



**FILED**

OCT 02 2025

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

**A G E N D A**  
**COMMON COUNCIL – IN PERSON - REGULAR MEETING**

**Tuesday, October 7, 2025**

Meeting to be held at 6:30 p.m., local time,  
in the Council Chambers, City Hall 100 E. Michigan Blvd.  
and Hosted by “Hybrid/Zoom” and streaming live on the  
Access LaPorte County Facebook page  
See attached to connect to “Hybrid/Zoom.”

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**CALL TO ORDER BY COUNCIL  
PRESIDENT**

**PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER**

**ROLL CALL**

**APPROVAL OF MINUTES**

Regular Council (Hybrid/Zoom) September 16, 2025

**REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE MEETING**

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Agenda October 7, 2025  
Posted October 2, 2025

## **CLAIMS DOCKET**

**October 7, 2025**

Fund #2235 – Riverboat – Claims -	\$	37,799.86
EFT	\$	0.00
Rainy Day (Fund 2236)	\$	17,425.00
Fund #2504 – Boyd Development -	\$	0.00
EFT	\$	0.00
<b>TOTAL CLAIMS</b>	<b>\$</b>	<b>55,251.86</b>

## **REPORTS FROM BOARDS AND COMMISSIONS**

## **REPORTS OF SPECIAL or SELECT COMMITTEES**

## **REPORTS FROM MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS**

## **COMMENTS FROM THE PUBLIC**

### **PETITIONS**

### **COMMUNICATIONS**

Correspondence was received in the Clerk's Office on September 29, 2025, from IDEM regarding approval of a FESOP Administrative Amendment Permit - Indiana State Prison.

Correspondence was received in the Clerk's Office on September 24, 2025, from Claudia Marciniak regarding the "Data Center". (requested that it be read for the record)

Correspondence was received in the Clerk's Office on September 24, 2025, from IDEM regarding a receipt of an Air Permit Application for Company: Levender Fields Holdings LLC

Correspondence was received in the Clerk's Office on September 23, 2025, from Ashley Williams regarding concerns about "Project Maize".

Correspondence was received in the Clerk's Office on September 17, 2025, from Mayor Angie Nelson Deutch regarding Title VI Implementation Plan- 2025 Update.

### **RESOLUTIONS**

**ORDINANCES**

**ORDINANCE  
1<sup>ST</sup> Reading**

**RATIFYING AND REAFFIRMING CERTAIN FINDINGS,  
DETERMINATIONS AND DESIGNATIONS IN ORDINANCE NO. 4771  
REGARDING THE ESTABLISHMENT OF AN ECONOMIC  
IMPROVEMENT DISTRICT AND AUTHORIZING AND APPROVING  
OTHER ACTIONS WITH RESPECT THERETO**

**Introduced by: Tracie Tillman**

**ORDINANCE  
2<sup>nd</sup> Reading**

**ORDINANCE OR RESOLUTION FOR APPROPRIATION AND TAX  
RATES**

**Introduced by: Tracie Tillman**

**Formal Public  
Hearing will be  
Held on  
October 7, 2025**

**Posted on  
"Gateway"**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING SALARIES AND WAGES FOR  
APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF  
MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2026**

**Introduced by: Tracie Tillman**

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**Agenda October 7, 2025**

**Posted October 2, 2025**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE  
MAYOR (\$93,280.00)**

**Introduced by: Tracie Tillman**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE  
CITY CLERK (\$76,252.73)**

**Introduced by: Tracie Tillman**

**ORDINANCE  
2<sup>nd</sup> Reading**

**AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE  
COMMON COUNCIL MEMBERS (\$15,734.68)**

**Introduced by: Tracie Tillman**

**ORDINANCE  
2<sup>nd</sup> Reading**

**CREATING SEC. 78-7 IN THE MICHIGAN CITY MUNICIPAL CODE TO  
PROHIBIT SMOKING WITHIN (20) TWENTY FEET FROM THE PUBLIC  
ENTRANCEWAYS OF MICHIGAN CITY GOVERNMENT BUILDINGS**

**Introduced by: Don Przybylinski  
Vidya Kora  
Greg Coulter  
Tim Bietry**

**ORDINANCE**  
**2<sup>nd</sup> Reading**

**AMENDING CERTAIN SUBSECTIONS IN SEC. 38-33 IN THE MICHIGAN  
CITY MUNICIPAL CODE REGARDING THE REVOLVING LOAN FUND**

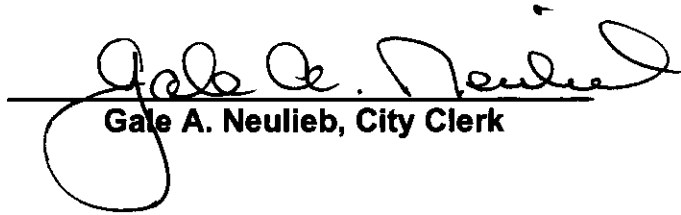
**Introduced by: Don Przybylinski**

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**COMMENTS FROM THE COUNCIL**

## **ADJOURNMENT**



**Gale A. Neulieb, City Clerk**

You are invited to a Zoom webinar.

When: Tuesday, October 7, 2025, 6:30 PM Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84298000057?pwd=RXVRUkhobXI2aVE2R1lR0VEVTl3dz09>

Passcode : 463601 Webinar ID: 842 9800 0057 Passcode: 463601 Or One tap mobile:

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**Agenda October 7, 2025**

**Posted October 2, 2025**



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • [www.idem.IN.gov](http://www.idem.IN.gov)

Mike Braun  
Governor

**FILED**

SEP 29 2025  
Clerk of Court  
Commissioner

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

To: Interested Parties

Date: September 25, 2025

From: Jenny Acker, Chief  
Permits Branch  
Office of Air Quality

Source Name: Indiana State Prison

Permit Level: FESOP Administrative Amendment

Permit Number: 091-49452-00032

Source Location: 1 Park Row, Michigan City, Indiana 46360

Type of Action Taken: Changes that are administrative in nature

## Notice of Decision: Approval

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the matter referenced above. Pursuant to 326 IAC 2, this approval was effective immediately upon submittal of the application.

The final decision is available on the IDEM website at: <https://www.in.gov/apps/idem/caats/>. To view the document, choose Search Option by **Permit Number**, then enter permit 49452

The final decision is also available via IDEM's Virtual File Cabinet (VFC) located at <https://www.in.gov/idem/legal/public-records/virtual-file-cabinet/>. Click on the Virtual File Cabinet button. Click on the "Search" dropdown menu in the upper left corner and select "OAQ Permit" from the list of options. Select "Public" in the "Security group" dropdown menu. Type the five-digit permit number "49452" in the Permit # search field, select "Final" in the "Permit Type" dropdown menu, then click the search button at the top or bottom of the webpage. The search will return the final issued permit and any applicable mailing list.

*(continues on next page)*







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Mike Braun  
Governor

Clint Woods  
Commissioner

**September 25, 2025**  
**Indiana State Prison**  
**091-49452-00032**

To: Interested Parties

This notice is to inform you that a final decision has been issued for the air permit application referenced above. This notice is for informational purposes only. You are not required to take any action.

You are receiving this notice because you asked to be on IDEM's notification list for this company and/or county; or because your property is nearby the company being permitted; or because you represent a local/regional government entity.

The enclosed Notice of Decision Letter provides additional information about the final permit decision.

The final decision is available on the IDEM website at: <https://www.in.gov/apps/idem/caats/>. To view the document, choose Search Option by **Permit Number**, then enter permit 49452

The final decision is also available via IDEM's Virtual File Cabinet (VFC) located at <https://www.in.gov/idem/legal/public-records/virtual-file-cabinet/>. Click on the Virtual File Cabinet button. Click on the "Search" dropdown menu in the upper left corner and select "OAQ Permit" from the list of options. Select "Public" in the "Security group" dropdown menu. Type the five-digit permit number "49452" in the Permit # search field, select "Final" in the "Permit Type" dropdown menu, then click the search button at the top or bottom of the webpage. The search will return the final issued permit and any applicable mailing list.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit.

**Please Note:** *If you would like to be removed from the Air Permits mailing list, please contact Joanne Smiddie-Brush with the Air Permits Administration Section at 1-800-451-6027, ext. 3-0185 or via e-mail at [JBRUSH@IDEM.IN.GOV](mailto:JBRUSH@IDEM.IN.GOV). If you have recently moved and this Notice has been forwarded to you, please notify us of your new address and if you wish to remain on the mailing list. Mail that is returned to IDEM by the Post Office with a forwarding address in a different county will be removed from our list unless otherwise requested.*

Enclosure  
Final Interested Parties Cover Letter

Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



# What if you are not satisfied with this decision and you want to file an appeal?

## **Who may file an appeal?**

The decision described in the accompanying Notice of Decision may be administratively appealed. Filing an appeal is formally known as filing a “Petition for Administrative Review” to request an “administrative hearing.”

If you object to this decision issued by the Indiana Department of Environmental Management (IDEM) and are: 1) the person to whom the decision was directed, 2) a party specified by law as being eligible to appeal, or 3) aggrieved or adversely affected by the decision, you are entitled to file an appeal. (An aggrieved or adversely affected person is one who would be considered by the court to be negatively impacted by the decision. If you file an appeal because you feel that you are aggrieved, it will be up to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision).

The Office of Administrative Law Proceedings (OALP) is a separate state agency independent of IDEM. OALP was formed in 2019 by H.E.A. 1223 to provide Indiana with a central and independent hearings process for many types of disputes.

## **What is required of persons filing an appeal?**

Filing an appeal is a legal proceeding, so it is suggested that you consult with an attorney. Your request for an appeal must include your name and address and identify your interest in the decision (Or, if you are representing someone else, his or her name and address and their interest in the decision). In addition, please include a photocopy of the accompanying Notice of Decision or list the permit number and name of the applicant, or responsible party, in your letter.

Before a hearing is granted, you must identify the reason for the appeal request and the issues proposed for consideration at the hearing. You also must identify the permit terms and conditions that, in your judgment, would appropriately satisfy the requirements of law with respect to the IDEM decision being appealed. That is, you must suggest an alternative to the language in the permit (or other order, or decision) being appealed, and your suggested changes must be consistent with all applicable laws (See Indiana Code 13-15-6-2) and rules (See Title 315 of the Indiana Administrative Code, or 315 IAC).

The effective date of this agency action is stated on the accompanying Notice of Decision (or other IDEM decision notice). If you file a “Petition for Administrative Review” (appeal), you may wish to specifically request that the action be “stayed” (temporarily halted) because most appeals do not allow for an automatic “stay.” If, after an evidentiary hearing, a “stay” is granted, the IDEM-approved action may be halted altogether, or only allowed to continue in part, until a final decision has been made regarding the appeal. However, if the action is not “stayed” the IDEM-approved activity will be allowed to continue during the appeal process.

*(See reverse side)*

## Amanda Pickens

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**From:** Kelley Smith  
**Sent:** Wednesday, September 24, 2025 10:28 AM  
**To:** Gale Neulieb; Amanda Pickens  
**Subject:** Fwd: Data Center

**FILED**

OCT 01 2025

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

Good morning,

A Long Beach resident would like her email added to the communications on the Council's next agenda. I told her I would forward to you.

Thank you,

Kelley

Get [Outlook for iOS](#)

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**From:** Claudia Marciniak <cnmarciniak@sbcglobal.net>  
**Sent:** Monday, September 22, 2025 5:21:46 PM  
**To:** Kelley Smith <Kelley@emichigancity.com>  
**Subject:** Data Center

**EXTERNAL EMAIL:** Do **not** click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Kelley,

I would appreciate it if this email could be read as public comment at the next Michigan City Council meeting.

Dear Michigan City Common Council members,

I am completely mystified by what benefits the data center is providing to Michigan City. Back in July, Mayor Deutsch indicated MC would not support the development unless it provided viable benefits to Michigan City. Where are those benefits? I see none, just negative impacts.

The Data Center was already under construction when the Michigan City Council provided extensive tax breaks that they didn't need to. I drove by the site before the meeting where the tax break was approved because I wanted to figure out where the development was. There was active construction going on at the site on that date. The developer was already getting huge tax breaks from the state of Indiana. Why would you give away tax dollars that you didn't need to?

There is no benefit as to employment. It's a total of 30 jobs most of which will not even benefit local people. The construction jobs are not given to local people as evidenced by cars in the parking lot.

Eighty percent (80%) of the water used in a data center is evaporated so it can't be recaptured! Lake Michigan is NOT an unlimited resource. This has implications for the current and future generations. There needs to be Regional coordination because every Midwestern city is starting to approve data centers in their local community, but ignoring the context on a regional basis.

0/1 put Hard Copy in councilmember mailbox

<https://www.jsonline.com/story/money/business/2025/09/17/microsoft-project-to-use-2-8-million-gallons-of-lake-michigan-water/86199455007/>

There is a daycare facility, a grammar school and a middle school within 2 miles of this development. I am praying these children will not be subjected to the low hum and extraneous noise coming from the data center. This is unconscionable. Noise pollution has been demonstrated to increase mental health issues in children so you just added to our public mental health support costs.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC6301087/>

Property values surrounding the data center will be going down due to the light, noise and heat pollution so MC loses further taxes. I'm sure none of the voting members of the city council live in the vicinity of this development because I'm sure they wouldn't want their property values to go down.

Data centers should be required to bring their own power. The Maize development will add significant demand on our already stressed electrical grid. Nipsco has already increased its rates significantly, and now there is additional demand put on the system, which will only result in further increases for people who can't afford it. It's not too late for solar.

Data centers are like heat islands. Like other large buildings data centers continuously, expel waste heat, which can contribute to the urban heat island effect in their immediate area. MC contributed it part to global warming.

The fact that there was NDA signed, gives great concern. Why do you need a NDA if this is a public process? There is no transparency.

I hope there is a move to amend the zoning ordinance that would affect any future data centers by this developer or anywhere else in Michigan City or LaPorte or any surrounding county as we don't need more serious environmental mistakes. We already have plenty of industrial waste in Michigan City. There needs to be REGIONAL coordination of the impact on this on the power grid and on our natural resources such as Lake Michigan. Think of your grandchildren as you won't be around when this development results in environmental, educational, economic, fiscal and physical issues for the next generation.

All of these points could've been used as a justification not to approve the tax breaks or the data center use.

Porter and Saint Joe County rejected data centers. They saw through the shenanigans and listen to their constituents.

I have attached articles which demonstrate research refuting any benefit to this data center the way it was structured in Michigan City. There was so much negative public comment about this development at the last meeting. Apparently the city council didn't listen. Their mind was made up before the vote was even taken.

Score? 0 to -11

Positives benefits to MC from the data center? -0-

Negatives impacts to Michigan City from the data center?

- 1) increased light pollution
- 2) increased noise pollution
- 3) increased utility demand on an already stressed system
- 4) likely increasing utility rates for every Michigan City and LaPorte County household
- 5) tax benefits given to developer that didn't need them; Lost tax revenue
- 6) decrease property values surrounding the data center
- 7) decreased property taxes from properties surrounding the data center
- 8) decrease for demand for development opportunities around the data center for residential or commercial use.
- 9) overreaching demand for water.
- 10) increased humidity and heat in immediate area
- 11) NDA reduces public trust

Thanks for listening.

Claudia

Long Beach homeowner

<https://blockclubchicago.org/2025/08/28/the-great-lakes-could-be-at-risk-due-to-data-centers-powering-ai-study-warns/>

<https://finance.yahoo.com/news/big-techs-energy-hungry-data-040203455.html>

<https://www.wndu.com/2025/09/16/proposed-12-billion-data-center-st-joseph-county-gets-unfavorable-recommendation/?outputType=amp>



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Mike Braun  
Governor

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • [www.idem.IN.gov](http://www.idem.IN.gov)

Clint Woods  
Commissioner

FILED

SEP 24 2025

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

**61-53 DJ**

Michigan City, City Council and Mayors Office  
100 E Michigan Blvd  
Michigan City, IN 46360

Date: September 11, 2025

Re: Receipt of Air Permit Application

Permit ID Number: 091-49561-00195  
Company: Lavender Fields Holdings LLC  
Address: 402 Royal Rd  
City: Michigan City

Dear Elected Official:

Pursuant to IC 13-15-3-1, this letter is to inform you that the Indiana Department of Environmental Management, (IDEM) Office of Air Quality, Permits Branch, has received an application from the above named company. Applicants are required to place certain types of applications at the local library.

If you need additional information about this application, include the library location, if applicable, please contact IDEM's Office of Air Quality at 1-800-451-6027, press 0 and ask for Joanne Smiddie-Brush at 3-0185.

Sincerely,

*Missy Jackson*

Permits Administration Section  
Office of Air Quality



Gale Neulieb

FILED

OCT 02 2025

**From:** Ashley Williams <ashley@jtnwi.org>  
**Sent:** Tuesday, September 23, 2025 5:21 PM  
**To:** Angie Nelson; Donald Przybylinski; Bryant Dabney; Vidya Kora; Nancy Tracie Tillman; tbietry@yahoo.com; jsnblessed@gmail.com; gwmcoulter@gmail.com; Daisy Lee  
**Cc:** Gale Neulieb  
**Subject:** Project Maize Community Concerns Follow-Up: Documentary, Franklin Township Google Withdrawal & New Gas Plant

You don't often get email from ashley@jtnwi.org. [Learn why this is important](#)

**EXTERNAL EMAIL:** Do **not** click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor Angie and Members of the Common Council,

**Here, you will find a recent documentary compiled by More Perfect Union, chronicling the 9/2 City Council meeting and resolution vote, as well as a spotlight on New Carlisle and dewatering issues related to the under-construction Amazon data center.** Today, this video has *more than 550K+ views* on YouTube and is steadily growing, likely to reach *millions of viewers worldwide* in the next few weeks.

**Additionally, I'd like to bring to your attention yesterday's decision by Google to withdraw its rezoning petition for its proposed data center in Franklin Township in Indianapolis.** The majority of the council (*at least 17 out of 25 city councilors*, some of whom I know who would be interested in speaking with you) were opposed to this project. In the face of extreme pressure from Google, the councilors held firm and uplifted the concerns of their constituents, citing that the benefits to the city do not outweigh the risks. This withdrawal is timely. In our case with Project Maize, the risks are mounting, particularly given the development of a disturbed brownfield with no clear plans for key environmental protections, including remediation and fugitive dust control, around our schools and neighborhoods.

**Lastly, NIPSCO has just filed to build a new 2,300 MW plant, comprising four combined cycle gas turbines, at its Schahfer Generating Station in Wheatfield.** This project is *nearly six times* the power generation originally planned for that site, positioning it to be *one of the worst CO2 emitters in the state*. This project is proposed to support the growth of data centers, including Project Maize, in Northern Indiana. The ratepayers, you and I, will bear the costs of financing this polluting, expensive, and climate-damaging gas plant, as well as the health consequences, while NIPSCO profits. This news should be particularly concerning to each of you and is indicative of the utility's record of backtracking on its previous commitments to move away from fossil fuel energy.

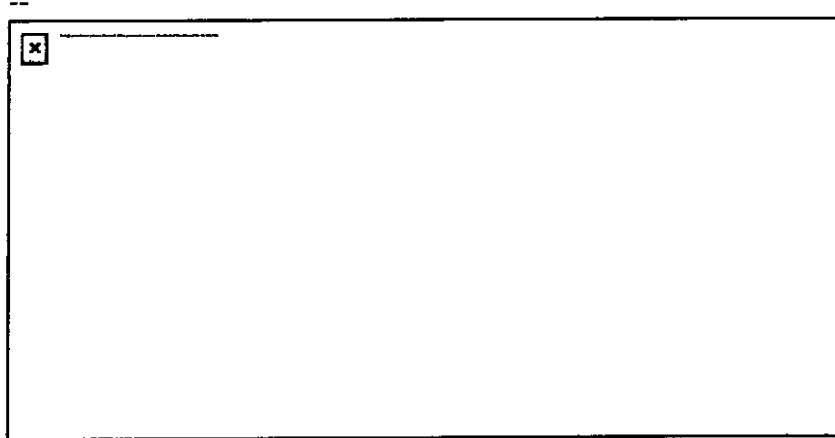
I will conclude with this. Many members of this council have stood firmly with our organization over the years in the face of worsening rate hikes, the coal ash contamination at the Michigan City Generating Station, and other challenges. We appreciate your commitment to protecting our communities.

However, now is not the time to succumb to the false allure of Big Tech saviors. We know that the time is always right to do what is right, to be visionary and brave. You can still voice your opposition to this project and show residents, like me, that you are trying to listen and be who we elected you to be.

Thank you.

Sincerely,

Ashley Williams







**FILED**

SEP 17 2025

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

**Office of Mayor Angie Nelson Deutch**  
(219) 873-1400 | [mayorangie@emichigancity.com](mailto:mayorangie@emichigancity.com)  
100 E Michigan Boulevard, Michigan City, Indiana 46360

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September 17, 2025

Michigan City Common Council  
100 E. Michigan Boulevard  
Michigan City, IN 46360

Re: Title VI Implementation Plan- 2025 Update

Dear Council,

The City is required to have a Title VI Implementation Plan. A Title VI Implementation Plan is a formal document that municipalities must adopt to comply with Title VI of the Civil Rights Act of 1964 as a condition of receiving federal grant funding as well as participating in the Community Crossing Matching Grant (CCMG). To that effect, please find the following:

1. Common Council Resolution #4660
2. Title VI Implementation Plan 2025 Update; and
3. List of all federal funding the City has received in the past 12 months.

Very truly yours,

Angie Nelson Deutch, Mayor  
Michigan City, Indiana

Enclosures: *Resolution #4660*  
*Title VI Implementation Plan 2025 Update*  
*List of all Federal Funding City has Received in past 12 months*

Cc: Amber L. Lapaich-Stalbrink, Corporation Counsel  
Melisha Henderson, Human Relations Director  
Wendy Vachet, Public Works Director  
Tim Werner, Engineer

## Federal Funding Report

### City of Michigan City - Federal Funding

Reporting Period: September 1, 2024 – August 31, 2025

This report outlines the federal funding received by the City of Michigan City during the specified period.

#### Federal Grants Breakdown

Agency	Grant Description	Amount (USD)
DOJ	MCPD Chirp/Chokepoint/Motown Blues	\$34,789.75
FTA Transit	Transit Operating	\$899,497.00
FTA Transit – ARPA	Transit ARPA 2021 Section 507	\$23,219.00
USDA	Tree Grant	\$77,249.66
IDEM	Beach Monitoring	\$25,235.00
—	Singing Sands	\$171,785.64
Aviation	AIP Federal	\$583,730.86
—	Brownfield	\$58,271.24

Total Federal Funding: \$1,920,599.38



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**CITY OF MICHIGAN CITY, INDIANA**  
**TITLE VI IMPLEMENTATION PLAN**  
**2025**

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## **INTRODUCTION**

This Title VI Implementation Plan is a part of the CITY OF MICHIGAN CITY, INDIANA's continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes, Executive Orders, and regulations. With this Implementation Plan, the CITY OF MICHIGAN CITY, INDIANA (hereinafter referred to as "City") seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program. The requirements of this Plan are binding upon all of the City's departments and agencies.

## **CITY OF MICHIGAN CITY, INDIANA TITLE VI NON-DISCRIMINATION NOTICE & POLICY**

The City values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, the City conforms to Title VI and all related statutes, regulations, and Executive Orders, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. The City further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the City to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, sub-recipients, and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the City hereby gives assurance that no qualified disabled person shall, solely by reason

of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the City will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). The City will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever the City distributes federal-aid funds to a second-tier sub-recipient, the City will include Title VI language in all written agreements.

The following individual has been identified as the City's Title VI Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

**Shante Ivy, Title VI Program Coordinator/Assistant Human Resource Director**  
**100 E. Michigan Boulevard**  
**Michigan City, Indiana 46360**  
**sivy@emichigancity.com**

The City affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).

## TITLE VI ASSURANCES & IMPLEMENTATION

Fully executed Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by **CITY OF MICHIGAN CITY, INDIANA**. The **CITY OF MICHIGAN CITY, INDIANA** has adopted and mandated implementation of this plan by Resolution #\_4660 of the Common Council, which was first approved by the Mayor, and adopted on November 1, 2016. This plan will be renewed on or before **December 31, 2027**.

Signed by: \_\_\_\_\_

  
**Angie Nelson Deutch, Mayor**  
**Michigan City, Indiana**

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

8/18/2025

## **CITY OF MICHIGAN CITY, INDIANA'S ORGANIZATION AND STAFFING**

### **1. MAYOR: Angie Nelson Deutch**

The City Department with the Department Heads are as follows:

- a. Attorney: Amber Lapaich-Stalbrink
- b. Aviation: Jessica Ward
- c. Cemetery: Jeff Loniewski
- d. Central Services: Darrell Garbacik
- e. Transit Director: Robin Tillman
- f. Controller: Mary-Lynn Wall
- g. Engineer: Tim Werner(\*\*ADA Coordinator\*\*)
- h. Fire Department: Barrett Taylor
- i. Planning & Inspection: Dominique Edwards
- j. Park & Recreation: Shannon Eason (Superintendent)
- k. Human Resource Department: Melisha Henderson
- l. Police Department: Marty Corley
- m. Redevelopment: Skyler York
- n. Sanitary District: Wendy Vachet
- o. Water Department: Christopher Johnson

### **2. COMMON COUNCIL MEMBERS:**

- a. Gregory Coulter, 1<sup>st</sup> Ward
- b. Daisy Lee, 2<sup>nd</sup> Ward
- c. Joseph Nelson, Jr., 3<sup>rd</sup> Ward
- d. Tim Bietry, 4<sup>th</sup> Ward
- e. Tracie Tillman, 5<sup>th</sup> Ward
- f. Nancy Moldenhauer, 6<sup>th</sup> Ward
- g. Vidya Kora, At-Large
- h. Bryant Dabney, At-Large
- i. Donald Przybylinski, At-Large

### **3. CITY CLERK: Gale Neulieb**



## **CITY OF MICHIGAN CITY, INDIANA OVERVIEW OF TITLE VI PROGRAM: DATA COLLECTION, ANALYSIS & REPORTING**

The type of data collected is dependent on the program area's objective. The City collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data that may be collected by the City includes the following:

- Complaints received, logged, processed, and investigated by the City
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey
- Records of meeting minutes and discussions related to Title VI in all program areas.
- The City collects data related to specific program areas being reviewed this year for disparate / disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes.

## **COMPLAINTS OF DISCRIMINATION**

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### **HOW TO FILE A COMPLAINT?**

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. The City does not require a Complainant to use the City's complaint form when submitting his or her complaint.

Direct all complaints of discrimination pursuant to Title VI to:

**Shante Ivy, Title VI Coordinator/Assistant Human Resource Director**  
**100 E. Michigan Boulevard**  
**Michigan City, Indiana 46360**  
**[sivy@emichigancity.com](mailto:sivy@emichigancity.com)**  
**(219) 873-1427 (phone)**

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## ELEMENTS OF A COMPLETE COMPLAINT

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review, and signature before processing. The complaint form is available for download from the City's website at: [www.emichigancity.gov](http://www.emichigancity.gov).

Additionally, a complaint must include the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent, the individual, agency, department or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

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## PROCESSING COMPLAINTS

The Title VI Coordinator will process all complaints. The Title VI Coordinator is responsible for:

- The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline date which is 180 days from the date the alleged discriminatory act occurred and falls within the jurisdiction of the City.
- The Title VI Coordinator will then investigate the complaint. Additionally, a copy of the complaint will be forwarded to the City Attorney. If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail.
- If the City does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state or federal agency holding such jurisdiction. In such cases, the Title VI Coordinator will notify the complainant in writing that the complaint is outside the City's jurisdiction and where the complaint has been referred for further handling.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the Title VI Coordinator's name and will request that this party be available for an interview.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator and the Mayor's office.
- Once the City has investigated the report findings, the City will adopt a final resolution. All parties associated with the complaint will be properly notified of the outcome of the City's investigative report.

- If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she has the right to contact the Department of Justice, Civil Rights Division, at (202) 514-3847 or <https://www.justice.gov/crt/contact-us-0>.
- In accordance with DOT Order 1000.12, the City shall keep all complainants' identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the Complainant's identity to the Respondent or a third party the investigator must first obtain Complainant's written permission. Furthermore, the City shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party unless requested by monitoring state or Federal agencies.
- The City's Title VI Coordinator shall maintain all records of an investigation in a confidential area for three (3) years after the completion of the investigation. Since complaints are considered confidential, only a summary of item(s) will be included as part of the complaint log.

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#### ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation or other project receiving federal funds decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The City is committed to these three environmental justice principles in all work that the City performs.

#### LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil

Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the City uses to access the LEP populations in the City.

1. The number and proportion of people that have LEP eligible to be served or likely to be encountered by the City.
2. The frequency with which LEP individuals come into contact with the program, activity or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the City and costs.

In addition, due to not meeting the relevant population thresholds, the City has not implemented the safe harbor provision whereby it identifies and translates all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the county both:

- Does not speak English very well AND
- Primarily speaks another specific language as identified in current census data or other publicly available records.

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#### SUMMARY OF THE FOUR FACTOR ANALYSIS

##### **Factor 1:**

The number and proportion of LEP persons eligible to be served or likely to be encountered by the City can only be estimated until the actual number of persons who can speak English less than "very well" are documented as needing assistance by City Staff . With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The total population is provided below to show general distribution of race in the community. The estimated number of persons that may not speak English "very well" is based upon the US Census Bureau 2020 census record.

The U.S. Census Bureau provides statistics from 2020 for the City as follows:

Total population: **32,075**

Population by Race:

American Indiana or Alaska Native:	<u><b>141</b></u>
Asian:	<u><b>287</b></u>
Black or African American:	<u><b>8,931</b></u>
Hispanic or Latino	<u><b>2,470</b></u>
Native Hawaiian and Pacific Islander:	<u><b>6</b></u>
Not Hispanic or Latino:	<u><b>18,410</b></u>
Some Other Race:	<u><b>1,089</b></u>
Two Or More Races:	<u><b>2,624</b></u>
White:	<u><b>18,997</b></u>

The US Census Bureau 2023 American Community Survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTICS, specifically “Language Spoken at Home” estimates the number of people in Michigan City, Indiana who speak a language other than English to be as follows:

	<u>Estimate</u>	<u>Estimate Percentage</u>
Language other than English:	1,545	5.1%
Speak English Less than “very well:”	719	2.5%
Spanish:	1,001	3.3%
Speak English Less than “very well:”	465	1.6%
Other Indo-European languages	304	1.0%
Speak English Less than “very well:”	111	.4%
Asian and Pacific Islander languages:	166	.6%
Speak English less than “very well:”	95	.3%
Other languages:	74	.2%
Speak English less than “very well:”	48	.2%

Based on actual contact between City Staff and the community there have been very few requests from anyone in the service area asking the City to provide language translation services. Therefore, the LEP population is probably even less than the estimate shown above.

**Factor 2: The frequency with which LEP individuals come into contact with the program, activity or service:**

Due to the infrequent requests for translation services, there appears to be a minimal need for translation services from the City.

**Factor 3: The nature and importance of the program, activity, or service provided by the program:**

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the City will provide, upon request, services to assist the LEP population including translation of vital City documents and interpretation services.

**Factor 4: The resources available to the City and costs:** Still researching and investigating.

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#### SUMMARY OF LEP ACCOMMODATION PLAN

- The CITY OF MICHIGAN CITY, INDIANA strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City services.
- A U.S. Census Bureau I Speak card is available as part of this document. This card allows LEP individuals to communicate their preferred language to City Staff whereas City Staff may then access a translation service as determined by the City.
- The CITY OF MICHIGAN CITY, INDIANA will utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, sex, disability status, and household income. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the City may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.
- The City reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the City's Title VI plan and procedures as required.
- Staff for the City will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

#### TITLE VI TRAINING

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## EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING

**At the time of Hire:** Title VI policy education and literature will be provided to all City employees. City employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation. Employees will be provided with updated education and literature as the City deems necessary.

**Ongoing Training provided to current employees:** Current employees will receive training. Training may consist of written training materials to be provided either in person or by electronic mail.

Employees will be expected to follow the Title VI policy and the guidelines set forth herein. In addition, City employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences, and immediately notify the Title VI Coordinator, in writing, of any questions, complaints, or allegations of discrimination.

## PUBLIC INVOLVEMENT

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### DATA COLLECTION

Pursuant to 23 CFR 200.9(b) (4), the City shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

The City shall utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income, and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose, and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed, and the results of those complaints, any requests for language services, demographic statistics, and department compliance reviews.

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## COMMUNITY INVOLVEMENT & OUTREACH

The City is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs, and activities will provide equitable opportunities for participation.

The City regularly holds meetings each month by the various boards and commissions of the City and those meetings are open to the public. Any meetings that are open to the public are published on the City's website's main page and on the bulletin board at City Hall. All City public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made at least forty-eight (48) hours in advance of the meeting unless that time limit cannot be met due to circumstances beyond the control of the requestor.

Also published on the City's website are various meeting agendas, meeting minutes, notices, events, and news. Some departments within the City utilize signage, media, and social media websites as another avenue to communicate with the community.

## REVIEW OF PROGRAM AREA

This section outlines annual goals set forth by the City to comply with Title VI requirements and statutes.

### ANNUAL WORK PLAN

The City will annually review compliance with Title VI requirements and statutes and provide updates and additions to this plan as necessary, which may include the following:

- The number of program areas reviewed during the previous year and those which will be reviewed during the upcoming year.
- The number and type of sub-recipient reviews conducted during the previous year and a discussion of the outcomes, as well as the number planned for the upcoming year.
- Title VI training conducted, including the type of training, number and type of individuals trained, and materials. Identify training goals and opportunities for the upcoming year. Include a summary disposition of all complaints received and identify any changes made to programs as a result or further action required.
- Discuss the data collected and analyzed for all program areas generally and for special emphasis program areas with particularity. Identify what data will be collected and how it will be analyzed during the upcoming program year.



# APPENDIX

- A. Assurances
- B. Complaint Log
- C. Complaint Form
- D. Public Involvement Survey
- E. I Speak Cards

## **APPENDIX A: ASSURANCES**

### **PART 1: Title VI Assurances**

The City of Michigan City, Indiana (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance, including, but not limited to, from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

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

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The City of Michigan City (City), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and, among other federal regulations, Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, and 40 C.F.R. Parts 5 and 7, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **PART 2: CONTRACT LANGUAGE**

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

- (1) **Compliance with Regulations:** The contractor shall comply with all the federal laws and regulations relative to nondiscrimination in Federally-assisted programs pursuant to Title VI of the Civil Rights Act of 1964, including, but not limited to, the programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 and 40 C.F.R. Parts 5 and 7, as those laws and regulations may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate, either directly or indirectly, in the discrimination prohibited by the Regulations, including employment practices.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.
- (4) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City, the Indiana Department of Transportation (INDOT), the FHWA, or other federal agency from which federal funds for the project are received, to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the City, the INDOT, the FHWA, or other federal agency from which federal funds for the project are received, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City shall impose such contract sanctions as it, INDOT, the FHWA, or other federal agency from which federal funds for the project are received, may determine to be appropriate, including, but not limited to:
  - (a.) withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including those for procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the City, INDOT, the FHWA, or other federal agency from which federal funds for the project are received, may direct as a means of enforcing such provisions, including sanctions for non-compliance: Provided, however, that, in the event Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request, if appropriate, the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

### **PART 3: CLAUSES TO BE INCLUDED IN DEEDS**

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

#### **(GRANTING CLAUSE)**

NOW, THEREFORE, the \_\_\_\_\_ (Grantor), as authorized by law, and upon the condition that the City of Michigan City will accept title to the lands and maintain the project constructed thereon, in accordance with all applicable laws and regulations prohibiting discrimination, including, but not limited to, Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation; Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes; and Title 40 Code of Federal Regulations, Parts 5 and 7 (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Michigan City all the right, title and interest of the Grantor in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

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

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

The City of Michigan City, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]\* (2) that the City of Michigan City shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to the provisions of Title VI of the Civil Rights Act of 1964; Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, 40 C.F.R. Parts 5 and 7, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Grantor shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Grantor and its assigns as such interest existed prior to this instruction.\*

#### **PART 4: CLAUSES TO BE INCLUDED IN DEEDS, LICENSES, LEASES, PERMITS, OR SIMILAR INSTRUMENTS**

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation or other federal grant program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title VI of the Civil Rights Act of 1964; Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964; Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures; Title 40 C.F.R. Parts 5 and 7; and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

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

[Include in deed.]\*

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the City of Michigan City pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title VI of the Civil Rights Act of 1964; Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964; Title 23 Code

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

of Federal Regulations, Part 200, Title VI Program and Related Statutes -- Implementation and Review Procedures, Title 40 C.F.R. Parts 5 and 7; and as said Regulations may be amended.



**APPENDIX B: COMPLAINT LOG**

**TITLE VI COMPLAINT LOG**

<b>Case No.</b>	<b>Investigator</b>	<b>Complainant</b>	<b>Sub-recipient</b>	<b>Protected Category</b>	<b>Date Filed</b>	<b>Date of Final Report</b>	<b>Deposition</b>

## APPENDIX C: COMPLAINT PROCEDURE

### COMPLAINT OF DISCRIMINATION

#### INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the **City of Michigan City, Indiana**. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, sexual orientation, age, disability/handicap, or income status in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration, Federal Transit Administration, United States Department of Housing and Urban Development, and/or the United States Environmental Protection Agency. These prohibitions extend to the **City of Michigan City, Indiana** as a recipient or sub-recipient of federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats such as computer disk, audiotape, or Braille.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the **City of Michigan City, Indiana**. Additionally, you have the right to seek private counsel.

The **City of Michigan City, Indiana** is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address below.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

**\*\*Your complaint cannot be processed without your signature.**

[illegible]

Name of complainant	Date (month, day, year)
---------------------	-------------------------

<b>Provide the names of any individuals with additional information regarding your complaint:</b>		
Name of witness 1 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
-----		
Name of witness 2 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
-----		

Name of witness 3 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
-----		
How would you like your complaint to be resolved?		
-----		
-----		

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>If yes, please provide the following information for each agency:</i>	
Name of the agency	Date complaint filed (month, day, year)
Case number assigned to your complaint	Current status of your complaint
How did you learn about your right to file a discrimination complaint <input type="text"/>	
<hr/>	
<hr/>	
Signature	Date signed (month, day, year)

## APPENDIX D: VOLUNTARY PUBLIC INVOLVEMENT SURVEY

### VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the City of Michigan City (City) is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its programs and activities receiving federal aid. The City is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the City of Michigan City, Indiana will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the City of Michigan City, Indiana's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Shante Ivy, Title VI Coordinator/Assistant Human Resources Director, 100 E. Michigan Boulevard, Michigan City, Indiana 46360; [sivy@emichigancity.com](mailto:sivy@emichigancity.com); 219-873-1427.

You may return the survey by e-mailing it to the address of the Title VI Coordinator above.

<b>Date:</b>								
<b>Project Name:</b>								
<b>Proposed Project Location:</b>								
<b>Gender:</b> <input type="checkbox"/> Female <input type="checkbox"/> Male <b>Ethnicity:</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino								
<b>Race: (Check one or more)</b> <table border="0"><tr><td><input type="checkbox"/> American Indian or Alaska Native</td><td><input type="checkbox"/> Asian</td></tr><tr><td><input type="checkbox"/> Native Hawaiian or Other Pacific Islander</td><td><input type="checkbox"/> White</td></tr><tr><td><input type="checkbox"/> Black or African-American</td><td><input type="checkbox"/> Multiracial</td></tr></table>			<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> White	<input type="checkbox"/> Black or African-American	<input type="checkbox"/> Multiracial
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Asian							
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> White							
<input type="checkbox"/> Black or African-American	<input type="checkbox"/> Multiracial							
<b>Age:</b> <table border="0"><tr><td><input type="checkbox"/> 1-21</td><td><input type="checkbox"/> 22-40</td></tr><tr><td><input type="checkbox"/> 41-65</td><td><input type="checkbox"/> 65+</td></tr></table>		<input type="checkbox"/> 1-21	<input type="checkbox"/> 22-40	<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+	<b>Disability:</b> <table border="0"><tr><td><input type="checkbox"/> Yes</td></tr><tr><td><input type="checkbox"/> No</td></tr></table>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> 1-21	<input type="checkbox"/> 22-40							
<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+							
<input type="checkbox"/> Yes								
<input type="checkbox"/> No								
<b>Household Income:</b> <table border="0"><tr><td><input type="checkbox"/> \$0-\$12,000</td><td><input type="checkbox"/> \$12,001-\$24,000</td><td><input type="checkbox"/> \$24,001-\$36,000</td></tr><tr><td><input type="checkbox"/> \$36,001-\$48,000</td><td><input type="checkbox"/> \$48,001-\$60,000</td><td><input type="checkbox"/> \$60,001+</td></tr></table>			<input type="checkbox"/> \$0-\$12,000	<input type="checkbox"/> \$12,001-\$24,000	<input type="checkbox"/> \$24,001-\$36,000	<input type="checkbox"/> \$36,001-\$48,000	<input type="checkbox"/> \$48,001-\$60,000	<input type="checkbox"/> \$60,001+
<input type="checkbox"/> \$0-\$12,000	<input type="checkbox"/> \$12,001-\$24,000	<input type="checkbox"/> \$24,001-\$36,000						
<input type="checkbox"/> \$36,001-\$48,000	<input type="checkbox"/> \$48,001-\$60,000	<input type="checkbox"/> \$60,001+						

## **APPENDIX E: I-Speak Card**

- |                          |                                                                            |                        |
|--------------------------|----------------------------------------------------------------------------|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                      | 1. Arabic              |
| <input type="checkbox"/> | Խաղաղակ հոգեւորականը արքայազնի, իսկ խաղաղականը հոգեւորականի:               | 2. Armenian            |
| <input type="checkbox"/> | যদি আপনি বলে পড়েন বা বলেন তা হলে এই বাক্যে ভাগ দিন।                       | 3. Bengali             |
| <input type="checkbox"/> | លុយបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នករក ឬឱ្យអាយកាសា ផ្សេង ។                      | 4. Cambodian           |
| <input type="checkbox"/> | Motka i kahhon ya yangin ñotüngu' manaitai pat ñotüngu' kumentos Chamorro. | 5. Chamorro            |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。                                                         | 6. Simplified Chinese  |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。                                                         | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.            | 8. Croatian            |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                     | 9. Czech               |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                | 10. Dutch              |
| <input type="checkbox"/> | Mark this box if you read or speak English.                                | 11. English            |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی، بلد هستند این مربع را علامت بزنند.               | 12. Farsi              |



<input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/> Mark kazyé sa a si ou li owa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाईं।	17. Hindi
<input type="checkbox"/> Kox lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/> Markaan daytoy nga kahon no makabasa wenno makasacka iti Ilocano.	20. Ilocano
<input type="checkbox"/> Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/> ໄທພາສາລາວ ຫຼື ພາສາລາວ ຫຼື ພາສາລາວ.	24. Laotian
<input type="checkbox"/> Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

10-3000

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnezi această celulă dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите ovaj kvadratić ukoliko читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorec, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ใช้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیے۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	בסמליות דאס קוואדראט מציין אז איר לייענט אדער רעדט יידיש.	38. Yiddish

DB-3300

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU

OCT 26 2016

GALE A. NEULES  
CITY CLERK  
CITY OF MICHIGAN CITY

## MICHIGAN CITY COMMON COUNCIL

RESOLUTION 4660APPOINTING A TITLE VI NONDISCRIMINATION POLICY AND  
IMPLEMENTATION PLAN

**WHEREAS**, as a condition of Federal financial assistance, a recipient must comply with the Title VI of the Civil Rights Act of 1964 and the provisions of the applicable Code of Federal Regulations and Executive Orders related thereto; and

**WHEREAS**, Title VI of the Civil Rights Act of 1964 and the provisions of the applicable Code of Federal Regulations and Executive Orders related thereto provides that no person in the United States shall, on the basis of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency, be excluded from participating in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which a recipient receives Federal financial assistance; and

**WHEREAS**, the City of Michigan City, Indiana has been, currently is, and is likely in the future to be a recipient of Federal financial assistance for which these nondiscrimination provisions would be applicable; and

**WHEREAS**, the Federal Transit Administration (FTA) has previously required that the Michigan City Transit Department enact a Title VI Nondiscrimination policy, and to that effect, said policy currently exists for the Transit Department; and

**WHEREAS**, the Indiana Department of Transportation (INDOT) now requires that all recipients of Federal financial assistance enact a Title VI Nondiscrimination policy and Implementation for the entire unit; and

**WHEREAS**, as a result of said requirement, the City has devised a *Title VI Non-Discrimination Implementation Plan and Policy*, which is incorporated by reference herein as "Exhibit A;" and

**WHEREAS**, it is the City's policy to utilize its best efforts to assure that no person shall, on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any City programs and services; and

**WHEREAS**, the Michigan City Common Council reasonably believes that the adoption of the *Title VI Non-Discrimination Implementation Plan and Policy* is in the best interest of the City of Michigan City, Indiana.

**NOW THEREFORE BE IT ORDAINED** by the Michigan City Common Council as follows:

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The *Title VI Non-Discrimination Implementation Plan and Policy* (Plan) attached hereto as Exhibit A is hereby adopted for and shall be implemented by all departments and agencies of the City of Michigan City, Indiana.
3. The Title VI Coordinators identified in the Plan shall review the said Plan annually to assess the effectiveness of the policies and procedures and make recommendations for improvements to the Plan.
4. The Mayor, with the written approval of Corporation Counsel, may, from time to time, make edits to the Plan, including, but not limited to, changing the names of the Elected Officials and Title VI Coordinators as needed, without the prior approval of the Council, as long as those edits do not violate the requirements of Title VI.

5. The Plan shall apply to and govern the actions of every department and agency of the City.
6. The Mayor shall cause the Council to receive an annual written report regarding the status of implementation of the Plan, any edits to the Plan, and identifying federal funding received by any and all departments and agencies of the City during the twelve (12) calendar months prior to the date of that report.

This Resolution shall be in full force and effect after passage and approval by the Mayor.

INTRODUCED BY: Patricia J. Boy  
Pat Boy, Member  
Michigan City Common Council

Don Przybylinski  
Don Przybylinski, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 12<sup>th</sup> day of  
NOVEMBER, 2016.

Tim Bietry  
Tim Bietry, President  
Michigan City Common Council

Approved by me, this 2nd day of November, 2016

Ron Meer  
Ron Meer, Mayor  
City of Michigan City, Indiana

ATTEST:

Gail A. Neulieb  
Gail A. Neulieb, Clerk  
City of Michigan City, Indiana

with the same, but in the case of the first, the same is not the case.

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It is also to be noted that the same is not the case in the case of the second, but in the case of the first, the same is not the case.

It is also to be noted that the same is not the case in the case of the second, but in the case of the first, the same is not the case.

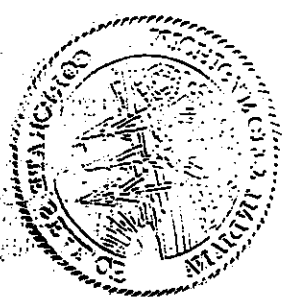
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FILED

OCT 18 2016

GALE A. NEUBER  
CITY CLERK  
CITY OF MICHIGAN CITY



MICHIGAN  
(CITY

*Create. Play. Repeat.*

---

CITY OF MICHIGAN CITY, INDIANA

TITLE VI IMPLEMENTATION PLAN

2016

**"EXHIBIT A"**

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## INTRODUCTION

This Title VI Implementation Plan is a part of the CITY OF MICHIGAN CITY, INDIANA's continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, the CITY OF MICHIGAN CITY, INDIANA (hereinafter referred to as "City") seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.

## CITY OF MICHIGAN CITY, INDIANA TITLE VI NON-DISCRIMINATION NOTICE & POLICY

The City values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, the City conforms to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the City on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. The City further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the City to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the City hereby gives assurance that no qualified disabled person shall, solely by reason



of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the City will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). The City will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever the City distributes federal-aid funds to a second-tier subrecipient, the City will include Title VI language in all written agreements.

The following individual has been identified as the City's Title VI Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

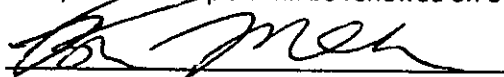
**Jeff Deutch**  
**Title VI Program Manager/Human Rights Director**  
**100 E. Michigan Boulevard**  
**Michigan City, Indiana 46360**  
**jdeutch@emichigancity.com**

The City affirms its commitment to nondiscrimination annually by publishing its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).

## TITLE VI ASSURANCES & IMPLEMENTATION

Fully executed Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by **CITY OF MICHIGAN CITY, INDIANA**. The **CITY OF MICHIGAN CITY, INDIANA** has adopted and mandated implementation of this plan by Resolution # 4660 of the Common Council, which was approved by the Mayor, and passed on November 1, 2016. This plan will be renewed on or before **December 31, 2017**.

Signed by:



**Ron Meer, Mayor**  
**Michigan City, Indiana**

Date: 11-2-16

## CITY OF MICHIGAN CITY, INDIANA'S ORGANIZATION AND STAFFING

### 1. MAYOR: Ron Meer

The City Department with the Department Heads are as follows:

- a. Attorney: Amber Lapaich-Stalbrink
- b. Aviation: Jessica Ward
- c. Cemetery: Mark Tomsheck
- d. Central Services: Robert Zondor
- e. Transit Director: Robin Tillman
- f. Controller: Richard Murphy
- g. Engineer: Charles Peller (\*\*ADA Coordinator\*\*)
- h. Fire Department: Randy Novak
- i. Human Rights: Jeff Deutch (\*\*Title VI Coordinator\*\*)
- j. Planning & Inspection: Craig Phillips
- k. Park & Recreation: Jeremy Kienitz (Superintendent); Shannon Eason (Assis. Superintendent)
- l. Personnel: Shelley Dunleavy
- m. Police Department: Mark Swistek
- n. Redevelopment: Craig Phillips
- o. Sanitary District: Michael Kuss
- p. Water Department: Randy Russell

### 2. COMMON COUNCIL MEMBERS:

- a. Bryant Dabney, 1<sup>st</sup> Ward
- b. Candice Silvas, 2<sup>nd</sup> Ward
- c. Ron Hamilton, Jr., 3<sup>rd</sup> Ward
- d. Patricia Boy, 4<sup>th</sup> Ward
- e. Sharon Carnes, 5<sup>th</sup> Ward
- f. Chris Schwanke, 6<sup>th</sup> Ward
- g. Allan Whitlow, At-Large
- h. Tim Bietry, At-Large
- i. Donald Przybylinski, At-Large

### 3. CITY CLERK: Gale Neulieb

## **CITY OF MICHIGAN CITY, INDIANA OVERVIEW OF TITLE VI PROGRAM: DATA COLLECTION, ANALYSIS & REPORTING**

The type of data collected is dependent on the program area's objective. The City collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data that may be collected by the City includes the following:

- Complaints received, logged, processed and investigated by the City
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey
- Records of meeting minutes and discussions related to Title VI in all program areas.
- The City collects data related to specific program areas being reviewed this year for disparate / disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes.

### **COMPLAINTS OF DISCRIMINATION**

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#### **HOW TO FILE A COMPLAINT?**

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. The City does not require a Complainant to use the City's complaint form when submitting his or her complaint.

Direct all complaints of discrimination pursuant to Title VI to:

**Jeff Deutch**  
**Title VI Program Manager/Human Rights Director**  
**100 E. Michigan Boulevard**  
**Michigan City, Indiana 46360**  
**[jdeutch@emichigancity.com](mailto:jdeutch@emichigancity.com)**

**(219) 873-1429 (phone)**  
**(219) 873-1552 (fax)**

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## **ELEMENTS OF A COMPLETE COMPLAINT**

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review, and signature before processing. The complaint form is available for download from the City's website at: [www.emichigancity.com](http://www.emichigancity.com).

Additionally, a complaint must include the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent, the individual, agency, department or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

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## **PROCESSING COMPLAINTS**

The Title VI Coordinator will process all complaints. The Title VI Coordinator is responsible for:

- The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline date which is 180 days from the date the alleged discriminatory act occurred, and falls within the jurisdiction of the City.
- The Title VI Coordinator will then investigate the complaint. Additionally, a copy of the complaint will be forwarded to the City Attorney. If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail.
- If the City does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state or federal agency holding such jurisdiction. In such cases, the Title VI Coordinator will notify the complainant in writing that the complaint is outside the City's jurisdiction and where the complaint has been referred for further handling.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the Title VI Coordinator's name and will request that this party be available for an interview.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator and the Mayor's office.

- Once the City has investigated the report findings, the City will adopt a final resolution. All parties associated with the complaint will be properly notified of the outcome of the City's investigative report.
- If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she has the right to contact the Department of Justice, Civil Rights Division, at (888) 736-5551.
- In accordance with DOT Order 1000.12, the City shall keep all complainants' identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the Complainant's identity to the Respondent or a third party the investigator must first obtain Complainant's written permission. Furthermore, the City shall obtain a Complainant's written consent before providing a copy of the complaint to the Respondent or a third party unless requested by monitoring state or Federal agencies.
- The City's Title VI Coordinator shall maintain all records of an investigation in a confidential area for three (3) years after the completion of the investigation. Since complaints are considered confidential, only a summary of item(s) will be included as part of the complaint log.

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#### ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The City is committed to these three environmental justice principles in all work that the City performs.

#### LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the City uses to access the LEP populations in the City.

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the City.
2. The frequency with which LEP individuals come into contact with the program, activity or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the City and costs.

In addition, the City has not implemented the safe harbor provision whereby it identifies and translate all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the county both:

- Does not speak English very well AND
- Primarily speaks another specific language as identified in current census data or other publically available records.

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#### **SUMMARY OF THE FOUR FACTOR ANALYSIS**

##### **Factor 1:**

The number and proportion of LEP persons eligible to be served or likely to be encountered by the City can only be estimated until the actual number of persons who can speak English less than "very well" are documented as needing assistance by City Staff . With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The total population is provided below to shown general distribution of race and ethnicity in the community. The estimated number of persons that may not speak English "very well" is following in the US Census Bureau 2006-2010 American Community Survey.

The U.S. Census Bureau provides statistics from 2010 for the City as follows:

Total population = 31,479

Population by Ethnicity: 31,479

Hispanic or Latino = 1,843 Non-Hispanic or Latino = 29,636

Population by Race: 31,479

White = 20,435, African American = 8,856, Asian = 229, American Indian or Alaska Native = 120, Native Hawaiian and Pacific Islander = 8, Other = 654, Identified by two or more = 1,177.

The US Census Bureau 2010-2014 American Community Survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTICS, specifically "Language Spoken at Home" estimates the number of people in Michigan City, Indiana who speak a language other than English to be as follows:

	<u>Estimate</u>	<u>Estimate Percentage</u>
Language other than English:	1,817	6.2%
Speak English Less than "very well:"	719	2.5%
Spanish:	1,118	3.8%
Speak English Less than "very well:"	465	1.6%
Other Indo-European languages	453	1.5%
Speak English Less than "very well:"	111	.4%
Asian and Pacific Islander languages:	143	.5%
Speak English less than "very well:"	95	.3%
Other languages:	103	.4%
Speak English less than "very well:"	48	.2%

Based on actual contact between City Staff and the community there have been very few requests from anyone in the service area asking the City to provide language translation services. Therefore, the LEP population is probably even less than the estimate shown above.

**Factor 2: The frequency with which LEP individuals come into contact with the program, activity or service:**

Due to the infrequent requests for translation services, there appears to be a minimal need for translation services from the City.

**Factor 3: The nature and importance of the program, activity, or service provided by the program:**

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the City will provide, upon request, services to assist the LEP population including translation of vital City documents and interpretation services.



**Factor 4: The resources available to the City and costs: Still researching and investigating.**

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#### **SUMMARY OF LEP ACCOMMODATION PLAN**

- The CITY OF MICHIGAN CITY, INDIANA strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City services.
- A U.S. Census Bureau I Speak card is available as part of this document. This card allows LEP individuals to communicate their preferred language to City Staff whereas City Staff may then access a translation service as determined by the City.
- The CITY OF MICHIGAN CITY, INDIANA will utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, sex, disability status, and household income. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the City may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.
- The City reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the City's Title VI plan and procedures as required.
- Staff for the City will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

#### **TITLE VI TRAINING**

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#### **EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING**

**At the time of Hire:** Title VI policy education and literature will be provided to all City employees. City employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided

with education and literature at new employee orientation. Employees will be provided with updated education and literature as the City deems necessary.

**Ongoing Training provided to current employees:** Current employees will receive training. Training may consist of written training materials to be provided either in person or by electronic mail.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, City employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

## **PUBLIC INVOLVEMENT**

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### **DATA COLLECTION**

Pursuant to 23 CFR 200.9(b) (4), the City shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

The City shall utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.

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### **COMMUNITY INVOLVEMENT & OUTREACH**

The City is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The City regularly holds meetings monthly for the various boards and commissions of the City and those meetings are open to the public. Any meetings that are open to the public are published on the City's website's main page and on the bulletin board at City Hall. All City public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the City's website are various meeting agenda's, meeting minutes, notices, events and news. Some departments within the City utilize signage, media and social media websites as another avenue to communicate with the community.

## REVIEW OF PROGRAM AREA

This section outlines annual goals set forth by the City to comply with Title VI requirements and statutes.

### ANNUAL WORK PLAN

The City will annually review compliance with Title VI requirements and statutes and provide updates and additions to this plan as necessary, which may include the following:

- The number of program areas reviewed during the previous year and those which will be reviewed during the upcoming year.
- The number and type of subrecipient reviews conducted during the previous year and a discussion of the outcomes, as well as the number planned for the upcoming year.
- Title VI training conducted, including the type of training, number and type of individuals trained and materials. Identify training goals and opportunities for the upcoming year also. Include a summary disposition of all complaints received and identify any changes made to programs as a result or further action required.
- Discuss the data collected and analyzed for all program areas generally and for special emphasis program areas with particularity. Identify what data will be collected and how it will be analyzed during the upcoming program year.

# APPENDIX

- A. Assurances
- B. Complaint Log
- C. Complaint Form
- D. Public Involvement Survey
- E. I Speak Cards

## **APPENDIX A: ASSURANCES**

### **PART 1: Title VI Assurances**

The City of Michigan City, Indiana (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race color, or national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

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

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Indiana Department of Transportation (INDOT), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.

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

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

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

  
Signature

11-2-16  
Date

## **PART 2: CONTRACT LANGUAGE**

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

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in

the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.



### **PART 3: CLAUSES TO BE INCLUDED IN DEEDS**

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

#### **(GRANTING CLAUSE)**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Indiana Department of Transportation* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

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

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

The Indiana Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] (and)\* (2) that the Indiana Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination

---

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

**in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\***

#### **PART 4: CLAUSES TO BE INCLUDED IN DEEDS, LICENSES, LEASES, PERMITS, OR SIMILAR INSTRUMENTS**

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

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

[Include in deed.]\*

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

---

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

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

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

---

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

## APPENDIX B: COMPLAINT LOG

**TITLE VI COMPLAINT LOG**[illegible]

## **APPENDIX C: COMPLAINT PROCEDURE**

### **COMPLAINT OF DISCRIMINATION**

#### **INSTRUCTIONS:**

The purpose of this form is to help any person interested in filing a discrimination complaint with the **City of Michigan City, Indiana**. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap, or income status in connection with programs or activities receiving federal financial assistance for the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to the **City of Michigan City, Indiana** as a sub-recipient of federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats such as computer disk, audiotape, or Braille.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the **City of Michigan City, Indiana**. Additionally, you have the right to seek private counsel.

The **City of Michigan City, Indiana** is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address below.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

**\*\*Your complaint cannot be processed without your signature.**

COMPLAINANT INFORMATION		
Name (first, middle, and last)		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Name of complainant		Date (month, day, year)

26

Name of complainant		Date (month, day, year)
---------------------	--	-------------------------

<b>Provide the names of any individuals with additional information regarding your complaint:</b>		
Name of witness 1 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
Name of witness 2 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
Name of witness 3 (first, middle, and last)		
		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
How would you like your complaint to be resolved?		



Name of complainant		Date (month, day, year)
Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please provide the following information for each agency:		
Name of the agency		Date complaint filed (month, day, year)
Case number assigned to your complaint	Current status of your complaint	
How did you learn about your right to file a discrimination complaint?		
Signature		Date signed (month, day, year)



## APPENDIX D: VOLUNTARY PUBLIC INVOLVEMENT SURVEY

### VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CFR §200.9(b)(4)). The City of Michigan City, Indiana is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the City of Michigan City, Indiana will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the City of Michigan City, Indiana's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Jeff Deutch, Title VI Coordinator/Human Rights Director, 100 E. Michigan Boulevard, Michigan City, Indiana 46360; [jdeutch@emichigancity.com](mailto:jdeutch@emichigancity.com); 219-873-1429

You may return the survey by folding it and placing it on the next to the forms hereto or by mailing or e-mailing it to the address of the Title VI Coordinator above.

<b>Date:</b>		
<b>Project Name:</b>		
<b>Proposed Project Location:</b>		
<b>Gender:</b> <input type="checkbox"/> Female <input type="checkbox"/> Male	<b>Ethnicity:</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	
<b>Race: (Check one or more)</b>		
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Asian	
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> White	
<input type="checkbox"/> Black or African-American	<input type="checkbox"/> Multiracial	
<b>Age:</b>	<b>Disability:</b>	
<input type="checkbox"/> 1-21	<input type="checkbox"/> 22-40	<input type="checkbox"/> Yes
<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+	<input type="checkbox"/> No
<b>Household Income:</b>		
<input type="checkbox"/> \$0-\$12,000	<input type="checkbox"/> \$12,001-\$24,000	<input type="checkbox"/> \$24,001-\$36,000
<input type="checkbox"/> \$36,001-\$48,000	<input type="checkbox"/> \$48,001-\$60,000	<input type="checkbox"/> \$60,001+

## **APPENDIX E: I-Speak Card**

☐

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية

1. Arabic

☐

Եթե դուք կարդաք կամ խոսեք հայերեն, նշեք այս քառակուսին:

2. Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বক্সে দাগ দিন।

3. Bengali

☐

ឈ្មោះអ្នកប្រែប្រួលនេះ: ប្រើអ្នកប្រែប្រួល ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐

Motka i kahhon ya yangin Onningnu' manaitai pa Onningnu' kumentos Chamorro.

5. Chamorro

☐

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐

如果你能读中文或讲中文，请选择此框。

7. Traditional Chinese

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐

Mark this box if you read or speak English.

11. English

☐

اگر خواندن و نوشتن فارسی بلد هستید این مربع را علامت بزنید.

12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Makc kazyc an a si ou li oawa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाईं।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megéni vagy beszéli a magyar nyelvét.	19. Hungarian
<input type="checkbox"/>	Markam daytoy nga kahon no makaham wenno makasaka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໝາຍເລື່ອງ ຖ້າທ່ານສາມາດອ່ານ ຫຼື ກ່າວໄດ້.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

04-3329

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CUSTOMER SURVEY

- ☐ Asinale este quadrado se você lê ou fala português. 26. Portuguese
- ☐ Însemnați această celulă dacă citiți sau vorbiți românește. 27. Romanian
- ☐ Поставьте этот квадратик, если вы читаете или говорите по-русски. 28. Russian
- ☐ Обеседуйте ovaj kvadratić ukoliko читате или говорите српски језик. 29. Serbian
- ☐ Označte tento štvoreček, ak viete čítať alebo hovoriť po slovensky. 30. Slovak
- ☐ Marque esta casilla si lee o habla español. 31. Spanish
- ☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magalita ng Tagalog. 32. Tagalog
- ☐ ใช้การใส่เครื่องหมายในช่องสี่เหลี่ยมนี้ถ้าคุณอ่านหรือพูดภาษาไทย. 33. Thai
- ☐ Maaka 'i he puka ni kapau 'oku ke lau pe lea fakatonga. 34. Tongan
- ☐ Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. 35. Ukranian
- ☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ 36. Urdu
- ☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. 37. Vietnamese
- ☐ באיחובות דעם קעסטל וויב איר לעבט אדער רעדט אידיש. 38. Yiddish

FILED

SEP 12 2025

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

ORDINANCE NO. \_\_\_\_\_

**RATIFYING AND REAFFIRMING CERTAIN FINDINGS, DETERMINATIONS AND  
DESIGNATIONS IN ORDINANCE NO. 4771 REGARDING THE ESTABLISHMENT  
OF AN ECONOMIC IMPROVEMENT DISTRICT AND AUTHORIZING AND  
APPROVING OTHER ACTIONS WITH RESPECT THERETO**

**WHEREAS**, the Common Council of the City of Michigan City, Indiana (the “Common Council”), adopted Ordinance No. 4771 on August 4, 2025 (the “EID Ordinance”), establishing an economic improvement district pursuant to Indiana Code 36-7-22 (the “Act”) designated as the “SOLA Michigan City Economic Improvement District” (the “District”) to facilitate additional privately funded debt financing for a multi-story mixed use project including a hotel, a parking structure residential and retail amenities (collectively, the “Project”) to be undertaken by YAB Development Partners, LLC or its designee (the “Developer”); and

**WHEREAS**, prior to adoption of the EID Ordinance, a petition dated as of July 8, 2025, requesting the establishment of the District (the “Petition”) was filed with the Common Council, and a copy of the Petition was attached to the EID Ordinance as Appendix A; and

**WHEREAS**, pursuant to the Act, the Petition was signed by certain owners of real property in the proposed District (as defined in the Petition, the “Petitioners”); and

**WHEREAS**, due to a scrivener’s error, the Petition erroneously listed Petitioner 1 (as defined in the Petition) as Lakefront LLC and erroneously listed Lakefront LLC as the owner of the Petitioner 1 Land (as defined in the Petition) in the District; and

**WHEREAS**, the true and correct name of Petitioner 1 is MC Lakefront LLC (“MC Lakefront LLC”) and MC Lakefront LLC is the owner of the Petitioner 1 Land in the District; and

**WHEREAS**, except for the incorrect name of Petitioner 1, all other information regarding Petitioner 1 contained in the Petition was correct and accurate with respect to MC Lakefront LLC, and the common address, mailing address and authorized representative of Petitioner 1 listed in the Petition are the correct and accurate common address, mailing address and authorized representative of MC Lakefront LLC; and

**WHEREAS**, the authorized representative of MC Lakefront LLC has executed a scrivener’s error affidavit, attached hereto as Exhibit A, deposing and stating that (i) the Petition erroneously listed Lakefront LLC as Petitioner 1 and erroneously listed Lakefront LLC as the owner of the Petitioner 1 Land, (ii) the correct name of Petitioner 1 is MC Lakefront LLC, (iii) MC Lakefront LLC is the owner of the Petitioner 1 Land in the District, and (iv) such authorized representative executed the Petition on behalf of MC Lakefront LLC and the listing of Lakefront LLC in the Petition as Petitioner 1 was a scrivener’s error; and

**WHEREAS**, in order to acknowledge the scrivener’s error in the Petition attached as Appendix A to the EID Ordinance and acknowledge and accept the scrivener’s error affidavit correcting the scrivener’s error, this Common Council now desires to ratify and reaffirm the findings, determinations and designations in the EID Ordinance as set forth below;



**NOW, THEREFORE, BE IT ORDAINED** By the Common Council of the City of Michigan City, Indiana, that:

**Section 1.** The recitals set forth above are incorporated herein and approved as if set forth herein.

**Section 2.** The Common Council hereby acknowledges the scrivener's error in the Petition attached as Appendix A to the EID Ordinance and acknowledges and accepts the scrivener's error affidavit attached hereto as Exhibit A correcting the scrivener's error.

**Section 3.** The Common Council hereby acknowledges MC Lakefront LLC as the true and correct name of Petitioner 1 and as the true and correct owner of the Petitioner 1 Land in the District. The Common Council ratifies and reaffirms all findings, determinations, and designations in the EID Ordinance relating to the Petition with respect to Petitioner 1 recognizing MC Lakefront LLC as the true and correct name of Petitioner 1 and the true and correct owner of the Petitioner 1 Land in the District.

**Section 4.** With the acknowledgement of the scrivener's error, the Common Council reaffirms the EID Ordinance, and the EID Ordinance shall remain in full force and effect and all terms, conditions and provisions of the EID Ordinance, are hereby ratified and affirmed.

**Section 5.** This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY: \_\_\_\_\_

Tracie Tillman, President  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2025 by a vote of \_\_\_\_ to \_\_\_\_.

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

(Approved)(Vetoed) by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
City of Michigan City, Indiana

ATTEST:

\_\_\_\_\_  
Gale A. Neulib, Clerk  
City of Michigan City, Indiana

**EXHIBIT A**

**Scrivener's Error Affidavit**

(Attached).

FILED

SEP 12 2025

GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY

**AFFIDAVIT OF SCRIVENER'S ERROR**

STATE OF INDIANA                     )  
                                                  ) ss  
COUNTY OF LAPORTE                )

This Affidavit of Scrivener's Error is given by the undersigned, **Clarence Hulse**, on behalf of MC Lakefront LLC, who being sworn, deposes and says:

1. He has knowledge related to the "Petition for Establishment of Economic Improvement District Pursuant to Indiana Code § 36-7-22," dated as of July 8, 2025 (the "Petition"), and has authority to execute this Affidavit of Scrivener's Error on behalf of MC Lakefront LLC.

2. The limited liability company name of Petitioner 1, "**Lakefront LLC**", in the Petition is in error and the undersigned, by this Affidavit of Scrivener's Error, affirmatively states that the correct and complete limited liability company name as filed with the State of Indiana for Petitioner 1 is "**MC Lakefront LLC**".

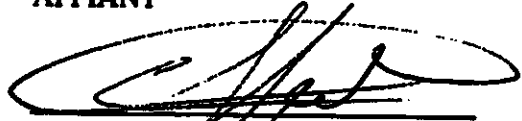
3. The above limited liability company name "**MC Lakefront LLC**" shall replace all references to Petitioner 1 in the Petition, in its entirety.

4. The Petition erroneously listed "**Lakefront LLC**" as the owner of the Petitioner 1 Land and the undersigned, by this Affidavit of Scrivener's Error, affirmatively states that the correct and complete limited liability company name for the owner of the Petitioner 1 Land is "**MC Lakefront LLC**".

5. The undersigned executed the Petition on behalf of "**MC Lakefront LLC**" and the listing of "**Lakefront LLC**" as Petitioner 1 in the Petition was a scrivener's error.

IN WITNESS WHEREOF, this instrument has been executed by the undersigned on September 10, 2025.

AFFIANT



Clarence Hulse, on behalf of MC  
LAKEFRONT LLC, an Indiana limited  
liability company

STATE OF INDIANA

)

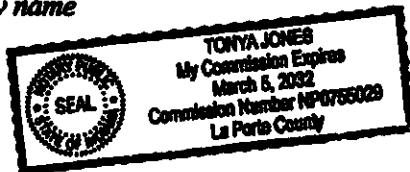
)ss.

COUNTY OF LAPORTE

)

The foregoing instrument was acknowledged before me on September 10, 2025, by Clarence Hulse, to me known to be the person who executed the same.

*\*print notary name*



*\*Tonya Jones*, Notary Public  
State of Indiana, County of La Porte  
Acting in the County of La Porte  
My Commission Expires: March 6, 2032

DMS 46892997

# ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)  
Approved by the State Board of Accounts, 2015  
Prescribed by the Department of Local Government Finance

FILED  
Page Form No. 4  
Generated 9/11/2024 10:41:22 AM

SEP 11 2025

Ordinance / Resolution Number:

GALE A. NEULIEB

Be it ordained/resolved by the **Michigan City Common Council** that for the expenses of **MICHIGAN CITY SANITARY** for the year ending December 31, **2026** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MICHIGAN CITY SANITARY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Michigan City Common council**.

Name of Adopting Entity / Fiscal Body

Type of Adopting Entity / Fiscal Body

Date of Adoption

Michigan City Common council

Common Council and Mayor

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
6402	TRASH / SANITATION - OPERATING	\$0	\$0	
8201	SPECIAL SANITARY GENERAL	\$0	\$0	0
		\$0	\$0	0

# ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)  
Approved by the State Board of Accounts, 2015  
Prescribed by the Department of Local Government Finance

Budget Form No. 4  
Generated 9/11/2024 10:41:22 AM



## ATTEST

Notary Public	City	Seal

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1

Yes ☐ No ☒

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

Yes ☐ No ☒

**FILED**

**SEP 11 2025**

**GALE A. NEULIEB  
CITY CLERK  
CITY OF MICHIGAN CITY**

**Ordinance / Resolution Number:**

Be it ordained/resolved by the **Michigan City Common Council** that for the expenses of **MICHIGAN CITY CIVIL CITY** for the year ending December 31, 2026 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MICHIGAN CITY CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Michigan City Common Council**.

Name of Adopting Entity / Fiscal Body

Type of Adopting Entity / Fiscal Body

Date of Adoption

Michigan City Common Council

Common Council and Mayor

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0005	CASINO/RIVERBOAT	\$0	\$0	0.0000
0061	RAINY DAY	\$0	\$0	0.0000
0101	GENERAL	\$0	\$0	0.0000
0254	LOCAL INCOME TAX	\$0	\$0	0.0000
0341	FIRE PENSION	\$0	\$0	0.0000
0342	POLICE PENSION	\$0	\$0	0.0000
0615	ANIMAL SHELTER	\$0	\$0	0.0000
0706	LOCAL ROAD & STREET	\$0	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$0	\$0	0.0000
0990	CUMULATIVE CHANNEL MAINTENANCE	\$0	\$0	0.0000
1151	CONTINUING EDUCATION	\$0	\$0	0.0000
1301	PARK & RECREATION	\$0	\$0	0.0000
1312	RECREATION	\$0	\$0	0.0000
2102	AVIATION/AIRPORT	\$0	\$0	0.0000
2120	CEMETERY	\$0	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$0	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$0	\$0	0.0582
2430	REDEVELOPMENT - GENERAL	\$0	\$0	0.0000
		\$0	\$0	0.0000

Fund Code	Fund Name	Adopted Budget
9500	Boyd Development	\$0
9501	Patriot Park	\$0
9502	Senior Center	\$0
9503	Golf	\$0
9504	Park Concessions	\$0
9505	Aviation Fuel	\$0
9506	DEA Forfeiture	\$0
9507	LOIT Special Distribution	\$0
9508	Promise Scholarship	\$0
9509	Zoo Education Non Reverting Fund	\$0
9510	Zoo Donation Fund	\$0

\$0  
\$0  
\$0  
\$0

[illegible]

[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]			
[REDACTED]	<input type="checkbox"/> <input type="checkbox"/>	[REDACTED]	[REDACTED]



**MICHIGAN CITY COMMON COUNCIL  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND  
EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2026**

WHEREAS, the Mayor must set the salaries and wages of appointed officials and employees of the City of Michigan City; and

WHEREAS, the Common Council of the City of Michigan City must, pursuant to IC 36-4-7-3, set other said salaries and wages by ordinance; and

WHEREAS, pursuant to IC 36-4-7-3, the Common Council of the City of Michigan City may by ordinance reduce, but may not increase, any salaries and wages set by the Mayor.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that:

Section 1. The salary and wage ranges for appointed officials and employees for the year 2026 shall be as set forth as follows:

(Positions covered by collective bargaining agreements are marked with \*)

(FT- means full-time; PT- means part-time)

City Employees-Departments	<u>Min. Hourly</u>	<u>Max. Hourly</u>	<u>Min. Salary</u>	<u>Max. Salary</u>
<b><u>Controller's Office:</u></b>				
Controller			\$75,019.07	\$81,403.67
Assistant Controller			\$68,080.80	\$73,874.91
2nd Assistant Controller			\$64,028.65	\$69,477.89
Payroll Administrator*	\$21.83	\$24.74		
Accounts Payable/Receivable Administrator	\$21.83	\$24.74		
Accounts Payable/Receivable Specialist*	\$19.68	\$22.30		
<b><u>Clerk's Office:</u></b>				
Deputy Clerk			\$55,136.64	\$58,656.00
<b><u>Mayor's Office:</u></b>				
City Administrator			\$58,947.08	\$63,963.85
Education & Workforce Development Director			\$66,061.32	\$71,683.56
Special Events Planner			\$58,947.08	\$73,000.00
Special Events Assistant Director	\$21.83	\$24.74		
Office Manager	\$21.82	\$24.74		
Undergraduate Municipal Intern	\$17.00	\$20.00		
Graduate Municipal Intern	\$19.00	\$22.00		
<b><u>Planning &amp; Inspection:</u></b>				
Planning Director (Executive II)			\$73,320.00	\$79,560.00
Building Superintendent			\$67,000.00	\$72,000.00
Associate Planner			\$55,136.64	\$67,000.00

Code Enforcement Manager			\$57,930.62	\$62,860.89
Building Commissioner			\$57,930.62	\$62,860.89
Administrative Assistant II	\$18.70	\$21.20		
Building Inspector (FT/PT)	\$31.50	\$35.70		
Code Enforcement Inspector	\$23.55	\$26.69		
CDBG Housing Specialist (PT)	\$30.60	\$35.00		
Permit Specialist #1	\$21.15	\$23.97		
Permit Specialist #2	\$21.15	\$23.97		
<b>Human Resources:</b>				
Human Resource Director (Executive II)			\$79,900.00	\$86,700.00
Assistant Human Resource Director			\$64,028.65	\$69,477.89
Administrative Assistant III	\$19.68	\$22.30		
<b>Central Maintenance/Services:</b>				
Central Services Superintendent (Executive II)			\$71,447.52	\$77,528.16
Mechanic*	\$26.24	\$29.73		
Office Manager	\$21.83	\$24.74		
<b>City Hall:</b>				
Maintenance Foreman	\$19.27	\$21.84		
Custodian II (FT/PT)	\$17.43	\$19.66		
<b>Attorney:</b>				
Corporation Counsel			\$100,993.57	\$109,588.77
City Attorney			\$55,136.64	\$59,829.12
Office Manager	\$21.83	\$24.74		
<b>MC Transit:</b>				
MC Transit Director (Executive I)			\$66,061.32	\$71,683.56
Logistics Supervisor Transit	\$24.00	\$27.00		
Assistant Transit Director			\$55,136.64	\$59,829.12
Driver*	\$21.60	\$24.48		
Administrative Assistant II*	\$18.70	\$21.20		
Washer/Custodian*	\$17.43	\$19.66		
<b>Engineering:</b>				
City Engineer			\$122,200.00	\$132,600.00
<b>Fire Department:</b>				
Chief			\$87,335.36	\$94,768.16
Deputy Chief			\$79,072.31	\$85,801.87
Office Manager	\$21.83	\$24.74		
Seasonal Lifeguard	\$24.32	\$27.57		
Seasonal Assistant Head Lifeguard	\$25.31	\$28.68		
Seasonal Head Lifeguard	\$26.28	\$29.78		
Administrative Assistant I (part-time)	\$16.83	\$19.07		
<b>Police Department:</b>				
Chief			\$87,833.66	\$95,308.86
Deputy Chief			\$79,540.62	\$86,310.03

Office Manager	\$21.83	\$24.74		
Administrative Assistant II*	\$18.70	\$21.20		
Maintenance Foreman*	\$19.30	\$21.84		
Custodian II*	\$17.34	\$19.66		
Animal Control Officer* (FT/PT)	\$19.41	\$23.00		
Social Worker			\$57,791.31	\$62,709.72
Crossing Guard	\$11.00	\$13.00		
<b><u>Vector Control:</u></b>				
Vector Control Officer			\$55,136.64	\$59,829.12
Administrative Assistant II	\$18.70	\$21.20		
Vector Control Assistant Officer	\$21.83	\$24.74		
Laborer	\$17.34	\$19.66		
Seasonal Laborer	\$14.00	\$17.00		
<b><u>Street Department:</u></b>				
Street Department Director (Executive I)			\$66,061.32	\$71,683.56
Operator*	\$23.54	\$26.68		
Driver*	\$21.60	\$24.48		
<b><u>Aviation:</u></b>				
Airport Manager (Executive I)			\$66,061.32	\$71,683.56
Foreman	\$19.27	\$21.84		
Laborer (FT/PT)	\$17.34	\$19.66		
<b><u>Cemetery:</u></b>				
Cemetery Superintendent (Executive I)			\$66,061.32	\$71,683.56
Cemetery Assistant Superintendent			\$55,136.64	\$59,829.12
Administrative Assistant II	\$18.70	\$21.20		
Working Foreman	\$19.27	\$21.84		
Mechanic	\$19.27	\$21.84		
Laborer/Driver	\$17.34	\$19.66		
Temporary/Seasonal Laborer	\$14.00	\$17.00		
<b><u>Park Administration:</u></b>				
Park Superintendent (Executive II)			\$71,447.90	\$77,528.57
Assistant Park Superintendent (Executive I)			\$66,745.88	\$72,426.39
Admin Director			\$52,000.00	\$59,465.90
Administrative Assistant II Payroll	\$18.70	\$21.20		
Administrative Assistant II Rec Program Coordinator	\$18.70	\$21.20		
Seasonal Parking Sticker Clerk	\$14.00	\$17.00		
Seasonal Parking Attendant	\$14.00	\$17.00		
Seasonal Assistant Parking Supervisor	\$16.76	\$18.00		
Seasonal Parking Supervisor	\$17.30	\$19.00		
<b><u>Park Recreation:</u></b>				
Seasonal Day Camp Director	\$18.38	\$19.00		
Seasonal Day Camp Leader	\$14.00	\$17.00		
Seasonal Day Camp Supervisor	\$17.30	\$18.00		

Summer Intern	\$14.00	\$17.00		
<b><u>Park Zoo:</u></b>				
Zoo Director			\$59,963.30	\$65,066.55
Assistant Zoo Director	\$23.55	\$26.69		
Retail Manager	\$23.55	\$26.69		
Zookeeper I	\$20.61	\$23.36		
Craftsman	\$20.21	\$22.90		
Seasonal Admission Cashier I	\$14.00	\$17.00		
Seasonal Zookeeper/Laborer I	\$14.00	\$17.00		
Seasonal Zookeeper/Laborer II	\$16.76	\$17.50		
Seasonal Education Curator	\$14.00	\$17.00		
Seasonal Guest Services Attendant	\$14.00	\$17.00		
Seasonal Groundkeeper	\$14.00	\$17.00		
Seasonal Train Attendant/Operator	\$14.00	\$17.00		
Seasonal Aviary Attendant	\$14.00	\$17.00		
Seasonal Animal Health Care Manager	\$20.00	\$20.40		
Seasonal Dietician	\$14.00	\$17.00		
<b><u>Park Maintenance:</u></b>				
Maintenance Director			\$57,930.62	\$65,066.55
Operations Foreman	\$22.74	\$25.78		
Administration Foreman	\$22.74	\$25.78		
Craftsman	\$20.21	\$22.90		
Laborer	\$19.27	\$21.84		
Seasonal Custodian Laborer	\$14.00	\$17.00		
Seasonal General Laborer	\$14.00	\$17.00		
Seasonal Landscaping Laborer	\$14.00	\$17.00		
Seasonal Patriot Park Laborer	\$14.00	\$17.00		
<b><u>Park Senior Center:</u></b>				
Senior Center Director			\$55,897.95	\$60,655.22
Administrative Assistant I (part-time)	\$18.51	\$19.07		
<b><u>Golf:</u></b>				
PGA Professional Director of Golf Operations			\$68,000.00	\$74,766.00
Greens Superintendent			\$57,930.62	\$67,500.00
Assistant Greens Superintendent	\$22.74	\$27.00		
Golf Laborer	\$19.27	\$21.84		
Seasonal Assistant Golf Manager	\$18.00	\$18.36		
Seasonal Laborer	\$14.00	\$17.00		
Seasonal Shift Leader	\$14.00	\$17.00		
Seasonal Clerk	\$14.00	\$17.00		
Seasonal Cart Laborer	\$14.00	\$17.00		
Seasonal Cook/Server	\$14.00	\$17.00		
Seasonal Beverage Cart Operator	\$14.00	\$17.00		
Seasonal Ranger/Starter	\$14.00	\$17.00		

<b>Park Concessions:</b>				
Seasonal Zoo Gift Shop Attendant/Office Assistant	\$14.00	\$17.00		
Seasonal Concession Attendant	\$14.00	\$17.00		

**Section 2.** The fringe benefit program provided by the City includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees in the following departments: Mayor, Controller, Clerk, Engineer, Personnel, City Hall, Attorney, Planning & Inspection, Cemeteries, Police, Fire, Aviation, Human Rights, Central Services, Vector Control, Street, Transit, Central Maintenance, Park, Redevelopment and the Promise Scholarship Director. Also included in the fringe benefit program are the following: the City Engineer, who shall maintain a minimum of thirty (30) hours per week as well as serving on or attending the meetings of the Board of Public Works & Safety and Plan Commission; and the Corporation Counsel, who shall maintain thirty (30) hours per week, and the City Attorney, who shall maintain twenty (20) hours per week, representing City departments in grievances, participating in all contract negotiations, representing and attending the meetings of the Board of Public Works & Safety, and prosecuting ordinance violations.

**Section 3.** For the Animal Control Officer, the fringe benefit program provided by the City includes certification pay at the rate of \$500 per year per certification with a maximum of three (3) certifications to be divided and included with the bi-weekly pay.

**Section 4.** For those employees employed with the City prior to January 1, 2026, the fringe benefit program is further defined as providing a longevity program for non-contract employees who have worked three (3) or more years in a full-time capacity, the financial increment shall be \$650 for each three (3) years of service to a maximum of \$5,200. For those employees employed with the City on and after January 1, 2026, the fringe benefit program providing a longevity program for non-contract employees who have worked three (3) or more years in full-time capacity, the financial increment shall be \$450.00 for each three (3) years of service to a maximum of \$3,600.00.

**Section 5.** Personnel who are subject to emergency calls outside of regular business hours will be provided with a City take-home vehicle. These include public safety personnel (Police and Fire) and one service employee per department per day when their service calls require tools that are carried in the vehicle (Animal Control, Vector Control, Parks & Recreation and Aviation).

**Section 6.** For Park Maintenance only, on-call pay shall be provided at an additional \$2.00 per hour as defined in a Park Resolution and approved by the Park Board.

**Section 7.** Except for salaries included in Section 9 below, all salaries are annual and shall be paid in equal amounts on a bi-weekly basis over the number of bi-weekly periods in the calendar year. Set salaries are in effect for all payrolls issued in the calendar year governed by this ordinance.

**Section 8.** All salaries and fringe benefits for union workers are subject to the terms, conditions, and limitations specified in the respective labor contracts for the year governed by this ordinance.

**Section 9.** Members of the following boards and commissions shall receive compensation in the amounts listed for that board or commission, payable the following month. Annual Per Diem are the maximum amounts to be paid for that position, and the columns below in this Section depict if that position is paid monthly or paid per meeting attended. Council Members and Department Heads who serve on these bodies shall not receive the per diem.

	<u>Annual Per Diem</u>	<u>Monthly</u>
<b>Board of Public Works &amp; Safety:</b>		
Member	\$ 2,400.00	\$ 200.00
<b>Police Civil Service Commission:</b>		
Member	\$ 1,800.00	\$ 150.00
<b>Fire Merit Commission:</b>		
Member	\$ 1,800.00	\$ 150.00
<b>Fire Pension Board:</b>		
Secretary	\$ 2,400.00	\$ 200.00
<b>Police Pension Board:</b>		
Secretary	\$ 2,400.00	\$ 200.00
<b>Human Rights Commission:</b>		
Secretary	\$ 1,800.00	\$ 150.00

The following Board/Commission members must attend the meeting to receive compensation.

	<u>Annual Per Diem</u>	<u>Monthly Maximum /Meeting</u>
<b>Board of Cemetery Trustees:</b>		
Member	\$ 1,287.00	\$ 107.25
<b>Licensing Board:</b>		
Member	\$ 600.00	\$ 50.00
<b>Plan Commission:</b>		
Member	\$ 600.00	\$ 50.00
<b>Board of Zoning Appeals:</b>		
Member	\$ 600.00	\$ 50.00
<b>Human Rights Commission:</b>		
Member	\$ 600.00	\$ 50.00
<b>Social Status of African American Males Commission:</b>		
Member	\$ 600.00	\$ 50.00
<b>Commission for Women:</b>		
Member	\$ 600.00	\$ 50.00
<b>Tree Board:</b>		
Member	\$ 600.00	\$ 50.00
<b>Sustainability Commission:</b>		
Member	\$ 600.00	\$ 50.00

**Section 10.** This ordinance shall be in full force and effect after passage by the Common Council and approval by the Mayor.

**INTRODUCED BY:**

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

Vetoed/Approved (circle action taken) by me this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
Michigan City, Indiana

ATTEST:

\_\_\_\_\_  
Gale A. Neulieb, City Clerk  
Michigan City, Indiana

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR**

**WHEREAS**, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

**WHEREAS**, the Mayor has requested that her annual salary for 2026 remain the same from 2025<sup>1</sup>, and the Common Council now desires to establish the salary for the Mayor for 2026.

**NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL**, as follows:

**Section 1.** The Mayor of the City of Michigan City shall be paid an annual salary of \$93,280.00 (\$3,587.69 bi-weekly) from the General Fund beginning January 1, 2026. The General Fund is to be reimbursed \$10,000.00 from the Sanitary District Operating Fund and \$10,000.00 from the Department of Water Works to offset the salary of the Mayor.

**Section 2.** The Mayor will be paid her annual salary based on the number of pays in that year divided by the number of scheduled pays for other employees. Said pays are to be issued at the same time as other pays. If the Mayor leaves her position, prior to the expiration of her tenure, she will be required to repay the City for any prepaid salary. When the salary is not evenly divisible by the number of pays in the year, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

**Section 3.** The fringe benefit program provided by the City for the Mayor includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the Mayor shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of \$650 for each three (3) years of continuous full-time service to a maximum of \$5,200.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** \_\_\_\_\_  
Tracie Tillman, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

Veto / Approved (*circle action taken*) by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
City of Michigan City, Indiana

**ATTEST:**

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City, Indiana

*Prepared by Corporation Counsel upon Request*

<sup>1</sup> Ordinance No. 4742 set the Mayor's 2025 salary at \$93,280.00.



**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK**

**WHEREAS**, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

**WHEREAS**, the City Clerk has declined a Two Percent (2%) increase from her 2025 salary, and the Common Council now desires to establish the salary of the City Clerk for 2026 at the same rate as 2025.

**NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL**, as follows:

**Section 1.** The City Clerk of the City of Michigan City shall be paid an annual salary of \$76,252.73 from the General Fund beginning January 1, 2026. The General Fund is to be reimbursed \$1,000.00 from the Sanitary District Operating Fund to offset the salary of the City Clerk.

**Section 2.** The City Clerk will be paid her annual salary based on the number of pays in that year divided by the number of scheduled pays for other employees. Said pays are to be issued at the same time as other pays. If the City Clerk leaves her position, prior to the expiration of her tenure, she is required to repay the City for any prepaid salary. When the salary is not evenly divisible by the number of pays in the year, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

**Section 3.** The fringe benefit program provided by the City for the City Clerk includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the City Clerk shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of \$650 for each three (3) years of continuous full-time service to a maximum of \$5,200.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** \_\_\_\_\_  
Tracie Tillman, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

Veto / Approved (*circle action taken*) by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
City of Michigan City, Indiana

**ATTEST:**

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City, Indiana

*Prepared by Corporation Counsel upon Request*

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE SETTING THE ANNUAL SALARIES FOR  
THE COMMON COUNCIL MEMBERS**

**WHEREAS**, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

**WHEREAS**, the Common Council now desires to set their annual compensation for 2026 with a Two Percent (2%) increase from 2025<sup>1</sup>.

**NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL**, as follows:

**Section 1.** Each member of the Common Council of the City of Michigan City shall be paid an annual salary of \$15,734.68 from the General Fund beginning January 1, 2026.

**Section 2.** Elected officials will be paid their annual salary based on the number of pays in that year divided by the number of scheduled pays for other employees. Said pays are to be issued at the same time as other pays. Elected officials leaving their position, prior to the expiration of their tenure, will be required to repay the City for any prepaid salary. When the salary is not evenly divisible by the number of pays in the year, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** \_\_\_\_\_  
Tracie Tillman, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Don Przybylinski, President  
Michigan City Common Council

Veto / Approved (*circle action taken*) by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
City of Michigan City, Indiana

**ATTEST:**

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City, Indiana

*Prepared by Corporation Counsel upon Request*

<sup>1</sup> Ordinance No. 4744 set the annual salary for Common Council members at \$15,426.16.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. \_\_\_\_\_

**CREATING SEC. 78-7 IN THE MICHIGAN CITY MUNICIPAL CODE TO PROHIBIT  
SMOKING WITHIN (20) TWENTY FEET FROM THE PUBLIC ENTRANCEWAYS OF  
MICHIGAN CITY GOVERNMENT BUILDINGS**

**WHEREAS**, the State of Indiana has enacted certain smoking bans and regulations under I.C. 7.1-15-12, including a ban prohibiting smoking within eight (8) feet of a public entranceway (see I.C. 7.1-15-12-4(a)(4)); and

**WHEREAS**, State law also provides that a municipality may adopt more stringent regulations (see I.C. 7.1-15-12-13(a)); and

**WHEREAS**, the City reasonably believes it to be in the best interest of the public and City employees based upon public health and welfare to prohibit smoking within twenty (20) feet of the entranceway of all City-owned buildings, and include electronic cigarettes, vaporizers and vapor products in the definition of smoking.

**THEREFORE, BE IT ORDAINED** by the Common Council for the City of Michigan City, Indiana as follows:

1. Sec. 78-7 is hereby created in Chapter 78 of the Michigan City Municipal Code and shall read as follows:

**Sec. 78-7. No Smoking Within Twenty (20) Feet of Entranceway of City-Owned Building.**

(a). Definitions:

- (1) *Smoking* is hereby defined as the following:

(a.) I.C. 7.1-15-12-3, as the same may be amended, which states:

- (1). The carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted tobacco smoking equipment; or
- (2). The inhalation or exhalation of smoke from lighted tobacco smoking equipment.

- (b) It shall also include vaping, which means the process of inhalation and exhalation of electronic cigarettes, electronic water pipes, or vaporizers.

- (2) *Electronic Cigarette* means a device that is capable of providing an inhalable dose of nicotine or any other substance intended for human consumption by delivering a vaporized solution that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. The term includes the components and cartridges.

- (3) *Electronic Water Pipe* means a device that is capable of providing an inhalable dose of nicotine or any other substance through water intended for human consumption by delivering a vaporized solution that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the device.

- (4) *Vaporizers* means a device like an electronic cigarette that is used to inhale e-liquid, which is a substance that may or may not contain nicotine and is intended to be vaporized and inhaled using a vapor product.

- (b). Smoking is hereby prohibited within twenty (20) feet of the entranceway of City-owned building.
- (b). The City administration shall amend any and all employee policy and procedure manuals to reflect such prohibition and post the necessary signage reflecting the same at each public entranceway of each City-owned building.

This Ordinance shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

INTRODUCED BY: \_\_\_\_\_  
Don Przybylinski, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this \_\_\_\_\_  
day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

Approved/Vetoed (*circle action taken*) by me, this \_\_\_\_\_ day of \_\_\_\_\_,  
2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
Michigan City, Indiana

ATTEST:

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City, Indiana

*Prepared by Corporation Counsel Upon Request*

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING CERTAIN SUBSECTIONS IN SEC. 38-33 IN THE MICHIGAN CITY  
MUNICIPAL CODE REGARDING THE REVOLVING LOAN FUND**

**WHEREAS**, the need exists to amend the Revolving Loan Fund to allow the Fund to also be used to pay the City's annual contract with the Michigan City Economic Development Corporation and be used as a local match and/or local corporate match incentive for businesses seeking to donate to the City's park and recreational capital projects or beautification projects, including but not limited to the proposed destination playground in Fedder's Alley; and

**WHEREAS**, the City's Revolving Loan Fund Committee has recently met and supports the additional permissible uses of said Fund; and

**WHEREAS**, the Common Council desires to amend the Revolving Fund to allow for the additional permissible uses of Fund.

**THEREFORE, BE IT ORDAINED** by the Common Council for the City of Michigan City, Indiana that the following subsections of Sec. 38-33 in the Michigan City Municipal Code are hereby amended as follows:

1. Subsection (1) shall now read:

*Goal.* Stabilize and expand the employment base and economy of Michigan City through retention and attraction of primary employment and encourage economic growth in the City.

2. Subsection (4)(a) shall now read:

Loans to businesses for new investments in capital assets and operating capital for the following:

3. Subsections (d), (e), and (f) shall be added to Subsection (4) and shall read as follows:

- d. Fund may be used to pay the City's annual contract with the Michigan City Economic Development Corporation.
- e. Fund may be used as a local match for park and recreational capital projects and/or beautification projects, which shall include but not be limited to the proposed destination playground project in Fedder's Alley
- f. Fund may be used as an incentive as a corporate match for businesses donating funding toward park and recreational capital and beautification projects, which shall include but not be limited to the proposed destination playground project in Fedder's Alley.

4. The first sentence of Subsection (5) shall read as follows:

Terms if Funds Used for Loan Program.

5. The first sentence of Subsection (6) shall read as follows:

Requirements if Funds Used for a Loan Program.

This Ordinance shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

**INTRODUCED BY:** \_\_\_\_\_

Don Przybylinski, Member  
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this \_\_\_\_\_  
day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Tracie Tillman, President  
Michigan City Common Council

Approved/Vetoed (*circle action taken*) by me, this \_\_\_\_\_ day of \_\_\_\_\_,  
2025.

\_\_\_\_\_  
Angie Nelson Deutch, Mayor  
Michigan City, Indiana

**ATTEST:**

\_\_\_\_\_  
Gale A. Neulieb, Clerk  
City of Michigan City, Indiana

*Prepared by Corporation Counsel Upon Request*