

City of Niles
Dial-A-Ride Transportation

**Title VI/
Limited English Proficiency Plan**

November 2016

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I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “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 subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. Section 2000d).

The City of Niles Dial-A-Ride Transportation (DART) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its transit services on the basis of race, color, or national origin, as protected by Title VI. The plan that follows was developed to guide DART in its administration and management of Title VI-related activities and to comply with the Federal Transit Administration (FTA) Circular 4702.1.B.

The DART Title VI Coordinator is the General Manager. Contact information is as follows:

City of Niles DART
623 North Second Street
Niles, Michigan 49120
Phone: 269.684.5150
Fax: 269.684.5154
Email: DARTManager@nilesmi.org

II. Title VI Information Dissemination

DART Title VI information shall be prominently and publicly displayed in the DART facility, on revenue vehicles, and on the website, www.nilesdialaride.org. A copy of the Title VI notice to the public is included in [Appendix C](#) of this document. Additional information relating to DART’s nondiscrimination obligation can be obtained from the DART Title VI Coordinator/General Manager (contact information is listed above).

Title VI information shall be disseminated to DART employees annually at a training event. Employees are reminded of DART’s policy statement and of their Title VI responsibilities in their daily work and duties.

During new employee orientation, new employees shall be informed of the provisions of Title VI, and DART’s expectations to perform their duties accordingly.

In addition, each time the Title VI Plan is updated, each employee shall be provided a copy of the plan and shall return a signed Acknowledgement of Receipt (see [Appendix A](#)).

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from the City of Niles DART where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IV. Record Keeping

The Title VI Coordinator/General Manager will maintain records, which include, but are not limited to, copies of Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and Title VI investigations. Records regarding Title VI complaints will be kept for a minimum of five (5) years.

The City's Human Resources Director will maintain signed acknowledgements of receipt from the employees indicating the receipt of the DART Title VI Plan.

V. Title VI Complaint Procedures

In order to comply with the reporting requirements established in 49 CFR Part 21, DART has developed the following procedures for investigating and tracking Title VI complaints and for making procedures for filing a complaint available to members of the public.

A. How to file a Title VI Complaint

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by DART may file a written complaint by completing and submitting DART's Title VI Complaint Form (see [Appendix B](#)). Complaints should be filed as soon as possible, but not more than 60 days after the alleged violation.

Complaints should be sent by mail, email, or fax to:

City of Niles DART
Title VI Coordinator
623 North Second Street
Niles, MI 49120
Fax: 269-684-5154
Email: DARTManager@nilesmi.org

Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities upon request. DART will provide

appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

B. Complaint Review/Decision Process

Within 15 business days of receiving a formal Title VI complaint, DART staff will begin an investigation and contact the complainant. Staff may request that additional documentation be submitted and may also contact other interested parties as needed. If the requested information is not received within 15 days, the complaint will be administratively closed. A case may also be closed if the complainant no longer wishes to pursue the case.

When conducting Title VI complaint investigations, staff may use audio/video recordings from facility and on-board surveillance systems, written communications (paper and electronic), system data (dispatch records, vehicle location tracking, etc.), driver logs, and/or interviews with staff and riders as a part of the investigation. At its discretion, DART may utilize additional City of Niles staff and/or the services of outside consultants or attorneys to assist in the review of any Title VI complaint. DART shall make every effort to address all complaints in an expeditious and thorough manner.

Within 60 business days of receiving the complaint, the DART General Manager will issue a letter of closure or a letter of finding. A letter of closure summarizes the allegations and states that there was no Title VI violation and that the case has been closed. A letter of finding summarizes the allegations and any interviews regarding the alleged incident and explains what actions will be taken to address the complaint.

If the response by the Niles DART General Manager does not resolve the issue, the complainant may appeal the decision to the City Administrator within 15 business days of receiving the response from the DART General Manager.

The City Administrator, or his designee, will investigate Title VI complaint appeals within 30 business days of receipt. Complaint appeals must be in writing (alternative, accessible means of filing complaints will be made available for persons with disabilities upon request) and may be addressed to:

City of Niles
City Administrator
333 North Second Street
Niles, MI 49120
Email: rhuff@nilesmi.org
Fax: 269-683-3930

If more information is needed to resolve the complaint, the City Administrator, or his designee, may contact the complainant to request additional information. If the requested information is not received within 15 days, the complaint will be administratively closed.

After the City Administrator, or his designee, investigates the complaint, a decision will be rendered in writing to the complainant. The City Administrator will issue either a Letter of Closure or Letter of Finding. A Letter of Finding summarizes the complaint and any interviews conducted regarding the complaint, and explains what actions will be taken by Niles DART to address the complaint. A Letter of Closure explains why the City Administrator has determined there was not a Title VI violation and that the case will be closed.

If the complainant disagrees with the decision of the City Administrator, an opportunity to appeal the decision may be pursued provided the notice of appeal is received within 15 days of the initial decision by the City Administrator.

In the event of appeal, the complainant will be granted all due process, including the ability to present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

A person may also file a Title VI complaint directly with the Federal Transit Administration (FTA) at the FTA Office of Civil Rights, 1200 New Jersey Avenue, SE, Washington, DC 20590.

VI. Deviated Fixed Route Service Standards and Policies

Appendix C to 49 CFR Part 21 provides in Section (3)(iii) that,

“[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.”

In order to comply with Title VI and the provisions outlined in the FTA Circular 4702.1B, DART has developed the following service standards and policies that relate to DART’s deviated fixed route, otherwise known as “Route 2.”

A. Service Frequency (Headway)

DART operates one (1) deviated fixed route, known locally as “Route 2,” with one (1) vehicle providing service for this route. Route 2 departs the DART Office at the top of every hour starting at 10:00 am and makes its “last run” at 4:00 pm. Since there is only one (1) vehicle serving this hourly route, the service frequency for each stop is 60 minutes (headway being one (1) vehicle per hour). All deviated route service (Monday-Friday, 10am-5pm) is considered “peak.” There is no weekend deviated fixed route service, but demand response service is available on Saturdays. DART is closed on Sunday.

B. On-Time Performance

DART’s standard for on-time deviated route performance is that a minimum of 90% of scheduled trips will be completed within five (5) minutes of the scheduled time.

C. Service Availability

It is DART’s intent that a minimum of 90% of the population in the deviated fixed route service area in the member jurisdictions will have service within 0.5 miles of the route. DART fulfills this requirement by offering demand response service in the City of Niles and Niles Charter Township in addition to the deviated fixed route. Demand response service is available from 7:00 am until 5:00 pm, Monday through Friday, and from 10:00 am until 3:00 pm on Saturdays.

D. Vehicle Load Factor

It is DART’s intent that the number of riders at peak should exceed the number of seats on 1% of trips or fewer (see table below for seating capacity). A frequency higher than this threshold warrants further investigation into the regularity of the occurrences on particular trips to determine if corrective action is needed. DART does not allow standees on its buses.

Vehicle Type	Seated Passenger Capacity	Standing Passenger Capacity	Total	Maximum Load Factor
23’ Small Bus	14	0	14	1.0
29’ Medium Bus	23	0	23	1.0

E. Vehicle Assignment

All DART service is operated from a single facility, the DART office on 2nd Street in Niles. DART operates one 29’ bus and five 23’ buses. All buses have the same environmental, security, and accessibility features. The larger, 29’ bus is generally assigned to the route Monday-Thursday, and one of the 23’ buses is typically assigned to the route on Friday. The change in bus assignment is due to staff availability and licensing rather than any environmental or social consideration. The larger bus requires a driver with a commercial driver’s license (CDL) whereas the smaller buses only require drivers to possess a chauffeur’s license. Currently, in Michigan there is a shortage of available drivers who possess a CDL, and DART does not have adequate funding to cover costs associated with mandating that current employees obtain a CDL.

F. Transit Amenities

DART has one bus shelter located at the Niles Senior Center. Other deviated route stops are marked with “Route 2” signage and include no other amenities. Indoor and outdoor seating,

brochures, ticket sales, and schedules are available at the DART office, which is the first and last stop on each of the deviated fixed route “runs.”

VII. Limited English Proficiency Plan

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency (LEP), indicates that differing treatment based upon a person’s inability to speak, read, write, or understand English is a type of national origin discrimination. The order directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including Niles DART, which receives federal assistance through the U.S. Department of Transportation (U.S. DOT).

The section that follows was developed to identify reasonable steps for providing language assistance to persons with LEP who wish to access services provided by DART. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.

This plan considers the four factors recommended by the U.S. DOT:

- A. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a DART program, activity or service;
- B. The frequency with which LEP persons come in contact with DART programs, activities or services;
- C. The nature and importance of programs, activities or services provided by DART to the LEP population; and
- D. The resources available to DART and overall costs to provide LEP assistance.

A. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a DART program, activity or service.

According to the 2010-2014 American Community Survey Five Year Estimates, most residents of the Niles DART service area (which includes the City of Niles and Niles Charter Township) were born in the United States and speak English at home. Of the 5.8% (1,372) who speak a language other than English at home, over half of these residents speak Spanish at home. Of the residents who speak a language other than English at home, less than half speak English less than “very well.” See the table below.

2010-2014 American Community Survey 5-Year Estimates

Subject	City	Township	Total	%
Place of Birth				
Total	11,479	14,057	25,536	
Born in USA	11,236	13,561	24,797	97.11%
Foreign-Born	243	496	739	2.89%
Language Spoken at Home				
Population 5 years and over	10,430	13,233	23,663	
English only	9,825	12,465	22,291	94.2%
Language other than English	605	768	1,372	5.8%
Speak English less than "very well"				
Spanish	149	251	400	1.7%
Speak English less than "very well"				
Other Indo-European languages	480	450	930	3.9%
Speak English less than "very well"				
Other Indo-European languages	91	174	265	1.1%
Speak English less than "very well"				
Asian and Pacific Islander languages	63	185	248	1.0%
Speak English less than "very well"				
Asian and Pacific Islander languages	28	29	57	0.2%
Speak English less than "very well"				
Other languages	21	66	87	0.4%
Speak English less than "very well"				
Other languages	10	3	14	0.1%
Speak English less than "very well"				
Other languages	52	66	118	0.5%
Speak English less than "very well"				
Other languages	23	42	65	0.3%

B. The frequency with which LEP persons come in contact with DART programs, activities or services.

To date, DART staff has encountered very few riders who do not understand English. DART has received no requests (written, emailed, phoned, faxed, or otherwise) for a translator or for materials to be translated into another language. In addition, only 1.7% of the residents (400 total) in the DART service area speak English less than "very well."

C. The nature and importance of programs, activities or services provided by DART to the LEP population.

There is no large geographic concentration of any LEP individuals in the DART service area. The majority of the population in the service area, 94.2%, speaks only English. There are no known service organizations in the Niles area that focus on outreach to LEP individuals, and given the

lack of contact to date, there seems to be limited demand for specialized DART services or materials for people with LEP.

D. The resources available to DART and overall costs to provide LEP assistance.

Based on the information noted above, DART has elected not to produce transit information in any alternative language. DART will monitor changes in the trends of residents who speak English less than “very well” as new data becomes available. In addition, staff will document calls/contacts with riders who do not understand English. If significant increases occur, DART will reconsider the possibility of providing information in alternate languages.

If a DART rider were to need materials translated into another language, DART would do its best to find accommodations at little to no cost. If necessary, staff would first utilize the U.S. Census Bureau Language Identification Flashcards to determine which language is needed. These flashcards are available at the DART front desk and with each driver. Then, staff would refer to the State of Michigan Translator Resource List (available at www.michigan.gov) to find the nearest applicable translator/translating resource. For most languages, the nearest translating resource is Andrews University in Berrien Springs, MI.

In addition to flashcards and local translators, many electronic translation apps and websites, such as Google Translate, are available at little to no cost. If and when staff encounters someone who does not speak English, the Census Bureau flash cards will be used to determine what language he/she does speak, and an online translation service or smart phone app will be used for immediate communication until printed materials or a translator can be made available.

VIII. Public Participation

As an agency receiving federal financial assistance, DART participates in many initiatives which involve community outreach or public comment opportunities. These efforts are described below:

- Niles City Council Meetings – The Niles City Council is the DART governing board. Its bimonthly meetings are open to the public.
- DART Local Advisory Committee (LAC) meetings – The LAC serves as an advisory body for DART. Semi-annual and as needed meetings are open to the public.
- Niles-Buchanan-Cass Area Transportation Study (NATS) – Niles is part of the South Bend, IN Urbanized Area (UZA) and must participate in transportation planning efforts in order to receive federal funding for road and transit projects. The Michigan portion of the UZA plans under the NATS name, and efforts are led by the Southwest Michigan Planning Commission (SWMPC). Monthly NATS meetings are open to the public, and a portion of each agenda is dedicated to transit updates and discussion. In addition, every 2-4 years, a long range plan (LRP), a transportation improvement program (TIP), and a

public participation plan are developed. The preparation of these documents includes many opportunities for public input, including public meetings, open houses, legal notices, and surveys.

- Berrien County Coordination Effort – DART participates in an ongoing effort led by the SWMPC to increase coordination among public transit agencies in Berrien County. The effort also includes area human service providers and various public input opportunities.
- Public Notices – Every year, DART publishes notice of grant applications, bid opportunities, requests for proposals, etc. in a local newspaper.
- Local Media – DART maintains a list of local print, television, and radio media that is used in order to disseminate service information.
- Website and Social Media – DART maintains a website, www.nilesdialaride.org, as well as a Facebook page in order to provide information to the public.
- Customer Comment Forms – There are always customer comment forms available in the office and on the buses. In addition, DART management is always open to input via phone or email.
- DART Public Meetings – When new service hours or fares are proposed, information is disseminated to the public and public meetings are scheduled.
- Passenger Surveys - Periodically, DART conducts on-board rider surveys and uses the results to make service improvements. The most recent survey was conducted in collaboration with MDOT and Michigan State University during May and June 2016.
- Transit Development Plan (TDP) – DART worked with RLS and Associates to produce a TDP for DART. The planning process concluded in March 2013 and included surveys, public meetings, and other opportunities to collect public, stakeholder, and rider input.
- Transportation Forum – As a part of the City’s master plan update, DART hosted a Transportation Forum on August 8, 2016 to seek public input regarding transportation needs and priorities in the City of Niles.

Appendix A – Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of the City of Niles Dial-A-Ride Transportation Title VI Plan. I will read the plan at my earliest convenience and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

Signature

Printed name

Date

Appendix B – Title VI Complaint Form

Niles Dial-A-Ride Transportation Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that “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 subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against, please provide the following information in order to assist us in processing your complaint.

Section I		
Name:		
Address:		
Telephone (home):	Telephone (work):	
Telephone (cell):		
Electronic Mail Address:		
Accessible Format Requirements? <input type="checkbox"/> Large Print <input type="checkbox"/> TDD <input type="checkbox"/> Audio Tape <input type="checkbox"/> Other:		
Section II		
Are you filing this complaint on your own behalf?	Yes*	No
*If you answered "yes" to this question, go to Section III.		
If not, please supply the name and relationship of the person for whom you are complaining:		
Please explain why you have filed for a third party:		
Have you have obtained the permission of the aggrieved party if you are filing on behalf of a third party?	Yes	No
Section III		
I believe the discrimination I experienced was based on (check all that apply):		
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or attach additional pages.		

Section IV

Have you previously filed a Title VI complaint with Niles DART?	Yes	No
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Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes No

If yes, check all that apply:

Federal Agency: _____

Federal Court _____ State Agency _____

State Court _____ Local Agency _____

Please provide the following information about a contact person at the agency/court where the complaint was filed:

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Electronic Mail: _____

Please attach any other written material or information you feel is relevant to your complaint. Sign and date below.

Signature

Printed name

Date

Submit completed form to:

Niles Dial-A-Ride
Title VI Coordinator
623 North Second Street
Niles, Michigan 49120
Fax: 269-684-5154
Email: DARTManager@nilesmi.org

Appendix C – Title VI Notice to the Public

The following notice is posted on the DART revenue vehicles, on the website, and in the facility:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “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 subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. Section 2000d).

The City of Niles Dial-A-Ride Transportation (DART) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by DART, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact:**

City of Niles DART
Title VI Coordinator
623 North Second Street
Niles, Michigan 49120
Phone: 269.684.5150
Fax: 269.684.5154
Email: DARTManager@nilesmi.org

For more information, visit our website at www.nilesdialaride.org.

Appendix D – Local Advisory Committee Composition

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.” Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

Niles DART currently has a seven member local advisory committee (LAC). As you can see from the table below (population data is from the 2014 American Community Survey Demographic and Housing Estimates), the racial composition of the Niles DART service area is predominantly white. While the current DART LAC is also predominantly white, DART encourages minority participation. When a voting member position becomes available, the DART ridership database is consulted and minorities are invited to participate in the group. Meetings are held twice a year, and the time/date is selected based on member availability at the time. In addition, DART offers free rides to and from the meeting to any member who needs transportation.

At the time of this plan update, two LAC vacancies exist. Staff has posted notice of the vacancies on the DART website, social media, and community message boards; announced the opportunity at public meetings; announced the opportunity on the buses; and made personal phone calls to invite riders and local professionals to apply.

Body	Caucasian	Latino	African American	Asian American	American Indian/ Alaska Native	Native Hawaiian and Other Pacific Islander	Other
Population	90.7%	5.2%	9.3%	.7%	1.5%	.1%	1.7%
Local Advisory Committee	100%	0%	0%	0%	0%	0%	0%

Appendix E – List of Investigations, Complaints, and Lawsuits

In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: 1) active investigations conducted by entities other than FTA; 2) lawsuits; and 3) complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

Niles DART has no Title VI investigations, lawsuits, or complaints to list/report.

Appendix F – Resolution of Approval

At a regular meeting of the City Council of the City of Niles, a Michigan municipal corporation, held in the Council Chambers, 1345 East Main Street, Niles, Michigan (49120), on the 28th day of November, 2016, at 6:00 p.m. local time, the following resolution approving the Dial-A-Ride Transportation Title VI/LEP Plan was offered.

RESOLUTION #2016-11/2002

WHEREAS, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to ensure that individuals (including those with limited English proficiency, LEP) are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin; and

WHEREAS, the City of Niles, as a grantee of the Federal Transit Administration (FTA) on behalf of Dial-A-Ride Transportation (DART), is required to adhere to the Title VI regulation; and

WHEREAS, the City of Niles DART assures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity; and

WHEREAS, on October 1, 2012, the FTA issued Circular 4702.1B which sets out new criteria for recipients of federal financial assistance, including the development of a Title VI Program; and

WHEREAS, DART has established a Title VI/LEP Plan in accordance with federal law and FTA Circular 4702.1B; and

WHEREAS, the Title VI/LEP Plan must be updated at least every three years and approved by the recipient's governing body;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niles, Michigan does hereby approve and adopt the City of Niles DART Title VI/LEP Plan attached hereto as Exhibit A.

ROLL CALL: YEA: Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Robert Durm, Charlie McAfee, William Weimer, John DiCostanzo and Wm. Tim Skalla

NAY: None **ABSENT:** None **ABSTAIN:** None

ADOPTED this 28th day of November, 2016.



CITY OF NILES


Linda Casperson, City Clerk

ATTEST

I hereby certify that the foregoing resolution is a true and complete copy of a resolution adopted by the City of Niles, County of Berrien, State of Michigan, at a regular meeting held on November 28, 2016, and that the public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Linda Casperson, City Clerk