

RESOLUTION NO. 2024-5438

SUPPORTING AND APPROVING OF THE NEW APPLETON (FOX CITIES) METROPOLITAN PLANNING ORGANIZATION (MPO) POLICY BOARD STRUCTURE AND REDESIGNATION AGREEMENT

WHEREAS, the Federal Aid Highway Act of 1962 requires a continuing, comprehensive transportation planning process carried out cooperatively by the State and local communities of each urban area of more than 50,000 population in order to qualify transportation projects for federal aid, and;

WHEREAS, East Central WI Regional Planning Commission (ECWRPC) was designated as the Appleton (Fox Cities) Metropolitan Planning Organization (MPO) by Wisconsin's Governor in January, 1974, and;

WHEREAS, due to a population in excess of 200,000 following the 2010 U.S. Census, the Appleton (Fox Cities) Urban area was designated by the federal government as a Transportation Management Area (TMA) in 2012, and;

WHEREAS, the ECWRPC Board, consisting of elected and appointed officials from member counties within East Central's 10 county region, has served as the Policy Board for the Appleton (Fox Cities) MPO since 1974, and;

WHEREAS, the Commission identified the creation of a separate Appleton (Fox Cities) MPO Policy Board within their 2020 Strategic Plan, and;

WHEREAS, a change to the Appleton (Fox Cities) MPO Policy Board was identified as necessary by ECWRPC, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to ensure that local elected officials representing 75% of the affected population serve on the MPO Policy Board, consistent with federal requirements as outlined in 23 CFR 450.310, and;

WHEREAS, City of Kaukauna is located within the Appleton (Fox Cities) Metropolitan Planning Organization, and;

WHEREAS, a new Appleton (Fox Cities) MPO Policy Board structure has been developed by ECWRPC staff, in coordination with FHWA, FTA, WISDOT, and local impacted communities, which is outlined in the Table 1, and;

WHEREAS, the main functions of the Appleton (Fox Cities) MPO Policy Board shall be to provide policy guidance throughout the transportation planning process, review and approve the Metropolitan Transportation Plan (MTP), Congestion Management Process, Transportation Improvement Program (TIP), the Unified Planning Work Program (UPWP), and promote the implementation of the TIP and UPWP, and;

WHEREAS, approval of each governing body of the municipalities and counties located within the Appleton (Fox Cities) Metropolitan Planning Area is necessary to demonstrate local support for the formal request that the Governor redesignate the Appleton (Fox Cities) MPO Policy Board structure as outlined in the attached table, and;

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WHEREAS, each local unit of government located within the Appleton (Fox Cities) Metropolitan Planning Area will be party to the formal redesignation agreement (attached) between the Governor, ECWRPC, and the local units of government, and so;

NOW THEREFORE, BE IT RESOLVED BY CITY OF KAUKAUNA

Section 1: *That the City of Kaukauna supports and approves of the new structure of the Appleton (Fox Cities) Metropolitan Planning Organization (MPO) Policy Board, as reflected in the attached table, and;*

Section 2: *That the City of Kaukauna agrees to participate in the Appleton (Fox Cities) MPO Policy Board meetings, to ensure a continuing, comprehensive, and cooperative transportation planning process for the Appleton (Fox Cities) Metropolitan Planning Area, and;*

Section 3: *That the City of Kaukauna agrees to the provisions outlined in the attached redesignation agreement, which is hereby incorporated by reference and made a part hereof.*

Effective Date: June 18, 2024

Submitted By: East Central Wisconsin Regional Planning Commission

Signed: _____
Mayor Anthony J. Penterman, Chairperson

Sally Kenney, Clerk

APPLETON (FOX CITIES) METROPOLITAN PLANNING ORGANIZATION				
Updated 2/22 with adjusted MPA boundary populations				
Member Jurisdiction	2020 Census		Policy Board Structure	
	Population within MPA Boundary	Population %	> 5,000 populaton = 1 vote; Additional vote(s) for each increment of 25K pop	
			Voting Seats	Advisory Seats
City of Appleton	75,913	30%	4	
Outagamie - 63,168				
Calumet - 11,304				
Winnebago - 1,441				
City of Neenah	27,319	11%	2	
Town of Grand Chute	23,650	9%	1	
Village of Fox Crossing	18,974	7%	1	
City of Kaukauna	17,094	7%	1	
City of Menasha	18,268	7%	1	
Winnebago - 15,261				
Calumet - 3,007				
Village of Greenville	12,118	5%	1	
Village of Harrison	12,091	5%	1	
Village of Little Chute	11,619	5%	1	
Village of Kimberly	7,320	3%	1	
Town of Buchanan	6,823	3%	1	
Town of Neenah	3,702	1%		1
Village of Combined Locks	3,634	1%		1
Town of Clayton	3,487	1%		1
Village of Sherwood	3,271	1%		1
Town of Center	1,859	1%		1
Town of Vandebroek	1,627	1%		1
Town of Freedom	1,353	1%		1
Town of Kaukauna	1,020	0%		1
Town of Vinland	1,202	0%		1
Town of Ellington	945	0%		1
Village of Wrightstown	292	0%		1
Town of Woodville	149	0%		1
MUNICIPALITY TOTALS	253,730	100%	15	12
			Min. 1 vote; Additional vote(s) for each increment of 100,000 population	
COUNTIES				
Outagamie County	152,522	60%	2	
Winnebago County	71,386	28%	1	
Calumet County	29,822	12%	1	
COUNTY TOTALS	253,730	100%	4	0
REQUIRED MAJOR MODES OF TRANSPORTATION				
WISDOT			1	
Valley Transit			1	
Appleton International Airport			1	
MAJOR MODES TOTALS			3	0
REQUIRED NON-VOTING MEMBERS				
FHWA				1
FTA				1
MPO Director				1
REQUIRED NON-VOTING MEMBER TOTALS			0	3
GRAND TOTAL POLICY BOARD SEATS			22	15
	% of pop w/direct representation		91.1%	

AN AGREEMENT REDESIGNATING THE METROPOLITAN PLANNING ORGANIZATION POLICY BOARD STRUCTURE FOR THE APPLETON (FOX CITIES) URBANIZED AREA

Introduction

The parties to this Agreement (hereinafter the "Signatories") hereby agree to the redesignation of East Central Wisconsin Regional Planning Commission arising out of the need to address actions recommended by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) pertaining to the organization and structure of the existing Metropolitan Planning Organization's Policy Board.

WHEREAS, The Metropolitan Planning Organization (MPO) for the Appleton (Fox Cities) Urban Area is charged, under Title 23 U.S.C., Section 134, as the organization responsible for cooperative transportation planning and decision making for the Appleton (Fox Cities) Metropolitan Planning Area, and;

WHEREAS, the Metropolitan Planning Area consists of the City of Appleton, the Appleton Urban Area, and all or portions of the contiguous cities, villages, and towns which are or are likely to become urbanized within a 20-year period as shown on the attached map and agreed to by the MPO and the Governor, and;

WHEREAS, the responsibilities of the Metropolitan Planning Organization include:

1. Carrying out a cooperative, continuous, and comprehensive planning process for making transportation investment decisions in the metropolitan area with program oversight from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Wisconsin Department of Transportation (WisDOT).
2. Preparing and maintaining a Metropolitan Transportation Plan.
3. Preparing and implementing an annual unified planning work program.
4. Preparing a transportation improvement program to provide for transportation investments to meet metropolitan transportation needs.
5. Preparing and maintaining the Congestion Management Process, the Public Participation Process and the Title VI plan.
6. Establishing operating rules and procedures.
7. Working in cooperation with Valley Transit.
8. Other duties as required to comply with State and Federal regulations, and;

WHEREAS, the Appleton (Fox Cities) Urban Area was created through an agreement between the Governor and East Central Wisconsin Regional Planning Commission (ECWRPC), effective January 15, 1974 designating the MPO for the Appleton (Fox Cities) Urban Area in accordance with federal law. East Central Wisconsin Regional

Planning Commission assumed the responsibility to conduct transportation planning and programming for the Appleton (Fox Cities) Urban area, and;

WHEREAS, the Appleton (Fox Cities) MPO Policy Board membership and voting structure was identified by ECWRPC, Federal Highway Administration, and Federal Transit Administration as requiring adjustments to ensure compliance with federal requirements, and;

WHEREAS, federal law allows for the redesignation of the Metropolitan Planning Organization by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the population within the Planning Area, including the largest incorporated city, and;

WHEREAS, a redesignation process to implement the necessary changes was initiated by ECWRPC, in partnership with FHWA, FTA, and WisDOT, in late 2023. On March 28, 2024, the East Central WI Regional Planning Commission Board took the first step in the process and approved a resolution in support of engaging the local impacted communities on the structure and membership of the Appleton (Fox Cities) MPO Policy Board to bring it into compliance with federal requirements, as outlined in 23 CFR 450.310, and;

WHEREAS, a Redesignation Agreement cannot be amended without the consent of all the Signatories, and so;

NOW, THEREFORE, IT IS MUTUALLY AGREED:

That the revised structure of the Appleton (Fox Cities) Metropolitan Planning Organization's Policy Board is described below.

B. Composition of the Appleton (Fox Cities) MPO Policy Board

The members of the Appleton (Fox Cities) Metropolitan Planning Organization Policy Board are appointed by the Wisconsin Department of Transportation, Valley Transit, City of Appleton, Outagamie, Calumet and Winnebago Counties, small villages, cities and towns within the Metropolitan Planning Area in recognition of their respective roles as the owners and operators of the major modes of transportation serving the Metropolitan Planning Area. Each appointee to the Policy Board shall reside within the Metropolitan Planning Area and shall serve until their successor is appointed. As of September 3, 2024, the Metropolitan Planning Organization Policy Board for the Appleton (Fox Cities) Urbanized Area and Appleton (Fox Cities) Metropolitan Planning Area consist of the following members: (See Table on Next Page)

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COUNTY TOTALS	253,730	100%	4	0
REQUIRED MAJOR MODES OF TRANSPORTATION				
WISDOT			1	
Valley Transit			1	
Appleton International Airport			1	
MAJOR MODES TOTALS			3	0
REQUIRED NON-VOTING MEMBERS				
FHWA				1
FTA				1
MPO Director				1
REQUIRED NON-VOTING MEMBER TOTALS			0	3
GRAND TOTAL POLICY BOARD SEATS			22	15
% of pop w/direct representation			91.1%	

In addition, all appointments must be in accordance with Title 23, United States Code, Section 134, Paragraph (d)(2) that indicates the voting membership of the Policy Board shall consist of:

- a. Local elected officials;
- b. Officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and
- c. Appropriate State officials.

When each of the appointing authorities is making an appointment under condition (b) above, the MPO also accepts members in good standing that come from local boards and commissions with a focus on transportation or land use, including mayoral representatives, or representatives of the chief executive officer of any city, village, or town in the MPO Planning area with said focus.

Policy board members representing any local government jurisdiction or collective group of local government jurisdictions (such as Cities, Villages, or Towns) must be selected by the elected officials of the local government jurisdiction(s) they represent.

C. Future Changes to the Policy Board Composition

The composition of the Appleton (Fox Cities) MPO Policy Board will be reviewed following each decennial U.S. Census to ensure appropriate and proportional representation.

Revising the composition of the Policy Board (e.g. adding membership, the number or requirements of members appointed by each appointing authority) or expansion of the metropolitan planning area boundary does not necessarily require redesignation of the MPO.

A change to the Appleton (Fox Cities) MPO Policy Board can be made following the notification of the appointing authorities, all the local units of government in the MPO Planning Area, a public hearing on the proposed changes, and ratification by those units of government with 75 percent of the population in the planning area, including the City of Appleton as the largest incorporated city.

D. Designation of Fiscal Agent

East Central Wisconsin Regional Planning Commission shall be designated to serve as the fiscal agent for the Appleton (Fox Cities) Metropolitan Planning Organization.

1. Location. MPO staff will be provided by the East Central WI Regional Planning Commission
2. Matching Contribution. Outagamie, Calumet and Winnebago Counties shall be responsible for providing the local matching contributions, through their annual levy contribution to ECWRPC.

E. Initial Plan Updates

Subject to state and federal laws and fiscal constraint, to maintain consistency and continuity in the region planning efforts to-date the existing planning documents of the previous MPOs are adopted, including the fiscally constrained TIPs, as the starting point for future updates, and prioritizing projects currently.

F. Effective Date and Conditions of the Agreement

1. This agreement is effective on September 3, 2024 after obtaining signatures of approval by the Governor and representatives of units of government with 75 percent of the population in the MPO Planning Area, including Appleton as the largest incorporated city.
2. This agreement supersedes and voids the designation agreement entered into by the Governor and East Central Wisconsin Regional Planning Commission dated January 15, 1974.

G. Amendments

Any changes to the Redesignation Agreement shall be enacted by a written amendment executed by all signatories.

H. Non-Discrimination

In the performance of the services under this Agreement, the parties shall not discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin, or ancestry, income level, or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status. The parties further agree not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, color, age, disability, sex or national origin.

WITNESS WHEREOF, the parties have caused this to be executed by individuals and officers duly authorized on the dates noted below.