

**MEETING NOTICE
QUARTERLY COMMISSION MEETING**

East Central Wisconsin Regional Planning Commission

Date: Wednesday, January 24, 2024

Time: 10:00 a.m.

Place: VIRTUAL Meeting

Meeting Link: <https://meet.goto.com/688638765>

Phone Number: 1-646-749-3122

Access Code: 688-638-765

AGENDA

1. **Call to Order**
2. **Roll Call**
 - A. Introduction of Alternates and Guests
3. **Public Comment**
4. **Approval of Agenda / Motion to Deviate**
5. **Approval of the Minutes** of the October 27, 2023 Quarterly Commission Meeting
6. **Announcements and Reports**
 - A. Director's Report
 - B. SERDI Board Assessment - Survey
7. **Special Order of Business**
 - A. Appleton (Fox Cities) Metropolitan Planning Organization Certification Review – Ms. Mary Forlenza, Federal Highway Administration and Mr. William Wheeler, Federal Transit Administration
(Appleton MPO Certification Review Letter and Summary Report will be emailed separately)
8. **Business**
 - A. **Executive Committee**
 1. Approval of the Minutes for the October 27, 2023 and November 29, 2023 Meeting
 2. 4th Quarter, 2023 Financial Report
 3. 4th Quarter, 2023 Work Program Performance Report
 4. Resolution 57-23 Adopting the 2024 Cost Allocation Plan, Indirect Cost Rate, and Certificate of Lobbying for the East Central Wisconsin Regional Planning Commission.
 5. Resolution 01-24 Adopting the Final 2024 Work Program and Budget for East Central Wisconsin Regional Planning Commission (The Work Program and Budget can be reviewed at the following link: <https://www.ecwrpc.org/wp-content/uploads/2024/01/Draft-2024-Work-Program-and-Budget.pdf>)
 6. Resolution 06-24 Adopting the Comprehensive Safety Action Plan for the Appleton (Fox Cities) and Oshkosh Metropolitan Planning Organizations (The Comprehensive Safety Action Plan (CSAP) can be reviewed at the following link: <https://www.ecwrpc.org/wp-content/uploads/2024/01/Draft%20Comprehensive%20Safety%20Action%20Plan.pdf>)
 7. Resolution 07-24 Amending the Employee Manual for Staff Employed by East Central Wisconsin Regional Planning Commission
 8. Resolution 09-24 Authorizing the Executive Director to Enter into an Agreement for Professional Services with Venable LLP

B. Economic Development Committee

1. Approval of the Minutes for October 4, 2024 Meeting

C. Environmental Management Committee

1. No business

D. Transportation Committee

1. Approval of the Minutes for October 17, 2023 Meeting
2. **Resolution 02-24** Adopting WisDOT Transportation Performance Measures and Targets for PM1: Safety for the Appleton Metropolitan Planning Organization
3. **Resolution 03-24** Adopting WisDOT Transportation Performance Measures and Targets for PM1: Safety for the Oshkosh Metropolitan Planning Organization
4. **Resolution 04-24** Amending the 2024 Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization
5. **Resolution 05-24** Amending the 2024 Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization

9. Other Business

- A. Appointment of Nominating Committee

10. Establish Time and Place for Next Commission Meeting

- A. The next Quarterly Commission Meeting will be *tentatively* be held at 10:00 a.m. on Wednesday, March 27, 2024. Additional meeting details will be forthcoming.
- B. The Commission's Annual meeting will be *tentatively* held on May 22, 2024 immediately following the Quarterly Commission Meeting.

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
QUARTERLY COMMISSION MEETING
East Central Wisconsin Regional Planning Commission

Date: Friday, October 27, 2023
Time: 10:00 a.m.
Place: Shawano County – DHS Conference Room, W7327 Anderson Ave., Shawano, WI 54166

1. Call to Order – Chair Nooyen called the meeting to order with the time noted at 10:00 a.m.

2. Roll Call

A. Introduction of Alternates and Guests –

Commission Members Present:

Alice Connors	Calumet County
Nick Kesler.....	Calumet County
Ronald McDonald	Ex-Officio Member
Scott Nelson	Ex-Officio Member
Steve Abel	Fond du Lac County
Sam Kaufman	Fond du Lac County
Joe Moore (Alt. for Keith Heisler)	Fond du Lac County
Jeremy Johnson (Alt. for Elizabeth Moses).....	Menominee County
Eugene Caldwell.....	Menominee County
Kevin Englebert (Alt. for Thomas Nelson)	Outagamie County
Jake Woodford.....	Outagamie County
Nadine Miller	Outagamie County
Lee Hammen	Outagamie County
Jeff Nooyen.....	Outagamie County
Ken Capelle	Shawano County
Steve Gueths	Shawano County
Tom Kautza	Shawano County
Aaron Jenson (Alt. for Brian Smith)	Waupaca County
DuWayne Federwitz	Waupaca County
Jerry Bougie (Alt. for Jon Doemel)	Winnebago County
Mark Rohloff (Alt for Matt Mugerauer)	Winnebago County
Robert Keller	Winnebago County
Robert Schmeichel	Winnebago County

Commission Members Excused:

David DeTroye (Alt. for Tom Reinl)	Calumet County
Brenda Schneider	Fond du Lac County
Vacant.....	Menominee County
Dick Koeppen (Virtual).....	Waupaca County
David Albrecht (Alt. for Tom Egan).....	Winnebago County

ECWRPC Staff and Guests:

Melissa Kraemer Badtke	Executive Director
Craig Moser	Deputy Director
Sara Otting.....	Controller
Colin Kafka	Associate Planner
Brenna Root.....	Associate Planner
Casey Peters	GIS Analyst 1
Becky Olejniczak	Human Resources
Leann Buboltz.....	Administrative Coordinator

2. **Approval of Agenda / Motion to Deviate** - A motion was made by Mr. Kaufman and second by Mr. Kautza to approve of the agenda as presented. Motion carried unanimously.
3. **Public Comment** – There was no one in attendance for public comment.
4. **Approval of the Minutes of the July 28, 2023 Quarterly Commission Meeting.** A motion was made by Mr. Hammen and second by Mr. Englebert to approve of the minutes as presented. Motion carried.
5. **Announcements and Reports**
 1. Director's Report – Ms. Kraemer-Badtke shared with the members highlights from the following areas; *list not all inclusive*.
 - a. **Commissioner News:** Ms. Jane Comstock recently resigned her position on the Menominee County Board. East Central staff will be working with Menominee County on a new appointment.
 - b. **Staffing Updates:**
 - New hires - Brice Richardson and Abby Mader were hired to fill the Associate Planners for the Transportation Team. Kia Kling was hired to serve as the new Associate Planner for the Safe Routes to School Program. Ms. Kling will be working with Commission on a part-time basis beginning in 2024 and then begin working full time in May, 2024. Kia currently has an internship with the Village of Fox Crossing and she is also attending UW- Green Bay and is working towards a Bachelor's Degree in Environmental Science and Policy with an emphasis in Planning.
 - Resignations – Staff received a resignation letter from Wilhelmina Paustian who served as the Lead-Senior Planner in the Sewer Service Area. ECWRPC will be posting her position in the near future.
 - c. **Safe Routes to School Program:** October was International Walk to School Day. Jennie Mayer and Kim Dieck organized and attended the events. Ms. Dieck conducted an interview with WLUK regarding the safe routes to school program in Kaukauna which was aired live. (a video was presented to the Commission). Ms. Kraemer Badtke thanked Mayor Woodford for his participation in a couple of walk to school day events at the Appleton Area Schools.
 - d. **WI American Planning Association (APA) Award** – Ms. Kraemer-Badtke was pleased to share that East Central staff accepted the award for innovation in planning for the equitable engagement toolkit and guidebook at the WI APA Conference. The purpose of this project was to create a toolkit, complementary guidebook, and training tools to enhance ECWRPC's and local communities' engagement efforts surrounding transportation-related plans and projects. Congratulation to the Transportation Team that assisted in the development of the Equitable Engagement Toolkit and Guidebook!
 - e. **Mid-America Economic Development Council Award** –Recently, East Central staff was notified that the Commission would be receiving the Mid-America Economic Development Council Award – Overcoming Adversity (small division) for the Small Community Technical Assistance Program. East Central staff will be honored at the award Luncheon on November 30th at the Mid-America Competitiveness Conference in Indianapolis. Congratulations to the Economic Development staff, as well as former staff and now Commissioner Kevin Englebert, and the Commission's consultant Ayres Associates on this award.
 - f. **Small Community Technical Assistance Program:** East Central and Ayres Associates hosted sessions/workshops at the following communities during the week of October 9th: City of Chilton, City of New Holstein, Village of Brandon and Village of Fremont. Communities hosted a visioning session with local business members and local community members. Staff then conducted a walkabout around the community, drafted a plan for the community, and presented it. Finalized plans will be available for each of the communities in November. Ms. Kraemer Badtke commended Commissioner Englebert for developing the program while employed at ECWRPC and Colin Kafka for picking up where Mr. Englebert stepped away.
 - g. **FHWA/FTA Certification Review** Federal Highway Administration and Federal Transit Administration met with East Central staff and the Wisconsin Department of Transportation staff met to discuss projects and programs related to the Appleton (Fox Cities) MPO. A

representative from Federal Highway Administration will be attending the January Commission Board meeting to report out on their findings.

- h. **Shawano Leader Article-** Recently, Director Kraemer Badtke presented at the Shawano County Board meeting and the Shawano Leader (the local newspaper) did a really nice article on the Regional Planning Commission. A copy can be found at each of your places.
- i. **2024 Special Projects** – Presented by Mr. Craig Moser. (List not all inclusive) As we work to further develop the 2024 Work Program and Budget, there are a number of potential special projects we wish to bring to the attention of the Board for discussion and consideration. They include the following:
 - 1. **Appleton/Fox Cities & Oshkosh MPO Policy Board Restructuring** – During the recent federal Appleton Transportation Management Area Certification Review, it was clearly communicated that a restructuring of the Policy Board would be required, as anticipated. While we are unsure how lengthy and involved this process will be at this point, it is highly likely that there will be considerable time and effort involved in making this change.
 - 2. **SERDI Assessment of ECWRPC** – As detailed in the previous Memo, the objective of this independent, third-party review of the Commission is to develop strategies to maximize East Central's support and assistance to its member counties. Should the Commission approve of this work, staff will be involved in assisting the consultant with various aspects of the project.
 - 3. **Potential Office Relocation** – As detailed in the previous memo, the lease for the current office space expires on July 31, 2024. Should the Commission make the decision to relocate, staff will work to strategically time the move to minimize impacts, but we anticipate at least a week of lost productive time related to this transition.
 - 4. **Staff Training** – With at least 5 new staff joining the team in 2023, a significant focus over the next 12 – 18 months will be on training and professional development. We are working to identify high quality, cost effective training options to provide staff the tools and support needed to excel in their roles.
 - 5. **Website Update** – This project has been on the radar, but has been deferred due to more pressing matters. Staff will be considering aligning this work with the MPO restructuring and potential office move would be beneficial. It would also align with a branding refresh we're currently working to integrate into all Commission materials.
 - 6. **Server Replacement/Potential Software Investments** – We have budgeted for the replacement of the server in 2024, as the warranty expires in July. In addition, we are in the process of evaluating several potential software programs that could increase operational efficiency and organizational effectiveness. Final recommendations and implementation will be deferred until after the SERDI assessment is completed, should the Commission approve of that work, to ensure alignment with their recommendations.
 - 7. **Evaluation of Economic Development Program Enhancement** – Following the 5-year update to the Regional Comprehensive Economic Development Strategy this fall, we'll be identifying how best the Commission can play a meaningful role in implementing the recommendations contained therein. We have identified several potential options, but would strategically defer implementation until after the SERDI assessment is completed, if approved.

7. Business -

A. Executive Committee –

- 1. Chairperson Nooyen requested that the motion combine and include the minutes for the July 28, 2023, minutes for the September 20, 2023 and minutes for the October 18, 2023 meetings respectively. The Commission members concurred.

A motion was made by Vice Chair Connors and second by Mr. Johnson to approve of the minutes for the July 28, 2023, September 20, 2023 and October 18, 2023 meetings respectively as presented. Motion carried unanimously.

- 2. 3rd Quarter – 2023 Financial report presented by Sara Otting-Controller. An overview was given to the members of the 2023 Financial Report for the Third Quarter. One of the items

noted is that with the GASB changes it shows that the Commission could be released from the building lease earlier than expected with the timeframe of July of 2023.

A motion was made by Mr. Gueths and a second by Mr. Rohloff to accept 3rd Quarter – 2023 Financial Report as presented and to place on file. Motion carried unanimously.

3. 3rd Quarter, 2023 Work Program Performance Report. Ms. Otting gave an overview of the 2023 Work Program Performance Report. Amongst other items, she noted that the accounts are all on track. Report is placed on file.

A motion was made by Mr. Federwitz and a second by Mr. Woodford to approve of the 3rd Quarter, 2023 Work Program Performance Report as presented and be placed on file. Motion carried unanimously.

4. Discussion and action on the WisDOT Concurrence Letter for 2024 Funding established for the State Metropolitan Planning Organizations. Ms. Kraemer-Badtke shared with the members that every 10 years in alignment with the release of the US Census data, the MPOs across the state and the Wisconsin DOT staff discuss the funding levels for the MPO Planning Program Funding. She noted that the funding is based off of population numbers from the US Census. The Transportation Management Areas (areas over 200,000 in population – Appleton, Green Bay, Madison and Milwaukee) have agreed to provide up to 3% of the federal funding to cover supplemental contribution toward minimum funding for non-TMA MPOs to support two staff members in each non-TMA MPO. The TMA MPOs also agreed to increase the federal funding minimum from \$168,000 to \$180,000. Ms. Kraemer-Badtke shared that Fond du Lac is the only MPO in the state that receives the minimum.

A motion was made by Mr. Kaufman and a second by Mr. Capelle to approve of the WisDOT Concurrence Letter for 2024 Funding and to place on file. Motion carried unanimously.

5. Resolution 47-23: Authorizing the Executive Director of the Commission to Enter into a Contract with SERDI to conduct an assessment of ECWRPC presented by Mr. Craig Moser. Mr. Moser reported that SERDI is a voluntary professional development association for regional council executive directors in the southeastern portion of the United States. and has conducted 64 assessments since 1994 offering a customized assessment to the regional planning commission. He noted that the Executive Committee discussed this possibility at the September meeting and requested a contract be brought forward for consideration, including a not to exceed travel expense. Mr. Moser shared that the cost of the SERDI Assessment Process is \$4,500 plus travel reimbursement of SERDI staff costs related to the process. The \$4,500 fee will be assessed with the submission of the complete record report. Travel reimbursement up to a maximum amount of \$3,500 will be paid upon request. Total projects cost not to exceed \$8,000. Staff recommended approval.

A motion was made by Mr. Johnson and a second by Ms. Miller to approve of the costs of the SERDI Assessment Process as reported with the total projects costs not to exceed \$8,000. Motion carried unanimously.

6. Resolution 48-23: Amending the By-Laws of the East Central Wisconsin Regional Planning Commission - Related to the Commission's Meeting Schedule presented by Mr. Craig Moser. Mr. Moser shared that at the last Executive Committee meeting, East Central staff and the Committee discussed proposed changes to the Commission's By-laws regarding the regular schedule of Commission Board meetings. He noted that among the issues discussed was that the last Friday of the month has been problematic in terms of ensuring a quorum. Also noted was that the July meeting date conflicts with an annual WI Counties Association meeting on the even years. Additionally, the April meeting date can be challenging given County Board elections in April and the subsequent timing of appointments to the Commission. Staff reviewed the feedback from the Committee as well as those members who were absent and subsequently have made proposed edits to the By-Laws accordingly,

providing for a Commission Board meeting each calendar quarter, with flexibility on the specific schedule which is to be determined at the annual meeting.

A motion was made by Vice Chair Connors and a second by Mr. Kautza to approve of the amendments as presented. Motion carried unanimously.

7. Resolution 49-23: Approving the Calumet County Specialized Transportation Coordinated Plan 2024-2028.
8. Resolution 50-23: Approving the Fond du Lac County Specialized Transportation Coordinated Plan 2024-2028
9. Resolution 51-23: Approving the Outagamie County Specialized Transportation Coordinated Plan 2024-2028
10. Resolution 52-23: Approving the Shawano and Menominee County Specialized Transportation Coordinated Plan 2024-2028
11. Resolution 53-23: Approving the Waupaca County Specialized Transportation Coordinated Plan 2024-2028
12. Resolution 54-23: Approving the Winnebago County Specialized Transportation Coordinated Plan 2024-2028

Resolutions - Approving the Specialized Transportation Coordinated Plans for Calumet, Fond du Lac, Shawano and Menominee, Outagamie, Waupaca, and Winnebago Counties presented by Ms. Brenna Root-Whitby. Ms. Root-Whitby reported that East Central Wisconsin Regional Planning Commission (ECWRPC), which serves as staff and fiscal agent for its seven member counties, Calumet, Fond du Lac, Menominee, Outagamie, Shawano, Waupaca, and Winnebago, is designated by the Wisconsin Department of Transportation to lead the development of the Specialized Transportation Coordinated Plan every five years.

Chairperson Nooyen requested that the motion combine and include Resolutions 49-23, 50-23, 51-23, 52-23, 53-23, and 54-23 to formally adopt the 2024 – 2028 Specialized Transportation Coordinated Plans for each of the respective counties: Calumet, Fond du Lac, Outagamie, Shawano and Menominee, Waupaca, and Winnebago, respectively. The Commission members concurred.

A motion as made by Mr. Gueths and a second by Mr. Schmeichel to approve Resolutions 49-23, 50-23, 51-23, 52-23, 53-23, and 54-23 to formally adopt the 2024 – 2028 Specialized Transportation Coordinated Plans for each of the respective counties. Motion carried unanimously.

To view the draft plans go to the ECWRPC website under the 'Specialized Transportation Coordinated Plans' heading: <https://www.ecwrpc.org/programs/transportation/public-specialized-transportation/>

13. Resolution 55-23: Adopting the 2023 Comprehensive Economic Development Strategy (CEDS) 5-Year Update presented by Mr. Colin Kafka. Link available to review: <https://www.ecwrpc.org/public-review/>. Mr. Kafka shared with the members that the Economic Development Administration (EDA) requires the Commission to complete a major update of the strategy every five years and a minor update to the strategy annually. He noted that with the last major update occurring in 2018. The main components (and findings), of the CEDS are:
 - (i) Summary Background: An inventory of key economic markers and conditions of the regional economy.;
 - (ii) SWOT and Engagement: A Strengths, Weaknesses, Opportunities, and Threats analysis exercise was conducted with public and private stakeholders. He noted that staff met with county stakeholders over June/July to further discuss economic development issues and priorities in each county.;

- (iii) Strategic Direction and Action Plan: Using the data from the *summary background and engagement*, the strategic direction and action plan identifies the regional vision, goals, objectives, and actions to be implemented to address economic development challenges and capture opportunities;
- (iv) Evaluation Framework: Performance measures for ECWRPC are identified to evaluate the implementation of the strategic direction and action plan. Partnerships, timelines, and evaluation metrics are also provided and will be reviewed annually.
- (v) Staff recommends that the Executive Committee approve Proposed Resolution 55-23.

A motion was made by Mr. Rohloff and a second by Mr. Caldwell to approve of Resolution 55-23: Adopting the 2023 Comprehensive Economic Development Strategy (CEDS) 5-Year Update. Motion carried unanimously.

14. Resolution 56-23: Approving ECWRPC to Act as the Fiscal Agent and Grant Administration Agency for a Regional Aviation Development Fund and Authorizing the Executive Director of the Commission to Develop and Execute the Required Agreements. Mr. Moser shared with the members that East Central leadership were approached by the Appleton Airport staff to be the fiscal agent for the Regional Aviation Development Fund. Staff have been in discussions with the Appleton Airport Director regarding the administration of a proposed *Regional Aviation Development Fund*, to help support continued growth of the aviation sector in the region as a component of East Central's core Economic Development Program area. Mr. Moser noted that under the proposed model, ECWRPC would serve as the fiscal agent of a segregated fund to support the development of aviation-related economic development initiatives in East Central's service area, no cost would be levied. Also shared was that fund promotion and development would be handled by other stakeholder agencies. Initially, the program is designed to enhance commercial air service development by providing incentives for new route destinations or increased frequency to existing destinations. Additional opportunities to enhance the aviation sector will be evaluated moving forward. ECWRPC would establish a Special Project Committee, per Article VI, Section 3 of East Central's By-Laws, to review and award grants from the fund.

A motion was made by Ms. Miller and a second by Vice Chair Connors to approve of Resolution 56-23: Authorizing East Central Wisconsin Regional Planning Commission to act as the Fiscal Agent and Grant Administrator for a Regional Aviation Development Fund and Authorizing the Executive Director of the Commission to Develop and Execute any Required Agreements. Motion carried unanimously.

B. Economic Development Committee

1. Approval of the July 12, 2023 Minutes for Meeting. A motion was made by Vice Chair Connors and a second by Mr. Gueths to approve of the minutes as presented. Motion carried unanimously.
2. Resolution 37-23: Resolution of Support for the Development and Submittal of the Economic Development Administration Planning Partnership Grant. Mr. Moser shared that the EDC previously approved of the Resolution 37-23 which would authorize ECWRPC staff to make application to the Economic Development Agency in the amount of \$210,000, which must be matched with non-Federal funds of \$90,000 (minimum) for a total of \$300,000 and enter into the required agreements to implement the grant, in order to provide eligible economic development planning and technical assistance activities in the East Central Wisconsin Region from 2024 – 2026.

A motion was made by Vice Chair Connors and second by Mr. Abel to approve Resolution 37-23.

Resolution of Support for the Development and Submittal of the Economic Development Administration Planning Partnership Grant. Mr. Moser stated that EDA has indicated that the East Central Wisconsin Regional Planning Commission is eligible for a three-year

Partnership Planning Assistance grant of \$210,000, which must be matched with non-federal funds of \$90,000 (minimum) for a total of \$300,000 over the three-year performance period. He noted that the required local match has declined from 40% to 30% based on the economic statistics within the ECWRPC region. Mr. Moser explained that the net effect of that adjustment, is that the core Economic Development program had previously worked with a \$350,000 budget over the three- year performance period (\$210,000 federal, \$140,000 local), which would now be reduced to \$300,000. He summarized that while the federal funding remains constant at \$70,000/year, the local match is reduced from \$46,666/year to \$30,000/year – which indicates a reduction of \$16,666/year. Member discussion took place and concurred that monies should remain within the budget and not change the budget numbers.

A motion was made by Mr. Kautza and second by Vice Chair Connors to approve of the amendment to Resolution 37-23 as outlined on the handout.

Amendment – Moser explained that the EDA invitation to apply for the Partnership Planning Assistance grant included specific language to include in the authorizing document, as outlined on the handout as follows: *“That the local match of \$90,000 (minimum) is committed to the project for the period of performance, (ii) will be available as needed, and (iii) is not or will not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance.”*

Chair Nooyen asked for any opposition to the amendment language, hearing of none; by unanimous consent the amendment is approved. The following is added to the Resolution 37-23. *“That the local match of \$90,000 (minimum) is committed to the project for the period of performance, (ii) will be available as needed, and (iii) is not or will not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance.”*

Chair Nooyen asked for any opposition to Resolution 37-23, as amended, hearing of none; by unanimous consent Resolution 37-23, as amended, was approved.

C. Environmental Management Committee

1. No Business Items

D. Transportation Committee

1. Approval of the Minutes for July 11, 2023 Meeting. A motion was made by Mr. Keller and a second by Mr. Hammen to approve of the Minutes for July 11, 2023 Meeting as presented. Motion carried unanimously.
2. Resolution 38-23: Adopting the 2023 Title VI Non-Discrimination Program and Limited English Proficiency Plan for the East Central Wisconsin Regional Planning Commission (<https://www.ecwrpc.org/wp-content/uploads/2023/09/DRAFT-2023-Fox-Cities-MPO-Title-VI-and-LEP-Plan-1.pdf>) Ms. Biederman shared with the Commission that the *Title VI Non-Discrimination Program* is intended to ensure that no person shall, on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any MPO-sponsored program or activity. She indicated that the *Limited English Proficiency Plan* has been also added to address East Central's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. Staff worked in consultation with WisDOT's Federal Compliance Manager to update the document to ensure federal compliance.

A motion was made by Mr. Caldwell and a second by Ms. Miller to approve of Resolution 38-23: Adopting the 2023 Title VI Non-Discrimination Program and Limited English Proficiency

Plan for the East Central Wisconsin Regional Planning Commission. Motion carried unanimously.

3. Resolution 39-23: Adopting the Public Participation Plan for the Appleton (Fox Cities) and Oshkosh MPOs (<https://www.ecwrpc.org/wp-content/uploads/2023/08/Draft-FCOMPO-PPP-2023.pdf>) Ms. Brenna Root-Whitby shared with the Commission that as a requirement of the Bipartisan Infrastructure Law (BIL) and its predecessor transportation bills, including the FAST Act, a Public Participation Plan (PPP) must be developed by each Metropolitan Planning Organization (MPO). She noted that the PPP outlines opportunities for the engagement of all community members within the Appleton (Fox Cities) and Oshkosh MPOs to participate in the development of transportation plans and programs. The Public Participation Plan has been developed in consultation with various federal and state agencies in an effort to improve public involvement and interaction in the transportation and land use planning process. Ms. Root-Whitby noted that a 45-day public review and comment period commenced on Sunday, August 13, 2023 and ended on Tuesday, September 26, 2023.

A motion was made by Mr. Keller and a second by Mr. Kautza to approve Resolution 39-23: Adopting the Public Participation Plan for the Appleton (Fox Cities) and Oshkosh MPOs as presented. Motion carried unanimously.

4. Resolution 41-23: Adopting the Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization 2024-2027 (<https://www.ecwrpc.org/wp-content/uploads/2023/09/Draft-2024-Appleton-TIP.pdf>) Mr. Casey Peters shared that the Transportation Improvement Program (TIP) is an annually prepared program of transportation projects that will be utilizing federal funding assistance in their implementation. He noted that this TIP includes projects within the Appleton (Fox Cities) Metropolitan Planning Organization (MPO). Mr. Peters stated that East Central Wisconsin Regional Planning Commission (ECWRPC) has updated the Transportation Improvement Program (TIP) for the Appleton MPO and that staff worked with WisDOT Northeast Region, transit operators, and local government officials to compile this list of projects for the 2024-2027 program years.

A motion was made by Mr. Federwitz and a second by Mr. Englebert to approve of Resolution 41-23: Adopting the Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization 2024-2027. Motion carried unanimously.

5. Resolution 42-23: Adopting the Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization 2024-2027 (<https://www.ecwrpc.org/wp-content/uploads/2023/09/Draft-2024-Oshkosh-TIP.pdf>) Mr. Casey Peters shared that the Transportation Improvement Program (TIP) is an annually prepared program of transportation projects that will be utilizing federal funding assistance in their implementation. He noted that this TIP includes projects within the Oshkosh Metropolitan Planning Organization (MPO). Mr. Peters stated that East Central Wisconsin Regional Planning Commission (ECWRPC) has updated the Transportation Improvement Program (TIP) for the Oshkosh MPO and that staff worked with WisDOT Northeast Region, transit operators, and local government officials to compile this list of projects for the 2024-2027 program years.

A motion was made by Mr. Rohloff and a second by Mr. Hammen to approve of Resolution 42-23: Adopting the Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization 2024-2027. Motion carried unanimously.

6. Resolution 44-23: Authorizing the Commission to Submit and Support an Application for the 2024-2028 Transportation Alternatives Set-aside Program Funding to Continue the Regional Safe Routes to School (SRTS) Program.

A motion was made by Mr. Keller and a second by Mr. Gueths to approve of Resolution 44-23: Authorizing the Commission to Submit and Support an Application for the 2024-2028

Transportation Alternatives Set-aside Program Funding to Continue the Regional Safe Routes to School (SRTS) Program as presented.

Ms. Jennie Mayer shared that the TA Set Aside program is awarded for up to 80% of eligible project costs, with the remaining 20% being a local match. She noted the Regional Safe Routes to School Program was initially requesting a total of \$968,847.60 in federal funds, to be matched by \$242,211.90 in local funds provided by the Commission, for a total two-in-a-half-year project cost of \$1,211,059.59 for the Fall 2026 and calendar years 2027 and 2028. On October 20th the DOT granted the requested 6-month extension to spend the current monies down until December 30, 2026.

A motion was made by Mr. Keller and a second by Mr. Gueths to approve of the amendment to Resolution 44-23 as discussed.

Amended wording - Resolution 44-23: Authorizing the Commission to Submit and Support an Application for the 2024-2028 Transportation Alternatives Set-aside Program Funding to Continue the Regional Safe Routes to School (SRTS) Program. That the Commission be authorized to develop a 2024-2028 Transportation Alternatives Set-aside Program application to the Wisconsin Department of Transportation (WisDOT) for the East Central WI Regional Safe Routes to School Program for a total of \$788, 080.00 in federal funds, to be matched by \$197,020.00 in local funds provided by the Commission, for a total two- year project cost of \$985,100.00 for Fiscal Years 2027 and 2028.

Chair Nooyen asked for any opposition to the amendment, hearing of none; by unanimous consent the amendment to Resolution 44-23 is approved.

Chair Nooyen asked for any opposition to Resolution 44-23, as amended, hearing of none; by unanimous consent Resolution 37-23, as amended, was approved.

7. Resolution 45-23: Amending the 2023 Unified Transportation Work Program and Budget. Ms. Kraemer Badtke shared with the members that the Commission staff assessed the transportation program deliverables as outlined for the 2023 Work Program and budget and upon that assessment are requesting an extension of funding availability for those projects to the 2023 Work Program and Budget. She outlined the list of work program activities and projects along with the budget for each. Also noted was that the program deliverables and funding will need to be completed and utilized by November 30, 2023.

A motion was by Mr. Capelle and a second by Mr. Kautza to approve of Resolution 45-23: Amending the 2023 Unified Transportation Work Program and Budget as presented. Motion carried unanimously.

8. Resolution 46-23: Approving the 2024 Unified Work Program and Budget (<https://www.ecwrpc.org/wp-content/uploads/2023/09/2024-Transportation-Work-Program-and-Budget.pdf>) Ms. Kraemer-Badtke presented the 2024 UPWP and Budget and program deliverables. She noted the timeline of the program deliverables and timeline, and she noted that staff would be working with Federal Highway Administration (FHWA) staff, Federal Transit Administration (FTA) staff, and Wisconsin Department of Transportation staff on restructuring the Appleton and Oshkosh MPOs in 2024. She also noted both FHWA and FTA issued a waiver of local match requirement for activities that support Safe and Accessible Transportation Options; deliverables meeting those requirements are noted in the UPWP. A motion was by Mr. Kaufman and a second by Vice Chair Connors to approve of Resolution 46-23: Approving the 2024 Unified Work Program and Budget as presented. Motion carried unanimously.

- E. **CLOSED SESSION**: The Committee will convene into closed session pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to discuss strategy regarding ongoing negotiations with another entity so as not to compromise the Commission's bargaining position. A motion was

made by Mr. Schmeichel and second by Mr. Hammen to move to Closed Session. Roll call was taken with all voting aye with the time noted at 11:15 a.m.

- F. **RECONVENE INTO OPEN SESSION:** The Committee will reconvene into open session pursuant to section 19.85(2) of the Wisconsin Statutes to take action, if necessary, on the above matters. A motion was made by Mr. Hammen and second by Mr. Federwitz to move to Open Session. Roll call was taken with all voting aye with the time noted at 11:25 a.m.

8. **Other Business**

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

- A. The next Quarterly Commission Board meeting will be 10:00 a.m. on Friday, January 26, 2024. Additional meeting details will be forthcoming.

10. **Adjourn** – A motion was made by Mr. Hammen and second by Mr. Federwitz to adjourn with the time noted at 11:35 a.m.

Respectfully submitted by

Leann Buboltz – Administrative Coordinator
ECWRPC

East Central Wisconsin Regional Planning Commission – January 17, 2024 Report

By Melissa Kraemer Badtke, Executive Director and Craig Moser, Deputy Director.

Administration: East Central staff was notified of some potential conflicts for the Quarterly Commission meetings which were moved to the fourth Wednesday of the month. East Central staff will be working with the Commissioners to find a time that will work for everyone. We appreciate everyone's patience as we work through this process.

Staffing Updates

East Central recently hired Joe Stephenson as the new Senior Planner for the Water Quality Management Program. Joe recently was the Director of Planning and Community Development with the City of Kaukauna. Prior to working with the City of Kaukauna, Joe worked at the City of Menasha as a Principal Planner in the Community Development Department.

Mid-America Economic Development Council Award – Overcoming Adversity

The Small Community Technical Assistance Program received the Overcoming Adversity – Small Division award from the Mid America Economic Development Council at their Annual Conference held in Indianapolis. The award recognizes projects or best practices that a community, region, or state utilized during a situation to overcome challenges. Ayres Associates submitted the SCTA Program for consideration. Award categories are classified by population size, with the small division reflecting a community with less than 10,000. East Central Commissioner and former East Central Deputy Director Kevin Englebert and East Central Economic Development Planner Colin Kafka attended the conference November 29th – December 1st and received the award in person, with Kevin providing some brief remarks on the program and an appreciation for the award. The News Release on the award can be found [here](#).



Economic Development Program

EDA 3 Year Planning Partnership Grant: In 1984, the East Central Wisconsin Regional Planning Commission (ECWRPC) was designated as an Economic Development District (EDD) by the U.S. Department of Commerce, Economic Development Administration (EDA) under the Public Works and Economic Development Act of 1965. This designation qualifies ECWRPC constituent localities for various grant and loan funding opportunities through EDA.

The Public Works and Economic Development Act of 1965, Title III, establishes a planning assistance grant program for the funding of planning and programming of economic development activities by states, economic development districts, and redevelopment areas. The Economic Development Administration has invited ECWRPC to apply for the non-competitive 2024 – 2026 Partnership Planning Assistant Grant. Staff prepared and submitted an application for this non-competitive EDA grant on November 9. An award notification is anticipated in early 2024.

Transportation Planning Program

Appleton (Fox Cities) MPO Certification Review: Federal Highway Administration and Federal Transit Administration met with East Central staff and Wisconsin Department of Transportation staff to discuss projects and programs related to the Appleton (Fox Cities) MPO. A representative from Federal Highway Administration will be attending the January Commission Board meeting to report out on the certification review. Staff has met with Federal Highway Administration, Federal Transit Administration, and the Wisconsin Department of Transportation staff to discuss the preliminary results.

Congestion Management Process and Long Range Transportation Plans: The 2024 Unified Work Program and Budget, which was adopted on October 27, 2023, outlines key deliverables for calendar year 2024. Key deliverables that ECWRPC staff will be working on throughout 2024 and into 2025 are

the Congestion Management Process for the Appleton (Fox Cities) MPO and a Long Range Transportation Program for each of the three MPOs (Appleton (Fox Cities), Oshkosh, and Fond du Lac). These are federal requirements, and they provide a vision and framework for the investment of federal and state dollars to meet the needs of the future transportation network.

Oshkosh MPO EV Readiness Plan: ECWRPC and the City of Oshkosh continue to work with the contracted consultant (SRF) on the EV Readiness Plan. A community survey was distributed, and nearly 500 responses were collected. The first round of in-person community engagement was conducted in December 2023, with a stakeholder group meeting and a community engagement meeting.

Fond du Lac Bicycle and Pedestrian Plan: Work is continuing on the plan with a goal to have the plan adopted in early 2024. In the summer of 2023, an interactive site was launched to gain feedback from the public, which can be found at <https://ecwrpc.mysocialpinpoint.com/fond-du-lac-mpo-bike-ped-plan/>. Three committee meetings have been held. At the last meeting, trail counter and survey data were reviewed, a discussion was held to draft the vision, goals, and guiding principles, and preliminary network maps were reviewed. ECWRPC staff will continue to develop the plan and bring it forward to the Fond du Lac MPO TAC and Policy Board for consideration in March 2024.

Regional Safe Routes to School

Shawano Safe Routes to School Action Plan: Work is continuing on this plan with a targeted completion in spring 2024. Staff have completed audits at the schools and are currently setting up meetings with members of the task force to gather information from the group. School surveys will be sent out in early January to learn more from the school community about the traffic concerns they have around the school.

Sandy Slope Elementary School: Staff have been meeting with Appleton Area School District, City of Appleton and Outagamie County staff to evaluate traffic flow and areas of concern around Sandy Slope Elementary School, which is set to open in 2025. Staff have worked with the Appleton Area School District staff and Outagamie County Sheriff's Department to develop an Unusually Hazardous Busing Routes criteria and scoring system to assist the district in planning routes around the new Elementary School. Staff also met with the City of Appleton Police Department to discuss current conditions and where a need for crossing guards is anticipated.

NR-135 Non-Metallic Mining Program

Annual operator reports were sent out at the end of December and East Central staff will begin processing them as they are returned. Three (3) Certificates of Completion (COCs) were issued in 2023 for the completion of reclamation activities, as follows;

1. Hanson Sanitation & Exc., Inc. completed the reclamation of the Tellock Pit in the Town of Wittenberg, Shawano County. The sand and gravel pit was reclaimed back into agricultural lands. See attached link of reclaimed site;
<https://mls.kuu.la/share/collection/7J1gy?fs=1&vr=1&zoom=1&initload=0&thumbs=1>
2. Hanson Sanitation & Exc., Inc. completed the reclamation of the Long Pit in the Town of Wittenberg, Shawano County. The Sand and gravel pit was reclaimed back into agricultural lands. See attached link of reclaimed site;
<https://mls.kuu.la/share/collection/7J1gQ?fs=1&vr=1&zoom=1&initload=0&thumbs=1>
3. Michels Road & Stone, Inc. completed the reclamation of the FLB Quarry in the Town of Algoma, Winnebago County. The limestone quarry was reclaimed back into wildlife habitat. See attached link of reclaimed site;
<https://mls.kuu.la/share/collection/7v5TM?fs=1&vr=1&zoom=1&initload=0&thumbs=1>

Water Quality Management Program

Sewer Service Areas Plans: East Central staff will begin working to update the Sherwood Sewer Service Area Plan and the Stockbridge Sewer Service Area Plan later in 2024. At this time, DNR has not provided an update on the status of their review of the Fox Cities Sewer Service Area Plan that the Commission approved in July and submitted to DNR.

MEETING MINUTES EXECUTIVE COMMITTEE MEETING East Central Wisconsin Regional Planning Commission

COMMITTEE MEMBERS: *Jeff Nooyen (Chair), Alice Connors (Vice Chair), Steven Abel, Dick Koeppen, Thomas Kautza, Jeremy Johnson (Perm. Alt. for Elizabeth Moses), Dave Albrecht (Perm. Alt. for Tom Egan)*

Date: October 27, 2023 @ 9:00 a.m.
Shawano County – DHS Conference Room, W7327 Anderson Ave., Shawano WI

1. **Welcome and Introductions** – Chair Nooyen called the meeting to order at 9:00 a.m.

2. **Roll Call**

A. Introduction of Alternates, Staff and Guests

Committee Members Present:

Alice Connors (Vice Chair) Calumet County
Jeremy Johnson (Perm. Alt. for Elizabeth Moses) Menominee County
Jeff Nooyen (Chair) Outagamie County
Tom Kautza Shawano County
Steve Abel Fond du Lac County

Committee Members Absent (Excused):

David Albrecht (Perm. Alt. for Tom Egan) Winnebago County
Dick Koeppen Waupaca County

ECWRPC Staff and Guests:

Melissa Kraemer Badtke Executive Director
Craig Moser Deputy Director
Sara Otting Controller
Leann Buboltz Administrative Coordinator

3. **Approval of the Agenda/Motion to Deviate** - A motion was made by Mr. Kautza and seconded Vice Chair Connors to approve of the agenda as presented. Motion carried.

4. **Public Comment** – No public comments

5. **Approval of the Minutes of the September 20, 2023 and October 18, 2023 Executive Committee Meetings.** Chair Nooyen requested that the motion include the September 20, 2023 and October 18, 2023 minutes together. The members concurred. A motion was made by Mr. Abel and seconded Mr. Kautza to approve of the Minutes of the September 20, 2023 and October 18, 2023 Executive Committee Meetings as presented. Motion carried.

6. **Announcements and Discussion Items**

1. Director's Report - Melissa Kraemer-Badtke *list not all inclusive.*

i. **Commissioner News:** Ms. Jane Comstock recently resigned her position on the Menominee County Board. East Central staff will be working with Menominee County on a new appointment.

ii. **Staffing Updates:**

1. New hires - Brice Richardson and Abby Mader were hired to fill the Associate Planners for the Transportation Team. Kia Kling was hired to serve as the new Associate Planner for the Safe Routes to School Program. Ms. Kling will be working with Commission on a part-time basis beginning in 2024 and then begin working full time in May, 2024. Kia currently has an internship with the Village of Fox Crossing and she is also attending

UW- Green Bay and is working towards a Bachelor's Degree in Environmental Science and Policy with an emphasis in Planning.

Resignations – Staff received a resignation letter from Wilhelmina Paustian who served as the Lead-Senior Planner in the Sewer Service Area. ECWRPC will be posting her position in the near future.

- iii. **Small Community Technical Assistance Program:** Ms. Kraemer Badtke shared that East Central staff and Ayres Associates hosted workshops during the week of October 9th at the City of Chilton and New Holstein and also the Village of Brandon and Fremont. The listed communities hosted a visioning session with local business and local community members. She noted that East Central staff also conducted a walkabout around the community; drafted and presented a plan for the respective community. The finalized plans will be available for each of the communities in November. Ms. Kraemer Badtke commended Commissioner Englebert for developing the program while employed at ECWRPC and Colin Kafka for taking over the program when Mr. Englebert transitioned to his new role at Outagamie County.

7. **New Business/Action Items**

- A. 3rd Quarter, 2023 Financial Report – presented by Sara Otting. An overview was given to the members of the 2023 Financial Report for the Third Quarter. One of the items noted is that with the GASB changes it shows that the Commission could be released from the building lease earlier than expected with the timeframe of July of 2023.

A motion was made by Mr. Kautza and a second by Vice Chair Connors to accept 3rd Quarter – 2023 Financial Report as presented and to place on file. Motion carried unanimously.

- B. 3rd Quarter, 2023 Work Program Performance Report. Ms. Otting gave an overview of the 2023 Work Program Performance Report. Amongst other items, she noted that the accounts are all on track. Report is placed on file.

A motion was made by Mr. Johnson and a second by Mr. Abel to approve of the 3rd Quarter, 2023 Work Program Performance Report as presented and be placed on file. Motion carried unanimously.

- C. Proposed Resolution 49-23: Approving the Calumet County Specialized Transportation Coordinated Plan 2024-2028.
D. Proposed Resolution 50-23: Approving the Fond du Lac County Specialized Transportation Coordinated Plan 2024-2028
E. Proposed Resolution 51-23: Approving the Outagamie County Specialized Transportation Coordinated Plan 2024-2028
F. Proposed Resolution 52-23: Approving the Shawano and Menominee County Specialized Transportation Coordinated Plan 2024-2028
G. Proposed Resolution 53-23: Approving the Waupaca County Specialized Transportation Coordinated Plan 2024-2028
H. Proposed Resolution 54-23: Approving the Winnebago County Specialized Transportation Coordinated Plan 2024-2028

Proposed Resolutions - Approving the Specialized Transportation Coordinated Plans for Calumet, Fond du Lac, Shawano and Menominee, Outagamie, Waupaca, and Winnebago Counties. Ms. Root-Whitby reported that East Central Wisconsin Regional Planning Commission (ECWRPC), is designated by the Wisconsin Department of Transportation to lead the development of the Specialized Transportation Coordinated Plan every five years. Chairperson Nooyen requested that the motion combine and include Proposed Resolutions 49-23, 50-23, 51-23, 52-23, 53-23, and 54-23 to formally adopt the 2024 – 2028 Specialized Transportation Coordinated Plans for each of the respective counties: Calumet, Fond du Lac, Outagamie, Shawano and Menominee, Waupaca, and Winnebago, respectively. The Commission members concurred.

A motion was made by Vice Chair Connors and a second by Mr. Kautza to approve Proposed Resolutions 49-23, 50-23, 51-23, 52-23, 53-23, and 54-23 to formally adopt the 2024 – 2028

Specialized Transportation Coordinated Plans for each of the respective counties. Motion carried unanimously. Ms. Kraemer Badtke went on record commending Ms. Root-Whitby for taking the lead on this project.

- I. Proposed Resolution 55-23: Adopting the 2023 Comprehensive Economic Development Strategy (CEDS) 5-Year Update presented by Mr. Colin Kafka. Link available to review: <https://www.ecwrpc.org/public-review/>. Mr. Kafka shared that the EDA requires the Commission to complete a major update of the strategy every five years and a minor update to the strategy annually. He noted that with the last major update occurring in 2018. Mr. Kafka noted that the main components (and findings), of the CEDS are:
- Summary Background: An inventory of key economic markers and conditions of the regional economy.;
 - SWOT and Engagement: A Strengths, Weaknesses, Opportunities, and Threats analysis exercise was conducted with public and private stakeholders. He noted that staff met with county stakeholders over June/July to further discuss economic development issues and priorities in each county.;
 - Strategic Direction and Action Plan: Using the data from the *summary background* and *engagement*, the strategic direction and action plan identifies the regional vision, goals, objectives, and actions to be implemented to address economic development challenges and capture opportunities;
 - Evaluation Framework: Performance measures for ECWRPC are identified to evaluate the implementation of the strategic direction and action plan. Partnerships, timelines, and evaluation metrics are also provided and will be reviewed annually.
 - Staff recommends that the Executive Committee approve Proposed Resolution 55-23

A motion was made by Vice Chair Connors and a second by Mr. Abel to approve of Proposed Resolution 55-23: Adopting the 2023 Comprehensive Economic Development Strategy (CEDS) 5-Year Update. Motion carried unanimously.

- L. Proposed Resolution 56-23: Authorizing East Central Wisconsin Regional Planning Commission to act as the Fiscal Agent and Grant Administrator for a Regional Aviation Development Fund and Authorizing the Executive Director of the Commission to Develop and Execute any Required Agreements. Mr. Moser shared with the members that East Central leadership were approached by the ATW staff to be the fiscal agent for the Regional Aviation Development Fund. Staff have been in discussions with the Appleton Airport Director regarding the administration of a proposed *Regional Aviation Development Fund*, to help support continued growth of the aviation sector in the region as a component of East Central's core Economic Development Program area. Mr. Moser noted that under the proposed model, ECWRPC would serve as the fiscal agent of a segregated fund to support the development of aviation-related economic development initiatives in East Central's service area, no cost would be levied. Also shared was that fund promotion and development would be handled by other stakeholder agencies. Initially, the program is designed to enhance commercial air service development by providing incentives for new route destinations or increased frequency to existing destinations. Additional opportunities to enhance the aviation sector will be evaluated moving forward. ECWRPC would establish a Special Project Committee, per Article VI, Section 3 of East Central's By-Laws, to review and award grants from the fund.

A motion was made by Mr. Johnson and a second by Mr. Abel to approve of Proposed Resolution 56-23: Authorizing East Central Wisconsin Regional Planning Commission to act as the Fiscal Agent and Grant Administrator for a Regional Aviation Development Fund and Authorizing the Executive Director of the Commission to Develop and Execute any Required Agreements. Motion carried unanimously.

8. **Informational/Discussion Items**

- A. County Roundtable Discussion (*as time permits*) – Mr. Johnson of Menominee County asked the members if they could share what their County Board has done as it relates to salary increase(s) and inflation costs. Mr. Koeppen of Waupaca County indicated that they are going forward with a 5% salary increase in addition to the steps; Vice Chair Connors of Calumet County shared that they are going forward with a 4% salary increase in addition to the steps.

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

- A. **Executive Committee Meeting:** ~~DATE CHANGE~~ The next Executive Committee meeting is scheduled for ~~Wednesday, November 15, 2023~~ Rescheduled for Wednesday, November 29, 2023 at 10:00 a.m. To be held in person at East Central office(s) An agenda and meeting materials will be forthcoming.
- B. **Commission Meeting:** *The next Commission meeting will be held at Shawano County DHHS - W7327 Anderson Ave., Shawano WI on Friday, October 27, 2023 at 10:00 a.m.*

10. **Adjourn** – A motion was made by Vice Chair Connors and second by Mr. Kautza to adjourn with the time noted at 9:35 a.m.

Respectfully submitted by
Leann Buboltz – Administrative Coordinator
ECWRPC

MEETING MINUTES EXECUTIVE COMMITTEE MEETING East Central Wisconsin Regional Planning Commission

COMMITTEE MEMBERS: *Jeff Nooyen (Chair), Alice Connors (Vice Chair), Steven Abel, Dick Koeppen, Thomas Kautza, Jeremy Johnson (Perm. Alt. for Elizabeth Moses), Dave Albrecht (Perm. Alt. for Tom Egan)*

Date: November 29, 2023 @ 10:00 a.m. (In-Person)

1. **Welcome and Introductions** – Chair Nooyen called the meeting to order at 10:00 a.m.
2. **Roll Call**
 - A. Introduction of Alternates, Staff and Guests

Committee Members Present:

Jeff Nooyen (Chair) Outagamie County
 Alice Connors (Vice Chair) Calumet County
 Jeremy Johnson (Perm. Alt. for Elizabeth Moses) Menominee County
 Tom Kautza Shawano County
 Dick Koeppen - Remote Waupaca County
 David Albrecht (Perm. Alt. for Tom Egan) Winnebago County

Committee Members Absent (Excused):

Steve Abel Fond du Lac County

ECWRPC Staff and Guests:

Melissa Kraemer Badtke Executive Director
 Craig Moser Deputy Director
 Sara Otting Controller
 Becky Olejniczak Human Resources
 Leann Buboltz Administrative Coordinator

3. **Approval of the Agenda/Motion to Deviate** - A motion was made by Vice Chair Connors and seconded Mr. Albrecht to approve of the agenda as presented. Motion carried.
4. **Public Comment** – No public comments
5. **Approval of the Minutes of the October 27, 2023 Executive Committee Meetings.** A motion was made by Mr. Johnson and seconded Mr. Kautza to approve of the Executive Committee Meeting as presented. Motion carried.
6. **Announcements and Discussion Items**
 - A. Announcements. Ms. Kraemer-Badtke shared with the members that the Environmental Planner interviews will be held on Tuesday, November 28th.
7. **New Business/Action Items**
 - A. Review and approval of the Draft 2024 Commission Meeting Schedule. Mr. Moser gave a brief overview of the approved changes that occurred to the Member 2024 meeting schedule. He noted that the April Quarterly Commission will not occur due to elections. Tentatively the Quarterly Commission meetings will be held in January, March, May, July, and October, with May also a time for new Commission orientation, discussion on the 2023 Audit and the Annual meeting. Chair Nooyen stated that with the elections, new commissioner orientation, etc. he thought that altering the schedule was a good idea. No motion needed as this was only informational.

- B. Proposed Resolution 57-23: Adopting the 2024 Cost Allocation Plan, Indirect Cost Rate, and Certificate of Lobbying for the East Central Wisconsin Regional Planning Commission Ms. Otting briefly explained that since June 2023, staff has worked with the negotiator from the U.S. Department of Interior to finalize the indirect cost rate for 2024. She noted that the indirect cost rate is higher than last year due to being fully staffed.

A motion was made by Mr. Kautza and a second by Mr. Albrecht to approve of Proposed Resolution 57-23: Adopting the 2024 Cost Allocation Plan, Indirect Cost Rate, and Certificate of Lobbying for the East Central Wisconsin Regional Planning Commission as presented. Motion carried unanimously.

- C. Review and discussion on the 2024 Draft Work Program and Budget. Ms. Kraemer Badtke presented the draft work program and budget noting two items that were not part of the discussions at the July and October meetings. She shared that there are two Open Space Recreation Contracts for the City of Shawano and Town of Buchanan that staff will be working on in 2024. Also, included in the draft 2024 budget was the health insurance rates and draft cost of living and merit increase. Ms. Kraemer-Badtke pointed out that the overhead budget includes office space, a new server, software maintenance, amongst others. The finalized 2024 work program and budget will be provided to each of the Standing Committee's and the Executive Committee at their January 2024 meeting(s).
- D. **CLOSED SESSION:** The Committee will convene into closed session pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to discuss strategy regarding ongoing negotiations with another entity so as not to compromise the Commission's bargaining position and Section 19.85(1)(c) of the Wisconsin Statutes to consider personnel matters, compensation, the 2024 staffing plan, and to conduct the annual performance evaluation and review of the 2024 employment agreement terms for the Executive Director. A motion was made by Vice Chair Connors and second by Mr. Kautza to go into closed session via roll call vote, with the time noted at 10:25 am.
- E. **RECONVENE INTO OPEN SESSION:** The Committee will reconvene into open session pursuant to section 19.85(2) of the Wisconsin Statutes to take action, if necessary, on the above matters. A motion was made by Mr. Kautza and second by Mr. Koeppen to go into open session via roll call vote, with the time noted at 11:35 am.
1. Action from closed session discussions. Upon discussion a motion was made by Mr. Albrecht and a second by Vice Chair Connors to approve of Option 2 for the Executive Director's 5 Year Contract and Option 3 for employee salary adjustments and merit increases based on what was discussed. Motion carried unanimously.

8. Informational/Discussion Items

- A. County Roundtable Discussion (*as time permits*) –
1. Mr. Johnson – Menominee County shared that due to the resignation of Board Member Jane Comstock, they are in the process of reappointing someone to fill that vacancy.
 2. Mr. Kautza – Shawano County shared that his County is in the process of redistricting.

9. Establish Time and Place for Next Commission Meeting

- A. **Executive Committee Meeting:** The next Executive Committee meeting is scheduled for Wednesday, January 17, 2024 at 1:30 p.m. To be held virtually. An agenda and meeting materials will be forthcoming.
- B. **Commission Meeting:** *The next Commission meeting will be held on Wednesday, January 24, 2024 at 10:00 a.m. – Virtually.*

10. **Adjourn** – A motion was made by Vice Chair Connors and second by Mr. Kautza to adjourn with the time noted at 12:00 p.m.

Respectfully submitted by
Leann Buboltz – Administrative Coordinator
ECWRPC

Balance Sheet

As of 12/31/2023

	12/31/2023	12/31/2022
ASSETS		
CASH & CASH EQUIVALENTS		
1000-01 CASH-AssocBank Main Checking	\$ 55,431.06	\$ 134,697.57
1000-03 CASH-Associated Benefit Account	10,759.10	8,820.06
1000-05 CASH-AssocBank Money Market	60,033.15	180,702.65
1000-06 CASH-WEDC Checking	0.00	42,645.90
1010-00 STATE TREASURER-LOCAL GOVT PL	529,981.37	262,377.05
1020-00 PETTY CASH	100.00	100.00
Total CASH & CASH EQUIVALENTS:	656,304.68	629,343.23
RECEIVABLES		
1100-00 ACCOUNTS RECEIVABLE	380,763.69	395,433.80
1130-00 DEFERRED REVENUE/NR135 CARRYOVER	-6,381.84	-40,800.33
1140-00 OTHER DEFERRED REVENUE	-2,838.68	-57,428.96
Total RECEIVABLES:	371,543.17	297,204.51
PREPAIDS & DEPOSITS		
1200-00 PREPAID & DEPOSITS	28,300.26	25,724.13
1210-00 DEFERRED OUTFLOWS	1,093,313.10	822,649.02
Total PREPAIDS & DEPOSITS:	1,121,613.36	848,373.15
CAPITAL EQUIPMENT		
1400-00 COMPUTERS, EQUIPMENT & OTHER FIXED ASSETS	258,846.56	262,352.57
1405-00 ACCUM. DEPREC	-168,351.38	-160,858.14
1420-00 CAPITAL LEASE ASSET	42,805.86	218,963.52
1425-00 ACCUM. DEPREC. CAPITAL LEASE ASSET	-73,381.56	-83,167.12
Total CAPITAL EQUIPMENT:	59,919.48	237,290.83
OTHER ASSETS		
1500-00 NET PENSION ASSET	530,175.94	450,470.94
Total ASSETS:	\$ 2,739,556.63	\$ 2,462,682.66
LIABILITIES		
ACCOUNTS PAYABLE		
2000-00 ACCOUNTS PAYABLE	\$ 74,437.51	\$ 47,846.94
ACCRUED LIABILITIES		
2110-00 PAYROLL TAXES PAYABLE	15,370.14	19,470.67
2160-00 ACCRUED ANNUAL LEAVE	21,058.39	21,058.39
2178-00 FLEX SPENDING ACCOUNT (FSA) PAYABLE	144.86	2,458.31
2210-00 DEFERRED INFLOWS	1,359,836.00	1,024,361.00
Total ACCRUED LIABILITIES:	1,396,409.39	1,067,348.37
NOTES PAYABLE		
2305-00 CAPITAL LEASE PAYABLE	15,098.17	137,639.43
Total NOTES PAYABLE:	15,098.17	137,639.43
OTHER LIABILITIES		
2400-00 NET OTHER POST-EMPLOYMENT BENEFIT	130,409.00	244,381.00
Total LIABILITIES:	1,616,354.07	1,497,215.74
NET POSITION		
2900-00 Retained Earnings-Current Year	-1,789.47	180,954.27
2900-00 RETAINED EARNINGS - PRIOR	1,030,843.03	770,503.65
2910-00 INVESTMENT IN FIXED ASSETS	94,149.00	14,009.00
Total NET POSITION:	1,123,202.56	965,466.92
Total LIABILITIES & NET POSITION:	\$ 2,739,556.63	\$ 2,462,682.66

	A	B	C	E	F	G	H	I	J	K	L	M	N
1	East Central Wisconsin Regional Planning Commission												
2	Statement of Revenue and Expenses												
3	For Period 12 Ending 12/31/2023												
4													
5													
6													
7					Approved Budget 2023		Amended Budget 2023		YTD 12/31/2023		% Of Amended Budget		YTD 12/31/2022
8	Operating Revenues												
9	Intergovernmental				\$1,888,616		\$1,900,025		\$1,407,325		74%		\$8,594,405
10		Federal Grants			1,792,363		1,801,490		1,316,566		73%		8,488,416
11		State Grants			96,253		98,535		90,758		92%		105,989
12													
13													
14	Intergovernmental Charges for Services				816,817		849,817		828,361		97%		723,594
15		Local districts membership levy			625,000		625,000		625,000		100%		487,046
16		Local districts (secured/expected contracts)			47,792		80,792		58,026		72%		110,523
17		NR-135 Program (Operator fees)			123,450		123,450		125,450		102%		108,220
18		NR-135 Program (WDNR fees)			20,575		20,575		19,885		97%		17,805
19	Public Charges for Services				10,000		10,000		9,475		95%		6,450
20	Miscellaneous Revenue (interest earned, etc.)				4,000		4,000		22,167		554%		4,610
21	Total Operating Revenues				\$2,719,433		\$2,763,842		\$2,267,327		82%		\$9,329,059
22													
23													
24													
25													
26	Operating Expenses												
27	Salaries and wages				\$1,285,494		\$1,285,494		\$1,195,943		93%		\$1,165,468
28	Employee fringe benefits				413,843		413,496		366,993		89%		347,994
29	Direct grant expenses (contracts/programs)				682,758		682,758		436,345		64%		7,418,802
30	Overhead Expenses				290,009		254,456		269,834		106%		215,842
31		Meeting expenses & Staff Development			17,440		17,440		7,118		41%		5,652
32		Supplies			5,600		5,600		6,017		107%		4,929
33		Office space and equipment			62,529		26,976		90,688		336%		49,559
34		Reference materials, subscriptions and dues			1,600		1,600		3,772		236%		1,207
35		Printing and publishing			12,500		12,500		617		5%		1,508
36		Postage			500		500		718		144%		-667
37		Staff expenses			9,000		9,000		1,800		20%		4,790
38		Insurance and professional fees			42,840		42,840		55,400		129%		54,145
39		Interest			7,500		7,500		1,097		15%		6,358
40		Depreciation			130,500		130,500		102,607		79%		88,360
41	Total Operating Expenses				2,672,104		2,636,204		2,269,116		86%		9,148,107
42													
43	Projected Surplus / (Deficit)				\$47,329		\$127,638		(\$1,789)				\$180,952
44	Adjustments for Cash Flows												
45		Difference between capital purchases & depreciation			(34,046)		(34,046)		(2,908)				(8,707)

December 31, 2023 PROJECT UPDATE

Project	Start Date	End Date	Approved Budget	Total \$ Budget	Total \$ Spent	% Remain	Total Hrs Budget	Hrs Spent	Hrs Remain	% Remain	Total Hrs Budget	Hrs Spent	% Remain
1105-023: Regional Comprehensive Planning Co	1/1/2023	12/31/2023	5,000	5,000	199	96.03%	46.00	3.00	43.00	93.48%			
1140-023: Regional Comprehensive Plan Update	1/1/2023	12/31/2023	56,000	56,000	5,962	89.35%	822.00	91.50	730.50	88.87%			
1205-023: Community Facilities Committee Coordination	1/1/2023	12/31/2023	7,250	152,245	78,890	48.18%	82.00	66.00	16.00	19.51%	1927.00	1031.75	46.46%
1231-023: Sewer Service Area Plan Promotion, Implementation	1/1/2023	12/31/2023	144,995				1845.00	965.75	879.25	47.66%			
1311-023: FC/Osh Program Administration and Support	1/1/2023	12/31/2023	95,000				709.00	524.75	184.25	25.99%	6630.00	5343.00	19.41%
1312-023: FC/Osh Fox Cities/Oshkosh LRTLUP	1/1/2023	12/31/2023	180,000				421.00	1419.00	-998.00	-237.05%			
1313-023: NE Region Travel Demand Model Implementation	1/1/2023	12/31/2023	80,228				834.00	377.00	457.00	54.80%			
1321-023: FC/Osh - Short Range/Congestion Management	1/1/2023	12/31/2023	161,283	906,844	556,415	38.64%	1062.00	734.25	327.75	30.86%			
1322-023: FC/Osh - Transportation Improvement Study	1/1/2023	12/31/2023	75,920				1068.00	721.00	347.00	32.49%			
1323-023: FC/Osh Multi-modal/Transportation Alternatives	1/1/2023	12/31/2023	159,718				1605.00	1215.25	389.75	24.28%			
1324-023: FC/Osh Transit	1/1/2023	12/31/2023	154,695				931.00	351.75	579.25	62.22%			
1311-023A: FC/Osh Program Administration and Support	1/1/2023	12/31/2023	15,000				48.00	62.00	-14.00	-29.17%			
1312-023A: FC/Osh Fox Cities/Oshkosh LRTLUP	1/1/2023	12/31/2023	17,000	132,000	132,000	0.00%	280.00	288.50	-8.50	-3.04%			
1324-023A: FC/Osh Transit	1/1/2023	12/31/2023	100,000				0.00	0.00	0.00	#DIV/0!			
1331-023: Regional Transportation Administration	1/1/2023	12/31/2023	16,555	89,661	89,661	0.00%	113.00	33.50	79.50	70.35%	1079.00	953.00	11.68%
1332-023: Regional Transportation Tech Assistance	1/1/2023	12/31/2023	58,259				834.00	818.75	15.25	1.83%			
1333-023: Regional Comprehensive Planning	1/1/2023	12/31/2023	14,846				132.00	100.75	31.25	23.67%			
1341-023: FDL- Prgm Administration and Support	1/1/2023	12/31/2023	26,058				190.00	117.00	73.00	38.42%	2499.00	1260.00	49.58%
1342-023: FDL LRTLUP	1/1/2023	12/31/2023	67,122				652.00	399.50	252.50	38.73%			
1343-023: FDL Short Range/Congestion Management	1/1/2023	12/31/2023	63,947	225,000	225,000	0.00%	689.00	518.50	170.50	24.75%			
1344-023: FDL Transportation Improvement Program	1/1/2023	12/31/2023	25,426				359.00	191.75	167.25	46.59%			
1345-023: FDL - Transit	1/1/2023	12/31/2023	18,930				213.00	31.50	181.50	85.21%			
1346-023: FDL Travel Model Improvement Program	1/1/2023	12/31/2023	23,517				396.00	1.75	394.25	99.56%			
1381-023: Regional SRTS	1/1/2023	12/31/2023	345,000				5240.00	3615.00	1625.00	31.01%	5486.00	3853.75	29.75%
1383-023: Events and Programs	1/1/2023	12/31/2023	40,000				0.00	0.00	0.00	#DIV/0!			
1384-023: Communications and Education Materials	1/1/2023	12/31/2023	50,000	477,000	372,022	22.01%	0.00	0.00	0.00	#DIV/0!			
1386-023: Youth Engagement Program	1/1/2023	12/31/2023	15,000				148.00	222.00	-74.00	-50.00%			
1390-023: Workshops	1/1/2023	12/31/2023	5,000				49.00	6.50	42.50	86.73%			
1391-023: Evidence Based Practices and Research	1/1/2023	12/31/2023	22,000				49.00	10.25	38.75	79.08%			
1405-023: Open Space & Environmental Management	1/1/2023	12/31/2023	1,794	1,794	1,104	38.49%	30.00	10.50	19.50	65.00%			
1511-023: Planning Partnership Grant Administration	1/1/2023	12/31/2023	15,799				144.00	152.00	-8.00	-5.56%	1819.00	1440.50	20.81%
1512-023: CEDS Implementation	1/1/2023	12/31/2023	51,500				427.00	151.25	275.75	64.58%			
1513-023: Annual Comprehensive Economic Development Strategy	1/1/2023	12/31/2023	50,000	172,799	172,799	0.00%	642.00	804.50	-162.50	-25.31%			
1516-023: EMSI Analysis Services	1/1/2023	12/31/2023	20,000				228.00	64.75	163.25	71.60%			
1517-023: Support/Participation in Local/Regional Meetings	1/1/2023	12/31/2023	21,000				230.00	172.50	57.50	25.00%			
1520-023: EDA Technical Assistance - To be Determined	1/1/2023	12/31/2023	14,500				148.00	95.50	52.50	35.47%			
1621-023: NR-135 Non-Metallic Mine Reclamation	1/1/2023	12/31/2023	143,503	143,503	136,408	4.94%	1527.00	1218.75	308.25	20.19%			
2454-023: T Greenville Mining Inspection	1/1/2023	6/30/2022	750	750	621	17.16%	8.00	9.00	-1.00	-12.50%			
2459-023: City of Chilton Comprehensive Plan	6/1/2022	6/30/2023	29,542	29,542	28,724	2.77%	362.00	398.50	-36.50	-10.08%			
2461-023 GO Transit Development Plan	9/1/2022	12/31/2023	130,468	130,468	96,220	26.25%	114.00	158.50	-44.50	-39.04%			
TOTALS							22677.00	16122.25	6554.75	28.90%			

DATE: November 13, 2023

TO: ECWRPC Executive Committee

FROM: Sara Otting, Controller

RE: **Proposed Resolution 57-23** Adopting The 2024 Cost Allocation Plan, Indirect Cost Rate and Certificate of Lobbying for The East Central Wisconsin Regional Planning Commission

The Cost Allocation Plan and the Certificate of Lobbying is included in the meeting materials. The purpose of the Cost Allocation Plan is to summarize the methods and procedures that East Central uses to allocate cost to various programs, grants, contracts, and agreements. Title 2 *U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* establishes the principles for determining costs of grants, contracts, and other agreements with the Federal Government.

On April 12, 2021, East Central staff received an approved Negotiated Indirect Cost Rate Agreement (NICRA) with a fixed rate (with carryforward) designation from the U.S. Department of Interior. This rate was utilized for 2020 and 2021. The audit for 2022 was used to calculate an adjustment to the rate that will be effective for 2024.

East Central staff has been working with the Department of Interior to develop the 2024 Indirect Cost Rate Proposal, which will be based on the 2022 audit. The Indirect Cost Rate Proposal includes supplemental materials including the 2022 Audited Financial Statements, estimated financial data for the 2024 Proposed Budget, the Certificate of Indirect Cost Rate and the Signed Certificate of Lobbying. The NICRA for 2024 has been approved by Department of Interior at 77.34%. The Fringe rate for 2024 has been updated to 50.04%

The Cost Allocation Plan, the Indirect Cost Proposal, and the Certificate of Lobbying acknowledges that the methodology used to determine East Central's costs are following federal requirements and standards regarding lobbying costs.

Staff Recommendation: Staff recommends approving Proposed Resolution 57-23 Adopting The 2024 Cost Allocation Plan, Indirect Cost Rate and Certificate of Lobbying for The East Central Wisconsin Regional Planning Commission.

East Central Wisconsin Regional Planning Commission

Cost Allocation Plan

2024

Purpose

The purpose of this Cost Allocation Plan is to summarize the methods and procedures that this organization will use to allocate costs to various programs, grants, contracts and agreements.

Title 2 *U. S. Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), establishes the principles for determining costs of grants, contracts and other agreements with the Federal Government. East Central's Cost Allocation Plan treats all allowable costs as direct costs except general administration and general expenses.

Direct costs are those that can be identified specifically with a particular final cost objective. Indirect costs are those that have been incurred for common or joint purpose benefitting more than one cost objective, and not readily assignable to a particular final cost objective, without effort disproportionate to the results achieved.

Only costs that are necessary and reasonable for the performance of the federal award and allowable, in accordance with the Cost Principles, will be allocated to benefiting programs by East Central.

Methodology

This proposal is based on East Central's actual costs reconcilable to the audited financial statements for its calendar year ending December 31, 2022. The general approach of East Central in allocating costs to particular grants and contracts is as follows:

- A. All allowable direct costs are charged directly to programs, grants, contracts, etc.
- B. Allowable fringe benefits including compensated absence time, FICA, Unemployment Insurance, Worker's Compensation, health insurance, retirement system contribution, life & disability insurance, and other fringe benefits are pooled and allocated to programs, grants, etc. using direct labor as the base. We removed the GASB expense as it fluctuates every year and there is no logical way to budget for the changes that we can't control.
- C. All other allowable general and administrative costs are pooled and allocated to programs, grants, etc. using direct labor as the base.

Note--On April 12, 2021 an approved Negotiated Indirect Cost Rate Agreement (NICRA) with a fixed rate (with carryforward) designation was received from DOI. This rate will be used for 2020 and 2021. The audit for 2020 will be used to calculate an adjustment to the rate that will be effective for 2022; the audit for 2021 will be used to calculate an additional adjustment for the rate to be applied in 2023. This process will be ongoing.

Allocation of Costs

The following information summarizes the procedures that have been used by East Central:

- A. Compensation for Personal Services - Documented with timesheets showing time distribution for all employees and allocated based on time spent on each program or grant. Salaries and wages are charged directly to the program for which work has been done. NOTE-Paid intern's labor dollars are burdened with only relevant fringe benefits (FICA/Medicare and Unemployment Insurance) and allowable general and administrative expenses (overhead).
- B. Insurance - Insurance needed for a particular program is charged directly to the program requiring the coverage. Other insurance coverage that benefits all programs is allocated to the overhead category.
- C. Professional Services Costs (such as consultants) -Costs that benefit all programs are charged directly to the program requiring the service.
- D. Audit Costs –A portion of the annual audit fees relative to the performance of the single audit procedures will be charged directly to the programs requiring the service; the remaining charge will be allocated to the overhead category.
- E. Postage - Allocated based on usage. Postage expenses are charged directly to programs to the extent possible. Costs that benefit all programs will be allocated to the overhead category.
- F. Printing – Allocated based on usage. Copier expenses are charged directly to programs to the extent possible. Costs that benefit all programs will be allocated to the overhead category.
- G. Program Supplies - Expenses are charged directly to programs to the extent possible. Costs that benefit all programs will be allocated to the overhead category.
- H. Equipment/Depreciation – East Central depreciates equipment when the initial acquisition cost exceeds \$5000 or the estimated useful life is in excess of two years. Items below \$5000 are reflected in the supplies category and expensed in the current year. Costs that benefit all programs will be allocated to the overhead category.
- I. Training/Conferences/Seminars –Costs that benefit one program will be charged directly to the program. Costs that benefit all programs will be allocated to the overhead category.
- J. Travel Costs - All travel costs (local and out-of-town) are charged directly to the program for which the travel was incurred. Travel costs that benefit all programs will be allocated to the overhead category.

- K. Vehicle Costs (Vehicle lease payments, vehicle maintenance costs associated with leased and owned vehicles, gas, repairs, insurance) - Allocated to the program benefiting from the vehicle costs, using the federal mileage reimbursement rate. Vehicle costs that benefit all programs will be allocated to the overhead category.
- L. Facilities Expenses (includes Rent, Utilities, Maintenance) - Facilities costs related to general and administrative activities are allocated to the overhead category.
- M. Other costs (including software subscriptions, membership dues, licenses, fees, etc.) – Expenses are charged directly to programs that benefit from the expense/service. Expenses that benefit all programs will be allocated to the overhead category.
- N. Unallowable Costs – Costs that are unallowable in accordance with Title 2 of the *U. S. Code of Federal Regulations* Part 200, *Subpart E-Cost Principles*, including alcoholic beverages, bad debts, contributions, entertainment, fines & penalties, interest, promotional material, etc. are not included in the calculation of the indirect rate.

Indirect Salary Narrative

Executive Director charges for time spent on support to the Commissioners, financial review, personnel matters, and project management.

Deputy Director charges for time spent on support to the Commissioners, financial review, personnel matters, and project management.

Controller charges for time spent on financial management, procurement, employee benefit administration, and contract administration.

GIS Manager charges for time spent on coordination of regional GIS projects, data collection/manipulation, and archive administration.

IT Manager charges for time spent on support of the network and staff, procurement, and web maintenance.

Administrative Staff charges for time spent on support of staff, preparation of materials for the Commissioners, and report preparation and production.

East Central Wisconsin Regional Planning Commission 2023 Table of Organization (Staff)

Executive Division

Melissa Kraemer-Badtke
Executive Director & MPO Director

Craig Moser
Deputy Director

Administrative Services Division

Leann Buboltz
Administrative Coordinator

Sara Otting
Controller

Technical Services Division

GIS Program

Mike Zuege
GIS Manager

Rachel Roth
GIS Analyst

Casey Peters
GIS Analyst

IT Program

Tim Badtke
IT Manager

Planning Services Division

Transportation MPO Planning Program

Kim Biedermann
Principal Planner -
Transportation

Brenna Root
Associate Planner

Abby Mader
Associate Planner

Chris Colla
Associate Planner

Brice Richardson
Associate Planner

Environmental Mgt. & SSA Planning Program

Vacant
Senior Planner

Scott Konkle**
Senior Planner / NR-135
Mine Reclamation

Economic Development Program

Colin Kafka
Associate Planner

Safe Routes to School Program

Jennie Mayer
Senior/SRTS Planner

Kia Kling
SRTS Planner

Kim Dieck
SRTS Planner

** Secondary role in Economic
Development Program*

*** Indicates GIS skills and need for
coordination/compliance with GIS
Coordinator's data and mapping
policies and procedures*

CERTIFICATE OF INDIRECT COST RATE

This is to certify that I have reviewed the indirect cost rate proposal prepared and submitted herewith and to the best of my knowledge and belief:

(1) All costs included in this proposal, dated June 14, 2023, to establish indirect cost billing rates for calendar year 2024 are allowable in accordance with the requirements of the Federal award(s) to which they apply and Title 2 *U. S. Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. Unallowable costs have been adjusted for in allocating costs as indicated in the indirect cost proposal.

(2) All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the agreements to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently and the Federal Government will be notified of any accounting changes that would affect the predetermined rate.

(3) **The indirect cost rate calculated from the NICRA is 127.38%** which is calculated using a direct cost base type of direct salaries and wages. The calculations were based on actual costs from fiscal year 2022 and budgeted costs for fiscal year 2024, to obtain a federal indirect cost billing rate for fiscal year 2024.

(4) All documentation supporting the indirect cost rate identified above must be retained by the Recipient. This rate should be reviewed and validated as part of the Recipient's annual financial audit.

Subject to the provisions of the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.), the False Claims Act (18 USC 287 and 31 USC 3729), and the False Statement Act (18 USC 1001), I declare to the best of my knowledge that the foregoing is true and correct.

Governmental Unit: East Central Wisconsin Regional Planning Commission

FEIN: 39-1170145

Signature: _____

Name of Official: Jeff Nooyen

Title: Commission Chair

Email: jeff.nooyen@outagamie.org

Date of Execution: November 29, 2023

LOBBYING CERTIFICATE

This is to certify that I have reviewed the indirect cost rate proposal prepared and maintained herewith and to the best of my knowledge and belief:

As the official having the authority to negotiate indirect cost rates on behalf of East Central Wisconsin Regional Planning Commission, I hereby certify that the Organization has complied with the federal requirements and standards on lobbying costs as set forth in Title 2 U. S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in the development of the indirect cost billing rate for the fiscal year ending December 31, 2024, based on actual costs from fiscal year 2022.

I declare to the best of my knowledge that the foregoing is true and correct.

Governmental Unit: East Central Wisconsin Regional Planning Commission

Signature: _____

Name of Official: Jeff Nooyen

Title: Commission Chair

Email: jeff.nooyen@outagamie.org

Date of Execution: November 29, 2023



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

State and Local Governments
Indirect Cost Negotiation Agreement

EIN: 39-1170145

Date: 11/02/2023

Organization:

East Central Wisconsin Regional Planning Commission
400 Ahnaip St. Suite 100
Menasha, WI 54952

Report Number: 2023-0666

Filing Ref.:
Last Negotiation Agreement
dated: 08/11/2022

The indirect cost rate contained herein is for use on grants, contracts, and other agreements with the Federal Government to which 2 CFR Part 200 applies subject to the limitations in Section II.A. of this agreement. The rate was negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in applicable regulations.

Section I: Rate

Start Date	End Date	Rate Type	Rate Details				
01/01/2024	12/31/2024	Fixed Carryforward	Name	Rate	Base	Location	Applicable To
			Indirect	77.34 %	(A)	All	All Programs

(A) Base: Total direct salaries and wages, excluding fringe benefits. The rate applies to all programs administered by the non-federal entity. To determine the amount of indirect costs to be billed under this agreement, direct salaries and wages should be summed and multiplied by the rate. All other program costs, including fringe benefits associated with direct salaries and wages, should be eliminated from the calculation.

Treatment of fringe benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

Treatment of paid absences: Vacation, holiday, sick leave pay and other paid absences are included in the organization’s fringe benefit rate and are not included in the direct cost of salaries and wages. Claims for direct salaries and wages must exclude those amounts paid or accrued to employees for periods when they are on vacation, holiday, sick leave or are otherwise absent from work.

Section II: General

- A. **Limitations:** Use of the rate(s) contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate(s) agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).
- B. **Audit:** All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.
- C. **Changes:** The rate(s) contained in this agreement are based on the accounting system in effect at the time the proposal was submitted. Changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate(s) in this agreement may require the prior approval of the cognizant agency. Failure to obtain such approval may result in subsequent audit disallowance.
- D. **Rate Type:**
1. **Fixed Carryforward Rate:** The fixed carryforward rate is based on an estimate of the costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.
 2. **Provisional/Final Rate:** Within six (6) months after year end, a final indirect cost rate proposal must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.
 3. **Predetermined Rate:** A predetermined rate is an indirect cost rate applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment.
- E. **Rate Extension:** Only final and predetermined rates may be eligible for consideration of rate extensions. Requests for rate extensions of a current rate will be reviewed on a case-by-case basis. If an extension is granted, the non-Federal entity may not request a rate review until the extension period ends. In the last year of a rate extension period, the non-Federal entity must submit a new rate proposal for the next fiscal period.
- F. **Agency Notification:** Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.
- G. **Record Keeping:** Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.
- H. **Reimbursement Ceilings:** Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.
- I. **Use of Other Rates:** If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate(s) in this agreement, the grantee/contractor should credit such costs to the

Section II: General (continued)

affected programs, and the approved rate(s) should be used to identify the maximum amount of indirect cost allocable to these programs.

- J. **Central Service Costs:** If the proposed central service cost allocation plan for the same period has not been approved by that time, the indirect cost proposal may be prepared including an amount for central services that is based on the latest federally-approved central service cost allocation plan. The difference between these central service amounts and the amounts ultimately approved will be compensated for by an adjustment in a subsequent period.
- K. **Other:**
1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.
 2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate(s) if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.
 3. Indirect cost proposals must be developed (and, when required, submitted) within six (6) months after the close of the governmental unit's fiscal year, unless an exception is approved by the cognizant agency for indirect costs

Section III: Acceptance

Listed below are the signatures of acceptance for this agreement:

By the State and Local Governments

By the Cognizant Federal Government Agency

East Central Wisconsin Regional Planning
Commission

US Department of Commerce - EDA

DocuSigned by:
Melissa Kraemer Badtke
9D828F8DBDDA43E...

DocuSigned by:
Craig Wills
B47DB1F4A5DB4BF...

Signature

Signature

Melissa Kraemer Badtke
Name:

Craig Wills
Name:
Division Chief
Indirect Cost & Contract Audit Division
Interior Business Center

Executive Director
Title:

Title:

11/2/2023
Date

11/2/2023
Date

Negotiated by: Stacy Frost
Telephone: (916) 930-3815

Next Proposal Due Date: 06/30/2024

**East Central Wisconsin Regional Planning Commission
FY 2022 Carryforward and FY 2024 Rate Computation**

Supplement

Title/Description	Year Ending Amounts
FY 2022 Direct Salaries Base	\$731,383
FY 2022 Indirect Cost Rate	82.32%
FY 2022 Recoverable Indirect Costs	<u>\$602,074</u>
FY 2022 Indirect Costs	\$487,040
FY 2020 Underrecovery Carryforward to FY 2022	142,559
FY 2022 Indirect Cost Pool	<u>629,599</u>
Less: FY 2022 Recoverable Indirect Costs	(602,074)
FY 2022 Underrecovery Carryforward to FY 2024	<u>27,525</u>
FY 2024 Indirect Costs	768,126
FY 2024 Indirect Cost Pool	<u>\$795,651</u>
FY 2024 Direct Salaries Base	<u>\$1,028,737</u>
FY 2024 Indirect Cost Rate	<u>77.34%</u>

RESOLUTION NO. 57-23

**ADOPTING THE 2024 COST ALLOCATION PLAN, INDIRECT COST RATE, AND
CERTIFICATE OF LOBBYING FOR THE EAST CENTRAL WISCONSIN REGIONAL
PLANNING COMMISSION**

WHEREAS, the East Central Wisconsin Regional Planning Commission receives federal and state funding for various programs, including transportation and economic development, and;

WHEREAS, pursuant to Title 2 *U. S. Code of Federal Regulations* Part 200, Appendix VII, the federal Department of Commerce – Economic Development Administration (EDA) is deemed to be the cognizant agency for overseeing financial reporting at the federal level for the East Central Wisconsin Regional Planning Commission and;

WHEREAS, the United States Department of Commerce – Economic Development Administration (EDA) contracts with the United States Department of Interior to review and approve indirect cost proposals, and;

WHEREAS, in accordance with Title 2 *U. S. Code of Federal Regulations* Part 200, on an annual basis, an Indirect Cost Proposal and a Certificate of Lobbying must be developed and the Department of Interior on behalf of the Economic Development Administration requests a submittal of the proposal for approval/negotiation, and;

WHEREAS, in 2020, the Commission received a Negotiated Indirect Cost Rate Agreement from the Department of Interior and any indirect cost rates thereafter will be a fixed carry forward indirect cost rate, and;

WHEREAS, East Central staff have prepared and worked with the U.S. Department of Interior to develop the 2024 Indirect Cost Proposal, and;

NOW, THEREFORE, BE IT RESOLVED that the East Central Wisconsin Regional Planning Commission approves the 2024 Cost Allocation Plan, the 2024 Indirect Cost Rate and Certificate of Lobbying, which are considered to be part of this Resolution.

BE IT FURTHER RESOLVED that the East Central Wisconsin Regional Planning Commission authorizes the Executive Director to submit the 2024 Cost Allocation Plan, the Indirect Cost Rate and a Certificate of Lobbying to the U.S. Department of Interior and the Economic Development Administration.

Effective Date: January 24, 2024

Submitted By: Executive Committee

Prepared By: Melissa Kraemer Badtke, ECWRPC Executive Director

Jeff Nooyen, Chair – Outagamie Co.

Melissa Kraemer Badtke – ECWRPC Executive Director

_____ Date Approved

_____ Date Approved

TO: ECWRPC Executive Committee

FROM: Melissa Kraemer Badtke, Executive Director; Craig Moser, Deputy Director; and Sara Otting, Controller

DATE: January 17, 2024

RE: Proposed Resolution 01-24: Adopting the Final 2024 Work Program and Budget for East Central Wisconsin Regional Planning Commission

The Commission Board approved the Preliminary 2024 Budget on July 28, 2023. Since that time, adjustments have been made to incorporate new information such as the updated Indirect Cost Rate, Health Insurance rates, staffing plan updates, and merit and salary adjustments for staff. Based on the reorganization plan, the budget focuses on the core program areas of the Commission.

Indirect Cost and Fringe Rate Comparison

As part of the reorganization plan in 2020, staff took into account the fact that the indirect rate was high. The reorganization plan implemented ways to reduce the indirect cost rate. These included items such as renegotiating our lease, eliminating unnecessary overhead costs, and changing the employee contribution for health insurance. Beginning in 2020, staff worked with the U.S. Department of Interior to negotiate an indirect cost rate and annually works with their team to negotiate this rate using a fixed carry forward rate (meaning the rate is based on two years prior – i.e. 2024 indirect cost rate is based on 2022 audited financials). In 2023, the Indirect Cost Rate was quite low because the rate was based on the 2021 audit and there was significant staff turnover during that year. In 2024, you will notice that the indirect cost and fringe rates increased by about 20%.

Indirect Cost and Fringe Rate Comparison						
	2020*	2021	2022**	2023**	2024**	Difference between 2023 and 2024
Negotiated Indirect Cost Rate (NICRA)	54%	69%	82%	59%	77%	18%
Fringe Benefits	79%	75%	67%	48%	50%	2%
Total	133%	144%	149%	107%	127%	20%

*2020 reorganization plan was approved and began implementation; The negotiated indirect cost rate for 2020 and 2021 was based off of the 2019 audit.

**2022, 2023, and 2024 used fixed carry forward for indirect cost rate based off of the audit two years previously. For example, the 2023 NICRA is based on the audit from 2021

2024 Staffing Plan

As discussed at the November 2023 Executive Committee, the 2024 staffing plan remains largely the same as the 2023 staffing plan, with two exceptions: the deletion of the vacant Principal Planner position and addition of a part-time MPO Administrative/Communications

Coordinator position. In addition, there's a reorganization to strategically align staffing with core program areas and MPOs and Limited Term Employee(s) added to the Table of Organization to supplement existing staffing as needed on a short-term/project basis.

Regional Comprehensive Plan and Implementation: The Regional Comprehensive Plan will be completed in 2024 and included in the budget is funding to implement regional planning studies that will be identified in the Regional Comprehensive Plan.

Transportation Program funding:

Appleton (Fox Cities)/Oshkosh MPO Program: The transportation funding amounts for the Appleton (Fox Cities)/Oshkosh Metropolitan Planning Organizations will increase slightly for 2024. The Appleton (Fox Cities) and Oshkosh MPO programs also have Safe and Accessible Transportation Options (SATO) funding which is eligible for 100% reimbursement if used for Completed Streets/SATO eligible planning activities and specifically detailed as such within the MPO's 2024 UPWP, due to a waiver of the local match requirement.

This information was not factored into the 2024 preliminary budget approved by the Commission at the July 28th meeting. Due to this change, \$52,288.41 of local levy that had been budgeted as local match is now available for levy reduction or reallocation. The Executive Committee previously decided to reserve the funding for potential costs associated with identified 2024 special projects based on the update of the Commission's Strategic Plan.

Appleton (Fox Cities)/Oshkosh MPO Programs				
	Federal Funding	State Funding	Local Funding	Total Funding
2024 UPWP Funding Levels	\$580,815	\$36,266	\$108,938	\$726,019
2024 Safe and Accessible Transportation Options	\$209,154			
Additional Appleton (Fox Cities)/Oshkosh Local Match			\$52,288	
2024 Total Appleton/Oshkosh Funding	\$789,969	\$36,266	\$161,226	\$987,461
2023 UPWP Funding Levels	\$725,476	\$34,025	\$147,344	\$906,845
Amount Increased	\$64,493	\$2,241	\$13,882	\$80.616

Fond du Lac MPO Program: The Fond du Lac MPO funding will not increase for 2024. The Fond du Lac MPO Policy Board chair has requested that local match that was initially provided for the Safe Accessible Transportation Options funding remain with the Fond du Lac MPO. The total for the Fond du Lac MPO would remain at \$225,000 for 2024.

Regional Transportation Program: The Regional Transportation Program amount will remain the same as this year. Commission staff have received funding approval letters from the Wisconsin Department of Transportation.

In addition, the new Bipartisan Infrastructure Law (BIL)/Infrastructure Investment and Jobs Act (IIJA) is a 5-year bill and it is anticipated that MPO budgets will increase by 2% annually. There are also new federal requirements and program deliverables that will need to be included in the work program and budget. This includes housing coordination and 2.5% of the budget will need to be used to plan for safe and accessible streets. Additional guidance from Federal Highway Administration, Federal Transit Administration, and the Wisconsin Department of Transportation will be forthcoming.

Regional Safe Routes to School Program funding: Funding levels for the Regional Safe Routes to School Program will also increase in 2024. East Central staff requested a six month extension for a few of the project awards and the Wisconsin Department of Transportation approved that extension. During the pandemic, the Safe Routes to School team was unable to travel to schools and work with SRTS Coalitions on this program. However, the team continues to develop SRTS action plans and work with communities and schools on educating students on bicycling and walking.

Economic Development Program:

3-Year Planning Partnership Grant (70% federal funding, 30% local match): In the fall of 2023, East Central staff applied for the 3-year planning partnership grant. Economic Development Administration (EDA) staff indicated that East Central would receive 70% federal funding with a 30% local match. For the previous 3-year planning partnership grant, the Commission was awarded funds from EDA with 60% federal funding with a 40% local match. The Commission will be in the first year of the three-year planning partnership grant. In the preliminary budget, East Central staff anticipated that the local match would be higher than the \$90,000. Based on input from the Executive Committee about providing additional local match to avoid fluctuations in the local match every three years and maintaining the economic development program at the \$350,000 funding level, the additional local match of \$16,667 is included in the final budget. The table below outlines the funding breakdown for over the 3-year period of performance.

EDA 3 Year Planning Partnership Grant Funding Rates

Federal Funding	Grant rate	Local match	Total project cost
\$210,000	50%	\$210,000	\$420,000
\$210,000	60%	\$140,000	\$350,000
\$210,000	70%	\$90,000	\$300,000
\$210,000	80%	\$52,500	\$262,500

Sewer Service Area/Water Quality Management Program: In 2023, East Central received increased funding from the Wisconsin Department of Natural Resources. For the 2024 preliminary budget, East Central staff assumed that the same amount provided by the Wisconsin Department of Natural Resources would be provided for the program in 2024. The Commission match for the program would be approximately \$75,000. While DNR has indicated that additional funding to help support the work of RPC's on Water Quality Management has been provided via the Bipartisan Infrastructure Law (BIL), no specific information has been provided detailing how this additional funding will be administered. Once that information is available, it will be brought forward for consideration.

Local Contracts: East Central staff entered into contracts with the Town of Buchanan, City of Shawano to develop their Comprehensive Outdoor Recreation Plans, which are a requirement for communities to apply for the Wisconsin Department of Natural Resources Stewardship funding. In addition, the contract with New North for Broadband mapping services has been extended through June, 2024. These local contracts have been included in the final budget.

Each of the Standing Committees has reviewed and approved their respective portions of the 2024 Work Program and Budget.

Staff Recommendation: Staff recommends approval of Proposed Resolution 01-24 Adopting the Final 2024 Work Program and Budget for East Central Wisconsin Regional Planning Commission.

RESOLUTION NO. 01-24

ADOPTING THE FINAL 2024 WORK PROGRAM AND BUDGET FOR THE EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

WHEREAS, Article II, Section 2 of the By-laws of the East Central Wisconsin Regional Planning Commission requires the adoption of an annual budget, and;

WHEREAS, the Preliminary 2024 Budget was adopted by the Commission on July 28, 2023, and;

WHEREAS, the Federal Transportation Administration and the Federal Highway Administration through the Wisconsin Department of Transportation, the Economic Development Administration, and Wisconsin Department of Natural Resources have finalized their respective planning budgets and work program requirements, and;

WHEREAS, final dollar figures and calculations associated with salaries, benefits, and other Commission overhead costs have been reviewed and completed, and;

WHEREAS, the budget and work program considerations have been duly reviewed and recommended to the Commission by its respective Standing Committees, including the Executive Committee,

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

Section 1: That the Commission amend the 2024 Preliminary Budget and adopt the 2024 Work Program and Budget, and authorize the officers of the Commission to enter into contracts and agreements as necessary to fund and carry out the intended work program.

Section 2: That the levy rate established on July 28, 2023 remains unchanged for the purposes the levy being collected for membership to the Commission.

Effective Date: January 24, 2024

Submitted By: Executive Committee

Prepared By: Melissa Kraemer Badtke, ECWRPC Executive Director

Jeff Nooyen, Chair – Outagamie Co.

Attest: Melissa Kraemer Badtke—Executive Director East
Central WI Regional Planning Commission

Approval Date

Approval Date

TO: Executive Committee
FROM: Colin Kafka, Associate Planner
DATE: January 17, 2024
RE: Proposed Resolution 06-24: Adopting the Comprehensive Safety Action Plan for the Appleton (Fox Cities) and Oshkosh Metropolitan Planning Organizations

The ECWRPC Comprehensive Safety Action Plan (CSAP) is a safety action plan developed for the Appleton (Fox Cities) Metropolitan Planning Organization (MPO), the Oshkosh MPO, and the municipalities within the MPOs. The document is designed to satisfy the action plan requirements of the Safe Streets and Roads for All (SS4A) Grant Program, a federal discretionary program with \$5 billion in appropriated funds over five years (2022-2026).

The CSAP contains:

- (1) An inventory and analysis of crash trends by mode, severity, and location for all users on local roadways throughout the MPOs.
- (2) High-Injury Networks for each MPO and individual municipalities developed from a crash analysis model which identifies dangerous road corridors and intersections based on observed crash factors and environmental factors that increase crash risk.
- (3) A project list for both MPOs and individual municipalities of corridors and/or intersections that are considered priority projects due to safety concerns identified by the crash analysis and High-Injury Network and confirmed by stakeholders during the engagement process.
- (4) Recommendations and tangible strategies to implement safe infrastructure and encourage policy reform to work towards improving safety for all roadway users in each MPO.
- (5) Implementation timelines, partnerships, and performance measures to evaluate and measure progress over time, using outcome data where plausible.

A completed Action Plan is required for local governments to be eligible to apply for Safe Streets and Roads for All Demonstration and/or Implementation Grants. SS4A Demonstration and Implementation Grants are two separate funding sources that provide federal funding for municipalities to conduct demonstration activities or further planning, implement safety strategies, and construct projects identified in the Action Plan. The CSAP identifies potential municipal and MPO projects within the Appleton (Fox Cities) and Oshkosh MPOs that meet eligibility requirements of SS4A Demonstration and Implementation Grants. In addition, the findings of the analysis and identification of priority projects may set communities up for success in applications to other programs like the Highways Safety Improvement Program and the Surface Transportation Block Grant program.

Staff Recommendation: Staff recommends approving Proposed Resolution 06-24 to formally adopt the Comprehensive Safety Action Plan for the Appleton (Fox Cities) and Oshkosh Metropolitan Planning Organizations.

RESOLUTION NO. 06-24

**ADOPTING THE COMPREHENSIVE SAFETY ACTION PLAN FOR THE APPLETON (FOX CITIES)
AND OSHKOSH METROPOLITAN PLANNING ORGANIZATIONS**

WHEREAS, East Central Wisconsin Regional Planning Commission is the designated Metropolitan Planning Organization (MPO) for the Appleton (Fox Cities) and Oshkosh Urbanized Areas, and charged with conducting cooperative, comprehensive, and continuing urban transportation planning as prescribed by federal and state law, and;

WHEREAS, the Safe Streets and Roads for All (SS4A) Grant Program requires the approval of an Action Plan in order to be eligible to apply for Demonstration and/ or Implementation funding, and;

WHEREAS, the Commission initiated the development of the Comprehensive Safety Action Plan to satisfy the Action Plan requirements of set forth by the SS4A Program, and;

WHEREAS, the Commission undertook and completed the development of the Comprehensive Safety Action Plan through extensive inventory and analysis, stakeholder collaboration, and public engagement to inform the selection of priority projects in need of SS4A Demonstration and/or Implementation funding while also providing actionable recommendations and evaluation criteria to enhance roadway safety, and;

WHEREAS, the Comprehensive Safety Action Plan requires the adoption by a political subdivision of a state or a Metropolitan Planning Organization in order to qualify as an SS4A Action Plan.

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

Section 1: That the Commission adopts the Comprehensive Safety Action Plan for the Appleton (Fox Cities) and Oshkosh Metropolitan Planning Organizations

Effective Date: January 24, 2024

Submitted By: Executive Committee

Prepared By: Melissa Kraemer Badtke, ECWRPC Executive Director

Jeff Nooyen, Chair – Outagamie Co.

Attest: Melissa Kraemer-Badtke–Executive Director
East Central WI Regional Planning Commission

Approval Date

Approval Date

TO: Executive Committee
FROM: Melissa Kraemer Badtke, Executive Director
DATE: January 17, 2024
RE: Proposed Resolution 07-24: Amending the Employee Manual for Staff
Employed by East Central Wisconsin Regional Planning Commission

In April 2023, the Commission Board approved an updated Employee Manual through Resolution Number 16-23. Annually, the employee manual is reviewed by East Central staff and legal counsel to ensure it is consistent with state and federal requirements. The employee manual has been reviewed and vetted through legal counsel and staff worked with legal counsel on modifications that would impact the Commission's procedures, processes, and policies.

Outlined below are a few updates that can be found in the yellow highlighted sections of the employee manual document. The leadership team has included a copy of the updated employee manual for your review.

- **Pregnant Workers Fairness Act (PWFA) and Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP) (pg. 13):** In June, 2023, the Pregnant Workers Fairness Act and Providing Urgent Maternal Protections for Nursing Mother Act went into effect. The PWFA requires employers to make reasonable changes to the workplace to support employees who have pregnancy-related limitations. The PUMP Act expands existing employer obligations under the Fair Labor Standards Act (FLSA) to provide an employee with reasonable break time to express breast milk for the employee's nursing child for one year after the child's birth.
- **Increased Telecommute Availability (pg. 28):** East Central approved a telecommuting policy in 2023 for all employees, allowing staff to telework on Mondays or Fridays up to a maximum of 22.50 hours per month. The leadership team believes this benefit has worked well and would like to expand it to add 15 hours to the total per month, for a maximum of 37.50 hours per month. Increasing the maximum to 37.50 hours allows employees who work a 4-day week schedule to take 1 day per week to telecommute. In all cases, advance supervisory and Executive Director approval of telecommute is required.
- **Increased Vacation Time (pg. 38):** In August of 2022, all employees completed a benefit survey. In 2023, most of the items suggested were implemented except the increased vacation time. The Negotiated Indirect Cost Rate (NICRA) for 2024 is higher than 2023 and higher than expected, which allowed the leadership team an opportunity to re-evaluate this issue. The proposed change increases the starting vacation schedule from 10 to 15 days, which has been built into the final proposed budget.
- **Floating Holidays (pg. 39):** In meeting with other Regional Planning Commission's (RPC's) from around the state, staff learned that East Central has the fewest number of paid holidays (9). Most of the RPC's have 10 paid holidays

with 2 floating holidays. The leadership team recommends adding 3 floating holidays for a total of 12 paid holidays. This will allow each employee flexibility to choose when they want to take additional paid holidays.

- **Paid Parental Leave (pg. 39):** The Paid Parental Leave Policy has been modified to include the ability for the Commission to request reimbursement if an employee voluntarily or involuntarily leaves the Commission prior to six months of service after the end of the paid parental leave period.

Additional modifications and adjustments can be found highlighted in yellow throughout the document.

Staff Recommendation: Staff recommends approval of Proposed Resolution 07-24: Amending the Employee Manual for Staff Employed by East Central Wisconsin Regional Planning Commission.

RESOLUTION NO. 07-24

**AMENDING THE EMPLOYEE MANUAL FOR STAFF EMPLOYED BY EAST CENTRAL
WISCONSIN REGIONAL PLANNING COMMISSION**

WHEREAS, the East Central Wisconsin Regional Planning Commission previously adopted the Employee Manual through Resolution 16-23, and;

WHEREAS, review of current policies indicated the need for modifications, to be consistent with state and federal employment laws and requirements, as well other modifications to best serve the Commission's interest in employment matters, and;

WHEREAS, East Central staff has updated the Employee Manual to ensure the Employee Manual is consistent with state and federal requirements, and;

WHEREAS, the Employee Manual is reviewed annually with legal counsel to ensure it is in compliance with state and federal employment laws, so;

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

Section 1: That the Commission amends the attached Employee Manual for the East Central Wisconsin Regional Planning Commission, which is made part of this Resolution applicable to all persons employed by the East Central Wisconsin Regional Planning Commission, and that this resolution serves to replace Resolution No. 16-23.

Effective Date: January 24, 2024

Submitted By: Executive Committee

Prepared By: Melissa Kraemer Badtke, Executive Director

Jeff Nooyen, Chair – Outagamie Co.

Attest: Melissa Kraemer Badtke—Executive Director
East Central WI Regional Planning Commission

Approval Date

Approval Date

TO: Executive Committee
FROM: Melissa Kraemer Badtke, Executive Director
DATE: January 17, 2024
RE: Proposed Resolution 09-24: Authorizing the Executive Director to Enter into an Agreement for Professional Services with Venable LLP

In 2020, the Commission Board approved the reorganization plan which identified developing separate policy boards for the Appleton (Fox Cities) Metropolitan Planning Organization and the Oshkosh Metropolitan Planning Organization (MPO). Currently, the Commission Board serves as the Policy Board for both of these MPOs. East Central staff waited until the U.S. Census released the 2020 urban area boundaries, to begin the process of redesignation because in 2010 there were discussions regarding the possible merger of the Appleton (Fox Cities) Metropolitan Planning Organization and the Oshkosh MPO. The U.S. Census released the urban area boundaries in January, 2023 and the two MPOs will not merge.

During the early part of last year, East Central hired a consultant to assist with the development of MPO Policy Board options and a final report was completed and provided to East Central staff.

The Commission Board approved the 2024 Work Program and Budget on October 27, 2024. Within the work program and budget, a program deliverable is to separate the Appleton (Fox Cities) Metropolitan Planning Organization and the Oshkosh Metropolitan Planning Organization and have separate policy boards for these two MPOs.

In December, 2023, East Central staff met with Wisconsin Department of Transportation, Federal Highway Administration, and Federal Transit Administration to discuss the preliminary certification review results. During that conversation, it was noted that the Commission will need to separate the Appleton (Fox Cities) MPO policy board from the Commission Board by September 3, 2024. It was also discussed that the Oshkosh MPO Policy Board will also need to be a separate policy board and it will likely occur at the same time. Due to the significant change in the Policy Board Structures for the Appleton (Fox Cities) MPO and Oshkosh MPO, it will require the Commission to go through the redesignation process. This process will include developing a redesignation agreement between the Commission, the Appleton (Fox Cities) MPO communities, and the Wisconsin Department of Transportation; development of new bylaws, updated agreements including the Cooperative agreement with Valley Transit and the Wisconsin Department of Transportation.

In 2019, Mr. Fred Wagner and his team at Venable LLP worked with Rio Grande Valley Metropolitan Planning Organization in Texas. Rio Grande Valley MPO merged three MPOs into one, which then required the MPO to be redesignated and develop a new policy board. During this transition, Mr. Wagner and his team provided legal counsel and assisted the Rio Grande Valley MPO staff throughout the development of a new MPO Policy Board. This is a very specialized area, as redesignation rarely occurs.

It is anticipated that Mr. Wagner and his team will provide legal counsel as it relates to the following items:

- Researching examples of redesignation documents/agreements.
- Drafting and reviewing the redesignation agreement, policy board structure, bylaws, and other agreements that may need to be updated due to redesignation.
- Attend coordination meetings with Federal Highway Administration, Federal Transit Administration and the Wisconsin Department of Transportation as necessary.
- Review final documents for the redesignation process.

At the Quarterly Commission in January, Mary Forlenza with the Federal Highway Administration and Bill Wheeler with the Federal Transit Administration will be presenting the Appleton MPO Certification Review Summary Report.

Staff Recommendation: Staff recommends approval of Proposed Resolution 09-24: Authorizing the Executive Director to Enter into an Agreement for Professional Services with Venable LLP.

January 11, 2024

Fred R. Wagner

T 202.344.4032

F 202.344.8300

FRWagner@Venable.com

Melissa Kraemer Badtke
Executive Director
East Central Wisconsin Regional Planning Commission
400 Ahnaip Street
Suite 100
Menasha, WI 54952

Re: Venable Engagement

Dear Melissa:

I have enjoyed speaking with you over the last few weeks regarding our representation of the East Central Wisconsin Regional Planning Commission. We are pleased that you have selected Venable LLP ("Venable") as your counsel.

This letter confirms our engagement as counsel and to set forth the terms of Venable's engagement. Although we do not wish to be overly formal in our relationship with you, we have found it prudent to agree in writing on the terms of the engagement. This letter and the enclosed Arbitration Disclosure Statement and Terms of Engagement of Venable shall constitute that agreement.

My understanding is that our representation in this matter involves helping to prepare and review redesignation documents for the Commission, and potential coordination with USDOT officials regarding the proposed redesignation. Our representation in this matter is on behalf of the Commission and not any of its individual members.

I will be the responsible partner in charge of this matter. My hourly rate is \$725. Other partners, associates, or paralegals may assist me as appropriate, and their hourly rates will be listed in the invoices for our services. Our rates are subject to periodic review and prospective change, and we will reflect any changes in our regular fee billings.

The enclosed Arbitration Disclosure Statement and Terms of Engagement will govern and control our engagement relationship and are incorporated in this letter by reference. Please review the Arbitration Disclosure Statement and Terms of Engagement with care and let me know if you have any questions. As you will see, Paragraph 8 of the Terms of Engagement requires that any dispute between the Firm and Client be submitted to binding arbitration rather than court proceedings. The enclosed Arbitration Disclosure Statement explains the advantages and disadvantages of arbitration. Please note that Paragraph 12 of the Terms of Engagement pertaining to the advance waiver of conflicts of interest does not apply to this matter.

Melissa Kraemer Badtke
January 12, 2024
Page 2

We believe these terms to be fair and reasonable, and we encourage you to review them, along with the entire Arbitration Disclosure Statement and Terms of Engagement, carefully.

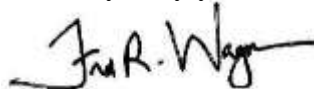
Venable LLP is a limited liability partnership formed under the laws of Maryland. Under this form of partnership, an individual partner's personal assets are not subject to claims against Venable or other partners based on contract, professional negligence (malpractice) or other liability unless the partner is personally liable based on his or her own conduct. We bring this limitation on the liability of an individual partner to your attention while noting that the limitation does not affect the liability of the law firm itself as a limited liability partnership.

I trust that the provisions of this letter, including the enclosed Arbitration Disclosure Statement and Terms of Engagement, are acceptable to you. If not, please contact me immediately so that we may discuss any particular questions or concerns you may have about them. Venable encourages candid discussion about fees and invoices. We urge you to contact any Venable professional responsible for providing services included on a statement if you have any questions or comments on an invoice or any other matter.

Please confirm your agreement to this letter and the enclosed Arbitration Disclosure Statement and Terms of Engagement by signing below as indicated. If we do not receive from you a signed copy of this letter or a written response to this letter and our Arbitration Disclosure Statement and Terms of Engagement within twenty-one (21) days of the date of this letter, we will assume that this letter and the Arbitration Disclosure Statement and Terms of Engagement are acceptable to you, and they shall govern our relationship as though signed by you.

Again, thank you for selecting Venable as your counsel, and we very much look forward to working with you on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred R. Wagner", with a stylized flourish at the end.

Fred R. Wagner

THE UNDERSIGNED HAS READ AND UNDERSTOOD THE FOREGOING LETTER AND ATTACHED ARBITRATION DISCLOSURE STATEMENT AND TERMS OF ENGAGEMENT AND AGREES TO RETAIN VENABLE LLP ON THE TERMS, CONDITIONS, AND LIMITATIONS SET FORTH HEREIN.

Melissa Kraemer Badtke
January 12, 2024
Page 3

East Central Wisconsin Regional Planning Commission

By: _____

Title: _____

Date: _____

ARBITRATION DISCLOSURE STATEMENT

We certainly look forward to our relationship and representation of you being productive and successful for both of us, but prudence dictates that we address in this engagement letter and the accompanying Terms of Engagement the process for resolving disputes in the event one later arises between us. The typical disputes that may arise out of an attorney-client relationship are claims by the client of malpractice or negligence against the law firm and fee disputes between the law firm and the client. We would hope that should these (or any other) types of disputes arise between us, we would be able to work them out informally with you. But, if that is not possible, Paragraph 8 of the Terms of Engagement requires that any dispute between the Firm and Client, including malpractice and fee disputes, be submitted to binding arbitration rather than court proceedings (“Arbitration Provision”). Proceedings under the Arbitration Provision are to be administered and conducted by Judicial Arbitration and Mediation Services (“JAMS”). We urge you to review the Arbitration Provision in Paragraph 8 carefully and consult with other counsel about it if you wish to do so. The Arbitration Provision precludes you and the Firm from initiating a lawsuit in court over any dispute.

There are, of course, advantages and disadvantages to arbitration as opposed to court proceedings, and we are ethically obligated to explain them and address any questions you may have about the Arbitration Provision. Arbitration is generally viewed as more expeditious and economical than a court proceeding. This is due in part to the fact that discovery is more informal and limited in arbitration than the broader discovery generally available in a court proceeding. Thus, both the Comprehensive Arbitration Rules of JAMS and the JAMS Streamlined Arbitration Rules & Procedures, which are controlling under the Arbitration Provision depending on the amount of the dispute, allow the parties or the arbitrator to limit the amount of discovery and provide as the default rule that each side may take one deposition. (See the following links for these Rules: <https://www.jamsadr.com/rules-comprehensive-arbitration/> and <https://www.jamsadr.com/rules-streamlined-arbitration/>) Discovery rights in a court proceeding, although sometimes subject to limitations, are broader and more comprehensive than allowed by the JAMS Rules. Another aspect of arbitration that tends to reduce the costs, but might also be viewed as a disadvantage, is that the Arbitration Provision provides that the decision of the arbitrator shall be final, binding and conclusive on both the Firm and the Client; there is no right of appeal to a higher authority, as there is in a court proceeding where the losing party may appeal to an appellate court. And, importantly, under the Arbitration Provision, the decision is made by a single individual selected through a process by the Firm and the Client as the arbitrator. There is no trial by jury in an arbitration. By agreeing to arbitration as opposed to a court proceeding, you and the Firm are giving up any right to have the dispute decided by a jury.

You should also understand that the proceedings in an arbitration under Paragraph 8 of the Terms of Engagement are confidential, and that is different from the proceedings before a court, which are open and public. This confidentiality reduces the risk of public intrusion into the attorney-client relationship and disclosure of confidential or sensitive information of either party, but it also limits public statements about the dispute, which some might regard as a disadvantage.

The administrative or procedural fees associated with arbitration (not including attorneys’ fees) are typically higher than those associated with a court proceeding. One reason for this is that the parties must pay the charges of the arbitrator. Unless advancement or allocation of arbitration fees is required otherwise by law or the rules of JAMS, the designated organization for administering and conducting any arbitration, the administrative and procedural fees for the arbitration through the award of the arbitrator initially will be paid equally by both the Firm and you as set forth in Paragraph 8.1.4 of the Terms of Engagement; however, the arbitrator is given the discretion under Paragraph 8.1.4 to allocate payment of the fees between the Firm and the Client as part of an award. Paragraph 8.1.4 also gives the arbitrator the discretionary authority to award to the prevailing party legal fees and expenses incurred by that party in the arbitration. A court would generally not have such authority under established legal principles.

If you have any questions or concerns about the Arbitration Provision in Paragraph 8 of the Terms of Engagement, we encourage you to raise them with us. We want you to understand the Arbitration Provision and be comfortable with it.

TERMS OF ENGAGEMENT OF VENABLE LLP

Except as modified in writing, the provisions set forth below in these Terms of Engagement shall apply to the relationship between Venable LLP, a Maryland limited liability partnership ("Venable," the "Firm" or "we"), and Client (collectively "you", "your" or "Client"), as identified in the accompanying engagement letter. These Terms of Engagement and the accompanying engagement letter are collectively referred to herein as the "Agreement."

1. Billing and Payment. Fees and expenses will be billed monthly and are payable in full within 30 days from delivery of our statement. We expect prompt payment, and our experience indicates that prompt billing and prompt payment enhance the working relationship. We reserve the right to (a) postpone or defer providing additional services or to terminate our representation if billed amounts are not paid when due, and (b) charge a late fee at the lesser of the maximum amount allowed under applicable law or 15% per annum (1.25% per month) on all sums that are not paid within 30 days of delivery of our statement. Any late charges assessed will be added to your statements. You agree that you will promptly review our statements and raise any questions regarding the amounts and items billed within 30 days of delivery. If you object to only a portion of the charges on a statement, then you agree to pay the remainder of the charges, which partial payment will not constitute a waiver of your objection. In certain matters, we recognize that the timing of the payment may be subject to court approval or consent.

2. Professional Fees. The Firm will bill you for the services we provide based on the time expended by our personnel, including attorneys, advisors, paralegals, patent agents, and, in certain instances, information technology employees. We record time in increments of tenths (0.1) of an hour. The hourly billing rates of our personnel vary, depending generally upon the experience and capabilities of the attorney, paralegal, or other professional involved, and we adjust these rates from time to time. The Firm typically adjusts its hourly rates on an annual basis, with the new rates becoming effective on January 1. Unless otherwise agreed in writing, or where a statute or court establishes the amount of the fee, we will charge you for services at the hourly rates in effect at the time of the performance of the services.

3. Costs and Ancillary Services. The Firm will invoice you for the cost of certain ancillary services incurred on your behalf. These costs will be posted to our monthly statements as disbursements when the Firm incurs the cost, and we may defer payment of the

cost until after we have received payment from you of our statement. Under certain circumstances, we may ask you to advance anticipated costs or to pay outside vendors directly for their services. For example, outside charges in excess of \$1,000 will be sent directly to you for payment, or, if you prefer, we can establish a separate expense retainer that will be held in escrow to be applied against expenses. Unless otherwise agreed in writing, the Firm will not advance or pay on your behalf outside expenses in excess of \$1,000. It is your obligation to pay those expenses directly, and, if you fail to do so, the Firm has the right to withdraw from the representation.

The primary ancillary services and our specific policies regarding billing are set forth below. Other services may be rendered during the course of our engagement that will also be billed to Client. Our charges for these costs and ancillary services are subject to change from time to time.

3.1 Duplicating/Copying. In-house copying will generally not be billed, except where copying exceeds 1,000 pages, in which case you will be charged for the total number of copies made at the rate of \$0.10 per page for black and white copies and \$0.25 per page for color copies. Outside duplicating services are charged to you at our cost.

3.2 Legal Research. Costs for computerized research using Lexis and Westlaw are billed at a discounted rate of 20% off of the Firm's actual cost of the vendor list price. Costs for computerized research using other platforms are billed at actual costs.

3.3 Overnight and Local Deliveries. We will charge for overnight deliveries and local deliveries by outside messenger services at our cost.

3.4 Postage. The Firm does not charge for routine postage. In the event of large individual mailings or bulk mailings, we may charge for the postage associated with such mailings. If the Firm is charged for postage in connection with mailings made by the court to interested persons, those charges will appear on our statement.

3.5 Closed File Storage. Upon completion of the representation, we do not charge for the storage of files associated with the representation, except in extraordinary circumstances and only after consultation with you and your agreement. We may, in our discretion, choose to store files electronically rather than by hardcopy. A different policy applies to

voluminous electronic data and ancillary electronic files hosted by the Firm, as set forth in Paragraphs 3.12 and 19.

3.6 Office Supplies. We do not charge for routine quantities of office supplies. You will be charged for substantial and unusual orders of office supplies required for a particular matter. For example, if a litigation (or other) matter requires a large number of notebooks or binders for organizing documents, the cost of such supplies will be charged to you.

3.7 Travel and Subsistence. Travel and subsistence costs include transportation, meals, lodging, and other related expenses. We will bill you for all travel and subsistence costs at our cost, including passing along any direct discount offered by airline carriers, incurred in connection with our representation of you. From time to time additional travel benefits from certain carriers based on volume are received by the Firm; all such benefits are retained by the Firm. If you wish to provide us with written policies or instructions regarding travel expenses or airline use, the Firm will discuss those policies or instructions with you.

3.8 Overtime. When the demands of a particular matter require staff overtime, charges incurred due to those demands will not be billed to you. Other expenses, such as meals and local transportation, within reason, are provided at no charge.

3.9 Meetings/Meals (Other than Travel Related). Meals, food, or beverages provided at working meetings for your benefit will be charged to you at our cost.

3.10 Experts and Consultants. If we engage third party experts, consultants, or other professionals on your behalf, you may be expected to sign the engagement letter with that professional and to be responsible for payment directly of all fees, costs, and expenses of the professional. We will not assume or accept responsibility for paying any expert, consultant, or other professional engaged on your behalf. The invoices of such professionals will be sent to you for payment.

3.11 Other Costs and Third Party Vendors. Other costs that we incur for your benefit (such as witness or subpoena fees and filing fees) will be billed at our cost. The services provided to you may involve services provided by third parties outside the Firm, such as court reporters, process servers, searching services, title insurance companies, and third-party storage/hosting of electronic data. You are required to pay for these outside services directly, or to reimburse us if we make payment for these services on your behalf. As noted earlier, if the fees for any outside services exceed \$1,000, we will require either that you

pay those sums to us before we expend them or that you directly pay the outside vendor.

3.12 Data Storage/Hosting. On matters as to which the Firm and Client have agreed that the Firm will host electronic data in excess of 5 gigabytes ("GB"), we will bill you at \$10 per hosted GB per month. These hosting charges may continue to be billed for as long as we continue to host the data in an active server environment. Paragraph 3.11 applies to expenses incurred for third-party storage/hosting of electronic data.

4. Retainer Payments. The Firm may have required a retainer or advance payment before working on this matter. Unless otherwise agreed in writing, all retainer amounts shall be held by us until completion of the representation and applied by the Firm to its final statement for the representation; provided, however, that, if any statement remains outstanding and unpaid in whole or in part for more than 30 days, we shall be entitled to apply the retainer amount to pay that invoice and to require that you replenish the retainer amount by making another advance payment to the Firm within 20 days of our request. Your failure to replenish the retainer amount within that time period will give us the right to terminate our representation of you.

The amount of any retainer or advance payment does not in any way represent an estimate of the total charges that may be incurred. We reserve the right, as a condition to providing further services, to require a retainer payment if none has previously been provided and/or an increase in any retainer or advance payment. When our representation ends, we will refund to you any portion of any advance payment that has not been used by services rendered or payment to third parties made or incurred.

For litigation matters, preparing for and conducting a trial or a hearing is often time-consuming and expensive. Thus, if the matter appears headed for trial or an evidentiary hearing, we may require a retainer payment (or an increase in an existing retainer amount) before our commencement of preparation for the trial or hearing. We will determine the amount of the retainer payment once the trial or hearing appears likely and as soon as possible before the date the matter is set for trial or hearing, based in part upon an estimate of the magnitude of service and expenditures included. If you fail to provide us this retainer payment for a trial or hearing within 15 days after our request, we have the right to terminate our representation of you in accordance with the applicable ethical rules.

5. Escrow Account. If we receive funds belonging to you, including retainer payments, that, in our judgment, are large enough to earn a material amount of interest, we will discuss investment options with you. If in our judgment the funds are not large enough or are not to be held long enough to earn at

least \$75 in interest, we will place these funds in a pooled trust account, pursuant to local rules, the interest on which is payable to a charitable organization.

6. Estimates Not Binding. If requested and subject to the provisions of this paragraph, we will provide an estimate or budget for a particular representation. It shall be your responsibility, if you wish to do so, to track the actual fees and charges of the Firm against the estimate or budget and to bring promptly to our attention any concerns or questions that you may have if there are any variances between the actual billings and the estimate or budget. It is often impracticable to determine in advance the amount of effort that will be needed to complete all of the necessary work on a matter or the total amount of fees and costs that may be incurred. Moreover, these estimates and budgets are not intended to be binding, are subject to unforeseen circumstances, and by their nature are inexact.

7. Termination of Representation.

7.1 Termination by You. You have the right to terminate our services at any time. If you decide to terminate our services, you agree to give us prompt written notice of such termination. Upon our termination, you will remain obligated to pay for all services rendered and costs or expenses paid or incurred on your behalf prior to the date of such termination or that are reasonably necessary thereafter. If we are attorneys of record in any proceeding, you agree to execute and return promptly to us a substitution of attorney or such other document as may be necessary to effect the withdrawal of our appearance on your behalf. Once you give us notice of termination under this subparagraph, we shall have no obligation to provide any further service, including taking any further action on your behalf in any judicial, administrative, or other proceeding.

7.2 Termination by Us. We have the right to withdraw from this representation if, among other things, you fail to honor the terms of our engagement letter and these Terms of Engagement, you fail to make timely payment of any of our statements, you fail to cooperate or to follow our advice on a material matter, or any fact or circumstance occurs that would, in our view, render our continuing representation unlawful or unethical, and we determine that we are permitted to withdraw from the representation under the applicable ethical rules. For the avoidance of doubt and without limiting the scope of the preceding sentence, subject to the applicable ethical rules and the timing of payments that are subject to court approval or consent, we shall have the right to end our work and terminate the representation if we do not receive payment in full of any statement for services within 45 days from the date of that statement. If we elect to withdraw, you will take all steps necessary

to free us of any obligation to perform further services, including the execution and delivery of any documents necessary to complete our withdrawal. Notwithstanding such termination, you will remain obligated to pay us for all services provided and to reimburse us for all costs and expenses paid or incurred on your behalf.

7.3 Date of Termination. Our representation of you will be considered terminated at the earlier of (a) your termination of our representation, (b) our withdrawal from our representation of you, or (c) the substantial completion of our work for you. If no work has been performed by our attorneys on your behalf for a period of 3 consecutive months, unless we remain as counsel of record in a pending proceeding, you agree that our attorney-client relationship will have been terminated.

7.4 Duties upon Termination. Upon termination of our involvement in a particular matter for which we were engaged, we shall have no duty to inform you of any subsequent events, developments, or changes in law that may be relevant to such matter or that could affect your rights and liabilities. Unless you and the Firm agree in writing to the contrary, we shall have no obligation to monitor renewal or notice duties or similar deadlines that may arise from the matters for which we had been engaged.

8. ARBITRATION.

8.1 Arbitration of All Disputes, Claims, or Controversies. As a material part of our agreement, you and the Firm agree that any and all disputes, claims, or controversies arising out of or relating to this Agreement, our relationship, or the services performed or any other matter or thing (collectively "Dispute" or "Disputes"), shall be determined exclusively by final, binding, and conclusive arbitration as follows:

8.1.1 Any arbitration proceeding hereunder shall be administered and conducted by Judicial Arbitration and Mediation Services ("JAMS"). The Dispute submitted to arbitration shall be heard and determined by a single arbitrator in Washington, D.C. or another mutually agreed upon venue, in accordance with the then existing comprehensive arbitration rules or, if the Dispute does not exceed \$250,000, not including interest or attorneys' fees, the streamlined arbitration rules of JAMS, and such arbitration and all proceedings shall be confidential.

8.1.2 Disputes subject to final, binding, and conclusive arbitration under this Agreement include, without limitation, all those that otherwise could be tried in court before a judge or jury in the absence of this Agreement.

Such Disputes include, without limitation, claims for professional malpractice, conflicts of interest, disputes over our fees and expenses, any disputes over the quality of services that we may render, any claims relating to or arising out of your or our performance under this Agreement, and any other claims arising out of any alleged act or omission by you or the Firm.

8.1.3 The arbitrator, and not any federal, state, or local court or agency, shall have exclusive authority to resolve any Dispute relating to the interpretation, applicability, enforceability, or formation of this Agreement including, but not limited to, any claim that all or any part of this Agreement is void or voidable.

8.1.4 Unless advancement or allocation of arbitration fees is required otherwise by law or the rules of JAMS, the fees of the arbitration initially will be paid equally by both the Firm and you. However, the arbitrator shall have the right to award to the prevailing party attorneys' fees and costs incurred in connection with the arbitration proceeding, including, but not limited to, the value of the time spent by Venable attorneys to prosecute or defend the proceeding (calculated at the standard hourly rates charged by us to clients that we represent on an hourly basis), as part of the award.

8.1.5 The arbitrator shall apply Maryland substantive law to the proceeding, except to the extent federal substantive law would apply to any claim. An award may be entered against a party who fails to appear at a duly noticed hearing.

8.2 Mandatory Dispute Resolution Requirements. Where there are applicable laws or rules of a state or jurisdiction that require that any Dispute between us be submitted to certain mandatory dispute resolution procedures before this private arbitration clause is triggered, you may, of course, elect to pursue those procedures. If you did not elect to pursue such procedures, the arbitration procedure outlined in this Paragraph 8 shall apply. To the extent that any such mandatory dispute resolution procedures do not apply to the Dispute (or some part of the Dispute) between us, the arbitration procedure outlined in this Paragraph 8 shall apply.

8.3 Independent Advice. We urge you to consider carefully the provisions of this Paragraph 8 for arbitration, as well as all of the provisions of this Agreement, and to seek the advice of an independent attorney before agreeing to this provision or to the entire Agreement, if you have any questions or concerns.

9. Intellectual Property Matters. In providing services for intellectual property matters, particularly the prosecution of patent or trademark applications, the Firm may assist the Client in seeking protection for those matters in countries or jurisdictions other than the United States ("Foreign Prosecution Work"). Client shall be responsible for the payment of all fees and costs associated with Foreign Prosecution Work, including the fees and charges of foreign associates or law firms engaged for purposes of Foreign Prosecution Work on behalf of the Client. Client agrees that the Firm shall have no responsibility and shall not be liable for the services provided by any other law firm or any foreign associates in connection with the Foreign Prosecution Work. The Firm assumes no responsibility for maintaining data and docketing due dates for, sending reminders for, or submitting or instructing payment of, U.S. patent maintenance fees or post-grant patent annuities in other countries.

10. Other Advisors. When we are asked to recommend the services of another advisor or service provider, we will do so in good faith, but without liability and without warranting the ability or standing of that advisor or provider. We will not be responsible for monitoring or reviewing their work or for the quality of that work. In some cases, where attorneys working on the matter believe that a particular advisor or provider is the appropriate choice, they may recommend as an advisor or provider a person or firm by whom the Firm has been retained as counsel in other matters or by whom the Firm may have an expectation of being retained in the future.

11. Waiver of Potential Conflicts between Client and the Firm. The occasion might arise for the Firm to consult with our own counsel – our Firm Counsel or other firm lawyers working with our Firm Counsel or with our own outside counsel – regarding our representation or engagement for you. This will be done at our expense. To the extent that we are addressing our own rights or responsibilities, a conflict of interest might be deemed to exist between the Firm and you as to such consultation or resulting communications, particularly if a dispute were to arise between the Firm and you regarding the Firm's representation of you. As an express condition of this engagement, in such circumstances, you hereby consent to the Firm consulting with our own counsel, including our Firm Counsel; you specifically waive any claim of conflict of interest based on such consultation or resulting communications; and you agree that such communications are protected by the Firm's own attorney-client privilege from disclosure to you or anyone else outside the Firm.

12. Advance Waiver of Conflicts of Interest. Venable is a large firm with offices in California, Delaware, the District of Columbia, Florida, Illinois, Maryland, New York, and Virginia, and we represent many other companies and individuals. We also represent the State of Maryland and the State of New

York plus Baltimore and other Maryland counties and various other federal agencies and departments.

It is possible that during the time we are representing you, some of our present or future clients will be engaged in transactions, or encounter disputes, with you. You agree that we may continue to represent, and may undertake in the future to represent, existing, former or new clients (including direct competitors) in any matter, including litigation, arbitration and takeover bids, that is not substantially related to our work for you even if the interests of such clients in those matters are directly adverse to you. If necessary, you understand and acknowledge that Venable attorneys may examine or cross examine you or your personnel on behalf of that other client in such matters or in other proceedings to which you are not a party. We agree, however, that absent your specific consent we will not undertake work for other clients adverse to you on matters substantially related to our work for you. Moreover, in any instance where, as a result of our representation of you, we have obtained proprietary or other confidential information of a non-public nature that, if known by such other client, could be used in such other matter to your material disadvantage, we will, as appropriate, construct an Ethical Screen to prevent Venable lawyers representing the other client in such other matter from learning that information. Such an Ethical Screen is for your protection and is not evidence of a prohibited representation. We advise you to consult with attorneys other than Venable regarding your agreement to this Advance Waiver of Conflicts of Interest.

We undertake this engagement on the condition that we may represent another client in a matter in which we do not represent you, even if the interests of the other client are adverse to you. By consenting to this Advance Waiver, you are waiving Venable's obligation of loyalty to you as long as we maintain confidentiality and adhere to the limitations set forth in this Paragraph 12.

13. Identity of the Client. The Firm's client for purposes of this engagement is only the person(s) or entity(ies) identified in the accompanying letter agreement. Unless expressly agreed, we are not undertaking the representation of any related or affiliated person or entity, or any family member, parent corporation or entity, subsidiary, or affiliated corporation or entity, or any of your or their owners, investors, officers, directors, members, agents, partners, or employees (collectively, "Related Entities"). We generally will not be precluded from representing other existing clients or future clients in legal matters relating or adverse to the Related Entities or any of them.

14. No Liability to Third Parties. Any advice or services provided by the Firm are for Client's benefit alone, are given solely for the purpose of the

engagement in respect of which they are sought, and are not to be used by or relied upon for other purposes or by third parties. The Firm's duty of care is to its Client alone and does not extend to third parties (including affiliates, directors, officers or other agents, or shareholders or other owners or investors) unless the Firm shall have accepted such responsibility in writing.

15. Insurance Matters. Where the scope of our representation involves or may involve a claim or potential claim against you, you may have an insurance policy that may provide all or partial coverage for the claim or potential claim. Insurers offer a wide variety of insurance products, and we urge you to consult with your insurance representative (or carrier), risk manager, or other appropriate persons about the potential for insurance coverage for any claim or potential claim. Unless you specifically request in writing our advice and provide us with a copy of the policy, we assume no obligation to advise you with respect to insurance coverage for any claim or potential claim within the scope of our representation of you. Even if requested, before we may advise you on insurance matters, we would first need to know the identity of the insurer(s) involved and check to determine whether we have a conflict of interest that may prevent us from advising you on insurance matters. In all events, your obligation to pay us under this engagement is not conditioned or contingent on any insurance coverage or payment to you by any insurer. The payment obligation to Venable is yours, not any insurer's.

16. Subpoena or Lawful Process. If the Firm or any of its personnel are required by subpoena or other lawful process to provide testimony or produce documents or records, including electronic records, relating to the Firm's representation of you, or if we must defend the confidentiality of your communications with us in any proceeding, you agree to pay us for our time, at the standard hourly rate for the particular individuals involved, and expenses, even if our representation of you has ended, in addressing and responding to any such matter.

17. Electronic Communications. You acknowledge that in connection with our work on this matter, we may correspond or convey documentation via Internet email unless you expressly request otherwise and that neither you nor Venable has control over the performance, reliability, availability, or security of Internet email. The Firm makes available, at the user's discretion, encryption or other special security devices to protect the confidentiality of email communications. We caution you that you should not communicate with us through an email system belonging to another person or entity as those communications may not be privileged. For example, communications from an individual who is being represented personally through the email system of the individual's employer may not be protected by the attorney-client privilege because a court may conclude

that the individual has no reasonable expectation of confidentiality in using his or her employer's email system, particularly, which is often the case, when the employer has reserved the right to review all email communications through its system. An individual client should use a personal email system or account in communicating with us.

18. No Guarantee of Outcome. We do not and cannot guarantee the outcome in any matter. Any comments about the outcome of your matter are expressions of opinion only.

19. Document Retention and Destruction; Hosted Data. In the course of our representation of you, we may come into possession of copies or originals of documents or other materials belonging to you or others (collectively, "Materials"). Once the particular matter to which those Materials relate has been concluded, we will make arrangements either to return the Materials to you, retain them in our storage facilities, or dispose of them. In the absence of any other arrangements made with you, we reserve the right, upon the expiration of 7 years after a matter file has been closed, to dispose of all Materials in the file without further notice to you. Accordingly, if there are any Materials you wish to have retrieved from your file at the conclusion of a matter, it will be necessary for you to advise us in writing of that request to ensure that they are not destroyed. You agree that all Materials retained by the Firm after the conclusion of the matter shall be the sole property of Venable.

In the absence of any other arrangements made with you, the Firm reserves the right, upon the expiration of 3 months after the closing of the last matter to which the hosted data relates, to transfer hosted data and any ancillary electronic files to a suitable off-line storage medium, with reasonable one-time storage media and IT costs to be charged to, and payable by, you. Upon transfer to such suitable storage media, the data and ancillary electronic files will be treated as Materials in accordance with the immediately preceding paragraph.

The Firm's files pertaining to the matter will not be delivered to you. You agree that the Firm's files include, for example, Firm administrative records, time

and expense reports, personnel and staffing materials, and credit and accounting records, as well as internal lawyers' work product (such as drafts, notes, internal memoranda, and legal and factual research, including investigative reports and mental impressions, prepared by us for our internal use). You agree that the Firm's files remain our property and for various reasons, including the minimization of unnecessary storage expenses, or for no reason, we may destroy or otherwise dispose of the Firm's files at any time after the conclusion of the matter.

20. Application to Subsequent Matters. This Agreement shall apply to our present representation of you and to any subsequent matters that we may agree to undertake on your behalf, unless Client and the Firm agree in writing to a different arrangement. Even if you do not countersign this Agreement, your continued instructions to Venable concerning this and subsequent matters shall acknowledge your acceptance of all terms of this Agreement, including, but not limited to, the Advance Waiver of Conflicts of Interest set forth in Paragraph 12.

21. Privacy. Venable will not collect, retain, use, sell, or otherwise disclose Personal Information for any purpose other than for the specific purpose of performing the services specified in this engagement or as otherwise required by law. **"Personal Information"** means information that: (a) Venable processes on behalf of Client; and (b) identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household. Venable provides notice to consumers of its practices related to the collection of Personal Information at <https://www.venable.com/privacy-policy>.

22. Entire Agreement. This Agreement supersedes all other prior and contemporaneous written and oral agreements and understandings between us and contains the entire agreement between the parties. This Agreement may be modified only by subsequent written agreement of the parties.

23. Applicable Law. This Agreement shall be governed by the internal law, and not the law pertaining to choice or conflict of laws, of the State of Maryland.

RESOLUTION NO. 09-24

AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH VENABLE LLP

WHEREAS, the East Central Wisconsin Regional Planning Commission, hereafter referred to as the Commission, is designated as the Appleton (Fox Cities) Metropolitan Planning and Oshkosh Metropolitan Planning Organization, and;

WHEREAS, the Commission approved a reorganization plan on April, 2020 and identified the need to develop separate policy boards for the Appleton (Fox Cities) Metropolitan Planning Organization and the Oshkosh Metropolitan Planning Commission, and;

WHEREAS, the Federal Highway Administration and Federal Transit Administration conducted a certification review for the Appleton Metropolitan Planning Organization in August, 2023, and;

WHEREAS, the Commission has been recertified with a corrective action to redesignate the structure of the Appleton (Fox Cities) Metropolitan Planning Organization Policy Board by September 3, 2024, and;

WHEREAS, the Commission has approved the 2024 Transportation Work Program and Budget on October 27, 2023, which identifies the redesignation of the Appleton (Fox Cities) Metropolitan Planning Organization and the Oshkosh Metropolitan Planning Organization as a key deliverable to be completed in 2024, and;

WHEREAS, the Wisconsin Department of Transportation and Federal Highway Administration have approved the 2024 Transportation Work Program and Budget, and;

WHEREAS, East Central staff will work with Federal Highway Administration, Federal Transit Administration, and the Wisconsin Department of Transportation to complete the process for redesignating the Appleton (Fox Cities) Metropolitan Planning Organization and the Oshkosh Metropolitan Planning Organization, and;

WHEREAS, Venable LLP provides legal counsel that specializes in redesignation and related transportation matters for Metropolitan Planning Organizations, and;

WHEREAS, the contract is a financial commitment by the Commission up to \$30,000 and;

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

Section 1: That the Executive Director is authorized to enter into an agreement for professional services with Venable LLP.

Effective Date: January 24, 2024
Submitted By: Executive Committee
Prepared By: Melissa Kraemer Badtke

Jeff Nooyen, Chair – Outagamie Co.

Attest: Melissa Kraemer-Badtke–Executive Director
East Central WI Regional Planning Commission

Approval Date

Approval Date

MINUTES ECONOMIC DEVELOPMENT COMMITTEE MEETING East Central Wisconsin Regional Planning Commission

Date: Wednesday, October 4, 2023 – In Person

1. **Welcome and Introductions**

Chair Connors welcomed attendees to the meeting and called the meeting to order at 1:00 P.M.

2. **Roll Call**

Introduction of Alternates, Staff, and Guests.

Committee Members Present:

Alice Connors, Chair	Calumet County
Kara Homan (Alt. for Jake Woodford)	Outagamie County
DuWayne Federwitz	Waupaca County
Gene Caldwell	Menominee County
Jerry Bougie (Alt. for Jon Doemel), Vice Chair.....	Winnebago County
Kelly Nieforth (Alt for Mark Rohloff).....	Winnebago County

Committee Members Absent:

Nadine Miller	Outagamie County
Sam Kaufman	Fond du Lac County
Steve Gueths	Shawano County

ECWRPC Staff and Guests Present:

Melissa Kraemer-Badtke	Executive Director
Craig Moser	Deputy Director
Colin Kafka	Associate Planner

3. **Approval of Agenda / Motion to Deviate** A motion was made by Homan and second by Bougie to approve the Agenda as presented. Motion carried unanimously.

4. **Public Comment** - There was no public comment.

5. **Approval of the Minutes of the July 12, 2023 Economic Development Committee Meeting Minutes** A motion was made by Caldwell and second by Homan to approve the minutes as presented. Motion carried unanimously.

6. **Announcements**

- A. Staff Report – presented by Mr. Colin Kafka, Associate Planner. Mr. Kafka provided an overview of the Small Communities Technical Assistance program, outlining the four community workshops scheduled Oct. 9 – Oct. 12th in the City of Chilton, City of New Holstein, Village of Brandon, and Village of Fremont. Ayres Associates is the contractor assisting with the program. Kafka also updated the committee on the Comprehensive Economic Development Strategy report, indicating that it was an Economic Development Administration requirement as the designated Economic Development District for the region. Mr. Kafka shared recent conferences and meetings attended by East Central – Economic Development staff.

7. **New Business/Action Items**

- A. Discussion on the final draft of the Comprehensive Economic Development Strategy. Mr. Kafka reported that the Comprehensive Economic Development Strategy (CEDS) is a requirement of the Planning Partnership Grant and is updated annually with major updates occurring every 5 years. He shared that the last major update occurred in 2018. The main components of the CEDS required by EDA include:

- Summary Background: An inventory of key economic markers and conditions of the regional economy
- SWOT Analysis: A Strengths, Weaknesses, Opportunities, and Threats analysis is an exercise conducted with public and private stakeholders to discuss the health, competitiveness, and challenges inherent of the regional economy
- Strategic Direction and Action Plan: Using the data from the summary background and SWOT analysis, a strategic direction and action plan identifies a regional vision, goals and objectives, and framework for implementation
- Evaluation Framework: Performance measures for the region and ECWRPC are developed to evaluate the implementation of the strategic direction and action plan.

Mr. Kafka briefly reviewed each chapter of the CEDS, noting that East Central staff hosted multiple County Focus Group meetings to discuss with administrators, community development professionals and other partner organizations economic development challenges and opportunities within their County. Input from the County focus groups was included in the Comprehensive Economic Development Strategy and helped provide additional surface level information, over and above the SWOT Analysis, which is all that's required by EDA.

B. Proposed Resolution 37-23: Resolution of Support for the Development and Submittal of the Economic Development Administration Planning Partnership Grant presented by Mr. Moser

Mr. Moser indicated that ECWRPC is designated as the Economic Development District (EDD) for the region by the Economic Development Administration (EDA). As such, an EDA 3 Year Planning Partnership Grant is available to support East Central's Economic Development programming in the region. The federal funding remains constant at \$70,000 per year (\$210,000 over the 3-year grant period) but the required local match can change, based on economic conditions. This cycle, EDA has indicated the required local match will be reduced to 30% vs. the 40% match from the prior grant cycle. That reduces the total Economic Development program budget from \$350,000 to \$300,000 over the 3-year period, if only the minimum local match is funded by the Commission. Discussion continued regarding the possibility the Commission could provide additional local match to remove the variability of the total Economic Development program funding.

A motion was made by Homan and second by Bougie to approve **Proposed Resolution 37-23**. Motion carried unanimously.

C. Convene into Closed Session - The Committee will convene into closed session pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to deliberate or negotiate public contracts where competitive or bargaining reasons require a closed session.

A motion was made by Homan and second by Bougie to move to Closed Session. Roll call was taken with all voting aye.

D. Reconvene into Open Session - The Committee will reconvene into open session pursuant to section 19.85(2) of the Wisconsin Statutes to take action, if necessary, on the above matters.

A motion was made by Homan and second by Caldwell to support the Regional Aviation Development Fund initiative. Motion carried unanimously.

8. Informational/Discussion Items

- A. County Roundtable Discussion (*as time permits*).** Chair Connors shared that the Ariens Nordic Center was selected as the Biathlon U.S. Olympic Training Center. Mr. Federwitz shared that Waupaca County was providing a 5% salary increase for staff. Mr. Caldwell inquired about assistance with a proposed business development on Tribal Trust property located in Shawano County. Director Kraemer Badtke indicate East Central staff would follow up with him to learn the details and explore options.

9. Upcoming Meetings

- A. **Commission Meeting:** *The next Commission meeting will be held on Friday, October 27, 2023 at 10:00 a.m. Shawano County – DHS Conference Room, W7327 Anderson Ave., Shawano, WI 54166, An agenda and meeting materials will be forthcoming.*
- B. **Economic Development Committee Meeting:** *The next Economic Development Committee meeting will take place on Wednesday, January 3, 2024 at 1:00 p.m. Further details will be forthcoming.*

10. Adjourn - By unanimous consent, Chair Connors adjourned the meeting.

Respectfully submitted by
Craig Moser – ECWRPC Deputy Director

MINUTES
TRANSPORTATION COMMITTEE MEETING
East Central Wisconsin Regional Planning Commission

COMMITTEE MEMBERS: *Dick Koeppen, Nick Kesler, John Zorn (Alt for Steve Abel), Thomas Kautza, Robert Keller, Joe Moore (Perm Alt for Keith Heisler), Vacant, Lee Hammen, Ron McDonald, Nick Weber*

Date: Tuesday, October 17, 2023 – In-person

1. Mr. Keller welcomed attendees to the meeting and called the meeting to order at 1:30 p.m.
2. **Roll Call** - Introduction of Alternates, Staff and Guests

Committee Members Present:

Nick Kesler..... Calumet County
John Zorn (Alt. for Steve Abel)Fond du Lac County
Lee Hammen, Vice Chair Outagamie County
Tom KautzaShawano County
Dick Koeppen (virtual) Waupaca County
Robert Keller, Chair Winnebago County
Nick Weber WisDOT – NE Region Rep

Committee Members Excused:

Vacant.....Menominee County
Joe Moore (*Perm Alt for Keith Heisler*)Fond du Lac County
Ron McDonald Valley Transit

ECWRPC Staff and Guests Present:

Melissa Kraemer Badtke. Executive Director
Craig Moser Deputy Director
Kim Biedermann Principal Planner
Jennie Mayer SRTS - Coordinator
Mike ZuegeGIS Manager
Casey Peters Associate Planner
Brenna Root Whitby Associate Planner
Leann Buboltz.....Administrative Coord

3. **Approval of Agenda / Motion to Deviate** – A motion by Mr. Kautza and second by Mr. Hammen to approve of the agenda as posted. Motion carried unanimously.
4. **Public Comment** – No public comment.
5. **Approval of the July 11, 2023** Transportation Committee Meeting Minutes – A motion was made by Mr. Zorn and second by Mr. Hammen to approve of the minutes as presented. Motion carried unanimously.
6. **Announcements and Updates**
 - A. Staff Report presented by Melissa Kraemer Badtke. (list not all inclusive)

ROADWAYS

Certification Review: Ms. Kraemer Badtke shared that on August 22 and August 23, ECWRPC staff participated in the Appleton (Fox Cities) Transportation Management Area Certification Review with the Federal Highway Administration and the Federal Transit Administration. Mary Forlenza, FHWA Planning and Program Development Team Leader will be presenting those

findings at the January 2024 Quarterly Commission meeting. It is anticipated that changes will need to occur with the Appleton MPO, separating out the Policy Board out from the Commission.

ACTIVE TRANSPORTATION

College Avenue Corridor: Ms. Kraemer Badtke reported that Outagamie County, in partnership with East Central Wisconsin Regional Planning Commission and stakeholders, was selected as one of 15 communities throughout the United States to receive a Community Connectors grant program award through Smart Growth America. She noted that the Community Connectors is a grant program to support small and mid-sized cities in repairing the damage of divisive infrastructure through capacity-building grants and technical support. The program is led by Smart Growth America in collaboration with Equitable Cities, the New Urban Mobility Alliance, and America Walks. Community Connectors is supported by the Robert Wood Johnson Foundation and ECWRPC staff will serve as part of the core team for this project.

SAFE ROUTES TO SCHOOL

SRTS Action Plan Update: Ms. Kraemer Badtke shared that ECWRPC Staff worked with the Kimberly Area School District this past spring/summer to update their Safe Routes to School Action Plan.

Shawano School District: Ms. Kraemer-Badtke also noted that ECWRPC Staff recently had the opportunity to attend and present at a meeting in Shawano which brought together Facilities Directors from 17 area schools. Staff presented on the Action Plan process and the benefits to the school community. She shared that staff will be working with the Shawano School District this fall to develop their SRTS Action Plan.

SPECIALIZED TRANSPORTATION

Specialized Transportation Coordinated Plans: Ms. Kraemer Badtke reported that ECWRPC is finalizing its work with our seven member counties to complete their plans. It is anticipated that the plans will be finalized by mid-October and will be brought to the Executive Committee and the full Commission on October 27, 2023 for consideration.

STAFF UPDATES

New Hires - ECWRPC recently hired three new associate transportation planners:

- a. Chris Colla was recently hired as an Associate Planner – Transportation. Chris has a background in urban and regional planning along with a background in social sciences specializing in the area of transportation.
- b. Abby Mader was hired as an Associate Planner - Transportation. Abby has a background in Environmental Science and experience with sustainable urban and transportation planning.
- c. Brice Richardson was recently hired as a new Associate Planner – Transportation. Brice has a geography and sociology background, and experience in environmental policy research.

7. Business / Action Items

- A. Discussion on the Wisconsin Department of Transportation Concurrence Letter for 2024 Funding established for the State Metropolitan Planning Organizations. Ms. Kraemer Badtke shared with members correspondence received from Mr. Chuck Wade at the Wisconsin Department of Transportation-Bureau of Planning and Economic Development. She explained that the decennial population data is used by the Wisconsin Department of Transportation in coordination with the designated Metropolitan Planning Organizations to determine the funding amounts for Metropolitan Planning Programs, which would start in 2024. For the Commission, this would include the Appleton (Fox Cities)/Oshkosh MPOs and the Fond du Lac MPO (East Central serves as staff for the Fond du Lac MPO). She also noted that staff reviewed the Wisconsin Department of Transportation Concurrence Letter for 2024 Funding established for the State Metropolitan Planning Organizations with the Executive Committee and they approved the concurrence letter. No action is required, this was for informational purposes only.
- B. Proposed Resolution 38-23: Adopting the 2023 Title VI Non-Discrimination Program and Limited English Proficiency Plan for the East Central Wisconsin Regional Planning Commission

(<https://www.ecwrpc.org/wp-content/uploads/2023/09/DRAFT-2023-Fox-Cities-MPO-Title-VI-and-LEP-Plan-1.pdf>) Ms. Kim Biedermann shared with the members that the *Title VI Non-Discrimination Program* is intended to ensure that no person shall, on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any MPO-sponsored program or activity. She indicated that the *Limited English Proficiency Plan* has been also added to address East Central's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. Staff worked in consultation with WisDOT's Federal Compliance Manager to update the document to ensure federal compliance.

A motion was made by Mr. Kautza and a second by Mr. Hammen to approve of Proposed Resolution 38-23: Adopting the 2023 Title VI Non-Discrimination Program and Limited English Proficiency Plan for the East Central Wisconsin Regional Planning Commission. Motion carried unanimously.

- C. Proposed Resolution 39-23: Adopting the Public Participation Plan for the Appleton (Fox Cities) and Oshkosh MPOs (<https://www.ecwrpc.org/wp-content/uploads/2023/08/Draft-FCOMPO-PPP-2023.pdf>) Ms. Brenna Root-Whitby shared with the members that as a requirement of the Bipartisan Infrastructure Law (BIL) and its predecessor transportation bills, including the FAST Act, a Public Participation Plan (PPP) must be developed by each Metropolitan Planning Organization (MPO). She noted that the PPP outlines opportunities for the engagement of all community members within the Appleton (Fox Cities) and Oshkosh MPOs to participate in the development of transportation plans and programs. The Public Participation Plan has been developed in consultation with various federal and state agencies in an effort to improve public involvement and interaction in the transportation and land use planning process. Ms. Root-Whitby noted that a 45-day public review and comment period commenced on Sunday, August 13, 2023 and ended on Tuesday, September 26, 2023.

A motion was made by Mr. Hammen and a second by Mr. Kesler to approve Proposed Resolution 39-23: Adopting the Public Participation Plan for the Appleton (Fox Cities) and Oshkosh MPOs as presented. Motion carried unanimously.

- D. Proposed Resolution 40-23: Amending the 2023 Transportation Improvement Program for the Appleton (Fox Cities) Transportation Management Area. *Agenda amended to remove line item.*
- E. Proposed Resolution 41-23: Adopting the Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization 2024-2027 (<https://www.ecwrpc.org/wp-content/uploads/2023/09/Draft-2024-Appleton-TIP.pdf>). Mr. Casey Peters shared that the Transportation Improvement Program (TIP) is an annually prepared program of transportation projects that will be utilizing federal funding assistance in their implementation. He noted that this TIP includes projects within the Appleton (Fox Cities) Metropolitan Planning Organization (MPO). Mr. Peters stated that East Central Wisconsin Regional Planning Commission (ECWRPC) has updated the Transportation Improvement Program (TIP) for the Appleton MPO and that staff worked with WisDOT Northeast Region, transit operators, and local government officials to compile this list of projects for the 2024-2027 program years.

A motion was made by Mr. Zorn and a second by Mr. Kautza to approve of Proposed Resolution 41-23: Adopting the Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization 2024-2027. Motion carried unanimously.

- F. Proposed Resolution 42-23: Adopting the Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization 2024-2027PO (<https://www.ecwrpc.org/wp-content/uploads/2023/09/Draft-2024-Oshkosh-TIP.pdf>) Mr. Casey Peters shared that the Transportation Improvement Program (TIP) is an annually prepared program of transportation projects that will be utilizing federal funding assistance in their implementation. He noted that this TIP includes projects within the Oshkosh Metropolitan Planning Organization (MPO). Mr. Peters

stated that East Central Wisconsin Regional Planning Commission (ECWRPC) has updated the Transportation Improvement Program (TIP) for the Oshkosh MPO and that staff worked with WisDOT Northeast Region, transit operators, and local government officials to compile this list of projects for the 2024-2027 program years.

A motion was made by Mr. Kautza and a second by Mr. Kesler to approve of Proposed Resolution 42-23: Adopting the Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization 2024-2027. Motion carried unanimously.

- G. Proposed Resolution 44-23: Authorizing the Commission to Submit and Support an Application for the 2024-2028 Transportation Alternatives Set-aside Program Funding to Continue the Regional Safe Routes to School (SRTS) Program. Ms. Jennie Mayer shared that the TA Set-aside program is awarded for up to 80% of eligible project costs, with the remaining 20% being a local match. It is anticipated that the local match would be funded through levy dollars from member counties. She stated that the Regional Safe Routes to School Program is requesting a total of \$968,847.60 in federal funds, to be matched by \$242,211.90 in local funds provided by the Commission, for a total two-in-a-half-year project cost of \$1,211,059.50 for the Fall 2026 and calendar years 2027 and 2028.

A motion was made by Mr. Hammen and a second by Mr. Koeppen to approve of Proposed Resolution 44-23: Authorizing the Commission to Submit and Support an Application for the 2024-2028 Transportation Alternatives Set-aside Program Funding to Continue the Regional Safe Routes to School (SRTS) Program as presented. Motion carried unanimously.

- H. Proposed Resolution 45-23: Amending the 2023 Unified Transportation Work Program and Budget and Requesting an Extension of the Funding Eligibility period to complete work from Calendar Year 2023 for the Appleton (Fox Cities) and Oshkosh Metropolitan Planning Organizations (*materials emailed separately*). Ms. Kraemer Badtke outlined the list of work program activities and projects that would be carried over from 2023 into 2024 along with the budget for each of them. Program deliverables and funding will need to be completed and utilized by November 30, 2024. Staff recommends the approval of the Proposed Resolution 45-23, which will require an extension of the period of funding availability from 2023 to the 2024 Transportation Work Program and Budget.

A motion was made by Mr. Zorn and a second by Mr. Kautza to approve of Proposed Resolution 45-23: Amending the 2023 Unified Transportation Work Program and Budget and Requesting an Extension of the Funding Eligibility period to complete work from Calendar Year 2023 for the Appleton (Fox Cities) and Oshkosh Metropolitan Planning Organizations as presented. Motion carried unanimously.

- I. Proposed Resolution 46-23: Approving the 2024 Unified Work Program and Budget (<https://www.ecwrpc.org/wp-content/uploads/2023/09/2024-Transportation-Work-Program-and-Budget.pdf>) Ms. Kraemer Badtke presented in detail the deliverables in the 2024 UPWP and Budget. She noted the timeline of the program deliverables and timeline, and she noted that staff would be working with Federal Highway Administration (FHWA) staff, Federal Transit Administration (FTA) staff, and Wisconsin Department of Transportation staff on restructuring the Appleton and Oshkosh MPOs in 2024. She also noted both FHWA and FTA issued a waiver of local match requirement for activities that support Safe and Accessible Transportation Options; deliverables meeting those requirements are noted in the UPWP.

A motion was by Mr. Kautza and a second by Mr. Hammen to approve of Proposed Resolution 46-23: Approving the 2024 Unified Work Program and Budget as presented. Motion carried unanimously.

- J. Convene into Closed Session - The Committee will convene into closed session pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to discuss strategy regarding ongoing negotiations with another entity so as not to compromise the Commission's bargaining position. A motion was

made by Mr. Hammen and a second by Mr. Kesler to convene into closed session. Roll call was taken with all voting aye with the time noted at 2:08 p.m.

- K. Reconvene into Open Session - The Committee will reconvene into open session pursuant to section 19.85(2) of the Wisconsin Statutes to take action, if necessary, on the above matters. A motion was made by Mr. Kesler and a second by Mr. Zorn to reconvene into open session. Roll call was taken with all voting aye with the time noted at 2:20 p.m. No action from closed session required.

8. Informational/Discussion Items

- A. County Roundtable Discussion (*as time permits*) – Mr. Keller – Winnebago County shared that using the ARPA Funding a newly created fund called the Spirit Fund Creation accounted for \$10 million of the allocation.
- B. North Central WisDOT Updates – Mr. Nick Weber shared that coming up is the Bicycle Pedestrian Safety Webinar that is free for all those that are interested. - <https://projects.511wi.gov/weeklyupdates-nc/>
- C. Northeast WisDOT Updates - <https://projects.511wi.gov/weeklyupdates-ne/>

9. Establish Time and Place for Next Commission Meeting

- A. **Transportation Committee Meeting:** The next Transportation Committee Meeting will take place on Tuesday, January 9, 2024 at 1:30 p.m. Further details will be forthcoming.
- B. **Commission Meeting:** The next Commission meeting will be held on Wednesday, January 24, 2024 at 10:00 a.m. TBD- An agenda and meeting materials will be forthcoming.

- 10. Adjourn** – A motion was made by Mr. Hammen and second by Mr. Kesler to adjourn with the time noted 2:27 p.m.

Respectfully submitted by

Leann Buboltz – Administrative Coordinator
ECWRPC

TO: ECWRPC Transportation Committee
FROM: ECWRPC Transportation Staff
DATE: January 9, 2024
RE: Proposed Resolution 02-24: Adopting WisDOT Transportation Performance Measures and Targets for PM1: Safety for the Appleton (Fox Cities) Metropolitan Planning Organization

The Moving Ahead for Progress in the 21st Century Act (MAP-21), the Fixing America's Surface Transportation Act (FAST Act), and the Bipartisan Infrastructure Law (BIL) transformed the Federal-aid highway and transit programs by establishing new performance-based planning requirements for State Departments of Transportation (DOTs), Metropolitan Planning Organizations (MPOs), and providers of public transportation services. The specific requirements for implementing the performance management provisions are codified in the Code of Federal Regulations (23 CFR 490).

Transportation Performance Management (TPM) is a strategic planning approach set forth by the Federal Highway Administration and the Federal Transit Administration to help decision makers better understand the impacts of transportation investment decisions. The goal of Transportation Performance Measures is to ensure objective data and research inform investment and policy decisions to maximize the performance of the transportation system and ensure transportation funding is spent where there is a demonstrated need.

Performance Measures are an expression used to establish targets and assess progress towards achievement. The target is a quantifiable value to be achieved within a specific time period. Targets are set annually and are required to be data driven based on planned investments and trends.

The Federal regulations specified the formula and acceptable data sources for each performance measure as well as the time period and frequency for setting targets. State DOTs, MPOs, and transit agencies must set targets for some or all of the performance measures.

- Performance Measure 1 (PM1): Safety
- Performance Measure 2 (PM2): Bridge and Pavement
- Performance Measure 3 (PM3): System Performance
- Transit Asset Management (TAM)
- Public Transportation Agency Safety Plan (PTASP)

Goals, objectives, performance measures and targets are incorporated into plans and programs, such as the Long Range Transportation Plan and the Transportation Improvement Program, to ensure progress toward the national, state, and MPO goals.

On August 31, 2023, the Wisconsin Department of Transportation (WisDOT) established 2024 targets (five-year rolling averages) for Performance Measure One (PM1) Safety. Metropolitan Planning Organizations (MPOs) are to establish PM1 targets in their 2024 Transportation Improvement Programs (TIPs) and submit them to WisDOT's Bureau of Planning and Economic

Development by February 28, 2024 (180 days after August 31, 2023). MPOs may either establish their own targets or support the measures WisDOT has adopted. In Wisconsin, most MPOs have chosen to follow and support WisDOT and their performance measure targets.

The targets set forth by the Wisconsin Department of Transportation are as follows:

Measure	2018 – 2022 Baseline Averages ¹	2024 Safety Targets ¹
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 million VMT	4.822	4.726
Number of Non-Motorized Fatalities and Serious Injuries	379.4	371.8

Targets were established by calculating a 2% decrease from the current 5-year baseline averages. Once the targets are set, they must be amended into the Transportation Improvement Program.

Staff Recommendation: Staff recommends approval of Proposed Resolution 02-24: Adopting WisDOT Transportation Performance Measures and Targets for PM1: Safety for the Appleton (Fox Cities) MPO.

RESOLUTION NO. 02-24

ADOPTING WISDOT TRANSPORTATION PERFORMANCE MEASURES AND TARGETS FOR PM1: SAFETY FOR THE APPLETON (FOX CITIES) METROPOLITAN PLANNING ORGANIZATION

WHEREAS, East Central Wisconsin Regional Planning Commission, as the designated Metropolitan Planning Organization (MPO) for the Appleton (Fox Cities) area, has established a Policy Board, which approved the *Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization 2024-2027* at their October 27, 2023 meeting via Resolution 41-23, and;

WHEREAS, the Transportation Improvement Program was prepared to meet the requirements of the Fixing America's Surface Transportation Act (FAST) and the Bipartisan Infrastructure Law (BIL) as prescribed by federal regulations, and;

WHEREAS, Transportation Performance Management is a strategic approach set forth for the Federal Highway Administration and the Federal Transit Administration to help decision makers better understand the impacts of transportation investment decisions, and;

WHEREAS, performance measures are an expression used to establish targets and assess progress towards achievement, and;

WHEREAS, performance measures and targets are incorporated into plans and programs, including the Transportation Improvement Program, and;

WHEREAS, the Wisconsin Department of Transportation (WisDOT) established 2024 targets for Performance Measure One (PM1) on August 31, 2023, and;

WHEREAS, each Metropolitan Planning Organization has 180 days from the date the Wisconsin Department of Transportation establishes targets to either establish its own targets or adopt WisDOT's targets and amend those targets into the Transportation Improvement Program, and;

WHEREAS, the Appleton (Fox Cities) MPO agrees to adopt the following WisDOT targets for PM1:

Measure	2018-2022 Baseline Averages	2024 Safety Targets
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 Million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 Million VMT	4.822	4.726
Number of Non-motorized Fatalities and Serious Injuries	379.4	371.8

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

SECTION 1: That the Commission adopts the Wisconsin Department of Transportation's targets for Performance Measure 1: Safety for the Appleton (Fox Cities) Metropolitan Planning Organization.

Effective Date: January 24, 2024

Submitted By: Transportation Committee

Prepared By: Kim Biedermann, Principal Planner

Jeff Nooyen, Chair – Outagamie Co.

Attest: Melissa Kraemer-Badtke—Executive Director
East Central WI Regional Planning Commission

Approval Date

Approval Date

TO: ECWRPC Transportation Committee
FROM: ECWRPC Transportation Staff
DATE: January 9, 2024
RE: Proposed Resolution 03-24: Adopting WisDOT Transportation Performance Measures and Targets for PM1: Safety for the Oshkosh Metropolitan Planning Organization

The Moving Ahead for Progress in the 21st Century Act (MAP-21), the Fixing America's Surface Transportation Act (FAST Act), and the Bipartisan Infrastructure Law (BIL) transformed the Federal-aid highway and transit programs by establishing new performance-based planning requirements for State Departments of Transportation (DOTs), Metropolitan Planning Organizations (MPOs), and providers of public transportation services. The specific requirements for implementing the performance management provisions are codified in the Code of Federal Regulations (23 CFR 490).

Transportation Performance Management (TPM) is a strategic planning approach set forth by the Federal Highway Administration and the Federal Transit Administration to help decision makers better understand the impacts of transportation investment decisions. The goal of Transportation Performance Measures is to ensure objective data and research inform investment and policy decisions to maximize the performance of the transportation system and ensure transportation funding is spent where there is a demonstrated need.

Performance Measures are an expression used to establish targets and assess progress towards achievement. The target is a quantifiable value to be achieved within a specific time period. Targets are set annually and are required to be data driven based on planned investments and trends.

The Federal regulations specified the formula and acceptable data sources for each performance measure as well as the time period and frequency for setting targets. State DOTs, MPOs, and transit agencies must set targets for some or all of the performance measures.

- Performance Measure 1 (PM1): Safety
- Performance Measure 2 (PM2): Bridge and Pavement
- Performance Measure 3 (PM3): System Performance
- Transit Asset Management (TAM)
- Public Transportation Agency Safety Plan (PTASP)

Goals, objectives, performance measures and targets are incorporated into plans and programs, such as the Long Range Transportation Plan and the Transportation Improvement Program, to ensure progress toward the national, state, and MPO goals.

On August 31, 2023, the Wisconsin Department of Transportation (WisDOT) established 2024 targets (five-year rolling averages) for Performance Measure One (PM1) Safety. Metropolitan Planning Organizations (MPOs) are to establish PM1 targets in their 2024 Transportation Improvement Programs (TIPs) and submit them to WisDOT's Bureau of Planning and Economic

Development by February 28, 2024 (180 days after August 31, 2023). MPOs may either establish their own targets or support the measures WisDOT has adopted. In Wisconsin, most MPOs have chosen to follow and support WisDOT and their performance measure targets.

The targets set forth by the Wisconsin Department of Transportation are as follows:

Measure	2018 – 2022 Baseline Averages ¹	2024 Safety Targets ¹
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 million VMT	4.822	4.726
Number of Non-Motorized Fatalities and Serious Injuries	379.4	371.8

Targets were established by calculating a 2% decrease from the current 5-year baseline averages. Once the targets are set, they must be amended into the Transportation Improvement Program.

Staff Recommendation: Staff recommends approval of Proposed Resolution 03-24: Adopting WisDOT Transportation Performance Measures and Targets for PM1: Safety for the Oshkosh MPO.

RESOLUTION NO. 03-24

ADOPTING WISDOT TRANSPORTATION PERFORMANCE MEASURES AND TARGETS FOR PM1: SAFETY FOR THE OSHKOSH METROPOLITAN PLANNING ORGANIZATION

WHEREAS, East Central Wisconsin Regional Planning Commission, as the designated Metropolitan Planning Organization (MPO) for the Oshkosh area, has established a Policy Board, which approved the *Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization 2024-2027* at their October 27, 2023 meeting via Resolution 42-23, and;

WHEREAS, the Transportation Improvement Program was prepared to meet the requirements of the Fixing America's Surface Transportation Act (FAST) and the Bipartisan Infrastructure Law (BIL) as prescribed by federal regulations, and;

WHEREAS, Transportation Performance Management is a strategic approach set forth for the Federal Highway Administration and the Federal Transit Administration to help decision makers better understand the impacts of transportation investment decisions, and;

WHEREAS, performance measures are an expression used to establish targets and assess progress towards achievement, and;

WHEREAS, performance measures and targets are incorporated into plans and programs, including the Transportation Improvement Program, and;

WHEREAS, the Wisconsin Department of Transportation (WisDOT) established 2024 targets for Performance Measure One (PM1) on August 31, 2023, and;

WHEREAS, each Metropolitan Planning Organization has 180 days from the date the Wisconsin Department of Transportation establishes targets to either establish its own targets or adopt WisDOT's targets and amend those targets into the Transportation Improvement Program, and;

WHEREAS, the Oshkosh MPO agrees to adopt the following WisDOT targets for PM1:

Measure	2018-2022 Baseline Averages	2024 Safety Targets
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 Million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 Million VMT	4.822	4.726
Number of Non-motorized Fatalities and Serious Injuries	379.4	371.8

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

SECTION 1: That the Commission adopts the Wisconsin Department of Transportation's targets for Performance Measure 1: Safety for the Oshkosh Metropolitan Planning Organization.

Effective Date: January 24, 2024

Submitted By: Transportation Committee

Prepared By: Kim Biedermann, Principal Planner

Jeff Nooyen, Chair – Outagamie Co.

Attest: Melissa Kraemer-Badtke–Executive Director
East Central WI Regional Planning Commission

Approval Date

Approval Date

TO: ECWRPC Transportation Committee
FROM: ECWRPC Transportation Staff
DATE: January 9, 2024
RE: Proposed Resolution 04-24: Amending the 2024 Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization

Following the approval of the 2024 Transportation Improvement Program (TIP) for the Appleton (Fox Cities) Metropolitan Planning Organization, the Wisconsin Department of Transportation (WisDOT) has provided updates on several projects in the 2024-2027 funding cycle. The projects need to be amended in the TIP to assign TIP ID numbers and ensure fiscal constraint. A full breakdown of all the projects being amended can be found in the attached Table 1: Appleton (Fox Cities) MPO – Amendment Project Listing (2024-2027).

WisDOT has provided updated details to the following projects. These changes required a major amendment to update into the TIP due to changes in funding or project timeline.

- TIP #252-22-053: Buchanan Rd. at Apple Creek Bridge – Corrected funding amounts and year
- TIP #252-22-057: IH 41 Expansion – Significant increase in project funding
- TIP #252-23-053: Racine Street WCL RR Xing Sig/Gate – Corrected funding amount

WisDOT has requested new TIP ID numbers for the following projects. Inclusion of these projects into the TIP also require a major amendment

- TIP #252-24-024: STH 76 from STH 15 to S. Junction STH S – New Project
- TIP #252-24-025: USH 10 from Fire Lane 7 to CTH N – New Project

Additionally, the updated performance measures for PM1: Safety, as adopted by the Appleton (Fox Cities) MPO, must be amended for inclusion in the 2024 TIP. The TIP will utilize these values to determine progress towards meeting these safety targets within our region.

Measure	2018 – 2022 Baseline Averages ¹	2024 Safety Targets ¹
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 million VMT	4.822	4.726
Number of Non-Motorized Fatalities and Serious Injuries	379.4	371.8

These projects and performance measures were posted for the mandatory public review period on December 24, 2023 and will conclude on January 8, 2024. To date, no public comment has been received.

Staff Recommendation: Staff recommends approval of Proposed Resolution 04-24: Amending the 2024 Appleton (Fox Cities) MPO Transportation Improvement Program.

Primary Jurisdiction	Project Description	Type of Cost	2024				2025				2026				2027				Comments
			Fed	State	Local	Total	Fed	State	Local	Total	Fed	State	Local	Total	Fed	State	Local	Total	
WisDOT Outagamie	T Vandenbroek, Buchanan Rd. Apple Creek Bridge 6500-04-00,71 BRRPL	DESIGN ROW CONST	71	0	18	89													Construction scheduled for 2/10/2026
252-22-053	STBG	0.028 miles (P)																	
			71	0	18	89	0	0	0	0	0	0	0	0	0	0	0	0	
WisDOT Outagamie	IH 41 Expansion Appleton - De Pere 1130-63-21,22/ 1130-64-72,73,76,78/ 1130-65-71,88/ 1130-66-71,72,78/1130- 65-72,73,74,77,78,79 RECST	DESIGN ROW CONST	0	13400	0	13400	0	13400	0	13400	0	13400	0	13400					
252-22-057	NHPP	23.596 mil (P)																	
			27817	6954	0	34771	55895	15500	0	71395	290463	57616	0	348079	0	0	0	0	
WisDOT Winnebago	C Menasha, Racine Street Racine WCL RR Xing Sig/Gate 690283C 4992-00-67 MISC	DESIGN ROW CONST																	Construction scheduled for 7/25/24
252-23-053	STBG	0 miles (P)																	
			121	0	31	152	0	0	0	0	0	0	0	0	0	0	0	0	
WisDOT Outagamie	STH 76, Oshkosh - Stephenville STH 15 - S. Junction CTH S 6517-17-70 RSRF10	DESIGN ROW CONST																	
252-24-024	HSIP/STBG	5.77 miles (P)																	
			0	0	0	0	0	0	0	0	0	0	0	0	3262	750	0	4012	
WisDOT Calumet	USH 10, Harrison - Forest Junction Fire Lane 7 - CTH N 1500-49-61 PSRS40	DESIGN ROW CONST																	Schedule date of 7/13/27
252-24-025	NHPP	2.308 miles (P)																	
			0	0	0	0	0	0	0	0	0	0	0	0	3355	839	0	4194	

RESOLUTION NO. 04-24

AMENDING THE 2024 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE APPLETON (FOX CITIES) METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the East Central Wisconsin Regional Planning Commission, as the Metropolitan Planning Organization (MPO) for the Appleton (Fox Cities) Metropolitan Planning Area, approved the 2024 Transportation Improvement Program for the Appleton (Fox Cities) MPO at the October 27, 2023 quarterly Commission meeting, and;

WHEREAS, the Transportation Improvement Program was prepared to meet the requirements of Fixing America's Surface Transportation Act (FAST), and the Bipartisan Infrastructure Law (BIL) as prescribed by federal regulations, and;

WHEREAS, all projects that use federal funds must appear in an adopted Transportation Improvement Program, and;

WHEREAS, WisDOT has provided updated funding amounts and dates to three existing TIP projects and included two new projects to be amended into the Appleton (Fox Cities) MPO TIP, as listed below:

- TIP #252-22-053: Buchanan Rd. at Apple Creek Bridge – Corrected funding amounts and year,
- TIP #252-22-057: IH 41 Expansion – Significant increase in project funding,
- TIP #252-23-053: Racine Street WCL RR Xing Sig/Gate – Corrected funding amount,
- TIP #252-24-024: STH 76 from STH 15 to S. Junction STH S – New Project, and
- TIP #252-24-025: USH 10 from Fire Lane 7 to CTH N – New Project, and;

WHEREAS, the MPO staff will prepare the appropriate documentation to meet federal and state requirements for any transportation projects appearing in the TIP, and;

WHEREAS, the Wisconsin Department of Transportation (WisDOT) established 2024 targets for Performance Measure One (PM1) on August 31, 2023, and;

WHEREAS, the Appleton (Fox Cities) MPO agrees to adopt the following WisDOT targets for PM1:

Measure	2018-2022 Baseline Averages	2024 Safety Targets
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 Million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 Million VMT	4.822	4.726
Number of Non-motorized Fatalities and Serious Injuries	379.4	371.8

WHEREAS, adoption of the aforementioned performance measures and targets must be amended into the Transportation Improvement Program and sent to the Wisconsin Department of Transportation.

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

Section 1: That the Commission approves the amendment as presented to include the proposed projects in the approved 2024 Transportation Improvement Program for the Appleton (Fox Cities) Metropolitan Planning Organization.

Section 2: That the Appleton (Fox Cities) MPO approves the amendment as presented to include the established targets for Performance Measure 1: Safety into the adopted 2024 Transportation Improvement Program for the Appleton (Fox Cities) MPO.

Effective Date: January 24, 2024
Submitted By: Transportation Committee
Prepared By: Kim Biedermann, Principal Planner

_____ Jeff Nooyen, Chair – Outagamie Co.	_____ Attest: Melissa Kraemer-Badtke–Executive Director East Central WI Regional Planning Commission
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_____ Approval Date	_____ Approval Date
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TO: ECWRPC Transportation Committee
FROM: ECWRPC Transportation Staff
DATE: January 9, 2024
RE: Proposed Resolution 05-24: Amending the 2024 Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization

Following the approval of the 2024 Transportation Improvement Program (TIP) for the Oshkosh Metropolitan Planning Organization, the Wisconsin Department of Transportation (WisDOT) has established new safety targets (PM1).

Proposed Resolution 03-24 establishes the following safety targets for the Oshkosh MPO:

Measure	2018 – 2022 Baseline Averages ¹	2024 Safety Targets ¹
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 million VMT	4.822	4.726
Number of Non-Motorized Fatalities and Serious Injuries	379.4	371.8

This amendment was publicly posted on December 24, 2023 and concluded on January 8, 2024. To date, no public comment has been received.

Staff Recommendation: Staff recommends approval of Proposed Resolution 05-24: Amending the 2024 Oshkosh MPO Transportation Improvement Program.

RESOLUTION NO. 05-24

AMENDING THE 2024 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE OSHKOSH METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the East Central Wisconsin Regional Planning Commission, as the Metropolitan Planning Organization (MPO) for the Appleton (Fox Cities) Metropolitan Planning Area, approved the 2024 Transportation Improvement Program for the Appleton (Fox Cities) MPO at the October 27, 2023 quarterly Commission meeting, and;

WHEREAS, the Transportation Improvement Program was prepared to meet the requirements of Fixing America's Surface Transportation Act (FAST), and the Bipartisan Infrastructure Law (BIL) as prescribed by federal regulations, and;

WHEREAS, Transportation Performance Management is a strategic approach set forth for the Federal Highway Administration and the Federal Transit Administration to help decision makers better understand the impacts of transportation investment decisions, and;

WHEREAS, performance measures are an expression used to establish targets and assess progress towards achievement, and;

WHEREAS, performance measures and targets are incorporated into plans and programs, including the Transportation Improvement Program, and;

WHEREAS, the Wisconsin Department of Transportation (WisDOT) established 2024 targets for Performance Measure One (PM1) on August 31, 2023, and;

WHEREAS, each Metropolitan Planning Organization has 180 days from the date the Wisconsin Department of Transportation establishes targets to either establish its own targets or adopt WisDOT's targets and amend those targets into the Transportation Improvement Program, and;

WHEREAS, the Oshkosh MPO agrees to adopt the following WisDOT targets for PM1:

Measure	2018-2022 Baseline Averages	2024 Safety Targets
Number of Fatalities	600.8	588.8
Rate of Fatalities per 100 Million VMT	0.934	0.915
Number of Serious Injuries	3095.6	3033.7
Rate of Serious Injury per 100 Million VMT	4.822	4.726
Number of Non-motorized Fatalities and Serious Injuries	379.4	371.8

WHEREAS, adoption of the aforementioned performance measures and targets must be amended into the Transportation Improvement Program and sent to the Wisconsin Department of Transportation.

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

SECTION 1: That the Oshkosh MPO approves the amendment as presented to include the established targets for Performance Measure 1: Safety into the adopted 2024 Transportation Improvement Program for the Oshkosh Metropolitan Planning Organization.

Effective Date: January 24, 2024

Submitted By: Transportation Committee

Prepared By: Kim Biedermann, Principal Planner

Jeff Nooyen, Chair – Outagamie Co.

Attest: Melissa Kraemer-Badtke–Executive Director
East Central WI Regional Planning Commission

Date Approved

Date Approved