



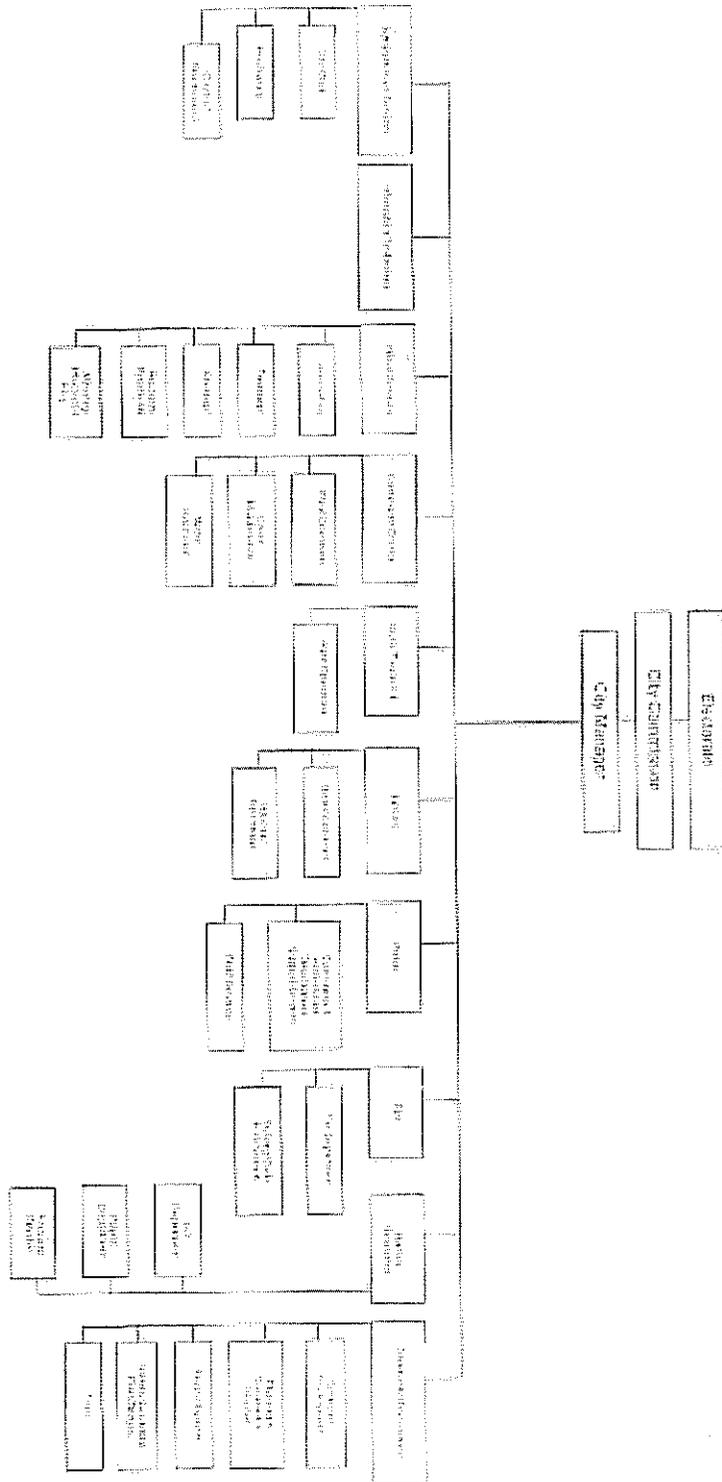
## TITLE VI

### NON-DISCRIMINATION PLAN

City of Bay City  
301 Washington Avenue  
Bay City, MI 48708  
989/894-8156

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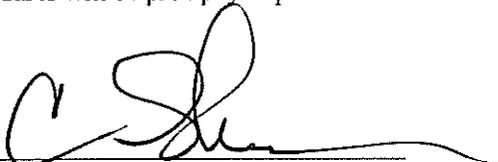
**CITY OF BAY CITY  
POLICY STATEMENT**

City of Bay City 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 City of Bay City 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 service or information in a language other than English when significant numbers of potential or actual beneficiaries are of limited English speaking ability;
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.

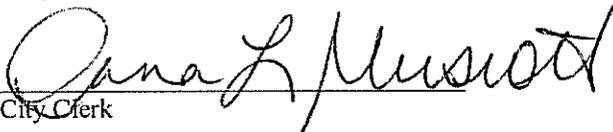
The City of Bay City will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all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



Mayor

4-19-2012

Date



City Clerk

4-19-20-12

Date

**CITY OF BAY CITY  
TITLE VI ASSURANCES**

The City of Bay City (hereinafter referred to as the City) 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 200d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, 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 gender, 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 City received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, 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) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the City hereby gives the following specific assurance with respect to the Federal Aid highway program:

1. That the City 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 by, or pursuant to, the Regulations.

2. That the City shall insert the following notification in all solicitations for bid or work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:

"The City of Bay City in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure 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 gender, disability, race, color or national origin in consideration for an award."

3. That the City shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That where the City receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and any facilities operated in connection therewith.

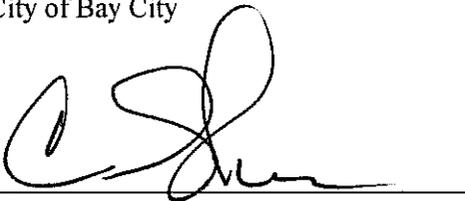
5. That where the City receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

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 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 provisions of similar services or benefits: or (b) the period during which the City retains ownership or possession of the property.

7. The City shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she 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.
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, 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.

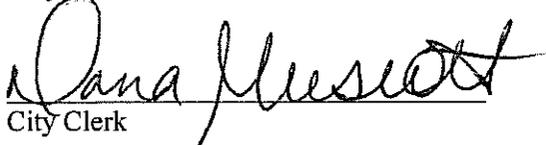
This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the City under the Federal Aid Highway program and is binding on it, other recipients,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

City of Bay City



Mayor

Date 4-19-2012



City Clerk

Date 4-19-2012

## Authorities

**Title VI of the Civil Rights Act of 1964, 42 USC 2000D to 2000-4; 42 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 the 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 [So 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No persons shall on the ground of sex be excluded from participation in, be denied the benefit 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 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 a 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.

**EO 12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO 12898:** 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.

**EO 13166:** Improving Access to Services for Persons with Limited English Proficiency.

**CITY OF BAY CITY  
TITLE VI PLAN**

**I. INTRODUCTION**

**The Planning & Redevelopment Administrative Assistant, along with the Director of Human Resources (hereinafter referred to as the “Title VI Coordinator”) shall have lead responsibility of coordinating the administration of Title VI and related statutes, program, plan and assurances.**

- A. PURPOSE: The City of Bay City assures that no person shall, on the grounds of race, color, national origin, religion, sex, disability or age as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any federally funded program or activity.

To insure that the City of Bay City meets its compliance responsibility, the following procedures have been established to provide for the monitoring of Title VI compliance activities and complaint processing in all operations and programs which receive federal funding either in whole or in part.

- B. CITY OF BAY CITY FUNCTIONS AND ORGANIZATIONS: The City of Bay City is committed to providing the highest quality of services to all residents of the City. Bay City operates under the Commission-Manager form of government. This system consists of a City Commission that acts as the legislative or policy making body and a City Manager appointed by the City Commission to serve as the Chief Administrator of municipal government operations.

The City Commission is composed of nine Commissioners elected by the ward in which they respectively reside and a Mayor who is elected by the City-at-large on a nonpartisan ballot.

Reporting directly to the City Manager are the departments of Deputy City Manager of Administrative Services/City Clerk, Deputy City Manager of Community Development, Director of Fiscal Services, Director of Public Utilities, Police Chief, Fire Chief, Director of Information Technology, Wastewater Treatment Plant Superintendent, and the Director of Human Resources. See attached organizational chart for direct reports.

- C. ANNUAL REPORTING FORM: An annual report will be submitted by September 1 of each year. The Title VI Coordinator will be responsible for coordination, compilation, and submission of this information and provide the data to the Michigan Department of Transportation (MDOT), Office of Civil Rights Programs and Federal Highway Administration via the Sub-Recipient Annual Certification Form (MDOT form #0179).
- D. TITLE VI PLAN UPDATES: If updated, a copy of Title VI Plan will be submitted by October 1 to the Michigan Department of Transportation.
- E. TRAINING: The City will inform City employees of the Title VI Program. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. The Title VI policy will also be listed on the City’s Internet website: [www.baycitymi.org](http://www.baycitymi.org).

### III. PROCEDURE

- A. COMPLAINT PROCESS: Any person who believes that they have been excluded from participation in, or denied benefits or services of any program or activity of the City of Bay City or its sub-recipients, consultants, and contractors on the basis of race, religion, color, national origin, sex, age, or disability may bring forth a complaint of discrimination under Title VI and related statutes.

Complaints should be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your 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 the event a person makes a verbal complaint to a City of Bay City employee, or other person authorized to receive complaints on behalf of the City, that person shall interview the complainant. If necessary, the authorized City employee shall assist the complainant in completing the complaint form.

Anyone may request a copy of the City of Bay City's Title VI complaint form. The complaint form is available in the Human Resources Department at City Hall and on the City's website: [www.baycitymi.org](http://www.baycitymi.org).

B. INTERNAL COMPLAINT PROCESSING:

- The Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180-day filing deadline and meets jurisdiction.
- The Title VI Coordinator will then investigate the complaint, unless it is withdrawn.
- If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will give the name of the investigator and/or investigating agency. The City will also notify MDOT of the investigation to determine if the City shall proceed with the complaint with or without the assistance of MDOT.
- The alleged perpetrator shall also be notified by certified mail as to the complaint. This letter will also include the investigator's name and will request that this person be available for an interview.

C. INVESTIGATING PLAN: The Title VI Coordinator shall prepare a written report, which includes, but is not limited to:

- Name(s) of the complainant(s)
- Basis for the complaint
- Any additional information needed
- Criteria and sources used to obtain additional information

- Identify 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 of the complaint.
- Confidentiality will be maintained subject to relevant laws, statutes, ordinances and regulations.
- Interviews will be conducted with those persons involved and evidence will be gathered.
- A chronological contact sheet will be maintained in the case file.
- If a Title VI complaint is received on an MDOT related contract against the City's Construction Services Department or Streets Department, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the Road Commission, the complaint and any pertinent information should immediately be forwarded to the MDOT Office of Civil Rights Programs.

Investigation Reporting Process

- Within 35 days of receiving the complaint, the investigator prepares a report and submits it and any supporting documentation to the City Attorney for review.
- The City Attorney will review the file and a determination will be made as to "probable cause" or "no probable cause" and prepares a final decision letter.

D. REPORTING REQUIREMENTS TO AN EXTERNAL AGENCY: A copy of the complaint, together with a copy of the investigation report and the final decision letter will be forwarded to the Michigan Department of Transportation within 60 days of the date the complaint was received.

E. RETAINING RECORDS: All records will be kept in a confidential manner, subject to relevant laws, statutes, ordinances and regulations, and be on file in the City's Clerk's office for a period of five (5) years.

## LIMITED ENGLISH PROFICIENCY

Compliance with Title VI includes Limited English Proficient (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. An LEP Plan was created based upon current demographics and the demand for language assistance. If needed, the City of Bay City can provide access to LEP individuals in the following manner:

- Material printed and distributed in languages other than English when determined necessary. Typically this will be done when five percent (5%) or more of the individuals in an impacted area speak a language other than English.
- Individuals planning public meetings review the population of the affected area to determine LEP needs and request that individuals advise them of special needs.
- Reasonable steps to ensure meaningful access to City Programs and activities by LEP persons have been implemented.
- Programs and activities normally provided in English are accessible to LEP persons and are therefore non discriminatory on the basis of national origin in compliance with Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations.

## ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effects” due to any “programs, policies, and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City 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, discussion and, if necessary, implementing reasonable alternatives.

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

Where a project impacts a small number or low-income or minority populations, the City 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 City 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 City will administer potential disproportionate effects tests.

The following steps will be taken to assess the impact of projects on minority 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 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. 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 the 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:

Q1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?

Q2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority population?

Q3: Considering the overall public interest, is there a substantial need for the project?

Q4: Will the alternatives that would satisfy the need for the project have less impact on protected populations that (a) have other social, economic, or environmental impacts that are more severe than those of the proposed action, or (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 *Title VI Assurances*

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 Michigan Department of Transportation (hereinafter, "MDOT") 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. **Non-discrimination:** The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, disability, or national origin in the selection, retention, of sub-contractors, 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 Regulation, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Sub-contractors, 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 sub-contract, including procurements of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, disability, 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 its facilities as may be determined by MDOT or the Federal Highway Administration (hereinafter referred to as FHWA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. 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 MDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Non-compliance:** In the event the contractor's non-compliance with the non-discrimination provisions of this contract, MDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - a. Withholding of 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 sub-contract, 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 sub-contract or procurement as MDOT or the FHWA 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 with a sub-contractor or supplier as a result of such direction, the contractor may request MDOT to enter into such litigation to protect the interests of MDOT, 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 *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 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 City Manager.

**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 City of Bay City.

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself or herself, his or her 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 City of Bay City program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, 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 City of Bay City 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 City of Bay City 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 Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

## **APPENDIX D *[Prohibition of Discrimination in State Contracts]***

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.
7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the State and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

**APPENDIX E** *Program Compliance/Program Review Goals for Current Plan Year*

1. The City's Title VI Policy and plan will be communicated to each City Department Head who will, in turn, review the policy with appropriate department employees.
2. The City's Title VI policy statement and plan will be published on the City's website.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in number 2 of the City of Bay City Title VI Assurance (Appendix A) will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. Appropriate City employees will be trained on the Title VI complaint procedure.
6. The City will initiate training of department heads and appropriate City employees to raise Limited English Proficiency (LEP) awareness regarding the City's responsibilities and their (employee) accountabilities. Additional reasonable steps will depend on the following:
  - The number and proportion of LEP persons potentially served by City programs or activities and the variety of languages spoken in the City's service area.
  - The frequency with which LEP individuals are affected by City programs and activities.
  - The impact to affected LEP individuals.
  - The resources available for provision of special language services.
  - The level of services provided to fully English-proficient people in comparison with the level of service provided to LEP individuals.
7. The following data will be collected and reviewed by the City Manager and included, where appropriate, in the annual report submitted to MDOT.
  - (a) Board 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, number of minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
  - (d) LEP Needs: How many requests for language assistance were requested or required and the outcome of these requests. Creation of a LEP Plan.
  - (e) Complaints: The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - (f) Timeliness of services: Definition of services to track, creation of tracking mechanism, and implementation of new process and/or processes revised. For services track: number of requests for services; amount of time from request to when service was delivered; number of requests denied and reason why.
  - (g) Right of Way/Imminent Domain: Numbers of such actions and diversity of individual affected.
  - (h) Program Participants: Racial data of program participants where possible; mostly gathered through visual observation.

**APPENDIX F**

**CITY OF BAY CITY  
TITLE VI COMPLAINT FORM**

This form may be used to file a complaint with the City of City of Bay City 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 due to a physical impairment, please contact the City of Bay City Human Resources via phone at 989/894-8208 by fax at 989/894-1070 or by e-mail at [cityhr@baycitymi.org](mailto:cityhr@baycitymi.org)*

**Only the complainant or his/her designee should complete this form.**

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 \_\_\_\_\_

\_\_\_ Religion \_\_\_\_\_

\_\_\_ Color \_\_\_\_\_

\_\_\_ Limited English Proficiency \_\_\_\_\_

\_\_\_ National Origin \_\_\_\_\_

\_\_\_ Age \_\_\_\_\_

\_\_\_ Sex \_\_\_\_\_

\_\_\_ Disability \_\_\_\_\_

**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 materials pertaining to your case).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*Note: The City of Bay City prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by the policies of the City. Please inform the City Manager or the Human Resources Department if you feel you were intimidated or you experienced perceived retaliation in relation to filing this complaint.*