

CITY OF EAST JORDAN

TITLE VI NON-DISCRIMINATION

PLAN

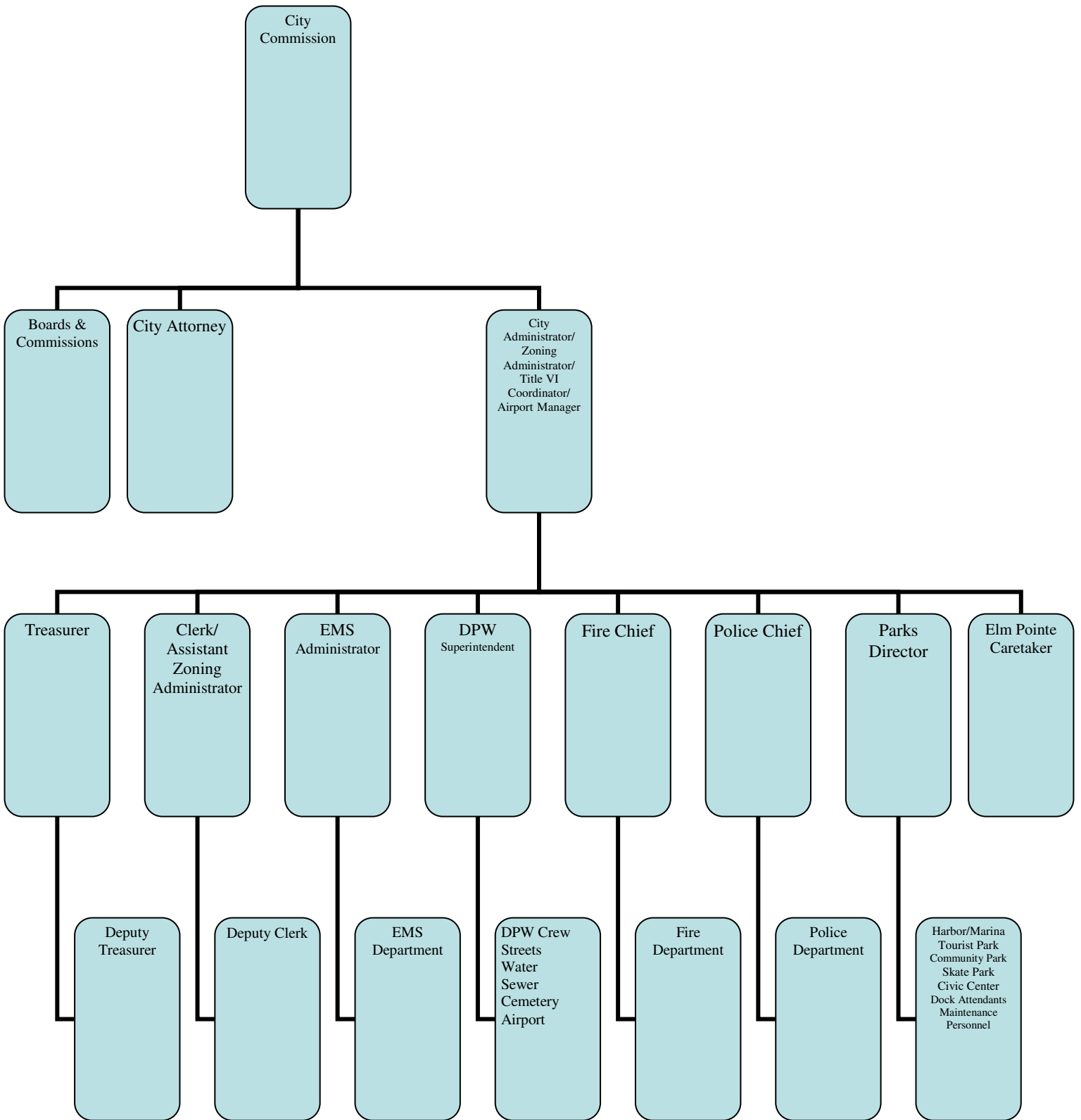
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Adopted June 5, 2005
Revised: June 5, 2012

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AUTHORITIES

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

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), or sex, 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, 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, be reason of his/her handicap, be excluded from participation in, be denied the benefits of, or 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 handicapped person shall, solely by reason of his handicap, 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; and

28 CFR 50.3: Guidelines for the enforcement of Title VI, 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 B 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 or, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities.

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.

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

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.

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

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient

persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black-A person have 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 persona 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 American and who maintains cultural identification through tribal affiliation or community recognition.

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

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

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White no 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 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.

Sub-Recipient – Any agency such as a council or governments, regional planning agency, education 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 area all considered sub-recipients.

ADMINISTRATIVE POLICY #142
CITY OF EAST JORDAN, MICHIGAN
POLICY AND PROCEDURE MANUAL FOR COMPLIANCE WITH
“TITLE VI OF THE CIVIL RIGHTS ACT OF 1964”

INTRODUCTION

The City of East Jordan given authority as a corporate entity by Section 117.1 of the *Michigan Compiled Laws* and Home Rule City Act (Act 279 of 1909), and thereby granted various powers to provide services to its citizens. The City of East Jordan 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 related to transportation.

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

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

As a recipient of federal financial assistance, the City of East Jordan must provide access to individuals with limited ability to speak, write, or understand the English language. The city must 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 religion. Therefore, the primary goals and objectives of the City of East Jordan's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City of East Jordan's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of East Jordan'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 an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City of East Jordan;
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 a City of East Jordan service, program or activity.

As a recipient of federal transportation funds, the City of East Jordan 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, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of East Jordan shall also ensure that sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of East Jordan, as a recipient who distributes federal transportation funds, shall monitor sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City of East Jordan will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment."

Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

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

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

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

- A. **PURPOSE:** The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs which receive federal funds from discriminating against participants or clients on the basis of race, color, or national origin. The intent of the law is to insure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs.

To insure that the City of East Jordan meets its compliance responsibility, the following procedures have been established by the adoption of Administrative Policy #142 of the City Commission to provide for the monitoring of Title VI compliance activities and compliant processing in all operations and programs which receive federal funding either in whole or in part.

- B. **CITY OF EAST JORDAN FUNCTIONS AND ORGANIZATION:** The City of East Jordan is committed to providing the highest quality of services to residents of the City of East Jordan and all other potential beneficiaries. East Jordan is a “Home Rule” city with a Council-Administrator form of government. The Mayor and six-member Council are elected at large and appoint the City Administrator to operate the City on a day-to-day basis. Reporting directly to the City Administrator are the departments of Clerk, Parks, Treasurer, Public Services, Police, Fire and Ambulance. The City Administrator is designated as the Title VI Coordinator.
- C. **SCOPE:** This policy applies to (I) all City of East Jordan functions, facilities, operations, programs, services, activities and projects (hereinafter referred to as (“**Services**”)) that receive federal funds and (II) all Services provided by sub-recipients that receive federal financial assistance through the City of East Jordan.

I. TITLE VI ASSURANCES

The City of East Jordan (hereinafter referred to as the City), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 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, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of the 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, sex 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 receives federal financial assistance, and

HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement, This Assurance is required by Subsection 21.7 (a) (1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its federally funded programs:

1. That the Recipient agrees that each “program” at each “facility”, as defined in Subsections 21.23(e) and 21.23 (b) of the Regulations, will be operated (with regard to a “facility”) 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 materials subject to the Regulations made in connection with the Federal Aid Program, and in adapted form in all proposals for negotiated agreements:

“The City of East Jordan in accordance with Title VI of the Civil Rights Act of 1964, 78 State. 252. 42 USC 2000d4 and Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of Department of Transportation, and all requirements issued pursuant to such Act, hereby notifies all bidders that 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, sex or national origin in consideration for an award.”

3. That the Recipient shall insert clauses of Appendix B of this Assurance in every contract subject to the Act and the Regulations.

4. 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.
5. That where the City 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 and under such property.
6. That this assurance obligates the City 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 City 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 City retains ownership or possession of the property.
7. The Recipient shall provide for such methods of administration for the plan as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such plan will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
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 he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, 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 give 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 by the Department of Transportation under the Federal Aid Highway or Transit Program, and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

City Administrator

Date

II. TITLE VI POLICY AND PROCEDURES

- A. **Title VI Non-Discrimination Policy:** The City of East Jordan reaffirms its policy to afford 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 basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance.

In applying this policy, The City of East Jordan and its sub-recipients of federal funds will not:

1. Deny any individual with any services, 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 object is to provide employment;

11. Locate a facility in any way, which would limit or impede access to a federally funded service or benefit.

The City of East Jordan will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. The City Administrator shall be designated as the Title VI Coordinator and shall promptly address all Title VI complaints. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues within a period not to exceed 90 days.

Mayor

City Administrator

B. PROCEDURES: The responsibility for complying with the provisions of Title VI of the Civil Rights Act of 1964 is vested in the City Administrator and his/her successors in office, who is accountable for the administration of the City of East Jordan and its departments. The City Administrator can be reached at 201 Main Street, PO Box 499, East Jordan, MI 49727. The East Jordan City Attorney will provide advice and legal assistance regarding compliance efforts.

1. The responsibility for coordinating Title VI for compliance within individual departments is assigned to and divided among the various departments. Each Department Head will serve as the respective Title VI Departmental Coordinator. This Departmental Coordinator will be responsible for administering the compliance procedure and Title VI complaint process as outlined in this Plan.

a. Departmental Reporting

- i. Each Departmental Coordinator will:
 - Collect, analyze and report the statistical data (race, color and national origin) of participants in and beneficiaries of federal financially-assisted services provided through each respective department; such statistical data should be cross-tabulated by race and ethnic origin on such variables as (1) the number of program participants, (2) the size of the population to whom the program is directed, and where appropriate, (3) the number of applicants. The analysis will be used to:

- determine how effectively programs are reaching eligible groups:
 - assist in the selection of locations for compliance reviews;
 - identify areas for additional outreach efforts; and
 - provide status reports to measure progress of program delivery.
- Prepare a Title VI Self-Survey; and
 - Prepare an annual compliance report based upon the department's compliance efforts.
- ii. The reports will be delivered to the City Administrator's Office no later than January 1st of each year. Completion of the report will be initiated solely by the respective City departments.
 - iii. An annual report will be required by August 1 of each year. The City Administrator will be responsible for coordination, compilation, and submission of this information and provide the data to the Michigan Department of Transportation, Office of Civil Rights Programs and Federal Highway Administration via the Sub-Recipient Annual Certification Form (MDOT form #0179) by September 1st.
 - iv. If updated, a copy of Title VI Plan will be submitted by October 1 to the Michigan Department of Transportation.

b. Sub-recipient Reporting

- i. The Departmental Coordinator will be responsible for ensuring that City sub-recipients are in compliance with Title VI of the Civil Rights Act of 1964.
- ii. Sub-recipients are expected to collect, analyze, and report the statistical data (race, color and national origin) of participants in and beneficiaries of federal financially-assisted services provided through each such sub-recipient to the respective Departmental Coordinator. Departmental Coordinators will require sub-recipients to provide them with Self-Surveys and annual compliance reports. Departmental Coordinators will conduct post-award on-site reviews, if necessary.
- iii. Any sub-recipient found to be in violation of the provisions of Title VI will be given a written notice of such violation and an opportunity to comply. Failure to eliminate further discrimination

within thirty (30) days of receipt of notice will be considered a violation of the terms of the contract and a basis for contract suspension, termination, or rejection. Federal funds may be terminated or withheld as a punitive sanction for non-compliance.

2. The City Administrator will conduct annual reviews of the compliance reports submitted by the departments and the sub-recipients to ensure that the departments and the sub-recipients have received orientation and/or sufficient information to function in their responsibility; have received all materials required for administering the Title VI program, i.e., procedural manuals, posters, and pamphlets; and have on file a current Self-Survey indicating the status of their Title VI compliance.

The City Administrator will review each Self-Survey submitted by the departments and the sub-recipients; if problems in compliance exist, they will be discussed with the respective department. If serious problems in compliance are noted, the department head will have (15) fifteen days to respond. Procedures for correction of non-compliance issues will be developed by the department head and forwarded to the City Administrator.

The City Administrator will compile a comprehensive annual Title VI Compliance Report based upon the annual compliance reports submitted by the departments and the sub-recipients no later than July 1st of each year. A copy will be maintained on permanent file by the City Clerk and will be available for audit where appropriate.

If a City employee is found guilty of any discriminatory practice based on Title VI provisions, the City Administrator who will then decide on the appropriate discipline of that employee, which will be in accordance with established City disciplinary procedures.

C. PUBLIC AWARENESS AND NOTIFICATIONS: Pamphlets and posters designed to inform City employees, clients and prospective clients of their obligations and rights under Title VI and of the availability of services will be distributed periodically to all departments. The departments are responsible for making these pamphlets available to each participant, client and sub-recipient and for displaying the Title VI posters. Additionally, the City will post the Title VI Plan document on the city website at www.eastjordancity.org.

D. CIVIL RIGHTS TRAINING: City employees and sub-recipients will be made aware of the city's obligations with regard to Title VI of the Civil Rights Act of 1964 and the related statutes. In-service training programs for all employees will be conducted as may be appropriate.

E. COMPLIANCE IN PROCUREMENT PROCEDURES: The City will require Title VI Assurances from every sub-recipient or contractor before entering into any

federally funded contract or program. 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.

- F. ANNUAL REPORTING FORM:** The Title VI Coordinator will be responsible for coordination, compilation, and submission of annual reporting form data to the Michigan Department of Transportation, Office of Civil Rights Programs and Federal Highway Administration via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th).
- G. TITLE VI PLAN UPDATES:** An annual update of the Title VI program will be submitted by October 5th to the Michigan Department of Transportation.
- H. DATA COLLECTION:** Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of Entity type programs; e.g.; impacted citizens and affected communities will be gathered and maintained by the Entity type. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.
- I. COMPLAINT PROCEDURES:** A complaint alleging discrimination against the City of East Jordan may be filed with the City Administrator.
1. Complaints should 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 days period, an additional 60 days will be allotted to file after the complainant became aware of the complaint.
 2. The City Administrator has the primary responsibility for receiving, acknowledging, and investigating complaints. Complaints must be filed in writing, preferably on the Complaint of Discrimination Form, and immediately sent to the City Administrator. The form can be filled out by the complainant or by his/her representative. Departmental Coordinators shall receive a copy of any complaints filed.
 3. Unless a complaint is being filed externally, all complaints should first be filed with the City Administrator. The City Administrator will immediately notify the Departmental Coordinator. The City Administrator's investigative efforts regarding any complaints will be conducted in cooperation with the Departmental Coordinator whose Department is the subject of the complaint. The City Administrator, in cooperation with the respective Departmental Coordinator and in consultation the City Attorney, has broad latitude to review a complaint and make a finding. Procedures can include, but are not limited to, discussing the complaint with the complainant, the alleged offender, and the initial reviewer, to

determine the facts. The City Administrator will conduct and complete such fact-finding within a thirty (30) day time frame. The City Administrator and the complainant may mutually agree, in writing, to allow for additional time to determine the facts as may be needed. Once the investigation is completed, the City Administrator will prepare a written report of findings. If the report concludes that there was a violation of Title VI, the Department Head's and/or sub-recipient's proposed corrective action shall be included in the report.

4. The City Administrator will maintain a Title VI complaint log to show identifying information, type, and status of each complaint filed. When any investigation is concluded, the City Administrator will keep a copy of the report on permanent file. Within five (5) consecutive workdays after the completion of this report, the written findings will be communicated to the complainant. The complainant may choose to appeal the charges externally, if she/he has not done so already.
5. If a complaint is filed within the City, and it is filed externally during the same time, the external complaint supersedes the internal complaint filing; accordingly the City's complaint procedures will be suspended pending outcome of the external complaint.
6. If a Title VI complaint is received on a MDOT related contract against the City of East Jordan, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of East Jordan, the complaint and any pertinent information should immediately be forwarded to the MDOT Office of Civil Rights Programs.
7. Complaints have the option of filing a complaint directly with the US Department of Justice, the Federal Highway Administration, or other federal civil rights enforcements agency.

J. Retaliation:

The laws enforced by this municipality 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:

City of East Jordan
Attn: City Administrator
201 Main Street, PO BOX 499
East Jordan, MI 49727
231-536-3381
231-536-3383 Fax
info@eastjordancity.org

K. 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 Michigan Department of Transportation, Office of Civil Rights Program Unit within 60 days of the date the complaint was received.

L. Records

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

M. LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President William J. Clinton signed an executive order , Executive Order 13166; Improving Access to Service for Persons with Limited English Proficiency , 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 encounter. These individuals are referred to as being limited English 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 it’s federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

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

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

The City of East Jordan 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.

The Guidance implies the City of East Jordan as organizations 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 of proportion of LEP persons eligible to be served of 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 Cit of East Jordan 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 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 the City of East Jordan’s 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 of four classifications of how well people speak English. The classifications are “very well”, “not well” and “not well 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 2010 Data for the City of East Jordan shows a small amount of the population that would speak English “less than very well”.

TABLE #1

| <u>LANGUAGE SPOKEN AT HOME</u> | <u># of Individuals</u> | <u>Percentage</u> |
|---|--------------------------------|--------------------------|
| <u>Population 5 years and over</u> | 1,817 | 1,817 |
| <u>English only</u> | 1,734 | 95.4% |
| <u>Language other than English</u> | 83 | 4.6% |
| <u>Speak English less than “very well”</u> | 17 | 0.9% |
| <u>Spanish</u> | 0 | 0.0% |

| | | |
|--|----|------|
| <u>Speak English less than “very well”</u> | 0 | 0.0% |
| <u>Other Indo-European languages</u> | 21 | 1.2% |
| <u>Asian and Pacific Islander languages</u> | 0 | 0.0% |
| <u>Speak English less than “very well”</u> | 0 | 0.0% |
| <u>Other languages</u> | 62 | 3.4% |
| <u>Speak English less than “very well”</u> | 17 | 0.9% |

Factor 2: Frequency of Contact with LEP Individuals

The City of East Jordan staff reviewed the frequency with which City Commission, office staff and maintenance staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or offices visits. To date, the City of East Jordan has had no requests for interpreters and no requests for translated program documents. The City Commission, office staff and maintenance staff have had very little contact with LEP persons. There is no large geographic concentration of any type of LEP individuals in the service area for the City of East Jordan. The overwhelming majority of the population speaks English. As a result, there are few social, service, professional and leadership organizations within the City of East Jordan service area that focus on outreach to LEP individuals. The City of East Jordan City Commission and staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications from maintenance staff of impacts on city services and attendance at City Commission meetings.

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

The City of East Jordan provides water and sewer services to its residents as well as Police protection and protection of the Emergency Services of Fire and Emergency Medical Services.

Denial or delay of access to services or information provided by the City of East Jordan could potentially have life-threatening implications on a LEP individual, therefore, consideration will be given to all LEP requests for service.

Factor 4: The Resources Available to the City of East Jordan 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 City of East Jordan reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and contacted local citizens that would be willing to provide translation upon request within a reasonable time period. Other language translation if needed would be provided through a telephone interpreter, free of charge.

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 as action will be considered strong evidence of compliance with the recipient’s written-translation obligation under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, 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 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 City of East Jordan 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 City of East Jordan to proceed with oral interpretation options for compliance with the executive order.

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 and free language assistance is available with advance notice.
2. Stating in outreach documents that 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.

The City of East Jordan will provide statements in public information and public notices that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the City of East Jordan, and in languages other than English when warranted.

Options and Proposed Actions

Options:

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

The City of East Jordan is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering the relatively small scale of the City of East Jordan, 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.

What the City of East Jordan will do. What actions will the City of East Jordan will take?

With advance notice of seven calendar days, the City of East Jordan will provide interpreter services at the public meetings. Interpreter to include foreign language, and hearing impaired.

The City of East Jordan will utilize the *Translators Recourse List* as provided by MDOT for translation services and verbal interpretation.

Ensure placement of statements in notices and publications that interpreter services are available for these meetings in a language that the affected LEP community could understand with seven days advanced notice. 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 the City of East Jordan employees will contact an agency from the Translators Recourse List to provide interpretation services to assist.

Publications of the city’s compliant form will be available at public meetings.

City of East Jordan Staff Training

City of East Jordan staff will be provided training and made aware of the requirements for providing meaningful access to services for LEP persons.

Title VI Plan

A copy of the Title VI plan document can be requested at the City of East Jordan’s main office during normal business hours and the City of East Jordan will make the plan available on the website at www.eastjordancity.org.

Any person or agency may also request a copy by contacting:

City of East Jordan
201 Main Street, PO BOX 499
East Jordan, MI 49727
231-536-3381
info@eastjordancity.org

N. ENVIRONMENTAL JUSTICE

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 ICRC in the following ways:

When planning specific programs or projects, identifying those populations that will be affected by a given program or project.

If a disproportionate effect is anticipated, following mitigation procedures.

If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

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

Where a project impacts a small number or area of low income or minority populations, the City of East Jordan 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 ICRC 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 ICRC will administer potential disproportionate effect test.

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

STEP ONE: Determine if a minority of low income population is present within the project area. If a 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 minorities and/or 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 D. 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 off setting 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 projected 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.

Appendix A [to be inserted in all Federal-aid contracts]

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

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made apart of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department of the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating or suspending the contract in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a

means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B Transfer of Property

The following clauses shall be included in any and all deeds effecting or recording the transfer or 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 Michigan Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with the State of Michigan, the Regulations for the Administration of the State Transportation Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, 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, quit claim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made part of hereto.

Habendum Clause*

TO HAVE AND TO HOLD said lands and interests therein until the Michigan Department of Transportation, and its successors forever, subject, however, to the covenants, 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 Michigan Department of Transportation, its successors and assigns.

The Michigan Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land of itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, disability or 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 Michigan Department of Transportation shall use the lands and interests in lands and interest 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 instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes 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 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, 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, permittee, etc.) shall maintain 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 non-discrimination 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 non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Michigan Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, 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 (1) no person on the grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or

otherwise be subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other 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.

(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 said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and 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 Title VI of the Civil Rights Act of 1964.

Appendix D Determine/Distinguish Significant/Non-significant Effects

“Significant” requires consideration 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 no material bearing on this decision-making process.

Scientific, technical, institutional, and 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 City Administrator.

Appendix E Title VI Complaint Form

**CITY OF EAST JORDAN
TITLE VI NON-DISCRIMINATION COMPLAINT FORM**

This form may be used to file a complaint with the City of East Jordan for alleged violations of Title VI of the Civil Rights Act of 1964 and related statutes, including Executive Order 13166, Environmental Justice; Executive Order 12898, Limited English Proficiency; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act. **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 the 180 day period, you have 60 days after you become aware to file your complaint.**

If you need assistance completing this form, please contact the City Administrator (Title VI Coordinator) at 201 Main Street, PO BOX 499, East Jordan, MI 49727 or by calling 231-536-3381.

1. Complainant's Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number (home): _____ (Work): _____

2. Person discriminated against (if someone other than complainant):

Name: _____

Address: _____

City, State, Zip Code: _____

Please explain the relationship to the individual(s) above: _____

3. What is the name and location of City Department or agency that you believe discriminated against you?

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

4. Which of the following best describes the reason you believe the discrimination took place?

- | | |
|-----------------------|------------------|
| _____ Race | _____ Color |
| _____ Age | _____ Sex |
| _____ National Origin | _____ Religion |
| _____ Income | _____ Disability |

5. What date did the alleged discrimination take place? _____

6. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible (attach additional pages, if necessary).

7. List all witnesses to your allegations? _____

If **YES**, what is the status of the grievance? _____

Note: The laws enforced by the city prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

City of East Jordan
Attn: City Administrator
201 Main Street, P.O. Box 499
East Jordan, MI 49727
231-536-3381 (phone) 231-536-3383 (fax)
info@eastjordancity.org

Complainant Signature

Date

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

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

*The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep/asp>.

[Http://www.dotcr.ost.dot.gov/asp/lep/asp](http://www.dotcr.ost.dot.gov/asp/lep/asp)

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