

## MEETING NOTICE

### STEERING COMMITTEE MEETING

East Central Wisconsin Regional Planning Commission

COMMITTEE MEMBERS: *Jeff Nooyen (Chair), Alice Connors (Vice Chair), Martin Farrell, Dick Koeppen, Thomas Kautza, Donna Kalata, Jeremy Johnson, Dave Albrecht*

**Place:** East Central Wisconsin Regional Planning Commission  
(400 Ahnaip Street, Suite 100; Menasha)

**Date:** Thursday, April 14, 2022

**Time:** 1:30 p.m.

*Please contact the East Central office if you are unable to attend and arrange for an alternate to be present.*

#### AGENDA

1. **Welcome and Introductions**
2. **Roll Call**
  - A. Introduction of Alternates, Staff and Guests
3. **Approval of the Agenda/Motion to Deviate**
4. **Public Comment**
5. **Special Order of Business/Action Item**
  - A. **Presentation and Approval of the Draft 2021 Annual Audit – Ms. Amber Danielski, Director, Clifton Larson Allen**
6. **Approval of the Minutes of the March 16, 2022 Steering Committee Meeting**
7. **Announcements and Discussion Items**
  - A. Director's Report
8. **New Business/Action Items**
  - A. First Quarter, 2022 Financial Report (*emailed separately*)
  - B. First Quarter, 2022 Work Program Performance Report (*emailed separately*)

- C. Update on the implementation of East Central's Reorganization Plan and Commission Financial Comparison from 2018-2021
- D. Proposed Resolution 19-22 – Authorizing the Commission to Enter into an Agreement with Calumet, Outagamie, Waupaca, Shawano and Winnebago Counties to Implement Wisconsin Administrative Code NR-135 and Locally Adopted Non-Metallic Mining Reclamation Ordinances

**9. Informational/Discussion Items**

- A. County Roundtable Discussion (*as time permits*)

**10. Establish Time and Place for Next Commission Meeting**

- A. ***Steering Committee Meeting:*** *The next Steering Committee meeting will be Friday, April 29, 2022 at 8:30 a.m. Outagamie County Courthouse.*
- B. ***Commission Meeting:*** *The next Commission meeting will be held on Friday, April 29 at 10:00 a.m. The Annual Meeting for the Commission will be immediately following the Quarterly Commission meeting. An agenda and meeting materials will be forthcoming.*

**11. Adjourn**

*Any person wishing to attend this meeting or hearing, who, because of a disability, requires special accommodations should contact the East Central Wisconsin Regional Planning Commission at (920) 751-4770 at least three business days prior to the meeting or hearing so that arrangements, within reason, can be made.*

**MEETING NOTICE**

**STEERING COMMITTEE MEETING  
East Central Wisconsin Regional Planning Commission**

**COMMITTEE MEMBERS:** *Jeff Nooyen (Chair), Alice Connors (Vice Chair), Martin Farrell, Dick Koeppen, Thomas Kautza, Donna Kalata, Jeremy Johnson, Dave Albrecht*

**Place:** Virtual Meeting  
**Date:** Wednesday, March 16, 2022  
**Time:** 1:30 p.m.

**AGENDA**

**1. Welcome and Introductions**  
Chair Nooyen called the meeting to order at 1:30p.m.

**2. Roll Call**

**Committee Members Present:**

Jeff Nooyen (Chair) ..... Outagamie County  
Alice Connors (Vice Chair) ..... Calumet County  
Martin Farrell ..... Fond du Lac County  
Tom Kautza ..... Shawano County  
David Albrecht (Perm. Alt. for Shiloh Ramos) ..... Winnebago County  
Jeremy Johnson (Perm. Alt. for Elizabeth Moses) ..... Menominee County  
Donna Kalata ..... Waushara County  
Dick Koeppen ..... Waupaca County

**Committee Members Absent (Excused):**

**ECWRPC Staff and Guests:**

Melissa Kraemer Badtke ..... Executive Director  
Kevin Englebert ..... Deputy Director  
Sara Otting ..... Controller  
Scott Konkle ..... Senior Planner  
Leann Buboltz ..... Administrative Coordinator

Introduction of Alternates, Staff and Guests

- 3. Approval of the Agenda/Motion to Deviate** – A motion was made by Mr. Kautza and second by Mr. Albrecht to approve of the agenda/motion to deviate. Motion carried unanimously.
- 4. Public Comment** – Hearing of none.
- 5. Approval of the Minutes of the January 19, 2022 Steering Committee Meeting.** A motion was made by Mr. Albrecht and second by Mr. Farrell to approve of the minutes as presented. Motion carried unanimously.

## 6. Announcements and Discussion Items

- A. Director's Report by Melissa Kraemer Badtke, Executive Director. Update on highlighted activities.

**Staff Updates:** Lily Paul, an Associate Planner with the Commission, recently accepted a position with the City of Kaukauna. The Commission is in the process of refilling the Associate Planner Position, and the position has been posted. Also, Trish Nau, a Senior Planner with the Commission, recently accepted a position with the Village of Harrison. The Commission will be in the process of refilling her position.

**Gubernatorial Appointments:** Staff is continuing to work with local municipalities to approve the resolutions to change the Commission Board composition. Next step, staff will then work with our legal counsel to submit the appropriate paperwork to the Governor's office and file the new articles of organization. We anticipate to have this completed prior to the Nominating Committee meeting for the Commission in April. Once the change occurs, staff will notify the Gubernatorial Appointments and each of the member Counties prior to their reorganization meetings in April.

**Cost Allocation Plan:** In the past, staff would present the cost allocation plan to the Steering Committee at the April meeting. However, with the new process for the Fixed Carryover Negotiated Indirect Cost Rate, staff will be updating this information once the Commission has received an approved indirect cost rate from the Department of Interior. East Central staff will begin developing the materials that will be submitted to the Department of Interior once the audit financial statements have been reviewed and considered by the Commission Board.

**Transportation Program Update:** The Bipartisan Infrastructure Law was approved in November 2021. In anticipation of increased funding levels for the transportation program, the Wisconsin Department of Transportation has opened two new funding solicitation processes for infrastructure projects. In addition, staff anticipates there will likely be funding increases for the Metropolitan Planning Organization programs and the Regional Transportation Program. The funding amounts in the Bipartisan Infrastructure Law are contingent on the Appropriations Bill being approved (which is currently under continuing resolution until March 11, 2022) and the State Legislature modifying and/or approving the plan submitted by the Wisconsin Department of Transportation. Once estimated funding amounts are available for the Metropolitan Planning Organization programs, East Central staff will bring that information to the Steering Committee for their review and possible consideration of any levy increases for the Commission that may need to occur for the calendar year of 2023.

- B. Main Street Bounceback Grants Program Update and EDA CARES Act Extension by Kevin Englebert – Deputy Director

**Main Street Bounceback Grants Program Update** A breakdown of the program shows that out of the \$6,000,000 available, \$3,440,000 was approved which results in 58.8% of the Main Street Bounce Back Program allocation administered to date. Due to high program demand, beginning March 1, 2022, applications for spaces under 400ft<sup>2</sup> will be placed on a waiting list for funding. This was a minor revision to our region's eligibility criteria, which was approved by WEDC.

**EDA CARES Act Extension** - In late January, a communication was received from EDA regarding the possibility of an extension to the Commission's CARES Act grant. Previously, EDA had stated that they would not entertain any extensions to CARES Act grants awarded to economic development districts. Under the current terms of the grant,

the deadline for expenditures is June 30, 2022. Through January 2022, the Commission's efforts on the CARES Act grant have drawn down \$231,802 of the \$400,000 grant or approximately 59% of the total. In February, we officially requested a 12-month extension for the CARES Act award through June 2023. A 12-month extension would allow the Commission staff time to finish all stated deliverables and by doing so draw down the balance of the grant.

## 7. New Business/Action Items

- A. **Approval of Contract Amendment with Talent Solutions for Human Resources Consultant Services** to extend the funding to up to \$20,000 and the contract completion date of June 29, 2022. Ms. Kraemer-Badtke gave an overview of the Human Resources service Ms. Kathy Lett of Talent Solutions provides (on file). Staff recommends that the Steering Committee approves amending contract 2458-021 with Talent Solutions to extend the funding to up to \$20,000 and the contract completion date of June 29, 2022.

A motion was made by Mr. Farrell and a second by Ms. Connors to approve of the amendment to contract 2458-021. Motion carried unanimously.

- B. **Proposed Resolution 13-22 – Authorizing Commission Staff to Destroy Public Records According to the Adopted “Records Retention Policy and Destruction Schedule”**. Presented by Ms. Sara Otting - Controller. Every year staff follows East Central's Records Retention Policy and Destruction Schedule for the destruction of East Central's public records. Given staff turnover with the Controller position in 2021, the records destruction process was inadvertently missed last year. Staff is back on schedule and will continue records destruction every spring after the audit is completed. The calendar year 2010 and 2011 records will be destroyed by June 30, 2022. Staff recommends approval of Proposed Resolution 13-22 Authorizing Commission Staff to Destroy Public Records According to the Adopted “Records Retention Policy and Destruction Schedule”.

A motion was made by Ms. Connors and a second by Ms. Kalata to approve of Resolution 13-22. Motion carried unanimously.

- C. **Discussion and potential action regarding Commission Board Appointment Process and Nominating Committee Guidance**. Presented by Ms. Melissa Kraemer-Badtke. For the 2022-2024 Commission Board Appointments, the Nominating Committee will be selecting a chair and vice chair of the Commission for a two-year term. In addition, the Nominating Committee will be recommending two options for Commission Board Appointments for the Standing Committees. The Nominating Committee will select one option with the Gubernatorial appointments remaining and a second option without the Gubernatorial Appointments, which will take effect when the Commission has reached the appropriate resolution threshold.

A motion was made by Mr. Kautza and a second by Mr. Farrell to approve of the Commission Board Appointment Process and Nominating Committee Guidance procedures as presented. Motion carried unanimously.

## 8. Informational/Discussion Items

- A. **Discussion on the NR-135 Non-Metallic Mining Program Draft Contract Agreement** – with Calumet, Waupaca, Winnebago, Outagamie and Shawano County presented by Mr. Scott Konkle – Senior Planner. The original contract governing NR-135 Non-

Metallic Mining Program administration with the Counties dates back to 2001. A few of the revisions to the contract include: removing the program “start-up” language, removal of the automatic permit section, an updated GIS information section, added language to the permit transfer section, and an update to the terms of the agreement section with regard to members withdrawing from the agreement.

The next step will be to send the Counties the final contract and have them approve the contract by their committees and boards in the coming months. We will bring a final contract to the Steering Committee for approval at the April meeting. East Central staff anticipates the transition of the program with Calumet County will be effective on June 1, 2022.

Staff Recommendation: Staff does not have a recommendation at this time and would appreciate any feedback from the Steering Committee regarding the draft contract.

**B. County Roundtable Discussion (as time permits)**

- i. Mr. Farrell shared that he attended his last FDL Board meeting last evening. During the meeting they dispersed ARPA Funds and Broadband Expansion grants – all actions were unanimously moved.

**9. Establish Time and Place for Next Commission Meeting**

A. **Steering Committee Meeting:** *The next Steering Committee meeting will be in person Thursday, April 14, 2022 at 1:30 p.m.*

B. **Commission Meeting:** *The next Commission meeting will be held on Friday, April 29, 2022 at 10:00 a.m. The Annual Meeting for the Commission will be immediately following the Quarterly Commission meeting. An agenda and meeting materials will be forthcoming.*

**10. Adjourn –** A motion was made by Mr. Koeppen and seconded by Mr. Farrell to adjourn with the time noted at 2:25 pm

*Any person wishing to attend this meeting or hearing, who, because of a disability, requires special accommodations should contact the East Central Wisconsin Regional Planning Commission at (920) 751-4770 at least three business days prior to the meeting or hearing so that arrangements, within reason, can be made.*

## **East Central Wisconsin Regional Planning Commission - April 14, 2022 Report**

By Melissa Kraemer Badtke, Executive Director. Update on highlighted activities.

**Staff Changes:** The Commission is in the process of refilling the Associate Transportation Planner Position left vacant by the departure of Lily Paul. Trish Nau recently accepted a position with the Village of Harrison and her last day with the Commission is April 8, 2022. At this time, the Commission will not be refilling that position.

**Gubernatorial Appointments:** Staff met with the Winnebago County Towns Association and discussed the Gubernatorial Appointments. Staff also attended the Village of Coloma (Waushara County) and the Village of Brandon (Fond du Lac County) Board meetings to discuss the Gubernatorial Appointments and discuss the programs at East Central.

**Transportation Program Update:** The Bipartisan Infrastructure Law was approved in November 2021. The Federal Appropriations bill was approved March 2022. There will be increased funding levels for the transportation program, and an estimate of those new funding levels will be provided at the May/June Steering Committee for consideration. East Central staff continues to work with communities on developing applications for the FFY 2023 project solicitation. The FFY 2022 project solicitation has now closed and East Central staff will be ranking Surface Transportation Block Grant – Urban projects for the Appleton (Fox Cities) Transportation Management Area as well as the Oshkosh and Fond du Lac Metropolitan Planning Organizations. East Central staff will be evaluating and recommending projects for the Appleton (Fox Cities) Transportation Management Area and the Oshkosh Metropolitan Planning Organization to the Transportation Technical Advisory Committee and then to the Commission for their consideration. Staff will provide the evaluation of projects to the Fond du Lac Technical Advisory Committee and their Policy Board.

**Local Transportation Assistance:** East Central is working with a consultant to develop the Transportation Technical Assistance Program, and the Commission is currently accepting applications for projects within the Appleton (Fox Cities) Transportation Management Area and the Oshkosh Metropolitan Planning Organization. Menominee Indian Tribe of Wisconsin (Menominee County) has requested that East Central work with them on updating their Long-Range Transportation Plan for the inclusion of the transportation projects that they intend to fund under the Bipartisan Infrastructure Law. The Commission's GIS Manager created an online crash analysis dashboard to conduct detailed analysis regarding intersection crashes for Outagamie County. East Central staff is working with the City of Waupaca (Waupaca County) staff and their committee to finalize a draft of a new Bicycle and Pedestrian Plan.

**Economic Development:** East Central has now awarded more than \$4 million in funding (407 grants) for the Main Street Bounceback Grants program. The awards to date make up more than 2/3 of our funding from WEDC for the program. The Main Street Bounceback Grants program is scheduled to close on June 30, 2022.

**High Cliff Connection Project:** Alternatives have been developed to connect the Fox Cities to High Cliff State Park. A community open house will be held on Wednesday, April 20, 2022 at Menasha City Hall Rooms 132/133/134 and a Virtual Community Open House will be held on Wednesday, April 27 from 4-6pm. More information can be found at the project website - <https://hkgi.mysocialpinpoint.com/high-cliff-connection>.

**Water Quality Management Program/Sewer Service Area:** East Central staff continues to work on the Fox Cities Sewer Service Area Plan update and process 208 Conformance Reviews.

**Regional Safe Routes to School Program:** Staff are in the process of developing the Safe Routes to School Strategic Plan. East Central staff will be conducting bicycle and walk audits at Ripon School District (Fond du Lac County). Staff also worked with Butte des Morts Elementary School in Menasha on the Project RADAR (Reminding All Drivers about Responsibility) Program.

**Comprehensive Plans:** The Town of Lessor Comprehensive Plan (Shawano County) is on the agenda for approval at their April 12, 2022 Town Board meeting. Staff has received a number of requests to assist local communities or Counties on the development of local plans recently. East Central will begin working on the 2023 work program and budget and working with communities to see if additional contracts will be needed for next year's budget.

**County Collaboration:** Staff continues to meet with Waushara County to discuss how East Central and Waushara County staff can collaborate and assist with transportation, economic development, and GIS mapping projects.

**TO:** Steering Committee

**FROM:** Melissa Kraemer Badtke, Executive Director

**DATE:** April 6, 2022

**RE:** Update on the Implementation of East Central's Reorganization Plan

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In April, 2020, East Central approved a reorganization plan that aligns with the Commission's core program areas of Economic Development, Transportation, Water Quality Management (Sewer Service Area Planning) and the Regional Comprehensive Plan. The reorganization plan also identified ways the Commission would streamline both internal and external processes along with reducing the levy for each of the member counties.

Several items within the reorganization plan have been completed over the last two years and a few are listed below:

- Reduction in non-essential programs
- Adoption of the Strategic Plan
- Realignment of staff to core program areas
- Negotiated the Indirect Cost Rate
- Revised and update intergovernmental agreements between the City of Fond du Lac for MPO planning services and the member Counties that participate in the NR-135 Program.
- Balanced budget with levy reductions
- Securing CARES Act funding - \$400,000
- Securing funding and Developing the Main Street Bounceback Program.

Two items that are currently in process include: working with local units of government regarding resolutions in support of removing the Governor's Appointments and the update of the Regional Comprehensive Plan. With the recent staff transitions, East Central staff will likely be developing a revised timeline for the Regional Comprehensive Plan, which was anticipated being approved in December, 2022.

There are four items that have not been started by the Commission staff and those include:

- Review and possibly develop a policy regarding the use of contractors (sub-awards);
- MPO re-designation for Appleton (Fox Cities) and Oshkosh MPOs – waiting for the urban areas to be posted on the federal register;
- Development of strategies to evaluate completed projects, and;
- Commissioner Relationship Opportunities/Mentorship Program.

Commission staff will be developing a contract policy and the process to evaluate projects in 2022. The MPO re-designation has not been started because the urban areas have yet to be posted on the Federal Register. It is anticipated that in 2022, Commission staff will develop a

Commissioner Orientation and in 2023, the Commission will develop a Mentorship Program for Commissioners.

In addition, East Central staff continues to evaluate the Commission's expenses including health insurance premiums, staff development, office space, and professional services, during the annual budget and work program process. East Central staff conducts an analysis of the staff capacity and qualification of the staff to align with deliverables required for the core program areas.

**Staff Recommendation:** Staff does not have a recommendation regarding the update on the implementation of the reorganization plan.

**East Central Wisconsin Regional Planning Commission**  
**Reorganization Plan Status**  
**Adopted April 24, 2020**  
**Updated: April 4, 2022**

**Completed**

<b>2020</b>	<b>Administration</b>
	<ul style="list-style-type: none"> <li>• New Executive Staff Team (i.e. Executive Director, Deputy Director, Controller, etc.)</li> <li>• Reduction in non-essential programs to allow staff to focus on core services</li> <li>• Restart of the strategic plan with focus on core essential services/areas and staffing thereof by consensus among member Counties within the confines of the resulting budget</li> <li>• Lease negotiation with cost reduction with included renovations</li> <li>• Realignment of staff to core programs (principal planner elimination)</li> <li>• Negotiated Indirect Cost Rate with Department of Interior (Contractor for EDA)</li> </ul>
	<b>Core Services</b>
	<ul style="list-style-type: none"> <li>• Develop Sewer Service Area Schedule for plan updates</li> <li>• EDA Stimulus Funding – Received \$400,000 in CARES Act funding (2020-2022)</li> </ul>
	<b>Work Program and Budget Development</b>
	<ul style="list-style-type: none"> <li>• Development of 2021 budget/work program focused on core services provided by the Commission.</li> <li>• Balanced budget and levy reduction</li> </ul>
<b>2021</b>	<b>Administration</b>
	<ul style="list-style-type: none"> <li>• Development of 2022 budget/work program focused on core services provided by the Commission</li> <li>• Meetings with key staff from member counties to have input in 2022 work program and budget</li> <li>• Updated intergovernmental agreement with the City of Fond du Lac for East Central to provide MPO staffing.</li> <li>• Realignment of staff to core programs (GIS Specialist II position elimination)</li> <li>• Revised bylaws and articles of organization to change for the Governor’s Appointments</li> <li>• Indirect Cost Rate – Fixed Carryover Rate and continued to work with the Department of Interior (Contractor for EDA)</li> </ul>
	<b>Core Services</b>
	<ul style="list-style-type: none"> <li>• ECWRPC Strategic Plan is adopted – Approved January, 2021</li> </ul>
	<b>Work Program and Budget Development</b>
	<ul style="list-style-type: none"> <li>• Development of 2021 budget/work program focused on core services provided by the Commission.</li> <li>• Balanced budget and levy reduction</li> <li>• Main Street Bounceback Program funding received</li> </ul>
<b>2022</b>	<b>Administration</b>
	<ul style="list-style-type: none"> <li>• Updated the NR-135 Non-Metallic Mining Agreement with five-member Counties</li> <li>• Realignment of staff to core programs (principal planner elimination)</li> <li>• Review and analysis of audited financial statements from 2018-2021</li> </ul>

<b>In progress</b>	
	<ul style="list-style-type: none"> <li>• Regional Comprehensive Plan – a revised timeline will be developed due to staff transition (This was anticipated to be approved December, 2022)</li> <li>• Resolutions in support of removing the Governor’s Appointments</li> </ul>
<b>Not Started</b>	
	<ul style="list-style-type: none"> <li>• Review and possibly develop a policy regarding the use of contractors (sub-awards)</li> <li>• MPO re-designation for Appleton (Fox Cities) and Oshkosh MPOs – waiting for the urban areas to be posted on the federal register.</li> <li>• Development of strategies to evaluate completed projects</li> <li>• Commissioner Relationship Opportunities/Mentorship Program</li> </ul>
<b>Reviewed Annually</b>	
	<ul style="list-style-type: none"> <li>• Review and analyze the overhead budget to include health insurance premiums, staff development/conferences, rent (reduced office square footage needed), professional organizations, subscriptions, etc. – Reviewed with the Annual Budget.</li> <li>• Analysis of staff capacity and qualifications to align with the deliverables required in core program areas.</li> </ul>

**TO:** Steering Committee

**FROM:** Sara Otting, Controller

**DATE:** April 6, 2022

**RE:** Commission Financial Comparison from 2018 through 2021

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Attached you will see the Statement of Net Position and the Statement of Revenues, Expenses and Changes in Net Position for 2018 through 2021. This is a way to demonstrate how the reorganization plan, which began in 2020, has impacted the Commission's financial position.

Items to Note:

- **Cash and Investments:** Each year there has been a steady increase in cash and investments to ensure that the Commission has a cash reserve of 15-17% of the total annual budget expenses. Please note that restricted cash and investments include funding for the WEDC Mainstreet Bounceback Program, which is not included in our reserve.
- **Accrued Vacation Leave:** The balance of accrued vacation leave has decreased the past few years as our staff now consists of more new employees.
- **Long-Term Obligations:** The only amount remaining for long-term obligations is for the copier lease; with no other notes or line of credits.
- **Total Net Position:** The Commission's total net position has steadily increased over the past three years after declining from 2018 to 2019. In turn the Commission has been able to invest the extra funds and earn additional interest on those investments.
- **Salaries & Wages and Employee Fringes & Benefits:** These have decreased over the past three years in order to align Commission staffing with the Commission's core programs while also maintaining the Commission's high quality of work. Some staffing positions for the Commission have been eliminated or modified based on the reorganization plan, however, other positions have simply been reclassified to align with the core program areas.
- **Office Space and Equipment:** The Commission negotiated a lower monthly office rent that began at the end of 2020.
- **Meetings & Staff Development; Reference Materials, Subscriptions & Dues and Printing & Publishing:** As part of the budget process, the Commission staff evaluate these accounts annually to ensure that the Commission is only incurring the necessary expenses each year.

**STATEMENT OF NET POSITION  
FINANCIAL COMPARISON 2018 THRU 2021**

	2021	2020	2019	2018
<b>ASSETS</b>				
Cash and Investments	\$ 431,675	\$ 312,270	\$ 163,349	\$ 50,525
Restricted Cash and Investments	901,111	64,550	74,202	67,953
Accounts Receivable	420,730	416,433	377,368	1,183,398
Prepaid Items	21,644	11,773	12,727	15,103
Net Pension Asset	450,471	254,500	-	247,502
Capital Assets - Net	40,994	24,337	29,157	24,364
<b>Total Assets</b>	<b>2,266,625</b>	<b>1,083,863</b>	<b>656,803</b>	<b>1,588,845</b>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>				
OPEB Related Amounts	89,494	63,213	7,483	8,347
Pension Related Amounts	733,155	573,984	783,580	445,914
<b>Total Deferred Outflows of Resources</b>	<b>822,649</b>	<b>637,197</b>	<b>791,063</b>	<b>454,261</b>
<b>LIABILITIES</b>				
Accounts Payable	68,510	76,565	44,940	823,745
Accrued and Other Current Liabilities	16,944	22,036	19,176	17,776
Accrued Vacation Leave	22,469	24,766	28,478	25,213
Unearned Revenue	901,111	64,550	74,202	67,953
Long-Term Obligations:				
Due Within One Year	6,275	5,148	21,845	20,801
Due in More Than One Year	20,711	-	5,148	26,992
OPEB Liability	244,381	214,100	145,799	154,333
Net Pension Liability	-	-	293,160	-
<b>Total Liabilities</b>	<b>1,280,401</b>	<b>407,165</b>	<b>632,748</b>	<b>1,136,813</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
OPEB Related Amounts	26,047	23,857	22,765	1,028
Pension Related Amounts	998,314	768,239	409,597	496,592
<b>Total Deferred Inflows of Resources</b>	<b>1,024,361</b>	<b>792,096</b>	<b>432,362</b>	<b>497,620</b>
<b>NET POSITION</b>				
Net Investment in Capital Assets	14,008	19,189	19,111	9,660
Restricted for Pension Benefits	450,471	254,500	-	247,502
Unrestricted	320,033	248,110	363,645	151,511
<b>Total Net Position</b>	<b>\$ 784,512</b>	<b>\$ 521,799</b>	<b>\$ 382,756</b>	<b>\$ 408,673</b>

**STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION  
FINANCIAL COMPARISON 2018 THRU 2021**

	2021	2020	2019	2018
<b>OPERATING REVENUES</b>				
<b>Intergovernmental:</b>				
Federal Grants	\$ 3,415,566	\$ 1,040,959	\$ 1,214,401	\$ 2,788,221
State Grants	218,156	66,788	74,641	67,587
Community Grants	34,786	-	-	-
<b>Intergovernmental Charges for Services:</b>				
Local Districts Membership Levy	587,178	787,205	771,753	771,715
Local Contracts	88,525	93,561	119,355	180,950
NR-135 Program	142,834	132,927	133,711	133,230
Public Charges for Services	4,620	4,773	5,671	1,765
<b>Total Operating Revenues</b>	<b>4,491,665</b>	<b>2,126,213</b>	<b>2,319,532</b>	<b>3,943,468</b>
<b>OPERATING EXPENSES</b>				
Salaries and Wages	1,076,633	1,117,986	1,202,196	1,248,841
Employee Fringes and Benefits	262,392	472,861	603,584	539,374
Direct Grant Expenses	2,688,735	180,905	297,585	1,999,283
Meetings and Staff Development	7,460	13,051	40,902	29,410
Supplies	4,059	2,290	6,067	4,866
Office Space and Equipment	121,811	142,020	142,925	143,036
Reference Materials, Subscriptions, and Dues	775	3,135	6,051	5,630
Printing and Publishing	88	572	10,031	10,055
Postage	-	45	1,941	603
Staff Expenses	994	1,575	865	1,382
Insurance and Professional Fees	43,889	36,123	22,026	13,290
Depreciation	19,360	17,329	13,665	19,330
<b>Total Operating Expenses</b>	<b>4,226,196</b>	<b>1,987,892</b>	<b>2,347,838</b>	<b>4,015,100</b>
<b>OPERATING INCOME</b>	265,469	138,321	(28,306)	(71,632)
<b>NONOPERATING REVENUES (EXPENSES)</b>				
Interest Income	1,163	1,352	4,318	4,382
Gain (Loss) on Disposal of Capital Assets	(3,127)	-	(281)	-
Interest and Fiscal Charges	(792)	(630)	(1,648)	(2,667)
Other Nonoperating Revenues (Expenses)	-	-	-	-
<b>Total Nonoperating Revenues (Expenses)</b>	<b>(2,756)</b>	<b>722</b>	<b>2,389</b>	<b>1,715</b>
<b>CHANGE IN NET POSITION</b>	262,713	139,043	(25,917)	(69,917)
<b>Net Position - Beginning of Year</b>	<b>521,799</b>	<b>382,756</b>	<b>408,673</b>	<b>478,590</b>
<b>NET POSITION - END OF YEAR</b>	<b>\$ 784,512</b>	<b>\$ 521,799</b>	<b>\$ 382,756</b>	<b>\$ 408,673</b>

**PROPOSED RESOLUTION NO. 19-22**

**AUTHORIZING THE COMMISSION TO ENTER INTO AN AGREEMENT WITH CALUMET, OUTAGAMIE, WAUPACA, SHAWANO, AND WINNEBAGO COUNTIES TO IMPLEMENT WISCONSIN ADMINISTRATIVE CODE NR-135 AND LOCALLY ADOPTED NON-METALLIC MINING RECLAMATION ORDINANCES**

**WHEREAS**, the East Central Wisconsin Regional Planning Commission is comprised of ten counties, of which eight are “member counties”, and;

**WHEREAS**, Counties have the statutory authority to contract with Regional Planning Commissions to implement and administer county ordinances, and;

**WHEREAS**, the State of Wisconsin requires Counties to develop and implement a “non-metallic mining reclamation program” based on Wisconsin Administrative Code NR-135, and;

**WHEREAS**, the Commission has contracted with Outagamie, Shawano, Waupaca, and Winnebago Counties in response to Wisconsin Administrative Code NR-135 to administer the Counties ordinances since 2001,

**WHEREAS**, a new contract has been prepared and includes administration of Calumet County’s ordinance in addition to the other Counties currently under contract;

**THEREFORE, BE IT RESOLVED BY THE EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION**

**Section 1:** That the Commission approves the attached Agreement to administer a regional program for the five County’s non-metallic mining reclamation ordinances;

**Section 2:** That this approval is contingent upon the approval of the Agreement by the five individual Counties first listed above;

Effective Date: April 29, 2022  
Submitted By: Steering Committee  
Prepared By: Scott Konkle, Senior Planner

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Jeff Nooyen, Chair – Outagamie Co.

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Alice Connors, Vice Chair - Calumet Co.

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Martin Farrell – Fond du Lac Co.

\_\_\_\_\_  
Dick Koeppen – Waupaca Co.

\_\_\_\_\_  
Jeremy Johnson – Menominee Co.

\_\_\_\_\_  
Donna Kalata – Waushara Co.

\_\_\_\_\_  
David Albrecht – Winnebago Co.

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Tom Kautza – Shawano Co.

**TO:** Steering Committee

**FROM:** Scott Konkle, Senior Planner

**DATE:** April 6, 2022

**RE:** NR135 Non-Metallic Mining Reclamation Program Contract Update with Calumet, Waupaca, Winnebago, Outagamie and Shawano Counties

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In November 2021, Calumet County contacted East Central staff to determine if we would consider conducting the administration of their NR 135 Non-Metallic Mining Reclamation Ordinance. East Central Wisconsin Regional Planning Commission (ECWRPC) previously administered Calumet County's Non-Metallic Mining Reclamation Ordinance from 2001 through 2013 and in 2013 the program was transitioned to Calumet County. East Central staff assessed internal capacity to administer the ordinance and met with the Calumet County Land & Water Conservation Committee on November 2, 2021 to discuss the details of a possible program transition to ECWRPC. It was decided by both parties to move forward with the transition.

The original contract governing NR-135 Non-Metallic Mining Program administration with the Counties dates back to 2001, East Central staff thought this was a good opportunity to update the contract with the Counties of Calumet, Outagamie, Waupaca, Winnebago, and Shawano. A few of the revisions to the contract include:

- removing the program “start-up” language,
- removal of the automatic permit section,
- an updated GIS information section,
- added language to the permit transfer section, and
- an update to the terms of the agreement section with regard to members withdrawing from the agreement.

East Central staff provided a draft contract to each of the Counties to review and provide feedback on. No changes to the contract were recommended upon review by the participating Counties. Thereafter, staff informed the Counties that the final contract was ready for approval and the Counties are now in the process of approving the agreement. On April 13, 2022, the contract was brought forward to the Open Space and Environmental Management Committee for their recommendation and approval. Following consideration of the Steering Committee, we will bring a final contract to the Commission at the end of April. East Central staff anticipates the transition of the program with Calumet County will be effective on June 1, 2022.

**Staff Recommendation:** Staff recommends that the Steering Committee approves Resolution 19-22: Authorizing the Commission to Enter into an Agreement with Calumet, Outagamie, Waupaca, Shawano, and Winnebago Counties to Implement Wisconsin Administrative Code NR-135 and Locally Adopted Non-Metallic Mining Reclamation Ordinances.

**AGREEMENT FOR THE ADMINISTRATION OF CERTAIN  
COUNTY-ADOPTED NON-METALLIC MINING RECLAMATION ORDINANCES,  
AS REQUIRED BY WISCONSIN ADMINISTRATIVE CODE NR-135,  
BY THE EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION**

**BASIS OF AGREEMENT**

This agreement spells out the terms and conditions for the partial transfer of authority, under Wisconsin State Statutes 59.52, 59.69(2)(d), and 66.0309, from Calumet, Outagamie, Winnebago, Waupaca, and Shawano Counties (County/Counties) to the East Central Wisconsin Regional Planning Commission (Commission) to administer portions of the individual County adopted ordinances as required under Wisconsin Administrative Code NR-135 for regulation and permitting of non-metallic mining reclamation plans. This agreement is entered into based on the following basic provisions:

1. Each County that is part of this agreement has individually adopted, with an effective date of July 1, 2001, a Non-Metallic Mining Reclamation Ordinance (Ordinance):
  - a) The Counties provide adequate notice to the Commission should amendments to the Ordinance be sought after its adoption. Such individual amendments should be considered by all Counties that are part of this agreement in order to foster consistency within the program.
  - b) The Counties shall periodically entertain amendments to the Ordinance as suggested by the Commission during administration of the Ordinance. These changes may be required due to:
    - Fee structures and administrative budget costs.
    - Amendments made to Wisconsin Administrative Code, Chapter NR-135.
    - Response to Wisconsin Department of Natural Resources program audits/reviews.
2. Notice to the Commission of future proposed amendments to other County or local land use plan and ordinance amendments which may affect the Commission's administration of the Ordinance.
3. The Counties agree to provide the Commission, at no cost, the following information in a timely manner while the Agreement is in effect:
  - a) All current information (text, maps, digital files) on existing County and local Land Use Plans and Zoning Ordinances within the County, copies of applicable mining site information (text, maps, digital files), and; copies of regulatory requirements which may have previously been approved by the County or local units of government for the site.

The term "Commission" as used in this agreement when referring to permit issuance actions means one or more staff persons delegated with decision-making authority as outlined by the Commission in resolution form.

**AGREEMENT TASKS / RESPONSIBILITIES**

Upon adoption of this Agreement and with respect to the individual Non-Metallic Mining Reclamation Ordinances adopted by the Counties, the Commission will conduct the following activities and tasks.

**Financial Management / Record-Keeping Activities**

The Commission will establish the necessary financial management and record-keeping methods for the administration of the individual Ordinances and Chapter NR-135.

## **Geographic Information Systems (GIS) / Database Development**

The Commission has developed and will maintain the necessary Geographic Information System and database programs to assist in the administration of the non-metallic mining reclamation program. Such programs will include all pertinent mapping and field data collection, Unmanned Aerial System (UAS) operation data, operator contact information, application tracking, permit data, and record-keeping information related to the implementation of the program.

## **Permit Application / Administrative Procedure Development**

The Commission has developed the following materials with input and assistance from the Counties:

- A single application form for submission of new mine reclamation permits.
- An application form for the modification of a permit or reclamation plan.
- An operator's annual report form which contains, at a minimum, the required information set forth in Section 25 of the adopted individual Ordinance.
- Any other written procedures necessary for the coordinated administration of the individual Ordinances and Chapter NR-135.

Additional materials and systems pertaining to the application and permitting process have and will be developed by the Commission as deemed necessary to administer the Ordinance.

## **Ordinance Defined Responsibilities, Authorities, and Tasks**

The essential nature of the services provided herein will involve the Counties contracting with the Commission for staff services related to administering each individual County's Ordinance. Authorities and tasks which are part of the overall NR-135 program requirements, but whose responsibility will remain with the individual Counties, are noted in this section. The Commission will establish additional procedures as necessary to continuously implement the program and to ensure the Counties' compliance with Chapter NR-135. Additionally, the Commission will coordinate all plan reviews and permitting actions with appropriate local and county departments as well as State agencies as necessary.

### **Mine Reclamation Permits**

1. The Commission will accept applications and fees for mine reclamation permits.
2. The Commission will review applications for mine reclamation permit submittals, including a determination of need for a public informational hearing, with respect to the provisions of the Ordinance adopted by the County within which the site lies.
3. The Commission will provide public notice and the opportunity for a public informational hearing as required by the Ordinance for mine reclamation permits. All costs for such hearings will be borne by the Commission. Notices shall be published as a class 1 notice pursuant to s. 985.07(2), Stats., in the official newspaper of the County in which the site resides.

Copies of the notice shall be forwarded by the Commission to the County and the Municipality within which the site lies.

- a) The County or applicable local zoning board.
- b) The County and applicable local planning organization.

- c) The County land conservation officer.
  - d) Owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located. The Counties shall provide the Commission with the necessary property owner information under this section at no cost as needed.
4. If the public informational hearing is conducted as part of a local planning or zoning hearing, a representative of the Commission will attend the hearing and provide information pertaining to the reclamation permit application as necessary. The County or local unit of government shall forward testimony to the Commission for consideration prior to reclamation permit issuance. The County or local unit of government shall bear all costs and responsibilities associated with this type of hearing except the cost of the notice requirement.
  5. The Commission will make determinations on mine permit applications no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application unless a public informational hearing is held, in which case the decision shall be no later than 60 days after completing the public informational hearing.
  6. The Commission shall affirm in writing its decision whether to approve each submittal and shall have the authority to issue the non-metallic mining reclamation permit.

#### Expedited Permits

7. The Commission will accept applications and annual fees for “expedited” permits.
8. The Commission will review the “expedited” permit submittals with respect to the provisions of the Ordinance adopted by the County within which the site lies.
9. The Commission shall, upon satisfactory review against the Ordinance criteria, have the authority to issue an “expedited permit” to any transportation related borrow site within 7 days of submittal. The Commission will not collect mine plan review fees, but will charge annual fees for the “expedited” permit.
10. The Commission will inform the applicant, in writing, of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the Commission will return the expedited portion of the fee.

#### Permit Issuance Authorities

11. The Commission shall have the authority to issue a permit or approve a reclamation plan subject to conditions if needed to assure compliance with the provisions of the Ordinance and Chapter NR-135.
12. The Commission shall have the authority to deny an application to issue a non-metallic mining reclamation permit within the time frame for permit issuance based on criteria set forth in the ordinance and NR-135. The Commission shall make this determination in writing and shall contain documentation of reasons for denial.

#### Alternative Requirements

13. The Commission will accept an operator’s request for an alternative requirement to the reclamation standards established in the Ordinance.
14. The Commission shall have the authority to approve an alternative requirement to the reclamation standards based on the individual County’s recommendation using the process specified in the Ordinance. A Commission representative will attend county related meetings regarding alternative requirement requests. The Counties may submit costs related to such meetings for payment by the Commission using program

revenues. The Commission may require the applicant to reimburse such cost or a portion thereof based on the Commission's discretion.

15. Upon final decision, the Commission shall transmit the decision related to a request for alternative reclamation requirements in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.
16. The Commission shall provide written notice to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing on a request for an alternative requirement and shall also provide a copy of any written decision on alternative requirements within 10 days of issuance.

#### Permit Transfers and Modifications

17. The Commission may transfer any non-metallic mining reclamation permit to a new operator upon submittal of proof of financial assurance and a certification in writing by the new permit holder that they will comply with all conditions of the permit. At the time of transfer, the Commission has the authority to modify permit conditions as further outlined in this section. The Commission will make a written determination of all conditions of the permit needed for compliance for each transfer.
18. The Commission will accept permit modification applications and will review modification requests against the standards contained in the individual County Ordinance and Chapter NR-135.
19. The Commission shall have the authority to modify a non-metallic mining reclamation permit if it finds that, due to changing conditions, the non-metallic mining site is no longer in compliance with Chapter NR-135, Wisconsin Administrative Code, or the individual County Ordinance. Such modification shall be by written order modifying the permit and may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance, or other information needed to ensure compliance with Chapter NR-135.

#### Financial Assurance

20. The Commission may develop a standard cost index for reviewing the financial assurance needs for site reclamation.
21. The Commission will provide written notification to the operator of the amount of financial assurance as required by the ordinance after reclamation plan review.
22. The operator shall file a financial assurance with Commission, payable exclusively to the Commission. The amount of financial assurance shall equal as closely as possible the cost to the Commission of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan.
23. The amount of financial assurance shall be reviewed annually by the Commission to assure it equals outstanding reclamation costs. Written notification will be provided to the operator by the Commission regarding any necessary adjustments to the financial assurance.
24. The Commission shall, at its discretion, accept a blend of different options for financial assurance including a lien on the property on which the non-metallic mining site occurs or a combination of financial assurance methods.

## Permit Suspension, Revocation, Orders and Citations

The Commission will not provide services through this Agreement for the direct enforcement of the Counties' individual Ordinances. The Commission will provide enforcement support by immediately reporting a violation(s) of the Ordinance and NR-135 to the County and/or applicable local unit of government and by providing the necessary information and documentation regarding the violation(s).

25. The Commission will provide a written report and recommendation to the County and/or applicable local unit of government immediately upon discovery of any Ordinance violation. The County, upon recommendation by the Commission, may issue orders, special orders suspending or revoking a permit, or issue citations per their authority.
26. The Commission shall assist the Counties as necessary with respect to contested case hearings, should they arise.
27. Costs incurred by the Counties for enforcement related actions will be covered through the mechanisms defined in the Ordinance.
28. Should the County determine that a permit be revoked, the operator shall forfeit the financial assurance it had provided to Commission. The Commission would then use the forfeited financial assurance to reclaim the site to the extent needed to comply with Chapter NR-135 and the ordinance.

## Reclamation Completion

29. The Commission will accept written requests from operators for determination of completed reclamation, shall inspect the site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a certification determination in writing to the operator.
30. The Commission will conduct on-site inspections for completion of site reclamation using quantifiable standards. The Commission shall obtain training and provide their own safety equipment needed to comply with any federal, state, or local laws or regulations controlling persons on the non-metallic mining site.
31. The Commission will prepare a written report of the inspection including necessary documentation.
32. If it is determined that interim or final reclamation is complete, including re-vegetation as specified in the reclamation plan, the Commission shall have the authority to issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site. The Commission has the authority to partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. The Commission will notify each respective County at the time of final certification.
33. The Commission shall be contacted by the operator per the ordinance requirements for any modifications to the financial assurance. The Commission shall review and provide written approval/denial of proposed financial assurance modifications.

## Annual Operator Reporting

34. The Commission shall receive and review annual reports from the operators until non-metallic mining reclamation at the site is certified as complete pursuant to the ordinance and Chapter NR-135 or at the time of final release of financial assurance.

35. Annual reports or inspection records submitted under the ordinance shall be retained by Commission for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities.

### Fee Establishment

Non-Metallic Mining Reclamation Ordinance Fees have been determined by the Counties and the Commission prior to the signing of this Agreement and are to be consistent amongst the individual Counties' Ordinances. The following tasks relate to the periodic review of the fee structure:

36. Counties shall, along with the ordinance, adopt a separate Fee Schedule by reference, to eliminate the need for public hearings (on an ordinance modification) should the need for fee modifications arise.
37. The Commission will monitor program costs as related to fees and recommend to the Counties adjustments to such fees on an annual basis. The Commission will provide each County an updated fee schedule to reflect program costs on an annual basis and shall make the fee schedule publicly available.
38. The Commission shall annually document in writing its estimated program costs and the need for fees to cover program costs. This documentation shall be available for public inspection at Commission offices.
39. If reclamation has already occurred on portions of a non-metallic mining site, the fees for such portions may be submitted with a request that they be held by the Commission pending certification of completed reclamation. Upon such certification, the Commission shall have the authority to refund that portion of the annual fee that applies to the reclaimed areas. If the Commission fails to make a determination within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.
40. The Commission shall distribute fee shares to the WDNR as required by the Ordinance and Chapter NR-135.

### Regulatory Reporting and Documentation.

41. The Commission shall prepare and send a quarterly report to each County and an annual report to the Wisconsin Department of Natural Resources by March 31<sup>st</sup> containing the required information as identified in the Ordinance and Chapter NR-135 for the previous period's non-metallic mining reclamation program within each County.
42. The Commission shall to the best of its ability maintain the information set forth below and make it available to the Wisconsin Department of Natural Resources for that agency's audit of the Counties' reclamation programs pursuant to Chapter NR-135.
  - a) Documentation of compliance with Chapter NR-135, Wisconsin Administrative Code, and this Agreement.
  - b) The procedures employed by the Commission regarding reclamation plan review and the issuance and modification of permits.
  - c) The methods for review of annual reports received from operators.
  - d) The method and effectiveness of fee collection.
  - e) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.

- f) Methods for conducting on-site compliance inspections and attendant reports, records, and enforcement actions.
- g) Responses to citizen complaints.
- h) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- i) The maintenance and availability of records.
- j) The number and type of approvals for alternative requirements issued.
- k) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance.
- l) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of the County or the Commission to implement its non-metallic mining reclamation program under this chapter.
- m) The amount of fees collected in comparison to the amount of money actually expended for non-metallic mining reclamation program administration.
- n) Any other performance criterion necessary to ascertain compliance with Chapter NR-135, Wisconsin Administrative Code.

43. When all final reclamation required by a reclamation plan is completed, the Commission shall have the authority to issue a written statement to the operator of the non-metallic mining site, thereby terminating the reclamation permit.

**ADDITIONAL ACTIVITIES**

The following activities and their associated costs shall be considered as necessary administrative costs for the purposes of the program fee determination and subsequent fee adjustments.

1. The Commission will provide technical assistance where appropriate to improve compliance with or administration of the Ordinance to the Counties, their local units of government, or non-metallic mining operators within the Counties.
2. The Commission shall also promote the awareness of the Ordinance and its environmental importance through various information and education activities directed at both operators and the general public within the Counties.
3. The Commission may require additional training or continuing education to remain knowledgeable about the non-metallic mining industry and reclamation technologies.

**LIABILITY & INSURANCE PROVISIONS**

The Commission shall authorize, by resolution, no more than two staff persons that will have the authority to issue permit decisions under this program. Those two staff persons, and the Commission as a whole, shall be covered by appropriate levels of liability insurance as deemed necessary by the effective date of the Agreement, through either the Commission's or Counties' insurance provider.

## **TERMS OF AGREEMENT**

This Agreement shall be effective on \_\_\_\_\_, 2022 and shall terminate upon one of the following conditions:

1. One or more Counties may end participation in the agreement provided that the Commission and other Counties which are part of this Agreement are notified in writing of the termination at least 120 days (four months) prior to becoming effective. The Commission will work with the balance of the Counties to determine if the program is still feasible with the reduction in participants.
2. If two or more of the participating Counties request termination of the Agreement, the Commission may terminate the Agreement. Written notice of the termination will be made to all Counties at least 120 days prior to becoming effective.
3. The Agreement may be terminated upon the unanimous decision of all Counties which are part of this Agreement and the Commission.
4. The Commission may choose to terminate the Agreement at any time provided that the Commission notifies all Counties in writing at least 120 days (four months) prior to becoming effective.

Modifications and updates to the Agreement may be sought from time to time by one or more of the Counties and/or the Commission. The Commission and the Counties may only make modifications to the Agreement upon the mutual consent of all parties.

Should individual units of government (towns, villages, cities) within these counties develop and adopt their own non-metallic mining reclamation program and ordinance under Chapter NR-135 after the approval of this agreement, the Commission shall defer all responsibilities for activities and authorities under this agreement to the local unit of government for such sites. In doing so, adjustments may be necessary to the fee structure depending on the number of sites removed from the regional program.

Additional Counties may be added to this agreement at a later date subject to the review and approval of all signatories of this agreement. In addition, the Commission shall pass a resolution in order to add any additional Counties to the Agreement.

**EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION:**

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Jeff Nooyen, Chair  
East Central Wisconsin Regional Planning Commission

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Melissa Kraemer Badtke, Executive Director  
East Central Wisconsin Regional Planning Commission

**COUNTIES:**

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Alice Connors, Chair  
Calumet County

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Jeff Nooyen, Chair  
Outagamie County

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Tom Kautza, Chair  
Shawano County

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Dick Koeppen, Chair  
Waupaca County

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Shiloh Ramos, Chair  
Winnebago County