

VILLAGE OF DECATUR COUNCIL SPECIAL MEETING AGENDA

Monday,
April 17, 2023



VILLAGE OF DECATUR
SPECIAL COUNCIL MEETING
Monday, April 17, 2023 – 6:00PM
Village Hall – 114 N. Phelps Street, Decatur, MI 49045

6:00 PM Council Meeting (Action to be taken by Council on the following agenda items)

Note: Please be courteous and turn cell phones off during the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL (Excused Absences if Any)

4. PUBLIC COMMENT

5. APPROVAL OF CONSENT AGENDA ITEMS

5A.1 - Approval of the Special Council Meeting Agenda for April 17, 2023.

6. COMMUNICATIONS TO THE COUNCIL – PRESENTATIONS & GUEST

7. PUBLIC HEARING

7A.1 – Request to hold a public hearing, to receive comments on the proposed grant request for CDBG funding to reconstruct bathrooms and concession stand facility located at Red Woolfe Park, and subsequently adopt Resolution 2023-004.

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9A.1 – Request to authorize Chief of Police, Thomas VanDerWoude to act as interim Village Manager.

9A.2 – Request to approve contract extension, for Chief of Police VanDerWoude, through 2026.

9A.3 – Request to approve MDOT Title VI Non-discrimination Plan update.

9A.4 – Request to approve FY 2024 budget amendment, Police Department

9A.5 – Request to approve Abonmarche land survey proposal – northerly side of the railroad through private parcels to the M-51/Edgar Blvd/Delaware Street.

10. DEPARTMENT REPORTS

11. PUBLIC COMMENTS – SECOND OPPORTINUTY

12. COUNCIL COMMENTS

13. ADJOURNMENT

PLEASE NOTE

AUDIENCE PARTICIPATION:

In addition to addressing the Council during public hearings and under “Public Comment,” members of the audience may address the Council, please limit your comments to three minutes or less per item. Please step up to the Podium and state your name and address.

The proposed process for items listed under agenda items above shall be as follows:

1. Announcement of the agenda item by the President.
2. Verbal report provided by staff.
3. President asks councilmembers if they have any questions for staff to clarify the staff report.
4. Motion is made by a council member and seconded by another council member.
5. President then calls on councilmembers to discuss the motion if councilmembers wish to discuss.
6. President calls for a vote on the item after discussion has occurred.



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Village Council
FROM: Christopher Tapper, Village Manager
REVIEWED BY:
DATE: April 17, 2023

SUBJECT: Request to hold a public hearing, to receive comments on the proposed grant request for \$211,500 in CDBG funding to reconstruct bathrooms and concession stand facility located at Red Woolfe Park and subsequently adopt Resolution 2023-004.

Action Requested:

It is requested that Village Council hold a public hearing, to receive comments on the proposed grant request for \$211,500 in CDBG funding to reconstruct bathrooms and concession stand facility located at Red Woolfe Park and subsequently adopt Resolution 2023-004.

Background:

The Parks & Recreation Committee, continues to step through projects listed as priority throughout the Village of Decatur. The following resolution authorizes, staff to submit a grant application to the Michigan Strategic Fund. Application proposes to request \$211,500 in CDBG funds to reconstruct the bathrooms and concession stand building located at Red Woolfe Park. If awarded this grant funding, the Village's funding contribution will be \$23,500 from the general fund, for a total project cost of \$235,000.

Attachment(s):

Res 2023-004
Cost Estimate

**VILLAGE OF DECATUR
RED WOOLFE PARK BATHROOMS & CONCESSION STAND BUILDING PROJECT
AUTHORIZING RESOLUTION 2023-004**

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its Public Gathering Spaces (PGS) Competitive Funding Round; and

WHEREAS, the Village of Decatur desires to request \$211,500 in CDBG funds to reconstruct the bathrooms and concession stand building located at Red Woolfe Park; and

WHEREAS, the Village of Decatur commits local funds from its general funds in the amount of \$23,500; and

WHEREAS, the proposed project is consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed project will benefit all residents of the project area and 52.18 percent of the residents of the Village of Decatur are low- and moderate-income persons as determined by census data provided by the U.S. Department of Housing and Urban Development; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incure costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the Village of Decatur hereby designates the Village Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBG Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

AYES:

NAYES:

ABSENT:

MOTION APPROVED.

I HEREBY CERTIFY that the foregoing is a Resolution duly made and passed by the Village Council of the Village of Decatur at their public hearing meeting held on April 17, 2023, at 6:00p.m. at the Decatur Village Hall located at 114 N Phelps Street, Decatur, Michigan, with a quorum present.

Megan Duncan, Clerk/Treasurer

Date

MEMORANDUM

DATE: January 30, 2023

TO: Village of Decatur

FROM: Katie Vanderhulst

**RE: Village of Decatur
Red Woolfe Park Restroom/Concession Stand Estimate**

Project Background

We understand the Village of Decatur has decided to move forward with planning the reconstruction of the restrooms and concession stand building at Red Woolfe Park. The Village has requested that Abonmarche prepare a preliminary estimate and delineate scope of work for this project.

Preliminary Estimate Overview

To reconstruct the restrooms and concession stand building, Abonmarche is proposing the following;

1. *Size of Building:* 500 sf
 - Two (2) restrooms each with three (3) toilets and two (2) sinks
 - Each restroom to be 16" X 9'
 - Concession stand to be approx. 16" X 9'
2. *Scope of Work:*
 - Simple uninsulated CMU building with wood trusses and concrete slab floor
 - CMU walls to be painted
 - Ceiling to be water/mold resistant drywall
 - Flooring to be epoxy coated
 - Fixtures to be standard porcelain commercial type
 - Roofing to be standard asphalt shingles with PVC or metal trim and soffit
 - Doors to be aluminum along with an aluminum roll-up door at the concession window opening
3. *Exclusions:*
 - Site work (ADA accessible paths leading to restrooms and concession stand building) is not included in this estimate. ADA accessible paths are currently included in the improvements planned for the overall Park.
 - Water and sewer connection is not included in estimate.
4. *Project Cost:* \$235,000 (includes fees & contingency, interior improvements, and accounts for projected cost increase).



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Village Council
FROM: Christopher Tapper, Village Manager
REVIEWED BY:
DATE: April 17, 2023

SUBJECT: Request to authorize Chief of Police, Thomas VanDerWoude, to act as interim Village Manager.

Action Requested:

It is requested that Village Council authorize Chief of Police, Thomas VanDerWoude, to act as interim Village Manager.

Background:

Village Attorney, Curcio has reviewed the Village of Decatur, employee handbook, along with Village Charter and has determined the following consideration. In terms of administrative, the Council may want to appoint an interim Village Manager, while acting Village Manager, Christopher Tapper is off duty on medical leave. After review and discussion with Village President, Elwear the following recommendation of appointment of Chief of Police, Thomas VanDerWoude as interim Village Manager, subject to the following terms.

- Shall have the authority to perform any function normally performed as Village Manager,
- Shall attempt to consult with Village Manager, Tapper before making important decision, when reasonably possible,
- Shall serve as interim Village Manager without additional compensation or benefits.

Attachment(s):

N/A



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Village Council
FROM: Christopher Tapper, Village Manager
REVIEWED BY:
DATE: April 17, 2023

SUBJECT: Request approval of tentative contract extension, Chief of Police, Thomas VanDerWoude.

Action Requested:

It is requested that Village Council approve the tentative contract extension, Chief of Police, Thomas VanDerWoude.

Background:

The Village Council approved a contract extension for the Village Manager through the period of 2026. Chief of Police, VanDerWoude has requested to extend employment contract to the same time through 2026. Much information during this period has been reviewed by the Village Manager and Chief VanDerWoude to retain and extend employment services of Chief VanDerWoude.

The Village Council has received numerous updates and positive feedback from community leaders, residents, staff along with the public safety community directed to the work of the Decatur Police Department. Chief VanDerWoude continues to provide professional, quality, and outstanding performance for the Village of Decatur.

The Village Manager has reviewed the proposed contract extension with the Budget Committee for consideration and review. Feedback was received along with discussion of current market of wages and salaries as compared to similar communities throughout Van Buren County.

Attachment(s):

Note

Information for Van Buren County PD's:

Chief's Wages / Chief have a Contract?

1.	██████████	Lawton	No Contract	\$55,000 a year
2.	██████████	Mattawan	No Contract	\$74,880 a year
3.	██████████	Hartford	Yes Contract	\$60,000 a year
4.	██████████	South Haven	Yes Contract	\$82,000 a year
5.	██████████	Bangor	Yes Contract	\$68,000 a year
6.	██████████	Paw Paw	Yes Contract	\$85,000 a year
7.	██████████	Covert Twp.	Yes Contract	\$71,400 a year
8.	████████████████████		Yes Contract	Non-Public, (\$101,000 a yr)
9.	██████████	Lawrence	Yes Contract	\$31.50 hr (65,520 a year)
10.	Tom VanDerWoude	Decatur	Yes Contract	\$65,769 a year

*Average Van Buren County = \$72,857 Per Year

*Berrien County Average = \$76,502 (I have spreadsheet if you need it, 16 Agencies)

Part-Time Wages:

1.	South Haven	No Part-Time Officers
2.	Pokagon	No Part Time Officers
3.	Paw Paw	\$25.35 per hour
4.	Lawton	\$17.96 per hour
5.	Covert Twp.	\$17.00 per hour
6.	Mattawan	\$21.00 per hour
7.	Hartford	\$19.88 per hour
8.	Lawrence	\$25.00 per hour
9.	Bangor	\$23.00 per hour
10.	Decatur	\$16.50 per hour

Chief, have a Take-Home Car?

1.	Decatur	No
2.	South Haven	Yes
3.	Lawrence	No
4.	Paw Paw	Yes
5.	Bangor	Yes
6.	(Waiting for others to respond)	



VILLAGE OF DECATUR

CONTRACT FOR EMPLOYMENT SERVICES OF CHIEF OF POLICE

This Contract for Employment Services, entered into this ~~1st day of March 2022~~, 17th day of April 2023 by and between, the Village of Decatur, Van Buren County, Michigan, a Michigan Municipal Corporation of 114 N. Phelps Street, Decatur, MI 49045, hereinafter referred to as "Employer", and Thomas VanDerWoude, hereinafter referred to as "Employee, witnesses;

WHEREAS Employer desires to employ a Chief of Police, and;

WHEREAS, Employee, Thomas VanDerWoude, desires to be employed by Employer as the Chief of Police for the Village of Decatur, Michigan, and;

WHEREAS, the Village Council of Employer has approved the appointment of Employee as said Chief of Police;

NOW THEREFORE, BE IT RESOLVED, in consideration of the foregoing promises, and the mutual covenants hereinafter contained, it is hereby agreed by and between said parties as follows:

1. EMPLOYMENT

Employer does hereby agree to employ Employee Thomas VanDerWoude as Chief of Police of the Village of Decatur Police Department, and Employee does hereby agree to be so employed.

2. DUTIES

The Employee shall perform the duties and responsibilities of the Chief of Police as required and directed by the Village Manager and in accordance with the expectations of the Job Description on file at the Village Hall of said Employer and shall perform such other duties and functions as may be required by law or regulation.

3. HOURS OF EMPLOYMENT

Employee shall work a minimum of eighty (80) hours per pay period and shall determine the duration (hours worked) of his shift. Employee shall attend all meetings of the Village Council and committees thereof as deemed necessary by the Village Manager.

4. TERM OF EMPLOYMENT

Said employment shall be for a four (4) year period, commencing March 1st, 2022, and terminating February 28th, 2026, provided, however, that Employee's employment may be terminated by early termination as set forth in paragraph 7 of this contract.

5. PERFORMANCE EVALUATION

The Village Manager of Decatur shall review and evaluate the performance of Employee on a regular basis, this may include observations and evaluations. The Employee will be informed of any issues with his job performance by the Village Manager.

6. SUSPENSION

The Village Manager may, for cause, suspend the Employee with full pay and benefits, until the Village Manager investigates with a finding. That finding could end with a recommendation to Village Council for his termination as provided in Paragraph 7 hereof.

7. EARLY TERMINATION

- A. Anything herein to the contrary notwithstanding it is agreed and understood that said Employee shall serve at the will and pleasure of the Village Manager and may be terminated, with cause, at any time by the recommendation by the Village Manager and affirmative vote of four (4) or more members of the Village Council of Employer.
- B. In the event Employee is terminated by the Village Council of Employer as hereinbefore provided, Employee's compensation and benefits shall continue for ninety (90) days after such termination, provided however, that vacation days shall be prorated to the date of such termination and any unused portion thereof shall be paid to Employee. Proration shall be based upon a one-year period commencing on the date of employment and each anniversary date thereafter.
- C. Nothing in this contract shall prevent, limit, or otherwise interfere with the right of Employee to resign upon advance thirty (30) day written notice to Employer.
- D. In the event Employee resigns, compensation and benefits shall terminate upon the effective date of his termination of employment, provided however, that unused vacation days shall be paid to Employee based on a proration year described in paragraph 7B. Unused sick / personal leave benefits will be paid to the Employee at a rate of ~~50%~~ 75% of the total amount accumulated.

8. RETURN OF PROPERTY

Upon termination of employment, the Employee shall immediately return all equipment, documents, correspondence, files, papers, or property of any kind or type pertaining to Village of Decatur to the Village Manager, which Employee may have in his possession or control.

9. COMPENSATION

Employer shall pay the Employee an annual salary to be paid in bi-weekly installment payments for services rendered pursuant to this Contract as follows for Employee's first year of employment in the sum of \$62,636.00; for Employee's second, third, and fourth year of employment, the sum of which is mutually agreed upon between the Village Manager and said Employee, with approval from the Village Council of the Village of Decatur Michigan. (Amendment as of March 1, 2022) Employee's bi-weekly installment payments for service rendered pursuant to this Contract will be in the sum of \$72,800.00, March 1, 2023, five percent (5%) increase, March 1, 2024, three percent (3%) increase, March 1, 2025 two percent (2%) increase, March 1, 2026 two percent (2%)

10. GENERAL BENEFITS

The Employee shall be entitled to the following fringe benefits provided by the Employer to its other non-union Employees, to-wit:

- A. Worker's compensation coverage during the term of employment.
- B. Health, dental and vision insurance coverage, Employee shall pay such sum of the premium for said coverage which is established by Employer for other non-union Employees, and Employer shall pay the balance thereof.
- C. ~~Employer shall annually match up to six percent (6%) of Employee's salary into a deferred compensation retirement benefit program.~~ Employer shall annually match up to ten percent (10%) compensation retirement benefit program. Employee to contribute annually match up to five percent (5%) compensation. Additionally in the last year 2026 of this contact, Employer shall match up to twelve percent (12%) compensation retirement benefit program. Employee to contribute annually match up to six percent (6%) compensation.

11. ADDITIONAL BENEFITS

- A. Vacation Time: Employee shall receive 5 weeks (200 Hours) vacation time per year. Vacation may be paid out prior to February 1st of each year of the contract.
- A. Sick Days: Sick days shall accrue at the rate of one paid sick day (8 hours) per month. Sick days may accumulate ~~to a maximum of 30 workdays (240 hours).~~ In the event Employee is sick for three consecutive days, a doctor's statement may be required by Employer for the third consecutive day and thereafter. Unused sick / personal leave benefits will be paid to the Employee at a rate of ~~50%~~ 75% of the total amount accumulated.
- B. Holidays: The following days are designated as paid holidays under this Contract, to wit: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; Day after Thanksgiving; Christmas Eve; and Christmas Day, together with three (3) Floating Holidays (24 hours) each year of this Contract. In the event any of the aforesaid holidays do not fall on a workday, the preceding or succeeding workday shall be deemed a holiday.
- C. Life Insurance: Employer shall provide Employee a ~~Fifteen Thousand and 00/100 (\$15,000) Dollar~~ ~~Fifty Thousand and 00/100 (\$50,000)~~ group term life insurance policy which shall include Accidental Death and Dismemberment benefits.
- D. Membership and Conference Expenses: Employer shall pay any required dues for membership in the MACP and (1) in-state MACP conference per calendar year.
- E. ~~Vehicle usage stipend. Employer shall pay a monthly vehicle usage stipend of \$1,200.00 on the first payroll cycle of the month. Employer shall pay stipend through the payroll process.~~
- F. ~~Cap Vacation time payout / sellback at the maximum of 120 hours.~~

12. INDEMNIFICATION

Employer shall defend, save harmless, and indemnify Employee against any actions, causes of action, claims, demands, damages, costs, expenses, or any other compensation arising out of an alleged act or omission occurring in the performance of Employee's duties as Chief of Police.

13. NON-DISCRIMINATION

The Employee, as required by law, shall not discriminate against any person seeking employment or services with the Village because of race, color, height, weight, marital-status, religion, national origin, age, sex, or handicap.

14. EMPLOYEE'S BEST EFFORT

The Employee agrees that, always, he will faithfully and to the best of his ability, experience, and talents, perform all the duties that may be required of him.

15. COMPLIANCE WITH THE LAW

The Employee shall perform all his respective duties and obligations hereunder in complete compliance with all applicable federal, state, and local statutes, laws, ordinances, rules and regulations.

16. NEUTRALITY REFERENCE

In the event the Employee is terminated for reasons other than job performance, the Village agrees to give a neutral job reference to potential employers seeking a background reference.

17. COMPLETE AGREEMENT

This Contract constitutes the complete agreement concerning the employment arrangement between the parties, and shall, as of the effective date hereof, supersede any and all prior contracts, oral or written, between the parties, if any. It is understood and agreed that this Contract shall supersede and take precedence over any other document, handbook, benefit plan or other material which could otherwise be construed as being contractual in nature, whether in existence prior to, currently, or subsequent to the execution of this contract, unless such other document, handbook, plan or material is made expressly applicable to the Employee by formal Resolution of the Village. It is further understood that no Village personnel has authority to enter into any employment contract with the Employee for any specified period of time, or to make any agreement contrary to the provisions herein, except when the same is approved by the Village Council through formal Resolution.

18. APPLICABLE LAW

This Contract shall be construed according to the laws of the State of Michigan.

19. WAIVERS

No failure or delay on the part of either of the parties to this contract in exercising any right, power, privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise of any right, power or privilege preclude any other or further exercise of any right, power or privilege.

20. ASSIGNMENT OR SUBCONTRACTING

The Employee may not assign, subcontract or otherwise transfer his duties and / or obligations under this Contract.

21. MODIFICATIONS OF THIS CONTRACT

Modifications, amendments, or waivers of any provisions of this Contract may be made only by the written mutual consent of both parties hereto.

22. DISREGARD OF TITLES

The titles of the sections set forth in this Contract are inserted for the convenience of reference only and shall be disregarded when construing or interpreting any of the provisions of this Contract.

23. INVALID PROVISIONS

If any provision of this Contract is held to be invalid, the remainder of the Contract shall not be affected thereby, except where the invalidity of the provision would result in the illegality and/or enforceability of this Contract.

In witness whereof, the parties hereto have fully executed this Contract on the day and year first above written.

Ali Elwear, Village President

Thomas VanDerWoude, Employee

Megan Duncan, Village Clerk & Treasurer



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Village Council
FROM: Megan Duncan, Clerk/Treasurer
REVIEWED BY: Christopher Tapper, Village Manager
DATE: April 17, 2023

SUBJECT: Request to approve the Michigan Department of Transportation Title VI Plan.

Action Requested:

It is requested that Village Council approve the Michigan Department of Transportation Title VI Plan.

Background:

The Village of Decatur is a subrecipient of federal “pass through” funds from Michigan Department of Transportation (MDOT). These funds are known as ACT 51. Fiscal Year 2023, the Village received approximately \$246,930.59 in funds. MDOT requires subrecipients to certify annually and to adhere to Title VI regulations. Many state grants and additional funding for infrastructure require compliance with Title VI. It was requested that the Village of Decatur have an updated Title VI Non- discrimination Plan.

Attachment(s):

Village of Decatur Title VI Non-discrimination Plan

Village of Decatur

TITLE VI NON-DISCRIMINATION PLAN

**114 N. Phelps Street
Decatur, MI 49045
Phone: 269-423-6114
Fax: 269-423-9047
Website: www.decaturm.org**

**Title VI Coordinator:
Christopher Tapper
Phone: 269-423-6114
Fax: 269-423-9047
Email: ctapper@decaturm.us**

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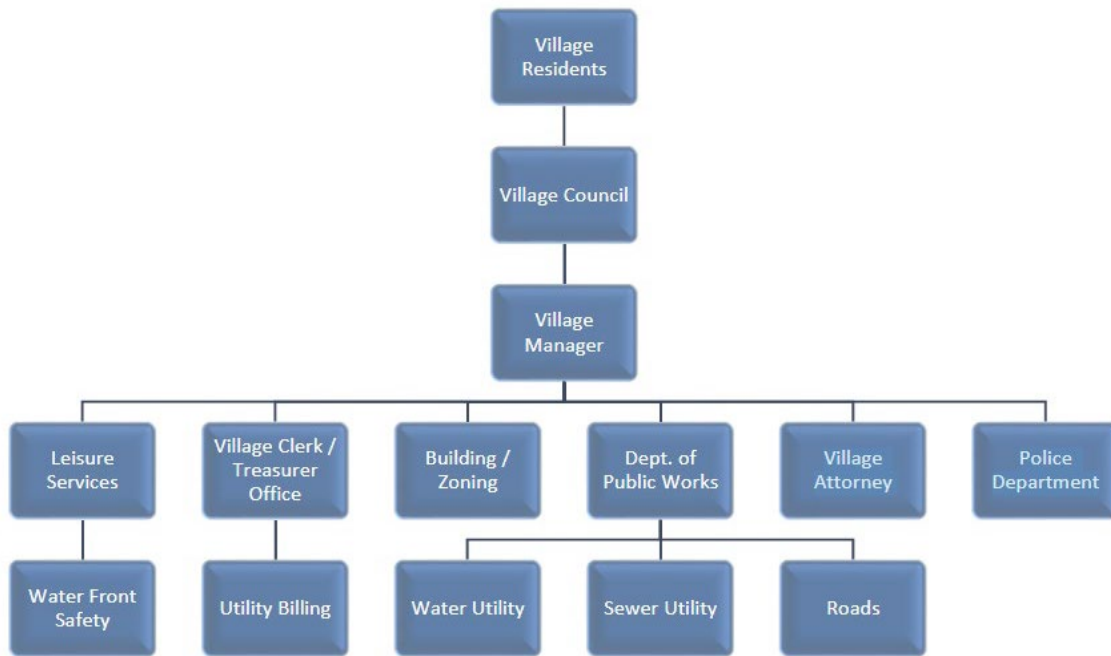
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**Village of Decatur
ORGANIZATION CHART**



VILLAGE COUNCIL

Trustee – Harvey Beute
Trustee – Kim Gunther
Trustee – Bob Mead Jr.
Trustee – Jessica Pelfrey
Trustee – Cindy Pachner
President Pro Tempore - Charlene Jackson
President - Ali Elwaer

VILLAGE ADMINISTRATION

Village Manager – Christopher Tapper
Village Clerk/Treasurer – Megan Duncan
Chief of Police -Thomas VanDerWoude
DPW Forman - James Ebeling

INTRODUCTION

AN ACT to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies.

The Village of Decatur serves all people, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the Village. The Village of Decatur recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

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

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

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

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the Village's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the Village of Decatur's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the Village;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the Village's services, programs or activities.

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

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

program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

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

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

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

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

Village of Decatur
NON-DISCRIMINATION POLICY STATEMENT

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

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the Village and its sub-recipients of federal funds shall not:

1. Deny any individual with any service, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual’s receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

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

The Village of Decatur designates Christopher Tapper, Village Manager, as the Title VI Coordinator. The Village Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the Village of Decatur complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the Village of Decatur and Title VI may be directed to the Village Manager, 114 N. Phelps Street, 49045, Ph. 269-423-6114, Fax. 269-423-9047, email: ctapper@decaturmi.us.

Ali Elwaer
Village President

Christopher Tapper
Village Manager/Title VI Coordinator

Village of Decatur
TITLE VI ASSURANCES

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

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

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

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

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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

Village of Decatur

Ali Elwaer, President

Date

AUTHORITIES

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

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

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

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

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

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

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

USDOT Order 1050.2: Standard Title VI Assurances

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

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

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

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

DEFINITIONS

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

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

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

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

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

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

Minority – A person who is:

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

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

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

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

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

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

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

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

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

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

ADMINISTRATION – GENERAL

The Village of Decatur designates Christopher Tapper, Village Manager, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Mr. Tapper shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

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

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

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

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

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

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

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

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

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

LIMITED ENGLISH PROFICIENCY (LEP)

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

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

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

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

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

The Village of Decatur receives funds from the US Department of Transportation via the Federal Highway Administration.

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

The Guidance implies that the Village of Decatur is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage

extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

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

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

These recommended plan elements have been incorporated into this plan.

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

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

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

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

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

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

The Four-Factor Analysis

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

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

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

As seen in Table #1, the Census 2021 Data for the Village of Decatur shows a small number of the population that speak English less than ‘very well.’

TABLE #1

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	1,923	(x)
English only	1,720	89.4%
Language other than English	203	10.6%
Speak English less than "very well"	43	2.2%
Spanish	156	8.1%
Speak English less than "very well"	29	18.6%
Other Indo-European languages	47	2.4%
Speak English less than "very well"	14	29.8%
Asian and Pacific Islander languages	0	0%
Speak English less than "very well"	0	0%
Other languages	0	0%
Speak English less than "very well"	0	0%

Source: U.S. Census Bureau, American FactFinder website
 DP02: SELECTED SOCIAL CHARACTERISTICS IN THE UNITED STATES

Factor 2: Frequency of Contact with LEP Individuals

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

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

The Village of Decatur serves individuals throughout the Village in a variety of ways including managing roads, water, sewer, police, and other services to residents and other individuals, such as visitors and those traversing the state. The nature of the services that the Village provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the Village, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the Village of Decatur and Overall Cost

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

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

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

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain

circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

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

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

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

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

Providing Notice to LEP Persons

USDOT LEP guidance says:

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

The guidance provides several examples of notification including:

1. Signage, in languages that an LEP individual would understand that free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.

3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

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

Options and Proposed Actions

Options:

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

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

Considering the relatively small size of the Village of Decatur, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

What the Village of Decatur will do. What actions will the Village of Decatur take?

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the Village will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The Village will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau "I-speak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual's language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.

- Publications of the Village's complaint form will be made available online and upon request.
- In the event that a Village employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

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

ROAD ENCOUNTER

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

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

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

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

The Village of Decatur's Staff Training

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

ENVIRONMENTAL JUSTICE (EJ)

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

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, follow mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

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

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

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

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

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

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

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

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

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

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

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

FILING A TITLE VI COMPLAINT

I. Introduction

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

II. Purpose

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

III. Roles and Responsibilities

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

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

IV. Filing a Complaint

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

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

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

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

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

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

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

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

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

V. Investigation

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

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

Conducting the Investigation:

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

Investigation Reporting Process:

- Complaints made against a Village of Decatur sub-recipient should be investigated by the Village following the internal complaint process.
- Within 60 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of Christopher Tapper for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

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

Christopher Tapper
The Village of Decatur
114 N. Phelps Street
Decatur, MI 49045
Phone: 269-423-6114
Fax: 269-423-9047
Email: ctapper@decatirmi.us

Reporting Requirements to an External Agency

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

Records

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

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

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

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies and/or

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

APPENDIX B - TRANSFER OF PROPERTY

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

(GRANTING CLAUSE)

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

(HABENDUM CLAUSE)*

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

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

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

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

APPENDIX C - PERMITS, LEASES AND LICENSES

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

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

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

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

(Include in deeds)*

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

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

APPENDIX D - TITLE VI COMPLAINT FORM

**Village of Decatur
TITLE VI COMPLAINT FORM**

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

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

If you need assistance completing this form, please contact Christopher Tapper by phone at 269-423-6114 or via e-mail at ctapper@decaturmi.us.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

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

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

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

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

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

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

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

Signature: _____ Date: _____

Please return completed form to: Christopher Tapper, 114 N. Phelps Street, Decatur, MI 49045, ctapper@decaturmi.us, 269-423-6114, fax: 269-423-9047.

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

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

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

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

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

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

Determinations of “significant” and “non-significant” effects will be made by the Village Manager.

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

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

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

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

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <https://www.civilrights.dot.gov/civil-rights-awareness-enforcement/language-assistance/dots-lep-guidance>

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

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



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Village Council
FROM: Christopher Tapper, Village Manager
REVIEWED BY:
DATE: April 17, 2023

SUBJECT: Request approval FY 24 Budget Amendments

Action Requested:

It is requested that Village Council approve the FY 24 Budget Amendments, for 101-301-956-00, Training Funds – Village, Police Department

Background:

The Decatur Police Department utilizes two training funds to record and track training expenses. The Department receives funding from the State of Michigan for various training activities along with having available Village funds for training to cover expenses that are not covered by the State of Michigan. The requesting amendment to account 101-301-956-00, Village Training Funding to be set at \$4,000.00. Discussion with Police Chief, VanDerWoude recommended amending this amount to reflect the amount from the prior year.

Attachment(s):

Police Department – FY 24 Budget

PERIOD ENDING 03/31/2023

GL NUMBER	DESCRIPTION	2023-24	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BGDG USED
		AMENDED BUDGET	03/31/2023 NORMAL (ABNORMAL)	MONTH 03/31/2023 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Expenditures						
Dept 301 - POLICE DEPARTMENT						
101-301-703.000	POLICE SALARY	300,000.00	22,994.32	22,994.32	277,005.68	7.66
101-301-703.010	OVERTIME PAY	10,000.00	1,415.55	1,415.55	8,584.45	14.16
101-301-703.050	PART TIME SALARIES	1,000.00	0.00	0.00	1,000.00	0.00
101-301-715.000	FICA/MEDICARE	26,000.00	1,968.54	1,968.54	24,031.46	7.57
101-301-716.000	UNEMPLOYMENT INSURANCE	50.00	0.00	0.00	50.00	0.00
101-301-717.000	WORKMAN'S COMP	8,500.00	0.00	0.00	8,500.00	0.00
101-301-718.000	PENSION	38,000.00	2,598.35	2,598.35	35,401.65	6.84
101-301-719.000	HEALTH INSURANCE	54,000.00	4,921.49	4,921.49	49,078.51	9.11
101-301-719.500	DISABILITY INSURANCE	3,500.00	301.52	301.52	3,198.48	8.61
101-301-720.000	LIFE INSURANCE	1,500.00	102.00	102.00	1,398.00	6.80
101-301-728.000	SUPPLIES	1,700.00	83.94	83.94	1,616.06	4.94
101-301-730.000	POSTAGE	500.00	0.00	0.00	500.00	0.00
101-301-768.000	UNIFORMS/BOOTS/ETC	3,000.00	0.00	0.00	3,000.00	0.00
101-301-768.100	UNIFORM CLEANING	1,000.00	118.75	118.75	881.25	11.88
101-301-853.000	TELEPHONE	1,500.00	122.97	122.97	1,377.03	8.20
101-301-853.020	CELL PHONE	1,500.00	25.00	25.00	1,475.00	1.67
101-301-865.000	MILEAGE/TRAVEL EXP	2,000.00	1,193.92	1,193.92	806.08	59.70
101-301-901.000	PRINTING	40.00	0.00	0.00	40.00	0.00
101-301-936.000	TECH SERVICES	4,500.00	193.47	193.47	4,306.53	4.30
101-301-955.000	TRAINING FUNDS-STATE	1,200.00	1,125.00	1,125.00	75.00	93.75
101-301-956.000	TRAINING FUNDS-VILLAGE	0.00	425.00	425.00	(425.00)	100.00
101-301-958.001	DUES/MEMBERSHIPS	100.00	0.00	0.00	100.00	0.00
101-301-959.000	LEIN SERVICE	1,000.00	0.00	0.00	1,000.00	0.00
101-301-965.000	EQUIPMENT PURCHASE	3,000.00	0.00	0.00	3,000.00	0.00
101-301-981.000	CAPITAL OUTLAY	8,000.00	0.00	0.00	8,000.00	0.00
101-301-995.610	PD EQUIP RENTAL TO MOTOR POOL	10,000.00	0.00	0.00	10,000.00	0.00
Total Dept 301 - POLICE DEPARTMENT		481,590.00	37,589.82	37,589.82	444,000.18	7.81
TOTAL EXPENDITURES		481,590.00	37,589.82	37,589.82	444,000.18	7.81
Fund 101 - GENERAL FUND:						
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		481,590.00	37,589.82	37,589.82	444,000.18	7.81
NET OF REVENUES & EXPENDITURES		(481,590.00)	(37,589.82)	(37,589.82)	(444,000.18)	7.81

REVENUE AND EXPENDITURE REPORT

PERIOD ENDING 03/31/2023

GL NUMBER	DESCRIPTION	2023-24	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT USED
		AMENDED BUDGET	03/31/2023	MONTH 03/31/2023	BALANCE	
			NORMAL (ABNORMAL)	INCREASE (DECREASE)	NORMAL (ABNORMAL)	
Fund 213 - SALVAGE VEHICLE INSPECTIONS						
Expenditures						
Dept 301 - POLICE DEPARTMENT						
213-301-703.011	VEHICLE INSPECTION	15,000.00	1,322.42	1,322.42	13,677.58	8.82
213-301-715.000	FICA/MEDICARE	10.00	0.00	0.00	10.00	0.00
213-301-719.000	HEALTH INSURANCE	0.00	67.70	67.70	(67.70)	100.00
Total Dept 301 - POLICE DEPARTMENT		15,010.00	1,390.12	1,390.12	13,619.88	9.26
TOTAL EXPENDITURES		15,010.00	1,390.12	1,390.12	13,619.88	9.26
Fund 213 - SALVAGE VEHICLE INSPECTIONS:						
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		15,010.00	1,390.12	1,390.12	13,619.88	9.26
NET OF REVENUES & EXPENDITURES		(15,010.00)	(1,390.12)	(1,390.12)	(13,619.88)	9.26

REVENUE AND EXPENDITURE REPORT

PERIOD ENDING 03/31/2023

GL NUMBER	DESCRIPTION	2023-24	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT USED
		AMENDED BUDGET	03/31/2023	MONTH 03/31/2023	BALANCE	
			NORMAL (ABNORMAL)	INCREASE (DECREASE)	NORMAL (ABNORMAL)	
Fund 661 - MOTOR POOL						
Expenditures						
Dept 301 - POLICE DEPARTMENT						
661-301-870.000	GAS	10,000.00	0.00	0.00	10,000.00	0.00
661-301-872.000	TIRES	2,000.00	786.48	786.48	1,213.52	39.32
661-301-930.000	REPAIRS	3,000.00	0.00	0.00	3,000.00	0.00
661-301-963.000	MULTI-PERIL INSURANCE	8,000.00	6,153.40	6,153.40	1,846.60	76.92
661-301-981.000	CAPITAL OUTLAY	54,000.00	44,169.00	44,169.00	9,831.00	81.79
Total Dept 301 - POLICE DEPARTMENT		77,000.00	51,108.88	51,108.88	25,891.12	66.38
TOTAL EXPENDITURES		77,000.00	51,108.88	51,108.88	25,891.12	66.38
Fund 661 - MOTOR POOL:						
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		77,000.00	51,108.88	51,108.88	25,891.12	66.38
NET OF REVENUES & EXPENDITURES		(77,000.00)	(51,108.88)	(51,108.88)	(25,891.12)	66.38
TOTAL REVENUES - ALL FUNDS						
TOTAL REVENUES - ALL FUNDS		0.00	0.00	0.00	0.00	100.00
TOTAL EXPENDITURES - ALL FUNDS		573,600.00	90,088.82	90,088.82	483,511.18	15.71
NET OF REVENUES & EXPENDITURES		(573,600.00)	(90,088.82)	(90,088.82)	(483,511.18)	15.71



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Village Council
FROM: Christopher Tapper, Village Manager
REVIEWED BY:
DATE: April 17, 2023

SUBJECT: Request approval approve Abonmarche land survey proposal – northerly side of the railroad through private parcels to the M-51/Edgar Blvd/Delaware Street.

Action Requested:

It is requested that Village Council approve Abonmarche land survey proposal – northerly side of the railroad through private parcels to the M-51/Edgar Blvd/Delaware Street.

Background:

Abonmarche is the engineer of record for the Village of Decatur. One of the projects staff has requested Abonmarche to assist the DPW Department to identify any sanitary sewer easements which have not been recorded correctly. One of those utility easements identifies exhibits for an existing sewer line running from the northwesterly railroad right of way, the north and west to M-51. Please see the attached map outlining the easement.

The fixed fee cost for the fieldwork and drafting easements is estimated at \$7,500. The estimated cost for title searches is approximately \$500 per parcel, with the potentially up to (8) eight searches required to support the overall project.

This expenditure will be covered by the Sewer Fund and at this time does not require a budget amendment.

Attachment(s):

Abonmarche – land survey proposal



Village of Decatur
114 N Phelps Street
Decatur, MI 49045



April 12, 2023

Christopher Tapper, Village Manager
Village of Decatur
114 N. Phelps Street
Decatur, MI 49045

RE: Sanitary Sewer Easements

Dear Mr. Tapper,

Thank you for the request for a proposal relating to the Village's need to establish easements for sanitary sewer lines in the vicinity of M-51, East Edgar Bergen Boulevard and Delaware Street in the Village of Decatur and Decatur Township. Abonmarche has a long history of surveying projects and development of easement exhibits and legal descriptions for infrastructure features for municipalities throughout Southwest Michigan, and we look forward to providing our expert services to this project and the Village.

My understanding of the project is that the Village requires site surveying services and drafting of easement exhibits for use in establishing easements over privately owned parcels for an existing sewer line running from the northwesterly railroad right-of-way the north and west to Highway M-51. The proposed scope of work for this project includes land surveying to establish the location of the boundary lines of the affected parcels and to locate the existing sewer line, followed by preparation of an individual easement exhibit and legal description for the portion of the overall sewer easement on each private parcel. We will provide the easement exhibits to the Village's legal counsel for attachment to formal easement agreements between the Village and individual parcel owners. Legal counsel will prepare the overall easement agreement documents.

In addition to the defined surveying and drafting scope of work, we will also coordinate title searches by a title insurance company on the parcels potentially affected by the proposed sewer easements. The purpose of the title searches is to determine if there are any historical easements of record pertaining to the sewer lines as well as to determine if there are any other easements in the vicinity of the proposed sewer easements which we may need to consider relative to the sewer and proposed easement locations.

Please be aware that the proposed scope of work for this proposal does not include surveying or easement exhibit drawings for the portion of the sewer line in the project area which crosses the railroad right-of-way. Our ability to work near and on railroad property is limited by our liability insurance and the safety requirements of the rail owner, and railroads typically have an internal process for crossing utility lines which is different from the standard approach for procuring easements from private landowners. If the Village does require surveying support for the railroad crossing, we will provide a separate proposal for that scope of work.

The fixed fee cost for the fieldwork and drafting as described above is \$7,500. The estimated cost for title searches is approximately \$500 per parcel, with potentially up to eight searches required to support the overall project. The final title search fee will be a pass-through of the title insurance companies' invoices plus 15% mark up for administration of the searches.

Due to our past experiences and prior difficulties with boundary survey work within parts of the Village of Decatur as well as the use of an outside vendor for title search services, an exact completion date cannot be defined at this time. We anticipate that the field surveying work and draft exhibit drawings will be completed within approximately four weeks from the date of authorization to proceed.

If the Village would like to proceed with this proposed surveying project for development of easement exhibit drawings for the sanitary sewer line, please let me know, and I will then send a contract for authorization. If you have any questions or need any additional information regarding this proposal, please contact me directly at mreinking@abonmarche.com or at direct line (269) 926-4569.

Sincerely,



Matthew G. Reinking, P.S.
Survey Group Director
Abonmarche

Enclosure: Professional Services Agreement

Cc: Tony McGhee, Vice President of Development Services
Kathleen Vanderhulst, Business Development Specialist

