



**GRAND VALLEY
METROPOLITAN COUNCIL**

Board Meeting Agenda

Thursday February 4, 2010 • 8:30 a.m.

Kent County Commission Chambers • Grand Rapids, MI

- 1. Call to Order by Chair**
- 2. Public Comment**
- 3. Swearing-in of new board members**
 - a. Sandi Front-Parrish, Chair, Board of Commissioners, Kent County**
 - b. Jack Poll, Mayor, City of Wyoming**
 - c. Phil Van Noord, Councilmember, Village of Middleville**
- 4. Approval of Minutes dated January, 2010**
- 5. Transportation Department**
 - a. Amendments to the FY 2008-2011 Transportation Improvement Program**
 - b. Amendments to the FY 2010 Unified Planning Work Program**
- 6. Request from Grand Valley State University to join the Metro Council as a dues-paying, non-voting member organization (Discussion Only)**
- 7. Legislative Advocacy**
 - a. Resolution of support for the findings and recommendations of the Legislative Commission on Statutory Mandates**
 - b. Issues Update**
- 8. Other items of business and comments from GVMC members**
- 9. Adjournment**



Memorandum

To: Grand Valley Metropolitan Council
From: Donald J. Stypula, Executive Director
Date: January 31, 2010
Re: Agenda Items for our February 4, 2010 Board meeting

Attached are the agenda and support documents for our next GVMC Board of Directors meeting, scheduled for **8:30 am Thursday February 4, 2010 at the Kent County Commission Chambers in downtown Grand Rapids.**

This month we are swearing in three new Board members, asking you to approve amendments to the Transportation Improvement Program and the Transportation Unified Planning Work Program and requesting your endorsement of a resolution in support of the recommendations of the Legislative Commission on Statutory Mandates. I am also bringing for your review and thorough discussion a request from Grand Valley State University to join the Metro Council as a dues-paying, but non-voting member organization.

We'll start by reviewing and accepting the attached minutes from our January 7, 2010 GVMC Board meeting.

TRANSPORTATION: AMENDMENTS TO THE 2008-2011 TRANSPORTATION IMPROVEMENT PROGRAM

ITP-The Rapid is requesting an amendment to the Metro Council's 2008-2011 Transportation Improvement Program to reflect changes in activities at the regional transit agency. In addition, GVMC Transportation staff is requesting an amendment to the TIP to add projects under the Congestion Mitigation Air Quality funding category. I have attached a briefing memo from GVMC Transportation Planner Darrell Robinson, together with more detailed information from the Rapid and GVMC staff, for your review.

Proposed Action: Review and approve the proposed amendments to the GVMC FY 2008-2011 TIP.

TRANSPORTATION: AMENDMENT TO THE GVMC FY 2010 UNIFIED PLANNING WORK PROGRAM FOR ITP-THE RAPID

ITP-The Rapid also is requesting an amendment to the Metro Council's FY 2010 Unified Planning Work Program (UPWP) to add three planning activities to the work plan. I have attached a second memo from GVMC's Darrell Robinson, together with a more detailed request memo from Jan Hoekstra at The Rapid, for your review and consideration.

Proposed Action: Review and approve the proposed amendment to the GVMC FY 2010 UPWP.

REQUEST BY GRAND VALLEY STATE UNIVERSITY TO JOIN METRO COUNCIL AS A DUES-PAYING, NON-VOTING MEMBER ORGANIZATION

Following a series of recent conversations with officials from Grand Valley State University, GVSU President Thomas Haas has submitted a formal request to join the Grand Valley Metro Council as a dues-paying, non-voting member organization.

I have enclosed in this packet the formal letter from Dr. Haas requesting membership in Metro Council, together with a briefing memorandum that examines the various issues surrounding this request. At our meeting on Thursday, I am seeking discussion and input on this concept together with your guidance on how to proceed.

Proposed Action: For review and discussion only.

LEGISLATIVE ADVOCACY – RESOLUTION OF SUPPORT FOR THE FINDINGS AND RECOMMENDATIONS OF THE LEGISLATIVE COMMISSION ON STATUTORY MANDATES

The independent, five-member Legislative Commission on Statutory Mandates, created by 2007 PA 98, has completed its work and issued a final report with detailed recommendations.

The Commission was charged with identifying and investigating the cost of complying with funded and unfunded mandates imposed by the State on local units of government, and to make recommendations relating to those mandates. As noted in the attached summary of the Commission's report, the panel painted a stark picture of non-compliance with Article 9, § 29 of the Michigan Constitution of 1963, as amended. While the non-compliance stretches back 31 years, the Commission focused its attention on the current state of underfunding by the State which the panel estimated to be **in excess of \$2.2 billion** for 2009 just for a selected group of mandates.

As part of its report to the Governor and Legislature, the Commission forwarded a series of recommendations to improve the discourse between State and local officials and reform the process under which mandated services and activities are imposed and funded. “We believe implementation of these recommendations, for which we have provided draft legislation and court rule amendments, will foster a new era of constructive, thoughtful and collaborative government in Michigan,” the Commission noted in its report. “These recommendations are not necessarily a plea for more funding, and the question is not whether certain mandates are good or bad. We have instead focused on the process under which mandates are imposed.”

I have prepared a draft resolution endorsing the findings and recommendations of the Commission for your review and consideration. The resolution has been reviewed and approved by the GVMC Legislative and Executive Committees.

With both House Speaker Andy Dillon (D-Redford Twp.) and Senate Majority Leader Mike Bishop (R-Rochester) expressing interest in moving on the Commission’s recommendations, this resolution will be an effective and timely way for us to communicate our position to our West Michigan legislators.

Proposed Action: Review and approve the resolution endorsing the findings and recommendations of the Legislative Commission on Statutory Mandates.

LEGISLATIVE ADVOCACY – ISSUES UPDATE

I will bring a complete report on several issues facing lawmakers in Lansing and Washington, most notably, the effort by Governor Granholm and Senate Republicans in Lansing to move on so-called “governmental reforms.” I also will bring you the latest on the very critical issue of transportation funding in both Lansing and Washington.

As always, we’re looking forward to seeing you and having a fruitful discussion. If you have any thoughts, comments, questions or suggestions you can reach me anytime on my cell phone at 616-450-5217, in the office at 776-7604, at home at 257-3372 or via email at stypulad@gvmc.org.

GRAND VALLEY METRO COUNCIL

Board Meeting

January 7, 2010

8:30 a.m.

Kent County Commission Chambers

MINUTES

1. Call to Order

The meeting was called to order at 8:35 a.m. by Chairman Jim Buck.

Members Present:

Alex Arends	Alpine Township
Dale Bergman	Sparta Township
Jim Buck	City of Grandville
Dick Bulkowski	Kent County
Dan Carlton	Georgetown Township
Daryl Delabbio	Kent County
Mike DeVries	Grand Rapids Township
Jason Eppler	City of Ionia
Tom Fehsenfeld	At-Large Member
Cindy Fox	Cascade Township
George Heartwell	City of Grand Rapids
John Helmholdt	City of Grand Rapids
Don Hilton, Sr.	Gaines Township
Denny Hoemke	Algoma Township
Jim Holtrop	Ottawa County
Jim LaPeer	Cannon Township
Robert May	City of Hastings
Mick McGraw	At-large Member
George Meek	Plainfield Township
David Pasquale	City of Lowell
Chuck Porter	Courtland Township
Milt Rohwer	City of Grand Rapids
Rick Root	City of Kentwood
Al Vanderberg	Ottawa County
Rob VerHeulen	City of Walker
Bill VerHulst	City of Wyoming

Members Absent:

Jerry Alkema	Allendale Township
Chris Burns	City of Cedar Springs
Randy DeBruine	City of Belding
Sharon DeLange	Village of Sparta
Brian Donovan	City of East Grand Rapids
Brian Harrison	Caledonia Township

Doyle Hayes	At-Large Member
Pauline Luben	City of Hudsonville
Elias Lumpkins, Jr.	City of Grand Rapids
Jim Miedema	Jamestown Township
Cy Moore	Treasurer
Roger Morgan	Kent County
Audrey Nevins	Byron Township
Steven Patrick	City of Coopersville
Ken Snow	City of Greenville
Chris Yonker	City of Wayland
Toby VanEss	Tallmadge Township
Michael Young	City of Rockford

Others Present:

Andy Bowman	Grand Valley Metro Council
Leon Branderhorst	Grand Valley Metro Council
Art Green	MDOT
Abed Itani	Grand Valley Metro Council
Andy Johnston	Grand Rapids Area Chamber of Commerce
Dennis Kent	MDOT
Erick Kind	MDOT
Gayle McCrath	Grand Valley Metro Council
Sandy Parrish	Kent County
John Richard	MDOT
Marcia Small	MDOT
Don Stypula	Grand Valley Metro Council
Don Tubbs	City of Hastings
Phil Van Noord	Village of Middleville
Peter Varga	The Rapid
Doug Vredevelde	Vredevelde Haefner

2. Public Comment

None

3. Approval of Minutes

MOTION – To Approve the Minutes of the December, 2009, GVMC Board Meeting. MOVE – Meek. SUPPORT – VerHuelen. MOTION CARRIED.

4. Audit

Doug Vredevelde of Vredevelde Haefner reported on GVMC's FY 2008-2009 Audit. Vredevelde Haefner met with the Executive Committee and Finance Committee earlier to

review the reports. The audit was given a clean opinion, which is a good opinion and what is hoped for in an audit.

GVMC and REGIS ended the fiscal year with a positive bottom line. The Letter to Management listed two minor issues: The tracking of sick and vacation time by an employee and the recalculation of the indirect rate at the end of the year rather than ongoingly.

In the Single Audit there were no findings other than the end of the year individual cost recalculation.

Dick Bulkowski asked what the history and policy was of the fund balance.

Don Stypula reported a sizable fund balance must be maintained as reimbursement from the federal government is slow. Don will discuss fund balance with Treasurer Cy Moore and ask Executive Committee and Finance Committee to review.

MOTION – To Accept the FY 2008-2009 GVMC Audit. MOVE – Rohwer. SUPPORT – Heartwell. MOTION CARRIED.

5. Transportation Presentation on the Upcoming Fix on 196 by Staff from Grand Region MDOT

Dennis Kent, Art Green, Erick Kind and John Richard gave a presentation on the upcoming 196 fix. The fix will make the route transit and pedestrian friendly. Included in the discussion were communications plans and alternative routes.

6. Regional Cooperation Committee Meeting Thursday, January 14, 2:00 p.m. – 4:00 p.m.

Don Stypula reminded members a meeting of the Regional Cooperation Committee will take place on Thursday, January 14, 2:00 p.m.– 4:00 p.m. in the Riverview Conference Room. A presentation will be made by staff of The Right Place on the recommendations of the Regional Welcome Mat. R.S.V.P.s should be send directly to Don Stypula.

7. Legislative Advocacy

Legislative Chairman Rick Root reminded the Council of the Legislative Committee meeting on Wednesday, January 13, at 8:30 a.m. Topics for discussion will include tipping fees and the recommendations of the Michigan Legislative Commission on Statutory Mandates.

Don Stypula reported the State Revenue Estimating Conference will be held on Monday, January 11, in the House Appropriations Room.

8. Adjourn – 9:50 a.m.

MOTION – To Adjourn. MOVE – Meek. SUPPORT – Delabbio. MOTION CARRIED.



GRAND VALLEY METROPOLITAN COUNCIL

ALGOMA TOWNSHIP • ALLENDALE TOWNSHIP • ALPINE TOWNSHIP • BELDING • BYRON TOWNSHIP • CALEDONIA TOWNSHIP • CANNON TOWNSHIP • CASCADE TOWNSHIP • CEDAR SPRINGS • COOPERSVILLE • COURTLAND TOWNSHIP • EAST GRAND RAPIDS • GAINES TOWNSHIP • GEORGETOWN TOWNSHIP • GRAND RAPIDS • GRAND RAPIDS TOWNSHIP • GRANDVILLE • GREENVILLE • HASTINGS • HUDSONVILLE • IONIA • JAMESTOWN TOWNSHIP • KENT COUNTY • KENTWOOD • LOWELL • MIDDLEVILLE • OTTAWA COUNTY • PLAINFIELD TOWNSHIP • ROCKFORD • SPARTA • SPARTA TOWNSHIP • TALLMADGE TOWNSHIP • WALKER • WAYLAND • WYOMING

MEMORANDUM

DATE: January 29, 2010
TO: Grand Valley Metro Council Board
FROM: Darrell T. Robinson, Transportation Planner
RE: FY2008-2011 TIP changes

In preparation of the FY2010 Section 5307/5309 grant applications, The Rapid is requesting an amendment to the FY2008 – 2011 Transportation Improvement Program (TIP) for FY2010. The Rapid is requesting the change in order to update Activity Line Items. Please see the attached memo for additional information. The Technical and Policy Committees have already approved this TIP amendment.

Also, please find attached a list of FY2010 projects to be funded with the Congestion Mitigation Air Quality (CMAQ) program funds. Staff is requesting to add these projects to the FY2008 – 2011 TIP. MDOT and FHWA have determined that all the attached projects provide an air quality benefit to the region. In order to receive Federal Funds for the requested approval, GVMC Board approval is required. The Technical and Policy Committees have already approved this TIP amendment.

If you have any questions please do not hesitate to contact me at (616) 776-7609.

Action Requested: To amend FY2010 of the FY2008-2011 TIP to reflect The Rapid's updated Activity Line Items as well as add the attached CMAQ projects.



Interurban Transit Partnership

300 Ellsworth Avenue SW Grand Rapids, MI 49503-4005 616.456.7514 • Fax 616.774.1195

December 15, 2009

Mr. Darrell Robinson
Grand Valley Metro Council
678 Front Ave, N.W., Suite 200
Grand Rapids MI 49504-5319

Dear Darrell,

In preparation of the FY 2010 Section 5307/5309 grant applications, The Rapid is requesting an amendment to the Transportation Improvement Program (TIP) for fiscal year 2010. The Activity Line Items (ALI's) listed reflect the changes all other ALI's will remain the same.

In the current TIP the Planning ALI reflects \$362,780 and should reflect the \$1,406,250 that was requested in the UPWP June 2009.

If you have any questions or require additional information please call me at 774-1183.

Sincerely,

Janice Hoekstra
Grants Officer

Section 5307

Project Description	Original Budget	Amended Request
Service Vehicles	\$100,000	\$0
Bus Tire Lease	\$120,000	\$250,000
Shop Equipment	\$27,400	\$0
Office Furniture/Equipment	\$15,000	\$20,000
Computer Hardware	\$48,000	\$105,000
Computer Software	\$39,500	\$187,000
ADA Vehicle Equipment	\$191,444	\$0
Passenger Shelters	\$100,000	\$62,500
Replace Paratransit Vehicles (12)	\$700,749	\$934,332
Associated Capital Maintenance	\$959,012	\$0
A&E	\$0	\$50,000
Rehab Admin/Maint. Facility	\$126,000	\$0
Information Displays	\$5,000	\$0
Surveillance/Security Equipment	\$80,000	\$105,216
Wealthy Operations Expansion Renovation	\$4,290,221	\$5,074,682
Wealthy Street Landscaping	\$0	\$30,216
Planning Funds	\$362,780	\$ 1,401,562
Wealthy Street (ARRA)	\$0	\$10,603,305

Section 5309

Project Description	Original Budget	Amended Request
Wealthy Street Operation Expansion	\$7,473,896	\$0

FY2010 CMAQ Local

PROJECT	LIMITS	PROJECT SCOPE	JURISDICTION	LENGTH	FED/STATE	NON-FED	TOTAL
Ozone Action! Program	Areawide	Ozone Action Awareness Program	GVMC	0.00	\$80,000	\$20,000	\$100,000
Westrain	Areawide	Marketing for the GR/Chicago Amtrak train	GVMC	0.00	\$10,000	\$2,500	\$12,500
Ozone Action Days	Areawide	Free Fare On Ozone Action Days	ITP	0.00	\$92,000	\$23,000	\$115,000
Rideshare	Areawide	Commuting Alternatives	ITP	0.00	\$137,813	\$0	\$137,813
VanPool Expansion Vans	Areawide	Purchase of 8 Expansion Vans	ITP	0.00	\$170,400	\$42,600	\$213,000
Replacement Bus (1)	Line Haul Bus	40' Low Floor Buses	ITP	0.00	\$296,000	\$74,000	\$370,000
48th Avenue	At Fillmore	Intersection Improvements	OCRC	0.10	\$280,000	\$70,000	\$350,000
Port Sheldon St.	At 40th & 48th	Signal Connectivity and Upgrade	OCRC	0.10	\$80,000	\$20,000	\$100,000
Signal Optimization (Phase 5)	Areawide	Signal optimization at up to 70 locations on Federal Aid Roads (Phase 5)	Grand Rapids	0.00	\$160,000	\$40,000	\$200,000
Traffic Management Center	Areawide	Implementation of Website Capabilities/Regional ATMS (Phase 2)	Grand Rapids	0.00	\$200,000	\$50,000	\$250,000
20th Avenue	At Baldwin St.	Addition of dedicated L & R turn lanes on 20th NB & SB	OCRC	0.00	\$238,000	\$112,000	\$350,000
ITS	Areawide	ITS Traffic signal communication, traffic operations center upgrades	Grand Rapids	0.00	\$150,000	\$37,500	\$187,500
Cascade Road	At Hall/Spalding	Right turn lane from Cascade to Hall	KCRC	0.00	\$126,458	\$31,615	\$158,073
Kalamazoo Avenue	At Edgeknoll	Intersection Improvements (turn lanes)	KCRC	0.20	\$320,000	\$80,000	\$400,000
Total Programmed					\$2,340,671	\$603,215	\$2,943,886
Target					\$2,340,671		
Difference						\$0	

FY2010 CMAQ MDOT

M-57	At Old 14 Mile to Montcalm	Add/Modify dedicated center LT & RT lanes	MDOT	1.00	\$960,000	\$240,000	\$1,200,000
I-96	At Cascade	WB on ramp, extend ramp storage	MDOT	0.40	\$80,000	\$20,000	\$100,000
US-131	Leonard to Ann	Add NB & SB W/M lane between ramps	MDOT	0.70	\$520,000	\$130,000	\$650,000
I-96	At M-50/ Cascade	Construct new or expanded Carpool lot	MDOT	0.00	\$280,000	\$70,000	\$350,000
M-44	At Knapp	Extend NB Dual LT Storage	MDOT	0.30	\$380,671	\$95,168	\$475,839
Areawide	Various Trunklines	Signal interconnect/upgrade	MDOT	5.00	\$120,000	\$30,000	\$150,000
Total Programmed					\$2,340,671	\$585,168	\$2,925,839
Target					\$2,340,671		
Difference						\$0	

ITS Set-Aside (Illustrative)

Traffic Signal Com. and Sync. (Phase I)	Corridor TBA	Transfer corridor to IP communications and install GPS clocks at up to 60 locations	Grand Rapids	0.00	\$160,000	\$40,000	\$200,000
Traffic Signal System Communications	Coldbrook to KCRC and MDOT	Complete underground fiber for real time signal management redundant link	Grand Rapids	0.00	\$240,000	\$60,000	\$300,000
Total					\$400,000	\$100,000	\$500,000



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MEMORANDUM

DATE: January 29, 2010
TO: GVMC Board
FROM: Darrell T. Robinson, Transportation Planner
RE: FY2008-2011 UPWP changes

The Rapid is requesting an amendment to the Unified Planning Work Program (UPWP) for FY2010 to reflect three section 5307 projects that have been amended. Please see the attached memo for additional information. The Technical and Policy Committees have already approved this UPWP amendment.

Action Requested: To amend FY2010 of the UPWP per The Rapid's request.



Interurban Transit Partnership

300 Ellsworth Avenue SW Grand Rapids, MI 49503-4005 616.456.7514 • Fax 616.774.1195

December 15, 2009

Mr. Darrell Robinson
Grand Valley Metro Council
678 Front Ave, N.W., Suite 200
Grand Rapids MI 49504-5319

Dear Darrell,

Please find enclosed an amendment to the Unified Planning Work Program (UPWP) for fiscal year 2010. The following Section 5307 projects have been amended, all other project will remain as originally requested.

Description	Original Request	Amended Request
ADA Planning/Compliance	\$ 61,250	\$ 26,562
Human Resource Planning	\$ 51,250	\$ 62,500
Long Range Planning	\$937,500	\$950,000

If you have any question or require additional information please call me at 774-1183.

Sincerely,

Janice Hoekstra
Grants Officer

Proposed FY 2010 Unified Planning Work Program Projects

Description	Total Costs
Section 5307	
ADA Planning/Compliance	\$26,562
Community Information & Education	\$175,000
Human Resource Planning	\$62,500
Human Resources/Payroll Software	\$31,250
ITS Planning	\$50,000
Long Range Planning	\$956,250
REGIS/GVMC	\$40,000
Website Development	\$60,000
Total	\$1,401,562
CMAQ	
Ridesharing	\$154,822
Total	\$154,822

6.1 ADA Planning/Compliance- Special Services

Objectives

To plan and implement policies, procedures and training methods for increasing transit related American with Disabilities Act (ADA) awareness and compliance.

Procedures and Tasks

Staff, with assistance from local agencies, consultants, as well as the disabled community will develop procedures to ensure compliance with the Americans with Disabilities Act. Procedures include ongoing development of monitoring and review process for all ADA applications, as well as staff training and education. Disability Advocates of Kent County (DAKC) performs all ADA application eligibility reviews. The consultant is a registered occupational therapist (OTR) who makes the initial review of all ADA applications and who follows-up with the applicant or medical/rehab professional if necessary. They make recommendations for which applicants will be seen for an in-person assessment.

Products

A monitoring program of the ADA process to insure that ADA applications are reviewed and processed in accordance with federal guidelines.

Budget

<u>Funding Agency</u>		<u>Performing Agency-</u> <i>ITP/The Rapid</i>	
FTA-Section 5307	\$21,250	Contractual	\$21,250
MDOT-(TRC)	2,656	Direct	<u>5,312</u>
ITP Match (TRC)	<u>2,656</u>	TOTAL	\$26,562
TOTAL	\$26,562		

6.3 HUMAN RESOURCE PLANNING

Objectives

To continue Human Resource plans and goals by developing trainings which include EEO annual leadership update, continued advanced diversity and harassment training for all staff, recruitment strategies and updates, management training for new management/supervisory staff, HR policies and procedures training for all staff, implementation of phase II of the wellness program, ongoing ergonomics updates and training, benefit strategies, and investment counseling. Consultants help to assist in reaching EEO and Diversity goals which are required by FTA/EEOC. The research on harassment, diversity, EEO and Civil Rights initiatives which are constantly changing and must be kept up to date in order to keep policies and procedures current and accurate (ADA, Civil Rights, EEOC), updates to handbooks, training of staff and leadership teams and keeping the company apprised of new diversity initiatives in order to remain committed to delivering a fair and pleasurable work environment at *The Rapid*.

Procedures and Tasks

Human Resource staff, along with consultants and other agencies, will assist in developing training programs as indicated above. The above areas of training provide *The Rapid* staff important tools useful in developing ways to keep current or become informed of changes in the workplace, including safety issues; mental health and wellness issues; control benefit costs, employee hiring and retention; and ways to diversify the culture of the organization.

Products

Training provides better health and morale in employees, thus a more productive and conducive workplace.

Budget

Funding Agency		Performing Agency- ITP/ <i>The Rapid</i>	
FTA-Section 5307	\$ 50,000	Contractual	\$ 56,250
MDOT- (TRC)	6,250	Direct	<u>\$ 6,250</u>
ITP Match- (TRC)	<u>6,250</u>	TOTAL	\$ 62,500
TOTAL	\$ 62,500		

6.5 LONG RANGE PLANNING

Objectives

Continue work on Short and Long Range Planning activities.

Procedures and Tasks

Staff time will be devoted to update the Annual Service Plan (short-range plan), the long-range plan, both of which provide the blueprint of transit activities for the next five years. Tasks include updating transit database information, collection of National Transit Database data, updating the short and long range transit plans, public outreach effort, education and travel, and collection of data for the Travel Demand Model.

Products

The Annual Service Plan provides staff and the public with a working document that explains the annual service goals and activities of the Rapid's fixed route transit system. The Long Range Plan will serve as a visionary document, assess current transit service level and its update will allow staff to develop a plan that will form the basis of an expended transit service in the service area for the future.

Budget

Funding Agency		<u>Performing Agency-</u> ITP/The Rapid	
FTA Section 5307	\$ 765,000	Contractual	\$ 706,250
MDOT-(TRC)	\$ 95,625	<u>Direct</u>	<u>\$ 250,000</u>
<u>ITP Match-(TRC)</u>	<u>\$ 95,625</u>	TOTAL	<u>\$ 956,250</u>
TOTAL	\$ 956,250		



The Grand Valley Metropolitan Council

MEMORANDUM

TO: Grand Valley Metropolitan Council

FROM: Donald J. Stypula, Executive Director

DATE: January 31, 2010

RE: Request by Grand Valley State University to Join the Grand Valley Metro Council as a Dues-Paying, Non-Voting Member Organization

Attached to this memo in your meeting packet is a letter from Dr. Thomas Haas, President of Grand Valley State University, asking this Board to consider the University's request to join the Grand Valley Metro Council as a dues-paying, non-voting member organization. The concept has been discussed with the members of the Executive Committee, who instructed me to forward this concept to the full Metro Council for a thorough discussion.

BACKGROUND

Over the past several months, I have engaged in conversations with officials from GVSU who have expressed the University's strong desire to explore a more permanent and sustainable relationship with the Metro Council. There are many factors driving GVSU's request to partner with GVMC.

1. As Dr. Hass notes in his letter, the University has a significant physical footprint in West Michigan and their operations have a major impact on land uses, growth patterns and traffic flow throughout the region. Officials with GVSU have a sincere desire to participate in the discussions at our table that help shape the myriad public policies that have significant impact upon, and dovetail with, GVSU's operations.
2. Since the Metro Council began operations in October 1990, our organization has developed and nurtured a strong working relationship with GVSU, partnering with the University on a number of initiatives ranging from development of the Metro Council's original "Blueprint" growth and development principles, to the establishment of the Lower Grand River Organization of Watersheds, to almost daily contact with GVSU's Annis Water Resources Institute on various projects.

3. Other areas of common interest include Metro Council's position on the Advisory Board for the School of Public and Non Profit Administration, to the work of GVMC staff on the University's Community Sustainability Partnership programs.

In addition, the University works closely throughout the year with a number of GVMC-member counties and communities on a host of projects and initiatives that benefit the communities and the region as a whole.

OPTIONS ANALYSIS FROM GVMC ATTORNEY

In light of the University's request, I asked GVMC Corporation Counsel Jim Brown from Mica Meyers to analyze the potential for GVSU to join the Metro Council either as a full member or in an advisory capacity as a dues-paying, non-voting member organization.

As Jim notes, we are sharply restricted by 1989 P.A. 292, the Metropolitan Councils Act under which we are organized, together with our own Articles of Incorporation, in our ability to offer membership to GVSU and other post-secondary educational institutions. Here is Jim's note to me via email:

Don, I've reviewed Act 292, the Articles of Incorporation of GVMC, the Bylaws and other materials, regarding your questions about GVSU becoming a full member of Metro Council:

1. *GVSU is not eligible, as a matter of law, for full membership in Metro Council, regardless of whether the Board approves it. This is because Metro Council is a "metropolitan area council" under the Metropolitan Councils Act (Act 292 of 1989), and under Sec 5 of that Act, a metro council consists of two or more "local governmental units." Sec 3(d) defines "local governmental unit" as a "county, township, city or village." No other entities are included. Therefore, no entity other than a "local governmental unit," as defined in the Act, may be a member.*

Sec 7 of the Act authorizes the Articles of a metro council to be amended to "reflect the addition of a local governmental unit," but doesn't refer to any other type of member. Sec 11 describes the procedures for a "local governmental unit" being added, including vote by the members of the legislative body of the proposed member and the like, but there is no reference to anything other than a "local governmental unit." The referendum provisions in Sec 13 refer to only "local governmental unit." In reference to a local electorate having a vote on the addition of a new member.

2. *Sec 9 of the Act deals with the articles of incorporation of a metro council, but refers only to the procedures for adopting or amending, but, of course, the Articles could not authorize anything that is not consistent with the requirements of Act 292.*

3. *However, the Act does not regulate who may be the persons who comprise the Council (that is, the so-called board of directors), as distinguished from the “participating local governmental units,” which are the counties, townships, cities and villages that have formed or have joined the metro council. Thus, the Articles of GVMC specify the formula whereby the number of Council-persons appointed by each Unit is determined, and also authorize at-large members, who must reside in the Council Area (the total territory of all the member cities, townships and villages, but not counties), but who are appointed by the Council, not by the Unit in which they reside. There may be one at-large member for each 10 member-Units. At-large members have one vote each and have two-year terms.*
4. *If there is a desire that a person from or “representing” GVSU be a member of the Council, it would be possible for the Council to appoint such a person as an at-large member, when a vacancy is available. However, that person would have to reside in one of the cities, townships and villages that are member-Units. Such a person would have one vote on all Council business. Being an “at-large” member, he or she would presumably be expected to represent the public, rather than specifically GVSU, though the Articles do not indicate whether at-large members are to “represent” any entity or interest. If the person were, for example, an employee of GVSU, and a matter arose that involved GVSU, it is certainly possible that the person might be expected to abstain because of a conflict of interest, and so perhaps this approach may not be what is desired.*
5. *Under the Act, it would be possible to devise some type of “membership” other than “full” membership, so long as it didn’t conflict with other requirements of the Act. Perhaps there could be a category called “participating educational institutions,” which would be defined as colleges and universities located, in whole or in part, in the Council Area. In the case of GVSU, for example, its board of trustees would vote to be a participating educational institution (though not a “member”). The trustees could recommend someone for the Council to appoint to as their “liaison” to the Council, though the Council would decide whom to appoint, as in the case of the at-large members. Perhaps it could be structured so that the rep would have a vote, as at-large members do. If so, the total number of weighted votes would be increased to account for the new rep(s). In such a case, the college or university could be required to pay dues on some basis, or perhaps not, depending on what may be desired on this point. Further thought and discussion will be needed on this scenario. To accomplish it, the Articles would need to be amended, thus requiring the amendment to be circulated to and voted upon by the member-Units.*

6. *The Articles authorize the Council to establish standing and advisory committees and “agencies”. Perhaps some type of committee responsibility could be devised for GVSU participation, if only on an interim basis, and conceivably that would not require the amendment of the Articles, and therefore the Council itself could accomplish the change.*

7. *Regarding amendments in Act 292, it would be possible to amend the Act to enlarge the types of entities that can have full membership. The other types of metro councils that were added to the Act in 1998 still involve local governmental units, but their purposes involve the support and enhancement of “regional cultural institutions” and, in one case, involve a “metropolitan arts council,” so the Legislature has already, apparently, thought about other “entities” that may need support or promotion by councils established by governmental bodies. I was involved in the drafting of the previous amendments that GVMC successfully sponsored, several years ago, and testified in support of them before Legislative committees, and would assist on this again if this course of action is decided upon.*

GVSU MEMBERSHIP OPTIONS

As Jim notes, it would take an act of the Legislature, in the form of an amendment to 1989 P.A. 292 – the Metropolitan Councils Act – to enable entities that are not “local governmental units” to join Metro Council as full members. Given the current atmosphere in Lansing, that, in my opinion, is not an attractive option at this time. With that in mind, the GVMC Executive Committee discussed two alternatives for enabling GVSU to participate in the discussion and activities of the Metro Council:

- A. **At-large Membership.** An individual associated with Grand Valley State University could be appointed to fill an at-large membership vacancy on the Board. At-large members serve a term of two years. The appointment or reappointment of an at-large member is recommended by the Nominating Committee, reviewed and endorsed by the Executive Committee and ultimately approved by the full Metro Council.

- B. **Participant or Advisory Committee Membership.** The full Metro Council could, by simple majority vote, adopt an amendment to Section VI of the Council Bylaws authorizing the creation of a Higher Education Advisory Committee that would consist – at the sole discretion of the Council – of one or more institutions of higher education in this region. Grand Valley State University would serve as a Higher Education Participant until such time as the full Metro Council voted to add a representative of another institution of higher education in our region to the Higher Education Advisory Committee.

At our meeting on Thursday, I would like to get your thoughts and opinions on this request from GVSU. Questions we need to answer on Thursday morning include: Is this a good fit for Metro Council? If you conclude that this is something worth pursuing, what form of “membership” would best serve the needs – short term and long term – of Metro Council?

I would welcome – in fact, I would encourage you – to call me before Thursday’s meeting to discuss this request from GVSU. If you have any thoughts, comments, questions or suggestions on this concept you can reach me anytime on my cell phone at 616-450-5217, in the office at 776-7604, at home at 257-3372 or via email at stypulad@gvmc.org.



January 8, 2010

Mr. Donald J. Stypula, Executive Director
Grand Valley Metro Council
678 Front NW—Suite 200
Grand Rapids, MI 49504-5319

Dear Don:

I am writing this to confirm the desire of Grand Valley State University to be an official participant in the Grand Valley Metro Council.

We share the first two words in the names of our organizations. That is a starting point for the explanation of our common roles. We both are focused and located in the Grand River valley. As you well know, this area has a dynamic and diverse geography and population. The land use and property development issues of this area are inextricably interconnected.

As GVSU has grown into the Allendale campus we have become fully conscious of the impact of our students and the educational complex on the infrastructure relating to transportation, land use, water and sewer services and the need for sustainable development of our real estate.

Those issues are even clearer as GVSU's footprint in Grand Rapids has grown from a single building to several buildings and locations. We want to be aware of and help shape policies which impact our plans and how our plans affect the role of governments in both Kent and Ottawa Counties. GVSU has an impact and interests comparable to existing members of the Council.

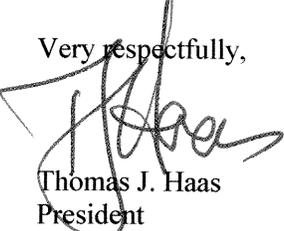
We recognize that the current statutes relating to the Metro Council do not include an educational institution as a "local governmental unit" but we understand that other relationships are envisioned under which GVSU can be an active participant. We are prepared to pay a fair amount for that participation.

I would designate Thomas Butcher, University Counsel to represent the University on the Council since he has responsibilities for the legal aspects of the issues identified above.

We ask that you recommend an appropriate role for GVSU in the important activities of the Council.

We are ready to discuss what that role should be so we can implement a mutually beneficial relationship.

Very respectfully,


Thomas J. Haas
President

Thomas J. Haas
President



Grand Valley Metropolitan Council

RESOLUTION

**A Resolution in Support of the Findings and Recommendations
of the
Michigan Legislative Commission on Statutory Mandates**

WHEREAS, in 1978, Michigan voters passed an amendment to Michigan 's Constitution – known as the Headlee Amendment -- that requires the State to fund mandates imposed on counties and local units of government; and

WHEREAS, the Headlee Amendment to the Michigan Constitution (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18."; and,

WHEREAS, the Headlee Amendment became effective on December 23, 1978; and,

WHEREAS, the 94th Michigan Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving the preparation and submittal to the state of reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and,

WHEREAS, the LCSM worked with the Citizens Research Council of Michigan to thoroughly analyze the state's historic response to the Headlee Amendment requirements and collaborated with local government associations, including the Michigan Association of Counties, the Michigan Townships Association, the Michigan Municipal League, the Michigan School Business Officials Association, the Michigan Association of School Administrators, the Michigan Community College Association and the County Road Association of Michigan to ascertain the impact of unfunded mandates on counties, local units of government and school districts; and,

WHEREAS, the LCSM issued its final report in December, 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" which concludes that the State has failed to enact effective enabling legislation for the Headlee Amendment and has consistently failed to comply with the provisions of Headlee Amendment since its adoption by voters in 1978; and

WHEREAS, the LCSM final report provides recommended courses of action, including but not limited to the following:

- The enactment of legislation and state court rules that would mitigate the impact of unfunded mandates imposed on local units of government in the future.
- The adoption of legislative procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Amendments to legislative rules and the Michigan Administrative Procedures Act to require the preparation of a "fiscal note" within both the legislative and administrative rules processes to estimate the enhanced cost to local government from proposed bills and administrative rules and prevent legislation and administrative rules from taking effect until the state provides the funding to implement the changes.
- Institutionalize the role of the special master within the Court of Appeals to ensure adjudication of Headlee challenges within six months and enact legislation placing the burden of proof on the state to demonstrate that a statute or administrative rule would not impose additional costs or that it had provided the funding to pay for those costs.

NOW THEREFORE BE IT RESOLVED, that the Grand Valley Metropolitan Council hereby supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt the recommendations cited in the final report of the LCSM; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to convey copies of this resolution to the Governor, members of the Michigan Legislature, the Justices of the Michigan Supreme Court, county and local officials and other interested parties.

This Resolution declared adopted by unanimous vote of the Grand Valley Metropolitan Council on February 4, 2010.

James R. Buck
Chairman of the Board

Donald J. Stypula
Executive Director