

# PECATONICA RAIL TRANSIT COMMISSION

PO Box 262 • 20 S Court Street • Platteville, Wisconsin 53818  
MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

## PRTC/WRRTC FORMAL FUNDING AGREEMENT WORKING COMMITTEE October 23, 2015

Green Co. Courthouse 2<sup>nd</sup> Floor Courtroom, 1016 16<sup>th</sup> Ave • Monroe, WI

**1. Call to Order** – *Harvey W. Kubly, Chair*

The meeting was called to order by Chair Kubly at 1:53 PM

**2. Establishment of Committee Members Present** – *Mary Penn, PRTC Administrator*

<i>Commissioner</i>	<i>County</i>	<i>Present</i>
<i>Harvey W. Kubly</i>	<i>Green</i>	<i>x</i>
<i>Ron Wolter</i>	<i>Green</i>	<i>x</i>
<i>Philip Mrozinski</i>	<i>Iowa</i>	<i>x</i>
<i>Charles Anderson</i>	<i>Iowa</i>	<i>x</i>
<i>Alan Sweeney</i>	<i>Rock</i>	<i>x</i>
<i>Wayne Gustina</i>	<i>Rock</i>	<i>excused</i>

Also attending: Kim Tollers, WDOT, Mary Penn, PRTC Administrator; Eileen Brownlee, Corp Counsel; Ken Lucht, WSOR

**3. Action Item. Certification of Meeting's Public Notice** – *Noticed by Penn*

- *Motion to approve certification of notice – Mrozinski/Sweeney, Passed Unanimously*

**4. Action Item. Approval of Agenda** – *Prepared by Penn*

- *Motion to approve the agenda – Anderson/Mrozinski, Passed Unanimously*

**5. Action Item. Approval of draft Minutes from July 2015 meeting** – *Prepared by Penn*

- *Motion to approve July 2015 minutes – Sweeney/Mrozinski, Passed Unanimously*

### COMMITTEE BUSINESS

**6. Continued discussion of possibility of Green County joining WRRTC**

While Mary Penn distributed copies of a draft resolution and draft joinder contract, Harvey Kubly said at the last meeting Eileen Brownlee had indicated she had a template to use for a joinder document. Brownlee said Jefferson County had joined the WRRTC in 2014 and she used that template. She noted there were some language changes but otherwise it was useable here.

Brownlee said the concern was the contribution amount and the language that pertains to that. She noted that Rock and Iowa counties made contributions to more than one although there was nothing in writing that said that was the way it worked. She noted the language of the charters and the contributions each county made, saying she assumed this was a practice that had evolved over time and if a county belonged to more than one commission, they paid to whom they wished. If that was the way it was going to be, it would be appropriate to amend the charters or create agreements whereby that became the status quo. Since it was 35 years after the commissions were created, there was nothing that supported the practice. She said how it is done today might documented in past meeting minutes but said minutes cannot amend a charter.

Kubly said they had talked about that at length in the beginning when this committee began meeting. He said Frank Huntington had said that there was the 66 Agreement that was supposed to have addressed the contribution. Penn said Huntington had confirmed the

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66 Agreement had been executed and had received a copy from him. Alan Sweeney asked Brownlee to research the 66 Agreement and give her opinion as to its validity as it related to funding and if useable, could it be of use to Green County joining the WRRTC. Kubly said that sounded like a great idea. Sweeney said the 66 Agreement might need to be amended or a new agreement between commissions made. Brownlee asked who were the parties: counties or commissions. She said the 66 Agreement was for sharing costs, meetings, and ideas and she thought the commissions had authority to enter into such an agreement but because funding was from counties you would need to return to the specific charters.

Charles Anderson said he had worked on the 66 Agreement at least 15 or 16 years ago. Brownlee said it could have been even longer ago. Kubly said it would have been near the beginning of the PRTC's creation as he had come on board in 1998. Brownlee said it was a matter of reviewing the 66 Agreement.

Anderson asked when the Pink Lady came into the WRRTC and whether they made any contribution. Sweeney said the Pink Lady did not join the WRRTC. Ken Lucht said the Reedsburg sub was just purchased and the line was controlled by the WRRTC. He said the Pink Lady was a very different RTC in its membership and organization. Anderson asked what "they could do with their funds". Kubly said the PRTC was going to be the same as it was: the issue was about Green County joining the WRRTC. Sweeney said it was up to the PRTC to contribute funds within the PRTC area or outside their area. Anderson asked what contributions were in addition to the \$26,000.00. Sweeney said that was up to the Commission. He said at the last meeting Green County prepared to contribute to the PRTC. Kubly said that was probably because no one told the County Clerk any differently. Sweeney said that was a maybe and said he saw this as terms of an agreement of what they were already doing. With that understanding, if there were a project, on an outside PRTC area (like the Fox Lake Sub), an agreement would sanction that. He said there may be others but that was his long range idea.

Kubly asked Brownlee if she would research the issue and she said she would do so.

Kubly asked Brownlee in this process, was it a chicken or the egg. Would Green County would have to approve first and then go to WRRTC for their agreement. Brownlee said that was generally how it had gone. She did not know why the Commission would act unless the County had already committed to joining. She thought the County acted first and then the WRRTC acted on it. Legally she did not think that would matter. She reiterated the possible process and said either the Commission accepted Green County or Green County agreed to join: it could be something as simple as who met when and was a matter of indifference and could only be a slight issue of wording.

Sweeney asked if a shared administrative expense on Green County's part would be accepted; would Green County accept that. Basically, pay for 1/10 of the administration fees on an annual basis. He clarified that he was not thinking of subsuming the PRTC into the WRRTC. He was thinking of an administrative cost. With a new 10<sup>th</sup> county, 1/10 of that expense out of the \$28,000.00 the PRTC received, those dollars could be contributed to pay for administrative fees. Anderson said he supported that. Ron Wolter said at this time he did not support that as Lafayette County did not pay in. Kubly noted that Iowa and Rock did not contribute to the PRTC either. Wolter asked to be reminded of the benefits of pursuing this as he could not see them. He said contributing to an outside project could be done by action of the PRTC as he did not think the Green County our Board would approve it. Kubly said he had long felt the County Board would not approve it if their contribution was going anywhere other than the PRTC and that was why he wanted some form of agreement and not get "hit" by the WRRTC.

Anderson wondered if an expenditure came up and if the 10% would be way short of the share of repairs on the PRTC line. He said the State put up 80%, the Commission 10%, and WSOR 10% and if it were more than the Commission could pay did they pay out of their (PRTC) reserves. Kubly said in the past there had been reserves and for a number of years, the PRTC gave their money to the WRRTC. Kubly asked Lucht if he remembered that. Lucht said certainly there was a time when the commissions would pool and share their projects outside their territory and the argument for that was the whole system would be upgraded and preserved. He could not remember other commissions contributing to the PRTC. He added to Wolter, the value if Green County joined WRRTC, Green County would get a right to vote on bigger projects that benefited their County, mentioning the Fox Lake Sub as an example, as that sub benefited both the PRTC and the WRRTC systems. He said he thought Green County could benefit as they would have voting rights.

Kubly said at the moment Green County was the only one that did not belong to the WRRTC. Lucht confirmed and said right now, the PRTC was only concerned with the Monroe sub but over the past 20 years it had grown into a regional transportation network and therefore it would be a reasonable request of Green County to join the WRRTC for that reason: they benefited from a regional system.

Kubly wondered if Brownlee could have something ready for the next meeting. She said she could have it ready for January. In the meantime, Kubly said he would speak to the County Chair and the County's Corporation Counsel.

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Wolter asked if Lafayette County had been billed. Penn said all member PRTC counties had been billed. Lucht asked what had been billed. Penn said \$26,500.00. Kubly said he had spoken to Jack Sauer who had been invited but there had been no response. He said he had no idea what the answer was other than the satisfaction that we tried to do something.

There was discussion at this point about how the TCTC funded. Kubly said Lafayette County did not see that they benefited from the system. Brownlee said at this point it was a regional system. Wolter said they partnered with Green County on health issues. Brownlee said they worked with Grant County too in other areas and are used to collaborative efforts.

**7. Action Item - Adjournment**

- *Motion to adjourn at 2:27 PM– Wolter/Anderson, Passed Unanimously*