NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION
FULL COMMISSION/EXECUTIVE BOARD MEETING
Thursday, September 19, 2019, 9:00 A.M.
NIRPC Lake Michigan Room, 6100 Southport Road, Portage, IN

Annotated Agenda

1.0 Call to Order and Pledge of Allegiance - Diane Noll, Chair

2.0 Public Comment
   Members of the audience who have signed up to comment on agenda items will be recognized by the Chair. Commenters must indicate their wish to comment on the sign-in sheet prior to the start of the meeting. As per NIRPC resolution 14-01, time is limited to 3 minutes per commenter, no shouting, name calling, or vulgarity will be permitted, and respect must be shown by all parties.

3.0 Approval of the Minutes of the August 15, 2019 Executive Board Meeting (pp. 1-3)
   ACTION REQUESTED: Approval

4.0 Report of the Chair - Diane Noll

5.0 Report of the Executive Director - Ty Warner

6.0 Finance & Personnel Committee - Justin Kiel (p. 4)
   6.1 Amendment #2 – Proposed 2019 Budget Amendment
   ACTION REQUESTED: Approval

7.0 Legislative Committee – Ty Warner (pp. 5-12)
   7.1 Resolution 19-27: Requesting that the Appropriations Increase recommended in Resolution 19-06 be adopted during the 2020 Legislative Session
   ACTION REQUESTED: Approval

7.0 Environmental Management Policy Committee – Jan Bapst

8.0 INDOT, Matt Deitchley, La Porte District Deputy Commissioner

9.0 Other Business

10.0 Announcements

11.0 Adjournment
The Northwestern Indiana Regional Planning Commission (NIRPC) prohibits discrimination in all its programs and activities on the basis of race, color, sex, religion, national origin, age, disability, marital status, familial status, parental status, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual’s income is derived from any public assistance program.
Call to Order – Chairperson Diane Noll called the meeting to order at 9:05 a.m. with the Pledge of Allegiance and self-introductions. The meeting was streamed live on YouTube.

Commissioners present included Diane Noll, Tom McDermott, Jr., Greg Stinson, Michael Griffin, Kevin Breitzke, Tom Schmitt, Jane Jordan, Jack Jeralds, Jeanette Bapst, Geof Benson, Bill Emerson, Mike Rosenbaum, Sheila Matias, Dave Shafer, Gene Simmons, Bob Carnahan, Joe Stahura, Sharon Szwedo, Don Ensign, John Cannon, Mark Krentz, Justin Kiel, George Topoll, and Karen Freeman-Wilson.

Guests present included Rick Powers, Jake Dammarell, Sue Pelfrey, Zully Alvarado, Stephanie Kuziela, Tim Jones, David Wright, and Jerome Powell.

Staff present included Dave Hollenbeck, Ty Warner, Kathy Luther, Trey Wadsworth, Charles Bradsky, Mitch Barloga, Peter Kimball, Meredith Stilwell, Gabrielle Biciunas, James Winters, Scott Weber, and Candice Eklund

Public Comment – David Wright introduced Jerome Parker, the new General Manager with the Gary Public Transportation Corp (GPTC). Mr. Parker gave a brief history of his career, stating he has worked in various transportation communities for over 41 years. Mr. Parker is excited to bring his ideas and experiences to Northwest Indiana.

Minutes – The minutes of the May 16, 2019 Executive Board meeting were approved on a motion by Greg Stinson and a second by George Topoll.

Dave Hollenbeck reported there was not a full quorum of commission members but there was a quorum of the executive board. The agenda items for today can all be voted on by the executive board and can proceed pursuant to the agenda.

Report of the Chair – Diane Noll
Diane Noll announced Daria Sztaba was no longer with NIRPC and Talaya Jones is the acting Chief Financial Officer. Diane also introduced Jamie Stewart, NIRPC’s new accountant.

Report of the Executive Director – Ty Warner
Ty Warner welcomed the Commissioners after a brief summer hiatus and reported that during that time NIRPC staff had been busy following up on the approval of NWI 2050 from last May by updating the Public Participation Plan, creating a series of weekly newsletters stemming from NWI 2050, and focusing on other implementation items from the plan. Ty also invited the Commissions to the August 22 annual luncheon of Ignite the Region, spearheaded by the Northwest Indiana Forums. NIRPC’s primary involvement in this plan has been in the areas of infrastructure and placemaking.

Mr. Warner congratulated Mayor Tom McDermott and the City of Hammond on their placemaking efforts in their downtown planning, and stated it was exciting to be a part of their efforts by serving on the steering committee.

Mayor Tom McDermott provided an update on the Rail Crossings Task Force (RCTF) project. In the last year, the Indiana Supreme Court prohibited the municipalities’ from ticketing trains blocking intersections longer than 10 minutes. NIRPC created the RCTF in hopes of addressing the myriad of safety and other concerns created by this situation. A Bill went before the Indiana State House but a hearing was not granted because it was deemed a federal issue. The RCTF is therefore looking at
federal solutions. Mayor McDermott extended his appreciation to NIRPC for their efforts on this issue. The RCTF meeting on August 27, 2019 will be cancelled and notification will be sent with the rescheduled date. [Note: the date was subsequently set for October 1.]

Ty Warner announced Rick Powers, from INDOT, accepted a position as the Public Works Director in Peoria, Illinois. Ty and the Commissioners thanked Mr. Powers for his service to Northwest Indiana.

Finance & Personnel Committee – Justin Kiel
Justin Kiel stated Procurement 19-19 comes with a favorable recommendation from the F & P Committee for the City of Valparaiso, on Transit Oriented Development (TOD) improvements. Kathy Luther presented this procurement stating Valparaiso had an existing grant and is now requesting to use the $125,000 for ground improvements. On motion by George Topoll and second by Greg Stinson, the Executive Board approved Procurement 19-19 for the City of Valparaiso TOD ground improvements.

Environmental Management Policy Committee – Jan Bapst
Jan Bapst reported the EMPC group partnered with the Indiana Save the Dunes organization to discuss the public trust doctrine and the dynamic and continually changing high water mark on Lake Michigan. This doctrine related to giving access along the lakefront and stated there are no private areas. Sessions were held in Michigan City and NIRPC.

Technical Planning Committee – Kevin Breitzke
Kevin Breitzke reported the Technical Planning Committee (TPC) met on August 13 and heard a staff presentation on Next Level Trails Round 2. The next round is scheduled October 1 – November 1, 2019. See Mitch Barloga for further details. Staff also presented on the working group created by the TPC to review the 2019 NOFA procedures and create the NOFA for 2020. See Charles Bradsky for further details.

There are three actions for consideration. The first is Resolution 19-23, the Designation of Critical Urban Freight Corridor (CUFC). Mr. Breitzke said the Technical Planning Committee recommended adoption of Resolution 19-23. Peter Kimball reported the Critical Urban and Rural Freight Corridors (CURFCs) are important freight corridors that provide critical connectivity to the National Highway Freight Network (NHFN). The state of Indiana has been allotted 97.13 miles of designated Urban Freight Corridor and 194.25 miles of Rural Freight Corridor. On motion by Greg Stinson and second by John Cannon, the Executive Board voted to adopt Resolution 19-23, to adopt Willowcreek Road/Crisman Road from U.S. 20 to the Indiana Toll Road entrance ramp. Ty Warner noted this is the only section in the state of Indiana where the toll road exits onto a local street, making Portage accountable for all of the improvements along the roadway brought by the resulting freight traffic. John Cannon expressed his gratitude to NIRPC staff for their efforts on this opportunity for the City of Portage.

Mr. Breitzke stated the Technical Planning Committee recommended the adoption of Resolution 19-24, the Public Participation Plan (PPP) Update. Trey Wadsworth described the Public comment report and the PPP update. The new PPP was put out for public comment on June 21, 2019 for a 45 day public comment period. Four of the seven public comments received were in support of the PPP, two comments contained ideas and one was for a topic NIRPC does not have involvement in and could not authorize the funding for. None of the comments were deemed significant and did not require a revision to the plan. On motion by Tom McDermott, Jr. and second by Greg Stinson, the Executive Board voted to adopt Resolution 19-24, support for the Public Participation Plan Update.

Mr. Breitzke said the Technical Planning Committee recommended the adoption of Resolution 19-22, the Transportation Improvement Program (TIP) FY 2018-2021 (Amendment #23) and FY 2020-2024 (Amendment #1). Charles Bradsky noted there were no public comments received during the 30 day public comment period. The FY 2020-2024 TIP has not been approved by INDOT or FHWA yet,
therefore requesting to amend the FY 2018-2021 TIP as well as the future FY 2020-2024 TIP. On motion by Greg Stinson and second by Justin Kiel, the Executive Board voted to adopt Resolution 19-22, Transportation Improvement Program (TIP) FY 2018-2021 (Amendment #23) and FY 2020-2024 (Amendment #1).

Indiana Department of Transportation – Rick Powers
Rick Powers reported the transportation industries around the state are investigating ways to better communicate and move funding more efficiently. INDOT has several projects on the Borman expressway through 2025 and they will be installing electronic traffic management as an alternative to moving traffic through the expressway. The Kennedy Avenue ramp is closed due to significant erosion under the ramp and is expected to be open in three weeks. There are significant bridge related issues on I-94 and the capacity improvements on I-65 are scheduled to be completed this fall. Mr. Powers also announced he would be leaving INDOT on August 30 and said it was a pleasure to serve with INDOT and the amazing leadership of Northwest Indiana.

Other Business –
· Bob Carnahan said 16 Plus will meet August 23, 2019 at the Schererville Town Hall at 9:00 a.m. State Representative, Lisa Beck, will be speaking on the year end circuit breaker.
· Bob Carnahan reminded the group of the Census starting in March 2020. He encouraged all communities to form a Complete Count Committee to realize the benefits of $2,710 per person counted.

Adjournment-
Hearing no other business, Diane Noll adjourned the meeting at 9:51 a.m. The Full Commission/Executive Board will meet on September 19, 2019 at 9:00 a.m. at NIRPC.

A digital MP3 of this meeting is filed. Contact nirpc@nirpc.org should you wish to receive a copy of it. Barring technical issues, the livestream video recording of this meeting is available on NIRPC’s YouTube channel at https://www.youtube.com/user/NIRPCPlanning.
Amendment 2: To add new revenue

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<thead>
<tr>
<th>Original</th>
<th>Addition</th>
<th>Amended</th>
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<tbody>
<tr>
<td>State Agency Revenue to CMAQ</td>
<td>$151,040</td>
<td>$151,040</td>
</tr>
<tr>
<td>State Agency Revenue to STBG</td>
<td>$18,000</td>
<td>$18,000</td>
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<tr>
<td>Federal Agency Revenue to EPA</td>
<td>$41,650</td>
<td>$41,650</td>
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Purpose: To add new funds to the 2019 budget

SFY 2020 Funds for CMAQ Air Quality Public Education
FFY 2019 Funds for Brownfield Assessment

DEPARTMENTAL

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<tr>
<th>DETAILED BUDGET LINE</th>
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<tr>
<td>Environmental Communications</td>
<td>$55,000.00</td>
<td>$1,740.00</td>
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<td>Environmental Promotions</td>
<td>$7,000.00</td>
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CONTRACTUAL

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<tr>
<td>Environmental Contractual</td>
<td>$218,603.00</td>
<td>$186,708</td>
<td>$405,311.00</td>
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<td>E-TIP</td>
<td>$-</td>
<td>$18,000</td>
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Revenue $210,690

To Transfer within Contractual category amount of $2,000

FROM: Organizational Development
TO: Audit and Accounting

Purpose: Transferring funds from Organizational Development line item to Audit and Accounting to cover additional cost associated with anticipated changes in State Board of Accounts procedures

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<tr>
<td>Contractual Expense Audit and Accounting</td>
<td>18,000</td>
<td>2,000</td>
<td>20,000</td>
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<tr>
<td>Contractual Expense Organizational Development</td>
<td>10,000</td>
<td>(2,000)</td>
<td>8,000</td>
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To Transfer between Contractual Category and Equipment Services/Maintenance to cover new contract

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<tr>
<td>Contractual FROM: Organizational Development</td>
<td>8,000</td>
<td>(3,952)</td>
<td>4,048</td>
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<tr>
<td>Equipment Service/Maintenance TO: Combined Copier/IT/Phone Service/Maintenance</td>
<td>68,648</td>
<td>3,952</td>
<td>72,600</td>
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RESOLUTION 19-27
A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION REQUESTING THAT THE APPROPRIATION INCREASE OF RESOLUTION 19-06 BE ADOPTED DURING THE 2020 LEGISLATIVE SESSION

SEPTEMBER 19, 2019

WHEREAS, the Northwestern Indiana Regional Planning Commission is a regional Council of Governments whose purpose is to institute and maintain a comprehensive planning and programming process for transportation, economic development, and environmental policy and provide a coordinative management process for Lake, Porter, and LaPorte Counties; and

WHEREAS, per Indiana Code 36-7-7.6, the three (3) counties of Lake, Porter, and LaPorte Counties their forty-one (41) municipalities are represented on the Northwestern Indiana Regional Planning Commission and desire that the Commission provide services of regional benefit to these counties and municipalities; and

WHEREAS, in order to carry out its statutory purpose, IC 36-7-7.6-18 provides for an appropriation from the counties of Lake, Porter, and LaPorte for the Commission to carry out its purpose, which provides the local match dollars that enable these counties to receive certain Federal, State, and other funding through the Commission; and

WHEREAS, NIRPC’s county appropriation was set in 1992 at 70 cents per capita, was not indexed, and has not been increased since it was set in 1992; and

WHEREAS, this amount of appropriation has not kept pace with the real dollar value of the funding and activities to which this appropriation is applied; and

WHEREAS, NIRPC purposes every dollar of the appropriation it receives, is prevented from expanding its services to the region, and cannot leverage this appropriation for additional funding for the region of Lake, Porter, and LaPorte Counties without an increase in its per capita appropriation; and

WHEREAS, the Commission has applied for designation as an Economic Development District from the Economic Development Administration of the United States Department of Commerce, which will leverage additional funds for economic development within Lake, Porter, and LaPorte Counties but will also require that additional local match be made available to administer those funds; and
WHEREAS, the Commission desires to increase NIRPC’s per capita appropriation to adjust to current dollar value and to index that per capita appropriation to keep pace with future years in order to support activities for the benefit of Lake, Porter, and LaPorte Counties and its municipalities; and

WHEREAS, on February 21, 2019, the NIRPC Commission adopted Resolution 19-06 supporting this increase in county appropriations; and

WHEREAS, in order to put into place the local funding necessary to provide these services and to receive funding from the Economic Development Administration of the United States Department of Commerce to administer an Economic Development District for the area of Lake, Porter, and LaPorte Counties for the benefit of those counties and their municipalities, the Commission desires that the legislative change necessary to put into effect this appropriations adjustment be adopted in the 2020 Legislative Session;

NOW THEREFORE BE IT RESOLVED, that the Commission confirms its continued support of an increase in NIRPC’s per capita county appropriation and to index the per capita rate according to the schedule identified in Attachment A to this resolution.

BE IT FURTHER RESOLVED, that the Commission requests of its representatives and the Indiana General Assembly that the changes indicated in Resolution 19-06 Attachment A be incorporated into IC 36-7-7.6 during the 2020 legislative session.

Duly adopted by the Northwestern Indiana Regional Planning Commission this nineteenth day of September 2019.

__________________________
Diane Noll
Chairperson

ATTEST:

__________________________
George Topoll
Secretary
RESOLUTION 19-06
A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION IN SUPPORT OF AN INCREASE IN COUNTY APPROPRIATIONS
FEBRUARY 21, 2019

WHEREAS, the Northwestern Indiana Regional Planning Commission is a regional Council of Governments whose purpose is to institute and maintain a comprehensive planning and programming process for transportation, economic development, and environmental policy and provide a coordinative management process for Lake, Porter, and LaPorte Counties; and

WHEREAS, in order to carry out its statutory purpose, IC 36-7-7.6-18 provides for an appropriation from these counties for the Commission to carry out its purpose, and which provides the local match that enables these counties to receive certain Federal, State, and other funding; and

WHEREAS, NIRPC’s county appropriation was set in 1992 at 70 cents per capita, was not indexed, and has not been increased since it was set in 1992; and

WHEREAS, this amount of appropriation has not kept pace with the real dollar value of the funding and activities to which this appropriation is applied; and

WHEREAS, NIRPC purposes every dollar of the appropriation it receives, is prevented from expanding its services to the region, and cannot leverage this appropriation for additional funding for Lake, Porter, and LaPorte Counties without an increase in its per capita appropriation; and

WHEREAS, the Commission has applied for designation as an Economic Development District from the Economic Development Administration of the United States Department of Commerce, which will leverage additional funds for economic development for Lake, Porter, and LaPorte Counties but will also require that additional local match be made available to administer those funds; and

WHEREAS, the Commission desires to increase NIRPC’s per capita appropriation to adjust to current dollar value and to index that per capita appropriation to keep pace with future years in order to support activities for the benefit of Lake, Porter, and LaPorte Counties;
NOW THEREFORE BE IT RESOLVED, that the Commission supports an increase in NIRPC’s per capita county appropriation and to index the per capita rate according to the schedule identified in Attachment A to this resolution.

BE IT FURTHER RESOLVED, that the Commission commends to the Indiana General Assembly that the changes indicated in Attachment A be incorporated into IC 36-7-7.6.

Duly adopted by the Northwestern Indiana Regional Planning Commission this twenty-first day of February 2019.

Diane Noll
Chairperson

ATTEST:

George Topoll
Secretary
MEMORANDUM

Date: Monday, December 3, 2018

To: Mary Tanis, Chair
NIRPC Legislative Committee

Ty Warner, AICP, NIRPC Executive Director

From: Michael W. Griffin, Member
NIRPC Legislative Committee

Re: Suggested or Proposed Change in Language for NIRPC budget Support

Madam Chair and Executive Director:

Hello. I hope this arrives to find you well. Please see below Section 18 of IC 36-7-7.6 of the Indiana Code. This is the particular provision in the NIRPC enabling law that deals with budgeting and financing the operation.

This rate as you know has been unchanged at least since the revision to the enabling legislation, which occurred in 2003. This was the period in which NIRPC became a council of governments and the three specific missions of transportation, environment and economic development were identified for its purpose and objects.

As you see below, I am suggesting a change, which is simply an application of the CPI calculator, allowing what the number should be in 2018 if the rate was adjusted from 2003 each year according to the index. I am also showing a method that ties to either the CPI or the growth quotient for all local and county governments for the property tax levy. The latter is basically the six year average of Indiana non-farm personal income, not to exceed 6%. I have elected to use language that allows use of the greater of the two. I bet that the legislature will require that to be changed to the smaller of the two.

I am submitting this for your review and possible presentation to the Indiana General Assembly this long sessions.

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Digest: An amendment to IC 36-7-7.6-18 to update its language regarding the budget for NIRPC, which is unchanged since 2003. The change updates the capitation rate based upon the CPI and provides for an annual adjustment based upon CPI or the property tax growth quotient, whichever is higher beginning in 2021.

Whenever an existing provision in the code is being amended, the text of the existing provision will appear in this style of type, additions will appear in this style of type, and deletions will appear in this style of type. Whenever a wholly new provision is being adopted for the code, the text of the new provision will appear in this style of type. Also, the word NEW will appear in that style type in the introductory clause of each section that adds a new clause.
IC 36-7-7.6-18 Annual appropriation budget; tax levy; use of funds

Sec. 18. (a) The commission shall prepare and adopt an annual appropriation budget for its operation. The appropriation budget shall be apportioned to each participating county on a pro rata per capita basis. After adoption of the appropriation budget, any amount that does not exceed an amount for each participating county equal to seventy ninety-six cents ($0.76) ($0.96) per capita for each participating county shall be certified to the respective county auditor.

(b) (NEW) Beginning in 2021, the per capita rate shall be adjusted by either the consumer price index or by the growth quotient described in IC 6-1.1-18.5-2, whichever is greater. The Department of Local Government Finance shall provide to the commission the value of each quotient by August 1 of each year to be used in the ensuing year.

—(b) (c) A county's portion of the commission's appropriation budget may be paid from any of the following, as determined by the county fiscal body:
  (1) Property tax revenue as provided in subsections (e) (d) and (e) (e).
  (2) Any other local revenue, other than property tax revenue, received by the county, including local income tax revenue under IC 6-3.6, excise tax revenue, riverboat admissions tax revenue, riverboat wagering tax revenue, riverboat incentive payments, and any funds received from the state that may be used for this purpose.
  (3) (NEW) Any combination of the sources described in subdivisions (1) and (2).

(e) (d) The county auditor shall:
  (1) advertise the amount of property taxes that the county fiscal body determines will be levied to pay the county's portion of the commission's appropriation budget, after the county fiscal body determines the amount of other local revenue that will be paid under subsection (b) (c) (2); and
  (2) establish the rate necessary to collect that property tax revenue; in the same manner as for other county budgets.

(e) (e) The tax levied under this section and certified shall be estimated and entered upon the tax duplicates by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other county taxes are estimated, entered, collected, and enforced. The tax collected by the county treasurer shall be transferred to the commission.

(e) (f) In fixing and determining the amount of the necessary levy for the purpose provided in this section, the commission shall take into consideration the amount of revenue, if any, to be derived from federal grants, contractual services, and miscellaneous revenues above the amount of those revenues considered necessary to be applied upon or reserved upon the operation, maintenance, and administrative expenses for working capital throughout the year.

(f) (g) After the budget is approved, amounts may not be expended except as budgeted unless the commission authorizes their expenditure. Before the expenditure of sums appropriated as provided in this section, a claim must be filed and processed as other claims for allowance or disallowance for payment as provided by law.
(g) (h) Any two (2) of the following officers may allow claims:
   (1) Chairperson.
   (2) Vice chairperson.
   (3) Secretary.
   (4) Treasurer.

—(h) (i) The treasurer of the commission may receive, disburse, and otherwise handle funds of the commission, subject to applicable statutes and to procedures established by the commission.

(j) The commission shall act as a board of finance under the statutes relating to the deposit of public funds by political subdivisions.

(j) (k) Any appropriated money remaining unexpended or unencumbered at the end of a year becomes part of a non-reverting cumulative fund to be held in the name of the commission. Unbudgeted expenditures from this fund may be authorized by vote of the commission and upon other approval as required by statute. The commission is responsible for the safekeeping and deposit of the amounts in the nonreverting cumulative fund, and the state board of accounts shall prescribe the methods and forms for keeping the accounts, records, and books to be used by the commission. The books, records, and accounts of the commission shall be audited periodically by the state board of accounts, and those audits shall be paid for as provided by statute.

The US Inflation Calculator measures the buying power of the dollar over time. Just enter any two dates from 1913 to 2018, an amount, and then click 'Calculate'.

Inflation Calculator

If in 2003 (enter year)
I purchased an item for $0.70
then in 2018 (enter year)
that same item would cost: $0.96
Cumulative rate of inflation: 37.4%

CALCULATE


Inflation in the United States quickened in October and from a year ago, according to government data released Wednesday, Nov. 14, 2018,