

**CITY OF HOLLAND**

**TITLE VI**

**NON-DISCRIMINATION PLAN**

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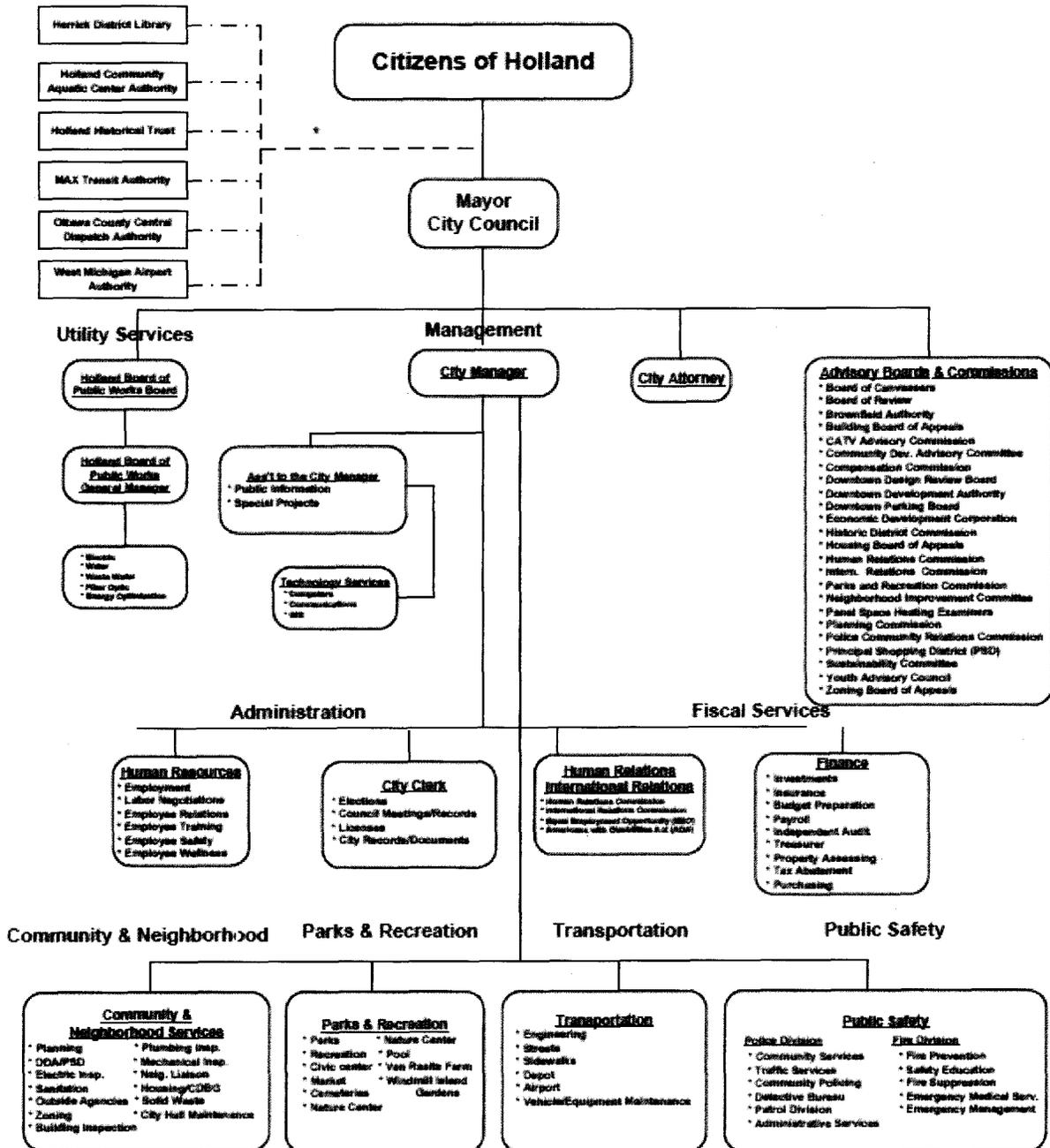
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# City of Holland

## Organizational Chart



\* The City Council makes appointments to these Districts and Authorities

Rev March 2013

## INTRODUCTION

The City of Holland was founded in 1847 by immigrants from the Netherlands. They established the "Holland Kolonie". This area became the center of 19<sup>th</sup>-century Dutch immigration and conservative Dutch Reform faith. It is a welcoming community to all and strives to be a safe place to live, work and play. The City of Holland serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the City of Holland. The City of Holland recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

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

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

As a recipient of federal financial assistance, the City of Holland must provide access to individuals with limited ability to speak, write, or understand the English language. The City of Holland will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other

benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City of Holland'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 Holland'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 Holland's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City of Holland.
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City of Holland's services, programs or activities.

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

The City of Holland shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Holland as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City of Holland 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 of Holland'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 Holland has developed this Title VI Plan to assure that services, programs, and activities of the City of Holland are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**CITY OF HOLLAND  
NON-DISCRIMINATION POLICY STATEMENT**

The City of Holland 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 Holland and its sub-recipients of federal funds shall not:

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

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

The City of Holland designates Esther Fifelski as the Title VI Coordinator. The Title VI Coordinator will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Holland complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Holland and Title VI may be directed to the Title VI Coordinator, Esther C. Fifelski

  
Nancy DeBoer  
Mayor

  
Esther C. Fifelski  
Title VI Coordinator

**CITY OF HOLLAND  
TITLE VI ASSURANCES**

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

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

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

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

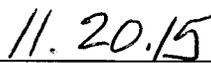
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

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

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

City of Holland

  
\_\_\_\_\_  
Nancy DeBoer, Mayor

  
\_\_\_\_\_  
Date

## AUTHORITIES

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

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

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

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

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

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

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

**USDOT Order 1050.2:** Standard Title VI Assurances

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

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

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

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

## DEFINITIONS

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

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

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

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

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

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

**Minority** – A person who is:

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

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

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

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

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

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

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

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

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

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

## **ADMINISTRATION – GENERAL**

The City of Holland designates Esther C. Fifelski as the Title VI Coordinator (hereinafter referred to as the "Title VI Coordinator"). Esther Fifelski shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

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

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

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

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

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

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

**Public Dissemination:** The City of Holland will disseminate Title VI Program information to the all employees and to the general public. Title VI Program information will be submitted

to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the City of Holland's Title VI Plan within 90 days of approval on the main page of the City of Holland's internet website, at [www.cityofholland.com](http://www.cityofholland.com).

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

## LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, 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<sup>ii</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

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

Not only are all federal agencies required 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 Holland receives funds from the US Department of Transportation via the Federal Highway Administration.

For more information regarding our policies on LEP, copy of our LEP plan can be found on our website at [www.cityofholland.com](http://www.cityofholland.com) or requested from:

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## **ENVIRONMENTAL JUSTICE (EJ)**

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City of Holland 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 Holland 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 Holland 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 of Holland 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 of Holland will administer a potential disproportionate effects test.

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

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

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

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

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

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

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

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

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

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

## **FILING A TITLE VI COMPLAINT**

### **I. Introduction**

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

### **II. Purpose**

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

### **III. Roles and Responsibilities**

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

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

### **IV. Filing a Complaint**

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

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

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

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

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

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

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

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

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

## **V. Investigation**

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

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

### Conducting the Investigation:

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

### Investigation Reporting Process:

- Complaints made against a City of Holland sub-recipient should be investigated by the Title VI Coordinator following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of Esther Fifelski for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

**Retaliation:**

The laws enforced by this City of Holland 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:

Esther C. Fifelski  
City of Holland  
270 S. River Avenue  
Holland, Michigan 49423  
Phone: 616-355-1321/28  
Fax: 616-355-1490  
Email: [e.fifelski@cityofholland.com](mailto:e.fifelski@cityofholland.com)

**Reporting Requirements to an External Agency**

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

**Records**

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

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

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

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

- a. Withholding payments to the contractor under the contract until the contractor complies and/or
- b. Cancellation, termination or suspension of the contract, in whole or in part.

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

## **APPENDIX B - TRANSFER OF PROPERTY**

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

### **(GRANTING CLAUSE)**

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

### **(HABENDUM CLAUSE)\***

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

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

Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

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

## **APPENDIX C - PERMITS, LEASES AND LICENSES**

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

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

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

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

(Include in deeds)\*

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

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

**APPENDIX D - TITLE VI COMPLAINT FORM**

**CITY OF HOLLAND  
TITLE VI COMPLAINT FORM**

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

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

*If you need assistance completing this form, please contact Esther Fifelski by phone at 616-355-1321/28 or via e-mail at [e.fifelski@cityofholland.com](mailto:e.fifelski@cityofholland.com).*

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.

- |                                |  |                                      |
|--------------------------------|--|--------------------------------------|
| <input type="checkbox"/> Race  | <input type="checkbox"/> Disability      | <input type="checkbox"/> Sex         |
| <input type="checkbox"/> Color | <input type="checkbox"/> Religion        | <input type="checkbox"/> Income      |
| <input type="checkbox"/> Age   | <input type="checkbox"/> National Origin | <input type="checkbox"/> Retaliation |

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

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

**Please return completed form to:** Esther C. Fifelski, City of Holland, 270 S. River Avenue, Holland, Michigan 49423; Phone: 616-355-1321/28; Fax: 616-355-1490; Email: [e.fifelski@cityofholland.com](mailto:e.fifelski@cityofholland.com)

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

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

“Significant” requires considerations of both context and intensity:

(a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.

(b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

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

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

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

Determinations of “significant” and “non-significant” effects will be made by Esther Fifelski the Title VI Coordinator.

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

1. The City of Holland's Title VI Plan will be communicated to each Department Head who will review the plan with departmental employees. All City of Holland employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.

The LEP Plan and I-Speak charts are kept at each reception desk should they be needed. The Human Relations Department collects data related to number of translations and minutes and it is reported to the all Citizens in our Fiscal Year Proposed Budget.

Additionally, we have added Title VI, LEP Plan, and Complaint Procedure as part of the Orientation Checklist to assure all citizens have an understanding of the Title VI procedures we have in place, review the LEP Plan (including the I-speak charts). At that time we will also discuss the Complaint Procedure.

2. The City of Holland's Title VI Plan will be published on the main page of the City's website, within 90 days of approval. The city of Holland's Title VI plan is currently found on our website. Once this year's Title VI and LEP Plan are approved the new documents will be posted on our website. This year when we update we will also communicate via press release and social media to bring more visibility to the work and commitment to further equal opportunity for all citizens.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan. The Community Neighborhood Services Department receives HUD funds and is required to use similar language to receive public funds. This department will continue to use the HUD language as it is a contingency to receive federal funds.
4. The language in Appendix A of the City of Holland's Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements. As noted in Item 3, our Community Neighborhood Services use similar contract language required by HUD as they receive HUD funding. Our Community Neighborhood Services team is vigilant in their work as you can see in their spreadsheet. We have further opportunities to encourage and promote the use of small businesses, disadvantaged businesses, and minority-owned businesses.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented. The procedure for responding to individuals with Limited English Proficiency has been implemented. As noted in #1, above, we have also included

this as part of the New Hire Orientation package to assure all new hires are aware of Title VI, the I-Speak Charts, and Complaint procedure.

6. A review of the City of Holland's facilities will be conducted in reference to compliance with the American Disabilities Act. How many?

The City has an ADA Coordinator responsible for inspecting all city facilities to assure we are meeting the ADA requirements. This year the City purchased ADA voting booths for our November mid-term elections. In June of 2015, the City Contracted with Disability Network Lakeshore to complete a self-evaluation of all city buildings for compliance with the 2010 Americans with Disabilities Act standards. Our buildings were in compliance with the required standards when they were built. Changes are not required unless they are readily achievable, or during major renovations. However, the City of Holland is committed to accessibility for all residents. We have set a goal to bring our facilities up to the new standard. As a result of our self-evaluation, 54 changes were recommended. Of the 54, all but 11 have been completed. The remaining will be completed this fiscal year. Over the next year we will review our programs for accessibility, develop an ADA policy and provide staff training on that policy. Standards on website accessibility are forthcoming and we will check our site for accessibility based on those standards.

7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.

- a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.

The city currently has 7 vacancies, 13 applications on file. We currently advertise for openings on boards and commissions by city tables at community and city-sponsored events, through Word-of-Mouth, City E-Newsletter that goes out to approximately 400 citizens, Alliance for Cultural & Ethnic Harmony Newsletter. Until recently, we advertised in Nuestra Comunidad, a Spanish newspaper. However, this newspaper has been pulled by the Holland Sentinel.

- 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.

Between the dates of July 2014- August 2015, the city of Holland, conducted 24 public meetings. To date, we have held eight (8) public hearings/meetings/open houses for the Master Plan update and we anticipate more this fall. We also held 14 targeted stakeholder meetings to gather input for the Master Plan. Several of the public meetings were held in venues more conducive for interaction with City minority populations (Holland Heights Elementary School, Maple Avenue

Ministries, Cornerstone Tabernacle and Central Park Reformed Church). Unfortunately, the turnout for those meetings was very low. Our Master Plan consultant (LIAA) is making plans with St Francis de Sales Church to have an event at that church where we hope to receive a much better turnout from the Hispanic community. We held three public hearings for transportation projects. There were several roadway work public informational meetings. Our transportation department provided construction notices to adjacent property owners within roadway construction and held Open House events to discuss the details of the project and encourage community input. The City, upon request will provide language assistance or other services required for citizen to participate in city Government. Translations for the general public from June 2014 - June 2015 were 2; one for Mandarin Chinese and the other for American Sign Language. Additionally, the City on daily basis has staff to provide translation for Spanish speakers. All meetings are advertised on our City Website and the Holland Sentinel to encourage public participation. Please see attached

- c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project. Please see attached.
- d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.

This year we received 2 requests for assistance. Accommodation was made for a Mandarin Chinese native speak at a City Council Meeting. A translator for citizen representation at City Council meetings was hired. An American Sign Language representative was hired to assist a citizen with Community Neighborhood Services documents. Last year City Staff we provided 10,030 instances of translation assistance. A total of 280 hours of translation services was provided by City Staff. Please see attachment.

- e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.

The City did not receive Title VI complaints reported to the Title VI Coordinator. The City does tract citizen complaints regarding services.

- f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.

The City philosophy is to put citizen requests as first priority. When a citizen comes to City Hall our goal is that a citizen can conduct their business with one contact.

- g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.

There were none reported by our Transportation Department.

- h. **Program Participants:** Racial data of program participants where possible.

The city currently tracks racial/ethnic data through the City Complaints Process and as part of the hiring process. The current City of Holland employment application package has an optional self-disclosure form.

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

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

## **APPENDIX F: PROGRAM COMPLIANCE GOALS FOR CURRENT YEAR PLAN**

- 1. The City Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.**

Title VI Plan has been communicated to each City Department Head. The LEP Plan and I-Speak charts are kept at each reception desk should they be needed. The Human Relations Department collects data related to number of translations and minutes and it is reported to the all Citizens in our Fiscal Year Proposed Budget.

Additionally, we have added Title VI, LEP Plan, and Complaint Procedure as part of the Orientation Checklist to assure all citizens have an understanding of the Title VI procedures we have in place, review the LEP Plan (including the I-speak charts). At that time we will also discuss the Complaint Procedure.

- 2. The City's Title VI Plan will be published on the city of Holland's website.**

The city of Holland's Title VI plan is currently found on our website. Once this year's Title VI and LEP Plan are approved the new documents will be posted on our website. This year when we update we will also communicate via press release and social media to bring more visibility to the work and commitment to further equal opportunity for all citizens.

- 3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.** The city continues to include Appendix A in all Federal-Aid Contracts related to MDOT, with the exception of HUD projects. These projects have their own federally-required verbiage. Our Community Neighborhood Services team is vigilant in their work as you can see in their spreadsheet. We have further opportunities to encourage and promote the use of small businesses, disadvantaged businesses, and minority-owned businesses.
- 4. The Title VI Assurance will be included in all solicitation for bids for work or material subject to the Regulations and in all solicitations for bids for work or material subject to the Regulations in all proposals for negotiated agreements.** The Title VI Assurance continues to be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
- 5. The procedure for responding to individuals with Limited English Proficiency will be implemented.** The procedure for responding to individuals with Limited English Proficiency has been implemented. As noted in #1, above, we have also included this as part of the New Hire Orientation package to assure all new hires are aware of Title VI, the I-Speak Charts, and Complaint procedure.

6. **All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.**

As noted in #1, above, we have also included this as part of the Orientation package to assure all new hires are aware of Title VI, the I-Speak Charts, and Complaint procedure.

7. **A review of City facilities will be conducted in reference to the compliance with the Americans with Disabilities Act.** The City has assigned a Disability Coordinator to review all City Buildings and properties for Compliance with the American's With Disability Act. Additionally, we have a plan in place to report all housing inspections deficiencies. Housing issues are reported to the Fair Housing Center of West Michigan, per our contract. The city continues to comply with current ADA requirements and continues to keep abreast through staff training. This year the city added 15 ADA-compliant voting booths for our citizens. In 2015, the City of Holland contracted with the Disability Network Lakeshore to complete a self-evaluation of all city buildings for compliance with the 2010 Americans with Disabilities Act Standards. Our buildings were in compliance with the required standards when they were built. However, the City of Holland is committed to accessibility for all residents and set a goal of bringing our facilities up to the new standard. As a result of our self-evaluation, 54 changes were recommended. All but 11, have been completed. The remaining items will be completed this fiscal year.

8. **The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate in the annual report submitted to MDOT.**

- a. **Boards and Commissions: The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.** We currently have 7 vacancies, 13 applications on file. We currently advertise for openings on boards and commissions by city tables at community and city-sponsored events, through Word-of-Mouth, City E-Newsletter that goes out to approximately 400 citizens, Alliance for Cultural & Ethnic Harmony Newsletter. Until recently, we advertised in Nuestra Comunidad, a Spanish newspaper. However, this newspaper has been pulled by the Holland Sentinel.

Boards and Commission trends continue to be tracked by FY Calendar (June to June). The most recent data compiled for FY 2014 (June 2013 - June 2014) minority representation is 10% minority. FY 2015 is updated in February 2016 as part of our budgeting process. Our goal is to transition to 12%, a two percent increase for (FY 2015).

**Holland City Hall**

270 South River Avenue  
Holland, MI 49423

cityofholland.com  
info@cityofholland.com

P 616 355-1300  
F 616 355-1490

- b. Public Meetings: The number of open meetings. How meeting dates and times are communicated to the general public and the individuals directly affected by the meeting.** Between the dates of July 2014- August 2015, the city of Holland, conducted 24 public meetings. To date, we have held eight (8) public hearings/meetings/open houses for the Master Plan update and we anticipate more this fall. We also held 14 targeted stakeholder meetings to gather input for the Master Plan. Several of the public meetings were held in venues more conducive for interaction with City minority populations (Holland Heights Elementary School, Maple Avenue Ministries, Cornerstone Tabernacle and Central Park Reformed Church). Unfortunately, the turnout for those meetings was very low. Our Master Plan consultant (LIAA) is making plans with St Francis de Sales Church to have an event at that church where we hope to receive a much better turnout from the Hispanic community. We held three public hearings for transportation projects. There were several roadway public informational meetings. Our transportation department provided construction notices to adjacent property owners within roadway construction and held Open House events to discuss the details of the project and encourage community input. The City, upon request will provide language assistance or other services required for citizen to participate in city Government. Translations for the general public from June 2014 - June 2015 were 2; one for Mandarin Chinese and the other for American Sign Language. Additionally, the City on daily basis has staff to provide translation for Spanish speakers. All meetings are advertised on our City Website and the Holland Sentinel to encourage public participation.
- c. Construction Projects. The number of constructions projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.**  
Please see Attachment A.
- d. LEP Needs: How many requests for language assistance were requested or required and the outcome of these requests.** This year we received 2 requests for assistance. Accommodation was made for a Mandarin Chinese native speak at a City Council Meeting. A translator for citizen representation at City Council meetings was hired. An American Sign Language representative was hired to assist a citizen with Community Neighborhood Services documents. Last year City Staff we provided 10,030 instances of translation assistance. A total of 280 hours of translation services was provided by City Staff. Please see attachment.
- e. Complaints. The number of Title VI complaints received; nature of the complaints; resolution of the complaints.** The City did not receive Title VI complaints reported to the Title VI Coordinator.

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- f. **Timeliness of Services: Number of requests for services; Amount of time from request to when service was delivered; number of requests denied.** The City philosophy is to put citizen requests as first priority. When a citizen comes to City Hall our goal is that a citizen can conduct their business with one contact.
- g. **Right of Way/Imminent Domain: Numbers of such actions and diversity of individuals affected.** There were none reported by our Transportation Department.
- h. **Program Participants: Racial Data of program participants where possible.** The city currently tracks racial/ethnic data through the City Complaints Process and as part of the hiring process. The current City of Holland employment application package has an optional self-disclosure form.

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**Public Hearings July 2014 - August 2015.**

1. PA 198 Tax Abatement – Nuvar, Inc. , August 19, 2015.
2. Resolution of Intent (R2015.58) Public Hearing to approve a Residential Claim Program under MCL 460.967, Landlord Energy Efficiency Upgrade Revolving Loan Program, August 5, 2015.
3. Public Hearing Tax Abatement – Motus Integrated Technologies, Inc., July 15, 2015.
4. Public Hearing of Necessity – Central Avenue Snowmelt Improvements, June 17, 2015.
5. Public Hearing for “If It Got To Be Maybe Joe’ and “Maybe Joe Resale”, August 5, 2015.
6. Public Hearing Resolution (R2015.39) – Amending the Industrial Development District as requested by Everest Expedition, LLC dba The Worden Company.
7. Public Hearing Resolution (R2015.40) – Approving an Industrial Facilities Tax Exemption Certificate for Everest Expedition, LLC, dba, June 3, 2015
8. Public Hearing – Fiscal Year 2016 City Budget (R2015.25), May 13, 2015.
9. Public Hearing – Receive Public Comments on the Annual Action Plan and the proposed Use of the FY2016 Community Development block Grant Entitlement Funds, April 15, 2015.
10. Public Hearing of Necessity (R2015.19) – 8<sup>th</sup> Street and Columbia Avenue Snowmelt Improvements, April 15, 2015.
11. Public Hearing Adopting Resolution (42015.10) vacating the small portion of the south Shore right-of-way, between 16<sup>th</sup> and 17<sup>th</sup> St. March 4, 2015.
12. Public Hearing of Necessity – Central Avenue Snowmelt Assessment District, March 4, 2015.
13. Public Hearing Resolution (R2015.13) for Licensees currently not in compliance with the City’s Liquor Policy, March 18, 2015.
14. Public Hearing on Alley Vacating located between 22<sup>nd</sup> and 23<sup>rd</sup> Streets west of Van Raalte Avenue, Jan 7, 2015.
15. Public Hearing Brownfield Plan Second Amendment to the Parking Deck Brownfield Plan, November 5 – November 19, 2014, November 5, 2015.
16. Public Hearing 379 Central Avenue – Request to Proceed with Roof Work, October 15, 2014.
17. Public Hearing Downtown Parking Operations & Maintenance Assessment Roll, October 15, 2014, September 7, 2014.
18. Public Hearing Downtown Principal Shopping District (PSD) Assessment Roll, October 15, 2014.
19. Public Hearing Snowmelt Operations Assessment Roll, October 15, 2014, September 7, 2014.
20. Hearing of Necessity – Regent Blvd. – Road Improvements. October 15, 2014.
21. Public Hearing on the Requested Tax Abatement for Michigan Wood Fuels, LLC., October 15, 2014.
22. Public Hearing- Declaration of Public Hazard or Nuisance, 379 Central Avenue – Motion to rescind and adopt resolution. August 13, 2014. July 23, 2014.
23. Public Hearing – Declaration of 1)Public Hazard or Nuisance, 379 Central Avenue 2) Public Hearing – Vacation of Public Right of Ways of 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Streets, Fairbanks Avenue north of 7<sup>th</sup>, Dykema Court; Sycamore Street, and Lowland Avenue.
24. Tax Abatement - PA 198 for True Form Tool and Engineering, 960 Productions Court.

**Holland City Hall**

## BY CITY FISCAL YEAR JULY 2014-JUNE 2015

Date	Project Number Name	Address	Project	Contractor	Total Cost	City Cost	Owner Cost
7/18/2014	14-02	Patricia Gutierrez 210 West 16th Street	roof	ROCA Construction	\$11,367.00	\$4,000.00	\$7,367.00
10/21/2014	14-16	Raymundo & Matilde Cobos 134 East 16th Street	roof	Fernandez Builders	\$6,750.00	\$3,375.00	\$3,375.00
2/26/2015	14-34	Pedro Castro 339 Washington Blvd.	furnace	Kingdom Htg. & Clg.	\$2,150.00	\$1,612.50	\$537.50
5/28/2015	14-46	Paul Crawford 660 Washington	windows	ROCA Construction	\$8,128.00	\$4,064.00	\$4,064.00

## BY HUD FISCAL YEAR- OCT 2014-SEPT 2015

Date	Project Number Name	Address	Project	Contractor	Total Cost	City Cost	Owner Cost
10/21/2014	14-16	Raymundo & Matilde Cobos 134 East 16th Street	roof	Fernandez Builders	\$6,750.00	\$3,375.00	\$3,375.00
2/26/2015	14-34	Pedro Castro 339 Washington Blvd.	furnace	Kingdom Htg. & Clg.	\$2,150.00	\$1,612.50	\$537.50
5/28/2015	14-46	Paul Crawford 660 Washington	windows	ROCA Construction	\$8,128.00	\$4,064.00	\$4,064.00
8/20/2015	15-06	Jorge Pardo 85 East 34th Street	roof	ROCA Construction	\$7,495.00	\$3,747.50	\$3,747.50
8/28/2015	15-08	Jose Villa 24 East 19th Street	roof	ROCA Construction	11035.00*	\$4,000.00	\$7,035.00
9/9/2015	15-09	Leticia Torres 230 West 21st	windows	ROCA Construction	\$6,820.00	\$3,410.00	\$3,410.00

New Hire/Termination  
Check List

Name \_\_\_\_\_ Date of Hire \_\_\_\_\_ Termination Date \_\_\_\_\_

\_\_\_\_\_ Pre-employment physical/drug screen

\_\_\_\_\_ Criminal Background Check

\_\_\_\_\_ Payroll Action Order

\_\_\_\_\_ Phone extension            New \_\_\_ Delete \_\_\_

\_\_\_\_\_ Email address/Login        New \_\_\_ Delete \_\_\_

\_\_\_\_\_ Keys                        New \_\_\_ Returned \_\_\_\_\_

\_\_\_\_\_ Name plate requested from CNS

\_\_\_\_\_ City name badge

\_\_\_\_\_ Photo Taken

\_\_\_\_\_ Payroll Forms

\_\_\_\_\_ Employee Handbook Confirmation of Receipt form received

\_\_\_\_\_ Orientation date: \_\_\_\_\_

\_\_\_\_\_ Video

\_\_\_\_\_ Health Insurance

\_\_\_\_\_ Wellness Program

\_\_\_\_\_ 457 plans

\_\_\_\_\_ Retirement gift check requested

\_\_\_\_\_ Photo taken and welcome e-mail sent to employees

\_\_\_\_\_ Meet with Esther Fifelski review Title VI