly from FTA, must submit the following information that covers the period since your last MDOT application. First-time applicants should submit information for the previous fiscal year.

1. Are there any active lawsuits or complaints naming the applicant that allege discrimination based on race, color or national origin with respect to service or other transit benefits?

☐ Yes ☒ No

2. Have you had any Title VI compliance review activities conducted with regard to your transportation program, including triennial compliance reviews conducted by FTA and/or MDOT?

☐ Yes ☒ No

3. When was your last title VI program approved by MDOT or FTA  MM/DD/YYYY

4. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved?

☐ Yes ☒ No

5. Has your organization had any projects and/or service change that have Title VI, Limited English Proficiency (LEP), or Environmental Justice (EJ) impacts? Service change includes service expansion/reduction, route and/or hour changes, etc

☒ Yes ☐ No

a. Provide a brief description of these projects/service changes.

Fare increase on 7/1/2022.

b. What did you do to ensure that populations affected by the project and/or service change had meaningful access to and involvement in the development process?

Multiple public notices were published with opportunity for comment. A public workshop was held. A public hearing was held. A public meeting was held. A public commission meeting was held.

c. What is the number or percentage of LEP or EJ populations affected by the project and/or service change

This fare increase impacted all passengers equally.

**6. During this reporting period, how were your employees educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities?**

New employees are given a one-on-one training with the Transit Director or the Grants Program Administrator. Each individual is given a printout of the material covered and sign a form acknowledging receipt.

**NOTICE: The Local Advisory Council(LAC) must review and be given the opportunity to comment on this Vehicle Accessibility Plan (VAP). Please attach the signed minutes of the LAC meeting at which this VAP was discussed and approved.**

**Name Of Applicant (legal organization name)**

Battle Creek, City of

**1. Total D-R Fleet anticipated for application year (including locally funded vehicles)**

11

**2.Total Anticipated D-R Fleet Accessible or lift-equipped (including locally funded vehicles)**

11

**2a. If your agency is operating inaccessible revenue vehicles, is equivalent service being offered to riders?**

**3. Has the agency made any changes in vehicle inventory described in No. 1 and No. 2 above since the last accessibility plan update was submitted?**

**(If "yes" explain changes and reasons for those changes below.)**

No

**4. Has the agency made any changes in the following since the last accessibility plan update was submitted?**

**A. Fare structure** Yes

**Please Explain**

Fare increase was implemented 7/1/22.

**B. Service area information** No

**C. Service availability information** No

**D. Service Hours/days of operation** No

**E. Local advisory council membership** Yes

Changes in membership due to resignations.

**5. Has the agency made any other changes in its vehicle accessibility plan since last submission of an accessibility plan or annual update?**

No

**6. How frequently does the agency's LAC meet?**

Quarterly

**7. LAC MEMBER LIST (List below the members of your agency LAC. Attach a separate page of additional names if necessary.)**

**NOTICE:** The Local Advisory Council (LAC) must review and be given the opportunity to comment on this Vehicle Accessibility Plan (VAP). Please attach the signed minutes of the LAC meeting at which this VAP was discussed and approved.

**NOTE:** MDOT Administrative Rule 202 requires that the applicant agency shall establish a LAC composed of a minimum of three members. No LAC member shall be a staff or board member of the applicant agency. The applicant agency shall ensure all of the following:

**1) 50% of the LAC membership represents persons who are 65 years of age or older and persons who have disabilities within the service area;**

**2) the LAC membership includes people who have diverse disabilities and the elderly who are users of public transportation; and**

**3) the applicant agency has approved at least one member, or 12% of the membership, jointly with the area agency on aging.**

**Does the list of members reflect the membership in the minutes?**

Yes

---

**1. CHAIRPERSON'S NAME**

Paul Ecklund

**Affiliation (Name of organization, if any)**

Disability Network Southwest Michigan

---

**This member represents**

Persons with Disabilities

---

**This member is**

A user of public transportation

A Person with Disabilities

---

**2. NAME**

Paulette Porter

**Affiliation (Name of organization, if any)**

CareWell (Area Agency on Aging)

---

**This member represents**

Persons 65 years and older

---

**This member is**

Jointly appointed by an area

---

**3. NAME**

Jerry Sigourney

**Affiliation (Name of organization, if any)**

None

---

**This member represents**

Persons with Disabilities

---

**This member is**

A user of public transportation

A Person with Disabilities

---

**4. NAME**

Mark Woodford

**Affiliation (Name of organization, if any)**

None

---

**This member represents**

Persons 65 years and older

---

**This member is**

Age 65 or older

A user of public transportation

A Person with Disabilities

---

---

# **BATTLE CREEK TRANSIT**

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## **VEHICLE ACCESSIBILITY PLAN**

Prepared by:  
Mallory R. Avis, Public Transit Director  
Donna M. Hutchison, Grants Program Administrator

Effective Date: January 17, 2023

Presented to Battle Creek City Commission as part of Annual Application: January 17, 2023

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# I Purpose

This accessibility plan is submitted in compliance with Section 10e(18) of the Michigan Transportation Fund Act (MCL 247.660e) (hereinafter “the Act”) and the official administrative rules for administration of Michigan’s Comprehensive Transportation Fund. The purpose of this accessibility plan is to describe the demand response service provided by Battle Creek Transit (BCT) to seniors and individuals with disabilities. This accessibility plan demonstrates it is the policy of BCT to comply with the following requirements of Section 10e(18):

- A. That demand response service is provided to persons 60 years of age or older and individuals with disabilities residing in BCT’s entire service area. (See attached map defining service area.)
- B. That as a minimum, demand response service is provided to persons 60 years of age or older and individuals with disabilities during the same hours as service is provided to all other persons in BCT’s service area.
- C. That the average time required for demand response service to persons 60 years and older and individuals with disabilities, from the initiation of a service request to arrival at the destination, is equal to the average time period required for demand response service provided to all other persons in BCT’s service area.
- D. That BCT has established a Local Advisory Council (LAC) with not less than 50 percent of its membership representing persons 60 years of age or older and individuals with disabilities in BCT’s service area. At least one member (or 12 percent of membership has been appointed jointly with the area agency on aging. The LAC has had an opportunity to review and comment on this plan before its submission to the Michigan Department of Transportation. (See attached BCT’s LAC Minutes)

All rules cited below refer to the official administrative rules for the administration of the Comprehensive Transportation Fund. These rules are found in the Michigan Administrative Code, beginning at Rule 241.4101, et seq.

## 2 Definition of Senior and Individual with a Disability – Rule 201 (2) (c)

As used in this Accessibility Plan:

- (a) “individual with a disability” means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such an impairment. See Michigan Administrative Code Rule 247.4101(1)(m).
- (b) “senior” means an individual 60 years of age or older.



### **3 Number of Senior and Individuals with Disabilities in Service Area – Rule 201 (2) (c)**

BCT estimates that a total of 38,681 persons fitting the above definitions reside in the agency's defined service area based on the 2020 Census.

### **4 Description of Plan Development Process And Local Advisory Council Involvement – Rule 201(2) (e)**

BCT developed this plan using the following process:

- a. BCT staff drafted a plan, incorporating all information required by R 247.4201 and R247.4202 of the Michigan Administrative Code.
- b. The draft plan content was reviewed at a meeting of BCT's Local Advisory Council, held on January 17, 2023, wherein the Local Advisory Council was given opportunity to review and comment on the content of the plan. In accordance with Sec. 10e(18)(d) of the Act, all comments on the plan received at this meeting by Local Advisory Council members are contained in a separate section of this plan, below.
- c. A final draft plan was submitted to and approved by BCT's governing body.

### **5 Local Advisory Council Composition – Rule 202**

BCT's Local Advisory Council is currently comprised of four members, which meets or exceeds the required minimum of three members. In accordance with Rule 202, no member of the Local Advisory Council is an employee, executive committee member, or governing board member of BCT. BCT ensures that at least 50 percent of its Local Advisory Council membership represents persons who are 65 years of age or older and persons who have disabilities within the agency's defined service area. BCT further ensures that at least one member of its Local Advisory Council (or one of every eight members, whichever is larger) is approved jointly with the area agency on aging. BCT further ensures that its Local Advisory Council membership will include people with various disabilities and senior(s) who are users of public transportation. BCT's Local Advisory Council is, at the time of adoption and submission of this plan, composed of the following members:

**1. LAC Chairperson Name:** Paul Ecklund **AFFILIATION:** Disability Network Southwest MI

This Member is a:

- ☒ Person with Disabilities  
☐ Person 65 years and older  
☐ Neither of the above groups  
☒ Represents one of the above

This Member is a:

- ☐ Jointly appointed by the area agency on aging  
☒ A user of public transportation  
☐ Neither of the above

**2. Name:** Paulette Porter

This Member is a:

- ☐ Person with Disabilities  
☐ Person 65 years and older  
☐ Neither of the above groups  
☒ Represents one of the above

**AFFILIATION:** CareWell (Area Agency on Aging)

This Member is a:

- ☒ Jointly appointed by the area agency on aging  
☐ A user of public transportation  
☐ Neither of the above

**3. Name:** Jerry Sigourney

This Member is a:

- ☒ Person with Disabilities  
☐ Person 65 years and older  
☐ Neither of the above groups  
☐ Represents one of the above

**AFFILIATION:** None

This Member is a:

- ☐ Jointly appointed by the area agency on aging  
☒ A user of public transportation  
☐ Neither of the above

**4. Name:** Mark Woodford

This Member is a:

- ☒ Person with Disabilities  
☒ Person 65 years and older  
☐ Neither of the above groups  
☐ Represents one of the above

**AFFILIATION:** None

This Member is a:

- ☐ Jointly appointed by the area agency on aging  
☒ A user of public transportation  
☐ Neither of the above

## 6 Present Vehicle Inventory – Rule 20I (2) (a)

BCT's demand response vehicle inventory presently in service is as follows:

- a. Number of demand response vehicles presently in service purchased with Comprehensive Transportation Fund monies is nine (9).
- b. Number of accessible demand response vehicles presently in service purchased with Comprehensive Transportation Fund monies is nine (9).

## 7 Anticipated Vehicle Inventory – Rule 20I (2) (b)

BCT's anticipated demand response vehicle inventory is as follows:

- a. Number of demand response vehicles in agency's anticipated fleet which will be purchased with Comprehensive Transportation Fund monies is eleven (11).
- b. Number of accessible demand response vehicles in agency's anticipated fleet which will be purchased with Comprehensive Transportation Fund monies is eleven (11).

## 8 Narrative Summary of Vehicles Requested – Rule 20I (2) (l)

As indicated above, the agency currently operates or plans to operate a total of nine (9) demand response vehicles. Of these vehicles, the total number that will be fully accessible to seniors and individuals with disabilities is nine (9) vehicles. The reason for operating or planning to operate this number of accessible vehicles is the flexibility offered by a fully accessible fleet and the increased number of seniors and individuals with disabilities using the service.

## 9 Fare Structure – Rule 20I (2) (d)

BCT's fare structure that is in use for seniors, individuals with disabilities, and the general public for demand response and fixed route service is as follows:

	General Public/ Peak	General Public/ Non-Peak	Seniors/Disabled
Demand Response	\$7.00	\$5.00	\$3.00
Fixed Route	\$1.75	\$1.75	\$0.85
Demand Response Countywide	\$3-\$15	\$3-\$15	\$3-\$15

## **I0 Map and Narrative Description of Service Area – Rule 20I (2) (f)**

For fixed route and demand response service, BCT's service area is 72 square miles.

For countywide demand response service, BCT's service area is 718 square miles.

Refer to the attached map of BCT's service area at appendix A, depicting BCT's service area and routes.

## **I I Service Schedule – Rule 20I (2) (g)**

BCT's current service schedules, including hours of day and days per week for fixed route and demand response service is as follows :

- a. Fixed Route – Monday through Friday 5:15 am to 6:45 pm and Saturday 9:15 am to 5:15 pm
- b. Demand Response – Monday through Friday, 5:15 am to Midnight and Saturday 9:15 to 5:00 pm.

## **I2 Schedules in Alternative Formats – Rule 20I (2) (h)**

BCT has made arrangements to produce copies of its current service schedule in an alternative format that can be utilized by individuals who are blind or have other disabilities.

## **I3 Vehicle Availability on Other Than Regular Service Hours and Days – Rule 20I (2) (i)**

BCT does not make demand response service vehicles available for use during hours or days other than regular service hours and days. BCT confirms that accessible transit vehicles are available for use by the senior and individuals with disabilities to the same extent as the general public.

## **I4 Advance Requests for Demand Actuate Service – Rule 20I (2) (j)**

BCT does require that seniors, individuals with disabilities, and the general public must make an advance request to obtain demand response service. The required advance request time period is 24 hours but no more than 2 weeks. Same day requests are accommodated as space permits.

## **I5 Constraints on Capacity and Restrictions on Trip Purpose – Rule 20I (2) (k)**

BCT has no capacity constraints for weight requirements on mobile wheelchair units and no restrictions on trip purpose in the provision of its demand response service.

## **I6 Local Advisory Council (LAC) Comments on this Plan – Rule 20I (2) (m)**

BCT's LAC comments on this Plan are included in the minutes to the LAC's meeting on January 17, 2023, which are attached as Appendix B

## **I7 Agency Response to Local Advisory Council (LAC) Comments on the Plan – Rule 20I (2) (n)**

BCT's response to LAC comments on the Plan are included in the minutes to the LAC's meeting on January 17, 2023.

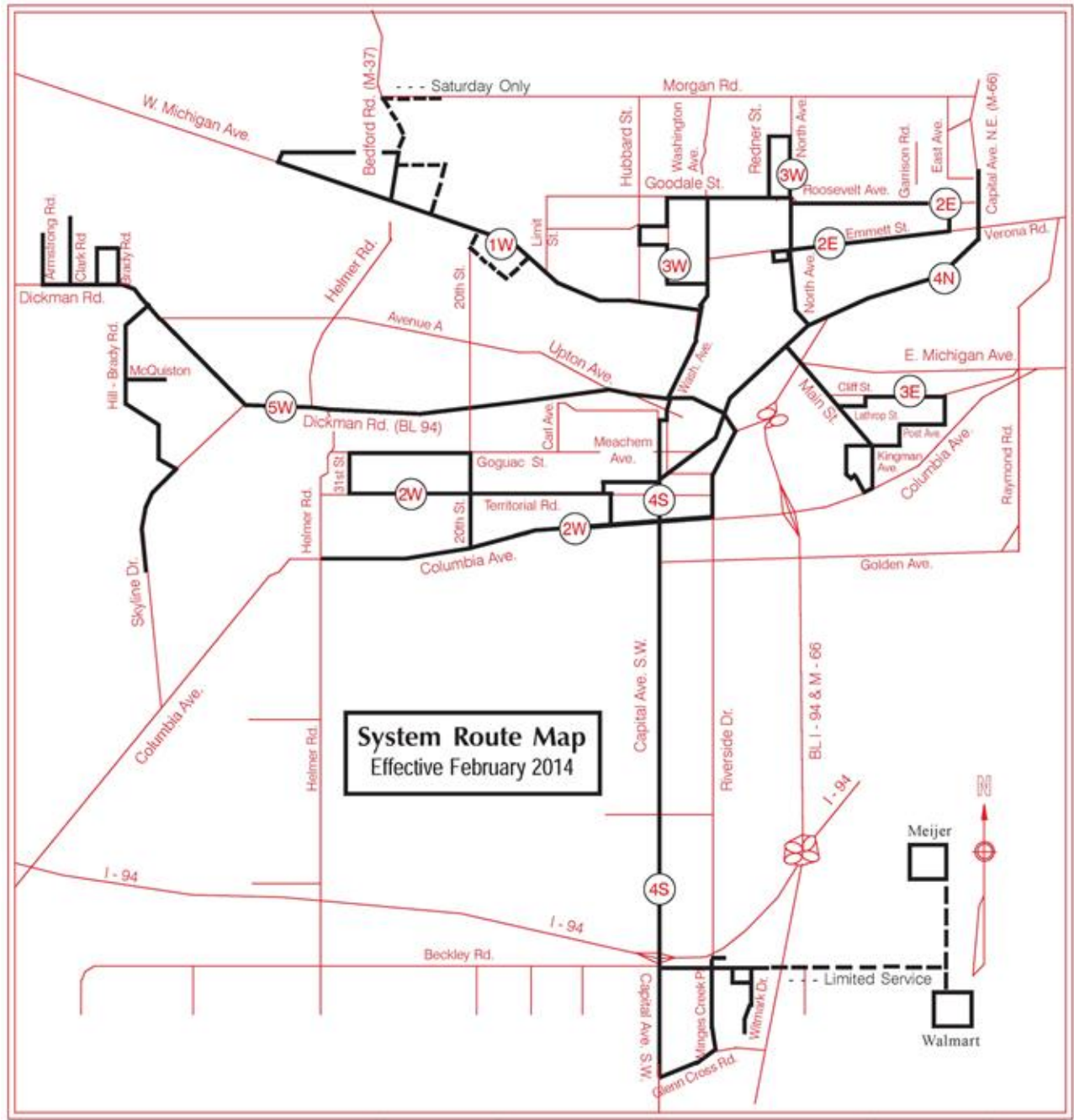
## **I8 Appendixes**

Map defining service area – Appendix A

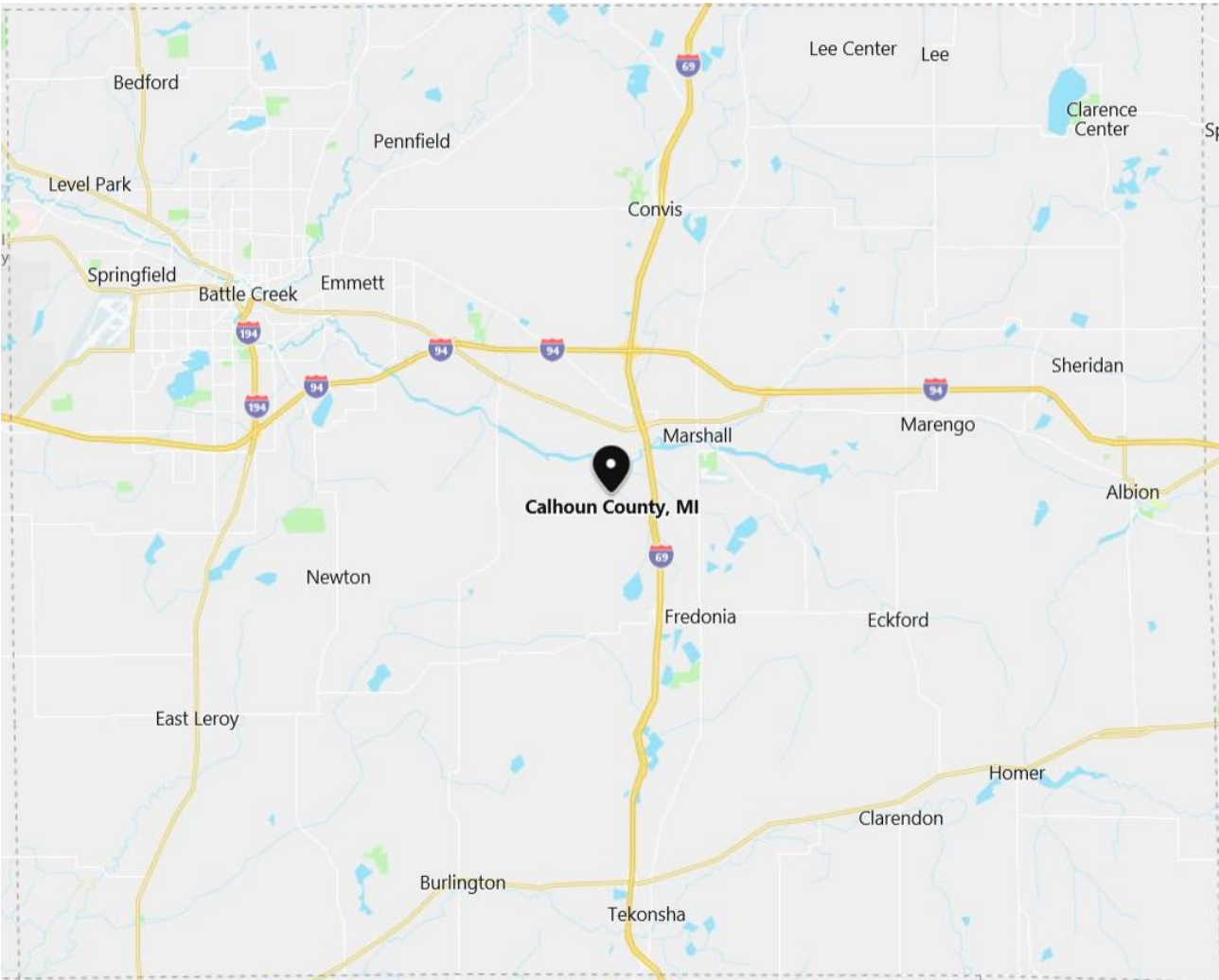
Local Advisory Minutes from January 17, 2023 Meeting – Appendix B

# Appendix A – Battle Creek Service Area and Countywide Service Area

## Battle Creek Service Area



Countywide Service Area



# Appendix B – LAC Minutes, January 17, 2023

**BATTLE CREEK TRANSIT LOCAL ADVISORY COUNCIL  
CITY COMMISSION CHAMBERS  
10 NORTH DIVISION  
BATTLE CREEK, MICHIGAN**

**January 17, 2023  
8:30AM**

**Committee Members Present:** Paul Ecklund, remotely from the City of Kalamazoo; Paulette Porter and Mark Woodford

**Committee Members Absent:** Jerry Sigourney

**Others Present:** Mary Frisby and Terry Youmans

**Staff Members Present:** Mallory Avis, Transit Director: Alicia Greene, Deputy City Clerk: Jonathan Baber, Deputy City Attorney: Donna Hutchison, Transit Grants Administrator: Kristy Grestini, Mobility Manager

**Call to Order/Recognition of Quorum:** Mr. Ecklund called the meeting to order at 8:30AM, noting a quorum was present.

**Approval of Agenda of January 17, 2023 Meeting:** A motion was made by Ms. Porter, supported by Mr. Woodford, to approve the January 17, 2023 LAC meeting agenda. All in favor, none opposed. Motion approved.

**Approval of Minutes of September 13, 2022 Meeting:** Ms. Porter, supported by Mr. Woodford, to approve the September 13, 2022 LAC meeting minutes. All in favor, none opposed. Motion approved.

**Communications to the Council:** None

**Reports from Officers:** None

**General Public Comment:** None

**Old Business:** None

**New Business:**

**A. Discuss Vice Chairperson election:**

Mr. Ecklund nominated Paulette Porter as the Vice Chair of the Transit Local Advisory Committee.

A motion was made by Mr. Ecklund, supported by Mr. Woodford, to appoint Paulette Porter as Vice Chair to the Transit Local Advisory Committee. All in favor, none opposed. Motion approved.

**B. Review/Action on FY 2024 Agency Vehicle Accessibility Plans-as discussed at the LCC on January 10, 2023.**

Ms. Avis noted each agency has done a full update to their vehicle accessibility plans, as required by MDOT. Each agency provided information on their vehicles, with Marian Burch having 8 vehicles, all accessible: Community Action having 10 vehicles, 5 which are accessible: BCT having 9 vehicles and 4 BCGo mini vans, all being accessible and Community Inclusive Recreation having 6 vehicles, which are all accessible.

After review of each agency's vehicle accessibility plan, a motion was made by Mr. Woodford, supported by Ms. Porter, to approve the FY 2024 Agency Vehicle Accessibility plans submitted by Battle Creek Transit, Community Action, Community Inclusive Recreation and Marian Burch. All in favor, none opposed. Motion approved.

**C. Review/Discuss Transit State Application**

Ms. Avis provided an overview of the application submitted to MDOT, noting this was discussed at the LCC meeting on January 10, 2023 and is primarily for continuation funding.



- \$500,000.00 in funding to expand and continue BCGo service.
- \$229,995.00 in New Freedom Dollars, to fund late night service.
- Continuation of mobility management funding, staffed by BCT providing transportation information to the community.
- \$108,000.00 Specialized Service to fund all community partners
- Continuation of local bus operating funding.

All applications will be available for the next 30 days for review and will be on the City of Battle Creek Commission agenda this evening January 17, 2023.

**D. Discuss Timetable for MDOT, Specialized Services & 5310 applications are due February 1, 2023-discussed**

**E. Agency Updates**

- Battle Creek Transit – Ms. Avis provided an update.**
- Community Action – Terry Youmans provided an update.**
- Community Inclusive Recreation – No update**
- Marian E. Burch – Ms. Frisby provided an update.**
- Other – No update provided**

**Announcements:**

- Next Meeting:** June 13, 2023 at 2:30 following LCC meeting at approximately 2:30PM.
- Committee Member Comment:** Mr. Woodford thankful for what we have today.

**Adjournment:** The meeting was adjourned at 8:49AM.

I, Victoria L. Houser, City Clerk  
of the City of Battle Creek,  
hereby certify  
the above and foregoing is a true and accurate copy  
of the minutes recorded for the January 17, 2023 meeting  
of the Battle Creek Transit Local Advisory Council.

*Victoria L. Houser*

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Victoria L. Houser, City Clerk

Please note there has not been a subsequent meeting of the Local Advisory Council where the minutes could be considered or approved.

*Paul Ecklund*

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Paul Ecklund, LAC Chairperson

*1/17/23*



## Resolution

NO. 57

A Resolution Seeking Authorization of Publication of a Notice of Intent to Issue Water and Wastewater System Revenue Bonds

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That, WHEREAS, the City of Battle Creek, County of Calhoun, State of Michigan (the “City”), proposes to acquire, construct and equip various improvements to the City’s Water and Wastewater System, including wellfield improvements, pump station improvements, related site improvements and all related appurtenances and attachments (collectively, the “Project”); and

WHEREAS, the City determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire and construct the Project; and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”), permits the City to borrow money to finance the acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, the issuance of revenue bonds under Act 94 payable from revenues of the City’s Water and Wastewater System in an amount to be determined prior to the sale of the revenue bonds, but in any event not to exceed Ten Million Dollars (\$10,000,000) (the “Revenue Bonds”) for the purpose of financing the Project, the funding of reserve funds, if necessary, and costs of issuing the Revenue Bonds appears to be the most practical means to that end; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Revenue Bonds in order to comply with the requirements of Section 33 of Act 94.

### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Revenue Bonds in The Battle Creek Shopper News, a newspaper of general circulation in the City. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form attached hereto as Exhibit A.
2. The City Commission hereby determines that the form of the notice of intent shown in Exhibit A, and the manner of publication directed, is adequate notice to the electors of the City and the users of the Water and Wastewater System and is the method best calculated to give them notice of the City’s intent to issue the Revenue Bonds, the purpose of the Revenue Bonds, the source of payment of the Revenue Bonds, the security for the Revenue Bonds, and the right of referendum of the electors with respect thereto. The City Commission hereby determines that the newspaper named for publication will reach the largest number of persons to whom the notice is directed.
3. The City may incur expenditures for the Project prior to receipt of proceeds of the Revenue Bonds, and

may advance moneys for that purpose from the water and wastewater system enterprise fund or other funds available to the City, to be reimbursed from proceeds of the Revenue Bonds when available. The Revenue Services Director or her designee shall keep a specific record of all such expenditures. The City hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 of the Internal Revenue Code of 1986, as amended:

(1) The City reasonably expects to reimburse itself with proceeds of debt to be incurred by the City for certain costs associated with acquisition and construction of the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof from the funds of the Water and Wastewater System.

(2) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$10,000,000, which debt may be issued in one or more series and/or together with debt for other purposes.

(3) A reimbursement allocation of the expenditures described in paragraph (1) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

4. The City retains PFM Financial Advisors LLC, Ann Arbor, Michigan, as municipal advisor to assist the City in preparation and planning for the marketing and sale of the Revenue Bonds.

5. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Revenue Bonds.

6. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate preparation for sale of the Revenue Bonds. The Revenue Bonds shall not be sold until this City Commission adopts an ordinance authorizing issuance of the Revenue Bonds

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

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Battle Creek City Commission

1/17/2023

### **Action Summary**

**Staff Member:** Aaron Kuhn, Assistant Revenue Services Director

**Department:** Finance

## **SUMMARY**

A Resolution Seeking Authorization of Publication of a Notice of Intent to Issue Water and Wastewater System Revenue Bonds

## **BUDGETARY CONSIDERATIONS**

This will eventually result in debt being incurred by the Water Fund of the City of Battle Creek. There will be projected annual average debt service of \$845,000 over the 20-year life of the bonds. The City's water system does not currently have any outstanding debt and will be able to accommodate the expense of the debt service from current revenues. Furthermore, this debt issuance was a planned part of the rate study recently completed for the water and wastewater systems.

## **HISTORY, BACKGROUND and DISCUSSION**

The State of Michigan Department of Environment, Great Lakes, & Energy has issued a notice of deficiency to the City based on issues related to well casings and contamination at the Verona Wellfield. As part of the Corrective Action Plan, City staff are working with engineers and other consultants to remedy the situation.

The Finance Department is working to secure bond financing to complete the improvements to the system. Initial estimates have the project costing approximately \$8.1 million.

As outlined in the attached letter, the Revenue Bond Act requires the City to notify electors of its intent to issue bonds by publishing a notice which gives the voters a referendum right on the issuance of the bonds. The bonds can be issued without a vote of the City electors unless a petition is filed with the City Clerk within 45 days of publication of the notice.

It should be noted that the City does not have to borrow the full \$10,000,000 outlined in the Resolution. The City can downsize the bond issue prior to the sale of the bonds after the cost for the project has been determined.

If the Notice of Intent Resolution is approved by the City Commission and the Notice of Intent is published shortly thereafter, the 45 day referendum period will expire in early March. After the referendum period expires, in order to issue and sell bonds, the City Commission would need to adopt an ordinance or resolution to authorize the issuance of the bonds which will determine the amount of the bond issue to be financed.

## **DISCUSSION OF THE ISSUE**

## **POSITIONS**

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### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Bond_Counsel_Letter_with_Notice_of_Intent_Reso_1.10.23.pdf	Bond Counsel Letter
<input type="checkbox"/> EXHIBIT_A_Notice_of_Intent.pdf	Exhibit A

Founded in 1852  
by Sidney Davy Miller



**PATRICK F. MCGOW**  
**TEL (313) 496-7684**  
**FAX (313) 496-8450**  
**E-MAIL [mcgow@millercanfield.com](mailto:mcgow@millercanfield.com)**

**Miller, Canfield, Paddock and Stone, P.L.C.**  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
TEL (313) 963-6420  
FAX (313) 496-7500  
[www.millercanfield.com](http://www.millercanfield.com)

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January 9, 2023

Mr. Aaron B. Kuhn  
Assistant Revenue Services Director  
City of Battle Creek  
10 N. Division Street  
Battle Creek, MI 49014

Re: City of Battle Creek Water and Wastewater System Revenue Bonds  
Notice of Intent Resolution

Dear Aaron:

I have enclosed a Notice of Intent Resolution for consideration for approval by the City Commission at its meeting on January 17th. This Resolution authorizes the publication of a Notice of Intent relating to a proposed bond issue to be issued for the purpose of paying all or part of the cost of water and wastewater system improvements for the City, including bond reserve and issuance costs. The Bond proceeds would be used to pay costs to acquire, construct and equip various improvements to the City's Water and Wastewater System, including wellfield improvements, pump station improvements, related site improvements and all related appurtenances and attachments (the "Project").

The enclosed Notice of Intent Resolution indicates the City's intent to issue its Revenue Bonds in an amount not to exceed \$10,000,000 to pay all or part of the cost of the Project and to publish a notice of intent to issue Bonds in the *Battle Creek Shopper News* indicating the City's intent to issue Bonds for the Project. The amount in the Resolution is derived from the current estimated cost of the Project, plus a contingency buffer, bond reserve and issuance costs. The Resolution does not obligate the City to issue Bonds up to the full amount. The City can downsize the Bond issue prior to the sale of the Bonds after the costs have been determined, but the City would not be able to increase the size of the Bonds for the Project over the amount in the Notice without republishing a new Notice for the increased amount.

The Bonds will be payable from the Net Revenues of the City's Water and Wastewater System and will be of equal standing with the outstanding Water and Wastewater Bonds, Series 2016A and 2016B. The proceeds of the Bonds may be used to pay for the construction of the Project as well as reimburse the City for any engineering, design and other preliminary costs related to the Project. The Bonds will also be used to pay issuance costs related to the Bonds and fund the Bond Reserve Account.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. Aaron B. Kuhn

-2-

January 9, 2023

The Revenue Bond Act requires the City to notify the electors of the City of its intent to issue the Bonds by publishing a notice which gives the voters a referendum right on the issuance of the Bonds. The Bonds can be issued without a vote of the City electors unless a petition is filed with the City Clerk within 45 days of publication of the notice. The form of Notice of Intent is included in the Resolution as Exhibit A. **The Notice of Intent must be published as a display advertisement at least one-quarter (1/4) page in size in a newspaper of general circulation in the City.**

Paragraph 3 of the Resolution contains language which authorizes the City to reimburse itself from Bond proceeds for certain costs relating to the project incurred prior to issuance of the Bonds, including costs for engineering and design. It will also allow the City to reimburse for any hard construction or acquisition costs which were incurred within 60 days before the adoption of the Resolution.


If the Notice of Intent Resolution is approved by Commission and the Notice of Intent is published shortly thereafter, the 45 day referendum period will expire in early March. After the referendum period expires, in order to issue and sell the Bonds, the City Commission would need to adopt an ordinance or resolution to authorize the issuance of the Bonds which will determine the amount of the Bond issue to be financed.

We would appreciate receiving three (3) certified copies of the Resolution upon its adoption as well as three (3) Affidavits of Publication from the newspaper in which the Notice of Intent is published. **Please remind the newspaper that the Notice must be a quarter page ad.**

If you have any questions, please do not hesitate to contact me.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By:   
Patrick F. McGow

cc: Linda Morrison  
Kari Blanchett  
Sarah Moore  
Juli Baker

## EXHIBIT A

### *Notice of Intent to be Published as a One-Quarter (1/4) Page Display Advertisement*

#### NOTICE TO ELECTORS OF THE CITY OF BATTLE CREEK AND TO USERS OF THE CITY'S WATER AND WASTEWATER SYSTEM OF INTENT TO ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES OF THE WATER AND WASTEWATER SYSTEM AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Commission of the City of Battle Creek intends to issue and sell the City's Water and Wastewater System Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in the maximum aggregate principal amount of Ten Million Dollars (\$10,000,000) (the "Bonds"), for the purpose of paying costs to acquire, construct and equip various improvements to the City's Water and Wastewater System, including wellfield improvements, pump station improvements, related site improvements and all related appurtenances and attachments. Costs financed with proceeds of the Bonds may include funding of required bond reserve funds and costs of issuance.

The Bonds will mature in annual installments not to exceed twenty-five (25) years, with interest on the unpaid balance from time to time remaining outstanding on the Bonds at interest rates to be determined at sale of the Bonds but in no event to exceed such rates as may be permitted by law. The Bonds may be issued in one or more series and may be combined with bonds issued for other purposes as shall be determined by the City Commission.

#### SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of the Water and Wastewater System (the "System"). Said revenues will consist of rates, fees and charges billed to the users of the System, a schedule of which is presently on file in the City's Utility Billing Department and posted at [www.battlecreekmi.gov](http://www.battlecreekmi.gov). Said rates, fees and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the Bonds and any other bonds of the System, and to pay other obligations of the System.

#### RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such petition is filed, the Bonds cannot be issued unless approved by a majority vote of the electors of the City voting on the question of their issuance.

THIS NOTICE is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended. Additional information may be secured from the City Clerk's office.

Victoria L. Houser  
City Clerk, City of Battle Creek



Resolution

NO. 58

A Resolution seeking authorization for the Battle Creek Fire Department to participate in the Michigan Mutual Aid Box Alarm System Task Force 1.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That, in 2015, the Battle Creek City Commission authorized its Fire Department to participate in the Calhoun County Michigan Mutual Aid Box Alarm System, which is a subsection of the Michigan Mutual Aid Box Alarm System (MI-MABAS), and is a user-driven system designed to streamline the requesting and providing of emergency and fire services resources across Michigan for day-to-day mutual aid and for large-scale events such as major fires, train derailments, tornadoes, wildfires, domestic or foreign terrorism and other events that may overwhelm local resources.

MI-MABAS has created Task Force 1 (MI-TF1), organized for the purpose of meeting the needs of the State of Michigan as related to urban search and rescue (US&R). The Fire Chief has requested authorization for the City to also participate in MI-MABAS's MI-TF1.

THEREFORE, the City of Battle Creek and the Battle Creek Fire Department are authorized to participate in the MI-MABAS MI-TF1 and the City Manager is authorized to enter into agreements to carry out this authorization, including but not limited to the attached agreement.

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Battle Creek City Commission  
1/17/2023

**Action Summary**

**Staff Member:** Jonathan R. Baber, Deputy City Attorney

**Department:** City Attorney

**SUMMARY**

A Resolution seeking authorization for the Battle Creek Fire Department to participate in the Michigan Mutual Aid Box Alarm System Task Force 1.

**BUDGETARY CONSIDERATIONS**



There are no budgetary considerations by virtue of entering into this Agreement.

The City of Battle Creek would be reimbursed any time its employees are called upon in the event of an emergency to act for MI-TF1.

## **HISTORY, BACKGROUND and DISCUSSION**

The Battle Creek Fire Chief is requesting authorization to join the MI-MABAS, MI-TF1. As part of the MI-TF1, state and local governments' are provided the use of resources and personnel possessing further specialized skill sets and mission ready packages that local and state governments do not possess. The mission is to provide supervision and control of essential functions at incidents where technical expertise and equipment may be required, i.e. tornados, floods, building collapses and terrorist events.

MI-TF1 is the only NIMS Urban Search and Rescue Team in the State of Michigan. By allowing Battle Creek Fire Department to participate in MI-TF1, it benefits through regular participation in advanced trainings and exercises where participants are able to obtain certifications which would benefit the City.

Michigan is a participating state in the Emergency Management Assistance Compact (EMAC). EMAC allows states to share resources from all disciplines in the event of an emergency that overwhelms state capabilities. As part of EMAC, workers are protected under the Michigan Emergency Management Act, MCL 30.401 et seq. (Emergency Management Act) when they are asked to respond under these Agreements as it relates to workers compensation, tort liability, licensing and reimbursement. We are authorized to enter into such agreements pursuant to the Michigan Urban Cooperation Act of 1967, PA 7, MCL 124.501 et. seq. MI-TF1 responds to other states requests for assistance through EMAC which ensures those deployed and their employers are given protections.

If the participating member(s) from the City of Battle Creek Fire Department terminates employment or declines to participate further, the City of Battle Creek is not under any obligation to replace that person. Participation is strictly voluntary. Whether or not Battle Creek has a participating member does not preclude the City from receiving response assets from MI-TF1.

The Battle Creek Fire Department currently participates in other Mutual Aid Programs. In 2015, the City Commission authorized the Fire Department to participate in the Calhoun County Mutual Aid Box Alarm System. In 2011, the City Commission authorized the Fire Department to participate in a Mutual Aid Fire Protection Agreement with the Michigan Air National Guard. (See Attachments for both Agreements).

## **DISCUSSION OF THE ISSUE**

### **POSITIONS**

Fire Chief Bill Beaty requested this Resolution.

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### **ATTACHMENTS:**

File Name	Description
❏ MI-TF1_and_Agency_as_amended_1.3.23.docx.pdf	MI-TF1 and Agency Agreement
❏ BC_MABAS_2015.pdf	2015 MABAS Executed Agreement
❏ 2011_ANG_Mutual_Aid_Agreement_with_Resolution.pdf	2011 MABAS Executed Agreement

**MEMORANDUM OF UNDERSTANDING  
BETWEEN MICHIGAN MUTUAL AID BOX  
ALARM SYSTEM AND**

---

**(Participating Governmental  
Agency)**

This Memorandum of Understanding (MOU) is made between The Michigan Mutual Aid Box Alarm System Association (MI-MABAS) and \_\_\_\_\_ (AGENCY) for participation of the AGENCY'S employee(s) on Michigan's Urban Search and Rescue Team, designated Michigan Task Force 1 (MI-TF1). In this MOU, MI-MABAS and the AGENCY may also be referred to individually as "Party" or jointly as "Parties".

MI-TF1 was organized for the purpose of meeting the needs of the State of Michigan as related to urban search and rescue (US&R), pursuant to the Michigan Urban Cooperation Act of 1967, PA 7, MCL 124.501 et seq. (Urban Cooperation Act), and Michigan Emergency Management Act, MCL 30.401 et seq. (Emergency Management Act); that is, to "respond to natural and man-made disasters to provide search and rescue, medical support, damage assessment, and assist in the coordination of relief.

MI-MABAS is organized through the Constitution of the State of Michigan, 1963 Article VII, Section 28, and the Urban Cooperation Act. MI-MABAS is an advanced mutual aid system that supports local fire departments for incidents that overwhelm a local resource. The mission of MI-MABAS is to coordinate the most effective and efficient intra- and interstate mutual aid mobilization and deployment to requests for aid during emergencies or disasters. MI-MABAS is the sponsoring entity for MI-TF1 and works closely with the State's Administrative Agency, the Michigan State Police Emergency Management and Homeland Security Division (MSP EMHSD).

**Purpose of MOU:** The purpose of this MOU is to establish a formal understanding between the Parties for the AGENCY's employees to participate as a member of MI-TF1. This agreement applies to the deployment of participating agency members inside the State of Michigan. All terms and conditions of the Interstate Emergency Management Assistance Compact (EMAC) apply to MI-TF1 deployments outside of the State of Michigan. As such, the Parties agree to the following:

**1. Obligations of the Participating Agency:**

- 1.1 The AGENCY hereby acknowledges and gives its express consent for its employees to become personnel assigned to MI-TF1 to perform search and rescue activities provided that the AGENCY shall have the right to maintain the operational capability of its own jurisdiction. MI-TF1 members may be required to deploy within two hours of activation.
- 1.2 The AGENCY acknowledges that at all times its personnel remain employees of the AGENCY, even when performing at the direction of a MI-TF1 Leader, and will ensure that all insurance or self-insurance remains in effect while the MI-TF1 member is deployed, including Worker's Compensation benefits, pursuant to the Michigan Workers' Disability Compensation Act (MCL 418.1610)).
- 1.3 The AGENCY acknowledges that the MI-TF1 members' duties include, but are not limited to, participation in training that may occur both in and out of the State of Michigan, participation in MI-TF1 training exercises and participation in MI-TF1 organizational meetings as deemed necessary by the MI-MABAS Special Operations Program Director.
- 1.4 The AGENCY acknowledges that the MI-TF1 members may be deployed intrastate by their assigned Task Force Leader, or interstate if requested via an EMAC request through MSP EMHSD.
- 1.5 The AGENCY shall be responsible for obtaining and maintaining all licenses, permits, certificates and governmental authorizations for its employees and/or agents necessary to perform all its obligations under this Agreement. Upon request, an AGENCY shall furnish copies of any permit, license, certificate or governmental authorization to MI-TF1 management.
- 1.6 The AGENCY acknowledges that while on duty, MI-TF1 members are subject to the operational control of the authority in charge of disaster relief activities in the area in which they are deployed.
- 1.7 The AGENCY is also required to sign off on an additional MOU between its employee's that become members of MI-TF1 and MI-MABAS.

**2. Obligations of MI-MABAS:**

- 2.1 MI-MABAS will provide all personal protective equipment (PPE) and tools to MI-TF1 members.
- 2.2 MI-MABAS will coordinate the General and Technical (Rope) skill set training as required.

- 2.3 MI-MABAS will design, schedule, and conduct urban search and rescue exercises.
  - 2.4 Back-fill may be paid if available.
  - 2.5 MI-MABAS will provide respiratory fit testing as required.
  - 2.6 MI-MABAS is responsible for budget oversight and coordination, team member organizational and operating structure.
  - 2.7 MI-MABAS is the liaison to the MSP EMHSD.
3. **Liability.** Each Party operating under this Agreement shall bear the risk of its own actions as it would with normal, day-to-day operations. Pursuant to the Emergency Management Act, the State of Michigan, any political subdivision of the State of Michigan and their employees, officers, and agents, are not liable for any injuries that may occur to any person or for any damage to property during disaster relief activity (this includes training as set forth in the Act), MCL 30.411. When performing disaster relief activity, MI-TF1 members enjoy all powers, duties, rights, privileges and immunities, including, but not limited to protection under the Michigan Government Tort Liability Act from their AGENCY employer.
4. **Reservation of Rights.** This MOU does not and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
5. **Duration of MOU.** This MOU shall be effective when executed by both Parties and shall remain effective until cancelled or terminated by either Party as provided for in this MOU.
6. **Termination or Cancellation of MOU.** Either Party may terminate or cancel this Agreement for any reason upon 30 calendar days written notice to the other Party.
7. **Notice.** All notices or other communications given by either Party to the other under this MOU shall be in writing and shall be personally delivered, sent by registered or certified mail, return receipt requested, or by overnight delivery services with full tracking and verification capability, to the other Party at its address set forth above or such other address as a Party may subsequently designate in writing. The date of personal delivery or upon verification and receipt of such certified or registered mailing, or overnight delivery as the case may be, shall be deemed to be the date on which such notice is given.
8. **Compliance with Laws.** Each Party shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements

applicable to its activities performed under this MOU.

9. **Severability.** If a court of competent jurisdiction finds a term or condition of this MOU to be illegal or invalid, then the term or condition shall be deemed severed from this MOU. All other terms, conditions, and provisions of this MOU shall remain in full force.
10. **Governing Laws.** This MOU shall be governed, interpreted, and enforced by the laws of the State of Michigan.
11. **MOU Modification.** Any modifications, amendments, rescissions, waivers, or releases to this MOU must be in writing and agreed to by both Parties.
12. **Existing Agreements.** The obligations and rights of the parties hereto shall be in addition to any other obligations and rights as stated in the Amended Michigan MABAS Agreement between the parties.

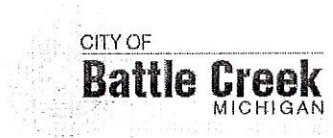
By: \_\_\_\_\_  
MI-MABAS Special Operations Program Director

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

By: \_\_\_\_\_  
Authorized Signatory of Task Force Member's Agency

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





Resolution NO. 168

A Resolution to authorize the City of Battle Creek and the Battle Creek Fire Department to participate in the Calhoun County Mutual Aid Box Alarm System.

BATTLE CREEK, MICHIGAN - 6/16/2015

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

That the City of Battle Creek and the Battle Creek Fire Department are authorized to participate in the Calhoun County Mutual Aid Box Alarm System.

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 June 16, 2015.

*Victoria L. Houser*  
Victoria Houser

Battle Creek City Commission  
6/16/2015

**Action Summary**

Staff Member: Dave Schmaltz

Department: Fire Department

**SUMMARY**

A Resolution to authorize the City of Battle Creek and the Battle Creek Fire Department to participate in the Calhoun County Mutual Aid Box Alarm System.

**BUDGETARY CONSIDERATIONS**

None

**HISTORY, BACKGROUND and DISCUSSION**

The Battle Creek Fire Department is requesting to join the Calhoun County MABAS Division which is part of the MI MABAS system. MABAS is a mutual aid agreement that allows the requesting agency to reach outside of their county to request resources for an event that has exhausted all local resources. The system is designed so that no one department leaves their respective area uncovered when providing aid.

**POSITIONS****ATTACHMENTS:**

File Name	Description
<input checked="" type="checkbox"/> <a href="#">MABAS_RESOLUTION.doc</a>	MABAS Resolution
<input checked="" type="checkbox"/> <a href="#">MICHIGAN MABAS AGREEMENT 31May2013.pdf</a>	MABAS Agreement



## **MICHIGAN MUTUAL AID BOX ALARM SYSTEM AGREEMENT**

**Effective Date:** \_\_\_\_\_

### **BETWEEN**

### **PARTICIPATING POLITICAL SUBDIVISIONS AS SIGNATORIES TO THIS INTERLOCAL AGREEMENT**

This Agreement is entered into between the participating units of local government "Parties" that execute this Agreement and adopt its terms and conditions as provided by law.

**WHEREAS**, the Constitution of the State of Michigan, 1963, Article VII, Section 28, authorizes units of local government to contract as provided by law; and,

**WHEREAS**, the Urban Cooperation Act, of 1967, 1967 PA 7, MCL 124.501, et seq., provides that any political subdivision of Michigan or of another state may enter into interlocal agreements for joint exercise of power, privilege, or authority that agencies share in common and might each exercise separately; and,

**WHEREAS**, the Parties have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in fire protection, suppression, rescue and emergency medical assistance, hazardous materials control, technical rescue and/or other emergency support for an Emergency, Disaster, or other Serious Threat to Public Health and Safety; and,

**WHEREAS**, the Parties have determined that it is in their best interests to form an association to provide for communications procedures, training, and other functions



to further the provision of said protection of life and property during an Emergency, Disaster, or other Serious Threat to Public Health and Safety; and

**WHEREAS,** the Constitution and people of the State of Michigan have long recognized the value of cooperation by and among the state and its political subdivisions;

**NOW, THEREFORE,** the Parties agree as follows:

## **SECTION ONE**

### **Purpose**

It is recognized and acknowledged that in certain situations, such as natural disasters and man-made catastrophes, no political subdivision possesses all the necessary resources to cope with every possible Emergency, Disaster or Serious Threat to Public Safety, and an effective, efficient response can be best achieved by leveraging collective resources from other political subdivisions. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is the most desirable for the effective and efficient provision of mutual aid.

## **SECTION TWO**

### **Definitions**

The Parties agree that the following words and expressions, as used in this Agreement, whenever initially capitalized, whether used in the singular or plural, possessive or non-

possessive, either within or without quotation marks, shall be defined and interpreted as follows:

- A. "Agreement" means Mutual Aid Box Alarm System Agreement.
- B. "Mutual Aid Box Alarm System" ("MABAS") means a definite and prearranged plan whereby response and assistance is provided to a Requesting Party by an Assisting Party in accordance with the system established and maintained by MABAS Members;
- C. "Party" means a political subdivision which has entered into this Agreement as a signatory;
- D. "Requesting Party" means any Party requesting assistance under this agreement;
- E. "Assisting Party" means any Party furnishing equipment, personnel, and/or services to a Requesting Party under this agreement;
- F. "Emergency" means an occurrence or condition in a Party's jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Requesting Party and such that a Requesting Party determines the necessity of requesting aid;
- G. "Disaster" means an occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident,

hazardous materials incident, epidemic, air contamination, or similar occurrences resulting from terrorist activities, riots, or civil disorders;

- H. "Serious Threats to Public Health and Safety" means other threats or incidents such as those described as Disasters, of sufficient magnitude that the necessary public safety response threatens to overwhelm local resources and requires mutual aid or other assistance;
- I. "Division" means the geographically associated Parties which have been grouped for operational efficiency and representation of those Parties;
- J. "Training" means the regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS;
- K. "Executive Board" means the governing body of MABAS composed of Division representatives.
- L. "Effective Date" means the date on which the Agreement is first filed with the Department of State, the Office of the Great Seal, and each county where Parties are located.

### **SECTION THREE**

#### **Executive Board of MABAS**

An Executive Board shall be established to consider, adopt, and amend needed rules, procedures, by-laws and any other matters deemed necessary by the Parties. The Executive Board shall consist of a member elected from each Division of MABAS who shall serve as the voting representative of said Division of MABAS matters, and

may appoint a designee from his or her Division to serve temporarily in his or her stead. Such designee shall have all rights and privileges attendant to a representative of the Division.

A President and Vice President shall be elected from the representatives of the Parties and shall serve without compensation. The President and other officers shall coordinate the activities of the MABAS Association.

## **SECTION FOUR**

### **Duties of the Executive Board**

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures, and bylaws of the MABAS Association, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

## **SECTION FIVE**

### **Rules and Procedures**

Rules, procedures, and by laws of the MABAS Association shall be established by the Member Units via the Executive Board as deemed necessary for the purpose of administrative functions, the exchange of information, and the common welfare of the MABAS.



## **SECTION SIX**

### **Authority and Action to Effect Mutual Aid**

- A. The Parties hereby authorize and direct their respective Fire Chief or his or her designee to take necessary and proper action to render and/or request mutual aid from the other Parties in accordance with the policies and procedures established and maintained by the MABAS Association.
- B. Upon a Fire Department's receipt of a request from another Party for Fire Services, the Fire Chief, the ranking officer on duty, or other officer as designated by the Fire Chief shall have the right to commit the requested Firefighters, other personnel, and Fire Apparatus to the assistance of the requesting Party. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Responding Party. The judgment of the Fire Chief, or his or her designee, of the Responding Party shall be final as to the personnel and equipment available to render aid.
- C. An authorized representative of the Party which has withheld or refused to provide requested assistance under this Agreement shall immediately notify the Requesting Party, and shall submit an explanation for the refusal.

## **SECTION SEVEN**

### **Jurisdiction Over Personnel and Equipment**

Personnel dispatched to aid a party pursuant to this Agreement shall at all times remain employees of the Assisting Party, and are entitled to receive benefits and/or compensation to which they are otherwise entitled to under the Michigan Workers' Disability Compensation Act of 1969, any pension law, or any act of Congress.

Personnel dispatched intrastate to assist a party pursuant to this Agreement continue to enjoy all powers, duties, rights, privileges, and immunities as provided by Michigan Law. When Parties are dispatched pursuant to the Emergency Management Assistance Compact (EMAC), the Parties shall adhere to all provisions of the EMAC. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Incident Commander of the Requesting Party.

## **SECTION EIGHT**

### **Compensation for Aid**

Equipment, personnel, and/or services provided pursuant to this Agreement, absent a state or federal declaration of emergency or disaster shall be at no charge to the Requesting Party for the first eight hours. Any expenses recoverable from third parties shall be equitably distributed among Responding Parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes. The Parties reserve the right to waive any charges to a Requesting Party.

## **SECTION NINE**

### **Insurance**

Each Party shall procure and maintain, at its sole and exclusive expense, insurance coverage, including comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000,000 auto and \$1,000,000 combined single limit general liability and professional liability. The obligations of the Section may be satisfied by a Party's membership in a self-insurance pool, a self-insurance plan, or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS Executive Board may require that copies or other evidence of compliance with the provisions of this Section be provided by the Parties to the MABAS Executive Board.

## **SECTION TEN**

### **Liability**

Each Party will be solely responsible for the acts of its own employees, agents, and subcontractors, the costs associated with those acts, and the defense of those acts. The Parties shall not be responsible for any liability or costs associated with those acts and the defense of those acts for Parties outside of their political jurisdictions. It is agreed that none of the Parties shall be liable for failure to respond for any reason to any request for Fire Services or for leaving the scene of an Incident with proper notice after responding to a request for service.

## **SECTION ELEVEN**

### **No Waiver of Governmental Immunity**

All of the privileges and immunities from liability, and exemptions from laws, ordinances and rules, and all pensions, relief, disability, worker's compensation and other benefits which apply to the activity of Parties, officers, agency, or employees of any public agents or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies, shall apply to the same degree and extent to the performance of such functions and duties of such Parties, officers, agents, or employees extraterritorially under the provision of this Agreement. No provision of the Agreement is intended, nor shall any provision of this Agreement be construed, as a waiver by any Party of any governmental immunity as provided by the Act or otherwise under law.

## **SECTION TWELVE**

### **Term**

- A. The existence of the Association commences on the Effective Date and continues until terminated in accordance with this Section.
- B. Any Party may withdraw, at any time, from this Agreement for any reason, or for no reason at all, upon thirty (30) days written notice to the Association. The withdrawal of any Party shall not terminate or have any effect upon the provisions of this Agreement so long as the Association remains composed of at least two (2) Parties. Parties withdrawing from



- C. Governing Law/Consent to Jurisdiction and Venue. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced, and governed under the laws of the State of Michigan.
- D. Captions. The captions, headings, and titles in this Agreement are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Agreement.
- E. Terminology. All terms and words used in this Agreement, regardless of the numbers or gender in which they are used, are deemed to include any other number and any other gender as the context may require.
- F. Recitals. The Recitals shall be considered an integral part of this Agreement.
- G. Amendment. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement and approval of the governing bodies of all Parties. Amendments to this Agreement shall be filed with the Department of State, the Office of the Great Seal, each county of the State where a Party is located, and any other governmental agency, office, and official required by law. The undersigned unit of local government or public agency hereby adopts,

subscribes, and approves this Agreement to which this signature page will be attached, and agrees to be a party and be bound by the terms.

- H. Compliance with Law. The Association shall comply with all federal and State laws, rules, regulations, and orders applicable to this Agreement.
- I. No Third Party Beneficiaries. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by implication) right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.
- J. Counterpart Signatures. This Agreement may be signed in counterpart. The counterparts taken together shall constitute one (1) agreement.
- K. Permits and Licenses. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all its obligations under this Agreement. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requesting party.

L. No Implied Waiver. Absent a written waiver, no fact, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

M. Notices. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid to the person appointed to the governing board by the governing body of the participating agency.

City of Battle Creek.  
Political Entity

Rebecca Z. Fleury  
Chief Executive Official

6/17/15  
Date





## RESOLUTION

NO. 91

Resolution authorizing the City Manager to execute the MUTUAL AID FIRE PROTECTION AGREEMENT which provides for mutual aid between the Battle Creek City Fire Department and the Michigan Air National Guard.

**BATTLE CREEK, MICHIGAN** 03/15/2011

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

The City of Battle Creek Fire Department and the Michigan Air National Guard believe it will be beneficial, from both a cost and services standpoint, for each entity to provide mutual aid to the other when needed.

In order to provide that mutual aid it is necessary for both entities to enter into a mutual aid agreement.

The City Manager is hereby authorized to execute the attached MUTUAL AID FIRE PROTECTION AGREEMENT, and any associated documents necessary to fulfill the commitment to mutual aid.

I, Deidre A. Laser, 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 Tuesday Mar 15, 2011.

*Deidre A. Laser*

Deidre A. Laser

**Motion to approve**

Moved By: Chris Simmons Vice Mayor  
Supported By: Bill Morris City Commissioner

**Votes For = 8**

Laurie Sullivan City Commissioner  
Elizabeth Fulton City Commissioner  
Lynn Gray City Commissioner  
Diane Thompson City Commissioner  
Bill Morris City Commissioner  
Dave Walters City Commissioner  
Susan Baldwin Mayor  
Chris Simmons Vice Mayor

**MOTION APPROVED**





Battle Creek City Commission  
03/15/2011

## Action Summary

**Staff Member:** Eileen Wicklund  
**Department:** City Attorney

**Resolution authorizing the City Manager to execute the MUTUAL AID FIRE PROTECTION AGREEMENT which provides for mutual aid between the Battle Creek City Fire Department and the Michigan Air National Guard.**

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### SUMMARY

This resolution authorizes both the Battle Creek City Fire Department and the Michigan Air National Guard to come to each others aid when requested.

### BUDGETARY CONSIDERATIONS

This agreement allows for reimbursement to the BCFD for any direct expense and losses that are additional fire fighting or hazardous materials incident costs above the normal operating costs when giving mutual aid.

### THE APPARENT PROBLEM

Mutual aid agreements are common between emergency services departments that are in proximity to each other, especially such as here where both Departments have a common interest in providing services at the Kellogg Regional Airport. It allows departments to keep the number of personnel to a level that is normally needed but still be able to call in extra personnel for exceptional needs or expertise that it may not have. In this time of tightening budgets, cooperative agreements will become even more common and necessary.

### ATTACHMENTS



Mutual  
Aid  
ANG.pdf



## MICHIGAN AIR NATIONAL GUARD

HEADQUARTERS 110<sup>TH</sup> AIRLIFT WING (AMC) (ANG)

3545 MUSTANG AVENUE  
BATTLE CREEK MI 49037-5509

January 4, 2011

### MUTUAL AID FIRE PROTECTION AGREEMENT

This agreement, entered into this 01 day of January 2011, between the Battle Creek Air National Guard Fire Department acting pursuant to the authority of 42 U.S.C. 1856a and Battle Creek City Fire Department of Battle Creek Michigan is for securing to each the benefits of mutual aid in fire prevention, in the protection of life and property from fire, and in fire fighting. It is agreed that:

- a. On request to a representative of the Battle Creek Air National Guard Fire Department by a representative of the Battle Creek City Fire Department, firefighting equipment and personnel of the Battle Creek Air National Guard Fire Department will be dispatched to any point within the area for which the Battle Creek City Fire Department normally provides fire protection as designated by the representative of the Battle Creek City Fire Department.
- b. On request to a representative of the Battle Creek City Fire Department by a representative of the 110 Battle Creek Air National Guard Fire Department fire department, firefighting equipment and personnel of the Battle Creek City Fire Department will be dispatched to any point within the fire fighting jurisdiction of the Battle Creek Air National Guard Fire Department fire department as designated by the representative of the Battle Creek Air National Guard Fire Department.
- c. Any dispatch of equipment and personnel pursuant to this agreement is subject to the following conditions:
  1. Any request for aid hereunder shall include a statement of the amount and type of equipment and personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched, but the amount and type of equipment and number of personnel to be furnished shall be determined by a representative of the responding organization.

***Transitioning A History Of Excellence Into Future Relevance***



## MICHIGAN AIR NATIONAL GUARD

HEADQUARTERS 110<sup>TH</sup> AIRLIFT WING (AMC) (ANG)

3545 MUSTANG AVENUE  
BATTLE CREEK MI 49037-5509

2. The responding organization shall report to the officer in charge of the requesting organization at the location to which the equipment is dispatched and shall be subject to the orders of that official.
  3. A responding organization shall be released by the requesting organization when the services of the responding organization are no longer required, or when the responding organization is needed within the area for which it normally provides fire protection.
  4. In the event of a crash of an aircraft owned or operated by the United States or military aircraft of any foreign nation within the area for which the Battle Creek City Fire Department normally provides fire protection, the chief of the Battle Creek Air National Guard Fire Department or his or her representative may assume full command on arrival at the scene of the crash.
  5. Where local agencies do not assign an incident safety officer, an Air Force representative will be assigned to act as the incident safety officer for Battle Creek Air National Guard Fire Department to observe Air force operations.
- d. Battle Creek City Fire Department may claim reimbursement for the direct expense and losses that are additional fire fighting or hazardous materials incident costs above the normal operating costs incurred while fighting a fire or hazardous materials incident response under this agreement as provided in 44 CFR Part 151, *Reimbursement for Costs of Fire Fighting on Federal Property*.
  - e. Both parties agree to implement the National Incident Management System during all emergency responses on and off installations in accordance with NFPA 1561.
  - f. Each party waives all claims against every other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of his agreement. This provision does not waive any right of reimbursement pursuant to paragraph d above.

***Transitioning A History Of Excellence Into Future Relevance***






## MICHIGAN AIR NATIONAL GUARD

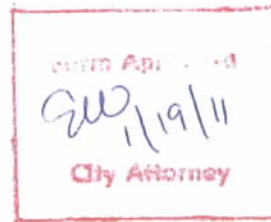
HEADQUARTERS 110<sup>TH</sup> AIRLIFT WING (AMC) (ANG)

3545 MUSTANG AVENUE  
BATTLE CREEK MI 49037-5509

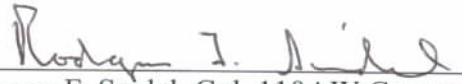
- g. All equipment used by Battle Creek City Fire Department in carrying out this agreement will, at the time of action hereunder, be owned by it; and all personnel acting for Battle Creek City Fire Department under this agreement will, at the time of such action, be an employee or volunteer member of Battle Creek City Fire Department.

For Battle Creek, Michigan City Manager

  
Ken H. Tsuchiyama, City Manager



For the Secretary of the Air National Guard

  
Roger F. Seidel, Col. 110AW Commander

*Transitioning A History Of Excellence Into Future Relevance*





## Resolution

NO. 59

A Resolution seeking approval to direct staff to fly the Pan-African flag at City Hall from noon January 18, 2023 through February 17, 2023.

**BATTLE CREEK, MICHIGAN - 1/17/2023**

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

That WHEREAS, the City Commission established a policy on July 6, 2021, regarding: (1) the display of the United States Flag, the Michigan State Flag, and the City of Battle Creek flag at City facilities; and (2) the display of commemorative flags on city property; and

WHEREAS, in adopting the policy, the City Commission declared that the City's flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, and City Flags, or the temporary replacement of the City Flag with any commemorative flag as may be authorized by resolution of the City Commission as an expression of the City's official sentiments; and

WHEREAS, the United States Flag, the Michigan State Flag, and the City of Battle Creek Flag shall be displayed as may be required by law and in accordance with this policy; and

WHEREAS, no other flag shall be placed above the United States Flag; and

WHEREAS, commemorative flags may be displayed only as authorized by resolution of the City Commission and as an expression of the City's official sentiments and, as such, commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty (30) continuous days; and

WHEREAS, the City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party; and

WHEREAS, at no time will the City of Battle Creek display flags supporting discrimination, prejudice, or religious movements; and

WHEREAS, for many, the season to honor and celebrate African American heritage begins on Reverend Martin Luther King, Jr. Day in January and continues until the last day of February; and

WHEREAS, the Pan-African flag was created in 1920 to represent people of the African Diaspora and to symbolize black liberation in the United States. As flags symbolize the union of governance, people, and territory, this flag was created to give Black people in America and the world over a symbol that unifies the Diaspora; and

WHEREAS, the flag represents the cultural pride and heritage of African descendants. Across the country, it is commonly seen at parades commemorating Martin Luther King, Jr. Day, civil rights rallies, and other special events; and

WHEREAS, the hanging of the flag is an indication of the advancements made in our community and the work we still need to do to achieve justice for a marginalized community. By taking time to recognize this work, we acknowledge that our community is strengthened by our diversity and that representation is important; and

WHEREAS, we display the flag as a symbol of pride for Black people, to strengthen the bonds of solidarity, celebrate our differences, and continue to promote social and economic progress for Black Americans that has been delayed by centuries of injustice.

NOW, THEREFORE, BE IT RESOLVED THAT the City Commission of the City of Battle Creek, in accordance with the established flag policy, hereby authorizes staff to fly the Pan-African flag at City Hall from noon on January 18, 2023 through February 17, 2023.

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Battle Creek City Commission

1/17/2023

### **Action Summary**

**Staff Member:** Ted Dearing, Assistant City Manager

**Department:** City Manager

### **SUMMARY**

A Resolution seeking approval to direct staff to fly the Pan-African flag at City Hall from noon January 18, 2023 through February 17, 2023.

### **BUDGETARY CONSIDERATIONS**

There are none.

### **HISTORY, BACKGROUND and DISCUSSION**

On July 6, 2021, the City Commission approved Resolution No. 180, establishing a policy regarding flag display. This policy declares that the City's flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, and City Flags, or the temporary replacement of the City Flag with any commemorative flag as may be authorized by resolution of the City Commission as an expression of the City's official sentiments.

Per the policy, commemorative flags may be displayed only as authorized by Resolution of the City Commission and as an expression of the City's official sentiments and, as such, commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty (30) continuous days.

The City will not display a commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

At no time will the City of Battle Creek display flags supporting discrimination, prejudice, or religious movements.

Flags shall be displayed as follows: The United States Flag shall be displayed in the first position of honor, the Michigan State Flag shall be placed in the second position of honor, the City of Battle Creek Flag shall be placed in the third position of honor. Commemorative flags, when authorized by the City Commission for a period of less than thirty (30) consecutive days, shall be displayed in the third position of honor, temporarily replacing the City of Battle Creek flag.

If all flags are displayed on one flagpole, the order from top to bottom shall be: the United States Flag, the Michigan State Flag, the City of Battle Creek Flag, and then commemorative flags.

## **DISCUSSION OF THE ISSUE**

### **POSITIONS**

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#### ATTACHMENTS:

File Name

Description

No Attachments Available