

Tri-County Regional Planning Commission

Operating Policies



Adopted February 23, 2011

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COMMISSION QUORUM

A quorum shall be defined as a majority, ten (10), of Commission members and any formal action must be by a majority of the entire Commission.

COMMITTEE QUORUM

A quorum will constitute those members of the Committee present and voting. All members present and voting are authorized to submit reports and make recommendations to the Commission.

EXECUTIVE/PERSONNEL COMMITTEE

Executive (Commission)

The Committee reviews contracts, consultant selections, various committee and Commission policy positions. They may review work programs as proposed by the TCRPC staff and/or advisory committees. On issues other than grant reviews, advisory committee recommendations are considered by the Committee and a recommendation is made to the Commission.

In order to carry out the responsibilities of the Executive/Personnel Committee, \$5,000.00 shall be set aside, annually, as a discretionary fund. These funds are intended to be used for legal fees, research, and other Commission related activities.

Any funds needed in excess of the discretionary fund must be approved by the Finance Committee.

In accord with established Commission policies, some matters are referred to the full body with recommendations for action, others are referred for information only.

The Committee reviews proposed changes to the TCRPC's bylaws and guidelines or bylaws for all TCRPC advisory committees, as well as brochures designed by TCRPC staff.

Personnel

The Executive/Personnel Committee supervises preparation of the Commission-adopted Personnel Policies and Equal Employment Opportunity Document, and is responsible for carrying out the terms of the two documents. Included are such things as review of job evaluations/re-evaluations, general salary base adjustments, addition or deletion of employees in accord with grant funding available, fringe benefits and other related items.

Pursuant to the performance criteria established by the Executive/Personnel Committee, the Committee performs an annual evaluation of the Executive Director.

The Executive/Personnel Committee is made up of the officers of the Commission, i.e., the Chairperson who chairs the committee, Vice Chairperson, Treasurer and the Secretary.

All named officers of the Executive/Personnel Committee will also serve as the Board of Trustees and will be responsible for administering TCRPC's Pension Plan (see Page 9).

Staff Liaison: Executive Director

FINANCE COMMITTEE

The Finance Committee is charged with general supervision of the Commission's budget and finances. Transfers of dollar amounts \$2,000 and over, between line items and extraordinary expenditures, are subject to Commission approval. (Extraordinary expenditures are those expenditures for purchase of items and services costing \$1,000 or more, not previously approved in the adoption of the annual budget.)

The committee also determines if funding is available for various proposed projects and programs, and reports its findings to the Commission. All other financial decisions are made within the committee and are referred to the Commission for information only.

The Commission Treasurer is Chairperson of the committee and a minimum of six members with a maximum of 10 members are appointed by the Commission Chairperson.

Staff Liaison: Finance Coordinator

PROGRAM & GRANT REVIEW COMMITTEE

The functions and responsibilities of this Committee are as follows:

- 1) Review of grant proposals requested under specific federal and State programs as outlined in Executive Order 12372 and the State of Michigan's Federal project review system.
- 2) Focuses on internal work program plans and activities.

The following procedures are used in carrying out the above responsibilities:

- 1) Meetings are held once a month. Agendas are mailed the week preceding the Committee meeting and list proposed projects, applicants and total funding amount where applicable. Applicants and interested parties are invited and encouraged to attend.
- 2) Proposed projects requesting federal funds and subject to State Review requirements are reviewed for program content; duplication with other programs in the region; consistency with regionwide objectives, plans and policies; and the extent to which there might be revision to increase effectiveness and efficiency. In making its recommendations, the Committee considers comments received from local agencies and units of government contacted regarding the project, staff recommendations, and comments from advisory committees where applicable.
- 3) In case of a problem arising at staff or Committee level on a project review, in obtaining information which they believe is available from local units of government, the appropriate TCRPC Commissioner is to be contacted for assistance.
- 4) Reviews work programs as proposed by the TCRPC staff and/or advisory committees, and work with other parallel committees in plan review, coordination and implementation.

- 5) Recommendations from the Committee are either brought to the entire Commission for final determination or submitted directly to the State Clearinghouse. Commission/Committee comments are transmitted to the applicant, the State Clearinghouse and the federal agency when appropriate.

The person holding the office of Commission Secretary chairs the Committee and a maximum of ten members are appointed by the Commission Chairperson.

Staff Liaison: Executive Director

Adopted February 10, 1993

TRANSPORTATION REVIEW COMMITTEE

The Transportation Review Committee is the policy advisory committee to the Tri-County Regional Planning Commission on all matters concerning transportation planning. The Committee's main function is to provide an opportunity for input into the transportation planning process by all involved parties.

This Committee will consist of a minimum of 10 voting members from local governmental units, voting representatives of dues-paying Commission members of transportation implementing agencies as specified below and additional non-voting members.

The Committee receives and reviews recommendations from the Capital Area Region Transportation Study (CARTS) Technical Committee, Federal and State transportation agencies, and other local transportation related agencies and individuals. Some of the Committee's responsibilities include, but are not limited to, the following:

1. The transportation planning work program.
2. The Transportation Improvement Program.(TIP)
3. Transportation project reviews and TIP amendments.
4. Transportation problems, issues, and opportunities.
5. Urban boundary and system review and designation.
6. Special transportation projects/studies.

The voting members must include whenever possible Commissioners who represent or whose districts include the following urban area jurisdictions:

City of Lansing
Lansing Charter Township
City of East Lansing
Meridian Charter Township
Delta Charter Township
Windsor Charter Township
Village of Dimondale
Delhi Charter Township
City of DeWitt
DeWitt Charter Township
Watertown Charter Township

Representatives of transportation implementing agencies which also contribute dues in amounts as determined annually by the Commission, and become voting members of the Commission, shall also be eligible to vote on the Transportation Review Committee. Agencies in this category shall be limited to the Michigan Department of Transportation, the Clinton, Eaton and Ingham County Road Commission Boards, the Capitol Area Transportation Authority Board, and the Eaton County Transportation Authority Board. Voting representatives of these agencies shall be their TCRPC commissioner and shall be appointed by, and shall be members of, the independent governing policy-making Board of these organizations, except in the case of the Michigan Department of Transportation. In the case of the Michigan Department of Transportation, the voting member shall be designated by the Director of the Michigan Department of Transportation who also may designate a participating non-voting member as an alternate to represent the Department on those occasions when the voting member is unable to attend. Agencies in this category who do not contribute dues and become voting members of the Commission are still entitled to participate as non-voting members of the Committee.

Participating non-voting members may participate in all discussions as any other member, but are not eligible to vote on any item before the Committee. In addition to the agencies mentioned above who do not join the Commission and contribute dues, participating non-voting membership should include representatives from the following agencies or transportation interests;

- Capital Region Airport Authority
- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- Michigan Department of Natural Resources (MDNR) Air Quality
- Private Sector Transportation (Transit, cab, intercity bus) Providers
- Chairman-Capitol Area Regional Transportation Study Technical Committee (CARTS)

The Transportation Review Committee Chairperson is appointed by the Commission Chairperson.

Staff Liaison: Chief Transportation Planner

BOARD OF TRUSTEES-PENSION PLAN

The Board of Trustees is responsible for administering the Tri-County Regional Planning Commission's pension plan. The Trustees establish, in cooperation with an investment counselor, guidelines for prudent investment of employees' self directed pension accounts.

Under the Pension Reform Act, the Trustees must guarantee a fully vested plan for each participating employee and the Plan Administrator is to be bonded in accord.

Members of the Board of Trustees are the Executive Director and the Executive/Personnel Committee.

Plan Administrator: Executive Director
Staff Liaison: Finance Coordinator

CAPITAL AREA REGIONAL TRANSPORTATION STUDY TECHNICAL COMMITTEE

(CARTS Technical Committee)

This Committee provides a regionwide forum at the staff level for the coordination of transportation-related programs within the Tri-County region, and makes recommendations to the Commission for action. Its responsibilities are as follows:

- 1) Develop and update regional transportation plans and programs.
- 2) Review and comment on transportation projects which have significant social, economic or environmental impact.
- 3) Review and comment on the transportation impact of land use plans and programs.
- 4) Develop and update regional transportation capital improvement programs.
- 5) Recommend design standards for transportation facilities.
- 6) Provide technical assistance and advice to the Commission Transportation Review Committee.

The Committee membership consists of persons with expertise in the area of transportation from local governmental units and local and state agencies. Representation from federal transportation agencies is ex officio. There is no direct representation from the Commission.

Staff Liaison: Chief Transportation Planner

PROJECT SELECTION COMMITTEE

Project selection decisions generally involve scheduling or other matters related to projects already contained in an approved Transportation Improvement Program (TIP), such as advancing a project from an out year, or delaying a project from a current year. These decisions do not require an amendment of the TIP. While some Metropolitan Planning Organizations have developed procedures to make these decisions by staff administratively, it is the desire of the Tri-County Regional Planning Commission to develop a Project Selection Committee to which it has delegated this responsibility. Accordingly, TCRPC's Operating Policies are hereby amended to include a Project Selection Committee.

The Project Selection Committee shall be composed of the TCRPC Executive Committee, the Chair of the Transportation Review Committee, the Commissioner from the Michigan Department of Transportation and the following representatives (or their alternates) from the Capital Area Transportation Study (CARTS) Technical Advisory Committee.

- Chairperson
- Clinton County Road Commission delegate
- Eaton County Road Commission delegate
- Ingham County Road Commission delegate
- City of Lansing Engineering Division delegate
- City of East Lansing Engineering Department delegate
- Capital Area Transportation Authority delegate

The Chair of this Committee shall be the TCRPC Chair, or his/her successor as specified in the Commission bylaws.

The Committee may be convened by staff as needed to make project selection decisions (as defined by the Federal Highway Administration) involving matters pertaining to project selection already contained within an approved TIP.

A quorum for this Committee shall be defined as a majority of the Committee. Action by this Committee shall be by a majority of those present and voting, except in cases where decisions may be made by conference call (below), in which case a decision shall be made by an affirmative vote of a majority of the full committee.

The Committee may also be convened by staff by conference call in special circumstances, provided that such conference call is by a means where all members have opportunity to discuss the nature of the issues among themselves, and that proper notice is given and that the public has opportunity to participate in the meeting via speaker phone.

The Commission delegates final approval of all project selection decisions to this Committee. However, a record of actions taken by this Committee (in the form of minutes) shall be provided to the full membership of CARTS and the Commission at their next regularly scheduled meetings.

However, nothing in the provisions (above) for creation of this Committee, preclude the staff, the responsible agencies, or this committee from determining that the regular committee review and Commission approval process may be used as warranted.

All of Section I below is excerpted from TCRPC Bylaws (see Bylaws Article IV, Sections 1, 2, and 3)

PURPOSE AND FUNCTION
OF
TRI-COUNTY REGIONAL PLANNING COMMISSION

- I. The Commission is a voluntary organization of local governments and agencies organized to foster a cooperative effort in resolving problems, policies and plans that are common and regional with the greatest benefit to citizens of the Tri-County area while maximizing the efficient use of its resources.

The purpose of the Tri-County Regional Planning Commission shall be to prepare and/or coordinate the development of plans and aid in the implementation of agreed-upon plans and services within the Tri-County region.

The Commission shall have such additional purposes as may be provided by law and shall have the following functions.

- A. To provide a mutual forum to identify, study, discuss and define regional issues and opportunities by utilizing the democratic processes and encouraging citizen participation.
- B. To assure a continuing practical vehicle to promote communication and cooperation for the exchange of information among area governmental units and agencies.
- C. To foster, develop and review plans for growth, development and conservation of the environment in the region.
- D. To encourage and assist in the development of regionwide policies and proposals for coordinating human services, land use, transportation and other related physical planning programs among area local governmental units and to serve as their spokesman upon official written request.

- E. To furnish general and technical aid to member governments and groups or organizations relative to regional issues and opportunities as they request and direct.
 - F. To review and coordinate federal, state and local programs of regional importance as defined and approved by the Commission.
 - G. To provide necessary assistance to local governments, agencies and individuals in securing federal and state funding programs that would have regional significance as defined by the Commission.
 - H. To undertake such other activities consistent with the purposes as set forth above as are not inconsistent with the 1945 P.A. 281, as amended from time to time.
 - I. To consider other matters which may benefit and be of value in promoting and accomplishing the purposes of the Commission.
 - J. To encourage regionwide cooperation to enhance economic opportunity between the public and private sectors in development, expansion, attraction, and retention of business and industry.
- II. To implement and carry out the Purpose and Function of the Tri-County Regional Planning Commission, the Commission establishes the following policy guidelines for work and local assistance.

A. Funding

It is the policy to receive grants from state and federal agencies in order to assist and provide expert planning service to the member and local units of government in

- 1) Land development problems
- 2) Qualification of the total region for federal grants in actual construction of local public utilities and facilities

B. Planning

To assist the staff and advise the elected officials of the content and completeness of the work being undertaken by TCRPC, regionwide studies evolve at two basic levels.

- 1) Technical and Advisory Committees (Capital Area Regional Technical Study Committee and its task forces and subcommittees).
- 2) Cooperative arrangements with specific units of government to participate in regionwide programs and studies, either in terms of contributed service while completing parts of the study and/or contributing actual dollars to completion of the program. Cooperating would be officials from such agencies as county drain commissions, public service departments, planning boards, authorities, police departments, traffic departments of Lansing and East Lansing and other affected units of government would work with TCRPC staff.

C. Information and Technical Assistance

- 1) Services are rendered to TCRPC member units on a limited basis at no cost. Staff involvement would be that of providing previously developed reports, limited amounts of research, and direct participation at a committee level in an attempt to give direction and assistance in solving problems that occur on a crisis basis.
- 2) Limited service is also rendered at no cost to any unit of government in the region--including townships, villages, and cities. Normally this assistance is extended through a TCRPC staff member attending up to four daytime or evening meetings, providing previously prepared information concerning development problems, and general direction and assistance in addressing solutions for the problems.
- 3) If greater assistance is needed either to solve a specific problem or to provide a general land use plan and ordinance(s), contracts

are written for a specific dollar amount and stating the services to be performed. Similar contractual service is also available to the member units. Charges include direct costs of supplies and materials; salaries, fringe benefits and travel of the staff.

GENERAL OPERATION

The operation of the Commission is conducted pursuant to its adopted bylaws as amended January 1, 1993. The procedures as established assure an adequate and timely flow of communication to Commission members in order that they may make knowledgeable decisions in carrying out the purposes and functions of TCRPC. All meetings of the Commission and its committees are conducted in accord with procedures as set forth in Mason's Manual of Legislative Procedure.

A. Committee Functions

1) General

- a) The Commission has total responsibility to the community concerning regional planning matters developed by the Tri-County Regional Planning Commission. This pertains to:
 - (1) All policy matters of the Commission.
 - (2) Final determination of alternative recommendations.
 - (3) Commission stated policies, whether verbal or written, on legislative or policy matters of other state or federal agencies whose decisions will affect Tri-County residents.
- b) The staff, as it serves the Commission, has a direct responsibility to the TCRPC.
 - (1) A staff person is assigned to each committee and is responsible for preparing the agenda and other material for its review. All communications received are logged in with a date stamp and forwarded to the committee staff person. Those matters requiring committee review (grants, reports, requests by other agencies for Commission action, etc.) are referred to the appropriate project coordinator. Research and technical reviews are conducted and a staff recommendation made to the committee based on results of the research and technical reviews. Following in-depth discussion, a committee recommendation is made to the full Commission for final action. Concerns not requiring Commission approval may be referred for information only.

- (2) The committee structure of TCRPC is the level at which the staff has primary technical input to the Commission. The staff role is to provide professional technical assistance and help the committee understand, evaluate, and find solutions to complex planning problems and issues. In fulfilling its responsibilities to the Commission, the staff should:
 - (a) Prepare a series of alternatives and analyses of alternatives as can best be determined from the material being worked on.
 - (b) Make recommendations to the committee which are based on study results and/or professional and technical judgment.
 - (c) Serve as a resource to Commission committees in providing the necessary information needed by them in making their deliberations and recommendations to the Commission.
 - (d) Assist the committee chairperson in presenting committee reports and recommendations to the Commission if specifically requested to do so.
- c) The staff is not required to attend regular Commission meetings for technical presentations or in support of committee reports, unless requested to do so by the committee chairperson, the TCRPC chairperson, a Commissioner, or the Executive Director.
- d) Release of study results and Commission decisions.
 - (1) All media releases which deal with policy matters or Commission positions will be handled by the TCRPC chairperson or the Executive Director as necessary.
 - (2) All phone calls coming into the TCRPC offices from the news media will be forwarded to the Executive Director or the appropriate staff person. Requests for specific technical

information, meeting dates, status of technical studies, or other non-policy subjects may be referred to the appropriate staff person.

- (3) Policy questions concerning issues before the Commission, or plans soon to be brought to it for review and action, will be forwarded to the Executive Director, the TCRPC chairperson, a committee chairperson, or an appropriate Commissioner.
- (4) When TCRPC staff is contacted by the news media at public meetings or at presentations by staff, all questions concerning the meeting, presentation, or technical matters should be answered if possible. Questions concerning policy matters or requests for staff opinions on policy issues should be referred to the Executive Director.
- (5) Final determinations of a study and subsequent release of information pertaining to that study are approved by the Executive Director.
- (6) Final decisions on recommendations of alternatives concerning the regional approach for plans and programs is the responsibility of the Commission.
- (7) Recommendations and/or staff opinions resulting from contract services with a local unit of government (such as zoning analysis, local plans, etc.) must contain a clarifying statement that the recommendation and/or staff opinion does not represent an endorsement by the Commission.

2) Specific

a) Finance Committee

This committee has additional responsibilities in that it is charged with the supervision of the Commission's budget and finances. Extraordinary expenditures and transfers of amounts of \$2,000 and over between line items are subject to Commission approval. All other decisions are made within the committee and are referred to the Commission for information only.

b) Executive/Personnel Committee

This committee has additional responsibilities in several areas, such as supervision of the Commission-adopted Personnel Policies and Equal Employment Opportunity Document (including review of job evaluations or re-evaluations, general salary adjustments, addition or deletion of employees in accord with grant funding available, fringe benefits, etc.). The Committee also reviews contracts, consultant selections, various committee and Commission policy positions, etc. In accord with established Commission policies, some matters are referred to the full body with recommendation for action, others are referred for information only. The preparation, review and recommendation to Commission on matters pertaining to revisions or amendments to TCRPC bylaws is also the responsibility of this Committee.

3) Meetings

All meetings of the Commission and its Committees shall be open to the public in accord with the “Open Meetings Act”, Act 267 of 1976, except closed session meetings as provided for in the Act.

Public notice of meetings shall be given in accord with the Act.

Persons wishing to address the Commission may do so under the “Public Comments” portion of the agenda.

Specific requests of and or presentations to the Commission or its Committees must be arranged one week prior to the meeting to allow its proper placement on the agenda.

a) Commission

Regular meetings have been established as the fourth Wednesday of each month at 7:30 p.m. Special meetings are set by the Commission as needed in accord with the Bylaws.

b) Committees

Meeting dates are established to insure a flow of information to the regular monthly Commission meeting. All items which are to be considered for action, with staff progress reports and related work

elements, pass through Commission committees for review and recommendation to the full body, which makes final decisions.

B. Committee Procedures

Each committee is responsible for preparation of its own operating procedures.

- 1) Commission Committee procedures are referred to the Commission for discussion and recommendation and/or acceptance. If experience during a committee's deliberations in the course of the year indicates need for a new or revised procedure in order to meet the demands and expectations of the Tri-County community, it shall be prepared in writing and referred to the full body for discussion and recommendation and/or acceptance.
- 2) The Commission's designated advisory committees which adopt specific operating procedures submit such documents to the Commission's Executive/Personnel Committee for review and recommendation to the full body for ratification.

C. Meeting Notices and Agendas

- 1) Commission Committees and Designated Advisory Committees
Meeting notices and agendas are mailed to members at least five days prior to scheduled meetings, listing all matters to be considered and with special notation on items requiring action.
- 2) Commission
The meeting notice and proposed agenda is mailed the Thursday preceding the meeting. The agenda lists all items from each committee requiring Commission action, with special note of the action recommended. Opportunity is provided at the beginning of the meeting to add or delete items on the proposed agenda, and upon adoption by the Commission it becomes the official agenda.

D. Minutes

- 1) Commission Committees
These are designated "Report" and copies are mailed with the agenda for Commission meetings.

2) Technical and Advisory Committees

These committee reports are provided for the Program & Grant Review and Transportation Review Committees when appropriate, and copies are available for Commissioners if it becomes necessary to review them at a Commission meeting. Copies are not mailed to Committee members except upon request.

3) Commission

The Commission minutes are mailed to Commissioners with the meeting notice and agenda for the next meeting, along with Committee reports and necessary backup information material (Executive Summaries of reports for action, etc.) Any major plans requiring action by the commission are typically submitted to the members 28 days prior to the meeting at which the action is desired.

Each agenda item should list the color of the accompanying Committee reports and other backup materials (see item 4 below).

Desk copies of all reports slated for action should be available at the Commission meeting for each Commissioner's use.

Backup information packets will be mailed upon request to Commissioners who are unable to attend the monthly Commission meeting.

4) Color Coding of Committee Reports

The following colors have been assigned for printing of various committee reports:

Finance Committee	-	<u>Light Green</u>
Executive Personnel Committee	-	<u>Pink</u>
Program & Grant Review Committee	-	<u>Blue</u>
Transportation Review Committee	-	<u>Ivory</u>
CARTS Technical Committee	-	<u>White</u>

E. Priority of Information

Materials mailed from the TCRPC offices to Commission members is color coded as follows:

- 1) Yellow Paper - Items for Priority action which should be read carefully for a decision to be made in the immediate future.
- 2) Light Green Paper - Information pertinent to making a Future decision or other important items not requiring action.
- 3) White Paper - All other material, except as noted in Item 4 above.

F. Other Functions

- 1) The Commission serves as the designated areawide agency responsible for oversight of the water quality management process.
- 2) As established by the Commission on June 23, 2010, the Commission shall provide orientation regarding the purposes, activities and functions of the TCRPC for new Commissioners. TCRPC staff, with the Commission, will develop an orientation program that will be provided to all new Commissioners in order to orient them to the policies, procedures and committee structures of the TCRPC.

G. TCRPC Consultation Policy

Regulatory Basis

Metropolitan planning regulations in 23 CFR 450, 316 (b-e) establish requirements for consultation with agencies and officials affected by transportation policies in developing the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP). Consultation is also addressed in relation to the MTP in 23 CFR 450, 322 (g.) (1-2) and in 23 CFR 450, 322 (f.) (7) in relation to environmental mitigation.

The regulations require that in developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies in their Metropolitan Planning Area (MPA) as described below:

- Should to the maximum extent practicable, consult with agencies and officials responsible for other planning activities (including State and local planned growth, economic development, environmental protection,

airport operations, or freight movements) that are affected by transportation or coordinate its planning process with such planning activities;

- Consider other transportation services that are provided to recipients under 49 U.S.C. 53, 23 U.S.C. 204 and non-profit organizations that provide non-emergency transportation services with assistance from Federal agencies other than US DOT;
- When the MPA includes Federal Tribal Lands, shall appropriately involve the Indian Tribal Government(s) in development of the MTP and TIP;
- When the MPA includes Federal Public Lands, shall appropriately involve Federal land management agencies in development of the MTP and TIP.

The consultation provisions require a MPO's planning partners to actively engage and consult with specific agencies to compare plans and data in developing the MTP and TIP. Effective consultation requires early engagement, direct outreach, information sharing, plan comparison and evaluations to meet the Federal regulations.

While TCRPC's process is and has been in substantial compliance with these requirements, the joint federal certification review by the Federal Highway Administration and the Federal Transit Administration conducted in June 2009 included a corrective action that this process be better documented and that:

“The MPO must develop a formal, documented and agreed to consultation process, that clearly outlines roles and responsibilities, methods for outreach and levels of involvement, including periods for comment, response or consideration of comments for various components of the planning process, such as adoption of the MTP and TIP” by December 31, 2010.

Accordingly, this policy will hereby be amended into the Commission's operating policies as adopted by the Commission on February 24, 2011, and which are typically re-adopted and re-affirmed annually by the Commission each February.

Roles and Responsibilities

The following actions are considered staff's, local agencies' and various committees' minimum roles and responsibilities under this policy. Key decision points are noted with an asterisk in brackets [*]. Nothing in this

policy precludes staff from taking actions which are above and beyond the minimum actions outlined below. In adopting this policy, the Commission notes that there are no Indian tribal lands or governments or any land controlled by federal public land management agencies in the metropolitan area, which mitigates consultation requirements for those agencies.

Staff Shall:

- 1) Develop and maintain an active and current mailing list which specifically addresses all known agencies and organizations covered by the consultation requirements specified under 23 CFR 450 as it is or becomes amended.
- 2) To the maximum extent practicable consult with agencies and individuals in preparing the MTP and the TIP as outlined below. [*]

Metropolitan Transportation Plan (MTP)

- 3) Obtain and consider all available future land use and economic development plans, maps and zoning maps for each jurisdiction in the region in development of social-economic forecasts and travel models for the region using a geographic information system or other tools as may be appropriate. A log shall be maintained documenting the dates of these most current plans, maps and ordinances as adopted by the other agencies and the date of the most recent contact made to obtain any more current updates.
- 4) Provide copies of all draft base year and future population and employment forecast data to each agency and individual on the mailing list (specified above) with a minimum of 28 days notice of the opportunity to comment on those base year allocations and growth forecasts.
- 5) Document consideration of any comments received in preparing final forecasts and final base year allocations prior to presenting these final figures to CARTS and the Commission for action. [*]
- 6) During the call for projects in preparation of the MTP, send each agency or individual on the consultation mail list a minimum 28 day advance notice and opportunity to submit proposed projects and/or plans for consideration in developing the Draft Metropolitan

Transportation Plan and notifying them they will have additional opportunities for further consultation (formally or informally) throughout the plan update process.

- 7) Document and consider any materials submitted in response to the request under item 6 in the plan development process, including completing a documented active comparison to all plans submitted or collected.
- 8) At the point in development of the MTP when a draft project list has been developed for alternatives testing, and well in advance of (or prior) to the formal 28 day Commission public comment period on the Draft MTP, mail each agency and individual on that mailing list a copy of the proposed project list no less than 14 days in advance of a plan consultation meeting.
- 9) No less than 14 days after mailing said project lists, staff shall hold one consultation meeting with interested parties to review the proposed projects, the plan development process and the comparison to collected plans. Minutes and attendance records for this meeting shall be published in the Draft MTP along with identification of any concerns and any responses to any concerns raised.
- 10) When the Draft MTP is completed, a copy shall be posted on the Commission's website and Notice of Availability shall be transmitted to each agency and individual on the mail list. This notice should generally correspond with the Commission's 28 day public availability period prior to Commission action, while recognizing reasonable time for mail or electronic distribution may reduce this period slightly. [*]
- 11) Any comments or responses received prior to Commission action shall be made available or summarized for the Commission's consideration prior to their action on the Draft Plan. [*]
- 12) Copies of all comments and communications received shall be published in the Final Adopted Plan along with a staff summary of the disposition and responses to these comments, including any Commission response if one is provided by the Commission. [*]

- 13) Staff is further charged to document any additional consultation efforts conducted as part of the plan development process and present documentation of those efforts in the draft and final MTP, or in materials to accompany the draft, which are submitted to the Commission at the time of plan adoption. [*]

Local Governments and Transportation Agencies Shall:

- 14) Since the obligation for consultation through the MPO process extends to its members and other participants in the process, including any recipients of federal transportation funds throughout the region, local governments and transportation agencies will also be responsible for conducting and documenting their own consultation processes relative to their proposed uses of federal funds and for specifically consulting with land use and economic development, resource agencies and other organizations as specified under 23 CFR 450. Since it is not the responsibility of the MPO to dictate how such consultation should occur, but rather it is the responsibility of the MPO assure that it occurs, any local government or transportation agency who submits a project proposal for consideration in the plan development process [*] shall accompany their submittal of that project proposal with a certification signed by their authorized or designated representative that they have conducted (or are conducting) their own local consultation process with land use planning, economic development, resource agencies and other agencies or officials as appropriate and in relation to each project submitted. Such certification shall be contained on a form acceptable to the Commission, which may identify officials names, dates and organizations contacted and may also include a schedule showing estimated timeframes for further consultation during the plan and project development process.

The Capital Area Regional Transportation Study Technical Advisory Committee (CARTS) Shall:

- 15) CARTS and their subcommittees and Task Forces shall develop an appropriate certification form (as discussed in item 14) and are responsible for broad education of their own boards, policy officials and committees about MPO consultation requirements as they apply to their individual jurisdictions.

- 16) CARTS and their respective task forces are further charged to review each project or program in the plan and to assure that said certification is in place and is in substantial compliance with this local consultation requirement, or that a suitable schedule is identified for further consultation during the project development process. [*]

The Commission will:

- 17) The Commission will certify its compliance with this consultation requirement at the time of MTP adoption [*] and will conduct periodic review and evaluation of the effectiveness of its consultation policy, typically after each plan or TIP adoption. [*]

Transportation Improvement Program (TIP)

Staff Shall:

- 18) During the call for projects in preparation of the TIP, send each agency or individual on the consultation mail list a minimum of 28 day advance notice and opportunity to submit proposed projects and/or plans for consideration in developing the Draft Transportation Improvement Program [*] and a schedule which shows when they will have additional opportunities for further consultation (formally or informally) throughout the TIP update process. All plans, maps or ordinances received shall be documented using the log as discussed in item 3 above.
- 19) Document and consider any materials submitted in response to the request under item 18 in the TIP development process, including completing a documented active comparison to all plans submitted or collected.
- 20) At the point in development of the TIP when a draft project list has been developed for the Draft TIP, and well in advance of (or prior) to the formal 28 day Commission public comment period on the Draft TIP, mail each agency and individual on that mailing list a copy of the proposed project list no less than 14 days in advance of a TIP consultation meeting.
- 21) No less than 14 days after mailing said project lists, staff shall hold one consultation meeting with interested parties to review the

- proposed projects, the TIP development process and the comparison of collected plans. Minutes and attendance records for this meeting shall be published in the Draft TIP along with identification of any concerns and any responses to any concerns raised. [*]
- 22) When the Draft TIP is completed, a copy shall be posted on the Commission's website and Notice of Availability shall be transmitted to each agency and individual on the mail list. This notice should generally correspond with the Commission's 28 day public availability period prior to Commission action, while recognizing reasonable time for mail or electronic distribution may reduce this period slightly. [*]
 - 23) Any comments or responses received prior to Commission action shall be made available or summarized for the Commission's consideration prior to their action on the Draft TIP. [*]
 - 24) Copies of all comments and communications received shall be published in the Final Adopted TIP along with a staff summary of the disposition and responses to these comments, including any Commission response if one is provided by the Commission. [*]
 - 25) Staff is further charged to document any additional consultation efforts conducted as part of the TIP development process and present documentation of those efforts in the draft and final TIP, or in materials to accompany the draft, which are submitted to the Commission at the time of TIP adoption. [*]

Local Governments and Transportation Agencies Shall:

- 26) Since the obligation for consultation through the MPO process extends to its members and other participants in the process, including any recipients of federal transportation funds throughout the region, local governments and transportation agencies will also be responsible for conducting and documenting their own consultation processes relative to their proposed uses of federal funds and for specifically consulting with land use and economic development, resource agencies and other organizations as specified under 23 CFR 450. Since it is not the responsibility of the MPO to dictate how such consultation should occur, but rather it is the responsibility of the MPO to assure that it occurs, any local government or transportation agency who submits a project

proposal for consideration in the TIP development process [*]shall accompany their submittal of that project proposal with a certification signed by their authorized or designated representative that they have conducted (or are conducting) their own local consultation process with land use planning, economic development, resource agencies and other agencies or officials as appropriate and in relation to each project submitted. [*] Such certification shall be contained on a form acceptable to the Commission, which may identify officials names, dates and organizations contacted and may also include a schedule showing estimated timeframes for further consultation during the project development process.

The Capital Area Regional Transportation Study Technical Advisory Committee (CARTS) Shall:

- 27) CARTS and their subcommittees and task forces shall develop an appropriate certification form (as discussed in item 26) and are responsible for broad education of their own boards, policy officials and committees about MPO consultation requirements as they apply to their individual jurisdictions.
- 28) CARTS and their respective task forces are further charged to review each project or program in the TIP and to assure that said certification is in place and is in substantial compliance with this local consultation requirement [*], and/or that a suitable schedule is identified for further consultation during the project development process. [*]

The Commission will:

- 29) The Commission will certify its compliance with this consultation requirement at the time of TIP adoption [*] and will conduct periodic review and evaluation of the effectiveness of its consultation policy, typically after TIP adoption. [*]

Other Roles, Responsibilities, Schedules:

- 30) Consultation opportunities are both subject to, and afforded additional means of involvement in accord with the Metropolitan Transportation Planning Public Participation Plan as revised and adopted by the Commission in February, 2007 and any subsequent

revisions or amendments. The consultation mail list will also receive mailings or announcements of any additional opportunities for input under the Participation Plan.

- 31) To the extent feasible, maps and GIS files of various resources, plans, ordinances and other attributes will be compiled by staff in relation to MTP projects to further facilitate consultation by the stakeholder agencies and may be either (or both) published in the MTP, the MTP Supplement or on the Commission's website.
- 32) MTP and TIP projects shall be mapped in relation to GIS composites of the plans and zoning ordinances referred to in item 3 as to both facilitate and further document this active comparison of plans. Since these maps may not be conducive to publication because of their complexity and detail, copies will be made available via electronic means on the Commission's website.
- 33) During preparation of both the MTP and TIP, staff may conduct specific targeted outreach with representatives of resource agencies and other stakeholders to better inform them about and involve them in preparation of these documents. Such outreach may involve telephone calls, discussion at meetings (both formal and informal) or electronic communications intended to facilitate further consultation. These types of outreach efforts should be documented in a log which is published in the draft and final MTP and TIP along with a summary of any comments, conclusions of actions and responses resulting from this outreach.
- 34) Staff may pursue developing an interactive web-based or other electronic mechanisms to further facilitate the active consultation process as time and resources permit. Such a system might provide electronic opportunities to review and comment, "red line" or mark up materials in a web-based tool which could further facilitate and document this active consultation process using electronic, visual and interactive mapping or online commenting capability.
- 35) To the extent feasible, staff should coordinate internally concerning projects which may be in the MTP and TIP or the regional Comprehensive Economic Development Strategy (CEDS). A table should be developed to show the relationship between transportation projects in these various documents and their

relationships in order to better document this internal consultation process.

- 36) Local agencies pursuing transportation economic development projects should consult with both TCRPC transportation staff and economic development staff before any such projects are included in (or amended into) the CEDS document, and such consultation should be documented using a means appropriate to the nature of the project and consultation which occurred.
- 37) The Commission will review and evaluate effectiveness of this consultation policy as part of their annual action to adopt the TCRPC's Operating Policies (particularly in years following MTP or TIP adoption) and refer any results or recommendations back to staff, CARTS and the Executive Committee for consideration and response.



50 Years of Service
1956 - 2006

Tri-County Regional Planning Commission

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OFFICERS

CHAIRPERSON
Dianne Holman

VICE-CHAIRPERSON
Larry Martin

TREASURER
Howard Pizzo

SECRETARY
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COMMISSIONERS
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James Dravenstatt-Moceri
Glenn Freeman, III
Eric Hewitt
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Shirley M. Rodgers
Marsha Small
Carol Strachan
Darrell Tennis
John Veenstra
Jessica Yorke

EX-OFFICIO

LANSING MAYOR
Virgil Bernero

COUNTY BOARD CHAIRPERSONS
Joseph Brehler
Debbie DeLeon
Larry Martin

EXECUTIVE DIRECTOR
Jon W. Coleman

REGULAR MEETING TRI-COUNTY REGIONAL PLANNING COMMISSION

DATE: December 16, 2010
TIME: 7:30 p.m.
PLACE: Ingham County Human Services Bldg
Conference Room A
5303 S. Cedar Street
Lansing, MI 48910

ATTENDANCE AT TIME OF ACTION

Present: Russel Bauerle, Larry Martin, David Pohl, Howard Pizzo, Darrell Tennis, Dianne Holman, Brian McGrain, John Veenstra, James Dravenstatt-Moceri, Kevin Beard, Carol Wood, Eric Hewitt, Ralph Monsma, Marsha Small, Jessica Yorke

Absent: Art Luna, Glenn Freeman, III, Carol Strachan, Shirley Rodgers

TCRPC Consultation Policy

It was **MOVED** by C/Monsma, **SUPPORTED** by C/Pohl, to adopt the TCRPC Consultation Policy and insert it into the Commission Operating Policies.

MOTION CARRIED UNANIMOUSLY

The above is a true and certified record of action taken at the December 16, 2010 regular meeting of the Tri-County Regional Planning Commission.

Jon W. Coleman
Executive Director

JWC/mh

FINANCE AND ADMINISTRATION

A. Funding

Funding for the Commission is comprised of allocated monies from the four major member units of government and the Michigan Department of Transportation, based on the formula outlined in the TCRPC Bylaws, with additional grants from state, federal, and private sources.

B. Charges for Special Projects to Member Units

Member units of Tri-County Regional Planning Commission shall be charged a per hour rate for special projects. Due to their allocation, said per hour rate shall exclude the overhead (indirect) cost.

C. Budget

1) A proposed budget for the subsequent fiscal year is submitted to the Commission for adoption at the March meeting. It is then submitted to the four major member units of government and the Michigan Department of Transportation with a request for allocation of funds for the next fiscal year (October 1 through September 30). This budget then becomes the basis for preparation of the annual operating budget as outlined in the paragraph immediately following.

2) Annual Operating Budget

The budget contains project, management and Commission activity budgets. The project budgets are based on person-hour needs and fringe benefits for planners and support staff to accomplish the approved work programs. The management budget covers overhead expenditures which are not applicable to a specific project or program, such as rent, telephone, insurance, etc. The Commission activity budget covers support to Commissioner functions.

The operating budget for the subsequent fiscal year is submitted to the Commission in September for adoption. It is based on known funding from state and federal agencies and from the member unit allocations, and on amounts anticipated from regular funding agencies. Since there

are various fiscal years for the state and federal agencies involved, budget adjustments are required during the year when firm funding amounts become known. As they occur, these adjustments are reported to the Commission, through the normal procedures, for approval.

D. Purchase of Materials, Supplies, and Local Services (other than consultant contractual services)

- 1) Specific line item dollar amounts are included in the departmental and administrative budgets, and purchases should remain within those amounts.
- 2) Items costing up to \$100 are approved for purchase by the project coordinator with final approval by the Financial Coordinator.
- 3) Any single item costing \$100 up to \$1000 must also have the approval of the Executive Director. It must be contained in the project's line item budget.
- 4) Items costing \$1000 or more, not previously approved in the adoption of the Annual Budget, are approved by the Finance Committee upon recommendation from the Executive Director.
- 5) Services required in a specific area of specialization, i.e. legal, meeting facilitators, training, marketing, etc. are approved by the Finance Committee upon recommendation of the Executive Director, when it is estimated that the cost for such services would amount to \$1000.00 or more.
- 6) Each item or service desired is requisitioned by the project coordinator after obtaining a price and other needed information. The purchase may or may not be in accord with the requisition, depending upon whether a like item of similar quality can be purchased at lower cost elsewhere.
- 7) When a request for payment is submitted for approval, it must be accompanied by the purchase requisition, the purchase order, and the invoice.

- 8) In order to carry out the responsibilities of the Executive/Personnel Committee, \$5,000.00 shall be set aside, annually, as a discretionary fund. These funds are intended to be used for legal fees, research, etc.

Any funds needed in excess of the discretionary fund must be approved by the Finance Committee.

E. Consultant Selection

- 1) Contracts involving \$5,000 or less
 - a) Do not require solicitation of three or more Requests for Proposals (RFPs).
 - b) Final selection is made by the Executive Director
 - c) Consecutive contracts totaling more than \$5,000 to the same consultant over a six month period are not allowed under this Section.
- 2) Contracts involving more than \$5,000.
 - a) Contact funding agency in writing to determine if any special bid requirements apply. If no other requirements apply, follow the steps below.
 - b) Furnish copies of RFPs for bid purposes to three or more consulting firms with expertise in the specific technical area(s) needed. If less than three firms are known, publish notice of the RFP in an applicable publication.
 - c) Three firms are initially selected by staff based upon the written proposals to be invited to make presentations and be interviewed by TCRPC staff.
 - d) Staff rates each of the three interviewed firms according to the following criteria.
 - (1) Qualifications - The consultant's ability to meet the terms of the RFP. Professional personnel to be assigned to the project

will be measured by experience and education, with particular reference to experience in projects as described in the RFP. A numerical rating system will be used to score how the applicants meet the criteria as outline in the RFP. Prior relevant and favorable work for TCRPC may earn the consultant extra points.

- (2) Price - Consultants are required to present their costs for the project as a whole and for its component parts. However, if the contract is “qualifications based” as required under Federal or State guidelines then the consultants proposed cost will be submitted in a sealed envelope which will not be opened until a consultant is selected. Only the envelope for the selected consultant will be opened and the proposed cost reviewed and negotiated to match the funds available. If an acceptable cost can not be negotiated, then the TCRPC may select the second place firm and negotiate with them or reopen the RFP process if deemed appropriate.
 - (3) Time Schedule - Time scheduled for completion of the scope of work as outlined in the RFP.
 - (4) Local Involvement - Consultant's past experience and demonstrated willingness to work with the involved local units of government and TCRPC.
 - (5) Time to be Spent in Region - Consultants must indicate the number of person-days to be spent in the Tri-County region to successfully complete the project.
- e) Final selection is made as follows:
- (1) Transportation Area - The appropriate subcommittee or task force of the CARTS Technical Committee presents the 3 final choices and the recommended consultant selected to the Executive Director, who presents it to the Executive/Personnel Committee for consideration. The Committee makes recommendation to the Commission for final selection.

- (2) Other Areas - The final proposals and a staff recommendation are presented to the Executive Director, who presents it to the Executive/Personnel Committee, which makes a recommendation to the Commission for final selection.
- (3) Authorization of A Special Consultant Committee - The TCRPC may authorize the formation of a special consultant selection committee and give the committee the authority to do one or more of the following activities.
 - (a) Draft the RFP,
 - (b) establish selection criteria,
 - (c) publish the RFP,
 - (d) interview consultants,
 - (e) or recommend a consultant to the TCRPC.

This special consultant committee may also be authorized to have an oversight function during the contract performance which could include reviewing and approving the consultants work and products and authorizing the TCRPC to pay the consultant for work performed. However, the TCRPC will retain final contracting authority and fiscal control, including review and oversight of the consultant selection process to assure compliance with any federal or state requirements. Whenever possible, the TCRPC shall seek an indemnification agreement from the special consultant committee.

f) Sole, or Best Source or Emergency Procurement

- (1) Sole, best source or emergency procurement may be used when the award is not feasible under normal competitive bidding procedures.
- (2) Sole or best source procurement is limited to the following:
 - (a) where the service or expertise is available from only a single source;
 - (b) if, after soliciting a number of sources, competition is deemed inadequate:

(c) because of emergency or existent circumstances, sufficient time is not available to utilize the RFP process; or

(d) is authorized by the grantor agency, if applicable.

(3) Amendment to Consultant Contract

- a) If it is determined necessary to change the terms of a contract, an amendment shall be drawn up by the Financial Coordinator in accord with terms deemed advisable by the Project Coordinator.
- b) Any amendment to a consultant contract must be formalized through the Executive/Personnel Committee. The Committee makes a recommendation to the Commission for final action.

(4) Payment of Consultant Invoice

- a) The invoice will go directly to the Accounting Office for recording of obligations anticipated.
- b) The Project Coordinator will then review and make recommendations to the Financial Coordinator approving or disapproving payment on the basis of performance on the contract terms.

When a special oversight committee has been authorized, the committee or its designated representative will sign a form provided by the TCRPC to certify that the consultant has performed the work covered by the invoice. The TCRPC Executive Director will also sign and authorize payment.

- c) In the event of a question as to adequate contract performance, the Executive Director will make final decision on the amount to be paid.
- d) TCRPC reserves the right to audit contractors' and subcontractors' billings beyond the verification of the submitted invoices.

F. Protest Procedures for Consultant Selection

1) Filing a Protest

- a) A protest shall be filed in writing at any time along the procurement cycle as follows:
 - (1) A protest relating to the pre-bid or solicitation phase must be filed prior to the bid opening or proposal due date.
 - (2) A protest regarding the initial selection or interview process must be filed before award of a contract.
 - (3) A protest regarding the final selection process must be filled within 10 (ten) days following the final selection of a consultant.
- b) A protest can only be filed by a consultant who has officially filed a proposal in response to the RFP.
- c) All protests shall be in writing and submitted to the contracting officer identified in the RFP. Protest shall contain the following information:
 - (1) The name, address and telephone and facsimile numbers of the protester;
 - (2) The signature of the protester or its representative;
 - (3) Identification of the specific grounds for the protest with detailed supporting facts and documentation;
 - (4) The form of relief requested.

2) Review of the Protest

- a) The TCRPC Executive Director will conduct an initial review of the protest to determine if it meets the filing requirements. The Director will then conduct a review to determine if the protest has merits.

- b) The TCRPC Executive Committee, at a regular or special meeting, will review the written protest and the findings of the Executive Director. In reaching a decision on the merits of the protest the Executive Committee may consider any documentation submitted by the protester or the Executive Director or request additional information be submitted as appropriate.
 - c) The Executive Committee may also elect to provide an opportunity for the protester to make an oral presentation pertaining to the protest if they feel it is needed.
 - d) The Executive Committee will make a recommendation to the TCRPC concerning the disposition of the protest.
- 3) Final Decision on Protest
- a) The TCRPC, at a regular or special meeting, will review the written protest and the findings and recommendations of the Executive Committee and make a final decision on the merits of the protest. The Commission will direct the Executive Director to prepare a written response for signature of the Chair to communicate their decision as appropriate.
 - b) The TCRPC reserves the right to reject all bids, or to suspend any bid awards as necessary during or as a result of the protest process.

G. Travel by Commission Members

- 1) Out of Region Travel
 - a) All Commission members may be reimbursed for actual expenses incurred as representatives of the Commission outside the region.
 - b) All trips are to be approved by the Commission EXCEPT that in the event of an emergency the Executive/Personnel Committee may give approval and report its action at the next Commission meeting.
 - c) The TCRPC office will make all travel and accommodation arrangements.
 - d) Travel advances may be given upon completion of the proper forms.

- e) TCRPC travel forms are to be used for all travel.
 - f) Upon filing of proper reporting forms, payment of minimum incidental and necessary travel expenses may be authorized without detailed documentation.
 - g) Two members of the Executive/Personnel Committee are authorized to attend sessions sponsored by the National Association of Regional Councils (NARC) and the Michigan Association of Regions (MAR) dependent upon availability of funds.
 - h) Required attendance at a meeting where meals are served are reimbursed in accord with travel regulations.
- 2) In Region Travel
- a) Public at-large members may be reimbursed for actual mileage incurred when attending meetings and subcommittee meetings of the Commission.
 - b) Upon filing of proper travel forms, reimbursement shall be made on a monthly basis at the current rate per mile approved by the Commission.

H. Record Retention

Only the minimum amount of records required (work program papers, financial records and general correspondence) will be retained, as follows:

- 1) HUD records on a three-year plus current operating year basis.
- 2) All other records on a four-year plus current operating year basis.
- 3) Minutes of the Commission meetings, with the Executive/Personnel and Finance Committee reports, are hard-bound at the end of each year and become permanent records.
- 4) Minutes of CARTS Committee and the Transportation Review Committee are hard bound at the end of each year and become permanent records.

- 5) Publications and documents generated by Tri-County Regional Planning Commission are reviewed and evaluated according to relevant value every five years. At that time, three copies of each document are retained for permanent reference.

WORK PROGRAM APPLICATION PROCESSING

The Commission authorizes the Executive Director to execute and file applications to the various funding agencies in accord with the adoption of work projects by the Commission. The Executive Director is further authorized to negotiate and execute the grant contract in accord with the adopted work program.

The Commission authorizes the Executive Director to execute all contracts, leases, purchase agreements and/or amendments thereto in accord with established procedures.

STATEMENT OF NONDISCRIMINATION POLICY

BE IT RESOLVED: The Tri-County Regional Planning Commission reaffirms its nondiscrimination policy; and that this policy shall mean in its application that:

It is the policy that the Tri-County Regional Planning Commission will not discriminate against any employee or applicant for employment because of race, color, national origin, religion, sex, handicap or age, and will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, national origin, religion, sex, handicap or age. This requirement shall apply to, but not be limited to the following: employment, upgrade or demotion; recruitment; temporary and permanent layoff or termination; rates of pay or other forms of compensation; selection for any training or apprenticeship and participation in recreational and educational activities.

The Tri-County Regional Planning Commission shall comply with all applicable statutes on equal employment opportunity and shall be governed by the provisions of such statutes including enforcement provisions. The Tri-County Regional Planning Commission shall comply with the regulations pursuant to the provisions of Title VI of the Civil Rights Act of 1964. An employee or volunteer of the Tri-County Regional Planning Commission whose job or participation requires direct involvement in its projects must be willing to follow those operational procedures established as policy by the Governing Body and administrative direction.

Further, the Tri-County Regional Planning Commission shall provide as part of its formulation of housing policy plans and any other plans that it will address the elimination of the effects of discrimination in housing and planning based on race, color, national origin, religion, sex, handicap or age as well as the real relationship between housing problems and the location of racial minorities. They shall also provide safeguards for the future pursuant to Title VIII of the Civil Rights Act of 1968.

Further, it is the policy that the Tri-County Regional Planning Commission will not, on the basis of handicap, directly or through contractual licensing or other arrangements:

- a) Deny a qualified handicapped person the opportunity to participate or benefit from any aid, benefit or service that is not equal to that afforded persons who are not handicapped.
- b) Deny a qualified handicapped person the opportunity to participate in conferences or planning or otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving an aid, benefit or service.
- c) Does not require that handicapped and non-handicapped persons produce the identical result or level of achievement, but does afford equal opportunity to obtain the same result, benefit and/or level of achievement.
- d) Deny a qualified handicapped person the opportunity to participate in programs that are not separate or different.

MINORITY BUSINESS ENTERPRISE

The Tri-County Regional Planning Commission shall take affirmative action to assure that small business enterprises owned and operated by minorities and women have an equal opportunity to provide contractual services. Banks owned by minorities or women shall be used for deposit of funds when such banks are located in the area.*

*Excerpt from Equal Employment Opportunity Document

**FREEDOM OF INFORMATION ACT RESOLUTION
TRI-COUNTY REGIONAL PLANNING COMMISSION**

A resolution made and adopted at a regular meeting of the Tri-County Regional Planning Commission ("TCRPC"), County of Ingham, State of Michigan, held at 5303 S. Cedar Street, Lansing, MI 48910, on March 27, 2002, at 7:30 P.M.

Members present: Robert Ancel, Russel Bauerle, Larry Martin, J. William Hawes, Fred Marquardt, Mark Smuts, Alvin Kempf, John Czarnecki, Calvin Lynch, June Pallottini, Bill Sharp, Susan McGillicuddy, Harold Leeman, Ralph Monsma, Shirley Rodgers, Renee Farnum

Members absent: Philip Chisholm, Larry Meyer, Carol Wood

The following resolution was offered by C/Leeman and supported by C/Rodgers.

WHEREAS, the Freedom of Information Act ("FOIA"), Act No. 442 of 1976, as amended, provides the public with the right of access to certain public documents; and

WHEREAS, in order to more efficiently perform this service, the TCRPC may adopt rules of procedure for the inspection and/or reproduction of records; and

WHEREAS, the FOIA provides that a public body shall establish and publish procedures and guidelines for calculating the costs for labor and supplies, copying, and other related costs; and

WHEREAS, the TCRPC had determined that costs associated with the search, examination, review, and the deletion and separation of exempt from nonexempt information would be unreasonably high if those costs exceeded \$50.00 and may also be considered unreasonably high if the FOIA Coordinator so determines in writing that the costs are unreasonably high in a particular instance, including but not limited to instances when the costs would be excessive and beyond the normal or usual amounts for such services.

NOW THEREFORE BE IT RESOLVED that the TCRPC declares that the following procedures will apply to FOIA requests directed to the TCRPC:

1. The person, as defined under the FOIA, may request in writing public records from the TCRPC's FOIA Coordinator, who shall be the TCRPC Executive Director. The FOIA Coordinator will respond to requests in accordance with the FOIA.
2. The TCRPC may charge a fee for a public record search, the necessary copying of a public record for inspection or for providing a copy of a public record as follows:

- A. A fee may be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information if the failure to charge the fee would result in unreasonably high costs to the TCRPC because of the nature of the request in the particular instance, and the FOIA Coordinator identifies the nature of the unreasonably high costs to the TCRPC.
 - 1) Costs of search, examination, review, and the deletion and separation of exempt from nonexempt information of \$50.00 or more are considered unreasonably high costs to the TCRPC due to the amount of time that must be devoted to such tasks in order to incur that level of costs and the cumulative effort such requests would have on the TCRPC's ability to provide its usual services to the public.
 - 2) For costs less than \$50.00, the FOIA Coordinator shall determine when the costs are unreasonably high in a particular instance, including but not limited to instances when the costs would be excessive and beyond the normal or usual amounts for responding to a request.
 - B. The TCRPC may charge the actual cost of mailing and duplication, and actual incremental costs of duplication and publication for inspection including labor.
 - C. Labor charges will be calculated at the hourly wage, including but not limited to fringe benefits, of the lowest paid, public body employee of the TCRPC capable of retrieving the information necessary to comply with a request under the FOIA.
3. The following Schedule of Fees will apply to requests for documents under the FOIA. The list of costs shall not be deemed to be all-inclusive. Other fees may be calculated and established by the FOIA Coordinator in accordance with the provisions of Public Act 442 of 1976.
- A. STANDARD LEGAL AND LETTER SIZE PUBLIC DOCUMENTS:
one or two sided sheets 25 (\$.25) cents for each page.
 - B. LABOR: Charge based upon hourly wage, including but not limited to fringe benefits, of lowest paid TCRPC employee capable of

retrieving the information necessary to comply with a request under the FOIA.

- C. POSTAGE: Actual cost of postage will be charged for anything that is requested to be mailed.
 - D. RETURNED CHECKS: \$25.00 charge.
 - E. VIDEO OR AUDIO TAPES: Actual cost of the tape and actual cost of the reproduction of tape.
 - F. MAPS - Actual cost of duplication of map.
 - G. 1.3 MB FLOPPY OR 100 MB ZIP DISKS, CD-R OR DVD-R DISKS: Actual cost of the disk and actual cost of the reproduction of the disk.
 - H. ELECTRONIC TRANSMISSION OF DIGITAL FILES (including but not limited to .csv, .dbf, .dif, .doc, .jpg, .pdf, .qpw, .shp, .tif, .wps, .xls, and .zip): Actual cost of production of file and actual cost of transmission of file.
4. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request from an individual who is entitled to information under the FOIA and who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the costs because of indigency.
 5. The FOIA Coordinator may reduce or waive the imposition of fees if the Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefitting the general public.
 6. In cases where a charge exceeding \$50.00 for copies is expected, a good faith deposit shall be collected, not to exceed one-half (½) of the expected total fee, when the request for such information is made.
 7. After a person requesting information pays for the costs of production, the FOIA Coordinator shall release the requested information to that person.
 8. Any prior resolutions that are inconsistent herewith are deemed rescinded.

YEAS: Sixteen (16)

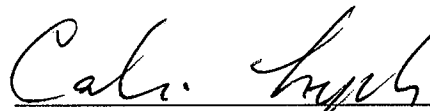
NAYS: None

RESOLUTION DECLARED ADOPTED UNANIMOUSLY.

STATE OF MICHIGAN)
)
COUNTY OF INGHAM)

CERTIFICATION

I, the undersigned, the duly qualified and acting Chairperson of the Tri-County Regional Planning Commission, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the TCRPC at a regular meeting held on March 27, 2002.



Calvin Lynch, Chairperson