

**WORK SESSION AGENDA  
WYOMING CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS**

**Monday, March 14, 2022, 5:30 P.M.**

- 1) Call to Order**
- 2) Student Recognition**
- 3) Public Comment on Agenda Items (3 minute limit per person)**
- 4) Community Enrichment Commission Transition to Volunteer Group**
- 5) City Council Retreat Follow-up**
- 6) Spongy Moth Suppression Program**
- 7) Redistricting of Precincts**
- 8) Civil Rights Policy**
- 9) Budget Presentation**
- 10) Any Other Matters**
- 11) Acknowledgement of Visitors/Public Comment (3 minute limit per person)**

## Memo

To: Curtis Holt, City Manager  
From: John McCarter, Deputy City Manager  
Date: March 3, 2022  
Subject: Community Enrichment Commission (CEC) Transition to Volunteer Group

The purpose of this memorandum is to outline a proposal to transition the CEC from a City Commission to a volunteer group. The attached memorandum, which was previously shared with City Council in January, provides background information. The CEC, which was formed in 2006 by combining the Library Board and the Cultural Enrichment Commission, is charged with planning and carrying out cultural events for the enrichment and enjoyment of the residents of the City of Wyoming. The current structure is no longer an effective means to support this mission.

The CEC met in February to discuss the proposed transition. For the first time since November, a quorum (3 of 5 voting members) was present at the meeting, so they were able to conduct business. Councilmember Postler (Council Liaison) and Anjie Gleisner (ex-officio member representing Kent District Library) were also in attendance. I attended and ran the meeting, as the chair position is vacant.

After some discussion, CEC members voted 3-0 to support the recommendations put forth by staff to make *Concerts in the Park* a City of Wyoming Community Services' Parks & Recreation Department program permanently and transition from a formal City Commission to a volunteer group. The details of the recommendation are included in the attached memo that we previously shared with Council last month.

At the March 14<sup>th</sup> City Council Work Session, staff is seeking direction from City Council on whether or not to proceed with the recommended transition. Here are some key points that will be addressed in the forthcoming action, should City Council proceed with this transition:

- The CEC would be dissolved effective March 2022. In the last memo shared to Council, staff recommended dissolving the group at the end of the fiscal year in June. However, because of challenges getting quorums at meetings, staff is recommending immediate dissolution of this group.
- Concerts in the Park will be planned and administered by the City's Parks & Recreation team going forward.

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- Members of the former CEC would be added to the Parks & Recreation volunteer database. A Parks & Recreation staff member would coordinate with former group members to have them volunteer the day of the Concerts in the Parks. After There may be additional volunteer opportunities at Parks & Recreation events as well.
- All the CEC's physical assets (trailer, sound equipment, yard games, etc.) would become assets of the City's Parks & Recreation fund.
- The CEC currently has \$22,854 in fund balance in fund 998 - Great Wyoming Community Resource Alliance (GWCRA). Staff will develop a budget for Fiscal Year 2023 that will authorize the use of the remaining funds for Concerts in the Park, which will be approved by the GWCRA.
- The approved Fiscal Year 2022 CEC budget currently has funds available for a Cinco de Mayo and for a Juneteenth event. Expenses related to these events will be approved administratively by the Deputy City Manager. These events will be planned and supported by former members of the CEC. Event plans will be submitted to the Deputy City Manager before expenses are incurred. Expenses for these events will not exceed budgeted amounts.
- The CEC Facebook Page (called Wyoming Concerts in the Parks) will be disabled, and followers will be directed to the Parks & Recreation Facebook page for updates on Concerts in the Park.

If Council agrees with this path forward, appropriate action will be brought forth at the March 21<sup>st</sup> Regular City Council Meeting.

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**Jack A. Poll, Mayor**

To: Curtis Holt, City Manager  
From: John McCarter, Deputy City Manager  
Date: January 27, 2021  
Subject: The Future of Community Enrichment Commission (CEC)

The purpose of this memorandum is to follow-up my previous communications regarding the status and future of the CEC. In the January 13, 2022 Weekly Information Letter, we summarized the challenges this group has faced, including the departure of long-term members, event cancellations brought on by COVID-19, an inability to meet quorum at meetings, a lack of members willing/able to fill officer positions, and an ongoing struggle to recruit members. In order to ensure success of Concerts in the Park this year, we asked the Parks & Recreation Department to take on the planning of the event while the CEC determines its future.

Separately, I sent an email to the entire CEC before our January meeting outlining several critical tasks that needed to be addressed at that meeting, including election of officers and a decision on priorities for the group going forward. For the second meeting a row, the group failed to meet quorum, so no meeting occurred. I had informal discussion with those members in attendance but, without quorum, we were not able to make any decisions.

This Commission can no longer function in its current state and several changes need to be undertaken to provide a better vehicle for this group of community members to meaningfully contribute to cultural events for the enrichment and enjoyment of the residents of the City of Wyoming.

### **Recommendation #1: Permanently transition Concerts in the Parks to a City Event**

I recommend permanently transitioning Concerts in the Park from the CEC to the Parks & Recreation Department. Concerts in the Park is a valuable asset in our community and one that takes a tremendous amount of time and energy to plan. The professional staff in our Parks & Recreation Department are better positioned to plan and execute the event successfully.

### **Recommendation #2: Transition the CEC from a City Commission to an Advisory Group**

The CEC is made up of community members who want to contribute in a positive way to the culture in Wyoming. The best way to provide this opportunity is to transition this group to an advisory group with three core responsibilities:

- **Planning & Input Meeting.** This group would participate in a program evaluation meeting with the Parks & Recreation Department. Program evaluation is an established standard process in Parks & Recreation. Feedback from this group could include, but is not limited

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to, what bands to include in the event the following year, what food trucks or activities were successful or other recommendations to improve the event.

- **Volunteering at Concerts.** On the day of the concerts the Advisory Group would volunteer to make sure the event runs smoothly. Parks & Recreation staff would be in attendance to support, as needed.

Notably, this transition would mean that the Parks & Recreation Department would be solely responsible for decision-making regarding Concerts in the Park, with group serving in an advisory capacity.

The CEC held its first Juneteenth celebration last year and has expressed interest in holding other events, such as Cinco de Mayo and a food centric “Taste of Wyoming” event. With this transition, this group would not have the ability to sponsor those events going forward. Several CEC members have asked if it is a possible for the CEC to continue as a formal City Commission responsible for administering these smaller events but without any members willing/able to step into officer roles and lead the group, this is not possible. The City may choose to take on these events, but that decision would be made annually through the city’s budget process.

The CEC has been responsible for its own Wyoming Concerts in the Park Facebook page. This page would be disabled, and followers would be directed to the City of Wyoming Parks & Recreation Facebook Page for information regarding Concerts in the Park.

The CEC, which is operates out of the Greater Wyoming Community Resources Alliance’s fund, currently has assets in their budget, including a \$10,000 1:1 match donation from the City. These funds would be utilized to fund planned Cinco de Mayo and Juneteenth events in Fiscal Year 2022, should the CEC choose to proceed with these events, and Concerts in the Park.

This transition would take place at the end of Fiscal Year 2022 (June 30, 2022) in order to allow the CEC to carry out budgeted events they have planned (outlined in Next Steps Section).

### **Next steps**

- The contents of this memo will be the sole item on the February CEC meeting. If a quorum is present, the CEC may choose to vote in favor or against these recommendations.
- Staff will bring forth these recommendations to City Council at the March Work Session.
- Pending consensus of Council at the March Work Session, necessary Council action will be brought forth at the March 21, 2022 regular meeting.
- Should the CEC choose to move forward with the Cinco de Mayo and Juneteenth events this year, they will conduct meetings as needed between now and June.

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**Jack A. Poll, Mayor**

To: Curtis Holt, City Manager  
From: John McCarter, Deputy City Manager  
Date: March 3, 2022  
Subject: Follow-up from City Council Retreat

The purpose of this memorandum is to outline next steps for City Council following the February 10<sup>th</sup> City Council Retreat. This write-up serves as a summary of the deliverables that resulted from our conversations throughout the day. The attached report from Facilitator Marilynn Semonick goes into much more detail.

## **Review of Mission, Vision & Social Contract**

Status: **On Hold**

After discussion within break-out groups and report outs to the entire team, it was determined that it would be best to wait until the conclusion of the city-wide rebranding campaign to begin a formal review of the city's mission, vision, and social contracts. City Council can update their social contract at any point in the future, should they choose to do so.

## **Development of Blueprint for Annual Progress**

Status: **Completed**

After discussion, the team voted to use the City's Mission Statement (Community, Safety, Stewardship) as a strategic planning framework going forward.

## **Development of Key Strategic Goal Areas within the Blueprint**

Status: **Completed**

The team broke into groups to discuss opportunities and threats facing the city then used those ideas to create a list of priorities that the city should focus on over the next 12-18 months. Each group picked their top two priorities. This list only includes top priorities identified. This list is not necessarily meant to provide an update on what the city is currently doing in each of these categories – it is only to reflect the conversation at the retreat regarding each priority. The attached report from the facilitator includes all topics discussed by each group.

### **Community**

*Branding & Identity.* This topic was mentioned by every group. The city's rebranding campaign, something that has been discussed by staff and Council for a long time, kicked off in early 2022 and will provide our organization with a brand platform to utilize across all departments. Groups

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also discussed the importance of city-wide, community-focused events like Concerts in the Park and the carnival in order to engage community members. There was also discussion around creating more diverse events to engage our increasingly diverse population.

*Community Engagement.* This topic was mentioned by several groups in different ways. The branding campaign and the need for more community-focused events were discussed under this priority as well. Conversation also included discussion about diversity, equity, and inclusion (DEI) efforts that the city is currently undertaking. The conversation closed with an understanding that more work is needed to flesh out what community engagement should look like and develop a plan for how we can do it well across all departments.

*Land Use & Redevelopment.* Wyoming has very little undeveloped property left and, thus, is likely to shift from primarily greenfield development to primarily redevelopment in the near future. The city needs to continue to focus on ensuring the best use for developable land and take advantage of opportunities for redevelopment of underutilized or blighted properties, when they occur. There was also discussion about availability of housing within the community.

## **Safety**

*Funding for the Future (Income Tax).* Police and Fire Department staffing levels are too low. The city is considering an income tax that would add 27 firefighters and 13 police officers to Public Safety and provide a more sustainable revenue source for the city in the future. If this proposal passes, staff will need to ensure we hire and onboard the new staff effectively. If the proposals do not pass, City Council will need to consider a millage proposal or service reductions.

*Targeted Code Enforcement.* The city had success along 28<sup>th</sup> Street with targeted code enforcement efforts. Replicating these efforts in other areas of the city would improve aesthetics of the community and safety for everyone.

*Safe Infrastructure.* The discussions around infrastructure included not just roads and bridges but also water/sewer infrastructure and information technology infrastructure, all of which is critical to day-to-day operations and to the safety of residents and visitors.

*Community Wellbeing.* This discussion hit on a broad number of topics including affordable housing, opioid addiction, reducing violent crime, mental health, homelessness, and others. The city is already focused on many of these priorities (reducing violent crime, maintaining infrastructure, etc.) or will receive funding to address them (opioid addiction) but for others, such as building/developing affordable housing and mental health, the city has not played a major role in before (with the exception of the federally funded CDBG programs and Wyoming Housing Commission). Council will need to discuss what level of staff should be involved in these types of priorities the future.

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## Stewardship

*Sustainable Funding (Income Tax).* The staffing shortage in police and fire and lack of capital funding in parks are a direct result of structural issues with property tax and state shared revenue. Approval of the income tax proposals would solve this. If the proposals do not pass, Staff and Council will need to develop a plan to secure adequate funding going forward.

*Resilient Infrastructure.* The term 'resilient' was discussed at length and preferred over 'sustainable' because resilient reflected the need for our infrastructure to be dynamic in order to withstand challenges of today and the future. The discussion about infrastructure also expanded beyond typical hard infrastructure like roads and pipes and also included technology, private development, and people.

*Building & Maintaining Relationships.* There was discussion around building and maintaining relationships within our community and with elected leaders. Redistricting this year means that elected officials representing Wyoming may change. Staff will need to reach out proactively to build those new relationships.

*Maintain Effective Workforce & Succession Planning.* The city should focus on retention and attraction of high-performing individuals while maintaining and growing staffing levels in various departments. There was also discussion about staff being the resource that is critical for the city to operate.

## Next Steps

Staff will bring this summary forth to City Council at the March 14<sup>th</sup> Work Session for comment. Going forward, staff will use these priorities to guide decision making and report out on these priorities periodically via the City Manager's Weekly Information Letter to City Council.

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*A diverse, strong and authentic community where all individuals have the opportunity to thrive.*

**City of Wyoming  
Strategic Planning Work Session  
February 10, 2022  
Wyoming Library**

The City of Wyoming Council, Mayor, City Manager, and Senior Staff conducted a planning work session to discuss priorities in Key Strategic Goal areas for the next 12–18 months.

**OBJECTIVES - Review and Discuss:**

- ◆ Review current mission, values, and social contract
- ◆ Review of progress made in FY 2021
- ◆ Creation of a Blueprint for Success / Key Strategic Result Areas for annual planning
- ◆ Potential threats and opportunities that may need to be addressed
- ◆ Direction within each Strategic Goal Area
- ◆ Prioritization of projects for upcoming year
- ◆ Next Steps

**Review of Current Mission, Vision, Council Social Contract**

Participants worked in four (4) small groups to review the current mission statement, vision, and the Council Social Contract.

- Vision and Mission still relevant and compelling?
- How well are we adhering to our social contract? Still relevant? Are any updates needed?

**RESPONSES:**

- ◆ The social contract currently states, *Two Ears and One Mouth*. The intent is understood; however, it has a negative overtone. Consider something like *Listen to Understand*.
- ◆ Be vulnerable to what we don't know.
- ◆ Consider *Inclusive and Respectful* to replace *People First*.

- ♦ Don't just accept the status quo, also consider that continuity may have benefits.
- ♦ Expand on *Be Prepared* (see admin)
- ♦ Be involved and be informed. Awareness and representation in community.
- ♦ Would like to provide an action verb in the mission statement.
- ♦ Ask ourselves: In what ways is our vision statement strong, vibrant, authentic, transparent, and resilient?
- ♦ What do we want to be in the future?
- ♦ Is the statement too passive? "Would" thrive? "Can" thrive?" "Will" thrive? "May" thrive? Growing.
- ♦ Listen to understand.
- ♦ Have an open mind.
- ♦ Status quo: Embracing the change. Technology, demographics – don't just accept; take time to understand.
- ♦ Goal: New Council Members. Be involved in election boards and commissions. Help pave the way.
- ♦ *Discuss-Decide-Move*: Well observed. Keeps the team moving forward.
- ♦ Community engagement: Where is it?
- ♦ Council is the conduit to the community
  - Seek a diverse audience; expand our circle of input
  - Add to Zears-one mouth
  - Frequent review/reapprove
- ♦ Mission statement needs a refresh

Conversations involved in the small group report-outs of their work expressed a need to review and refresh the document. A Council work session will be scheduled to revisit the ideas and discuss updates.

The benefits of timing the work on updates needs to be considered. Is it most value-added to revisit and update soon, or after the completion of the branding work?

### **Review 2021 Progress**

Senior Staff provided high level reviews of 2021 accomplishments and future plans.

### **Create a Blueprint for Annual Progress**

To facilitate smooth and productive annual planning, the participants focused on creating "buckets" or categories within which progress is required year-after-year, referred to as Key Strategic Goal Areas. Examples provided: City Operations, City Services, Infrastructure, Economic Development, Public Safety.

**DISCUSSION of STRATEGIC GOAL AREAS:** In four (4) small groups, participants discussed potential Key Strategic Goal areas and initiatives/ projects/actionable items would productively fit into the categories.

**RESPONSES:**

**Group Report-out**

**CITY OPERATIONS**

- ◆ Financial management. Financial stability
- ◆ IT – internal
- ◆ Diversity focus among Staff & Council; Staff & Council that better reflects the community
- ◆ Focus on school to work program
- ◆ Access to application process
- ◆ Council outreach for elected positions

**CITY SERVICES**

- ◆ IT – explore central SVCS
- ◆ Electronic pay system

**INFRASTRUCTURE**

- ◆ IT – communications
- ◆ 3<sup>rd</sup> pipeline – figure out funding
- ◆ City Hall/Court renovation

**ECONOMIC DEVELOPMENT**

- ◆ Develop Site 36 – dirt turned by 11/2022
- ◆ City Center / DDA
- ◆ Division Ave (would be amazing)

**PUBLIC SAFETY**

- ◆ Fire/Police Staffing
- ◆ Reduce Crime

## **Group Report-out**

### INFRASTRUCTURE

- ♦ Roads
- ♦ Water
- ♦ Wastewater
- ♦ Human (ie. succession, retention)
- ♦ IMAGE & BRANDING . . . IDENTITY: Community, Safety, Stewardship  
(Note: this is in progress)

### COMMUNITY DEVELOPMENT

- ♦ Economics
- ♦ Housing: Variety, Equity, Affordability
- ♦ Public Safety
- ♦ Quality of Life

## **Group Report-out**

### DEI – INTERNAL & EXTERNAL

### FINANCIAL STABILITY

- ♦ Strong Balance
- ♦ Revenues

### PLANNING FOR FUTURE STAFF

### PED PROJECTS

- ♦ City Center
- ♦ Site 36
- ♦ Development of Housing

### PUBLIC SAFETY

- ♦ Performance and Capacity
- ♦ Address Issues Quickly
- ♦ Traffic Enforcement

### ADDRESS HOUSING BURDEN

- ♦ Transportation

### PLACEMAKING - BRANDING

## **Reorganized into:**

### HUMAN RESOURCES (or CAPITAL)

- . Succession Planning
- . DEI

### PUBLIC SAFETY

- . Performance and Capacity

### PED

- . City Center, Site 36
- . Residential
- . Placemaking
  - . House Burden
- . Water pipeline

## **Group Report-out**

### COMMUNITY INVESTMENT

- ♦ City Center – Support to innovate
- ♦ Identity – branding/image

### RESILIANCY - withstanding change

- ♦ Funding
- ♦ Capacity
- ♦ Adaptability

### COMMUNICATION

- ♦ Transfer of knowledge (internal/external)
- ♦ Community Engagement

Another suggestion was to think in terms of:

We . . .

- ♦ We are a highly effective local government.
- ♦ We are a safe community.
- ♦ We maintain a resilient infrastructure.
- ♦ We have an evolving and engaged community.

**OUTCOME:** Conversation around potential Key Strategic Goal areas included rich, diverse, and challenging ideas around how to best organize priorities in a structured way. In the end, by way of a “show of hands, all but three (3) of the participants came “full circle,” to work with the current **COMMUNITY, SAFETY, STEWARDSHIP** as Key Strategic Goal areas.

## **POTENTIAL NEAR FUTURE OPPORTUNITIES and THREATS/CHALLENGES**

- What opportunities and threats/challenges might we need to address in the near future?  
*Consider demographic, technology and legislation, etc. changes.*
- What is currently in place that will enable us to optimize opportunities?
- What do we need to improve, grow, change to address threats/challenges?  
*Think: resources, technology, capabilities, policies, etc.*

## CHALLENGES / THREATS

### **Group Report-out**

- ♦ Economic downturn (diversify funding through income tax)
- ♦ Rising crime (increased staffing, stationary cameras, etc, community service unit, 6 police grant positions, officers in school)
- ♦ Housing insecurity (master plan housing initiatives in the City)
- ♦ Aging infrastructure (we are aware, multi-year plan)
- ♦ Political division (we will work to engage with our community)
- ♦ Cyber security (data protection, recovery plan, training)
- ♦ Changing social norms (DEI committee, focus on DEI)
- ♦ Staffing shortage (active recruitment, advertisements, sponsorships)

### **Group Report-out**

- ♦ Market change – housing, job, financial
- ♦ Pandemics
- ♦ Staff turnover
- ♦ Supply chain – future bids
- ♦ Mental Health
- ♦ Income tax – How do we respond?
- ♦ Business trends – Transition from brick and mortar

### **Address**

- ♦ We have done this before
- ♦ Fund balance
- ♦ Creativity and flexibility
- ♦ Community partners – MML, MMRMA
- ♦ Remain transparent
- ♦ Zoning code changes – maker spaces

## OPPORTUNITIES

### **Group Report-out**

#### Seizing hiring opportunities

- ♦ Attrition
- ♦ Retention
- ♦ Highly skilled

#### Culture

- ♦ DEI: Sense of belonging, family
- ♦ Feeling valued, loyal
- ♦ Financial – Infrastructure / ARPA
- ♦ Technology

## **Group Report-out**

### Funding

- ◆ Income tax
- ◆ ARPA
- ◆ Other

### Technology

### Diversity of our Population

### Remaking our Community

- ◆ Site 36
- ◆ Pines
- ◆ Division Ave (united)
- ◆ City Center
- ◆ DDA
- ◆ Burton Ave corridor

### NOTES:

Our existing infrastructure is ready to go. We do not need to spend ARPA fixing problems of the past.

We need to characterize tele-com resources in our City.

## **KEY STRATEGIC GOAL AREAS**

The selected structure for Key Strategic Goal Area: the current **Community, Safety, Stewardship**. Keeping in mind progress made with 2021 priorities as well as potential opportunities and threats/challenges the City might need to address, what are your current priorities for the next 12-18 months?

## **COMMUNITY**

### **Group Report-out**

#### **Highest priorities**

BRANDING & IDENTITY: City-wide unity vs school district or neighborhood identity

#### "CELEBRATE WYOMING"

- ◆ Engagement
- ◆ Employee and Council outreach, housing resources
- ◆ Raise community awareness
- ◆ Expand to larger events: carnivals, rodeos, multi-cultural community events
- ◆ Higher impact events – resources to fulfill ideas; funding \$ labor
- ◆ Volunteer opportunities/strategies

**Additional priorities**

- ♦ City Center, Site 36 & other corridors
- ♦ Parks & Recreation – Gezon Park, Marquette Park
- ♦ Library (separate?)
- ♦ Economic Development / Housing

**Group Report-out**

**Highest priorities**

BRANDING / IDENTITY

DEFINE ACTION/FUNDING FOR CITY CENTRE – completion of Phase 1

**Additional priorities**

- ♦ Five (5) year Rec plan
- ♦ Diversity & engagement membership of boards & commissions
  - Regularly report to Council
- ♦ Completion of S36 North side development (market area)
- ♦ Rebuild a sense of internal community (Employee Academy, etc.)
- ♦ Citizens Academy
- ♦ Language services & bilingual staff (compensation, incentive program)
- ♦ Staff exposure & familiarity with City of Wyoming communities & neighborhoods
- ♦ Markets, festivals, community events. etc.

**Group Report-out**

**Highest priorities**

COMMUNICATION

Community Engagement  
Facebook, Twitter, Media

Ride Along / Stop In

Resource Officers

Both

DEI

Boards & Commissions

COMMUNITY IDENTITY

Branding/Image  
Community Services  
- Gezon & Marquette  
Festivals & Events  
- Concerts in Park  
Wyoming downtown

**Group Report-out**

**Highest priorities**

BRANDING

- ♦ Belonging / Pride
- ♦ DEI: Staff / Commission / Boards
- ♦ Public Engagement

## LAND USE / REINVESTMENT

- ◆ City Center
- ◆ Housing Opportunities / Affordable Housing
- ◆ Division
- ◆ Site 36
- ◆ Parks

### **Additional priorities**

- ◆ Intergovernmental Relations / Cooperative
- ◆ Transparency

## **SAFETY**

### **Group Report-out**

#### **Highest priorities**

##### SPECIAL CODE ENFORCEMENT DISTRICT w/in Certain Districts

- ◆ Along Division Avenue
- ◆ 28<sup>th</sup> Street?

##### PASS THE INCOME TAX

- ◆ Firefighting
- ◆ Police Officers
- ◆ Crime Analyst
- ◆ Plan B should income tax not pass

## CYBER SECURITY

### **Group Report-out**

#### **Highest priorities**

##### COMMUNITY RESOURCES

- ◆ Mental Health
- ◆ Homelessness
- ◆ Permits
- ◆ Smoke Detectors

##### INFRASTRUCTURE

- ◆ Walkability
- ◆ Housing
- ◆ Inspections
- ◆ Roads & Sidewalks

### **Additional priorities**

- ♦ Youth outreach
- ♦ Funding

### **Group Report-out**

#### **Highest priorities**

##### COMMUNITY WELL BEING

- ♦ Better trained staff
- ♦ Mental Health
- ♦ Public Safety Prevention
  - Fire / Police
  - Programs / Outreach
- ♦ Reduce violent crimes
- ♦ Increase traffic enforcement
- ♦ UV Light project: Water / wastewater project
- ♦ Public Transportation: Update depot
- ♦ Walkable bridges
  - Green Spaces

##### STABILITY / CONSISTENT FUNDING

- ♦ Income tax
- ♦ Millage
- ♦ Staffing
- ♦ Grant Opportunities

### **Group Report-out**

#### **Highest priorities**

##### INCREASE PUBLIC SAFETY STAFFING

- ♦ Fire

##### ADDRESS ADDICTION / DRUG CRIMES (opioid settlement)

- ♦ Homeless mental health services access

#### **Additional priorities**

- ♦ Mental Health
- ♦ Designated crossings (additional – parks, schools, etc.)
- ♦ Public safety & community connections (resources, people, skills, training, etc)
- ♦ Decrease mutual aid
- ♦ Collaboration efforts
- ♦ Certifications & accreditations

## **STEWARDSHIP**

### ***Group Report-out***

#### **Highest priorities**

##### SUSTAINABLE FUNDING

- ♦ Income tax
- ♦ Millage
- ♦ Other

##### MAINTAIN & INVEST in INFRASTRUCTURE

- ♦ Annual assessments

RELATIONSHIPS – Redistricting; new connections will be beneficial

#### **Additional priorities**

Succession Planning

Trust & Transparency in Government

- ♦ Elections
- ♦ Assessing

### ***Group Report-out***

#### **Highest priorities**

##### CONTINUALLY SCAN FOR FUNDING RESOURCES

- ♦ Grants, sponsorships, partnerships, etc. for bids – a greater pool for business

##### ASSET MANAGEMENT / PROACTIVE MANAGEMENT

#### **Additional priorities**

- ♦ Innovation
- ♦ Staff pride / emotional attachment
- ♦ Creative staff utilization; inter-department staff share
- ♦ Ask “Why?” relating to innovation & critically examining process
- ♦ Forecast & prepare to respond to unforeseen circumstances
- ♦ Remain mission and data-driven

### ***Group Report-out***

#### **Highest priorities**

##### MAINTAIN STAFFING LEVELS

- ♦ Utilize resources for recruitment & retention

##### PLANS IN PLACE FOR UTILIZATION OF INCOME TAX

### **Additional priorities**

- ◆ Responsible Use of Resources
- ◆ City Operations & Facilities
- ◆ Pension Liabilities
- ◆ Equitable Use of Power
- ◆ Prioritize Capital Projects; Equitable Distribution
  - Maintenance of City (beautification); Tree planting

### **Group Report-out**

### **Highest priorities**

#### INFRASTRUCTURE

- ◆ Division Avenue
- ◆ Site 36
- ◆ 3<sup>rd</sup> Pipeline
- ◆ Burton Corridor
- ◆ Streets / Utilities
- ◆ Parks
- ◆ Technology
- ◆ Building / Facilities

#### RESOURCES – INTENTIONAL, RESPONSIBLE USE OF RESOURCES

- ◆ People
- ◆ \$\$\$
- ◆ Equipment
- ◆ Time
- ◆ Communication
  - Transparency
  - Reporting

### **NEXT STEPS**

Facilitator, Marilyn Semonick, will create a report of the generated ideas in the February 10 work session and send to Deputy City Manager McCarter as stated in the work proposal.

Council Social Contract: A Council work session will be scheduled to revisit the ideas generated about the Council Social Contract in the February work session to discuss updates. Timing is a consideration. Would it be most value-added to revisit and update soon, or after the completion of the branding work?

City Manager Holt & Deputy Manager McCarter will review the generated ideas and share the document with participants.

A work session will be scheduled to review the generated ideas and discuss the priorities to move actionable items forward.

Staff to review and align agreed upon highest priorities with resources.

## STAFF REPORT

Date: March 9, 2022  
Subject: Spongy Moth Suppression Program  
From: Kelli VandenBerg, City Clerk  
Meeting Date: March 14, 2022 Work Session

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### **RECOMMENDATION:**

It is recommended that City Council approve a Spongy Moth Suppression Program through an aerial insecticide spray and defray the costs of this program through the creation of two special assessment rolls to be applied to affected properties.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

This project serves to assist property owners in addressing nuisance level infestation of spongy moths. This treatment effort reduces the number of spongy moths and the damage and unsanitary conditions they can cause, while also protecting property values associated with preservation of trees and tree canopy.

### **DISCUSSION:**

Since 2008, the City of Wyoming has been monitoring and addressing the issue of Spongy Moth (formerly known as Gypsy Moths) infestations. Through resident feedback and consultation with Aquatic Consulting Services, Inc. (ACS), infestation areas are identified and monitored to determine treatment recommendations for the spring season. During 2021, many Michigan communities experienced a high level of infestation. Wyoming is no different except that our continued efforts have likely suppressed catastrophic infestations and tree damage or death.

We are beginning our preparations for the upcoming spray season and ACS has recommended 1,544 acres for treatment. This is one of the larger treatment recommendations and the total project cost is estimated to be approximately \$120,000. As has been our practice, this would be billed to affected property owners under one of two special assessments. Small parcels (those parcels totaling ½ acre or less) would be assessed a flat fee of \$27.00 and large parcels (those over ½ acre) would be prorated at \$72.00 per treated acre. These costs are consistent with what has been charged previously.

The special assessment process requires notification be sent to all affected property owners. As part of this process, two public hearings are held to allow property owners the opportunity to provide comment to Council regarding this proposed project. In addition to required

communications related to the special assessment, we have historically provided a courtesy communication later in the spring to remind property owners of the potential spray dates. The following is the estimated timeline for the 2022 program, with Council actions identified in bold:

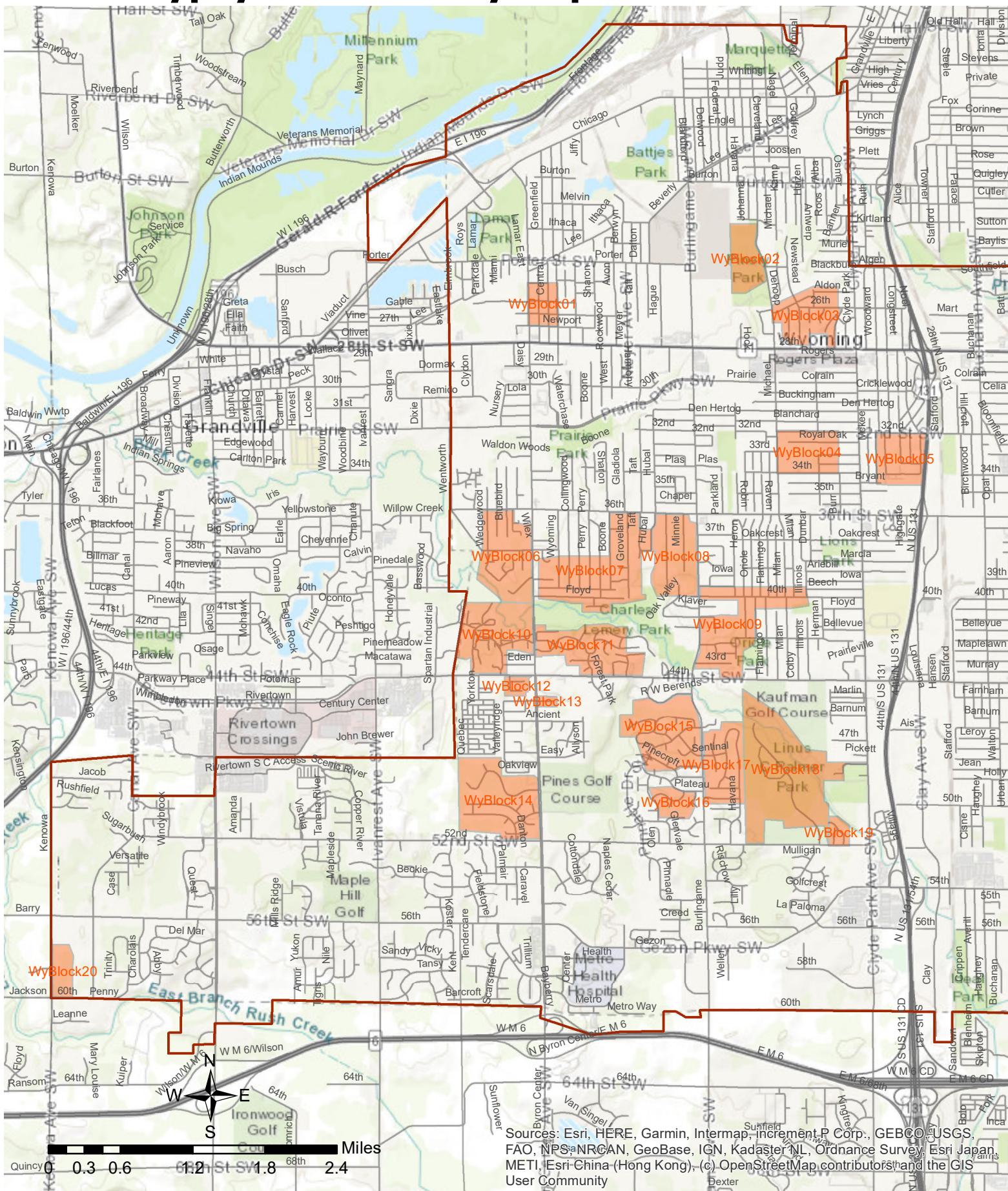
March	
14	Work session discussion about proposed Spongy Moth Suppression Program
21	<b>Resolution to schedule the first public hearing to determine the necessity of the special assessments</b>
	Mail notices to property owners regarding the first public hearing
	Publish legal notice
April	
4	<b>Hold first public hearing to determine the necessity of the special assessments</b>
4	<b>Resolutions to declare the necessity of the special assessments</b>
4	<b>Resolutions to schedule the second public hearing to confirm the special assessments</b>
4	<b>Resolution to accept a proposal from Hamilton Helicopter (aerial applicator)</b>
	Mail notices to property owners
	Publish legal notice
18	<b>Hold public hearing to confirm special assessments</b>
18	<b>Resolutions to confirm special assessments</b>
May	
	Mail courtesy letter to property owners as treatment window is identified
	Develop and publish media and social media to share spray information
June	
	Conduct treatment (late May through early June)
	Field calls and documents feedback through end of year
	Relay special assessment data to Treasury for application to the summer tax bill

**BUDGET IMPACT:**

As there are currently no funds available to provide a Spongy Moth Suppression Program, it is proposed that special assessment rolls be created and applied to affected property owners to accommodate the costs associated with this service.

ATTACHMENT: 2022 Spray Map

# City of Wyoming Gypsy Moth Survey Report 2022 Season



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

**Shaded areas are recommended for aerial B.t.k. spray in Spring 2022**

**Aquatic Consulting Services 2022**

## MEMORANDUM

Date: March 9, 2022  
Subject: Redistricting of Precincts  
From: Kelli VandenBerg, City Clerk

Meeting Date: City Council Work Session and Regular Meeting in March 2022

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Following the amendment of the City's ward boundaries at its February 21, 2022 meeting, it is now time for the City Council to consider amendments to precinct boundaries. For this step in the redistricting process voter registration numbers are the primary consideration and Michigan's Qualified Voter File is the source of this information.

- Michigan Election Law provides guidance on the composition of precincts, calling for and defining "clearly observable boundaries", outlining the process and approval of precinct changes and limiting the number of voters per precinct to no more than 2,999.
- The City Charter authorizes the City Council to establish election precincts.

With this guidance, I have reviewed the existing precincts, making note of not only the number of voters, but also being mindful of growing absentee participation and other election-related characteristics of the city's 30 precincts. The concerns and goals of this process are noted in the attached spreadsheet, but in summary include the following:

### WARD 1

Opportunities for adjustments in Ward 1 are limited in several instances due to other voting district layers such as the Michigan House, Kent County Commission and several school districts. Altering precincts in these scenarios would bring little improvement to a voter's election experience, but would create more complicated election administration conditions. In Ward 1, I worked to balance the high voter numbers in Precincts 3 and 9, which also involved Precinct 2, and created new precinct boundaries surrounding Precincts 7, 26 and 27. Precincts 2, 3 and 9 were particularly challenging, due to the location of residential clusters. With precincts 7, 26 and 27, new boundaries result in greater balance in the number of voters in these three precincts.

### WARD 2

Ward 2 did not present any significant need for adjustment but based on experience in the polling location on Election Day, I wanted to adjust precinct boundaries in Precincts 16 and 17. These precincts share a polling location, and the voter imbalance shows when Precinct 17 consistently serves more voters than Precinct 16. New precinct lines should result in a better voting experience and allocation of election resources.

## WARD 3

The goals in Ward 3 included creating more balance between larger and smaller voter registration numbers among precincts and creating room for growth in precincts with ongoing residential development. New precinct boundaries between Precincts 21 and 22 results in a proposed 120 voter difference, versus the previous 1,056 difference in voters. Precincts 24, 29 and 30 were also redrawn to create opportunity for voter increases in the areas of these precincts experiencing growth.

There are additional opportunities for adjustment in Ward 3, but similar to Ward 1, these adjustments are difficult due to the location of residential clusters. Another compounding factor in Ward 3 is the current amount of residential development occurring. Precinct boundaries can be reviewed at any time and legislation has surfaced once again that would allow precincts to have up to 4,000 voters. For these reasons, it seems prudent to hold any additional adjustments to allow some of this development to come to fruition.

Following the discussion of these proposed precinct changes, the final steps in finalizing precinct redistricting will include renumbering precincts and generating final maps. Proposed maps are in process and will be provided at the work session. I welcome Council's questions about this final redistricting step and I look forward to discussing this with you at the City Council Work Session on Monday, March 14, 2022.

ATTACHMENTS: Precinct Redistricting Goals  
Proposed Precinct Boundaries

Precinct	Current		Proposed		Need	
	Reg. Voters	Perm Absent Voters	Reg. Voters			
1	2067	522			OK - Cannot change, different State Rep	
2	1401	341	2308		OK - may be able to take a portion of 3	
3	2377	510	2425		Try to reduce - add to 2	
4	2146	530			OK	<b>Suggestions for Ward 1:</b> Work with precincts 2, 3 and 9 to balance Consider new lines in 7, 26 and 27  Ward Average: 1883
5	2273	684			OK	
6	1720	427			OK	
7	2119	688	1209		OK	
8	1405	254			Cannot change due to other district layers	
9	2577	604	1625		Try to reduce - add to 3	
26	1336	434	1777		OK	
27	1295	371	1772		OK	
	20716					
10	1769	318			OK	
11	1609	300			OK	
12	1428	329			OK	
13	1815	400			OK	<b>Suggestions for Ward 2:</b> Try to balance voters between 16 & 17 Try to balance voters between 18 & 19  Ward Average: 1662
14	1263	290			OK	
15	1039	210			OK	
16	1412	368	1558		OK - take portion of 17	
17	2180	360	2034		OK - try to reduce, add to 16?	
18	1505	317			OK - try to balance with 19	
19	2100	571			OK - try to balance with 18	
20	2167	520			OK	
	18287					
21	2438	620	1970		Try to reduce	<b>Suggestions for Ward 3:</b> Try to reduce 21, 23 and 24  Ward Average: 2137
22	1382	401	1850		OK - can add	
23	2520	536			Try to reduce	
24	2516	564	2432		Try to reduce	
25	1748	661			OK - can add	
28	2186	712			OK	
29	2123	808	1972		OK	
30	2188	727	2409		OK	
	17101					

CITY OF WYOMING  
PRECINCT BOUNDARY DESCRIPTIONS  
MARCH 2022

Precinct 1	State Rep. District 82
Ward 1	State Senate District 29
County Commission District 12	U.S. Congressional District 3

Beginning at the intersection of 36<sup>th</sup> Street and the eastern City boundary; then west along 36<sup>th</sup> Street to U.S. 131; then north along U.S. 131 to the centerline of 32<sup>nd</sup> Street; then east along 32<sup>nd</sup> Street to the centerline of Division Avenue; then north along Division Avenue to the centerline of Colrain Street; then following the city boundary line to the centerline of Eastern Avenue; then south along Eastern Avenue to the centerline of 36<sup>th</sup> Street the point of beginning.

Precinct 2	State Rep. District 83
Ward 1	State Senate District 29
County Commission District 12	U.S. Congressional District 3

Beginning at the intersection of Eastern Avenue and 36<sup>th</sup> Street; then west along the 36<sup>th</sup> Street to the centerline of Clay Avenue; then south along Clay Avenue to the Kelloggsville Public School District boundary; then east along the Kelloggsville Public School District boundary to 40<sup>th</sup> Street extended; then south along the Kelloggsville Public School District boundary to the centerline of Thurston Street; then east along Thurston Street as extended, which is the city boundary line; then along the city boundary line east and north to the centerline of 36<sup>th</sup> Street and the point of beginning.

Precinct 3	State Rep. District 83
Ward 1	State Senate District 29
County Commission District 12	U.S. Congressional District 3

Beginning at the intersection of U.S. 131 and 28<sup>th</sup> Street; then west along 28<sup>th</sup> Street to the centerline of Clyde Park Avenue; then south along Clyde Park Avenue to the centerline of 40<sup>th</sup> Street as extended; then east along 40<sup>th</sup> Street extended to the centerline of Clay Avenue; then north along Clay Avenue to the centerline of 36<sup>th</sup> Street; then west along 36<sup>th</sup> Street to U.S. 131; then north along U.S. 131 to 28<sup>th</sup> Street and the point of beginning.

Precinct 4	State Rep. District 83
Ward 1	State Senate District 29
County Commission District 8	U.S. Congressional District 3

Beginning at the intersection of 44<sup>th</sup> Street and Burlingame Avenue; then north along Burlingame Avenue to the centerline of 36<sup>th</sup> Street; then east along 36<sup>th</sup> Street to the rear lot lines between Michael Avenue and Milan Avenue; then south along the rear lot lines between Michael Avenue and Milan Avenue to the centerline of 44<sup>th</sup> Street; then west along 44<sup>th</sup> Street to the centerline of Burlingame Avenue and the point of beginning.

Precinct 5  
Ward 1  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of 44<sup>th</sup> Street and Clyde Park Avenue; then north along Clyde Park Avenue to the centerline of 36<sup>th</sup> Street; then west along 36<sup>th</sup> Street to the rear lot lines between Michael Avenue and Milan Avenue; then south along the rear lot lines between Michael Avenue and Milan Avenue to the centerline of 44<sup>th</sup> Street; then east along 44<sup>th</sup> Street to the centerline of Clyde Park Avenue and the point of beginning.

Precinct 6  
Ward 1  
County Commission District 9

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Division Avenue and Holly Street; then west along Holly Street to the Railroad Right-of-Way; then south along the Railroad Right-of-Way to the centerline of 50<sup>th</sup> Street; then west along 50<sup>th</sup> Street to the centerline of Clyde Park Avenue; then north along Clyde Park Avenue to the centerline of 40<sup>th</sup> Street as extended; then east along 40<sup>th</sup> Street as extended to the Railroad Right-of-Way; then south along the Railroad Right-of-Way to the centerline of Thurston Street as extended; then east along Thurston Street as extended and Thurston Street to the centerline of Division Avenue; then south along Division Avenue to the centerline of Holly Street and the point of beginning.

Precinct 7  
Ward 1  
County Commission District 9

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of 44<sup>th</sup> Street and Clyde Park Avenue; then south along Clyde Park Avenue to the center line of 52<sup>nd</sup> Street; then west along 52<sup>nd</sup> Street to the center line of Burlingame Avenue; then north along Burlingame Avenue to the center line of 44<sup>th</sup> Street; then east along 44<sup>th</sup> Street to the Center line of Clyde Park Avenue and the point of beginning.

Precinct 8  
Ward 1  
County Commission District 9

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Holly Street and Division Avenue; then west along Holly Street to the Railroad Right-of-Way; then south along the Railroad Right-of-Way to the center line of 50<sup>th</sup> Street; then west along 50<sup>th</sup> Street to the centerline of Clyde Park Avenue; then south along Clyde Park Avenue to the city boundary line; then east along the city boundary line to 60<sup>th</sup> Street as extended; then east along 60<sup>th</sup> Street to the centerline of Division Avenue; then north along Division Avenue to the centerline of Holly Street and the point of beginning.

Precinct 9  
Ward 1  
County Commission District 9

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Clyde Park Avenue and Alger Street; then east along Alger Street to the city boundary; then continuing east along the city boundary line to the centerline of Division Avenue; then south along Division Avenue to the centerline of 32<sup>nd</sup> Street; then east on 32<sup>nd</sup> Street to U.S. 131; then north along U.S. 131 to 28<sup>th</sup> Street; then east on 28<sup>th</sup> Street to the centerline of Clyde Park Avenue; then north along Clyde Park Avenue to the centerline of Alger Street and the point of beginning.

Precinct 26  
Ward 1  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at a point where the Grandville Public Schools District boundary line meets 44<sup>th</sup> Street; then east along 44<sup>th</sup> Street to the center line of Burlingame Avenue; then south along Burlingame Avenue to the center line of 52<sup>nd</sup> Street; then west along 52<sup>nd</sup> Street to the point where the Grandville Public Schools District boundary line meets 52<sup>nd</sup> Street; then north along the Grandville Public Schools District boundary line to the center line of 44<sup>th</sup> Street and the point of beginning.

Precinct 27  
Ward 1  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of 52<sup>nd</sup> Street and Burlingame Avenue; then south along Burlingame Avenue to 60<sup>th</sup> Street as extended; then west along 60<sup>th</sup> Street extended to the city boundary; then continuing west along the city boundary to the point where the Grandville Public

School District boundary begins; then north along the Grandville Public School District boundary to the centerline of 52<sup>nd</sup> Street and the point of beginning.

Precinct 10

State Rep. District 83

Ward 2

State Senate District 29

County Commission District 20

U.S. Congressional District 3

Beginning at the intersection of the northern city boundary line and the Godfrey-Lee Public School District boundary; then east along the city boundary line to the center line of Judd Avenue as extended; then south along Judd Avenue as extended and along the center line of Judd Avenue to Chicago Drive; then east along Chicago Drive to the center line of Cleveland Avenue; then south along Cleveland Avenue to the center line of Burton Street; then west along Burton Street and Burton Street as extended to the western boundary of the Godfrey-Lee School District; then north along the Godfrey-Lee School District boundary line to the city boundary line and the point of beginning.

Precinct 11

State Rep. District 83

Ward 2

State Senate District 29

County Commission District 20

U.S. Congressional District 3

Beginning at the intersection of the northern city boundary line and the center line of Judd Avenue as extended; then east along the city boundary line; then south along the city boundary line; then southeast along the city boundary line; then north along the city boundary line to the centerline of Hall Street; then east along Hall Street to the city boundary line; then south along the corporate boundary line to the center line of Clyde Park Avenue; then south along Clyde Park Avenue to the center line of Burton Street; then west along Burton Street to the center line of Cleveland Avenue; then north along Cleveland Avenue to the center line of Chicago Drive; then west along Chicago Drive to the centerline of Judd Avenue; then north along Judd Avenue to the city boundary line and the point of beginning.

Precinct 12

State Rep. District 83

Ward 2

State Senate District 29

County Commission District 20

U.S. Congressional District 3

Beginning at the intersection of Burlingame Avenue and Burton Street; then east along Burton Street to the center line of Clyde Park Avenue; then south along Clyde Park Avenue to the rear lot lines between Wisconsin Street and Muriel Street; then west along the rear lot lines between Wisconsin Street and Muriel Street to the Wyoming Public School District boundary; then south and west along the Wyoming Public School District boundary to the center line of Alger Street as extended; then west along Alger Street and Alger Street as extended to the center line of Burlingame Avenue; then north along Burlingame Avenue to the center line of Burton Street and the point of beginning.

Precinct 13  
Ward 2  
County Commission District 20

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the point where the city boundary line meets the boundary lines of the cities of Grand Rapids and Walker at the Grand River; then northeast and east along the city boundary line to the Godfrey-Lee Public School District boundary line; then south along the Godfrey-Lee Public School District boundary line to the centerline of Burton Street as extended; then east along the Godfrey-Lee Public School District boundary line (Burton Street extended) to the centerline of Burlingame Avenue; then south along Burlingame Avenue to the centerline of Porter Street; then west along Porter Street to the city boundary line; then north along the city boundary line to the point of beginning.

Precinct 14  
Ward 2  
County Commission District 20

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Wyoming Avenue and Porter Street; then east along Porter Street to the centerline of Burlingame Avenue; then south along Burlingame Avenue to the centerline of 28<sup>th</sup> Street; then west along 28<sup>th</sup> Street to the centerline of Wyoming Avenue; then north to Porter Street and the point of beginning.

Precinct 15  
Ward 2  
County Commission District 20

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Burlingame Avenue and 28<sup>th</sup> Street; then east along 28<sup>th</sup> Street to the centerline of Clyde Park Avenue; then north along Clyde Park Avenue to the rear lot lines between Muriel Street and Wisconsin Street; then west along the rear lot lines between Muriel Street and Wisconsin Street to the Wyoming Public School District boundary; then south and west along the Wyoming Public School District boundary to the center line of Alger Street as extended; then west along Alger Street and Alger Street as extended to the center line of Burlingame Avenue; then south along Burlingame Avenue to 28<sup>th</sup> Street and the point of beginning.

Precinct 16  
Ward 2  
County Commission District 20

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of the city boundary line and Porter Street; then east along Porter Street to the center line of Wyoming Avenue; then south along Wyoming Avenue to the center line of 28<sup>th</sup> Street; then east along 28<sup>th</sup> Street to the center line of Waterchase Way as extended; then south along Waterchase Way as extended to the rear lot lines on the south side of 29<sup>th</sup> Street; then west along the rear lot lines on the south side of 29<sup>th</sup> Street to the centerline of Byron Center Avenue; then south along the center line of Byron Center Avenue to the center line of Prairie Street; then west along the center line of Prairie Street to the city boundary line; then north along the city boundary line to the center line of Porter Street and the point of beginning.

Precinct 17  
Ward 2  
County Commission District 7

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of 28<sup>th</sup> Street and Burlingame Avenue; then south along Burlingame Avenue to the centerline of Prairie Parkway; then west along Prairie Parkway to the centerline of Byron Center Avenue; then north along Byron Center Avenue to the rear lot lines on the south side of 29<sup>th</sup> Street; then east along the rear lot lines on the south side of 29<sup>th</sup> Street to the centerline of Waterchase Way as extended; then north along Waterchase Way as extended to the centerline of 28<sup>th</sup> Street; then east along 28<sup>th</sup> Street to Burlingame Avenue and the point of beginning.

Precinct 18  
Ward 2  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Burlingame Avenue and 28<sup>th</sup> Street; then east along 28<sup>th</sup> Street to the centerline of Michael Avenue; then south along Michael Avenue to the centerline of 36<sup>th</sup> Street; then west along 36<sup>th</sup> Street to the centerline of Burlingame Avenue; then north along Burlingame Avenue to 28<sup>th</sup> Street and the point of beginning.

Precinct 19  
Ward 2  
County Commission District 7

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Michael Avenue and 28<sup>th</sup> Street; then east along 28<sup>th</sup> Street to the centerline of Clyde Park Avenue; then south on Clyde Park Avenue to the centerline of 36<sup>th</sup> Street; then west along 36<sup>th</sup> Street to the centerline of Michael Avenue; then north along Michael Avenue to 28<sup>th</sup> Street and the point of beginning.

Precinct 20  
Ward 2  
County Commission District 7

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Prairie Parkway and Burlingame Avenue; then south along Burlingame Avenue to a point best described as Beech Street as extended to the northern boundary of Lemery Park; then west along the northern boundary of Lemery Park to the centerline of Groveland Avenue; then north along Groveland Avenue to the centerline of 36<sup>th</sup> Street; then west along 36<sup>th</sup> Street to the rear lot lines running north-south between Gladiola Avenue and Boone Avenue; then north along the rear lot lines between Gladiola Avenue and Boone Avenue to the centerline of Prairie Parkway; then east along Prairie Parkway to Burlingame Avenue and the point of the beginning.

Precinct 21  
Ward 23  
County Commission District 7

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Prairie Parkway and Waterchase Way; then east along Prairie Parkway to the rear lot lines running north-south between Gladiola Avenue and Boone Avenue; then south along the rear lot lines between Gladiola Avenue and Boone Avenue to the centerline of 36<sup>th</sup> Street; then east along 36<sup>th</sup> Street to the centerline of Groveland Avenue; then south along Groveland Avenue to the northern boundary of Lemery Park; then along the northern boundary of Lemery Park to the centerline of Byron Center Avenue; then north along Byron Center Avenue to the rear lot lines running east-west between LaCrosse Street and Arden Street; then east along the rear lot lines between LaCrosse Street and Arden Street to the rear lot lines on the west side of Wyoming Avenue; then north along the rear lot lines on the west side of Wyoming Avenue to the centerline of 36<sup>th</sup> Street; then west along 36<sup>th</sup> Street to the centerline of Byron Center Avenue; then north along Byron Center Avenue to the rear lot lines running east-west between Golden Street and Barberry Street; then east along the rear lot lines between Golden Street and Barberry Street to a point best described as Waterchase Way extended; then north along Waterchase Way extended to the centerline of Prairie Parkway and the point of beginning.

Precinct 22  
Ward 3  
County Commission District 7

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Prairie Street and the city boundary; then east along Prairie Street to the centerline of Prairie Parkway; then east along Prairie Parkway to Waterchase Way; then south along Waterchase Way extended to the rear lot lines running east-west between Bayberry Street and Golden Street; then west along the rear lot lines between Bayberry Street and Golden Street to the centerline of Byron Center Avenue; then south along Byron Center Avenue to the centerline of 36<sup>th</sup> Street; then east along 36<sup>th</sup> Street to the rear lot lines on the west

side of Wyoming Avenue; then south along the rear lot lines on the west side of Wyoming Avenue to the rear lot lines running east-west between Arden Street and LaCrosse Street; then west along the rear lot lines between Arden Street and LaCrosse Street to the centerline of Byron Center Avenue; then south on Byron Center Avenue to Buck Creek; then west and north along Buck Creek to the city boundary; then north along the city boundary to the centerline of Prairie Street and the point of beginning.

Precinct 23  
Ward 3  
County Commission District 7

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the point where Buck Creek meets the city boundary line; then east and south along Buck Creek to the center line of Byron Center Avenue; then east along the northern boundary of the Charles J. Lemery Park to a point best described as Beech Street as extended; then east along Beech Street as extended to the center line of Burlingame Avenue; then south along Burlingame Avenue to the center line of 44<sup>th</sup> Street; then west along 44<sup>th</sup> Street to the city boundary line; then north along the city boundary line to Buck Creek and the point of beginning.

Precinct 24  
Ward 3  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of 44<sup>th</sup> Street and Byron Center Avenue; then south along Byron Center Avenue to the centerline of 52<sup>nd</sup> Street; then west along 52<sup>nd</sup> Street to the Kent Trails; then north along Kent Trails (and the city boundary) to the centerline of 44<sup>th</sup> Street; then east along 44<sup>th</sup> Street to Byron Center Avenue and the point of beginning.

Precinct 25  
Ward 3  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of 44<sup>th</sup> Street and Byron Center Avenue; then east along 44<sup>th</sup> Street to the point where the Grandville Public School District boundary line meets 44<sup>th</sup> Street; then south along the Grandville Public School District boundary line to the centerline of 52<sup>nd</sup> Street; then east along 52<sup>nd</sup> Street to the point where the Grandville Public Schools District boundary line meets 52<sup>nd</sup> Street; then south along the Grandville Public Schools District boundary line to the south city boundary; then west along the city boundary to the centerline of Byron Center Avenue; then north along Byron Center Avenue to the centerline of 56<sup>th</sup> Street; then west along 52<sup>nd</sup> Street to the Kent Trails; then north along the Kent Trails to the centerline of 52<sup>nd</sup> Street; then east along 52<sup>nd</sup> Street to the centerline of Byron Center Avenue; then north along Byron Center Avenue to 44<sup>th</sup> Street and the point of beginning.

Precinct 28  
Ward 3  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at the intersection of Ivanrest Avenue and 52<sup>nd</sup> Street; then east along 52<sup>nd</sup> Street to the Kent Trails; then south along the Kent Trails to the centerline of 56<sup>th</sup> Street; then east along 56<sup>th</sup> Street to the centerline of Byron Center Avenue; then south along Byron Center Avenue to the south city boundary; then west along the city boundary to the centerline of Ivanrest Avenue; then north along Ivanrest Avenue to 52<sup>nd</sup> Street and the point of beginning.

Precinct 29  
Ward 3  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at Wilson Avenue and the northern city boundary; then east along the city boundary to the Kent Trail; then south along the Kent Trail to the centerline of 52<sup>nd</sup> Street; then west along 52<sup>nd</sup> Street to the centerline of Ivanrest Avenue; then south along Ivanrest Avenue to the southern city boundary; then west along the southern city boundary to the centerline of Wilson Avenue; then north along Wilson Avenue to the northern city boundary and the point of beginning.

Precinct 30  
Ward 3  
County Commission District 8

State Rep. District 83  
State Senate District 29  
U.S. Congressional District 3

Beginning at Kenowa Avenue and the northern city boundary; then east along the city boundary to the centerline of Canal Avenue; then south along Canal Avenue to the city boundary; then east along the city boundary to the centerline of Wilson Avenue; then south on Wilson Avenue to the southern city boundary; then west and north along the city boundary to 60<sup>th</sup> Street/Penny Lane extended; then west along 60<sup>th</sup> Street/Penny Lane extended to the centerline of Kenowa Avenue (and the western city boundary); then north along Kenowa Avenue to the north city boundary and the point of beginning.

## STAFF REPORT

Date: March 10, 2022  
Subjects: Civil Rights Policy  
From: Scott Smith, City Attorney  
Meeting Date: March 14, 2022

---

### **RECOMMENDATION:**

Adopt the Resolution Approving Civil Rights Policy, Authorizing and Directing its Implementation and Enforcement, and Rescinding Policies and Resolutions Inconsistent with the Policy.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Community – Community is served when all persons are treated with dignity, respect and courtesy, and with equal and fair treatment regardless of race, ethnicity, religion, origin, age, sex, gender, height, weight, marital status, genetic information, familial status, mental or physical disability.

Safety – All members of the organization and community should feel safe, be free from intimidation or oppression with their property and physical well-being secure, and be treated impartially, objectively, and compassionately.

Stewardship – A single comprehensive policy is better administered than several inconsistent policies.

### **BUDGET IMPACT:**

The proposed policy should have no impact on the city's budget.

### **DISCUSSION:**

This is a single comprehensive policy that applies to (i) all city programs and activities, and (ii) all city officers, employees, volunteers, boards, commissions, and city contracts. It addresses discriminatory treatment, disparate impact, harassment, retaliation, and environmental justice, and includes a limited English proficiency plan. It complies with requirements in applicable state and federal laws, rules, regulations, executive orders, agency guidelines, and grant conditions. It requires reporting and, at times, intervention when there is noncompliance. It provides for its implementation, administration, and enforcement, as well as for periodic review.

Because the city has a strong civil rights ethic this policy essentially encompasses current city practices. It is policy adopted by resolution, not an ordinance. So, it addresses city conduct and binds those choosing to contract with the city. It does not otherwise impose requirements on persons outside city government.



## **CIVIL RIGHTS POLICY**

### **INCLUDING NONDISCRIMINATION, TITLE VI, AND LIMITED ENGLISH PROFICIENCY PLANS**

REVISED: MARCH 2021-2022

1155 28<sup>TH</sup> ~~STREET~~ SW, ~~PO BOX 905~~  
WYOMING, MI 49509-0905  
PHONE: (616) 530-3173  
FAX: (616) 261-7103  
[www.wyomingmi.gov](http://www.wyomingmi.gov)

CIVIL RIGHTS COORDINATOR:  
KIM OOSTINDIE, DIRECTOR OF HUMAN RESOURCES  
CONTACT HUMAN RESOURCES – 616-530-3173  
E-MAIL: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

## COMMUNITY COMMITMENT

The City of Wyoming envisions a “diverse, strong, and authentic community where all individuals have the opportunity to thrive.” This vision ~~is aspirational. It~~ appreciates the rich diversity of the community’s people, ~~with a spectrum of financial means,~~ who originate from many nations, speak various languages, practice different faiths, ~~have a spectrum of financial means, experience~~ ~~express~~ differing genders and sexuality, ~~may be single or reside in relationships~~ ~~a variety of households,~~ exhibit varying physical characteristics, and have varying aptitudes and abilities. Wyoming foresees a community in which all individuals enjoy their cultural heritages but unite in ensuring opportunities for all to thrive.

Wyoming’s mission of “community, safety and stewardship” ~~is also aspirational. Community results when~~ ~~aims for a community in which~~ all community members (i) feel included, vital, important, understood, and valued, (ii) are treated respectfully, courteously, and with dignity, (iii) have equal opportunities, (iv) do not suffer unmet needs, and (v) are able to pursue happiness. ~~All~~ ~~it recognizes all~~ persons need to feel safe, be free from intimidation or oppression with their property and physical well-being secure, and be treated impartially, objectively, and compassionately. ~~Stewardship~~ ~~It~~ requires (i) prudently using community resources in furtherance of the first two parts of this mission in ways that ensure continued availability of needed resources and (ii) asking community members only for funds reasonably needed.

~~These aspirations~~ ~~This vision and mission~~ exceed legal requirements. They are affirmative—, stating what Wyoming strives ~~to do for,~~ rather than negative—, stating what Wyoming (and its personnel) will not do. Wyoming actively ~~seeks to fulfill~~ ~~pursues~~ this vision and ~~accomplish this~~ mission. ~~Both, using them to~~ guide city decisions. ~~The City Council considers ordinances and resolutions with explanations about how they support this mission.~~

Myriad state and federal constitutional provisions, laws, rules, regulations, and orders, as well as grant contract obligations, impose civil rights requirements Wyoming must meet.<sup>4</sup> This document is intended to incorporate Wyoming’s affirmative commitments and meet all civil rights policy and plan requirements.<sup>2</sup> It can ~~and, when appropriate, should~~ be (i) posted on the city’s website, (ii) provided to city bodies and city personnel, (iii) provided to inquiring federal and state agencies and officials, and (iv) made available to contractors, residents, and others.

## NONDISCRIMINATION POLICY

### **§1 – Adoption.**

City Council approval by a resolution adopted March ~~15, 2021~~ ~~21, 2022~~, makes this official city policy. ~~This revised policy supersedes and replaces the policy approved by the City on March 15, 2021.~~

### **§2 – Required Compliance.**

All city personnel and all city bodies must comply with this policy. Noncompliance can have the same consequences as noncompliance with any other city policy.

<sup>4</sup> ~~Civil rights requirements change. Thus, while this policy complies with applicable requirements, it does not cite or quote all requirements to avoid future modifications as the requirements and guidelines change. Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” issued January 20, 2021, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>, sets forth policy goals for the next 4 years, stating in part:~~

~~...[T]he Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decisionmaking processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.~~

~~The order defines “equity” as “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities;...LGBTQ+ persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.” It defines “underserved communities” as “populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of ‘equity.’”~~

<sup>2</sup> For example, those in Title VI of the Civil Rights Act of 1964, such as for an LEP plan, ~~as well as under other federal and state law~~ ~~and those required in HUD grant programs.~~

### §3 – Definitions and Interpretation.

A. The following definitions apply to words and phrases in this policy unless the context clearly indicates otherwise:

1. *Adverse effects* means 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 the following and which include significant and non-significant effects:
  - a. Bodily impairment, infirmity, illness, or death.
  - b. Air, noise and water pollution and soil contamination.
  - c. Destruction or disruption of man-made or natural resources.
  - d. Destruction or diminution of aesthetic values
  - e. Destruction or disruption of community cohesion or the community's economic vitality.
  - f. Destruction or disruption of the availability of public and private facilities and services.
  - g. Adverse employment effects.
  - h. Displacement of businesses, farms, or non-profit organizations.
  - i. Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
  - j. Denial of, reduction in, or significant delay in the receipt of benefits of the city's programs, policies and activities.

Determinations of significance require considerations of both context and intensity:

- a. *Context* means analyzing the significance of an action in various contexts such as society as a whole, the city as a whole, the affected vicinity or neighborhood, the affected interests, and the property and persons. 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 and people affected, rather than a broader context. Both short- and long-term effects are relevant. Noise, dust, added or reduced traffic, and other disruptions during short-term construction are considered less significant than they when associated with long-term operation and use of an improvement.
- b. *Intensity* means the severity of impact and requires evaluating beneficial and adverse effects. Even if, on balance, effects will be beneficial, a project may still have significant adverse effects. If an alternative would provide only a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, it might be significant or non-significant.

Scientific, technical, institutional, public value, cultural consideration, and the local economic conditions influence the significance of effects.

*Non-significant effect* means there is no substantial change to the environment within the project context and therefore has no material bearing on the decision-making process.

*Significant adverse effects on minority and low-income populations* means 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.

Final determinations that a project will have significant and non-significant effects and adverse effects will be made by the City Manager.

2. *Applicable DEI laws* means Title VI of the Civil Rights Act of 1964, 42 USC 2000d *et seq.*, Title VII of the Civil Rights Act of 1964, 42 USC 2000e *et seq.* and Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 *et seq.*, the Elliott-Larsen civil rights act, MCL 37.2101 *et seq.*, Americans with Disabilities Act, 42 USC 12131 *et seq.*, the persons with disabilities act, MCL 37.1101 *et seq.*, and all rules, regulations, or other requirements pursuant to those statutes.

2.3. *CDBG* means Community Development Block Grant provided and administered by HUD.

3.4. *City or Wyoming* means the City of Wyoming, Kent County, Michigan.

4.5. *City bodies or Wyoming bodies* means the ~~Wyoming~~ City Council and all boards, bodies and commissions of, created by, or under the purview of Wyoming including, for example, the Downtown Development Authority, Brownfield Redevelopment Authority, Historical Commission, Housing Commission, Community Enrichment Commission, Community Development Committee, and

Economic Development Corporation. (Nonprofit entities contracting with the city to use city facilities or to provide programs or services at city facilities, such as the Wyoming Senior Fellowship and Pinery Park Little League, are city contractors as defined below and must comply with this policy under subsection 7.B.)

~~5-6.~~ *City ~~contractors~~contractor* means any individual or entity, other than city personnel or a city body, ~~that has entered a contract~~contracting with Wyoming or a city body to provide ~~any~~ goods, services, or programs to or for Wyoming or any city body, including, without limitation, (i) ~~the~~ design, construction, installation, maintenance, repair or improvement, or replacement of any city property, (ii) professional services or consultation, (iii) training of any kind, (iv) programs related to parks, the Wyoming Senior Center, TEAM 21 or other after-school program, or other community activities, (v) maintenance or repair of any city vehicles or other personal property, (vi) mowing or snowplowing of city property or rights-of-way, (vii) refuse or waste collection or disposal, (viii) computer or other hardware or software design, supply, or services, (ix) cleaning or janitorial services, (x) CDBG or other HUD program services, and (xi) office, shop, laboratory, or other supplies and equipment.

~~6-7.~~ *City Council* means the Wyoming City Council.

~~7-8.~~ *City LEP Plan* or *Wyoming LEP Plan* means the City of Wyoming, Michigan Limited English Proficiency (LEP) Plan attached as Appendix A.

~~8-9.~~ *City personnel* or *Wyoming personnel* means all elected and appointed officers, employees, volunteers, and other agents of the City of Wyoming when acting in their official capacity or on the city's behalf, including all members of city bodies. ~~This~~It includes personnel of the Wyoming Housing Commission and, except as otherwise limited by applicable law, 62-A District Court personnel.

~~9-10.~~ *Civil rights coordinator* means the individual, department or other personnel or body designated to serve as the civil rights coordinator under section 5 of this policy.

~~10-11.~~ *Discriminate* or *discrimination* means to treat or impact any individual, group of individuals, or population differently based on race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law. In housing matters, to *discriminate* or *discrimination* also means discriminating against an individual because the source of the individual's income or funds to pay for housing may include state or federal assistance.<sup>3</sup>

~~11-12.~~ *Disparate impact* means discrimination occurring when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group, or results in greater adverse consequences (such as harsher sentences) to members of that protected group. Disparate impact focuses on the consequences of a decision, policy, or practice rather than the intent. Therefore, it is possible that decisions made<sub>7</sub> or actions taken<sub>7</sub> in a nondiscriminatory manner may ~~still~~ have ~~discriminatory~~disparate impacts.

~~12-13.~~ *Disparate treatment* means discrimination treating similarly situated persons differently because of race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.

~~13-14.~~ *DOJ* means the United States Department of Justice.

~~14-15.~~ *EPA* means the United States Environmental Protection Agency.

~~15-16.~~ *Federal assistance* means (i) grants and loans of federal funds (directly or indirectly through a state or county agency), (ii) grants or donations of federal property or interests in property, (iii) the detail of federal personnel, (iv) training by or on behalf of federal agencies, (v) use of federal equipment, (vi) use 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,

<sup>3</sup> Code of Ordinances, City of Wyoming, Michigan, §42-53.

and (vii) any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

~~16-17.~~ *HUD* means the United States Department of Housing and Urban Development or any successor agency.

~~17-18.~~ *Interpretation* means oral language assistance.

~~18-19.~~ *LEP* or *limited English proficiency* means an inability to understand, speak, read, or write English well or being more proficient in a language other than English. For purposes of this policy, individuals who speak English less than very well are LEP individuals.

~~19-20.~~ *LEP Plan* means the Limited English Proficiency Plan attached as Appendix A which is approved as part of this policy and incorporated by reference.

~~20-21.~~ *Low-income* means a median household income at or below the USDHHS's poverty guidelines (see <https://aspe.hhs.gov/poverty/>). If CDBG or other HUD funding is involved, "low income" means household income not exceeding 80% of the median family income for the area.

~~21-22.~~ *Low-income population* means any readily identifiable group of low-income persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers) who will be similarly affected by a proposed city program, policy, or activity.

~~22-23.~~ *MDOT* means the Michigan Department of Transportation.

~~23-24.~~ *Minority*<sup>4</sup> means, for purposes of environmental justice analyses, a person who is:

- a. *American Indian or Alaska Native* meaning a person having origins in any of the original peoples of North ~~and, Central, or~~ South America ~~(including Central America)~~ and who maintains tribal affiliation or community attachment ~~and also. It~~ includes state-recognized tribes ~~and their individual members~~; indigenous and tribal community-based organizations; individual members of federally recognized tribes, including those living on a different reservation or ~~living~~ outside Indian country; ~~individual members of state-recognized tribes~~; Native Hawaiians; Native Pacific Islanders; and individual Native Americans.
- b. *Asian* meaning a person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands.
- c. *Black or African American* meaning a person having origins in any of the black racial groups of Africa.
- d. *Latinx* or *Hispanic* meaning a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

<sup>4</sup> The definition is based on §2.2.1 of *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*, June 2016, EPA, pp 6-7, [https://www.epa.gov/sites/production/files/2016-06/documents/eitg\\_5\\_6\\_16\\_v5.1.pdf](https://www.epa.gov/sites/production/files/2016-06/documents/eitg_5_6_16_v5.1.pdf), stating:

~~The OMB defines six racial and ethnic categories:-~~

- ~~□ American Indian or Alaska Native;-~~
- ~~□ Asian;-~~
- ~~□ Black or African American;-~~
- ~~□ Native Hawaiian or Other Pacific Islander;-~~
- ~~□ White; and~~
- ~~□ Hispanic or Latino.-~~

~~... [T]hese categories are not necessarily mutually exclusive and cannot simply be added to estimate a total population. For example, Hispanic or Latino is an ethnic category and, as such, may overlap with several categories based on race. Statistical data collected by the federal government, such as the United States Census Bureau, adhere to this classification system.<sup>13</sup> The OMB also does not define what constitutes a minority population. For purposes of E.O. 12898, the term minority means "individual(s) who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic" A population is identified as minority in an area ... action if "either (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis" A minority population exists "if there is more than one minority group present and the minority percentage, as calculated by aggregating all minority persons, meets one of the above-stated thresholds" When analysts are evaluating potential EJ concerns ..., they "may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed/transient set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions of environmental exposure or effect." (Citations omitted.)~~

~~24-25.~~ Minority Population means any readily identifiable groups of minority persons living 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 program, policy, or activity.

~~25-26.~~ Noncompliant or noncompliance means a failure to meet prescribed requirements, especially (though not essentially) if there is shown to be a lack of a good faith effort to comply.

~~26-27.~~ Sex means both sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth or a condition related to pregnancy or childbirth.

~~27-28.~~ Subrecipient means an individual or entity to which Wyoming provides funding, services, materials, supplies, equipment, or training that is directly or indirectly funded by funds from a federal agency, including, for example, CDBG funds.

~~28-29.~~ Translation means written language assistance.

~~29-30.~~ USDHHS means the United States Department of Health and Human Services.

~~30-31.~~ USDOT means the United States Department of Transportation.

- B. Identification of a city official by title includes that official's superiors and designee(s).
- C. Identification of any federal or state agency by name or any city department by name includes its successor agency or department.

#### **§4 – Policy Components.**

This policy:

- A. Assigns ~~roles and~~ responsibilities, and ~~established~~establishes procedures, for ensuring compliance with ~~this policy~~it and applicable law.
- B. Includes requirements to ensure people affected by Wyoming's programs, projects, and other activities ~~receive~~get services, benefits, and opportunities ~~to which~~ they are entitled to in a nondiscriminatory manner.
- C. Prohibits discrimination in all Wyoming programs, projects, services, and other activities, whether they are federally funded or not.
- D. Establishes procedures for evaluating impacts of Wyoming programs, services, projects, and other activities to ensure they are not illegally discriminatory.
- E. ~~Establishes procedures to periodically review~~Provides for periodic reviews of compliance with ~~state and federal nondiscrimination and civil rights requirements~~applicable DEI laws.
- F. Establishes procedures for filing and ~~processing~~addressing complaints by persons who believe they suffered discrimination ~~in violation of that violates~~ this policy.

#### **§ 5 – Civil Rights Coordinator.**

Unless another individual, department, city body or city personnel is designated by the city manager, the human resources director will be responsible for implementing, evaluating, and updating this policy, and for policy compliance. Policy compliance may ~~require~~lead to personnel actions ~~either~~ in staff assignments or due to ~~laudatory~~laudable or ~~less than appropriate~~inappropriate policy compliance. The city manager, finance department and city attorney will, ~~in coordination~~ collaborate with the human resources director, to provide advice and support for and, as appropriate, undertake actions related to, ~~any~~ accounting, recordkeeping, legal analysis, contract enforcement, initiating or defending legal ~~processes~~proceedings, and other actions needed to implement, evaluate, update and ensure compliance with this policy.

#### **§6 – Policy Statement.**

- A. General Statement and Applicability.

Wyoming, Wyoming personnel, and Wyoming bodies must not discriminate in any city program, service, employment, public accommodation, housing, facilities or property access or use, bid or contract, permit or other approval, proceeding, or other activity or action.

1. This includes all aspects of any program, service or other activity, including, without limitation, (i) access, (ii) benefits, (iii) participation, (iv) treatment, (v) contracting opportunities, (vi) training, (vii) complaint investigation and processing, (viii) fund allocation, (ix) project prioritization, (x) personnel actions, (xi) project planning, ~~project development~~, and delivery implementation, (xiii) property acquisition and use, (xiv) construction and installation, and (xv) research, ~~all of which~~. All must be, not only nondiscriminatory in treatment, but also nondiscriminatory in impacts or effects.

2. Harassment based on race, color, religion, national origin, age, sex, height, weight, marital status, mental or physical disability, or any other reason prohibited by law is prohibited.

~~3. All city contractors must also comply with this policy, including the LEP Plan.~~

4. Wyoming, Wyoming personnel, and Wyoming bodies must comply with the LEP Plan. Noncompliance with the LEP Plan is a failure to comply with this policy.

4. All city contractors must also comply with this policy, including the LEP Plan.

#### B. Exceptions and Exemptions.

This policy is subject to and does not limit established, constitutional, statutory, or other well-settled state and federal exemptions and exceptions, among which are, for example and not for limitation:

1. *Bona fide* occupational qualifications recognized by state and federal agencies and courts ~~are not affected by this policy.~~

2. Age-, sex- and merit-based distinctions recognized by state and federal agencies and courts (e.g., senior and student discounts, some sex and age classifications in athletics, competitive athletic or other contests, performance-based selections, etc.) ~~remain acceptable under this policy.~~

3. Legally imposed requirements or limitations (e.g., minimum ages for alcohol or tobacco possession or use, ~~minimum and maximum~~ ages for eligibility for political offices, distinctions between juvenile and adult offenders, juvenile offender programs, ~~veterans~~ veterans' courts or programs, and the minimum age to qualify as an elector) ~~are unaffected by this policy.~~

4. ~~This policy also does not affect religious~~ Religious, expressive, associational, or assembly rights or ~~any other rights established or recognized~~ rights under the state or federal ~~constitutions~~ constitution or other ~~applicable~~ law (e.g., the federal Religious Land Use and Institutionalized Persons Act) or legal requirements ~~under constitutions and laws~~ to accommodate religious beliefs and practices.<sup>5</sup>

#### C. Determinations on ~~Exception~~ Exceptions or Exemptions.

If there is any question about whether an exception or exemption applies to an individual, entity, or situation, the individual or entity seeking to apply ~~the exception or exemption shall~~ it must contact the civil rights coordinator ~~designated under section 5 of this policy~~ for clarification. The civil rights coordinator may consult such other persons as the civil rights coordinator deems appropriate in providing that clarification.

#### D. Additional Requirements.

1. Wyoming, Wyoming personnel, and Wyoming bodies will comply with ~~Title VI of the Civil Rights Act of 1964, 42 USC 2000d et seq. and all requirements pursuant to it.~~ applicable DEI laws.

~~2. Wyoming, Wyoming personnel and Wyoming bodies will also comply with Title VII of the Civil Rights Act of 1964, 42 USC 2000e et seq. and Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq., and all requirements pursuant to those statutes.~~

<sup>5</sup> E.g., in December 2020, the U.S. Department of Labor Office of Federal Contract Compliance Programs ("OFCCP"), 85 FR 79324, issued final amendments to 41 CFR Part 60-1, effective January 8, 2021, extending religious exemptions from nondiscrimination provisions in federal contracts.

~~2. Wyoming, Wyoming personnel and Wyoming bodies will comply with all other applicable federal and state civil rights laws, rules, and regulations and with any~~ applicable executive or agency orders, grant or other contract provisions or other civil rights requirements or obligations.

3. This policy ~~applies except where~~ established minimum requirements. If an applicable ~~federal and state civil rights~~ DEI law, rule, regulation, executive or agency order, grant or other contract provision, or another civil rights requirement is more stringent. ~~In that circumstance~~, the more stringent requirement will apply.

## §7 – Specific Requirements

A. Except in the limited circumstances in which an exception or exemption is applicable, ~~in applying this policy, Wyoming, including~~ Wyoming personnel and bodies, must not:

1. Deny an individual a service, opportunity, or other benefit for which the individual is otherwise qualified.
2. Provide an individual anya service or other benefit that is inferior (in quantity or quality) to, or which is provided in a different manner from, that provided to others.
3. Subject an individual to ~~segregated or~~ disparate treatment ~~in any manner~~ related to the individual's receipt of services or benefits.
4. Restrict an ~~individual in any way from~~ individual's enjoyment of services, facilities or any other advantage, privilege, or other benefit provided others.
5. Adopt or use methods of administration that would limit participation by a group of recipients or subject any individual to discrimination.
6. Address an individual in a manner that denotes inferiority because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.
7. Permit discriminatory activity in a facility wholly or partially constructed with state or federal funds.
8. Deny a segment of the population the opportunity to participate in operations of a planning or advisory body that is an integral part of a federally funded program.
9. Fail to communicate in a language other than English ~~and/or~~ provide language assistance to LEP individuals ~~as required or appropriate~~ in accordance with the LEP Plan.
10. Subject an individual to discriminatory employment practices.
11. Locate a facility in a way that could limit or impede access to a federally funded service or benefit.
12. Plan, locate, design, construct, install, reconstruct, reinstall, alter, improve, or replace a city project or improvement ~~so as to have~~ resulting in a discriminatory impact.
13. Fail to treat all individuals with fairness, equity, impartiality, courtesy, and respect.
14. Knowingly participate with ~~any~~ others, condone, or fail to address the actions of others acting for, on behalf of, or in a contractual relationship with the city and who fail to comply with these requirements.
15. Take, participate in, condone, or fail to report any retaliation against or intimidation of a complainant, witness, consultant, or other person involved in any complaint or investigation.

B. All (i) city contracts, (ii) requests for proposals, (iii) invitations to bid, (iv) solicitations of quotes, and (v) other means of seeking information for city contracts must include provisions requiring city contractors to comply with this policy. Those provisions must be in a form acceptable to the city attorney. Unless other language is approved by the city attorney and city purchasing director, the following provision must be included:

Nondiscrimination and Respect. City is committed to equity, fairness, impartiality, courtesy, respect, and nondiscrimination in all itsCity programs, benefits, and actions, including in itsCity contracts and in any activities that contractors, ~~subcontractors~~, or ~~consultants~~ others engage in for or on behalf of City. Accordingly:

1. Contractor ~~and its subcontractors and consultants~~ in (i) employment actions, (ii) ~~solicitationsoliciting~~, bidding or ~~contractscontracting~~ with subcontractors ~~or consultants~~, or (iii) ~~solicitationsoliciting~~, bidding or ~~contractscontracting~~ for materials will not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or ~~any~~ other reason prohibited by law that is unrelated to the ~~employee's or applicant's~~ ability to perform the duties of a job or position. "Sex" means, ~~for purposes of this provision, both~~ sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth, or a condition related to pregnancy or childbirth. Contractor ~~and its subcontractors and consultants~~ will comply with applicable state and federal laws, rules, regulations, ~~orders~~, and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Michigan's Elliott-Larsen ~~Civil Rights Act~~ civil rights act, Michigan's ~~Persons~~ persons with ~~Disabilities Civil Rights Act~~ disabilities civil rights act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, ~~directives~~ and guidance issued pursuant to those statutes.

2. If Contractor ~~or its subcontractors or consultants~~ will, ~~as part of work on this Contract~~, engage with others ~~for or~~ on behalf of City, Contractor must (i) ensure ~~that engagement (i) treats~~ all individuals are treated with fairness, equity, impartiality, courtesy and respect, and in a manner that does not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law, and (ii) if ~~that engagement includes communications with~~ any engaged individuals with have limited English proficiency (*i.e.*, ~~those who~~ they speak English less than very well), ~~the engagement will~~ Contractor must use language assistance services for oral and written communications. Language assistance services in accordance with City's Limited English Proficiency (LEP) Plan will comply with ~~the language assistance~~ this requirement.

~~33. Contractor must include these requirements in subcontracts, materials supply contracts, and equipment leases. Contractor must take action with respect to a subcontractor, material supplier, or equipment lessor that City deems reasonably necessary to enforce compliance with these provisions, including sanctions for noncompliance.~~

4. Noncompliance with this provision is a material breach of this Contract that can result in (i) withholding payments to Contractor ~~under this, (ii) Contract until Contractor complies. It can also result in~~ cancellation, termination, or suspension ~~of this Contract~~, in whole or in part. ~~Noncompliance can also result in, and (iii) Contractor's ineligibility to bid on or enter for~~ future City contracts.

45. Contractor must retain and, upon ~~City's~~ request, provide City access to and copies of all information and reports required by ~~all the~~ laws, rules, regulations, ~~orders, directives~~ and ~~guidance~~ other requirements referred to in this provision ~~as may be determined by that City or by any state or federal agency to be determine are~~ pertinent to ascertain compliance ~~with them~~. If any information required of Contractor is in the exclusive possession of another who fails or refuses to furnish it, Contractor must so certify to ~~City's purchasing director~~ City.

~~5. Contractor must include provisions of paragraphs 1 through 4 in every subcontract, consultant contract, and documentation for material procurement and equipment leasing relating to this Contract. Contractor must take such action with respect to any subcontractor, consultant, material supplier, or equipment lessor as City deems reasonably necessary to enforce compliance with these provisions including sanctions for noncompliance.~~

C. As a recipient of state and/or federal assistance, the city gives the following specific assurances:

1. Each city program will be conducted, and each city facility will be operated, in compliance with applicable ~~federal and state laws, rules, regulations, orders, and other requirements regarding discrimination and inclusion, including, without limitation, those within or pursuant to Title VI of the federal Civil Rights Act of 1964, Title VIII of the federal Civil Rights Act of 1968, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973~~ DEI laws.

2. If the city is, directly or indirectly, a grantee or transferee of the federal government in any interest in real property, buildings, structures, or other land improvements, any document the city uses to convey an interest in or allow use of that real property, buildings, structures, or other land

improvements will include a covenant that incorporates any covenant in the document used by the federal government to convey or transfer that real property, buildings, structures, or other land improvements to the city.

3. If the city receives federal financial assistance to construct a facility or part of a facility the assurances in subsections 7.C.1 and 7.C.6 will extend to the entire facility and to all facilities operated in connection with that facility.

4. If the city receives federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurances in subsection 7.C.1 and 7.C.6 will extend to rights to space on, over or under such property.

5. These assurances obligate the city for the period during which federal financial assistance is extended to its program. If the federal financial assistance is to provide or is in the form of (i) personal property, (ii) real property, (iii) an interest in real property, or (iv) any structures or improvements on real property, these assurances obligate the city for the longer of the following ~~periods~~: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the city retains ownership or possession of the property.

6. The city will administer its programs to ensure the city, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under the program will comply with applicable ~~federal and state laws, rules, regulations, orders, and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Title VIII of the federal Civil Rights Act of 1968, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, directives and guidance issued pursuant to those statutes~~ DEI laws.

7. The city agrees that ~~the United States federal~~ and state ~~of Michigan agencies and officials~~ have a right to seek judicial enforcement ~~with regard to~~ matters arising under applicable DEI laws ~~and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Title VIII of the federal Civil Rights Act of 1968, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, directives and guidance issued pursuant to those statutes~~.

8. These assurances are given in consideration of and for the purpose of obtaining ~~any and all~~ federal and/or state assistance extended to the city ~~and~~ They are binding on the city, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants in the state or federal program. The person ~~who~~ signing this policy is authorized to sign these assurances ~~on~~ for the ~~city's behalf~~ city.

D. Wyoming will actively pursue compliance and prevention of noncompliance with this policy.

E. Any city department headshead, other city personnel, or city ~~bodies who become aware~~ body that knows of ~~any violations~~ a violation of this policy must promptly report ~~them~~ that violation to the civil rights coordinator.

F. All city personnel observing a violation of this policy must intervene when that violation may endanger the health or safety of any individual or when any other city personnel seem to be acting without reasonable self-restraint. This duty to intervene ~~arises when exists unless~~ intervention ~~can~~ cannot occur without endangering the health or safety of other individuals, including other city personnel.

G. City bodies will incorporate the following (or an alternative approved by the city attorney) ~~into their~~ in bylaws, rules of procedure, or policies and ensure appropriate notices are provided the public and others about the city's commitment and contact information for city personnel to obtain any needed accommodation(s):

The City of Wyoming, including the [NAME OF BODY], is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The [NAME OF

BODY] will coordinate with city staff to ensure the [NAME OF BODY] fulfills that commitment for its programs, services, and activities, including its public meetings. ~~This includes access by persons with impairments or disabilities and those needing language assistance.~~ Accommodations to enable virtual meeting attendance and participation can usually be made if a request is received at least 5 hours before the meeting time. Other accommodations may require more time.

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

## §8 – Environmental Justice

City programs, policies, activities, and city projects must be undertaken in ways to avoid significant adverse effects on minority and low-income populations.

A. The city department undertaking or acting as the lead department for the project will initially 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, the city will document how that conclusion was reached as provided in subsection 8.E.

B. If there are minority population groups and/or low-income population groups present in the project area, the city will determine whether project impacts associated with the identified low income and minority populations are significant adverse effects by examining and considering the factors, context and intensity as stated in subsection 3.A of this policy. If the conclusion is that no minority or low-income population will be subject to significant adverse effects, the city will document how that conclusion was reached as provided in subsection 8.E.

C. If it is determined that there are significant adverse effects on minority or low-income populations, the city will propose measures to avoid, minimize and/or mitigate those significant and disproportionate adverse effects, and/or provide offsetting benefits and opportunities to enhance the minority or low-income populations affected by proposed project.

D. If after mitigation, enhancements, and offsetting benefits to the affected populations, there remain significant adverse effects on minority or low-income populations, the following must be considered:

1. Are there additional mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?
2. Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the minority or low-income populations?
3. Considering the overall public interest, is there a substantial need for the project?
4. Will alternatives that satisfy the need for the project and reduce impact on protected populations:  
(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?

E. Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## §9 – Administration

The civil rights coordinator shall, with assistance, as needed, from the city manager, finance director, purchasing director, city attorney, other city department heads, and other persons designated by the city manager, administer this policy.

A. The civil rights coordinator will annually compile from information provided by city departments and other sources statistical data on race, color, religion, national origin, age, sex, and mental or physical

disability of participants in and beneficiaries of the city programs, services, and activities. ~~Gathering information gathering~~ procedures will be reviewed annually to ensure ~~sufficiency of the data for meetings sufficient to meet~~ Title VI requirements. If the collected information is insufficient to determine compliance, the city manager will assist the civil rights coordinator in requiring collection and compilation of needed data and other information.

B. The city currently has no “special emphasis programs” as defined in applicable federal and state requirements. If the City ~~later~~ has such programs ~~in the future~~, the civil rights coordinator will review them as required ~~under the by~~ applicable federal and state requirements based on annual summaries of ~~their~~ activities, accomplishments, and problems to ensure (i) compliance and (ii) equal participation in ~~all their~~ programs and activities at all levels.

C. The civil rights coordinator will annually communicate with departments receiving federal assistance to (i) review compliance with this policy and with grant or other federal assistance agreements, and (ii) prepare and timely submit any required reports including those required under USDOT and MDOT requirements (e.g., MDOT form #0179 due October 5).

D. The civil rights coordinator will disseminate this policy to all departments and ensure it is posted on the city’s intranet and internet (<https://www.wyomingmi.gov>) websites.

E. The civil rights coordinator will undertake enforcement actions needed to address noncompliance by city personnel, city bodies, city contractors, or others ~~subject to this policy~~. Remedial actions ~~must will~~ be ~~undertaken immediately~~ ~~taken promptly~~ after confirming noncompliance. Appropriate consequences may ~~then be undertaken~~ ~~imposed~~ against those in noncompliance.

F. A person aggrieved by noncompliance with this policy, or an individual suffering discrimination, may file a complaint with the civil rights coordinator. (A complaint alleging the civil rights coordinator’s noncompliance may be filed with the city manager.)

1. An aggrieved person or person with information that city personnel, a city body, or a city contractor violated this policy may file a complaint within 180 days of the alleged noncompliance ~~with this policy~~ or alleged discrimination. If the complainant could not ~~have~~ reasonably ~~have~~ known of the noncompliance or discrimination within ~~that~~ 180 days, the complainant will have 60 days after becoming aware of the ~~illegal noncompliance or~~ ~~discrimination or noncompliance~~ to file a complaint.

2. Complaints must be in writing and signed by the complainant. Complainants may use the complaint form following this section or may file a written complaint in another form, ~~providing it that~~ includes at least the following information. If a complainant is ~~not able~~ ~~unable~~ to file a written complaint, the complainant or a person assisting the complainant may speak with the civil rights coordinator, who will solicit and record in writing this information. Anonymous complaints, media reports, and unattributed statements will not be considered.

- a. The complainant’s name, address, telephone/cell phone number, and e-mail address.
- b. The date of the alleged discrimination or noncompliance and the date of the complaint.
- c. A description of the incident, including (i) where it occurred, (ii) who was present (including names and contact information if known for all who were there), (iii) was discrimination based on race, color, age, disability, religion, national origin, sex, income, or other reasons prohibited by law (iv) a description of the discriminatory or noncomplying acts or statements, and (v) any evidence of discrimination or noncompliance.
- d. The signature of the complainant or the complainant’s representative under an attestation that the facts stated in the complaint are true and accurate.
- e. It must be submitted to:

Wyoming Human Resources  
1155 28<sup>th</sup> ~~Street St~~ SW, ~~PO Box 905~~  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

3. After receiving a complaint, the civil rights coordinator ~~shall will~~ investigate the complaint in an impartial and objective manner. In doing so, the civil rights coordinator may consult with ~~and or~~ seek

assistance from any other city personnel and outside legal or other consultants as the civil rights coordinator deems necessary or appropriate. The civil rights coordinator may designate an investigator.

a. The investigation should (i) to a reasonable extent (some disclosure will be needed to obtain needed information and to allow for a full understanding of facts and circumstances) be confidential to protect the privacy of the complainant, any witnesses, and any person(s) against whom it was made, (ii) focus only on the allegations in the complaint, (iii) include interviews of as many persons who were present or who have relevant knowledge of the incident or circumstances, (iv) be conducted without being defensive, without prejudging the outcome, and without asking leading questions, (v) obtain and maintain copies of any relevant documents, audio or video recordings, photos, texts, e-mails, voice messages, social media postings, and other evidence, (vi) include chronological, contemporaneous notes documenting the investigation, and (vii) be completed, including the report to be made under subsection 9.F.4, within 40 days of receipt of the complaint.

b. The investigation should not consider (i) any media coverage, media reports, or opinions, except for possible references leading to other sources of information, and (ii) inquiries or allegations by parties claiming an interest in the outcome but not involved in the incident, including labor organization representatives (except ~~for~~ one union representative may be present during interviews with city personnel), civil rights organizations, media representatives, and other city personnel or city bodies without knowledge of the circumstances.

4. At the conclusion of that investigation, the civil rights coordinator (or designated investigator) shall prepare a written report of the civil rights coordinator's (i) determination of facts, (ii) conclusions as to whether discrimination or noncompliance occurred and who was responsible for that discrimination or noncompliance, (iii) description of the circumstances, (iv) description of any remedial actions, and (v) other information the civil rights coordinator deems relevant. The report must refer to any provision of this policy that was violated or ~~the federal and state laws, rules, regulations, orders, or other requirements that applicable DEL laws~~ the discrimination violated. The report must reach one of the following conclusions:

a. Discrimination or noncompliance occurred.

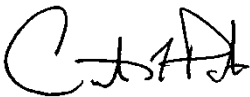
b. The complaint is unfounded.

c. Currently available information is insufficient to conclude that either (i) discrimination or noncompliance occurred, or (ii) the complaint was unfounded.

5. When completed, the report shall be submitted to the city manager, who ~~shall~~will determine what actions to take (i) to ~~remediate~~remedy the discrimination or noncompliance and/or (ii) as a consequence of the discrimination or noncompliance.

6. The report, together with ~~any additional~~ information ~~of~~about any action ~~taken by~~ the city manager took under ~~the preceding~~ subsection 9.F.5 shall be submitted to appropriate federal or state agencies as required by applicable ~~federal and state laws, rules, regulations, orders, DEL laws~~ or other requirements (e.g., grant contract provisions).

7. Copies of complaints, reports and ~~all~~ associated materials shall be maintained by the civil rights coordinator or city clerk in accordance with the city's records retention policies for at least 6 years.



Curtis Holt, City Manager

**CITY OF WYOMING, MICHIGAN  
CIVIL RIGHTS COMPLAINT**

The City of Wyoming has a comprehensive Civil Rights Policy accessible at <https://wyomingmi.gov> or by contacting the City Clerk at (616) 530-7296. Complaints alleging violations of that policy or illegal discrimination under applicable federal and state laws, rules, or regulations, ~~orders, directives, guidelines~~, or other requirements can be made either by completing and submitting this complaint form or by filing a written letter or other document that provides the same information.

Complaints must be filed within 180 days of the alleged discrimination or other noncompliance with the Civil Rights Policy. If you could not ~~have~~ reasonably have known the act or incident was discriminatory or violated that policy within 180 days, you have 60 days after you became aware of it to file your complaint.

*If you need assistance completing this form, please contact the Human Resources Department by phone at (616) 530-3173 or via e-mail at [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov).*

Complainant's name: \_\_\_\_\_

Complainant's address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Information about person affected by discrimination or violation(s) of the Wyoming Civil Rights Policy.

Affected person's name (if different than Complainant) & relationship to Complainant (e.g., child, spouse, client, etc.):

Address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

What is the relationship of the complainant to the affected person? \_\_\_\_\_

What city officer, employee or body or what city contractor was involved in the discrimination or policy violation?

On what date(s) did the discrimination or policy violation occur? (Be sure to state the most recent date.)

Indicate below the basis on which you believe the discriminatory or noncompliant actions were taken.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Race             | <input type="checkbox"/> National Origin | <input type="checkbox"/> Religion                       |
| <input type="checkbox"/> Color            | <input type="checkbox"/> Sex             | <input type="checkbox"/> Income                         |
| <input type="checkbox"/> Disability       | <input type="checkbox"/> Age             | <input type="checkbox"/> Other reason prohibited by law |
| <input type="checkbox"/> Height or Weight |  |   |

Explain: Please explain as clearly as possible what happened. Include the name(s) and contact information (address, cell #, e-mail address) of witness(es) and others involved in the alleged discrimination or noncompliance. Attach additional sheets if necessary and provide a copy of any written material pertaining to your case.

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

I attest that the statements in this complaint are true and accurate to the best of my knowledge.

When completed, submit to:

Wyoming Human Resources  
1155 28<sup>th</sup> ~~Street~~ SW, ~~PO-Box-905~~  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

Date signed: \_\_\_\_\_, 202\_

APPENDIX A



**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

**REVISED MARCH 2021~~2022~~**

1155 28<sup>TH</sup> ST SW, ~~PO Box 905~~  
WYOMING, MI 49509-0905  
PHONE: (616) 530-3173  
FAX: (616) 261-7103  
WEBSITE: [www.wyomingmi.gov](http://www.wyomingmi.gov)  
E-MAIL: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

## Introduction

The City of Wyoming (“**Wyoming**” or the “**city**”) adopts and implements this plan to comply with federal Title VI LEP plan requirements. This plan is only a part of the city’s commitment to continually improving services to and communications with residents, businesses and non-profits, guests, and others.

On August 11, 2000, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*<sup>6</sup> was issued to clarify Title VI of the Civil Rights Act of 1964 to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. The 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 (sometimes referred to as “**limited English proficient**” or “**LEP**”) 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 ~~and provided:~~

~~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.~~

Federal agencies and recipients of federal assistance (e.g., federal grants, grants from state or county agencies using federal funds, training, use of equipment, and donations of surplus property) must comply with Title VI and LEP requirements. Title VI (including LEP requirements) covers all a recipient’s programs and activities, even if only one part of a recipient’s organization receives federal assistance. If an organization receives federal financial assistance it must comply with this executive order.

Among other agencies, including the United States Department of Justice (**DOJ**) and the United States Department of Housing and Urban Development (**HUD**), Wyoming receives funds from the United States Department of Transportation (**USDOT**) via the Federal Highway Administration (**FHWA**), often distributed by the Michigan Department of Transportation (**MDOT**). Therefore, all city programs and activities must comply with Title VI and LEP requirements.

DOJ’s Civil Rights Division issued guidance in May 2011<sup>7</sup> stating that a LEP plan must include at least two components. The first is a self-assessment to determine what types of contact occur with the LEP population. The second is the language access (i) policy directives, (ii) implementation plan, and (iii) procedures. ~~This plan also relies on two additional DOJ guidance documents and two guidance documents from other federal agencies.~~<sup>8</sup>

## LEP Plan Self-Assessment Elements

The DOJ guidance outlined self-assessment elements to be considered including:

<sup>6</sup> The executive order: <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>.

<sup>7</sup> *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs, May 2011*, [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf). ~~This plan also relies on 2 additional DOJ guidance documents and 2 guidance documents from other federal agencies.~~

~~*Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs, August 2011*, [https://www.lep.gov/sites/lep/files/resources/081511\\_Language\\_Access\\_CAQ\\_TA\\_Guidance.pdf](https://www.lep.gov/sites/lep/files/resources/081511_Language_Access_CAQ_TA_Guidance.pdf).  
*Considerations for Providing Language Access in a Prosecutorial Agency, September 2011*, [https://www.lep.gov/sites/lep/files/resources/092111\\_Prosecutors\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/092111_Prosecutors_Planning_Tool.pdf).~~

~~*Top Tips from Response to the Survey of Language Access Strategies Used by Federal Government Agencies, Federally Conducted Committee Federal Interagency Working Group on Limited English Proficiency, September 3, 2008*, <https://www.lep.gov/sites/lep/files/media/document/2020-03/TopTips.pdf>.~~

~~*Guide to Developing a Language Access Plan, U.S. Centers for Medicare & Medicaid Services, U.S. Department of Health and Human Services – 2018*, <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf>.~~

<sup>8</sup> ~~*Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs, August 2011*, [https://www.lep.gov/sites/lep/files/resources/081511\\_Language\\_Access\\_CAQ\\_TA\\_Guidance.pdf](https://www.lep.gov/sites/lep/files/resources/081511_Language_Access_CAQ_TA_Guidance.pdf).  
*Considerations for Providing Language Access in a Prosecutorial Agency, September 2011*, [https://www.lep.gov/sites/lep/files/resources/092111\\_Prosecutors\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/092111_Prosecutors_Planning_Tool.pdf).~~

~~*Top Tips from Response to the Survey of Language Access Strategies Used by Federal Government Agencies, Federally Conducted Committee Federal Interagency Working Group on Limited English Proficiency, September 3, 2008*, <https://www.lep.gov/sites/lep/files/media/document/2020-03/TopTips.pdf>.~~

~~*Guide to Developing a Language Access Plan, U.S. Centers for Medicare & Medicaid Services, U.S. Department of Health and Human Services – 2018*, <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf>.~~

1. Understanding how LEP individuals interact with your agency.
2. Identification and assessment of LEP communities.
3. Providing language assistance services.
4. Training of staff on policies and procedures.
5. Providing notice of language assistance services.
6. Monitoring, evaluating, and updating the language access policy directives, plans and procedures.

This plan incorporates these elements as part of the city’s self-assessment.

**Element 1 – Understanding LEP Interactions.**

Wyoming considered ways LEP individuals may interact with the city as they receive official city or other important communications, participate in city programs, use city services, and have other interaction with Wyoming or its personnel. Interactions include at least the following:

Department	Office/Service	Activities	Possible Interaction(s)
Mayor/Council		Formal meetings Constituent communications	LEP individuals may wish to communicate orally or in writing before, during or following formal meetings- <del>They may also wish, or</del> to participate in meetings.
Manager			
	General administration	Public face of city government for all matters	<del>Oral and written communications</del> <u>Communications</u> with LEP individuals may range from critical to merely helpful or informative. Manager’s office may issue public announcements, emergency communications or other time-sensitive or important information and may issue oral comments. Manager’s office may reach out to individuals for information or in response to their contacts.
	Analytics	Information gathering Information dissemination	Oral & written communications with LEP individuals are possible.
	Communications	Internal communications External communications Meeting notices Media inquiries & releases Component unit interface Special events coordination	Any <del>oral or written</del> communications could include LEP individuals.
Human Resources			
	Recruitment	Advertising Posting notices Outreach to potential employees or sources Application receipt Application screening Phone, virtual & in-person interviews	Applicants, employees, references, or others may be LEP individuals. Any <del>oral or written</del> communications could include LEP individuals.
	Personnel management	Payroll Benefit administration Drug & fitness testing Reviews Employment contract administration Discipline Retention Separations	Any <del>oral or written</del> communications could include LEP individuals.

Department	Office/Service	Activities	Possible Interaction(s)
		Training	
	Complaints	Internal complaints External complaints	Any <del>oral or written</del> communications could include LEP individuals.
	Risk Control	Employee safety Internal complaints External inspections, reviews & complaints Contagion response	<del>These are mostly</del> <u>Mostly</u> internal functions <del>While it is possible but could include</del> LEP individuals <del>may be included,</del> <u>individual, Individual</u> departments served by Risk Control can likely provide needed <del>translation</del> <u>language assistance</u>
Purchasing			
	Bidding	Finalize bid specifications & RFPs Distribute RFPs using lists Oversees compliance with purchasing policies	Any <del>oral or written</del> communications could include LEP individuals.
	Contract administration	Verify bid compliance including collection of signed copies, bonds & insurance	Any <del>oral or written</del> communications could include LEP individuals.
Assessor			
	Real property assessing	Property inspection Assessment notices Exemption reviews Studies	Any <del>oral or written</del> communications could include LEP individuals.
	Personal property assessing	Solicitation & collection of statements or affidavits Exemption reviews Assessment notices	Any <del>oral or written</del> communications could include LEP individuals.
	Appeals	Board of Review notices Reviews of appeals Noting changes required by Board of Review Tax Tribunal appeals	Any <del>oral or written</del> communications could include LEP individuals.
Attorney			
	General counsel	Review & prepare contracts, resolutions, ordinances Advise Council, officers, boards, and other bodies Litigation Attend meetings to address legal issues Address some public inquires	<del>Any oral or written communications</del> <u>Communications</u> with persons other than city employees could include LEP individuals. <del>While</del> if city employees <del>may include</del> <u>are</u> LEP individuals, departments served by city attorney can likely provide needed translation.
	Prosecution	Review reports Authorize charges Prosecute	Any <del>oral or written</del> communications could include LEP individuals.
Clerk			
	FOIA	Provide access to city records Formally respond to FOIA requests	Any <del>oral or written</del> communications could include LEP individuals.
	Elections	Receive & approve voter applications Receive, approve & distribute absentee ballots Provide election notices Administer primary & general elections Train election workers Address election-related complaints & inquiries	Any <del>oral or written</del> communications could include LEP individuals.
	Licensing	Provides & review city license	Any <del>oral or written</del> communications

Department	Office/Service	Activities	Possible Interaction(s)
		applications Issue, deny, suspend, revoke licenses Provides license renewals	could include LEP individuals.
	General questions	Addresses general inquiries for walk-in visitors or general calls to city	Any <del>oral or written</del> communications could include LEP individuals.
	Bidding	Collect sealed bids Conduct public bid openings	Most bids are technical documents, so bidders <del>most likely are not relying</del> <del>don't rely</del> on LEP individuals for communications.
Finance			
	Grant compliance	Ensure compliance with grant financial requirements & other requirements	Interaction with LEP individuals is unlikely.
	Bill payment	Review & pay invoices to city Vendor set-up	Interaction with LEP individuals is unlikely.
	Payroll	Issue payroll checks & direct deposits	Interaction with LEP individuals is unlikely.
Information Technology			
	Website (intranet and internet)	Design & update	Accommodation of LEP individuals is important – at least to <del>providing communication aids or direction as guide</del> to <del>how to avail oneself of accommodation accommodations</del> .
	Virtual meetings/meeting broadcast	Provide links Provide equipment	Accommodation of LEP individuals is important – at least to <del>providing communication aids or direction as guide</del> to <del>how to avail oneself of accommodation accommodations</del> .
	Phone system	Includes Zoom, Skype, MS Teams & other support	Accommodation of LEP individuals is important – at least to <del>providing communication aids or direction as guide</del> to <del>how to avail oneself of accommodation accommodations</del> .
	Hearing accommodation	When equipment or software is needed	
Treasurer			
	Tax collection	Send tax bills Collect payment Payment plans	Any <del>oral or written</del> communications could include LEP individuals.
	Utility billing & payment	Sending bills Collecting payments Make/manage payment plans	Any <del>oral or written</del> communications could include LEP individuals.
	Misc billing & payments		Any <del>oral or written</del> communications could include LEP individuals.
Community Services			
	Community Development & CDBG	Grant compliance Housing loan administration Community assistance program contracting & oversight	Any <del>oral or written</del> communications could include LEP individuals.
	Inspections	Plan review & approval Plan appeals – Construction Board of Appeals Code enforcement	Any <del>oral or written</del> communications could include LEP individuals.
	Planning	Plan review Zoning & appeals Enforcement	Any <del>oral or written</del> communications could include LEP individuals.

Department	Office/Service	Activities	Possible Interaction(s)
		Master planning Meeting notices Planning Commission & Board of Zoning Appeals	
	Parks & Recreation	Construction & maintenance Programs TEAM 21 Facility rentals Special events	Any <del>oral or written</del> communications could include LEP individuals. There is a higher likelihood of such interaction as part of park programming and facility rentals.
	WSC	Fitness facilities Events Space rental Programs Senior assistance Meals	Any <del>oral or written</del> communications could include LEP individuals. There is a higher likelihood of such interaction as part of programming and facility rentals.
Public Safety			
	Police	Police response Traffic enforcement Investigations	There is a high likelihood of communication with LEP individuals.
	Fire	Fire inspection Fire investigation Fire response Medical response	There is a high likelihood of communication with LEP individuals.
Public Works		All areas prepare or oversee preparation of bid specifications & bid invitations Pre-bid meetings Construction administration	Any <del>oral or written</del> communications could include LEP individuals.
	Engineering	Plan preparation Plan review Construction inspections Compiles & maintain pre-qualification lists	Any <del>oral or written</del> communications could include LEP individuals.
	Facilities	Maintenance	Any <del>oral or written</del> communications could include LEP individuals.
	Streets	Construction Traffic signage & signals	Any <del>oral or written</del> communications could include LEP individuals.
	Water Treatment & Distribution	Construction Inspection & sanitizing Water main breaks	Any <del>oral or written</del> communications could include LEP individuals.
	Wastewater Collection & Treatment	Construction Inspection Back-ups	Any <del>oral or written</del> communications could include LEP individuals.

Oral interactions with LEP individuals may be in-person, virtual (such as via conference calls, Zoom, Skype, Facebook, Facetime, MS Teams, or LanguageLine), especially during remote or partially remote meetings ~~that became common during the COVID-19 pandemic~~, audio or video recording, or by landline or cellular phones. Written communications may be electronic via e-mail or text, facsimile, web-based or internet, written paper documents and could include media releases, correspondence, plans, meeting and other notices, citations, summons or other legal process, bills or invoices, receipts, information requests, responses to inquiries, other communications.

### Element 2 – Identifying LEP Communities.

Wyoming's population is currently estimated to be a little over 76,000. The Census Bureau has a range of four classifications of how well people speak English: very well, well, not well, and not at all. For

planning purposes, Wyoming considers persons that speak English less than very well as LEP persons. The following table shows Census 2014-2019 data for Wyoming:<sup>9</sup>

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 518 years and over	66,466	54,570
English only	46,866	83.485.9%
Language other than English	7,704	14.614.1%
Speak English less than "very well"	2,719	50.635.3% <sup>10</sup>
<del>Speak Spanish or Spanish-Creole</del>	<del>8,098</del>	<del>6,185</del>
<del>Speak Spanish speakers who speak English less than "very well"</del>	<del>2,719</del>	<del>47.532.4%</del>
Other <del>Indo-European</del> languages	2,684	1,519
<del>Speak Other language speakers who speak English less than "very well"</del>	<del>716</del>	<del>41.847.1%</del>
<del>Asian and Pacific Islander languages</del>	<del>2,028</del>	<del>3.1%</del>
<del>Speak English less than "very well"</del>		<del>68.3%</del>
<del>Other languages</del>	<del>174</del>	<del>0.9%</del>
<del>Speak English less than "very well"</del>		<del>23.6%</del>

This data indicates a significant number (~~more than 1 in 20~~ nearly 5.0%) of city residents are Spanish speakers who do not speak English very well. While ~~there are persons speaking~~ who speak other languages, ~~who~~ do not speak English very well, there are fewer of them and the languages they speak are more diverse.

### Element 3 – Language Assistance Services.

There are two types of language assistance services. Interpretation is an oral language assistance service. Translation is a written language assistance service.

Some city personnel are bi- or, perhaps, multi-lingual. Some have Spanish fluency. The city values those employees and seeks to hire bi- and multi-lingual employees. Those employees may, on occasion, be called upon for oral language interpretation or written language translation, and they may or may not be available at any given time or place. ~~At some time, appropriate~~ Appropriate language proficiency may become a future job requirement. ~~Therefore for some city positions. However,~~ because ~~such fluency in a language fluency other than English~~ is not currently a job requirement ~~infor~~ all positions in which interactions with LEP persons may occur and because not all city employees have fluency in legal or other terminology, this plan does not rely on ~~these~~ current employees.

The city has and will engage one or more language assistance services to provide needed services. LanguageLine Solutions provides interpretation and translation services. It will provide on-site interpretation services that can be helpful at public meetings as well as on-demand remote interpretation services via video conferencing, phone conferencing or mobile conferencing. It will also provide translation services. It appears that it would provide interpretation and translation for all languages Wyoming may need to accommodate with language assistance services. The city has also engaged Fidelity Language Resources LLC, a local entity providing some interpretation and translation services.

Language cards are available so city personnel can ask an LEP person to point to a language on the card to identify the language the LEP person speaks most well. That will enable Wyoming personnel to determine what interpretation and/or translation service may be needed for language assistance.

Some appointed indigent defense attorneys may be bi-lingual. That is a factor in retaining such counsel.

### Element 4 – Staff Training.

<sup>9</sup> American Community Survey results reported by United States Census Bureau. They are estimates with margins of error of ±2.0-16.5%. <https://data.census.gov/cedsci/table?t=Language%20Spoken%20at%20Home&g=1600000US2688940&y=2019> This plan will be updated if the 2020 Census shows the numbers of LEP persons changes significantly or shows the languages other than Spanish to significantly change.

<sup>10</sup> This is 50.6% of the 16.6% in the preceding line.

Department heads are aware of the availability of city-approved language assistance service providers and there is general knowledge of who among staff ~~are~~ is bi- or multi-lingual. Training ~~will include~~ includes heightening sensitivity to LEP issues, use of language cards, and seeking appropriate language assistance. Regular LEP data collection reinforces this requirement among department heads and supervisors.

#### **Element 5 – Notice of Language Assistance Services.**

Notices of availability of language assistance are published on meeting agendas and notices as follows (with the appropriate city official's title and contact information being substituted for the city clerk's when appropriate):

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

Signage can be added at appropriate places in city buildings such as police and fire buildings, city hall, the court building, the Wyoming Senior Center, and some parks facilities. Similar statements will be written to include in correspondence and official notices.

#### **Element 6 – Monitoring, Evaluating, and Updating.**

A LEP coordinator is being appointed to (i) monitor plan compliance, (ii) evaluate whether the plan is meeting its objectives of addressing nearly all situations in which language assistance is needed and, if not, (iii) recommend any updates or changes to the plan. The coordinator will also evaluate language assistance services and will accumulate and assess data provided in the release of the 2020 Census. City personnel can also be directed to provide data on the use of language assistance services and on interactions with LEP persons to determine whether additional actions are needed such as adding fluency in certain languages as a job requirement for some positions.

### **Policy Directives**

#### **1. Purpose.**

Language should not be a barrier for using city facilities and services, interacting with city officers and employees, participating in city meetings and programs, obtaining needed permits and approvals, understanding and complying with requirements ~~and guidelines~~, seeking assistance, and addressing concerns. This plan recognizes many ~~persons~~ in our community have limited English proficiency and we can fully serve them only with languages with which they are proficient. This plan is intended to comply with requirements in Title VI of the federal Civil Rights Act of 1964 and federal Executive Order 13166 for interactions with or when providing services to persons with limited English proficiency. Compliance is a requirement of federal assistance the city directly or indirectly receives.

#### **2. General Policy Statement.**

It is the city's policy to make language assistance services available and/or to use them when needed or appropriate, as determined by the city council, city manager, a city department head, or any of their respective designees, to fulfill this plan's purpose as stated above.

#### **3. Compliance is Required.**

By the city council's approval by a resolution adopted March ~~15, 2021~~, 2022, this Limited English Proficiency (LEP) Plan is official city policy. All **city personnel** (*i.e.*, officers, employees, and volunteers), all **city bodies** (*i.e.*, all city boards and commissions, all city-created entities, *e.g.*, the DDA, EDC, BRA, and Historical Commission, ~~and CEC~~) must comply with it. Noncompliance with this Plan can have the same consequences as noncompliance with any other city policy.

All city personnel and all city bodies must promptly report violations of this Plan to supervisory personnel, the Human Resources Director, or the city manager.

#### 4. Service Availability.

Language assistance must be provided when (i) LEP may hinder a person's ability to participate in public meetings, protect rights or property, protect themselves or family members, understand consequences of personal or city actions, or obtain needed assistance, (ii) LEP may hinder emergency planning or responses, (iii) issuing any official notice or other communication of legal significance or other possible consequences and city personnel know one or more of the intended recipients may be a LEP person, or (iv) the city council, the city manager, the city manager's designee, a city department head, the designee of a city department head, or the 62-A District Court deem it necessary, important, or prudent to do so. This does not require their use in every communication. However, the availability of language assistance services should be readily apparent in meeting notices, signage in city facilities, city brochures, city invoices and certain other communications as directed by the LEP coordinator designated under this plan.

Language assistance is not required when universal symbols communicate locations or directions. Examples include universal restroom symbols, pedestrian crossing symbols and signals, traffic signage employing universal shapes (such as triangular yield signs, octagonal stop signs, do not enter signage using a red circle in a white square, etc.), lane markings and signage, and red, green, yellow traffic signals.

City personnel are encouraged to provide Spanish language or dual (English and Spanish) language versions of commonly used forms, brochures and other information. Special signage for particular activities, such as signage directing city hall visitors during the COVID-19 pandemic or during elections and signage at city operated special events, should be provided in English and Spanish.

When speaking in-person with a LEP individual, city personnel shall use available language cards to identify a language in which the LEP individual is proficient. Once that language is identified, language assistance should be obtained, from other city personnel, from an available adult family member or friend, or from a city-approved language assistance service. If this interaction occurs during a meeting for which there was no prior language assistance request, the action about which the LEP individual wishes to speak should be postponed, if reasonable, so that language assistance can be provided and the LEP person can provide appropriate comment or appropriately participate.

When speaking with a LEP individual via telephone or other electronic means and able to identify the language being spoken, the interaction shall be postponed, if reasonable, until appropriate language assistance can be obtained. Sources of language assistance may be the same as for in-person interactions.

When communicating with a person via text or e-mail and it seems the person may be a LEP individual, questions should be asked to ascertain whether the individual is more comfortable communicating in another language and arrangements made for appropriate language assistance. This may involve offers of telephone or in-person communications to facilitate better understanding.

When it is clear a LEP individual is a recipient of written communication that is important because it includes deadlines, expirations, legal rights or obligations, payment requirements, licenses or other approvals, or other important matters, language assistance must be provided. If an adult relative or other person trusted by the LEP individual seems especially competent and able to provide needed assistance, that can be acceptable. But, if there is not an available trusted person who is competent to provide such assistance, then the documents must be translated into the identified appropriate language.

City bodies (*i.e.*, all boards, bodies and commissions of, created by, or under the purview of the city) must incorporate the following into their bylaws, rules of procedure, or policies (or a similar provision approved by the city attorney) and ensure appropriate notices are provided the public and others about its commitment and contact information for city personnel to obtain any needed accommodation(s):

The City of Wyoming, including the [NAME OF BODY], is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The [NAME OF BODY] will coordinate with city staff to ensure the [NAME OF BODY] fulfills that commitment for its programs, services, and activities, including its public meetings. ~~This includes access by persons with impairments or disabilities and those needed language assistance.~~ Accommodations to enable virtual meeting attendance and participation can usually be made if a request is received at least 5 hours before the meeting time. Other accommodations may require more time.

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

Those bodies must include contact information in their meeting notices and meeting agendas and other information for seeking any needed language assistance to participate in or understand actions taken at their meetings.

#### **5. Staff Assignments.**

The human resources director or a staff member designated by the human resources director shall be responsible for implementing, evaluating, and updating this plan. Plan compliance may require personnel actions either in staff assignments or due to laudatory or less than appropriate Plan compliance. Position descriptions and requirements may be altered to include certain language proficiencies. Use of language assistance services will require appropriate purchasing, tracking, and accounting.

Departments with bi-lingual or multi-lingual personnel shall make them available to other city officers and departments when reasonably needed and, especially during an emergency or other urgent matter requiring effective communications to preserve lives, property, or the public health, safety, or welfare. The city manager or the city manager's designee(s) may immediately reassign staff for language assistance tasks. In other situations, it is appropriate for departments to make bi- or multi-lingual personnel available to assist other departments with language assistance needs when doing so will not unduly adversely affect the department to which such personnel are assigned. In all circumstances such assignments must comply with applicable collective bargaining arrangements, personnel policies, and applicable law.

The finance department and city attorney will provide advice and support for any needed accounting, record keeping, and legal analysis. The human resources director will assign a member of the city's planning or engineering staff experienced in community outreach for other purposes to assist in outreach to LEP communities. Other departments will provide information and other assistance requested by human resources and purchasing within the reasonably requested response times.

#### **6. Training.**

Designated HR staff will include LEP training with the city's ongoing cultural awareness training. That training will include how to use language cards, how to contact and engage bi-lingual or multi-lingual city staff and/or city-approved language assistance services, how to keep and provide to HR appropriate records of LEP interactions, and when to proactively provide interpretation or translated documents.

#### **7. Evaluation.**

Each department will designate a staff member to report quarterly (by October 15, January 15, April 15 and July 15) to the HR designee information for the preceding quarter that might include general reporting or numerical data regarding some or all of the following (i) numbers of interactions with LEP persons, (ii) the languages involved, (iii) whether language assistance services were used, (iv) if language assistance services were not used, why not, (v) what language assistance services were used (e.g., city personnel, a city-approved language assistance service, or other), (vi) whether the assistance was interpretation, translation or both, (vii) the name and cost of the language assistance service, (viii) a description of typical situation(s), and (ix) whether the result seemed satisfactory under the circumstances. For repeated interactions, such as for TEAM 21 members regularly interacting in bi-lingual or Spanish language settings, brief summaries of common interactions will suffice. A staff member designated by the HR with assistance, when needed, from the finance department will verify costs by comparing department reports to reports and/or invoices from language assistance service providers. The purpose to provide a reasonable basis for evaluating the efficacy of city efforts, whether those efforts comply with applicable federal and state requirements, and how those efforts can be improved.

The HR designee, in conjunction with the city's communications specialist and any other person(s) assigned to such work, will reach out to identified LEP communities in the city to determine what deficiencies exist in and what improvements could be made to this plan and its implementation. That outreach will be planned after reviewing reports from departments using 2020 Census data (when available) and contacts gleaned from information provided by departments.

### **LEP Plan Access and Complaints**

A copy of this plan ~~will be~~ posted on or linked to the city's website: <https://wyomingmi.gov> ~~and a~~. A copy can be requested at the city clerk's office during normal city business hours. ~~Written requests may also be or by written request~~ sent to:

City of Wyoming  
ATTN: Human Resources Department  
1155 28<sup>th</sup> ~~Street~~ SW, ~~PO Box 905~~  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

Complaints about Wyoming LEP compliance, this plan, or the implementation of this Plan can also be sent to the same address. Complaints will be investigated by the city's human resources staff in cooperation with the city manager's office and city attorney. No special form or format is required (though, if desired, complaints can be filed on the same form as for other civil rights complaints provided under the city's Civil Rights policy). Persons making complaints should (i) include a description of the situation or concern, (ii) identify the persons involved or who may have witnessed the situation, (iii) state the date, time and place of its occurrence, (iv) state why it is concerning, (v) if appropriate, indicate what should have been done differently, and (vi) state what action(s) are now desired.

**APPENDIX B**

I have received and read the City of Wyoming Civil Rights Policy that also includes the Limited English Proficiency Plan attached as Appendix A to that policy (together, the "Civil Rights Policy").

I acknowledge I must comply with the Civil Rights Policy and consequences for noncompliance are the same as for noncompliance with other policies.

I understand that if I have any questions about the Civil Rights Policy, its implementation, or what it requires of me, I should ask my supervisor.

I understand the City of Wyoming can modify the Civil Rights Policy at any time.

I understand that, during any work for the City of Wyoming, I am expected to act in a professional manner, and to treat all persons with fairness, impartiality, courtesy, dignity, and respect.

Employee signature: \_\_\_\_\_ Date signed: \_\_\_\_\_  
20212022

Employee's name printed: \_\_\_\_\_



## **CIVIL RIGHTS POLICY**

### **INCLUDING NONDISCRIMINATION, TITLE VI, AND LIMITED ENGLISH PROFICIENCY PLANS**

REVISED: MARCH 2022

1155 28<sup>TH</sup> ST SW  
WYOMING, MI 49509-0905  
PHONE: (616) 530-3173  
FAX: (616) 261-7103  
[www.wyomingmi.gov](http://www.wyomingmi.gov)

CIVIL RIGHTS COORDINATOR:  
KIM OOSTINDIE, DIRECTOR OF HUMAN RESOURCES  
CONTACT HUMAN RESOURCES – 616-530-3173  
E-MAIL: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

## **COMMUNITY COMMITMENT**

The City of Wyoming envisions a “diverse, strong, and authentic community where all individuals have the opportunity to thrive.” This vision appreciates the rich diversity of the community’s people with a spectrum of financial means, who originate from many nations, speak various languages, practice different faiths, express differing genders and sexuality, reside in a variety of households, exhibit varying physical characteristics, and have varying aptitudes and abilities. Wyoming foresees a community in which all individuals enjoy their cultural heritages but unite in ensuring opportunities for all to thrive.

Wyoming’s mission of “community, safety and stewardship” aims for a community in which all community members (i) feel included, vital, important, understood, and valued, (ii) are treated respectfully, courteously, and with dignity, (iii) have equal opportunities, (iv) do not suffer unmet needs, and (v) are able to pursue happiness. It recognizes all persons need to feel safe, be free from intimidation or oppression with their property and physical well-being secure, and be treated impartially, objectively, and compassionately. It requires (i) prudently using community resources in furtherance of the first two parts of this mission in ways that ensure continued availability of needed resources and (ii) asking community members only for funds reasonably needed.

This vision and mission exceed legal requirements. They are affirmative, stating what Wyoming strives for, rather than negative, stating what Wyoming (and its personnel) will not do. Wyoming actively pursues this vision and mission, using them to guide city decisions.

Myriad state and federal constitutional provisions, laws, rules, regulations, and orders, as well as grant contract obligations, impose civil rights requirements Wyoming must meet. This document is intended to incorporate Wyoming’s affirmative commitments and meet all civil rights policy and plan requirements.<sup>1</sup> It can and, when appropriate, should be (i) posted on the city’s website, (ii) provided to city bodies and city personnel, (iii) provided to inquiring federal and state agencies and officials, and (iv) made available to contractors, residents, and others.

## **NONDISCRIMINATION POLICY**

### **§1 – Adoption.**

City Council approval by a resolution adopted March 21, 2022, makes this official city policy. This revised policy supersedes and replaces the policy approved by the City on March 15, 2021.

### **§2 – Required Compliance.**

All city personnel and all city bodies must comply with this policy. Noncompliance can have the same consequences as noncompliance with any other city policy.

### **§3 – Definitions and Interpretation.**

A. The following definitions apply to words and phrases in this policy unless the context clearly indicates otherwise:

1. *Adverse effects* means 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 the following and which include significant and non-significant effects:
  - a. Bodily impairment, infirmity, illness, or death.
  - b. Air, noise and water pollution and soil contamination.
  - c. Destruction or disruption of man-made or natural resources.
  - d. Destruction or diminution of aesthetic values
  - e. Destruction or disruption of community cohesion or the community’s economic vitality.
  - f. Destruction or disruption of the availability of public and private facilities and services.
  - g. Adverse employment effects.
  - h. Displacement of businesses, farms, or non-profit organizations.
  - i. Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
  - j. Denial of, reduction in, or significant delay in the receipt of benefits of the city’s programs, policies and activities.

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<sup>1</sup> For example, those in Title VI of the Civil Rights Act of 1964, such as for an LEP plan, and those required in HUD grant programs.

Determinations of significance require considerations of both context and intensity:

- a. *Context* means analyzing the significance of an action in various contexts such as society as a whole, the city as a whole, the affected vicinity or neighborhood, the affected interests, and the property and persons. 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 and people affected, rather than a broader context. Both short- and long-term effects are relevant. Noise, dust, added or reduced traffic, and other disruptions during short-term construction are considered less significant than they when associated with long-term operation and use of an improvement.
- b. *Intensity* means the severity of impact and requires evaluating beneficial and adverse effects. Even if, on balance, effects will be beneficial, a project may still have significant adverse effects. If an alternative would provide only a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, it might be significant or non-significant.

Scientific, technical, institutional, public value, cultural consideration, and the local economic conditions influence the significance of effects.

*Non-significant effect* means there is no substantial change to the environment within the project context and therefore has no material bearing on the decision-making process.

*Significant adverse effects on minority and low-income populations* means 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.

Final determinations that a project will have significant and non-significant effects and adverse effects will be made by the City Manager.

2. *Applicable DEI laws* means Title VI of the Civil Rights Act of 1964, 42 USC 2000d *et seq.*, Title VII of the Civil Rights Act of 1964, 42 USC 2000e *et seq.* and Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 *et seq.*, the Elliott-Larsen civil rights act, MCL 37.2101 *et seq.*, Americans with Disabilities Act, 42 USC 12131 *et seq.*, the persons with disabilities act, MCL 37.1101 *et seq.*, and all rules, regulations, or other requirements pursuant to those statutes.

3. *CDBG* means Community Development Block Grant provided and administered by HUD.

4. *City* or *Wyoming* means the City of Wyoming, Kent County, Michigan.

5. *City bodies* or *Wyoming bodies* means the City Council and all boards, bodies and commissions of, created by, or under the purview of Wyoming including, for example, the Downtown Development Authority, Brownfield Redevelopment Authority, Historical Commission, Housing Commission, Community Enrichment Commission, Community Development Committee, and Economic Development Corporation. (Nonprofit entities contracting with the city to use city facilities or to provide programs or services at city facilities, such as the Wyoming Senior Fellowship and Pinery Park Little League, are city contractors as defined below and must comply with this policy under subsection 7.B.)

6. *City contractor* means any individual or entity, other than city personnel or a city body, contracting with Wyoming or a city body to provide goods, services, or programs to or for Wyoming or any city body, including, without limitation, (i) design, construction, installation, maintenance, repair or improvement, or replacement of any city property, (ii) professional services or consultation, (iii) training of any kind, (iv) programs related to parks, the Wyoming Senior Center, TEAM 21 or other after-school program, or other community activities, (v) maintenance or repair of any city vehicles or other personal property, (vi) mowing or snowplowing of city property or rights-of-way, (vii) refuse or waste collection or disposal, (viii) computer or other hardware or software design, supply, or services, (ix) cleaning or janitorial services, (x) CDBG or other HUD program services, and (xi) office, shop, laboratory, or other supplies and equipment.

7. *City Council* means the Wyoming City Council.

8. *City LEP Plan* or *Wyoming LEP Plan* means the City of Wyoming, Michigan Limited English Proficiency (LEP) Plan attached as Appendix A.

9. *City personnel* or *Wyoming personnel* means all elected and appointed officers, employees, volunteers, and other agents of the City of Wyoming when acting in their official capacity or on the city's behalf, including all members of city bodies. It includes personnel of the Wyoming Housing Commission and, except as otherwise limited by applicable law, 62-A District Court personnel.

10. *Civil rights coordinator* means the individual, department or other personnel or body designated to serve as the civil rights coordinator under section 5 of this policy.

11. *Discriminate* or *discrimination* means to treat or impact any individual, group of individuals, or population differently based on race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law. In housing matters, to *discriminate* or *discrimination* also means discriminating against an individual because the source of the individual's income or funds to pay for housing may include state or federal assistance.<sup>2</sup>

12. *Disparate impact* means discrimination occurring when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group, or results in greater adverse consequences (such as harsher sentences) to members of that protected group. Disparate impact focuses on the consequences of a decision, policy, or practice rather than the intent. Decisions made or actions taken in a nondiscriminatory manner can have disparate impacts.

13. *Disparate treatment* means discrimination treating similarly situated persons differently because of race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.

14. *DOJ* means the United States Department of Justice.

15. *EPA* means the United States Environmental Protection Agency or successor agency.

16. *Federal assistance* means (i) grants and loans of federal funds (directly or indirectly through a state or county agency), (ii) grants or donations of federal property or interests in property, (iii) the detail of federal personnel, (iv) training by or on behalf of federal agencies, (v) use of federal equipment, (vi) use 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 (vii) any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

17. *HUD* means the United States Department of Housing and Urban Development or successor agency.

18. *Interpretation* means oral language assistance.

19. *LEP* or *limited English proficiency* means an inability to understand, speak, read, or write English well or being more proficient in a language other than English. For purposes of this policy, individuals who speak English less than very well are LEP individuals.

20. *LEP Plan* means the Limited English Proficiency Plan attached as Appendix A which is approved as part of this policy and incorporated by reference.

21. *Low-income* means a median household income at or below the USDHHS's poverty guidelines (see <https://aspe.hhs.gov/poverty/>). If CDBG or other HUD funding is involved, "low income" means household income not exceeding 80% of the median family income for the area.

22. *Low-income population* means any readily identifiable group of low-income persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers) who will be similarly affected by a proposed city program, policy, or activity.

23. *MDOT* means the Michigan Department of Transportation or successor agency.

24. *Minority*<sup>3</sup> means, for purposes of environmental justice analyses, a person who is:

<sup>2</sup> Code of Ordinances, City of Wyoming, Michigan, §42-53.

<sup>3</sup> The definition is based on §2.2.1 of *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*, June 2016, EPA, pp 6-7, [https://www.epa.gov/sites/production/files/2016-06/documents/eitg\\_5\\_6\\_16\\_v5.1.pdf](https://www.epa.gov/sites/production/files/2016-06/documents/eitg_5_6_16_v5.1.pdf).

- a. *American Indian or Alaska Native* means a person having origins in any of the original peoples of North, Central, or South America who maintains tribal affiliation or community attachment. It includes state-recognized tribes and their individual members; indigenous and tribal community-based organizations; individual members of federally recognized tribes, including those living on a different reservation or outside Indian country; Native Hawaiians; Native Pacific Islanders; and individual Native Americans.
- b. *Asian* means a person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands.
- c. *Black or African American* means a person having origins in any of the black racial groups of Africa.
- d. *Latino, Latinx or Hispanic* means a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

25. *Minority Population* means any readily identifiable groups of minority persons living 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 program, policy, or activity.

26. *Noncompliant or noncompliance* means a failure to meet prescribed requirements, especially (though not essentially) if there is shown to be a lack of a good faith effort to comply.

27. *Sex* means both sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth or a condition related to pregnancy or childbirth.

28. *Subrecipient* means an individual or entity to which Wyoming provides funding, services, materials, supplies, equipment, or training that is directly or indirectly funded by funds from a federal agency, including, for example, CDBG funds.

29. *Translation* means written language assistance.

30. *USDHHS* means the United States Department of Health and Human Services.

31. *USDOT* means the United States Department of Transportation.

B. Identification of a city official by title includes that official's superiors and designee(s).

C. Identification of any federal or state agency by name or any city department by name includes its successor agency or department.

#### **§4 – Policy Components.**

This policy:

A. Assigns responsibilities and establishes procedures to ensure compliance with it and applicable law.

B. Includes requirements to ensure people affected by Wyoming's programs, projects, and other activities get services, benefits, and opportunities they are entitled to in a nondiscriminatory manner.

C. Prohibits discrimination in all Wyoming programs, projects, services, and other activities, whether they are federally funded or not.

D. Establishes procedures for evaluating impacts of Wyoming programs, services, projects, and other activities to ensure they are not illegally discriminatory.

E. Provides for periodic reviews of compliance with applicable DEI laws.

F. Establishes procedures for filing and addressing complaints by persons who believe they suffered discrimination that violates this policy.

#### **§ 5 – Civil Rights Coordinator.**

Unless another individual, department, city body or city personnel is designated by the city manager, the human resources director will be responsible for implementing, evaluating, and updating this policy, and for policy compliance. Policy compliance may lead to personnel actions in staff assignments or due to laudable or inappropriate policy compliance. The city manager, finance department and city attorney will collaborate with the human resources director, to provide advice and support for and, as appropriate, undertake actions

related to, accounting, recordkeeping, legal analysis, contract enforcement, initiating or defending legal proceedings, and other actions needed to implement, evaluate, update and ensure compliance with this policy.

## **§6 – Policy Statement.**

### **A. General Statement and Applicability.**

Wyoming, Wyoming personnel, and Wyoming bodies must (i) treat all persons with equity, fairness, impartiality, courtesy, respect, and (ii) not discriminate in a city program, service, employment, public accommodation, housing, facilities or property access or use, bid or contract, permit or other approval, proceeding, or other activity or action.

1. This includes all aspects of any program, service, or other activity, including, without limitation, (i) access, (ii) benefits, (iii) participation, (iv) treatment, (v) contracting opportunities, (vi) training, (vii) complaint investigation and processing, (viii) fund allocation, (ix) project prioritization, (x) personnel actions, (xi) project planning, development, and implementation, (xii) property acquisition and use, (xiii) construction and installation, and (xiv) research. All must be, not only nondiscriminatory in treatment, but also nondiscriminatory in impacts or effects.
2. Harassment based on race, color, religion, national origin, age, sex, height, weight, marital status, mental or physical disability, or any other reason prohibited by law is prohibited.
3. Wyoming, Wyoming personnel, and Wyoming bodies must comply with the LEP Plan. Noncompliance with the LEP Plan is a failure to comply with this policy.
4. All city contractors must also comply with this policy, including the LEP Plan.

### **B. Exceptions and Exemptions.**

This policy is subject to and does not limit established constitutional, statutory, or other well-settled state and federal exemptions and exceptions, among which are, for example and not for limitation:

1. *Bona fide* occupational qualifications recognized by state and federal agencies and courts.
2. Age-, sex- and merit-based distinctions recognized by state and federal agencies and courts (*e.g.*, senior and student discounts, some sex and age classifications in athletics, competitive athletic or other contests, performance-based selections, etc.).
3. Legally imposed requirements or limitations (*e.g.*, minimum ages for alcohol or tobacco possession or use, ages for eligibility for political offices, distinctions between juvenile and adult offenders, juvenile offender programs, veterans' courts or programs, and the minimum age to vote).
4. Religious, expressive, associational, or assembly rights or other recognized rights under the state or federal constitution or other law (*e.g.*, the federal Religious Land Use and Institutionalized Persons Act) or legal requirements to accommodate religious beliefs and practices.

### **C. Determinations on Exceptions or Exemptions.**

If there is a question about whether an exception or exemption applies to an individual, entity, or situation, the individual or entity seeking to apply it must contact the civil rights coordinator for clarification. The civil rights coordinator may consult such other persons as the civil rights coordinator deems appropriate in providing that clarification.

### **D. Additional Requirements.**

1. Wyoming, Wyoming personnel, and Wyoming bodies will comply with applicable DEI laws.
2. Wyoming, Wyoming personnel and Wyoming bodies will comply with applicable executive or agency orders, grant or other contract provisions or other civil rights requirements or obligations.
3. This policy established minimum requirements. If an applicable DEI law, executive or agency order, grant or other contract provision, or another civil rights requirement is more stringent, the more stringent requirement will apply.

## §7 – Specific Requirements

A. Except in the limited circumstances in which an exception or exemption is applicable, Wyoming personnel and bodies, must not:

1. Deny a person a service, opportunity, or other benefit for which the individual is otherwise qualified.
2. Provide a person a service or other benefit that is inferior (in quantity or quality) to, or which is provided in a different manner from, that provided to others.
3. Subject a person to disparate treatment related to the individual's receipt of services or benefits.
4. Restrict a person's enjoyment of services, facilities or any other advantage, privilege, or other benefit provided others.
5. Adopt or use methods of administration that would limit participation by a group of recipients or subject any individual to discrimination.
6. Address an individual in a manner that denotes inferiority because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.
7. Permit discriminatory activity in a facility wholly or partially constructed with state or federal funds.
8. Deny a segment of the population the opportunity to participate in operations of a planning or advisory body that is an integral part of a federally funded program.
9. Fail to communicate in a language other than English or provide language assistance to LEP individuals in accordance with the LEP Plan.
10. Subject an individual to discriminatory employment practices.
11. Locate a facility in a way that could limit or impede access to a federally funded service or benefit.
12. Plan, locate, design, construct, install, reconstruct, reinstall, alter, improve, or replace a city project or improvement resulting in a discriminatory impact.
13. Fail to treat all persons with fairness, equity, impartiality, courtesy, and respect.
14. Knowingly participate with others, condone, or fail to address the actions of others acting for, on behalf of, or in a contractual relationship with the city and who fail to comply with these requirements.
15. Take, participate in, condone, or fail to report any retaliation against or intimidation of a complainant, witness, consultant, or other person involved in any complaint or investigation.

B. All (i) city contracts, (ii) requests for proposals, (iii) invitations to bid, (iv) solicitations of quotes, and (v) other means of seeking information for city contracts must include provisions requiring city contractors to comply with this policy. Those provisions must be in a form acceptable to the city attorney. Unless other language is approved by the city attorney and city purchasing director, the following provision must be included:

Nondiscrimination and Respect. City is committed to equity, fairness, impartiality, courtesy, respect, and nondiscrimination in all City programs, benefits, and actions, including City contracts and activities that contractors or others engage in for or on behalf of City. Accordingly:

1. Contractor in (i) employment actions, (ii) soliciting, bidding or contracting with subcontractors, or (iii) soliciting, bidding or contracting for materials will not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or other reason prohibited by law that is unrelated to the ability to perform the duties of a job or position. "Sex" means sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth, or a condition related to pregnancy or childbirth.
2. Contractor will comply with applicable state and federal laws, rules, regulations, and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Michigan's Elliott-Larsen civil rights act, Michigan's persons with disabilities civil rights act, the federal Age Discrimination Act of 1975 ,and §504 of the federal

Rehabilitation Act of 1973, together with all rules, regulations, orders, and guidance issued pursuant to those statutes.

3. If Contractor will engage with others on City's behalf, Contractor must (i) ensure all persons are treated with fairness, equity, impartiality, courtesy and respect, and in a manner that does not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law, and (ii) if any engaged individuals have limited English proficiency (*i.e.*, they speak English less than very well), Contractor must use language assistance services in communications. Language assistance services complying with City's Limited English Proficiency (LEP) Plan comply with this requirement.

4. Contractor must include these requirements in subcontracts and supply contracts and reasonably enforce compliance with them.

5. Noncompliance with this provision is a material breach of this Contract that can result in (i) withholding payments to Contractor, (ii) Contract cancellation, termination, or suspension, in whole or in part, and (iii) Contractor's ineligibility for future City contracts.

6. Contractor must retain and, upon request, provide City access to and copies of all information and reports required by the requirements referred to in this provision that City or a state or federal agency determine are pertinent to ascertain compliance. If information required of Contractor is in the sole possession of another who fails or refuses to furnish it, Contractor must so certify to City.

C. As a recipient of state and/or federal assistance, the city gives the following specific assurances:

1. Each city program will be conducted, and each city facility operated, in compliance with applicable DEI laws.

2. If the city is, directly or indirectly, a grantee or transferee of the federal government in an interest in real property, buildings, structures, or other land improvements, a document the city uses to convey an interest in or allow use of that real property, buildings, structures, or other land improvements will include a covenant incorporating any covenant the federal government used to convey or transfer that real property, buildings, structures, or other land improvements to the city.

3. If the city receives federal financial assistance to construct a facility or part of a facility the assurances in subsections 7.C.1 and 7.C.6 will extend to the entire facility and to all facilities operated in connection with that facility.

4. If the city receives federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurances in subsection 7.C.1 and 7.C.6 will extend to rights to space on, over or under such property.

5. These assurances obligate the city for the period during which federal financial assistance is extended to its program. If the federal financial assistance is to provide or is in the form of (i) personal property, (ii) real property, (iii) an interest in real property, or (iv) any structures or improvements on real property, these assurances obligate the city for the longer of the following: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the city retains ownership or possession of the property.

6. The city will administer its programs to ensure the city, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under the program will comply with applicable DEI laws.

7. The city agrees that federal and state agencies and officials have a right to seek judicial enforcement of matters arising under applicable DEI laws.

8. These assurances are given in consideration of and for the purpose of obtaining federal and/or state assistance extended to the city. They are binding on the city, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants in the state or federal program. The person signing this policy is authorized to sign these assurances for the city.

D. Wyoming will actively pursue compliance and prevention of noncompliance with this policy.

E. A city department head, other city personnel, or city body that knows of a violation of this policy must promptly report that violation to the civil rights coordinator.

F. All city personnel observing a violation of this policy must intervene when that violation may endanger the health or safety of any individual or when any other city personnel seem to be acting without reasonable self-restraint. This duty to intervene exists unless intervention cannot occur without endangering the health or safety of other individuals, including other city personnel.

G. City bodies will incorporate the following (or an alternative approved by the city attorney) in bylaws, rules of procedure, or policies and ensure appropriate notices are provided the public and others about the city's commitment and contact information for city personnel to obtain any needed accommodation(s):

The City of Wyoming, including the [NAME OF BODY], is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The [NAME OF BODY] will coordinate with city staff to ensure the [NAME OF BODY] fulfills that commitment for its programs, services, and activities, including its public meetings. Accommodations to enable virtual meeting attendance and participation can usually be made if a request is received at least 5 hours before the meeting time. Other accommodations may require more time.

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

## **§8 – Environmental Justice**

City programs, policies, activities, and city projects must be undertaken in ways to avoid significant adverse effects on minority and low-income populations.

A. The city department undertaking or acting as the lead department for the project will initially 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, the city will document how that conclusion was reached as provided in subsection 8.E.

B. If there are minority population groups and/or low-income population groups present in the project area, the city will determine whether project impacts associated with the identified low income and minority populations are significant adverse effects by examining and considering the factors, context and intensity as stated in subsection 3.A of this policy. If the conclusion is that no minority or low-income population will be subject to significant adverse effects, the city will document how that conclusion was reached as provided in subsection 8.E.

C. If it is determined that there are significant adverse effects on minority or low-income populations, the city will propose measures to avoid, minimize and/or mitigate those significant and disproportionate adverse effects, and/or provide offsetting benefits and opportunities to enhance the minority or low-income populations affected by proposed project.

D. If after mitigation, enhancements, and offsetting benefits to the affected populations, there remain significant adverse effects on minority or low-income populations, the following must be considered:

1. Are there additional mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?
2. Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the minority or low-income populations?
3. Considering the overall public interest, is there a substantial need for the project?

4. Will alternatives that satisfy the need for the project and reduce impact on protected populations:
  - (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?

E. Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## §9 – Administration

The civil rights coordinator shall, with assistance, as needed, from the city manager, finance director, purchasing director, city attorney, other city department heads, and other persons designated by the city manager, administer this policy.

A. The civil rights coordinator will annually compile from information provided by city departments and other sources statistical data on race, color, religion, national origin, age, sex, and mental or physical disability of participants in and beneficiaries of the city programs, services, and activities. Information gathering procedures will be reviewed annually to ensure data is sufficient to meet Title VI requirements. If the collected information is insufficient to determine compliance, the city manager will assist the civil rights coordinator in requiring collection and compilation of needed data and other information.

B. The city currently has no “special emphasis programs” as defined in applicable federal and state requirements. If the City later has such programs, the civil rights coordinator will review them as required by applicable federal and state requirements based on annual summaries of activities, accomplishments, and problems to ensure (i) compliance and (ii) equal participation in programs and activities at all levels.

C. The civil rights coordinator will annually communicate with departments receiving federal assistance to (i) review compliance with this policy and with grant or other federal assistance agreements, and (ii) prepare and timely submit any required reports including those required under USDOT and MDOT requirements (e.g., MDOT form #0179 due October 5).

D. The civil rights coordinator will disseminate this policy to all departments and ensure it is posted on the city’s intranet and internet (<https://www.wyomingmi.gov>) websites.

E. The civil rights coordinator will undertake enforcement actions needed to address noncompliance by city personnel, city bodies, city contractors, or others. Remedial actions will be taken promptly after confirming noncompliance. Appropriate consequences may be imposed against those in noncompliance.

F. A person aggrieved by noncompliance with this policy, or an individual suffering discrimination, may file a complaint with the civil rights coordinator. (A complaint alleging the civil rights coordinator’s noncompliance may be filed with the city manager.)

1. An aggrieved person or person with information that city personnel, a city body, or a city contractor violated this policy may file a complaint within 180 days of the alleged noncompliance or alleged discrimination. If the complainant could not reasonably have known of the noncompliance or discrimination within 180 days, the complainant will have 60 days after becoming aware of the noncompliance or discrimination to file a complaint.

2. Complaints must be in writing and signed by the complainant. Complainants may use the complaint form following this section or may file a written complaint in another form that includes at least the following information. If a complainant is unable to file a written complaint, the complainant or a person assisting the complainant may speak with the civil rights coordinator, who will solicit and record in writing this information. Anonymous complaints, media reports, and unattributed statements will not be considered.

- a. The complainant’s name, address, telephone/cell phone number, and e-mail address.
- b. The date of the alleged discrimination or noncompliance and the date of the complaint.
- c. A description of the incident, including (i) where it occurred, (ii) who was present (including names and contact information if known for all who were there), (iii) was discrimination based on race, color, age, disability, religion, national origin, sex, income, or other reasons prohibited by law (iv) a description of the discriminatory or noncomplying acts or statements, and (v) any evidence of discrimination or noncompliance.
- d. The signature of the complainant or the complainant’s representative under an attestation that the facts stated in the complaint are true and accurate.

e. It must be submitted to:

Wyoming Human Resources  
1155 28<sup>th</sup> St SW  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: hr\_fax@wyomingmi.gov

3. After receiving a complaint, the civil rights coordinator will investigate the complaint in an impartial and objective manner. In doing so, the civil rights coordinator may consult with or seek assistance from any other city personnel and outside legal or other consultants as the civil rights coordinator deems necessary or appropriate. The civil rights coordinator may designate an investigator.

a. The investigation should (i) to a reasonable extent (some disclosure will be needed to obtain needed information and to allow for a full understanding of facts and circumstances) be confidential to protect the privacy of the complainant, any witnesses, and any person(s) against whom it was made, (ii) focus only on the allegations in the complaint, (iii) include interviews of as many persons who were present or who have relevant knowledge of the incident or circumstances, (iv) be conducted without being defensive, without prejudging the outcome, and without asking leading questions, (v) obtain and maintain copies of any relevant documents, audio or video recordings, photos, texts, e-mails, voice messages, social media postings, and other evidence, (vi) include chronological, contemporaneous notes documenting the investigation, and (vii) be completed, including the report to be made under subsection 9.F.4, within 40 days of receipt of the complaint.

b. The investigation should not consider (i) any media coverage, media reports, or opinions, except for possible references leading to other sources of information, and (ii) inquiries or allegations by parties claiming an interest in the outcome but not involved in the incident, including labor organization representatives (except one union representative may be present during interviews with city personnel), civil rights organizations, media representatives, and other city personnel or city bodies without knowledge of the circumstances.

4. At the conclusion of that investigation, the civil rights coordinator (or designated investigator) shall prepare a written report of the civil rights coordinator's (i) determination of facts, (ii) conclusions as to whether discrimination or noncompliance occurred and who was responsible for that discrimination or noncompliance, (iii) description of the circumstances, (iv) description of any remedial actions, and (v) other information the civil rights coordinator deems relevant. The report must refer to any provision of this policy that was violated or applicable DEL laws the discrimination violated. The report must reach one of the following conclusions:

a. Discrimination or noncompliance occurred.

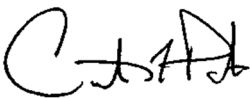
b. The complaint is unfounded.

c. Currently available information is insufficient to conclude that either (i) discrimination or noncompliance occurred, or (ii) the complaint was unfounded.

5. When completed, the report shall be submitted to the city manager, who will determine what actions to take (i) to remedy the discrimination or noncompliance and/or (ii) as a consequence of the discrimination or noncompliance.

6. The report, together with information about any action the city manager took under subsection 9.F.5 shall be submitted to appropriate federal or state agencies as required by applicable DEL laws or other requirements (*e.g.*, grant contract provisions).

7. Copies of complaints, reports and associated materials shall be maintained by the civil rights coordinator or city clerk in accordance with the city's records retention policies for at least 6 years.



Curtis Holt, City Manager

**CITY OF WYOMING, MICHIGAN  
CIVIL RIGHTS COMPLAINT**

The City of Wyoming has a comprehensive Civil Rights Policy accessible at <https://wyomingmi.gov> or by contacting the City Clerk at (616) 530-7296. Complaints alleging violations of that policy or illegal discrimination under applicable federal and state laws, rules, or regulations, or other requirements can be made either by completing and submitting this complaint form or by filing a written letter or other document that provides the same information.

Complaints must be filed within 180 days of the alleged discrimination or other noncompliance with the Civil Rights Policy. If you could not reasonably have known the act or incident was discriminatory or violated that policy within 180 days, you have 60 days after you became aware of it to file your complaint.

*If you need assistance completing this form, please contact the Human Resources Department by phone at (616) 530-3173 or via e-mail at [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov).*

Complainant's name: \_\_\_\_\_

Complainant's address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Information about person affected by discrimination or violation(s) of the Wyoming Civil Rights Policy.

Affected person's name (if different than Complainant) & relationship to Complainant (e.g., child, spouse, client, etc.):

Address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

What is the relationship of the complainant to the affected person? \_\_\_\_\_

What city officer, employee or body or what city contractor was involved in the discrimination or policy violation?

On what date(s) did the discrimination or policy violation occur? (Be sure to state the most recent date.)

Indicate below the basis on which you believe the discriminatory or noncompliant actions were taken.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Race             | <input type="checkbox"/> National Origin | <input type="checkbox"/> Religion                       |
| <input type="checkbox"/> Color            | <input type="checkbox"/> Sex             | <input type="checkbox"/> Income                         |
| <input type="checkbox"/> Disability       | <input type="checkbox"/> Age             | <input type="checkbox"/> Other reason prohibited by law |
| <input type="checkbox"/> Height or Weight |  |   |

Explain: Please explain as clearly as possible what happened. Include the name(s) and contact information (address, cell #, e-mail address) of witness(es) and others involved in the alleged discrimination or noncompliance. Attach additional sheets if necessary and provide a copy of any written material pertaining to your case.

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

I attest that the statements in this complaint are true and accurate to the best of my knowledge.

When completed, submit to:  
Wyoming Human Resources  
1155 28<sup>th</sup> St SW  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

Date signed: \_\_\_\_\_, 202\_

APPENDIX A



**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**  
**REVISED MARCH 2022**

1155 28<sup>TH</sup> ST SW  
WYOMING, MI 49509-0905  
PHONE: (616) 530-3173  
FAX: (616) 261-7103  
WEBSITE: [www.wyomingmi.gov](http://www.wyomingmi.gov)  
E-MAIL: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

## **Introduction**

The City of Wyoming (“**Wyoming**” or the “**city**”) adopts and implements this plan to comply with federal Title VI LEP plan requirements. This plan is only a part of the city’s commitment to continually improving services to and communications with residents, businesses and non-profits, guests, and others.

On August 11, 2000, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*<sup>4</sup> was issued to clarify Title VI of the Civil Rights Act of 1964 to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. The 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 (sometimes referred to as “**limited English proficient**” or “**LEP**”) 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.

Federal agencies and recipients of federal assistance (e.g., federal grants, grants from state or county agencies using federal funds, training, use of equipment, and donations of surplus property) must comply with Title VI and LEP requirements. Title VI (including LEP requirements) covers all a recipient’s programs and activities, even if only one part of a recipient’s organization receives federal assistance. If an organization receives federal financial assistance it must comply with this executive order.

Among other agencies, including the United States Department of Justice (**DOJ**) and the United States Department of Housing and Urban Development (**HUD**), Wyoming receives funds from the United States Department of Transportation (**USDOT**) via the Federal Highway Administration (**FHWA**), often distributed by the Michigan Department of Transportation (**MDOT**). Therefore, all city programs and activities must comply with Title VI and LEP requirements.

DOJ’s Civil Rights Division issued guidance in May 2011<sup>5</sup> stating that a LEP plan must include at least two components. The first is a self-assessment to determine what types of contact occur with the LEP population. The second is the language access (i) policy directives, (ii) implementation plan, and (iii) procedures.

## **LEP Plan Self-Assessment Elements**

The DOJ guidance outlined self-assessment elements to be considered including:

1. Understanding how LEP individuals interact with your agency.
2. Identification and assessment of LEP communities.
3. Providing language assistance services.
4. Training of staff on policies and procedures.
5. Providing notice of language assistance services.
6. Monitoring, evaluating, and updating the language access policy directives, plans and procedures.

This plan incorporates these elements as part of the city’s self-assessment.

### **Element 1 – Understanding LEP Interactions.**

Wyoming considered ways LEP individuals may interact with the city as they receive official city or other important communications, participate in city programs, use city services, and have other interaction with Wyoming or its personnel. Interactions include at least the following:

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<sup>4</sup> The executive order: <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>.

<sup>5</sup> *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, May 2011, [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf). This plan also relies on 2 additional DOJ guidance documents and 2 guidance documents from other federal agencies.

*Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs*, August 2011, [https://www.lep.gov/sites/lep/files/resources/081511\\_Language\\_Access\\_CAQ\\_TA\\_Guidance.pdf](https://www.lep.gov/sites/lep/files/resources/081511_Language_Access_CAQ_TA_Guidance.pdf).

*Considerations for Providing Language Access in a Prosecutorial Agency*, September 2011,

[https://www.lep.gov/sites/lep/files/resources/092111\\_Prosecutors\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/092111_Prosecutors_Planning_Tool.pdf).

*Top Tips from Response to the Survey of Language Access Strategies Used by Federal Government Agencies*, Federally Conducted Committee Federal Interagency Working Group on Limited English Proficiency, September 3, 2008,

<https://www.lep.gov/sites/lep/files/media/document/2020-03/TopTips.pdf>.

*Guide to Developing a Language Access Plan*, U.S. Centers for Medicare & Medicaid Services, U.S. Department of Health and Human Services – 2018, <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Language-Access-Plan-508.pdf>.

Department	Office/Service	Activities	Possible Interaction(s)
Mayor/Council		Meetings Constituent communications	LEP individuals may wish to (i) communicate orally or in writing before, during or following meetings, or (ii) participate in meetings.
Manager			
	General administration	Public face of city government for all matters	Communications with LEP individuals range from critical to helpful or informative. May issue public announcements, emergency communications or other time-sensitive or important written information & oral comments. May contact individuals for information or to respond to them.
	Analytics	Information gathering Information dissemination	Oral & written communications with LEP individuals are possible.
	Communications	Internal communications External communications Meeting notices Media inquiries & releases Component unit interface Special events coordination	Any communications could include LEP individuals.
Human Resources			
	Recruitment	Advertising Posting notices Outreach to potential employees or sources Application receipt Application screening Phone, virtual & in-person interviews	Applicants, employees, references, or others may be LEP individuals, Any communications could include LEP individuals.
	Personnel management	Payroll Benefit administration Drug & fitness testing Reviews Employment contract administration Discipline Retention Separations Training	Communications could include LEP individuals.
	Complaints	Internal complaints External complaints	Communications could include LEP individuals.
	Risk Control	Employee safety Internal complaints External inspections, reviews & complaints Contagion response	Mostly internal functions but could include LEP individuals. Departments served by Risk Control can likely provide needed language assistance
Purchasing			
	Bidding	Finalize bid specifications & RFPs Distribute RFPs using lists Oversee purchasing policy compliance	Communications could include LEP individuals.
	Contract administration	Verify bid compliance & collect signed copies, bonds & insurance	Communications could include LEP individuals.
Assessor			
	Real property assessing	Property inspection Assessment notices	Communications could include LEP individuals.

Department	Office/Service	Activities	Possible Interaction(s)
		Exemption reviews Studies	
	Personal property assessing	Solicitation & collection of statements or affidavits Exemption reviews Assessment notices	Communications could include LEP individuals.
	Appeals	Board of Review notices Reviews of appeals Noting changes required by Board of Review Tax Tribunal appeals	Communications could include LEP individuals.
Attorney			
	General counsel	Review & prepare contracts, resolutions, ordinances Advise Council, officers, boards, and other bodies Litigation Attend meetings Address some public inquires	Communications with persons other than city employees could include LEP individuals. If city employees are LEP individuals, departments served by city attorney can likely provide needed translation.
	Prosecution	Review reports Authorize charges Prosecute	Communications could include LEP individuals.
Clerk			
	FOIA	Provide access to city records Formally respond to FOIA requests	Communications could include LEP individuals.
	Elections	Receive & approve voter applications Receive, approve & distribute absentee ballots Provide election notices Administer primary & general elections Train election workers Address election complaints & inquiries	Communications could include LEP individuals.
	Licensing	Provide & review city license applications Issue, deny, suspend, revoke, & renew licenses	Communications could include LEP individuals.
	General questions	Addresses general inquiries for walk-in visitors or general calls to city	Communications could include LEP individuals.
	Bidding	Collect sealed bids Conduct public bid openings	Most bids are technical documents, so bidders likely don't rely on LEP individuals for communications.
Finance			
	Grant compliance	Ensure compliance with grant financial & other requirements	Interaction with LEP individuals is unlikely.
	Bill payment	Review & pay invoices to city Vendor set-up	Interaction with LEP individuals is unlikely.
	Payroll	Issue payroll checks & direct deposits	Interaction with LEP individuals is unlikely.
Information Technology			
	Website (intranet and internet)	Design & update	Accommodation of LEP individuals is important – at least to guide to accommodations.
	Virtual meetings & meeting broadcast	Provide links Provide equipment	Accommodation of LEP individuals is important – at least to guide to accommodations.

Department	Office/Service	Activities	Possible Interaction(s)
	Phone system	Includes Zoom, Skype, MS Teams & other support	Accommodation of LEP individuals is important – at least to guide to accommodations.
	Hearing accommodation	When equipment or software is needed	
Treasurer			
	Tax collection	Send tax bills Collect payment Payment plans	Communications could include LEP individuals.
	Utility billing & payment	Sending bills Collecting payments Make/manage payment plans	Communications could include LEP individuals.
	Misc billing & payments		Communications could include LEP individuals.
Community Services			
	Community Development & CDBG	Grant compliance Housing loan administration Community assistance program contracting & oversight	Communications could include LEP individuals.
	Inspections	Plan review & approval Plan appeals – Construction Board of Appeals Code enforcement	Communications could include LEP individuals.
	Planning	Plan review Zoning & appeals Enforcement Master planning Meeting notices Planning Commission & Board of Zoning Appeals	Communications could include LEP individuals.
	Parks & Recreation	Construction & maintenance Programs TEAM 21 Facility rentals Special events	Communications could include LEP individuals. Greater likelihood as part of park programming & facility rentals.
	WSC	Fitness facilities Events Space rental Programs Senior assistance Meals	Communications could include LEP individuals. Greater likelihood as part of park programming & facility rentals.
Public Safety			
	Police	Police response Traffic enforcement Investigations	There is a high likelihood of communication with LEP individuals.
	Fire	Fire inspection Fire investigation Fire response Medical response	There is a high likelihood of communication with LEP individuals.
Public Works		All areas prepare or oversee preparation of bid specifications & bid invitations Pre-bid meetings Construction administration	Communications could include LEP individuals.
	Engineering	Plan preparation Plan review Construction inspections Compiles & maintain pre-qualification lists	Communications could include LEP individuals.

Department	Office/Service	Activities	Possible Interaction(s)
	Facilities	Maintenance	Communications could include LEP individuals.
	Streets	Construction Traffic signage & signals	Communications could include LEP individuals.
	Water Treatment & Distribution	Construction Inspection & sanitizing Water main breaks	Communications could include LEP individuals.
	Wastewater Collection & Treatment	Construction Inspection Back-ups	Communications could include LEP individuals.

Oral interactions with LEP individuals may be in-person, virtual (such as via conference calls, Zoom, Skype, Facebook, Facetime, MS Teams, or LanguageLine), especially during remote or partially remote meetings, audio or video recording, or by landline or cellular phones. Written communications may be electronic via e-mail or text, facsimile, web-based or internet, written paper documents and could include media releases, correspondence, plans, meeting and other notices, citations, summons or other legal process, bills or invoices, receipts, information requests, responses to inquiries, other communications.

### Element 2 – Identifying LEP Communities.

Wyoming's population is currently estimated to be over 76,000. The Census Bureau uses four classifications of how well people speak English: very well, well, not well, and not at all. For planning purposes, Wyoming considers persons that speak English less than very well as LEP persons. The following table shows 2019 data for Wyoming:<sup>6</sup>

	Number of Individuals	Percent 5 years & over
Population 5 years and over	69937	-
-Speak only English at home	54214	77.52%
-Speak a language other than English at home	15723	22.48%
-Speak English less than "very well"	6933	9.91%
-Speak Spanish at home	12614	18.04%
-Speak Spanish at home & speak English less than "very well"	5533	7.91%
-Speak Other Indo-European language at home	1025	1.47%
-Speak Other Indo-European language at home & speak English less than "very well"	247	0.35%
-Speak Asian or Pacific Island language at home	1866	2.67%
-Speak Asian or Pacific Island language at home & speak English less than "very well"	1038	1.48%
-Speak Other language at home	218	0.31%
-Speak Other language at home & speak English less than "very well"	115	0.16%

### Element 3 – Language Assistance Services.

There are two types of language assistance services. Interpretation is an oral language assistance service. Translation is a written language assistance service.

Some city personnel are bi- or, perhaps, multi-lingual. Some have Spanish fluency. The city values those employees and seeks to hire bi- and multi-lingual employees. Those employees may, on occasion, be called upon for oral language interpretation or written language translation, and they may or may not be available at any given time or place. Appropriate language proficiency may become a future job requirement for some city positions. However, because fluency in a language other than English is not currently a job requirement for all positions in which interactions with LEP persons may occur and because not all city employees have fluency in legal or other terminology, this plan does not rely on current employees.

<sup>6</sup> 2019 American Community Survey.

The city has and will engage one or more language assistance services to provide needed services. LanguageLine Solutions provides interpretation and translation services. It will provide on-site interpretation services that can be helpful at public meetings as well as on-demand remote interpretation services via video conferencing, phone conferencing or mobile conferencing. It will also provide translation services. It appears that it would provide interpretation and translation for all languages Wyoming may need to accommodate with language assistance services. The city has also engaged Fidelity Language Resources LLC, a local entity providing some interpretation and translation services.

Language cards are available so city personnel can ask an LEP person to point to a language on the card to identify the language the LEP person speaks most well. That will enable Wyoming personnel to determine what interpretation and/or translation service may be needed for language assistance.

Some appointed indigent defense attorneys may be bi-lingual. That is a factor in retaining such counsel.

#### **Element 4 – Staff Training.**

Department heads are aware of the availability of city-approved language assistance service providers and there is general knowledge of who among staff is bi- or multi-lingual. Training includes heightening sensitivity to LEP issues, use of language cards, and seeking appropriate language assistance. Regular LEP data collection reinforces this requirement among department heads and supervisors.

#### **Element 5 – Notice of Language Assistance Services.**

Notices of availability of language assistance are published on meeting agendas and notices as follows (with the appropriate city official's title and contact information being substituted for the city clerk's when appropriate):

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

Signage can be added at appropriate places in city buildings such as police and fire buildings, city hall, the court building, the Wyoming Senior Center, and some parks facilities. Similar statements will be written to include in correspondence and official notices.

#### **Element 6 – Monitoring, Evaluating, and Updating.**

A LEP coordinator is being appointed to (i) monitor plan compliance, (ii) evaluate whether the plan is meeting its objectives of addressing nearly all situations in which language assistance is needed and, if not, (iii) recommend any updates or changes to the plan. The coordinator will also evaluate language assistance services and will accumulate and assess data provided in the release of the 2020 Census. City personnel can also be directed to provide data on the use of language assistance services and on interactions with LEP persons to determine whether additional actions are needed such as adding fluency in certain languages as a job requirement for some positions.

### **Policy Directives**

#### **1. Purpose.**

Language should not be a barrier for using city facilities and services, interacting with city officers and employees, participating in city meetings and programs, obtaining needed permits and approvals, understanding and complying with requirements, seeking assistance, and addressing concerns. This plan recognizes many in our community have limited English proficiency and we can fully serve them only with languages with which they are proficient. This plan is intended to comply with requirements in Title VI of the federal Civil Rights Act of 1964 and federal Executive Order 13166 for interactions with or when providing services to persons with limited English proficiency. Compliance is a requirement of federal assistance the city directly or indirectly receives.

## 2. General Policy Statement.

It is the city's policy to make language assistance services available and/or to use them when needed or appropriate, as determined by the city council, city manager, a city department head, or any of their respective designees, to fulfill this plan's purpose as stated above.

## 3. Compliance is Required.

By the city council's approval by a resolution adopted March 21, 2022, this Limited English Proficiency (LEP) Plan is official city policy. All **city personnel** (*i.e.*, officers, employees, and volunteers), all **city bodies** (*i.e.*, all city boards and commissions, all city-created entities, *e.g.*, the DDA, EDC, BRA, and Historical Commission) must comply with it. Noncompliance with this Plan can have the same consequences as noncompliance with any other city policy.

All city personnel and all city bodies must promptly report violations of this Plan to supervisory personnel, the Human Resources Director, or the city manager.

## 4. Service Availability.

Language assistance must be provided when (i) LEP may hinder a person's ability to participate in public meetings, protect rights or property, protect themselves or family members, understand consequences of personal or city actions, or obtain needed assistance, (ii) LEP may hinder emergency planning or responses, (iii) issuing any official notice or other communication of legal significance or other possible consequences and city personnel know one or more of the intended recipients may be a LEP person, or (iv) the city council, the city manager, the city manager's designee, a city department head, the designee of a city department head, or the 62-A District Court deem it necessary, important, or prudent to do so. This does not require their use in every communication. However, the availability of language assistance services should be readily apparent in meeting notices, signage in city facilities, city brochures, city invoices, and certain other communications as directed by the LEP coordinator designated under this plan.

Language assistance is not required when universal symbols communicate locations or directions. Examples include universal restroom symbols, pedestrian crossing symbols and signals, traffic signage employing universal shapes (such as triangular yield signs, octagonal stop signs, do not enter signage using a red circle in a white square, etc.), lane markings and signage, and red, green, yellow traffic signals.

City personnel are encouraged to provide Spanish language or dual (English and Spanish) language versions of commonly used forms, brochures and other information. Special signage for particular activities, such as signage directing city hall visitors during the COVID-19 pandemic or during elections and signage at city operated special events, should be provided in English and Spanish.

When speaking in-person with a LEP individual, city personnel shall use available language cards to identify a language in which the LEP individual is proficient. Once that language is identified, language assistance should be obtained, from other city personnel, from an available adult family member or friend, or from a city-approved language assistance service. If this interaction occurs during a meeting for which there was no prior language assistance request, the action about which the LEP individual wishes to speak should be postponed, if reasonable, so that language assistance can be provided and the LEP person can provide appropriate comment or appropriately participate.

When speaking with a LEP individual via telephone or other electronic means and able to identify the language being spoken, the interaction shall be postponed, if reasonable, until appropriate language assistance can be obtained. Sources of language assistance may be the same as for in-person interactions.

When communicating with a person via text or e-mail and it seems the person may be a LEP individual, questions should be asked to ascertain whether the individual is more comfortable communicating in another language and arrangements made for appropriate language assistance. This may involve offers of telephone or in-person communications to facilitate better understanding.

When it is clear a LEP individual is a recipient of written communication that is important because it includes deadlines, expirations, legal rights or obligations, payment requirements, licenses or other approvals, or other important matters, language assistance must be provided. If an adult relative or other person trusted by the LEP individual seems especially competent and able to provide needed assistance, that can be acceptable. But, if there is not an available trusted person who is competent to provide such assistance, then the documents must be translated into the identified appropriate language.

City bodies (*i.e.*, all boards, bodies and commissions of, created by, or under the purview of the city) must incorporate the following into their bylaws, rules of procedure, or policies (or a similar provision approved by the city attorney) and ensure appropriate notices are provided the public and others about its commitment and contact information for city personnel to obtain any needed accommodation(s):

The City of Wyoming, including the [NAME OF BODY], is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The [NAME OF BODY] will coordinate with city staff to ensure the [NAME OF BODY] fulfills that commitment for its programs, services, and activities, including its public meetings. Accommodations to enable virtual meeting attendance and participation can usually be made if a request is received at least 5 hours before the meeting time. Other accommodations may require more time.

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

Those bodies must include contact information in their meeting notices and meeting agendas and other information for seeking any needed language assistance to participate in or understand actions taken at their meetings.

#### **5. Staff Assignments.**

The human resources director or a staff member designated by the human resources director shall be responsible for implementing, evaluating, and updating this plan. Plan compliance may require personnel actions either in staff assignments or due to laudatory or less than appropriate Plan compliance. Position descriptions and requirements may be altered to include certain language proficiencies. Use of language assistance services will require appropriate purchasing, tracking, and accounting.

Departments with bi-lingual or multi-lingual personnel shall make them available to other city officers and departments when reasonably needed and, especially during an emergency or other urgent matter requiring effective communications to preserve lives, property, or the public health, safety, or welfare. The city manager or the city manager's designee(s) may immediately reassign staff for language assistance tasks. In other situations, it is appropriate for departments to make bi- or multi-lingual personnel available to assist other departments with language assistance needs when doing so will not unduly adversely affect the department to which such personnel are assigned. In all circumstances such assignments must comply with applicable collective bargaining arrangements, personnel policies, and applicable law.

The finance department and city attorney will provide advice and support for any needed accounting, record keeping, and legal analysis. The human resources director will assign a member of the city's planning or engineering staff experienced in community outreach for other purposes to assist in outreach to LEP communities. Other departments will provide information and other assistance requested by human resources and purchasing within the reasonably requested response times.

#### **6. Training.**

Designated HR staff will include LEP training with the city's ongoing cultural awareness training. That training will include how to use language cards, how to contact and engage bi-lingual or multi-lingual city staff and/or city-approved language assistance services, how to keep and provide to HR appropriate records of LEP interactions, and when to proactively provide interpretation or translated documents.

#### **7. Evaluation.**

Each department will designate a staff member to report quarterly (by October 15, January 15, April 15 and July 15) to the HR designee information for the preceding quarter that might include general reporting or numerical data regarding some or all of the following (i) numbers of interactions with LEP persons, (ii) the languages involved, (iii) whether language assistance services were used, (iv) if language assistance services were not used, why not, (v) what language assistance services were used (*e.g.*, city personnel,

a city-approved language assistance service, or other), (v) whether the assistance was interpretation, translation or both, (vi) the name and cost of the language assistance service, (vii) a description of typical situation(s), and (viii) whether the result seemed satisfactory under the circumstances. For repeated interactions, such as for TEAM 21 members regularly interacting in bi-lingual or Spanish language settings, brief summaries of common interactions will suffice. A staff member designated by the HR with assistance, when needed, from the finance department will verify costs by comparing department reports to reports and/or invoices from language assistance service providers. The purpose to provide a reasonable basis for evaluating the efficacy of city efforts, whether those efforts comply with applicable federal and state requirements, and how those efforts can be improved.

The HR designee, in conjunction with the city's communications specialist and any other person(s) assigned to such work, will reach out to identified LEP communities in the city to determine what deficiencies exist in and what improvements could be made to this plan and its implementation. That outreach will be planned after reviewing reports from departments using 2020 Census data (when available) and contacts gleaned from information provided by departments.

### **LEP Plan Access and Complaints**

A copy of this plan is posted on or linked to the city's website: <https://wyomingmi.gov>. A copy can be requested at the city clerk's office during normal city business hours or by written request sent to:

City of Wyoming  
ATTN: Human Resources Department  
1155 28<sup>th</sup> St SW  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

Complaints about Wyoming LEP compliance, this plan, or the implementation of this Plan can also be sent to the same address. Complaints will be investigated by the city's human resources staff in cooperation with the city manager's office and city attorney. No special form or format is required (though, if desired, complaints can be filed on the same form as for other civil rights complaints provided under the city's Civil Rights policy). Persons making complaints should (i) include a description of the situation or concern, (ii) identify the persons involved or who may have witnessed the situation, (iii) state the date, time and place of its occurrence, (iv) state why it is concerning, (v) if appropriate, indicate what should have been done differently, and (vi) state what action(s) are now desired.

**APPENDIX B**

I have received and read the City of Wyoming Civil Rights Policy that also includes the Limited English Proficiency Plan attached as Appendix A to that policy (together, the “2022 Civil Rights Policy”).

I acknowledge I must comply with the 2022 Civil Rights Policy and consequences for noncompliance are the same as for noncompliance with other policies.

I understand that if I have any questions about the 2022 Civil Rights Policy, its implementation, or what it requires of me, I should ask my supervisor.

I understand the City of Wyoming can modify the 2022 Civil Rights Policy at any time.

I understand that, during any work for the City of Wyoming, I am expected to act in a professional manner, and to treat all persons with fairness, impartiality, courtesy, dignity, and respect.

Employee signature: \_\_\_\_\_ Date signed: \_\_\_\_\_, 2022

Employee's name printed: \_\_\_\_\_

## Memorandum

To: Curtis Holt, City Manager  
From: Myron Erickson, PE, Director of Public Works & Utilities  
Date: March 9, 2022  
Re: 2023 Budget Overview

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From its incorporation as a city in 1959, Wyoming has invested heavily in its infrastructure. Its street network, water distribution system, and sewer collection system were built and subsequently expanded. The original drinking water filtration plant and wastewater treatment plant have also both been significantly expanded several times. They are state of the art technologically today, with a service population of hundreds of thousands. Wyoming should be proud of these investments and its long tradition of public service excellence.

The challenge now becomes one of asset management: the long-term cost of preserving, maintaining, and replacing this infrastructure as it ages. We follow four guiding principles in our exercise of asset management. These are:

- Maintaining working capital balances of at least the minimum required. (120 days of O&M and debt service)
- Maintaining at least the minimum debt service ratio. (the ratio of net revenues to debt service must be  $\geq 1.25$ )
- Modest annual utility rate increases. (approximately 3% per year overall, distributed across water and sewer)
- Continued and sufficient investment in infrastructure.

Following are some financial highlights from our major areas of service.

### **Streets:**

Wyoming has approximately 76 centerline miles of major streets and 172 centerline miles of local streets. I am pleased to say that we do not anticipate any extraordinary increases in the cost of street resurfacing for the upcoming construction season. In the current fiscal year, this cost was approximately \$200,000 per lane-mile.

For FY23, we are budgeting \$5M for resurfacing, distributed across 29 different areas of our city. Including State and Federal funding, however, brings the total investment to \$7.535M. This level of investment maintains an approximate \$2M fund balance, which is prudent for emergencies or other unforeseeable circumstances.

**Motor Pool:**

Another area where we exercise prudence and common-sense judgment is in our motor pool. Our vehicle replacement criteria, borne out by decades of fleet maintenance experience, call for replacing a vehicle at a certain age or level of use (either miles or hours). However, as the quality of motor vehicles continues to rise, and because we keep our vehicles well maintained, we often see instances where it makes sense to keep a vehicle in service for another year or two and defer its replacement.

For FY23, there are 49 vehicles and pieces of equipment that meet or exceed the age or usage criteria and are eligible to be replaced. However, 38 of these are still economically serviceable and therefore their replacement is being deferred until next year, saving Wyoming approximately \$1.6 million in immediate replacement costs.

**Water and Sewer Mains:**

Wyoming also has approximately 250 miles of both water and sewer mains. For FY23, we will invest \$2.9 million in water main replacement and \$400,000 in sewer slip-lining or rehabilitation. We are also budgeting for an updated asset management plan for water assets in FY23.

*Please note: although we budget and plan for the work, supply chain issues and material shortages remain a concern in the current economic climate and may affect the amount of this work we are able to complete in the upcoming year.*

**Water Treatment Plant:**

The crown jewels in Wyoming's independent utility system are the utility plants themselves. At the water plant, we have repaired three major leaks in the 42" transmission main in the last twelve months, two of which were in the current fiscal year. The timely repair of leaks is critical in avoiding catastrophic failures and service disruptions. Since these kinds of failures are unpredictable and availability of pipe repair sections is usually the limiting factor, we have budgeted \$125K for the pre-purchase of some repair parts for FY23.

We are completing a \$6M project to modernize the plant's yard piping, an improvement that will serve the plant for the next 50-100 years. This project was very carefully carried out this past fall and winter, and is scheduled to be complete in early April, in time for the higher water demand season. This project was financed through a bond sale in October, 2021.

We are also wrapping up in the current fiscal year a \$2M dehumidification project that will protect and preserve the plant's internal piping. We are budgeting for a final \$1M investment in this project as it continues into FY23.

The plant's third transmission main is currently in design while siting and easement operations are well underway. Construction on the first of three planned phases is

planned to begin late calendar year 2022, and we will sell debt in FY23 to pay for Wyoming's 57% share of the approximate \$40M total cost. The first payment on this debt will be budgeted for FY24.

The second Lake Michigan raw water intake, a further investment in redundancy and stability, is scheduled for FY24 or FY25. As a reminder, the State of Michigan required us to reprioritize this project behind the construction of a third transmission main. We will come back to this capital-intensive project as we get closer to completing the first phase of the third transmission main.

The water fund's projected working capital balance ending FY22 is \$10.1M, representing 267 days of O&M (versus 120 days required), and its debt service coverage ratio is at 1.87 (versus minimum required 1.25).

**Clean Water Plant:**

At the Clean Water Plant, construction is almost complete on an ultraviolet light disinfection system that will replace the outdated chlorine-based chemical disinfection system. This is an \$8M investment, and, as with every investment we make in the utility plants, will benefit every citizen and rate payer equally and without regard to income or socio-economic status. This project will be complete in FY22.

For FY23, the Clean Water Plant is budgeting for replacement of eight transformers that are 40-50 years old and past their serviceable life. Related work to be carried out at the same time includes repair or replacement of some non-functioning drains and valves, repaving of the area, and replacement of obsolete motor control centers in the same area of the plant. Again, this \$3M capital investment will serve our goal of eliminating service disruption through stability and redundancy.

The sewer fund's projected working capital balance ending FY22 is approximately \$10.3M, representing 266 days of O&M (versus 120 day required), and its debt service coverage ratio is at 1.92 (versus minimum required 1.25).

**Water and Sewer Rate Recommendations and Impacts:**

Moving from FY22 to FY23, we are proposing the following water and sewer rates.

*Please note: we continue to examine our rate structure, especially in light of the higher-than-expected rate of inflation in 2021.*

	<i>Ready to Serve</i>	<i>Rate / HCF</i>	<i>Avg Winter Qtr Bill (est)</i>	<i>Avg Non-Winter Qtr Bill (est)</i>	<i>Impact From Previous FY</i>
<b>Current FY 2021-22</b>					
<b>Water</b>	\$24.37	\$1.50	\$50	\$76	1.4%
<b>Sewer</b>	\$18.23	\$3.13	\$72	\$80	5.3%
<b>Overall</b>			\$122	\$156	3.4%

<b>Recommended FY 2022-23</b>					
<b>Water</b>	\$24.74	\$1.61	\$52	\$80	5.3%
<b>Sewer</b>	\$18.50	\$3.16	\$73	\$81	1.1%
<b>Overall</b>			\$125	\$161	3.1%

A survey of water and sewer rates from 30 different communities around Michigan clearly shows the strong value Wyoming citizens receive for their water and sewer dollar.

<i>Pocketbook Parameter</i>	<i>Wyoming (FY23)</i>	<i>Rank in Survey</i>
Combined quarterly bill	\$157.02	3 <sup>rd</sup> out of 30
Water rate	\$1.61 / HCF	2 <sup>nd</sup> out of 30
Sewer rate	\$3.16 / HCF	10 <sup>th</sup> out of 30

**Water and Sewer Goodwill Gestures:**

Wyoming offers water and sewer benefits to its residents that most communities do not, even though we are not obligated by law to offer either. Both our water line break and sewer backup programs serve to reduce health hazards by encouraging property owners to repair water leaks and clean up sewer backups as quickly as possible.

Our water service line replacement policy means that should a resident’s water service line break or fail, it is replaced at no charge to the resident all the way to the meter. Every year we repair or replace approximately 140-150 residential water service lines, at a cost of approximately \$1.4M.

The water/sewer goodwill policy provides a method for assisting homeowners with the financial burden of a water or sewer event, even when the City is not legally liable. In FY21, we assisted 55 addresses with these services, spending approximately \$114,000. So far in FY22, we have assisted 30 addresses and spent approximately \$75,000.

To conclude, I hope this memo serves to demonstrate how Wyoming achieves its asset management goals, fulfills its four guiding principles, and gives Wyoming residents the best possible value for their dollar. I will forward financial tables, rate comparison charts, maps of planned road projects and sewer maintenance activities, and other helpful charts under separate cover for your reference.