OPEN MEETING NOTICE

KANSAS STP PRIORITIES COMMITTEE

November 9, 2017
9:30AM
Broadway Room, 1st Floor MARC Offices
600 Broadway, Suite 200, Kansas City, Missouri 64105

AGENDA

1. Welcome and Introductions

2. Approve the August 10, 2017 Meeting Summary*

3. Status of the Current Program – KDOT*
   Discussion of program balances

4. MARC Programming & Project Evaluation Process
   Discussion of issues identified during the review of the last programming round.

5. MARC Conflict of Interest and Whistleblower Policies

6. Other Business

7. Adjournment

* Action Items

Next Regularly Scheduled Meeting: February 8, 2018

Getting to MARC: Information on transportation options to the MARC offices, including directions, parking, transit, carpooling, and bicycling, can be found online. If driving, visitors and guests should enter the Rivergate Center parking lot from Broadway and park on the upper level of the garage. An entrance directly into the conference area is available from this level.

Parking: Free parking is available when visiting MARC. Visitors and guests should park on the upper level of the garage. To enter this level from Broadway, turn west into the Rivergate Center parking lot. Please use any of the available spaces on the upper level at the top of the ramp.

Special Accommodations: Please notify MARC at (816) 474-4240 at least 48 hours in advance if you require special accommodations to attend this meeting (i.e., qualified interpreter, large print, reader, hearing assistance). MARC programs are non-discriminatory as stated by Title VI of the Civil Rights Act of 1964. For more information or to obtain a Title VI Complaint Form, call 816-474-4240 or visit our webpage.
Mid-America Regional Council
Conflict of Interest Policy
Governing all Boards, Commissions, Committees and Subcommittees

The Mid-America Regional Council (MARC) is dedicated to building a stronger metropolitan region by promoting regional cooperation and developing innovative solutions to regional challenges. MARC strives to operate in an open and transparent way that inspires confidence that the organization is an effective steward of public resources. The purpose of this conflict of interest policy is to ensure that participants on the MARC board and committees have clear guidance when a participant in any MARC decision-making process could have a conflict of interest and what the appropriate action would be in those circumstances.

It is in the best interest of the MARC Board of Directors, Mid-America Head Start and all other boards, commissions, committees and subcommittees to be aware of and properly manage all conflicts of interest and any appearances of conflicts of interest. This conflict of interest policy is designed to help directors, officers, employees and volunteers identify conflicts of interest and disclose them to the appropriate authority. It is also designed to provide a procedure to appropriately manage conflicts in accordance with legal requirements and the goals of accountability and transparency in all MARC operations.

The MARC Board, and boards that work through MARC such as the Mid-America Solid Waste Management District, make decisions in a number of program areas that impact the availability of federal, state and local government funds and private contributions. This conflict of interest policy is intended to support those decision-making processes.

This policy is intended to supplement but not replace any state or federal laws that govern conflicts of interest in public, non-profit, and charitable organizations.

1. Interested Person

Any member of a MARC board, commission, committee or subcommittee charged with decision-making or making recommendations for funding, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest Defined

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
   a. An ownership or investment interest in any entity with which MARC has a transaction or other financial arrangement,
   b. A compensation arrangement with MARC or with any entity or individual with which MARC has a transaction or arrangement, or
   c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which MARC is negotiating a transaction or arrangement.
For purposes of this policy, “family members” includes spouses, parents, children, and siblings (including those related by marriage), as well as significant others and any other person who resides with the committee/board member.

3. Procedure

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the conflict of interest to members of the committee considering the proposed action or recommendation.

A person who has a conflict of interest in a certain matter shall not participate in the discussion of that matter except to disclose material facts and to respond to questions. Such person shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting.

The interested person shall abstain from any votes on funding recommendations, contracts or transactions in which there is an interest as defined above, and shall abstain from any votes for all meeting minutes or other records of the meeting.

4. Gifts, Gratuities and Entertainment

MARC committee members and directors shall avoid accepting, directly or indirectly, any rebate, gift, money or anything of monetary value from an organization or vendor that could benefit from a MARC committee action regarding funding recommendations, vendor selection or other transactions. From time to time, vendors may pay for meals apart from a bid process.

5. Committee Representation

MARC makes decisions on federal and state funding that benefits local communities within the Kansas City region. The MARC Board and many of its committees are composed of local officials representing the communities that may benefit from MARC Board decisions. It is not a conflict of interest for a board member or a committee member, who are also elected officials or local government staff members, to advocate for or vote on issues that will affect their jurisdiction. If an elected official serves on another public board by virtue of their elected office, it is not a conflict of interest for that elected official to participate in discussions and vote on matters affecting that other public body.

In the past, smaller communities have at times been represented by consulting engineers on committees which rely on both technical and community considerations to make funding recommendations. Private consultants or other private parties shall abstain from any discussion or vote on all matters before the committee that might pose a conflict of interest due to a relationship between the project applicant and the private consultant. The private consultant or party should limit any participation in discussion to answering questions asked by other committee members. Individual committees may adopt specific procedural requirements for participation by members and others present at meetings.
6. Disclosure, Notification, and Review Policy

Each director, officer, and committee member shall disclose any relationships, positions or circumstances in which he or she is involved that he or she believes could contribute to a conflict of interest when and if such situations arise.

If a board member or committee member is unsure as to whether or not a conflict of interest exists, it is their responsibility to consult a MARC staff member associated with that committee to make a determination. If after such consultation, the individual is still unsure, then a determination will be made by the executive director of MARC.

If the board of directors, the Head Start Policy Council or other commission or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, that body shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

This policy shall be distributed annually to all decision-making bodies associated with the Mid-America Regional Council, including but not limited to the Mid-America Head Start, for their review.

*Adopted by the MARC Board of Directors, August 25, 2009 (Updated September 26, 2013)*
Policy Objective:
MARC is committed to lawful and ethical behavior in all of its activities and requires all staff to act in accordance with all applicable laws, regulations and policies and to observe high standards of business and personal ethics in the conduct of their duties and responsibilities.

This policy is intended to:
- Encourage individuals to bring ethical or legal violations to the attention of an internal or external authority so that action can be taken to resolve the problem.
- Establish guidance and procedures for staff (paid and volunteer) or others to report illegal, unethical or inappropriate behaviors or practices, in good faith, without fear of retribution.
- To provide a constructive process for individuals to report issues of concern.
- Emphasize the importance of adherence to MARC’s standards of conduct.

Overview:
A whistleblower is a person (often an employee) who raises a concern about serious wrongdoing occurring in an organization. Examples of misconduct that might lead to whistleblowing include the violation of laws, rules or regulations; fraud, mismanagement or corruption; or direct threats to the public interest, such as health or safety violations.

In general, whistleblowing refers to reporting misconduct outside the normal chain of command. Most workplace issues are, and to the extent possible, should be resolved by working with direct supervisors and department directors as described in the Issues Resolution policy. However, if an individual, acting in good faith, has reasonable grounds for believing that serious wrongdoing is taking place that has not been addressed or cannot be addressed through normal channels, he or she has the option of “whistleblowing” without fear of retribution.

Examples of the types of situations a whistleblower might report may include, but are not limited, to the following:
- A violation of law.
- Questionable accounting or monitoring practices.
- Discrimination based on protected classes.
- Fraud, waste or mismanagement.

Examples of problems that can be addressed through normal issues resolution procedures may include, but are not limited, to the following:
- Disagreements or misunderstandings between employees.
- Issues related to employment or working conditions.
- Personality conflicts.
- Working relationships between employees or employees and supervisors.

See the Issues Resolution policy for more information.

Reporting Procedures
Individuals may report misconduct, without fear of retribution, through the following procedures:
- For internal employee relations issues, seek assistance from supervisors, department directors or Human Resources staff as described in the Issues Resolution policy.

Updated October 2013
• For issues related to harassment, immediately report to a supervisor, department director, executive director or Human Resources as described in the Harassment-Free workplace policy.

• For all other issues related to suspected fraud, theft, harassment or other illegal activity, contact a supervisor, department director, executive director or call the “WeTip” hotline at 1-800-782-7463 or go online to www.wetip.com.

• For issues related to suspected mismanagement or waste of American Recovery and Reinvestment Act (ARRA) funds, call 1-877-392-3375 or go online to www.recovery.gov.

**After the Report:**
Response procedures for whistleblower reports will vary according to how the report was made.

- Reports related to ARRA funding will be addressed by the U.S. Recovery Accountability and Transparency Board.
- Reports to the “WeTip” hotline are forwarded to designated members of MARC’s management team (i.e., the Executive Director, Finance and Administration Department Director, Human Resources Manager, and MARC Board Chair) for review and resolution.

All reports will be acknowledged promptly and handled with due care and diligence. Those who receive the reports have the full authority to investigate all concerns raised, and may use other resources such as legal counsel, accountants, private investigators or others as reasonably necessary to conduct a full and complete investigation. Reports and concerns will be kept confidential to the extent possible.

If a report is found to be of merit or is substantiated, MARC management will take appropriate steps and will adhere to the federal rules for that grant, if applicable. No employee who, in good faith, makes a whistleblowing report will be threatened, discriminated against or otherwise subject to any retaliation or adverse employment consequences. Any staff member who attempts to retaliate against someone who reported a concern in good faith may be subject to discipline.

Allegations that prove to have been made maliciously, recklessly, with gross negligence, or with the foreknowledge that the allegations are false, will be viewed as a serious offense and may result in disciplinary action against the reporting employee.

Any situation involving an issue relating to harassment should be reported **immediately** to the employee’s supervisor, department director, executive director or Human Resources. Specific information relating to MARC’s policy regarding a harassment-free workplace can be found on the MARC intranet under Policies. Complaints of this nature are taken very seriously and will be fully investigated.
Kansas STP Priorities Committee  
November 9, 2017  
Meeting Summary

Members Present  
Burt Morey, Overland Park, Chair  
Kevin Bruemmer, Merriam, Vice Chair  
Mike Brungardt, De Soto  
David Ley, Leawood  
Dave Lutgen, Leavenworth County (alt.)  
Michael McDonald, City of Leavenworth  
J.R. McMahon, Miami County  
Allison Smith, KDOT  
Shawn Strate, KCATA  
Geoffrey Vohs, Johnson County (alt.)  
Beth Wright, Olathe (alt.)  
Greg Ruether, Bicycle/Pedestrian Committee

MARC Staff Present  
Marc Hansen  
Terry Anderson

Alternates and Other Attendees:  
Ingrid Horton, KDOT  
Art Gough  
Kristen Leathers, Affinis Corp.  
Randy Gorton, BHC Rhodes  
Cory Clark, GBA  
Joe Johnson, Burns & McDonnell  
Bob Miller, TranSystems  
Kate Pfefferkorn, Pfefferkorn Engineering & Envir.

1. Welcome and Introductions  
Committee chair Burt Morey welcomed the attendees and opened the meeting with self-introductions.

2. Approval of August 10 Meeting Summary  
MOTION: Beth Wright moved and Greg Ruether seconded to approve the August 10, 2017 meeting summary as printed; the motion passed.

3. Status of the Current Program  
Marc Hansen provided an updated STP 2016-2020 tracking sheet. He reported that the FFY 2017 program was over programmed since KDOT fully obligated Wyandotte County’s $6.96M K5/Leavenworth Road modernization project. The committee had put plans in place to split the project into two years if needed. Therefore, $1.8M of over programming was shifted into FFY 2018. No action was recommended at this time by KDOT or MARC since the timing was early for the fiscal year.

During the previous committee meeting the committee approved moving the city of Gardner’s $1.4M I-35 and Gardner Road Interchange project from FFY 2020 to FFY 2019. Since then there have been discussions with their consultants and KDOT regarding if the project could be ready for 2019. The city is still determining the obligation year. Marc shared that the project is currently shown on the tracking sheet for both 2019 and 2020 until a decision is made. KDOT, the project sponsor, recommends shifting it back to FFY 2020. We will continue working with Gardner for an obligation in 2019 and if it is needed to obligate in FFY 2020, we will administratively make that change.

FFY 2018 has four projects programmed. The KCATA Regional Clean Vehicle Conversion $3,180,000 is expected to obligate by the end of November with an FTA transfer.

Allison Smith reported that FFY 2018 CMAQ Traffic Flow includes four projects and is under programmed with a $960,000 balance. With CMAQ, we can easily move forward projects as needed to absorb some of the funds; no action was determined during the meeting.
Preparation for the upcoming Call for FFY 2021/2022 Projects in January:

1) Set funding targets by looking at previous years. The following might be what to expect:
   a. STP: The obligation limitation is typically $12.8 - $13M so we will likely set a target of $13M per year and slightly over program at a total of $27-28M for FFY 2021/2022.
   b. CMAQ: The funding target is set by policy through KDOT at $2.9M per year which is divided among four branches of eligible project types, the largest ones being transit and traffic flow, each receiving 37% of the funds.
   c. TAP (ATPC): The funds are typically slightly under $1M per year.

2) MARC recently held a technical assistance symposium, providing policy-level information to help strengthen local and regional policy connections as well as project applications. Shortly after the release of the call for projects, MARC will hold a pre-application workshop. The application format should look similar to the past application round. There are minor changes to the active transportation program section. Ms. Smith shared that KDOT found the symposium to be a helpful process and they have shared it with other MPOs as a best practice.

4. MARC Programming & Project Evaluation Process
Marc Hansen continued discussion of issues identified during debrief of the last programming round.

Scoring review: There have been no major scoring changes to the process. The Missouri STP Committee has finished their work and made the following minor changes to a couple of criteria identified as difficult to gain points. 1) In the systems condition category where your project would be extending the life of a corridor, they combined the useful life criteria with the systems condition of a corridor that included a bridge rehab with a sufficiency rating of 70 or less, you would receive 10 points. This would affect capacity and roadway projects, and 2) in the congested management category, for a project on the congested management system, which tend to be State projects therefore hard to gain points, it is now combined with its tool box to allow receiving 6 points.

Staff will prepare a red-lined version of the scoring document for your information prior to the call for projects.

One other item from the debrief was a suggestion to create a policy regarding urban versus rural projects. We recommend just continuing to discuss any situations during the programming round. J.R. McMahon requested allowing rural project sponsors to make a case for receiving a higher percent of funding. Marc responded that the Missouri STP committee does provide a flexibility to fund some small jurisdictions at around 80% that are a high priority for their area but scored lower since they don’t have access to receive certain points.

Sample templates and a comprehensive list with links to resources will be provided, including access to our map viewer, the day the online application is made live on the same day as the Call for Projects release. We will also distribute the list of resources discussed during the technical assistance symposium. If additional information is needed, please let staff know.

Marc added that since the STP committees have noted in the past that bridge projects typically score low, staff recently scored a regionally significant bridge both as an operations project and as a bridge project and it scored better as a bridge project. The committee certainly can continue to discuss rural bridge projects that score low during the programming process.

5. MARC Conflict of Interest and Whistleblower Policies
Marc Hansen shared that this is an annual reminder of MARC’s Conflict of Interest and Whistleblower policies included in the meeting packet and also available on the MARC website. The MARC Board of Directors has
not made any recent changes to the documents. Committee members were asked to review and adhere to the policies and contact staff with any questions.

6. Other Business
Marc Hansen briefly shared an update on the Buck O’Neil Bridge. MoDOT agreed to go with a Cost Share project with Kansas City, Mo. that involves a partial bridge closing for repairs while seeking additional funds for a replacement bridge. November 13th there is a special meeting of the TTPC and MO STP members to further discuss funds for the bridge. If sufficient funding is not identified, Marc stated his belief that MoDOT is prepared to go ahead with repairing the bridge, requiring a two-year closure.

7. Adjournment
With no further business, the meeting adjourned at 10:00 a.m.

Next Meeting: February 8, 2018