

POLICY BOARD AGENDA

1. Call Meeting to Order and Introductions

2. Public Comment

The public is allowed to speak to any items or issues that are not scheduled on the agenda after first being recognized by the Chair. Each person will be limited to 5 minutes for public comment.

3. Action Item: Approval of Minutes from November 15, 2018 (attached)

4. Discussion Item: Updates

a. Project Updates Memo (attached)

- Safety Videos
- 2017-2018 Summary of the Coordinated Public Transit–Human Services Transportation Plan (CPT-HSTP) Goals and Strategies

b. Recent TAC meeting minutes – www.lawrenceks.org/boards/technical-advisory-committee

- TAC – November 6th Meeting – approved and posted online

5. Action Item: Election of Chair and Vice Chair for 2019

6. Action Item: FFY19 TIP Amendment 1

<https://assets.lawrenceks.org/assets/mpo/tip/2019-2022TIPA1-Summary.pdf>

No public comments were received during the public comment period. Administrative Corrections -

<https://assets.lawrenceks.org/assets/mpo/tip/comments/TIPA1-AdminCorrection.pdf>

The TAC recommended approval at their February 5th meeting.

7. Action Item: Approve the 2019 Safety Targets (attached)

MPOs are expected to report safety targets annually to KDOT by February 27. Staff reviewed the 2017 crash data to realign 2019 targets. The TAC recommended approval at their February 5th meeting.

8. Action Item: Rescind previously established 2020 Safety Targets

In February 2018, 2018, 2019, and 2020 safety targets were established. As part of the annual process, staff is recommending the 2020 target be rescinded so 2020 safety targets can be set in using 2019 crash data. The TAC recommended approval at their February 5th meeting.

9. Discussion Item: City of Lawrence Ethics Policy and Kansas Open Meetings Act Presentation

<https://assets.lawrenceks.org/documents/Resolutions/Resolutions-7200s/Res7269.pdf>

10. Other Business

11. Adjournment – Next Meeting: March 21, 2019 or another date set by the MPO.

Special Accommodations: Please notify the Lawrence-Douglas County Metropolitan Planning Organization (L-DC MPO) at (785) 832-3150 at least 72 hours in advance if you require special accommodations to attend this meeting (i.e., qualified interpreter, large print, reader, hearing assistance). We will make every effort to meet reasonable requests.

The L-DC MPO programs do not discriminate against anyone on the basis of race, color, national origin, sex, age, or handicap/disability, according to Title VI of the Civil Rights Act of 1964. For more information or to obtain a Title VI Complaint Form, see www.lawrenceks.org/mpo/title6 or call (785) 832-3150.

Attendance:

VOTING MEMBERS PRESENT

<input checked="" type="checkbox"/>	Jennifer Ananda	Lawrence City Commission
<input checked="" type="checkbox"/>	Cory Davis (Chair)	KS Dept. of Transportation
<input checked="" type="checkbox"/>	Michelle Derousseau (V-C)	Douglas County Commission
<input type="checkbox"/>	Matthew Herbert	Lawrence City Commission
<input type="checkbox"/>	Tim Reazin	City of Eudora
<input checked="" type="checkbox"/>	Rob Sands	L-DC Planning Commission
<input checked="" type="checkbox"/>	Eric Struckhoff	L-DC Planning Commission

STAFF PRESENT

<input checked="" type="checkbox"/>	Scott McCullough, AICP	L-DC PDS
<input checked="" type="checkbox"/>	Jessica Mortinger, AICP	L-DC MPO
<input checked="" type="checkbox"/>	Ashley Myers, AICP	L-DC MPO
<input type="checkbox"/>	Ryan Pearson	L-DC MPO

NON-VOTING MEMBERS

<input type="checkbox"/>	Brian Cramer	City of Baldwin City
<input type="checkbox"/>	Paul Foundoukis	FHWA
<input type="checkbox"/>	Daniel Nguyen	FTA
<input type="checkbox"/>	Jeff Severin	University of Kansas
<input type="checkbox"/>	Jimmy Wilkins	City of LeCompton

1. Call Meeting to Order and Introductions

Cory Davis called the meeting to order at 3:00 PM. A quorum was present.

2. Public Comments

No public comment was made.

3. Action Item: Approval of Minutes from October 18, 2018

Cory Davis asked if anyone had comments on the minutes. There were none. Jennifer Ananda motioned to approve the minutes and was seconded by Rob Sands; the motion was approved, 4-0.

4. Discussion Item: Old Business and Correspondence

Jessica Mortinger presented the updates and asked if there were any questions. There were none.

Eric Struckhoff arrived.

5. Action Item: Approval of the 2019 Unified Planning Work Program – Authorize Scott McCullough, MPO Secretary, to sign CPG agreements to support UPWP work

<https://assets.lawrenceks.org/assets/mpo/upwp/2019-DRAFT.pdf>

Jessica Mortinger presented the 2019 UPWP going over the work planned including finishing the bike plan, processing TIP and UPWP amendments, completing the 23rd St (Lenard to eastern city limits) multi-modal corridor study, and coordinating with Lawrence, Eudora, and Baldwin City and their school districts to write Safe Routes to School Plans. The draft was available for public comment September 29 – October 29. No public comments were received. The TAC recommended approval at their November 6th meeting.

Eric Struckhoff motioned to approve the 2019 Unified Planning Work Program and authorize Scott McCullough to sign the CPG agreements to support UPWP work, it was seconded by Michelle Derousseau; the motion was approved, 5-0.

6. Action Item: Approval of the Cooperative Agreement between the MPO, KDOT, and Lawrence Transit – Authorize Scott McCullough, MPO Secretary, to sign CPG agreements to support UPWP work

Jessica Mortinger presented the proposed Cooperative Agreement developed in partnership with Lawrence Transit and KDOT staff. She noted it clarifies and defines the roles & responsibilities to conduct metropolitan transportation planning and establishes roles and responsibilities for the federally required performance based planning and decision making process for the MPO, KDOT and Lawrence Transit. The agreement has been reviewed by the City's and KDOT's legal teams. Today's Policy Board approval would authorize Scott McCullough to sign on behalf of the MPO. The Lawrence City Commission will consider approval at the November 20th meeting authorizing the City Manager to sign on behalf of Lawrence Transit. Then the agreement will go to KDOT for their signature. The TAC recommended approval at their November 6th meeting.

Eric Struckhoff verified KU on Wheels is not part of the agreement. Ms. Mortinger said they are not because they are not a federally funded transit agency and they aren't required to do federal performance measures. However, they participate on TAC. Lawrence Transit and KU on Wheels are heavily coordinated and KU on Wheels is involved in the process through Lawrence Transit.

Eric Struckhoff motioned to approve the Cooperative Agreement between the MPO, KDOT, and Lawrence Transit and was seconded by Jennifer Ananda; the motion was approved, 5-0.

7. Other Business

There was none.

8. Adjournment - Next Meeting: December 20, 2018 or another date set by the MPO

Meeting adjourned at 3:09 PM. Cory Davis said it seems like the December meeting will be canceled and we would see everyone again in 2019.



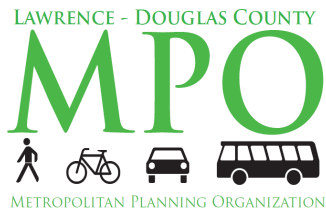
Memorandum

TO: L-DC MPO Members
FROM: Jessica Mortinger, Transportation Planning Manager
Ashley Myers, Transportation Planner
CC: Scott McCullough, Director of Planning & Development Services
Date: February 14, 2019
Re: MPO Activity Updates

The following list is a summary of selected projects and a brief description of recent MPO staff work and updates since the last MPO meeting.

Safety Videos – The MPO hosted a Bike and Driver Safety Video Premiere on Wednesday, January 30th at the Lawrence Public Library to display the eight videos which were created with the help of 28 volunteers and city staff. Over fifty people attended the event! Bicycle safety education has historically only focused on teaching bicycle riders how to navigate the roadways safely. These videos offer a new perspective, one to which more people can relate, from the motor vehicle driver perspective modeled off The Bicycle Friendly Driver curriculum created by the City of Fort Collins, Colorado. The curriculum aims to educate motorized vehicle drivers about how and why bicycle riders travel the roadways in the ways they do with the objective of developing a shared understanding for all users. The videos can be access at <https://lawrenceks.org/share-the-road>.

2017-2018 Biennial Summary of the Coordinated Public Transit–Human Services Transportation Plan (CPT-HSTP) Goals and Strategies – The Regional Transit Advisory Committee (RTAC) completed the Coordinated Public Transit –Human Services Transportation Plan (CPT-HSTP) in 2016. A strategy of the plan was to create an annual summary of progress on the goals and strategies. RTAC decided to complete this every other year rather than annually and approved the report at their January meeting. View the report at <https://assets.lawrenceks.org/assets/mpo/rtac/2017-2018GoalsandStrategiesSummary.pdf>



Memo

To: Lawrence-Douglas County MPO Policy Board and Technical Advisory Committee

**From: Jessica Mortinger - L-DC MPO Transportation Planning Manager
Ashley Myers - L-DC MPO Transportation Planner**

Date: January 29, 2019

Re: Revised 2019 Federal Safety Performance Measures - L-DC MPO Targets

On January 16, 2019 KDOT informed staff MPOs are expected to report safety targets annually to KDOT by February 27, 2019. Therefore, MPO staff reviewed the 2017 crash data to realign 2019 targets. Staff recommends the targets listed below based on trend data.

Revised 2019 Targets Based on 2017 Crash Data

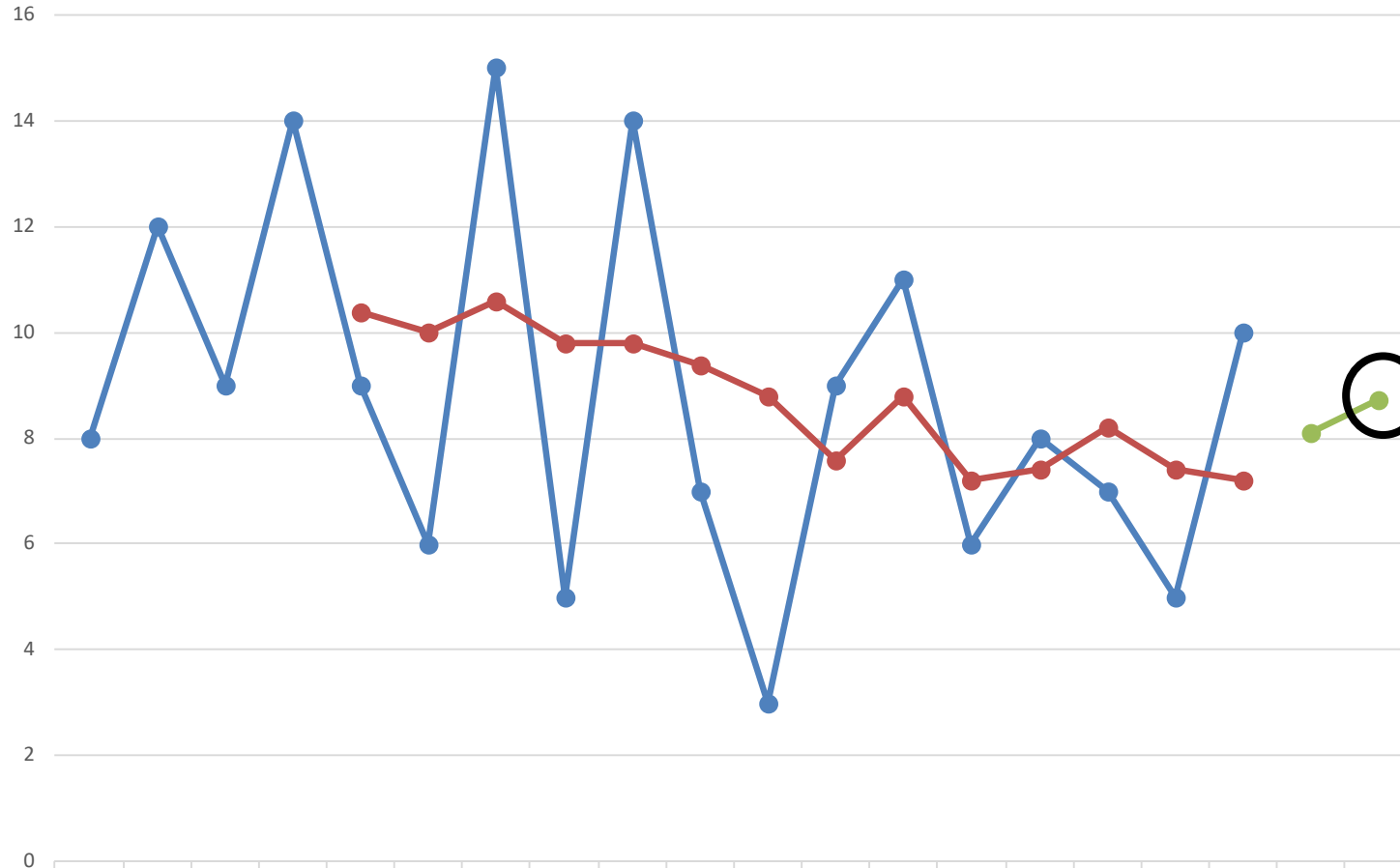
Performance Measure	5-Yr Rolling Avg Targets 2019
9) Number of fatalities	8.7
10) Rate of fatalities per 100 million VMT	0.8
11) Number of serious injuries	29.2
12) Rate of serious injuries per 100 million VMT	2.7
13) Number of non-motorized fatalities & serious injuries	8.7

Lawrence-Douglas County MPO Proposed 2019 Safety Performance Measures

Update Based on 2017 Crash Data

February 2019

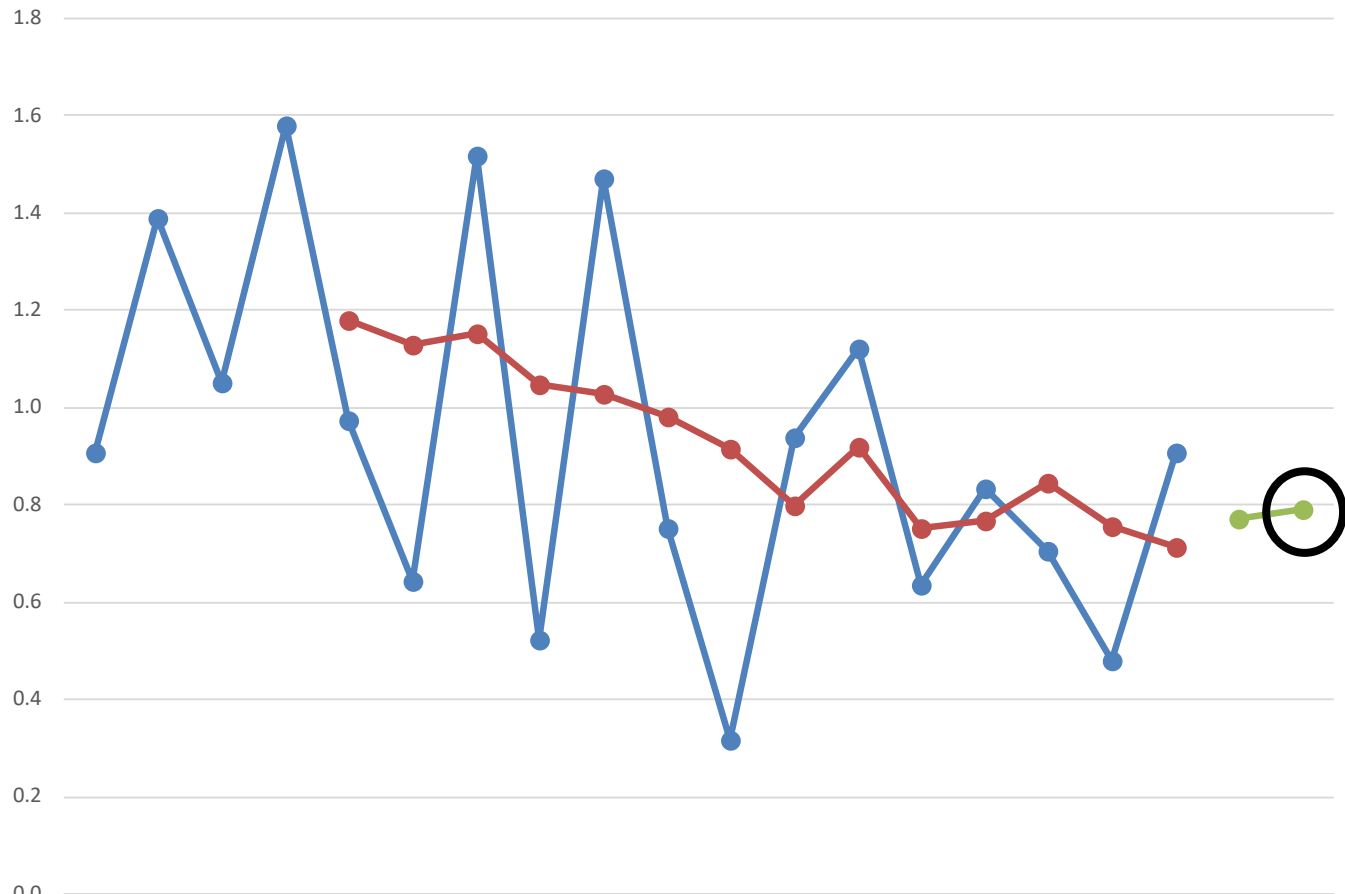
Number of Fatalities (Includes Vehicles, Bicyclists, & Pedestrians) PM 9



**2019
5-Year Rolling
Average Target
8.7**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Annual Fatalities	8	12	9	14	9	6	15	5	14	7	3	9	11	6	8	7	5	10		
5-Yr Avg					10.4	10.0	10.6	9.8	9.8	9.4	8.8	7.6	8.8	7.2	7.4	8.2	7.4	7		
5-Yr Avg Projection																			8.1	8.7

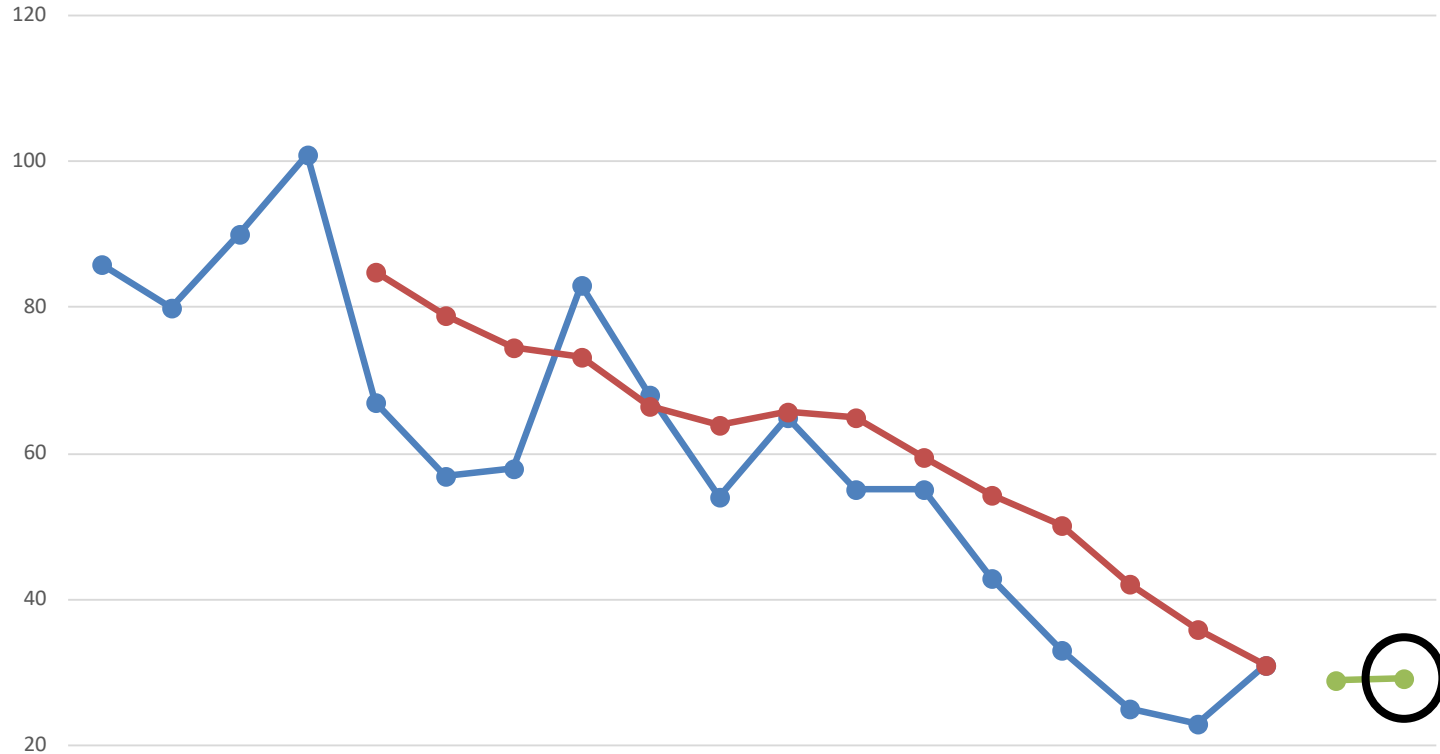
Rate of Fatalities Per 100 Million VMT (Includes Vehicles, Bicyclists, & Pedestrians) PM 10



**2019
5-Year Rolling
Average Target
0.8**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
● Fatality Rate per 100 Million VMT	0.9	1.4	1.1	1.6	1.0	0.6	1.5	0.5	1.5	0.8	0.3	0.9	1.1	0.6	0.8	0.7	0.5	0.9		
● 5-Yr Avg					1.2	1.1	1.2	1.0	1.0	1.0	0.9	0.8	0.9	0.8	0.8	0.8	0.8	0.7		
● 5-Yr Avg Projection																			0.8	0.8

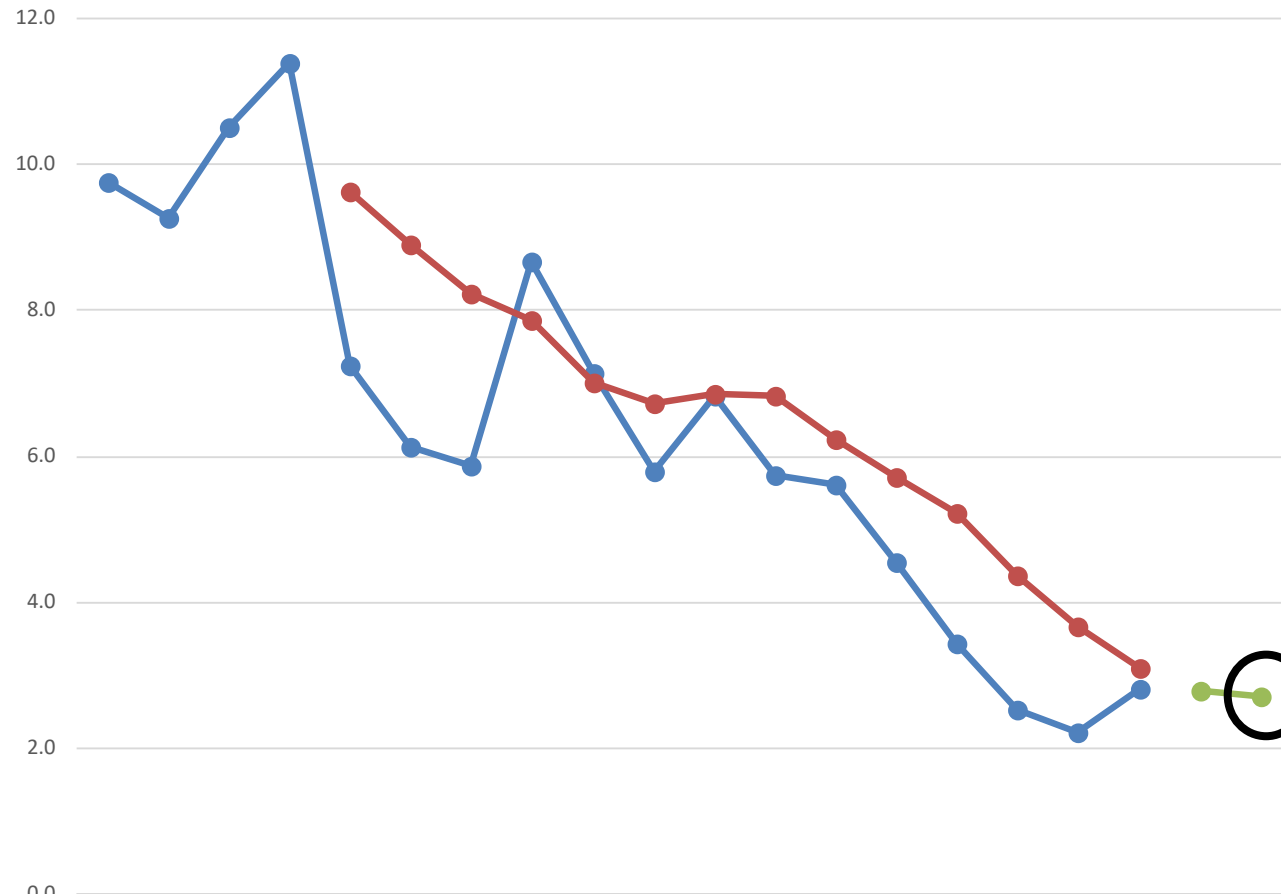
Number of Serious Injuries (Includes Vehicles, Bicyclists, & Pedestrians) PM 11



**2019
5-Year Rolling
Average Target
29.2**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Annual Serious Injuries	86	80	90	101	67	57	58	83	68	54	65	55	55	43	33	25	23	31		
5-Yr Avg					84.8	79.0	74.6	73.2	66.6	64.0	65.6	65.0	59.4	54.4	50.2	42.2	35.8	31.0		
5-Yr Avg Projection																			28.9	29.2

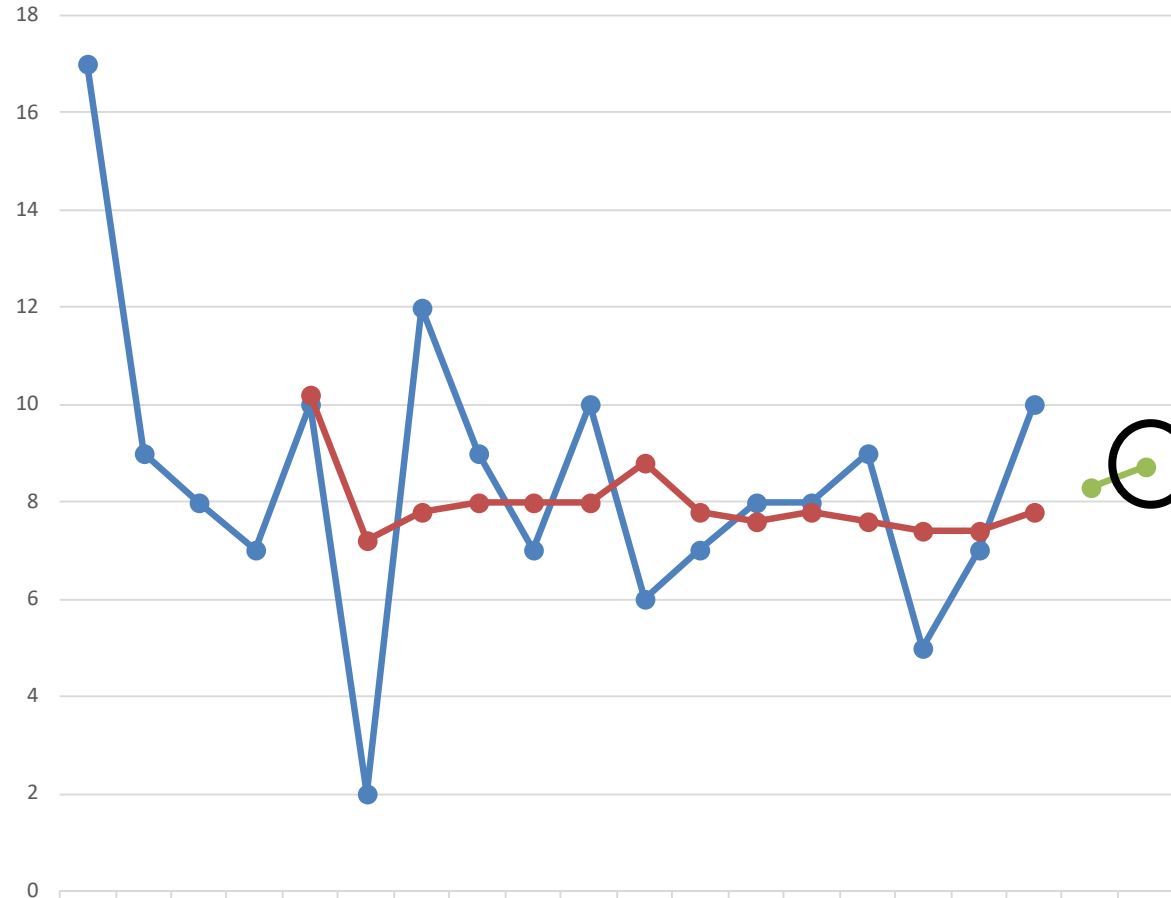
Rate of Serious Injuries Per 100 Million VMT (Includes Vehicles, Bicyclists, & Pedestrians) PM 12



2019
5-Year Rolling
Average Target
2.7

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
● Serious Injury Rate per 100 Million VMT	9.8	9.3	10.5	11.4	7.2	6.1	5.9	8.7	7.2	5.8	6.8	5.7	5.6	4.6	3.4	2.5	2.2	2.8		
● 5-Yr Avg					9.6	8.9	8.2	7.9	7.0	6.7	6.9	6.8	6.2	5.7	5.2	4.4	3.7	3.1		
● 5-Yr Avg Projection																			2.8	2.7

Number of Non-Motorized Fatalites & Serious Injuries (Includes Bicylists & Pedestrians) PM 13



2019
5-Year Rolling
Average Target
8.7

● Annual Non-Motorized Fatalities & Serious Injuries
● 5-Yr Avg
● 5-Yr Avg Projection

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
17	9	8	7	10	2	12	9	7	10	6	7	8	8	9	5	7	10		
				10.2	7.2	7.8	8.0	8.0	8.0	8.8	7.8	7.6	7.8	7.6	7.4	7.4	7.8		
																		8.3	8.7

Kansas Open Meetings Act

K.S.A. 75-4317 *et seq.*



City of Lawrence

Open Meetings Principle

- The open meetings principle is based on the belief that the people have a right to know the public business; and
- Information is essential to the effective functioning of our democratic process.

Purpose of KOMA

“In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public.”

K.S.A. 2014 Supp. 75-4317(a)

KOMA Applies When

- The body involved is a covered entity;
and
- There is a “meeting.”



Bodies Subject to the Act

- Applies to all legislative and administrative bodies, state agencies and political and taxing subdivisions;
(including city advisory boards)
- Which receive or expend and are supported in whole or in part by public funds.

Meeting

3 conditions must be met for a “meeting” to occur. All 3 must be present:

1. A gathering of a majority of the members of the body;
2. Interactive communication – in person, by telephone or any other medium; and
3. Discussion of the business or affairs of the body.

1. Majority of Membership

- For the 7-member Lawrence-Douglas County MPO Policy Board, a majority of the membership of the body is 4.



2. Interactive Communication

Act applies when there is
"interactive communication..."

- clearly applies when members are in physical presence of one another;
- telephone calls, including conference calls;
- work sessions, staff briefings, video conferencing, online communications (when there is the opportunity for contemporaneous interaction)

3. Discussing the Business of the Body



- **Discussion** of public business is what triggers the application of KOMA (a vote or binding action is not necessary for KOMA to apply).
 - **Social gatherings** are not subject to KOMA if, there is no discussion of the business of the body;
 - **Conferences** may be attended by Board members where items of general interest are discussed as long as specific business of the body is not discussed by a majority of the Lawrence-Douglas County MPO Policy Board.

Electronic Communications

- The Attorney General has indicated that the mere fact that a communication is electronic does not raise a KOMA issue.
- If a majority of the body uses an electronic communication to engage in “interactive discussions” such contact may raise a KOMA issue.
- A single email sent to other members would likely not be considered a violation, but participation in an online chat room or instant messaging may be considered a violation of KOMA because of its interactive nature.

E-mails

- Avoid initiating an on-line discussion with fellow advisory board members through email.
- You may receive emails about a city matter in which other advisory board members are also sent or copied on the email.
- Avoid the “REPLY ALL” function.



Serial Meetings



A series of interactive communications of less than a majority is not permitted under KOMA.

A violation of KOMA may occur if the communications:

- 1) Collectively involve a majority of the membership of the body;
- 2) Share a common topic of discussion concerning business or affairs of the body; and
- 3) Are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the body or agency.

Review: KOMA Applies When...

- The body involved is a covered entity **and**
- There is a “meeting”
 - ✓ Majority of the membership of the body; and
 - ✓ Interactive communication; and
 - ✓ Members discuss the business of the body.

KOMA Requirements

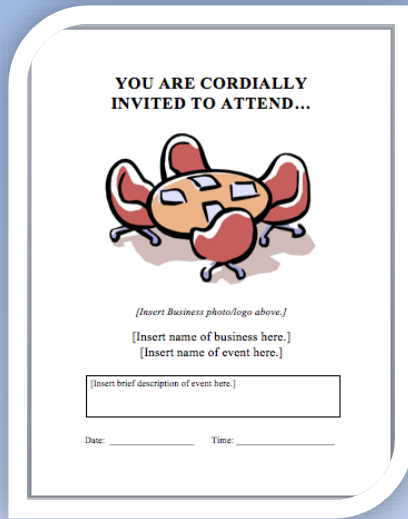
- All meetings of entities covered by KOMA must be open to the public and proper notice must be given.



Meetings Open to the Public

- Meetings must be held in places accessible to the general public.
- Meetings must be conducted so the public may observe or listen to the proceedings.

Notice



Notice of the date, time and place of any regular or special meeting must be given to any person requesting such notice.

- KOMA does not require notice to be given within any particular time frame.
- Notice must first be requested before a body is required to provide it.

Agendas

- KOMA does not require an agenda be created.
 - If a body creates one, it should include the topics planned for discussion.
 - Agendas can be amended.
 - If agendas exist, copies must be available to those who request them.



Executive Sessions

- Meetings closed to the public (executive sessions) are permitted in limited circumstances.
- City advisory boards should not have an executive session without the prior approval of the City Attorney's Office.
- Certain procedures must be followed, and only certain topics may be discussed.

Possible ramifications for violation of KOMA requirements

- The Attorney General or the District Attorney investigates potential KOMA violations.
- The Attorney General has stated that his office seeks compliance with the Act and his office wants to assure future violations do not occur. They may require the body to receive additional KOMA training.
- 2015 changes to the act provide the Attorney General with new enforcement authority and creates an Open Government Fund. The AG can determine by a “preponderance of the evidence” KOMA violations. If violations are found, the AG can enter into a consent order with public agencies and may apply to district court to enforce a consent order.

The consent order may:

- Impose civil penalties up to \$250 / violation
- Require training
- District court action may impose court costs, investigative and attorney fees if the AG must enforce compliance through district court
- The AG may also enter into a consent judgment with a violator which may contain any remedy available to the court
- Invalidation of actions
- Removal from office (ouster or recall)





Questions?

- Contact your staff liaison.
- You may also contact the City Attorney's Office at 832-3475.

Thank you for your attention to this important law!