

The 601st Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
THURSDAY, May 19, 2022 – 4:00 p.m.
Fargo, North Dakota

AGENDA

1. Call to Order and Introductions
 - a. Introductions Information Item
 - b. Approve Order and Contents of the Overall Agenda Action Item
 - c. Approve Minutes of the April 14, 2022 Board Meeting Action Item
 - d. Approve May 2022 Bills Action Item
2. Consent Agenda Action Item
 - a. April End of Month Report
3. Regular Agenda
 - a. Public Comment Opportunity Public Input
 - b. 2022-2025 Transportation Improvement Program Amendment #4 Action Item
 - a. Open Public Hearing
 - b. Close Public Hearing
 - c. TTC Bylaws – Bicycle & Pedestrian Committee Membership Policies Action Item
 - d. Metro COG 2023 Draft Budget Action Item
4. Additional Business Information Item
5. Adjourn

REMINDER: The next Metro COG Policy Board Meeting will be held Thursday, June 16, 2022 at 4:00 p.m.

Due to ongoing public health concerns related to COVID-19, Metro COG is encouraging citizens to provide their comments on agenda items via email to leach@fmmetrocog.org. To ensure your comments are received prior to the meeting, please submit them by 8:00 a.m. on the day of the meeting and reference which agenda item your comments address. If you would like to appear via video or audio link for comments or questions on a regular agenda or public hearing item, please provide your e-mail address and contact information to the above e-mail at least one business day before the meeting.

For Public Participation, please REGISTER with the following link:

https://us02web.zoom.us/webinar/register/WN_9VzfU8kR6S-vc-M-9Owzw

Red Action Items require roll call votes.

Full Agenda packets can be found on the Metro COG Web Site at <http://www.fmmetrocog.org>

NOTE: Given the participation of Fargo City Commissioners at Policy Board meetings, such meetings may constitute open public meetings of the City of Fargo.

Metro COG is committed to ensuring all individuals, regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, and/or income status have access to Metro COG's programs and services. Meeting facilities will be accessible to mobility impaired individuals. Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact Savanna Leach, Metro COG Executive Assistant, at 701-532-5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in the meeting.

**600th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, April 21, 2022 – 4:00 pm
Zoom Web Conference**

Members Present:

Amanda	George	West Fargo City Commission
Matthew	Gilbertson	Moorhead City Council
John	Gunkelman	Fargo Planning Commission
Chuck	Hendrickson	Moorhead City Council
Brenton	Holper	City of Horace (alternate for Jeff Trudeau)
Steve	Lindaas	Moorhead City Council
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Dave	Piepkorn	Fargo City Commission
Arlette	Preston	Fargo City Commission
Mary	Scherling	Cass County Commission
Rocky	Schneider	Fargo Planning Commission
Bob	Walton	NDDOT – Fargo District (Ex-officio member)

Members Absent:

Tony	Gehrig	Fargo City Commission
John	Strand	Fargo City Commission
Maranda	Tasa	Fargo Planning Commission
Jeff	Trudeau	Horace City Council (alternate present)

Others Present:

Adam	Altenburg	Metro COG
Jaron	Capps	Metro COG
Ari	Del Rosario	Metro COG
Dan	Farnsworth	Metro COG
Cindy	Gray	Metro COG
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Mark	Williams	City of Fargo

1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened

The meeting was called to order at 4:00 pm, on April 21, 2022 by Chair Piepkorn, noting a quorum was present. Introductions were made.

1b. Approve Order and Contents of Overall Agenda, approved

Chair Piepkorn asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the April 21, 2022 Policy Board Meeting.

Mr. Schneider moved, seconded by Ms. Mongeau

MOTION, passed

Motion carried unanimously.

1c. Past Meeting Minutes, approved

Chair Piepkorn asked for approval of the Minutes of the March 17, 2022 Meeting.

MOTION: Approve the March 17, 2022 Policy Board Meeting Minutes.

Mr. Schneider moved, seconded by Mr. Hendrickson

MOTION, passed

Motion carried unanimously.

1d. Monthly Bills, approved

Chair Piepkorn asked for approval of the April 2022 Bills as listed on Attachment 1d.

MOTION: Approve the April 2022 Bills List.

Mr. Olson moved, seconded by Mr. Lindaas

MOTION, passed

Motion carried unanimously.

2. CONSENT AGENDA

Chair Piepkorn asked for approval of Items a-d on the Consent Agenda.

a. March Month End Report

b. Metro COG First Quarter Report

MOTION: Approve Items a-b on the Consent Agenda.

Mr. Lindaas moved, seconded by Mr. Hendrickson

MOTION, passed

Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

3b. 2022-2025 Transportation Improvement Program (TIP) Amendment #3

Mr. Maddox presented Amendment #3 to the 2022-2025 Transportation Improvement Program (TIP). A public notice was published in the Forum of Fargo-Moorhead on Wednesday, April 6, 2022, advertising the public hearing, how to request more information, and detailed public comment information such as where to send written comments regarding the proposed amendment. The public notice advertised that public comments will be accepted until 12:00 p.m. (noon) on Thursday, April 21, 2022. No written comments have been received.

The proposed amendment to the 2022-2025 TIP is as follows:

1. Addition of Project 4220027: Fargo Transit capital project for upgrades to the Metro Transit Garage (2022). 'Illustrative' designation was dropped. The total project cost is \$100,000 of which Federal (FTA) Section 5339 funds are \$80,000 (80%), and local funds are \$20,000 (20%). *This is a shared project with Moorhead Transit project #5220030, costs reflect Fargo's share which is 2/3 of the total project cost.

2. Addition of Project 4220029: Fargo Transit capital project for shop truck replacement (2022). 'Illustrative' designation was dropped. The total project cost is \$66,667 of which Federal (FTA) Section 5339 funds are \$53,333 (80%), and local funds are \$13,334 (20%). *This is a shared project with Moorhead Transit project #5220001, costs reflect Fargo's share which is 2/3 of the total project cost.
3. Addition of Project 4223001: Fargo Transit capital project for replacement of bus shelters (2022). The total project cost is \$50,000 of which Federal (FTA) Section 5339 funds are \$40,000 (80%), and local funds are \$10,000 (20%).
4. Modification of Project 4190003: Fargo reconstruction project on 32nd Ave S from 32nd St to 25th St (2022). The total project cost increased 54% from \$10,400,000 to \$16,000,000 of which the Federal Surface Transportation Block Grant Program-Urban (STBGP-U) funds increased 52% from \$4,700,000 to \$7,130,000, Federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) remained \$808,620, and local funds increased 65% from \$4,891,380 to \$8,061,380.
5. Modification of Project 9220034: NDDOT rehabilitation project on I-94 from Near W Fargo E (RP 342.414) to Horace Rd (RP 345.607) (2022). The total project cost increased 69% from \$681,000 to \$1,152,000 of which the Federal Interstate Maintenance (IM) funds increased 69% from \$612,900 to \$1,036,800 and state funds increased 69% from \$68,100 to \$115,200.
6. Modification of Project 9190028: NDDOT structure rehabilitation project on I-29 3 miles south of Harwood, year changed from 2023 to 2022. The total project cost remained \$281,000 of which the Federal Interstate Maintenance (IM) funding remained \$253,000, and the state funding remained \$28,000.
7. Modification of Project 9190029: NDDOT structure rehabilitation project on I-29 7 miles north of US 10 near Argusville City Limits, year changed from 2023 to 2022. The total project cost remained \$281,000 of which the Federal Interstate Maintenance (IM) funding remained \$253,000, and the state funding remained \$28,000.
8. Modification of Project 9190030: NDDOT structure rehabilitation project on I-29 2 miles north of Harwood interchange, year changed from 2023 to 2022. The total project cost remained \$281,000 of which the Federal Interstate Maintenance (IM) funding remained \$253,000, and the state funding remained \$28,000.

Chair Gray explained that funding for the Fargo reconstruction of 32nd Avenue changed when the bids came in high, and the project needed to be amended. Also, NDDOT had additional STBG funds they were able to add to the project, increasing the Federal participation. The project will be rebid. Ms. Scherling asked if all projects are being pushed back, and Mr. Maddox said they are not currently being pushed back, and had just discussed this with Fargo traffic engineer Jeremy Gorden.

Mr. Lindaas moved to open the public hearing, with a second from Mr. Gunkelman. No comments were received. Mr. Olson moved to close the hearing, with a second from Mr. Hendrickson.

MOTION: Approve Amendment #3 to the Metro COG 2022-2025 Transportation Improvement Program (TIP).

Mr. Schneider moved, seconded by Mr. Olson.

MOTION, passed

Motion carried unanimously.

3c. Consultant Selection for the Metropolitan Area Housing Needs Analysis

Ms. Gray presented HR&A as the highest-ranked consulting firm for the Metropolitan Area Housing Needs Analysis study. Seven firms proposed on the project, and two firms were interviewed.

Mr. Piepkorn asked who sat on the selection committee, and Ms. Gray said that they had planning staff from the local jurisdictions involved. Mr. Piepkorn asked about the timeline for this study. Ms. Gray said it was a very aggressive timeline, with approximately four to six months for data, and seven to ten months for the full study to wrap up. Mr. Schneider asked how the firms were ranked, and Ms. Gray said it was a qualifications-based ranking.

MOTION: Approve the selection of HR&A as the consultant for the Metropolitan Area Housing Needs Analysis and authorize the Executive Director to work with local partners in negotiating a final scope of work and entering into contract with HR&A.

Mr. Lindaas moved, seconded by Ms. Preston.

MOTION, passed

Motion carried unanimously.

3d. Transportation Management Area (TMA) Transition: Projects and Funding

Ms. Gray presented an update to Metro COG's transition to a Transportation Management Area (TMA) form of Metropolitan Planning Organization (MPO). She described funding information received on March 25, 2022 from NDDOT regarding the approximate amount of STBG, TAP, and Carbon Reduction funds. She also described a proposal put forth by NDDOT with respect to National Highway Performance Program (NHPP) funds, which consists of an annual amount that is approximately 1% of the NHPP funds received by the state of ND.

Over the past few months, Metro COG has asked how the TMA designation would affect NDDOT's use of NHPP funds on the NHS in our urbanized area, Metro COG was told that NDDOT may choose not to use NHPP funds on our non-interstate NHS roadways. This left some ambiguity as far as how reconstruction and rehabilitation of those roadways would be paid for, due to the limitations of the STBG-U sub-allocation. As a result, NDDOT has proposed an approach where approximately 1% of the State's NHPP funding would be designated to the UZA and allowed to be used as if it were STBG-U funds, providing greater flexibility. The 1% is stated to be based on the percentage of the NHS in the UZA. Ms. Gray stated she has concerns about this, because the TIP contains two NDDOT

projects scheduled for 2023 and 2024 that, combined, program over \$12M in NHPP funds. Under this proposal, it appears, these funds would now need to be STBG or local.

The 2026 solicitation and prioritization was conducted in the usual manner (ignoring Metro COG's likely TMA designation) last fall, and the NDDOT is now asking Metro COG to perform its own prioritization with the TMA transition slated for October, 2023.

NDDOT has requested that Metro COG verify that the identified 2022-2025 projects are still the priority of the MPO. The answer to this question involves reviewing the project costs and comparing them to the dollars available, and determining:

- a) the anticipated ability to complete project development and bidding in time to meet the year designated in the TIP, and
- b) the availability of local funding for costs not covered by federal or other funding sources.

It is possible that the authorization amount is somewhat higher or lower than the estimate using 90 percent obligation authority. It is important that we are able to absorb whatever variation results from somewhat different authorization levels.

2022 – Not a TMA; no changes

2023 – Based on estimates, a funding surplus of approximately \$980,000 will be available. The City of Fargo and NDDOT believe that the cost of the Main Avenue project will increase and absorb this amount. The Main Avenue project raises the question about the use of NHPP funds on the project, as programmed, because if it remains as is, our local jurisdictions should be working on another project or two that will use approximately \$8M in the STBG direct sub-allocation.

2024 – Based on project estimates, the amount of funding anticipated would not be sufficient to cover project cost estimates. Higher project costs than estimated could result in one of these projects needing to slide, potentially leaving an opening for a different project. Cost estimates for the Main Avenue Slide Repair and the 32nd Avenue S project are likely to increase, and very little is known about the NDDOT project on Main Avenue at the Sheyenne River, which only recently got underway and is in the process of collecting geotechnical data. Here again, the Main Ave project in West Fargo is programmed to use approximately \$4M in NHPP funds.

2025 –based on current estimates a funding surplus of \$2.6 million, potentially opening up an opportunity for funds to be used on a different project. This could open up opportunities for a 2024 project to use

advanced construction if costs are higher than expected. Projects for 2025 were also selected by NDDOT during last year's solicitation.

2026 – Metro COG will need to initiate the selection process for 2026, based on recent input from NDDOT. We have already prioritized projects, based on a combination of technical review and a comparison of project groupings with the anticipated amount of Federal funding. However, since we are now taking on the selection of projects, we believe we need to revisit this. Metro COG would need to program another \$3.3M.

Mr. Piepkorn and Mr. Schneider raised concerns on the NDDOT not wanting to utilize the NHPP funding. Ms. Scherling asked if the information presented today could be presented to the ND member jurisdiction commissions before it is signed and returned to the NDDOT.

**MOTION: Direct Ms. Gray to work with Chair Piepkorn and the local jurisdiction commissions/councils to draft a letter to work with NDDOT to present an updated MOU that reflects Metro COG's needs to transition to a TMA.
Mr. Schneider moved, seconded by Mr. Gunkelman
MOTION, passed
Motion carried unanimously.**

***Chair Piepkorn left the meeting at 4:58p.m., with Vice Chair Hendrickson taking over the meeting.**

For Transportation Alternatives (TA) funding, the Bicycle and Pedestrian Committee has already discussed the 2023-2024 projects in the TIP as compared to the TMA funding estimates. A competitive selection process for unprogrammed 2023 and 2024 needs to be carried out before the draft TIP is completed to identify additional projects, since our anticipated funding exceeds the anticipated use of Federal funds for TA projects selected through the NDDOT solicitation process. After that, a competitive selection process will need to be carried out for 2025 and 2026.

Chair Gray touched on the Carbon Reduction Program as a source of funding. Projects such as bicycle and pedestrian facilities, public transportation projects, HOV lanes, park and ride, EV charging stations, ITS, alternative fuel vehicles, and projects related to develop carbon-reducing strategies, including planning studies that plan for carbon reduction strategies.

1. Authorize the Executive Director to affirm to NDDOT that the projects identified in the TIP for 2023, 2024, and 2025 will continue to be the priorities of the Cities of Fargo, Horace and West Fargo, but acknowledge that questions remain regarding NHPP and State funding on projects currently in the TIP, as well as ongoing application of NHPP funding within the UZA in the future.

2. Authorize Metro COG to carry out competitive solicitations for additional projects to be implemented using anticipated funding:

- a) 2026 urban roads projects,
- b) unprogrammed TA funds for 2023-2025, and
- c) unprogrammed Carbon Reduction funds for 2023-2026.

3. Solicitation of projects should prioritize regional projects that emphasize the Carbon Reduction program.

Mr. Schneider moved, seconded by Mr. Lindaas
MOTION, passed
Motion carried unanimously.

***Mr. Holper, Ms. Mongeau, and Ms. Preston left the meeting**

3e. Short- and Long-Term Disability Benefit

Ms. Gray presented the addition of Short- and Long-Term Disability to the Metro COG's benefits offering. Based on policy information provided by our insurance representative, Metro COG can switch from our current provider of Life and AD&D Insurance, for a significantly lower monthly premium. The savings from making this switch will more than cover the premiums for Mutual of Omaha Long Term Disability (LTD).

Short term disability (STD) is far more commonly needed by employees than LTD. Since the options above are only for LTD, which would be go into effect either 13 or 26 weeks after the initiation of a disability, two options were provided for STD.

The 13-week plan is more affordable than the 26-week plan. At least two employees would be required to participate in order for the company to provide the insurance. Rates and information have been reviewed with Metro COG staff, and Metro COG also met with a colleague of our insurance representative whose expertise is in STD and LTD insurance.

Ms. Gray stated the member jurisdictions approach to disability insurance is described in the memo, and added that this was discussed with the Executive Committee at length during a few meetings before they felt comfortable moving forward with a recommendation for approval.

MOTION: Approve switching from Unum to Mutual of Omaha for Life and Accidental Death & Dismemberment insurance and adding long-term disability (Option 1) as a Metro COG staff benefit, and initiating short-term disability as an optional benefit for which the premium would be paid by staff who choose to participate.

Mr. Lindaas moved, seconded by Mr. Olson
MOTION, passed (1-0-1) Mr. Gilbertson absent during the vote.
Motion carried unanimously.

3f. 2021 Traffic Count Maps

Mr. Farnsworth presented the 2021 Traffic Count Maps. He did note that the MnDOT counts have not yet been finalized, but should be soon.

3g. Future Planning Study Project List and Priorities

Ms. Gray asked the committee to revisit the project needs list that was discussed at a prior meeting. This discussion was not brought to the Policy Board last month as more discussion within the TTC and with individual jurisdictions was needed. Ms. Gray said that this project list will serve as a reference and resource in the development of the 2023 budget and the draft 2023-2024 UPWP.

The projects not currently programmed, but on the list for future consideration are the 2050 MTP, Electric Readiness Study, 20th Street S/I-94 Moorhead, CSAH 52 Bike/Ped path over I-94, Clay County Heartland Trail Alignment Analysis, Traffic Calming Toolkit and Applicability, 15th Avenue N Corridor Study in Moorhead and Dilworth, Dilworth Comp Plan, Vehicular Bridge Crossing Feasibility Study, Microsimulation or Sub-Area Model of the Fargo/Moorhead downtown areas, Sunday Transit service feasibility and implementation study, 15th street/I-94 Sheyenne Diversion Overpass Study in Cass County, One-Way Pair Alternatives Study in Moorhead, East Dilworth/Moorhead N/S Arterial Corridor Study, TDM Review Study, Moorhead 1st Ave N Corridor Study, and three Placeholder studies for future reference are Regional Pavement Management Study, Access to Downtown from Interstate Highways, and Expanded Study of Diversion Recreation Plan Features.

Ms. Gray asked the board to consider the projects and to reach out with any priorities their jurisdictions might have.

Commissioner Scherling asked about further study of recreational components along the Red River Diversion, and it was discussed that these projects would need some kind of non-federal funding source, due to the requirement that they be reconstructed by the P3 contractor.

4. Additional Business

No additional business.

5. Adjourn

The 600th Meeting of the FM Metro COG Policy Board held Thursday, April 21, 2022 was adjourned at 5:40 pm.

THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD May 19, 2022, 4:00 P.M.

Respectfully Submitted,

Savanna Leach
Executive Assistant

To: Transportation Technical Committee
From: Ari Del Rosario, Assistant Transportation Planner
Date: May 13, 2022
Re: **2022-2025 Transportation Improvement Program (TIP) Amendment #4**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) will hold a virtual public hearing via Zoom Video Communications on Thursday, May 19, 2022 at 4:00 p.m. to consider public comments regarding a proposed amendment to the 2022-2025 Transportation Improvement Program (TIP) for the FM Metropolitan Area. The proposed amendment to the 2022-2025 TIP reflects a new federally funded project within the Metropolitan Planning Area (MPA).

A public notice was published in The Forum of Fargo-Moorhead on Wednesday, May 4, 2022, which advertised the public hearing, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised that public comments will be accepted until 12:00 p.m. (noon) on Thursday, May 19, 2022. As of the writing of this memo, no written comments have been received.

The proposed amendment to the 2022-2025 TIP is as follows:

1. **Addition of Project 9224001:** Preliminary Engineering (PE) phase of an upcoming reconstruction project of the I-29/CR 20 Interchange. The PE phase of the project has a budget of \$3,000,000, of which \$2,700,000 (90%) will be provided through federal Interstate Maintenance (IM) funds, and \$300,000 (10%) will be provided by NDDOT for the required local match.
2. **Modification of Project 9221001:** NDDOT chip seal rehabilitation project on ND 18 from ND 10 to Cass/Traill County line (2022). The total project cost increased 47% from \$794,000 to \$1,167,503 of which the Federal Non-National Highway System - State Rural Project (Non-NHS-S) funds increased 47% from \$635,200 to \$934,002 and state funds increased 47% from \$158,800 to \$233,501.

The reconstruction of the I-29 interchange with CR 20 is not currently programmed within Metro COG's 2022-2025 TIP. It is estimated that this project would take place sometime in the 2026-2028 timeframe. A specific construction year has not been determined. Metro COG will work with NDDOT to determine when the reconstruction of the interchange will be programmed within Metro COG's TIP and when the project will be ultimately be constructed. See **Attachment 1** for more detailed project information.

At their meeting of May 12, the TTC recommended approval of Amendment #4 to the Metro COG 2022-2025 TIP.

Requested Action: Approve Amendment #4 of the Metro COG 2022-2025 Transportation Improvement Program (TIP).

Lead Agency	Metro COG ID State Number	Project Year	Project Location	Length	Project Limits		Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
					From	To						
AMENDMENT 4 - 2022-2025 METRO COG TIP												
Moorhead Transit												
Fargo Transit												
City of Fargo												
City of Moorhead												
City of West Fargo												
North Dakota Department of Transportation												
NDDOT	9224001 23596	2022	I-29		I-29 and CR 20 Interchange	Preliminary Engineering Only	Reconstruction	\$ 3,000,000	IM	State	\$ 2,700,000 \$ 300,000	
NDDOT	9221001 23450	2022	ND 18		ND 10	Cass/Trail County Line	Chip Seal	Rehabilitation	\$ 1,167,503 \$ 794,000	Non-NHS-S	State \$ 934,002 \$ 635,200 \$ 233,501 \$ 158,800	
Minnesota Department of Transportation												
Clay County												

To: Metro COG Policy Board
From: Cindy Gray, Executive Director
Date: May 13, 2022
Re: **Transportation Technical Committee (TTC) Bylaws Amendment and Administrative Policies Amendment to Address the Bicycle and Pedestrian Committee Policies and Procedures**

Metro COG's Title VI audit identified the need to establish a procedure for selecting the citizen member of our Bicycle and Pedestrian Committee. During the process of addressing this, we discovered that our Administrative Policies contain detailed procedures for designating Bicycle and Pedestrian Committee membership. However, this is not a practical location for these policies. However, the policies designate the Bike and Ped Committee as a subcommittee of the TTC. Therefore, it makes sense to place the policies within the TTC Bylaws.

The attached edits to the TTC Bylaws contain the changes to the Bike and Ped Committee policies, and also address the procedures for the appointment of a freight representative, which is also a topic discussed recently with NDDOT.

The formal action by the Policy Board will require an amendment to the Administrative Policies to eliminate the existing language regarding the Bike and Ped Committee.

A summary of the amendments to the TTC Bylaws (Attachment 1) is as follows:

- Section 2.2 Purpose – change reference to Long Range Transportation Plan (LRTP) to Metropolitan Transportation Plan (MTP)
- Section 3.1.1 – change reference of West Fargo Public Works to West Fargo Engineering
- Section 3.4 – clarification of the the process for filling certain positions on the Transportation Technical Committee
- Section 8. – New Section describing the role of the Metropolitan Bicycle and Pedestrian Committee, establishing it as a subcommittee of the TTC, and directing the reader to Appendix C
- Addition of Appendix C. Selection and Appointment of Representatives to the Metropolitan Bicycle and Pedestrian Committee
- Transit Representation - Based on TTC recommendation, addition of metro-wide transit representative to the list of Bicycle and Pedestrian Committee members

The corresponding amendment to the Administrative Policies (Attachment 2) is as follows:

- Deletion of Article XXXI. Selecting and Appointing Voting Citizen Representatives to the Metropolitan Bicycle and Pedestrian Committee

At their meeting on May 12, 2022, the Transportation Technical Committee recommended approval of the proposed amendments to the TTC Bylaws and Administrative Policies.

Requested Action: Approve the proposed amendments to the TTC Bylaws and the Administrative Policies to address the Title VI audit findings regarding the policies of the Bicycle and Pedestrian Committee membership.

Bylaws

~~Transportation Technical
Committee~~
Transportation
Technical Committee
and Policies and
Procedures for the Bicycle
and Pedestrian
Committee



As Amended:
April 20, 2017
May 21, 2022

Contents	Page
SECTION 1. NAME	1
SECTION 2. ORGANIZATION	1
SECTION 3. MEMBERS.....	1
SECTION 4. OFFICERS AND COMMITTEES	3
SECTION 5. QUORUM	4
SECTION 6. MEETINGS	4
SECTION 7. Voting.....	6
SECTION 8. RECOMMENDATIONS OF THE METROPOLITAN BICYCLE AND PEDESTRIAN COMMITTEE	7
SECTION 9. AMENDMENTS TO BYLAWS	7
SECTION 10. SUPERSESSION OF PREVIOUS BYLAWS	7
SECTION 11. APPROVAL AND AMENDMENT HISTORY OF THE BYLAWS	8
SECTION 12. EFFECTIVE DATE	8

[Appendix A](#)

[Appendix B](#)

[Appendix C. Metropolitan Bicycle and Pedestrian Committee](#)

SECTION 1. NAME

The name of the Committee will be the Transportation Technical Committee (TTC).

SECTION 2. ORGANIZATION

2.1. Authority

The Fargo Moorhead Metropolitan Council of Governments Policy Board (Policy Board) is the authorizing body for the TTC and any and all committees that report to the TTC.

2.2. Purpose

The purpose of the TTC is to provide technical support to the Policy Board. Activities of the TTC include but not limited to:

- Provide technical support to Policy Board, and other agencies, on transportation related studies and issues.
- Advise the Policy Board on technical and policy matters with accompanying recommendations and support information.
- Provide technical support in the preparation of the Long Range Metropolitan Transportation Plan (MLRTP) and recommend its adoption to the Policy Board.
- Review the Transportation Improvement Program (TIP) including reviewing projects and recommending adoption to the Policy Board.
- Assist the Policy Board and Staff in preparation of the Unified Planning Work Program (UPWP), and recommend its adoption by the Policy Board.
- Coordinate in the development of regional transportation planning activities, studies, Requests for Proposals and other related activities and to review and provide technical critique on the products and processes associated with regional transportation planning for the Metro COG area.

SECTION 3. MEMBERS

3.1. Committee Composition

The membership of the TTC will consist of twenty-two (22) voting members, two (2) Ex-Officio members and non-voting members from Associate Member jurisdictions.

3.1.1 Voting Members

- One (1) Metro COG (TTC Chair);
- One (1) City of Dilworth;
- Three (3) City of Fargo (Engineering Department, Planning Department and Fargo Transit);
- One (1) City of Horace;

- Three (3) City of Moorhead (Engineering Department, Planning Department and Moorhead Transit);
- Two (2) City of West Fargo (~~Public Works~~Engineering and Planning Departments);
- Two (2) Cass County (County Engineer's Office, County Planning Department);
- Two (2) Clay County (County Engineer's Office, County Planning Department);
- One (1) Minnesota Department of Transportation (MnDOT);
- One (1) North Dakota Department of Transportation (NDDOT);
- One (1) Freight Representative;
- One (1) Bicycle/Pedestrian Representative;
- Two (2) University/College Representatives (one each from North Dakota and Minnesota); and
- One (1) Economic Development Representative (regional representative)

3.1.2 Ex-Officio and Non-Voting Members

Ex-officio members of the TTC shall include:

- One (1) Federal Highway Administration Representative; and
- One (1) Federal Transit Administration Representative

Non-voting Associate Members shall include:

- One (1) representative for each Metro COG Associate Member

3.2. Non-Voting Participants

Any member of a jurisdiction or associate member jurisdiction may actively participate in discussions before the TTC. They will not, however, be afforded voting privileges unless they are identified as an alternate member.

3.3. Alternate Members

Alternates will be allowed to replace the designated member maintaining all rights and voting privileges as the designated member.

3.3.1 Alternates will advise the Chair for the record, at the beginning of each meeting, that they will be replacing the designated member.

3.4. Member Selection and Termination

3.4.1 The represented agencies shall select the member(s) to represent that agency according to their represented agency's own practices and the proposed listing outlined in these Bylaws. These selections will be submitted to Metro COG through an email or letter for documentation purposes.

3.4.2 Economic development shall be represented by an employee of the Greater Fargo Moorhead Economic Development Corporation (GFMEDC). If the

organization is unable to provide a representative, Metro COG shall publicly solicit membership representing economic development regionally.

3.4.3 Metro COG shall publicly solicit membership representing freight.

3.4.4 Bicycle/Pedestrian representation on the TTC shall be a recommendation of the Bicycle and Pedestrian Committee. The Committee shall recommend a representative, which shall consist of a local agency representative who is not already a member of the TTC.

3.4.5 University/College representatives shall be solicited from higher educational institutions. In North Dakota, the representative shall be solicited from North Dakota State University and/or North Dakota State College of Science (Fargo campus). In Minnesota, the representative shall be solicited from Minnesota State University Moorhead, Minnesota State Community and Technical College and Concordia College.

3.4.6 Solicitation of representatives for freight (and economic development, if necessary) shall be carried out through a public notice in The Forum, a Metro COG website posting, social media postings (LinkedIn, Facebook and any other social media platform in use by Metro COG), and through directly sharing information about the solicitation with companies and individuals in the industry. Interested representatives shall be brought to the TTC for review and recommendation, and to the Policy Board for review and approval.

~~3.4.23.4.7~~ The TTC will provide recommendations to the Policy Board on membership for those representatives not directly appointed by a member jurisdiction.

~~3.4.33.4.8~~ All TTC members will be approved by the Policy Board.

~~3.4.43.4.9~~ A person's membership on the TTC shall be terminated upon the member leaving his or her position named for membership on the TTC, or by the agency represented by the person choosing a replacement representative.

SECTION 4. OFFICERS AND COMMITTEES

4.1. TTC Chair

The Metro COG Executive Director will serve as the TTC Chair.

4.1.1 Duties of the TTC Chair

The Chair shall preside at TTC meetings assuring a comprehensive, cooperative, and continuing planning (3-C) process.

4.2. TTC Vice Chair

The TTC will in January of each year elect a member of the Committee to act in the capacity of Vice Chair.

4.2.1 Duties of the TTC Vice Chair

The Vice Chair shall preside at TTC meetings in the Chair's absence and assume all responsibilities of the TTC Chair.

SECTION 5. QUORUM

- 5.1. In order for business to be transacted, there must be a recognized quorum of voting members. Quorum for the TTC will be no less than 34% of voting members.
- 5.2. A quorum is not lost when a member or members abstain from voting.
- 5.3. If a quorum is not reached within fifteen minutes of the scheduled meeting time, those members present may, by unanimous agreement, select to continue the meeting as an informational meeting to discuss items on the agenda that do not require approval or action by the TTC voting membership.
- 5.4. If quorum is present at the scheduled meeting time and the Chair and Vice Chair are absent, the senior-most member of the Metro COG staff may call for election of a temporary Chair. Upon arrival of the Chair or the Vice Chair, the temporary Chair will relinquish the position upon conclusion of the business item immediately before the TTC.

SECTION 6. MEETINGS

6.1. Meetings

The TTC shall typically hold meetings the second Thursday of each month. The Policy Board approves the schedule of meeting dates each year. When the date of a meeting falls on a legal holiday, the TTC meeting will be held as scheduled by the TTC Chair.

- 6.1.1 The TTC Chair may cancel a regularly scheduled meeting or call additional meetings as deemed necessary.
- 6.1.2 TTC Meetings will generally be held at the Metro COG offices. Locations for all TTC meetings shall be accessible by persons with disabilities.
- 6.1.3 Changes to meeting time, place, or date and any cancellations of regular meetings shall be made at least twenty-four (24) hours prior to when such meeting was to have taken place or as soon as practicable.
- 6.1.4 Publication of the meetings and information will be posted on the Metro COG website. The TTC meeting schedule for each calendar year will be published in the newspaper of record in December of the preceding year. Public involvement activities will follow the adopted Metro COG Public Participation Plan (PPP).

6.2. Video and Teleconference Attendance

- 6.2.1 Members of the TTC may participate in a meeting by means of conference telephone, video conference device or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection shall constitute presence in person at such meeting.
- 6.2.2 If communication is lost and cannot be restored in a timely fashion, the person participating through electronic devices will be considered to have left the meeting. In that event, the Chair will ascertain whether quorum continues. The lack of quorum present will be addressed through procedures in SECTION 5.

6.3. Conduct of Meetings

- 6.3.1 **Open Meeting Law** - The meetings of the TTC will be held in accordance with Section 44-04-18 of the North Dakota Century Code.
- 6.3.2 **Roberts Rules of Order** – Roberts Rules of Order (current addition) shall govern the conduct of meetings where not otherwise specifically provided by these bylaws.
- 6.3.3 The presiding officer shall have authority to limit discussion or presentation by members and non-members of the TTC or to take other appropriate actions necessary to conduct all business before the TTC in an orderly manner.

6.4. Agendas

- 6.4.1 There shall be an official agenda for every regular meeting of the TTC, which shall determine the order of business conducted at the meeting.
 - 6.4.2 The TTC Chair shall draft the meeting agenda.
 - 6.4.3 Meeting agendas sent to Members shall include appropriate materials (e.g., staff reports, draft documents, etc.).
 - 6.4.4 Regular meeting agendas shall be posted on the Metro COG web pages for download and distributed to Members at least five (5) calendar days in advance of the meetings.
- 6.5. Record of Proceedings**
- 6.5.1 At all meetings of the TTC, the Chair shall record a roll of members, minutes of proceedings, and votes.
 - 6.5.2 The Chair shall record the minutes of each meeting as a matter of public record and should present such minutes to the TTC for approval. Approved minutes of the TTC meetings shall be available for public inspection at the Metro COG offices and posted on the Metro COG web site.

SECTION 7. Voting

7.1. Silent Vote.

Any member remaining silent on a vote shall be considered to have voted in the affirmative, unless the Chair has granted permission to a member to refrain from voting, in which event the member shall be recorded as abstaining.

7.2. Roll-Call Vote.

Per North Dakota Century Code Section 44-04-21.1, all public agencies must perform a roll-call vote for all non-procedural items included with the agenda. The vote of each member shall be asked his or her vote and he or she will respond in turn. Results of the roll-call vote will be recorded by the TTC Chair and recorded in the minutes of the meeting. The meeting minutes will record by name the members approving the action, those not approving the action and those abstaining from voting; the final vote tally; and the result of the action. The result of the roll-call vote will be finalized with the vote to approve the meeting minutes at the next scheduled meeting.

7.3. Conflict of Interest

No member of the TTC shall participate in, discuss, or vote on a matter in which he or she has a substantial personal interest as defined by Section 44-04-18 of the North Dakota Century Code.

Should any member have such a substantial personal interest on a matter coming before the TTC or its committees, the Chair shall declare an abstention for each affected member for that item on the agenda.

7.4. Proxy and Weighted Voting

7.4.1 The use of a Proxy Vote will not be allowed for any actions before the TTC.

7.4.2 Each voting member has one (1) vote and shall not have a weight of more than 1.

SECTION 8. RECOMMENDATIONS OF THE METROPOLITAN BICYCLE AND PEDESTRIAN COMMITTEE

8.1. The Metropolitan Bicycle and Pedestrian Committee is a subcommittee of the TTC.

8.2. TTC shall consider the recommendations of the Metropolitan Bicycle and Pedestrian Committee regarding the development and maintenance of the Metropolitan Bicycle and Pedestrian Plan.

8.3. Selection and appointment of the members of the Metropolitan Bicycle and Pedestrian Committee are described in Appendix C.

SECTION 8-SECTION 9. AMENDMENTS TO BYLAWS

8.1.9.1. These Bylaws may be amended by a majority vote of the Policy Board voting membership at any regular meeting, provided that the members have been notified in writing of the proposed change at least five (5) calendar days in advance and the proposed amendment has been placed on the agenda.

8.2.9.2. All amendments to these Bylaws shall be recorded by date and incorporated into these Bylaws. An official copy will be maintained by the Chair.

SECTION 9-SECTION 10. SUPERSESSON OF PREVIOUS BYLAWS

9.1.10.1. Adoption of these bylaws hereby supersedes and renders null and void all previous bylaws of the Metro COG Transportation Technical Committee, but does not affect any other existing official actions by Metro COG special purpose agreements or contracts between or among other general or special purpose units of governments, boards, agencies, commissions, or authorities.

**~~SECTION 10.~~SECTION 11. APPROVAL AND AMENDMENT HISTORY
OF THE BYLAWS**

~~10.1.11.1.~~ The table in *Appendix A* records the action and dates of all amendments to the TTC bylaws. The table will be updated upon approval of all amendments to the bylaws. The date shall reflect the date on which the Policy Board approves the amendment(s).

~~SECTION 11.~~SECTION 12. EFFECTIVE DATE

~~11.1.12.1.~~ The effective date of these Bylaws will be that on which the Policy Board approves them or any associated amendments. The Policy Board Chair and the Metro COG Executive Director will sign the resolution in Appendix B to execute the effective date of the Bylaws.

Appendix A. Amendment History of the Transportation Technical Committee Bylaws

Action	Date
Approval of Original Bylaws	October 15, 2015
Approval of new voting members	September 15, 2016
Approval of new member	April 20, 2017
<u>Clarification of TTC member selection and addition of Appendix C, Metropolitan Bicycle and Pedestrian Committee, and miscellaneous updates</u>	<u>May 21, 2022</u>

Appendix B. Approval of the Transportation Technical Committee Bylaws

On this ____ day of _____, 20__ the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) Policy Board approves the amendment to the Metro COG Transportation Technical Advisory Committee Bylaws

ATTEST:

Metro COG Policy Board Chair

Metro COG Executive Director

Date

Date

Appendix C. Selection and Appointment of Representatives to the Metropolitan Bicycle and Pedestrian Committee

General. The Metropolitan Bicycle and Pedestrian Committee (the “Committee”) is tasked with the oversight of the development and maintenance of the Metropolitan Bicycle and Pedestrian Plan. The Committee is made up of twenty-two (22) representatives. The Committee is a subcommittee of Metro COG's Transportation Technical Committee. ~~Fourteen (14) of these members are voting members. Seven (7) of the members are non-voting (advisory) members.~~

Agencies or entities participating as voting members of the Committee:

<u>Category</u>	<u>Organization</u>	<u>Number of Members</u>
<u>Metropolitan Planning Organization (MPO)</u>	<u>Fargo-Moorhead Metropolitan Council of Governments</u>	<u>1</u>
<u>Local Units of Government</u>	<u>City of West Fargo Planning/Engineering/Parks</u>	<u>2</u>
	<u>City of Fargo Engineering</u>	<u>1</u>
	<u>City of Fargo Planning</u>	<u>1</u>
	<u>Fargo Park District</u>	<u>1</u>
	<u>City of Moorhead Engineering/Planning/Parks</u>	<u>2</u>
	<u>City of Dilworth</u>	<u>1</u>
	<u>City of Horace</u>	<u>1</u>
	<u>Cass County</u>	<u>1</u>
	<u>Clay County</u>	<u>1</u>
<u>Transit</u>	<u>MATBUS</u>	<u>1</u>
<u>State Departments of Transportation</u>	<u>NDDOT – Fargo District</u>	<u>1</u>
	<u>MnDOT – District 4</u>	<u>1</u>
<u>Safety / Health</u>	<u>City of Fargo Police</u>	<u>1</u>
	<u>Cass County Public Health</u>	<u>1</u>
	<u>Clay County Public Health</u>	<u>1</u>
<u>Miscellaneous</u>	<u>River Keepers</u>	<u>1</u>
	<u>College/University Representative</u>	<u>1</u>
	<u>Great Rides (or similar organization)</u>	<u>1</u>
<u>Citizen</u>	<u>Citizen (2-year term)</u>	<u>1</u>
<u>Total</u>		<u>22</u>

Fargo Park District River Keepers, Cass County, Clay County, the City of Fargo, the City of Dilworth, the City of West Fargo, the City of Moorhead, two (2) public health representatives, one (1) public safety representative and three (3) citizen representatives.

Agencies or entities participating as advisory members of the Committee (non-voting status): Concordia College, North Dakota State University, Minnesota State University Moorhead, bicycle advocate representative, Sanford Children's Hospital, and the Fargo Public School District.

Policy Statement. As the opportunity arises to fill the vacant voting citizen representative positions on the Metropolitan Bicycle and Pedestrian Committee a specific solicitation and selection process will be implemented to maintain a clear and seamless process for filling vacant voting citizen representative positions. The following steps will be taken for the solicitation and selection of any voting citizen representative vacancy:

- The Vacancy will be announced
- There will be a public notification process for the vacancy
- There will be a specific application submission period
- There will be a specific application that must be completed
- All applications will be reviewed
- There will be a specific selection process
- The candidate's interest will be confirmed prior to submission of a recommended candidate
- The Policy Board will review and approve the recommended candidate and their proxy before either the person sits on the Committee
- There will be a specific process for breaking a tie.

Solicitation Process. The intention of the solicitation process is to maintain a fair and equal process for all interested citizens to apply for vacant voting citizen representative positions on the Committee.

Announcement of the Vacancy or Upcoming Term Expiration: An approaching 2-year term limit, resignation or vacation of a voting citizen member's position is announced either by the representative, or Metro COG.

Public Notification Process: An electronic notice announcing the vacancy will be sent to all Metro COG jurisdictions and those on the bicycle and pedestrian interested persons list. The announcement will be put on Metro COG's website. An announcement will be submitted to the Forum for publication. The vacancy will be posted on LinkedIn, Facebook and any other social media platform in use by Metro COG, and through directly sharing information about the solicitation with organizations and individuals interested in bicycling and walking. Duties and responsibilities of the position, application timelines and Metro COG contact information will be provided in the announcement.

Selection Process. The intent of the selection process is to maintain a fair and equitable process in which all attributes of the applicants are reviewed thoroughly and objectively to ascertain who is most qualified to fill any voting citizen representative position. The following steps will ensure that all applicants receive a thorough review of the assets they have to offer

the Committee and that a selection is made in a timely manner so as to maintain the operability of the Committee. The selection process is comprised of the following steps:

- a. **Application Submission Period:** The submission period will be for no less than ~~fourteen~~ (14) days.
- b. **Submission of Application:** Candidates will fill out an application with the following information provided: Name, jurisdiction of residence, address, contact information phone number, email address, occupation, familiarity with the Fargo-Moorhead Metro Area, background related to bicycle and pedestrian movement, why applicant would like to serve on the Committee, and other pertinent questions. ~~two (2) references. The applicant will provide the name, address, phone and email address of a proxy as well as what background the proxy has in relation to bicycle and pedestrian movement. Applications will be sent directly to Metro COG. Metro COG staff will confirm the interest, background and availability of the proxy.~~
- c. **Review of Applications:** ~~Applications will be submitted to the Metropolitan Bicycle and Pedestrian Committee for review. Discussion of each application will occur during a regularly scheduled committee meeting. Once all applications have been received by the specified due date, Metro COG will forward the applications to a review committee comprised of a Metropolitan Bicycle and Pedestrian Committee representative from, at minimum, the jurisdictions of West Fargo, Fargo, and Moorhead. The review committee members will review the applications and individually rank the applicants. The ranks will be compiled to obtain an overall rank.~~
- d. **Selection Process.** The application of the top ranked candidate will be brought forward to the Metropolitan Bicycle and Pedestrian Committee for consideration. A vote by the Committee will be taken to recommend Policy Board appointment of the top ranked candidate to the Committee. If a majority vote fails by the Committee, the next ranked candidate will be considered by the Committee using the same voting and recommendation process as the top ranked candidate. If the Committee is not comfortable with the remaining candidates the application period will be re-opened in accordance with the process laid out in these policies and procedures. ~~Selection of finalists will be done through consensus or by voting. If committee members feel the need for more clarity relative to an application, then the Committee can request this information before a vote is taken. The selection process will then resume at the next committee meeting. Voting members of the Committee will vote to move forward to the Policy Board a recommendation to appoint a candidate to the Metropolitan Bicycle and Pedestrian Committee.~~

e. **Confirmation of Candidate's Interest:** The candidate is contacted and is asked if they still want to serve on the Committee. If the candidate accepts the position the recommendation to appoint to the Committee is forwarded to the Policy Board. If the candidate does not accept the position, the Committee has the option of reviewing the remaining candidates and voting on the remaining candidates. If the Committee is not comfortable with the remaining candidates the application period will be re-opened in accordance with the process laid out in these policies and procedures.

f. **TTC Review and Recommendation:** The recommendation of the Metropolitan Bicycle and Pedestrian Committee shall be brought before the TTC for a recommendation to the Policy Board.

g. **Policy Board Approval:** The Policy Board must approve all candidates and their proxies for the voting citizen representative position before the candidate takes their seat on the Metropolitan Bicycle and Pedestrian Committee.

If for some reason there is a tie, a discussion and re-vote will occur at the same committee meeting if possible. If a tie occurs on the second vote, a coin-toss will occur. The Chair for the Committee will declare which of the two tied candidates is heads or tails. The Chair will toss the coin and the tie will be broken.

- (a) All applicable Federal regulations granted upon Metro COG are the requirement of the local unit(s) of government as a direct sub-recipient of Federal funds.
- (b) The local unit(s) of government is bound by Metro COG's PPP.
- (c) The local unit(s) of government is required to provide the non-Federal share of the project costs.
- (d) Projects are not intended to be ongoing or programmatic in nature; and should have a definitive outcome or product.
- (e) If the funding is paying for local staff, timesheet documentation is required to substantiate time billable to the project.
- (f) The local unit of government will enter into a contract with Metro COG that may provide for additional requirements, as determined by the Policy Board.

30.04. Eligibility for Federal Funding. Eligibility for Federal funding of projects within an adopted UPWP is at the discretion of the North Dakota Department of Transportation (NDDOT), the Minnesota Department of Transportation (MnDOT), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA).

Response to requests for Federal funding administered by, recommended by or attributed to Metro COG will be contingent on a jurisdiction being in "Good Standing" as defined in the Metro COG Fiscal Agreement.

30.05. Provision of Local Funds. The non-Federal share of work conducted by Metro COG is generally considered to be covered by the dues provided to Metro COG by local member units of governments, as determined by the Policy Board. Non-member units of local governments requesting work to be done by Metro COG will be required to provide the non-Federal share of the projects costs (including wages and indirect costs). The local match on Federal funds "passed through" to a local unit of government are the responsibility of the benefiting unit(s) of government, as determined by the Policy Board. The non-Federal share of consultant services contracts administered by Metro COG to implement a plan or program will generally not be covered by local dues paid by local member units of government and would be covered by those entities that are deemed to benefit from the effort, as determined by the Policy Board.

30.06. Amendment of Activities into an adopted UPWP. In the event that a plan or program activity is submitted for inclusion into an adopted UPWP, whether by the Metro COG Executive Director or a local unit of government, the Policy Board will review available funding and staff commitments to determine if the requested work can be accomplished in the current UPWP. Amendments to the UPWP require approvals from NDDOT; and in some cases MnDOT, FHWA, and FTA.

~~ARTICLE XXXI. Selecting and Appointing Voting Citizen Representatives to the Metropolitan Bicycle and Pedestrian Committee~~

~~31.01. General.~~ ~~The Metropolitan Bicycle and Pedestrian Committee (the "Committee") is tasked with the oversight of the development and maintenance of the Metropolitan~~

~~Bicycle and Pedestrian Plan. The Committee is made up of twenty one (21) representatives. The Committee is a subcommittee of Metro COG's Transportation Technical Committee. Fourteen (14) of these members are voting members. Seven (7) of the members are non-voting (advisory) members.~~

~~Agencies or entities participating as voting members of the Committee: Fargo Parks District, River Keepers, Cass County, Clay County, the City of Fargo, the City of Dilworth, the City of West Fargo, the City of Moorhead, two (2) public health representatives, one (1) public safety representative and three (3) citizen representatives.~~

~~Agencies or entities participating as advisory members of the Committee (non-voting status): Concordia College, North Dakota State University, Minnesota State University Moorhead, bicycle advocate representative, Sanford Children's Hospital, and the Fargo Public School District.~~

~~**31.02. Policy Statement.** As the opportunity arises to fill vacant voting citizen representative positions on the Metropolitan Bicycle and Pedestrian Committee a specific solicitation and selection process will be implemented to maintain a clear and seamless process for filling vacant voting citizen representative positions. The following steps will be taken for the solicitation and selection of any voting citizen representative vacancy:~~

- ~~(a) — The Vacancy will be announced~~
- ~~(b) — There will be a public notification process for the vacancy~~
- ~~(c) — There will be a specific application submission period~~
- ~~(d) — There will be a specific application that must be completed~~
- ~~(e) — All applications will be reviewed~~
- ~~(f) — There will be a specific selection process~~
- ~~(g) — The candidate's interest will be confirmed prior to submission of a recommended candidate~~
- ~~(h) — The Policy Board will review and approve the recommended candidate and their proxy before either person sits on the Committee~~
- ~~(i) — There will be a specific process for breaking a tie.~~

~~**31.03. Solicitation Process.** The intention of the solicitation process is to maintain a fair and equal process for all interested citizens to apply for vacant voting citizen representative positions on the Committee.~~

- ~~(a) — **Announcement of the Vacancy:** A resignation or vacation of a voting citizen member's position is announced either by the representative, or Metro COG.~~
- ~~(b) — **Public Notification Process:** An electronic notice announcing the vacancy will be sent to all Metro COG jurisdictions and those on the bicycle and pedestrian interested persons list. The announcement will be put on Metro COG's website. An announcement will be submitted to the Forum for publication. Duties and responsibilities of the position, application timelines and Metro COG contact information will be provided in the announcement.~~

~~**31.04. Selection Process.** The intent of the selection process is to maintain a fair and equitable process in which all attributes of the applicants are reviewed thoroughly and~~

~~objectively to ascertain who is most qualified to fill any voting citizen representative position. The following steps will ensure that all applicants receive a thorough review of the assets they have to offer the Committee and that a selection is made in a timely manner so as to maintain the operability of the Committee. The selection process is comprised of the following steps:~~

- ~~(a) — **Application Submission Period:** The submission period will be for no less than ten (10) days.~~
- ~~(b) — **Submission of Application:** Candidates will fill out an application with the following information provided: Name, address, phone number, email address, occupation, background related to bicycle and pedestrian movement, why applicant would like to serve on the Committee, and two (2) references. The applicant will provide the name, address, phone and email address of a proxy as well as what background the proxy has in relation to bicycle and pedestrian movement. Applications will be sent directly to Metro COG. Metro COG staff will confirm the interest, background and availability of the proxy.~~
- ~~(c) — **Review of Applications:** Applications will be submitted to the Metropolitan Bicycle and Pedestrian Committee for review. Discussion of each application will occur during a regularly scheduled committee meeting.~~
- ~~(d) — **Selection Process.** Selection of finalists will be done through consensus or by voting. If committee members feel the need for more clarity relative to an application, then the Committee can request this information before a vote is taken. The selection process will then resume at the next committee meeting. Voting members of the Committee will vote to move forward to the Policy Board a recommendation to appoint a candidate to the Metropolitan Bicycle and Pedestrian Committee.~~
- ~~(e) — **Confirmation of Candidate's Interest:** The candidate is contacted and is asked if they still want to serve on the Committee. If the candidate accepts the position the recommendation to appoint to the Committee is forwarded to the Policy Board. If the candidate does not accept the position, the Committee has the option of reviewing the remaining candidates and voting on the remaining candidates. If the Committee is not comfortable with the remaining candidates the application period will be re-opened as stated in Section 31.02 of these policies and procedures.~~
- ~~(f) — **Policy Board Approval:** The Policy Board must approve all candidates and their proxies for the voting citizen representative position before the candidate takes their seat on the Metropolitan Bicycle and Pedestrian Committee.~~

~~If for some reason there is a tie, a discussion and re vote will occur at the same committee meeting if possible. If a tie occurs on the second vote, a coin toss will occur. The Chair for the Committee will declare which of the two tied candidates is heads or tails. The Chair will toss the coin and the tie will be broken.~~

Article XXXI deleted by Policy Board Action, May 19, 2022. Refer to TTC Bylaws for information about the make-up of the Metropolitan Bicycle and Pedestrian Committee.



To: Policy Board
From: Cindy Gray, Executive Director
Date: May 13, 2022
Re: 2023 Budget Estimate

Metro COG's budget estimates have been completed for 2023. Table 1 below shows the estimate of local dues by jurisdiction based on the projects included in the draft budget. The column on the right shows the total estimated amounts for local match for each jurisdiction.

Table 1 – Metro COG Estimated 2023 Budget Summary

2023 Budget Summary Operations, Overhead and Projects				
Local Jurisdictions	Operations & Overhead	Projects	Internal Ops Local Only	Total
Cass County	\$11,621	\$4,770	\$148	\$16,540
Clay County	\$13,376	\$5,490	\$171	\$19,036
Dilworth	\$4,385	\$1,800	\$56	\$6,241
Fargo	\$109,637	\$50,000	\$1,400	\$161,037
Horace	\$2,850	\$1,170	\$36	\$4,056
Moorhead	\$42,320	\$34,844	\$540	\$77,704
West Fargo	\$35,522	\$14,580	\$454	\$50,556
Subtotal	\$219,711	\$112,654	\$2,806	\$335,171
States	Operations & Overhead	Projects	Internal Ops Local Only	Total
MnDOT	\$26,820	\$15,000	\$0	\$41,820
NDDOT	\$0	\$0	\$0	\$0
Subtotal	\$26,820	\$15,000	\$0	\$41,820
Federal	Operations & Overhead	Projects	Internal Ops Local Only	Total
CPG	\$957,554	\$389,896	\$0	\$1,347,450
Carbon Reduction	\$0	\$120,000	\$0	\$120,000
Subtotal	\$957,554	\$509,896	\$0	\$1,467,450
Total	\$1,204,085	\$637,550	\$2,806	\$1,844,441

The amounts shown above are based on an update of internal operations and overhead, using up-to-date salary and benefits information and estimated costs for a multitude of items that go into our annual budgets.

Attachments 1 shows the breakdown of internal operations and overhead, and **Attachment 2** shows the projects assumed in the budget and the local match

responsibility for each project, and for the total of all projects included. The draft budget includes several projects that involve all member jurisdictions, which include:

- Metropolitan Transportation Plan – 2050 Update (year 1 of 2)
- Travel Demand Model Update (year 2 of 2)
- Interstate Operations Analysis – wrap-up and amendment (year 3 of 3)
- NDSU ATAC Annual Participation
- Electric Vehicle Readiness Study

Projects specific to individual jurisdictions include:

- Moorhead's Intersection Traffic Data Collection – year 2 of 3
- Moorhead I-94 & 20th Street Interchange Analysis
- Fargo's University Drive & 10th Street Study – year 3 of 3

Attachment 3 shows local match amounts over the past several years. This information has been requested by the Policy Board in the past, and is now routinely provided as a point of reference.

The preparation of the 2023 draft budget is the first step in the preparation of the 2023-2024 UPWP, which will be brought to the TTC and Policy Board for adoption in September, 2022.

Variables in this budget that are yet to be determined include matters such as the potential for Minot to be designated an MPO as a result of the 2020 Census. Since Minot itself is just under a population of 50,000, this will depend upon the urbanized area boundary drawn by the Census Bureau, and whether or not the communities of Surrey and/or Burlington are included in Minot's urbanized area. If Minot is designated an MPO, the state's CPG funds will need to be stretched to fund a fourth MPO.

Another variable is the increased amounts of consolidated planning grant funds being provided to the states through the IJA legislation. Some of this increase will find its way to Metro COG, but amounts have yet to be determined.

Another variable is the extent to which NDDOT wishes to change the funding formula between the MPOs in North Dakota. If the formula is changed, Metro COG will likely receive less funding than it currently does. We disagree with the notion of any such adjustments, especially at a time when our responsibilities are increasing with the Transportation Management Area (TMA) designation.

Once some of these variables have become clearer, we may need to adjust the budget to account for them. At their May 12 meeting, the TTC recommended acceptance of the 2023 estimated budget.

Requested Action: Accept Metro COG's budget estimate for 2023, with the understanding that refinements will be made once US Census and urban area boundaries are complete, and more is known about future CPG amounts.

Jurisdiction Operations Dues Summary - 2023 Budget Estimate

Dues and Local Match on Contracted Planning Projects	Participating Jurisdictions	Jurisdiction								Total Cost Split Between Jurisdictions
		Cass Co.	Clay Co.	Dilworth	Fargo	Horace	Moorhead	West Fargo	MnDOT	
Metro COG Dues										
Approved Dues Formula		5.3%	6.1%	2.0%	50.0%	1.3%	19.3%	16.2%	0.0%	100.00%
Internal Opertions (eligible costs)										
Metro COG Personnel (Total Loaded Wage)	All	\$8,124.97	\$9,351.38	\$3,066.03	\$76,650.64	\$1,992.92	\$29,587.15	\$24,834.81	\$26,820.00	\$ 900,606.43
Metro COG Overhead Costs	All	\$3,141.16	\$3,615.30	\$1,185.34	\$29,633.60	\$770.47	\$11,438.57	\$9,601.29	\$0.00	\$ 296,336.00
MnDOT Match Requirement	All	\$355.37	\$409.01	\$134.10	\$3,352.50	\$87.17	\$1,294.07	\$1,086.21	\$0.00	\$ 6,705.00
Total Dues (Internal)		\$11,621.49	\$13,375.68	\$4,385.47	\$109,636.74	\$2,850.56	\$42,319.78	\$35,522.30	\$26,820.00	\$1,203,647.43
Internal Operations (ineligible costs)	All	\$148.40	\$170.80	\$56.00	\$1,400.00	\$36.40	\$540.40	\$453.60		\$2,800.00
Total		\$11,769.89	\$13,546.48	\$4,441.47	\$111,036.74	\$2,886.96	\$42,860.18	\$35,975.90	\$26,820.00	\$1,206,447.43

Jurisdiction Project Dues Summary - 2023 Budget Estimate

Dues and Local Match on Contracted Planning Projects	Participating Jurisdictions	Jurisdiction ¹								Total Cost	Federal Share ²	Federal %	Local Share	Local %
		Cass Co.	Clay Co.	Dilworth	Fargo	Horace	Moorhead	West Fargo	Other					
Metro COG Dues														
Approved Dues Formula		5.3%	6.1%	2.0%	50.0%	1.3%	19.3%	16.2%	0.0%	100.00%				
Regional Contracted Planning Projects														
NDSU ATAC Annual Participation	All	\$106.00	\$122.00	\$40.00	\$1,000.00	\$26.00	\$386.00	\$324.00	\$0.00	\$10,000.00	\$8,000.00	80%	\$2,000.00	20%
Metropolitan Transportation Plan 2050 Update	All	\$2,120.00	\$2,440.00	\$800.00	\$20,000.00	\$520.00	\$7,720.00	\$6,480.00	\$0.00	\$200,000.00	\$160,000.00	80%	\$40,000.00	20%
Travel Demand Model Update (2022-23)	All	\$424.00	\$488.00	\$160.00	\$4,000.00	\$104.00	\$1,544.00	\$1,296.00	\$0.00	\$40,000.00	\$32,000.00	80%	\$8,000.00	20%
Interstate Operations Analysis	All	\$530.00	\$610.00	\$200.00	\$5,000.00	\$130.00	\$1,930.00	\$1,620.00	\$0.00	\$50,000.00	\$40,000.00	80%	\$10,000.00	20%
Electric Vehicle Readiness Study - Possible use of Carbon Reduction Funding	All	\$1,590.00	\$1,830.00	\$600.00	\$15,000.00	\$390.00	\$5,790.00	\$4,860.00	\$0.00	\$150,000.00	\$120,000.00	80%	\$30,000.00	20%
Total - Projects Shared Across Metro Area		\$4,770.00	\$5,490.00	\$1,800.00	\$45,000.00	\$1,170.00	\$17,370.00	\$14,580.00	\$0.00	\$450,000.00	\$360,000.00		\$90,000.00	
Jurisdiction-Specific Contracted Planning Studies														
Moorhead Intersection Traffic Data Collection (lowered to \$5,000; move other \$5,000 to 2022)	Moorhead						\$2,474.00			\$12,370.00	\$9,896.00	80%	\$2,474.00	20%
Moorhead I-94 & 20th Street Interchange Analysis	Moorhead						\$15,000.00		\$15,000.00	\$150,000.00	\$120,000.00	80%	\$30,000.00	20%
University Drive & 10th Street On-Way Pair Conversion Study (total project - \$275,000 with \$100K est. in 2021)	Fargo				\$5,000.00					\$25,000.00	\$20,000.00	80%	\$5,000.00	20%
Total - Jurisdiction-Specific Planning Studies		\$0.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$17,474.00	\$0.00	\$15,000.00	\$187,370.00	\$149,896.00		\$37,474.00	
Grand Total Project Dues		\$4,770.00	\$5,490.00	\$1,800.00	\$50,000.00	\$1,170.00	\$34,844.00	\$14,580.00	\$15,000.00	\$637,370.00	\$509,896.00		\$127,474.00	

Comparison of Proposed 2023 Local Match Amounts with Prior Five Years (2018-2022)

Local Match by Year	Jurisdictions							Other	
	Cass Co	Clay Co	Dilworth	Fargo	Horace	Moorhead	West Fargo	MnDOT, NDDOT	Total
	7.7%	8.2%	1.9%	50.0%	1.2%	18.4%	12.5%	or FM Diversion Auth.	
2018 (included use of 2014 CPG Funds)									
Local Match - Operations & Overhead	\$10,353	\$10,963	\$2,609	\$66,925	\$1,575	\$24,679	\$16,377	\$12,645	\$146,127
Local Match - Contracted Projects	\$44,547	\$10,110	\$2,406	\$133,059	\$31,453	\$89,680	\$17,976	\$40,000	\$369,230
Total	\$54,900	\$21,073	\$5,015	\$199,984	\$33,028	\$114,358	\$34,353	\$52,645	\$515,357
								Total budget: \$2,556,828	
2019									
Local Match - Operations & Overhead	\$11,101	\$11,593	\$2,797	\$71,758	\$1,689	\$26,461	\$17,956	\$26,820	\$170,174
Local Match - Contracted Projects	\$5,105	\$5,406	\$1,286	\$62,466	\$777	\$12,169	\$48,257	\$40,000	\$175,466
Total	\$16,206	\$16,998	\$4,084	\$134,224	\$2,466	\$38,629	\$66,213	\$66,820	\$345,640
								Total budget: \$1,540,237	
2020									
Local Match - Operations & Overhead	\$12,684	\$13,431	\$3,196	\$81,991	\$1,930	\$30,234	\$20,516	\$26,820	\$190,802
Local Match - Contracted Projects	\$696	\$737	\$175	\$66,300	\$14,506	\$38,834	\$12,633	\$75,000	\$208,882
Total	\$13,380	\$14,168	\$3,372	\$148,291	\$16,436	\$69,068	\$33,149	\$101,820	\$399,684
								Total budget: \$1,736,367.21	
2021 (proposed)									
Local Match - Operations & Overhead	\$13,407	\$14,197	\$3,378	\$86,669	\$2,040	\$31,959	\$21,686	\$26,820	\$200,157
Local Match - Contracted Projects	\$6,265	\$6,634	\$1,579	\$70,500	\$953	\$16,934	\$10,134	\$56,000	\$168,999
Total	\$19,672	\$20,831	\$4,957	\$157,169	\$2,993	\$48,893	\$31,820	\$82,820	\$369,156
								Total budget: \$1,596,326	
2022 (original budget using old formula)									
Local Match - Operations & Overhead	\$14,384	\$15,231	\$3,625	\$92,981	\$2,189	\$34,286	\$23,266	\$26,820	\$212,782
Local Match - Contracted Projects	\$3,604	\$3,817	\$908	\$52,300	\$548	\$10,592	\$5,830	\$88,000	\$165,600
Total	\$17,988	\$19,048	\$4,533	\$145,281	\$2,737	\$44,878	\$29,096	\$114,820	\$378,382
								Total budget: \$1,693,891	
Updated Local Match Formula									
	5.3%	6.1%	2.0%	50.0%	1.3%	19.3%	16.2%		
2022 (final after adjustment to formula and addition of projects in UPWP Amendment 2)									
Local Match - Operations & Overhead	\$11,359	\$13,074	\$4,287	\$107,164	\$2,786	\$41,365	\$34,721	\$26,820	\$241,576
Local Match - Contracted Projects	\$3,096	\$3,549	\$1,149	\$112,750	\$744	\$14,076	\$9,235	\$103,000	\$247,599
Total	\$14,455	\$16,623	\$5,436	\$219,914	\$3,530	\$55,441	\$43,956	\$129,820	\$489,175
								Total budget: \$2,155,724	
2023 Budget Estimate									
Local Match - Operations & Overhead	\$11,770	\$13,546	\$4,441	\$111,037	\$2,887	\$42,860	\$35,976	\$26,820	\$249,337
Local Match - Contracted Projects	\$4,770	\$5,490	\$1,800	\$50,000	\$1,170	\$34,844	\$14,580	\$15,000	\$127,654
Total	\$16,540	\$19,036	\$6,241	\$161,037	\$4,057	\$77,704	\$50,556	\$41,820	\$376,991
								Total budget: \$1,843,817	