MINUTES OF THE FIRST MEETING
SOUTHEASTERN REGIONAL TRANSIT AUTHORITY

DATE: November 23, 2009
TIME: 8:00 a.m.
PLACE: General Mitchell International Airport
        Mitchell Gallery of Flight Museum – Sijan Room
        Upper Concourse Level
        Milwaukee, Wisconsin

Board Members Present
John Antaramian .......................................................... City of Kenosha Representative
Jon Henderson .............................................................. Racine County Representative
Lee Holloway ............................................................. Chairman, Milwaukee County Board of Supervisors
                                                      and Milwaukee County Representative
Joseph “Jody” Karls .................................................... City of Racine Representative
Chris Layden ............................................................. City of Milwaukee Representative
Michael Mayo, Sr. ....................................................... Milwaukee County Supervisor, 7th District
                                                      and Milwaukee County Representative
Karl Ostby ..................................................................... Kenosha County Representative
Julia Taylor ............................................................... Governor’s Representative

Board Members Excused
Earl Buford ................................................................... City of Milwaukee Representative

Staff Members
Kenneth R. Yunker ....................................................... Executive Director, SEWRPC
Albert A. Beck ........................................................... Principal Planner, SEWRPC
Christopher Hiebert ...................................................... Chief Transportation Engineer, SEWRPC
Eric Lynde ..................................................................... Planner/Engineer, SEWRPC

Guests
Len Brandrup .......................................................... Director of Transportation, City of Kenosha
Kelly Bablitch .......................................................... Deputy Director, Intergovernmental Relations, Milwaukee County Board
Roy De La Rosa .......................................................... Director, Intergovernmental Relations, Milwaukee County Board
Anita Gulotta-Connelly ............................................ Managing Director, Milwaukee County Transit System
Elizabeth Kelly .......................................................... Account Coordinator, Mueller Communications, Inc.
Steve Kwaterski .......................................................... Senior Legislative Research Analyst, City of Milwaukee
Dan Kanninen .......................................................... Legislative Director, Office of the Governor of Wisconsin
Harold Mester .......................................................... Public Information Manager, Milwaukee County Board
H. Carl Mueller .......................................................... President, Mueller Communications, Inc.
David Prutt .............................................................. Director, Racine County Public Works Department
Alan Richards .......................................................... Mayor, City of St. Francis
Lori Richards ........................................................... Vice President, Mueller Communications, Inc.
ROLL CALL

Mr. Ostby asked the Board members if it would be acceptable prior to election of officers if he would Chair the meeting, as he was Chair of the former regional transit authority (RTA). There being no objection, Mr. Ostby called the meeting to order at 8:05 a.m. and asked the Board members to introduce themselves.

APPROVAL OF AGENDA

A motion to approve the agenda was made by Mr. Ostby, seconded by Mr. Karls, and carried unanimously by the Board.

CONSIDERATION OF THE ORGANIZATION AND OPERATION OF THE SOUTHEASTERN REGIONAL TRANSIT AUTHORITY

Review of Statutory Responsibilities

Mr. Yunker drew the Board’s attention to the handouts identified as Exhibit A, which included the 2009 State legislation for the Southeastern Regional Transit Authority (SERTA) and a PowerPoint presentation entitled “Briefing on SERTA Responsibilities and Recent History of RTA Consideration in Southeastern Wisconsin” (see Attachments 1 and 2 to these minutes). He proceeded to present the information contained in those handouts. After his presentation, the following questions were asked. In response to a question by Mr. Ostby regarding the status of the application to be submitted to the Federal Transit Administration (FTA) for permission for the Kenosha-Racine-Milwaukee (KRM) Commuter Link project to enter into preliminary engineering, Mr. Yunker responded that an Intergovernmental Partnership had conducted the technical studies for the project through a project consultant team, and with the guidance of a Technical Steering Committee, whose members were appointed by the Intergovernmental Partnership. In response to a question by Milwaukee County Supervisor Mayo, Sr. regarding representation on the Steering Committee, Mr. Yunker listed each member appointed to the Steering Committee (see Attachment 3 to these minutes). Mr. Yunker noted that the application should be ready for submittal in early January, 2010.

Mr. Antaramian asked for confirmation that the SERTA Board has the sole authority to advance the KRM project; that the Board would be the body that would need to submit the application to the FTA for permission to enter preliminary engineering; and that the FTA has indicated that funding for public transit in Kenosha, Racine and Milwaukee Counties needs to be addressed before it will consider an application to enter preliminary engineering. Mr. Yunker confirmed these statements. In response to a question from Mr. Antaramian, Mr. Yunker explained that the legislation creating SERTA in the 2009-2011 State budget did not give SERTA the authority to contract with existing public transit operators to operate transit services. Mr. Yunker further explained that the SERTA Board is strictly responsible for advancing the KRM project, but that funding for bus systems in the Region needs to be addressed prior to the FTA
considering the project’s application to enter preliminary engineering. Mr. Ostby stated that the Board cannot make any decisions regarding funding for the bus systems, but can only try to influence the progress of establishing this funding.

Mr. Antaramian asked how much revenue the vehicle rental fee would raise. Mr. Yunker noted that the SERTA Board has the authority to enact up to an $18 vehicle rental fee per rental transaction in Kenosha, Milwaukee, and Racine Counties. Mr. Ostby stated that past annual revenues have been approximately $450,000 per dollar of the vehicle rental fee. In response to a question from Milwaukee County Supervisor Mayo, Sr. about where the revenue from the vehicle rental fee would be raised, Mr. Yunker stated that this question has previously been asked, but the Wisconsin Department of Revenue has replied that this information is not available. He asserted, however, that it is accepted that the vast majority of revenue would be raised in Milwaukee County at General Mitchell International Airport.

In response to a question by Milwaukee County Supervisor Mayo, Sr. regarding SERTA’s $50 million bonding authority, Mr. Yunker indicated past studies on the KRM project recommended SERTA use the revenue raised from the vehicle rental fee to pay back bonds for the local share of initial capital costs over a period of approximately 20 years.

In response to a request from Mr. Ostby, Mr. Yunker agreed to provide a draft of potential bylaws for SERTA at the next meeting.

**Requirements of Wisconsin Open Records and Open Meeting Laws**
Mr. Yunker drew the Board’s attention to Exhibit B, which summarized the Wisconsin public records and open meeting statutes (see Attachment 4 to these minutes). He noted that any correspondence, including emails by Board members that address SERTA business would be considered public records. He also stated that under current legislation, the presence of five Board members would constitute a meeting. Mr. Yunker indicated that Board members could obtain more information by visiting the Department of Justice home page noted on Exhibit B. Ms. Taylor asked if Board members should send their respective email addresses to the Commission. Mr. Yunker responded that they should, and that if they wanted their appointing officials or staff to receive email updates, Board members should provide those email addresses as well.

**Budget and Fiscal Considerations**
Mr. Yunker drew the Board’s attention to Exhibit C, which provided the most recent financial report – including revenues and expenses – for the former “limited authority”, “temporary” RTA (see Attachment 5 to these minutes). He stated that the Commission had acted as fiscal agent to the former RTA, and was holding the remaining balance from that authority in anticipation of transferring the funds to SERTA. Mr. Yunker indicated that the $2 vehicle rental fee, which had been collected by the former RTA had expired with the dissolving of the former RTA, on September 30, 2009. He indicated there would likely be one more final financial report, which should include additional revenues received through the end of September.

Ms. Taylor noted that the Board would need to decide upon the level of the fee to enact to fulfill its responsibilities. She asked the length of time after Board action that would be required before the Department of Revenue would put the fee in place. Mr. Yunker replied that the Department of Revenue would need 90 to 120 days before the fee would be in place. Mr. Ostby stated that the Board should consider discussing and deciding on the level of the fee at its next meeting. In response to questions from Ms. Taylor and Milwaukee County Board Chairman Holloway, Mr. Yunker agreed to provide an estimate of the anticipated necessary level of the fee at the next meeting.
Mr. Yunker stated the Commission had also obtained an FTA grant of approximately $6.9 million to be used for planning and engineering for the KRM project, of which about $6.1 million remains. The grant includes the funding previously obtained from Federal earmarks for the KRM project. Approximately $800,000 was used to complete the Draft Environmental Impact Statement and update the “New Starts” application. Mr. Yunker stated that the Commission would want to transfer the grant to SERTA. He stated that the current legislation required SERTA to submit the application by July, 2010. Milwaukee County Supervisor Mayo, Sr. asked if the $6.1 million grant had a sunset date and if it could be used for operating KRM commuter rail. Mr. Yunker said there was no sunset date and that he did not believe the grant could fund KRM operations, but could be used for planning, preliminary and final engineering, and construction.

Mr. Layden asked when the “New Starts” application to enter preliminary engineering could be submitted to the FTA. Mr. Yunker responded that the application is scheduled to be completed by the end of December, 2009, and the SERTA Board would then need to review and approve the submittal of the application. FTA staff would likely require a few months for review of the application, prior to determining whether the application would be approved. Upon FTA approval to enter preliminary engineering, the $6.1 million grant could be used as the Federal share of preliminary engineering. Mr. Yunker estimated that the total cost of preliminary engineering would be approximately $5 to 7.5 million, with the Federal share representing 80 percent of the cost of preliminary engineering. A state/local match of 20 percent, or $1.0 to 1.5 million, would be required. Mr. Antaramian asked if the application would need to address funding for the existing public transit systems. Mr. Yunker said that FTA staff has stated that the KRM commuter rail project will not be approved for preliminary engineering, unless the funding problems of the existing bus systems are being addressed. He noted that the RTA legislation being proposed by the Governor and State legislators could be discussed in the KRM project application’s financial plan, but legislative action may be necessary during the time FTA is reviewing the application if the application is to be approved. In response to a question by Milwaukee County Board Chairman Holloway, Mr. Yunker responded that the current SERTA legislation required a majority of Board members to approve an action, but that the Board could adopt bylaws to require a super majority.

Mr. Ostby suggested a motion be made to have the Commission act as fiscal agent for SERTA in the interim until SERTA retains staff and for the Commission to transfer the remaining balance from the former RTA to SERTA. The motion was made by Mr. Karls, seconded by Milwaukee County Board Chairman Holloway, and approved unanimously by the Board.

In response to a question from Milwaukee County Supervisor Mayo, Sr., Mr. Yunker explained that a consultant team with Mueller Communications, Inc. as principal consultant was selected as the communications consultant for the former RTA, after a request for proposals had been issued, and that the payments in Exhibit C had been made to Mueller Communications, Inc. Milwaukee County Board Chairman Holloway made a motion that SERTA not be responsible for the past business of the former RTA, and requested an audit of the former RTA’s expenditures through the end of its existence. Mr. Yunker stated that annual audits had been prepared for the former RTA, and a close-out audit was to be done. He stated that the audits would be provided to the Board. Mr. Karls noted that the funds to be transferred from the former RTA would be the balance shown in Exhibit C. Milwaukee County Supervisor Mayo, Sr. seconded the motion, and it was approved unanimously by the Board.

**Staffing Arrangements**

Mr. Ostby asked Mr. Yunker to speak to the Board about staffing SERTA. Mr. Yunker stated that the Commission could act as interim staff for SERTA, but recommended that SERTA would need to hire its own permanent staff, should the “New Starts” application be submitted by SERTA and approved by the FTA. He stated that in preliminary engineering decisions would be made as to how to build and operate a KRM commuter rail line, and SERTA staff which would be responsible for KRM commuter rail
operation, should be making those decisions. He indicated that Commission staff could discuss staffing needs at the next SERTA meeting. Mr. Ostby made a motion to have the Commission act as interim staff until SERTA has hired its own permanent staff. The motion was seconded by Milwaukee County Supervisor Mayo, Sr., and was approved unanimously by the Board.

Milwaukee County Supervisor Mayo, Sr. asked how long the Commission had been staff of the former RTA and if the Commission had ever received payments from the former RTA. Mr. Yunker said that the Commission had provided staff since February 2006 and had never received payments for staff work from the former RTA.

**Discussion of Communications Consultant Proposal**

Mr. Ostby stated that Mueller Communications, Inc. had also provided communications consultant staffing of the former RTA, and asked Mr. Mueller to speak about the communications consultant proposal in Exhibit D (see Attachment 6 to these minutes). Mr. Mueller summarized the past work the Mueller Communications, Inc. team had performed for the former RTA, and the current proposal of work items to be performed for SERTA. Ms. Taylor stated that Mueller Communications, Inc. was very helpful in addressing miscommunication regarding the former RTA, and made a motion to approve the communications consultant proposal summarized in Exhibit D. Mr. Karls seconded the motion.

Milwaukee County Board Chairman Holloway asked what was meant by miscommunication. Ms. Taylor said she was referring to information on transit and the KRM project, which was distributed by others and picked up in the media. Milwaukee County Board Chairman Holloway indicated he needed more information on the work of Mueller Communications, Inc. before he could vote to approve their proposal, and requested a breakdown of previous consultant expenditures. Mr. Karls suggested the motion be modified to hire Mueller Communications, Inc. during an interim period of a few months. Milwaukee County Supervisor Mayo, Sr. suggested that approval of an interim communications consultant contract be considered at the next meeting, and a request for proposals be made to select a communications consultant after that contract period would end. Mr. Antaramian agreed, and suggested the interim contract could be for a four-month period. Ms. Taylor withdrew her previous motion, and Mr. Karls withdrew his second of the motion.

**Website Establishment**

Mr. Yunker stated that the Board should consider establishing a SERTA website. He informed the Board that the domain name of [www.serta.org](http://www.serta.org) was not available, and recommended that the former RTA website, [www.sewisrta.org](http://www.sewisrta.org), be reconfigured to be the website of SERTA. There being no objection or discussion, Mr. Yunker stated that the changes would be made prior to the next meeting.

**BRIEFING ON GOVERNOR DOYLE’S PROPOSED REGIONAL TRANSIT AUTHORITY FRAMEWORK**

Mr. Kanninen addressed the Board and discussed the legislation currently being prepared by the Wisconsin Governor and State Legislators to create interim regional transit authorities in Kenosha, Racine, and Milwaukee Counties that would eventually integrate with SERTA to form one regional transit authority. He stated that the Governor’s goal was to propose a transit authority that is truly regional, addresses the immediate funding needs of existing transit systems, provides property tax relief, and puts the KRM project in a position to move forward. The major points on the draft bill he presented included:

- Focus on transit only; does not create additional funding for parks or emergency medical services
- Creation of interim regional transit authorities (IRTAs) in Kenosha, Racine, and Milwaukee Counties, with the ability to operate or contract for the operation of local transit services
- Specified date for integration of IRTAs into SERTA
- Enabling of 0.5% sales tax for Milwaukee County IRTA immediately
• Ability for Kenosha and Racine IRTAs to choose from a menu of local dedicated revenue sources for transit, with the requirement of approval of a 0.5% sales tax by local referendum
• Provides for incentive funding for IRTAs from SERTA to encourage IRTAs to increase transit service and local dedicated transit revenue

Mr. Antaramian stated that the bill should include a requirement that funds raised in a particular county stay in that county. Mr. Karls and Milwaukee County Board Chairman Holloway indicated they also supported that requirement. Mr. Antaramian also suggested that a referendum to allow a sales tax dedicated revenue source for the existing transit systems should not be required. He stated that those decisions should be made by local elected officials. Mr. Kanninen explained that the legislation attempts to find a political compromise, which would permit regional transit authorities to be created with alternate dedicated funding sources, and ultimately merge into a single RTA, which would be SERTA.

In response to a question from Mr. Brandrup, Mr. Kanninen stated that he believed the technical details from the RTA legislation drafted by the Legislative Council Special Committee on Regional Transit Authority were considered and incorporated in the latest draft of the legislation.

In response to questions from Mr. Ostby and Mr. Yunker regarding a potential timetable for the bill to be passed by the State legislature, Mr. Kanninen indicated the draft bill would likely be taken up in the either the January, February, March, or April legislative sessions. In response to requests from Milwaukee County Supervisor Mayo, Sr. and Mr. Ostby, Mr. Yunker said he would distribute the latest draft legislation to the Board members if it was provided to him.

**ADJOURNMENT**

The next meeting was scheduled for 8:00 am on December 18, 2009. Mr. Yunker promised to check the availability of the Sijan Room of the Mitchell Museum of Flight for the meeting. The Board agreed to tentatively schedule meetings at 8:00 am on the third Monday of each month in the Sijan Room, unless the date conflicts with a major holiday. Mr. Yunker and Mr. Ostby agreed that probable agenda items at the next meeting would include election of officers, consideration of bylaws, a review of the website, an update on the KRM project “New Starts” application to the FTA, consideration of the enactment of a vehicle rental fee, and consideration of the retention of a communications consultant.

There being no further business to come before the Board, the meeting was adjourned at 10:05 a.m. on a motion by Mr. Ostby, seconded by Ms. Taylor, and carried unanimously by the Board.

Respectfully submitted,

Kenneth R. Yunker
Recording Secretary
2009 Regional Transit Authority Legislation—Section 59.58 (7) Wisconsin Statutes

(7) SOUTHEASTERN REGIONAL TRANSIT AUTHORITY. (a) In this subsection:

1. “Authority” means the southeastern regional transit authority created under this subsection.

2. “Bonds” means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued under this subsection.

3. “KRM commuter rail line” means a commuter rail transit system connecting the cities of Kenosha, Racine, and Milwaukee.

(b) There is created the southeastern regional transit authority, a public body corporate and politic and a separate governmental entity, consisting of the counties of Kenosha, Racine, and Milwaukee. This authority may transact business and exercise any powers granted to it under this subsection. The jurisdictional area of this authority is the geographic area formed by the combined territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

(c) 1. The powers of the authority shall be vested in its board of directors, consisting of the following members:

a. Two members from Milwaukee County, appointed by the Milwaukee County board chairperson.

b. Two members from the city of Milwaukee, appointed by the mayor of the city of Milwaukee.

c. One member from Racine County, appointed by the Racine County board chairperson.

d. One member from the city of Racine, appointed by the mayor of the city of Racine.

e. One member from Kenosha County, appointed by the Kenosha County board chairperson.

f. One member from the city of Kenosha, appointed by the mayor of the city of Kenosha.

g. One member from the authority’s jurisdictional area, appointed by the governor.

2. A majority of the board of directors’ full authorized membership constitutes a quorum for the purpose of conducting the authority’s business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number.

(d) The authority shall have all powers necessary and convenient to create, construct, and manage a KRM commuter rail line.

(e) The authority may impose the fees under subch. XIII of ch.7. From the fees, the authority may do all of the following:

1. Retain not more than $2 for each transaction for administration of the authority.

2. Retain the difference between the amount of the fees imposed under subch. XIII of ch. 77 and the amount of those fees retained under subd. 1. for expenditures related to the KRM commuter rail line, including planning, construction, maintenance, operations, and engineering expenditures.

(f) 1. The authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

2. The authority may issue bonds in an aggregate principal amount not to exceed $50,000,000, excluding bonds issued to refund outstanding bonds issued under this subdivision, for the purpose of providing funds for the anticipated local funding share required for initiating KRM commuter rail line service.

3. Neither the authority’s board of directors nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds.

4. The bonds of the authority are not a debt of the counties that comprise the authority. Neither these counties nor the state are liable for the payment of the bonds. The bonds of the authority shall be payable only out of funds or properties of the authority. The bonds of the authority shall state the restrictions contained in this subdivision on the face of the bonds.

5. Bonds of the authority shall be authorized by resolution of the authority’s board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may be issued in one or more series and may be in the form of coupon bonds or registered bonds under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denominations, have the rank or priority, be executed in the manner, be payable in the medium of payment and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust indenture, or other security instrument provides. Bonds of the authority are issued for an essential public and governmental purpose and are public instrumentalities and, together with interest and income, are exempt from taxes. The authority may sell the bonds at public or private sales at the price or prices determined by the authority. If a member of the authority’s board of directors whose signature appears on any bonds or coupons ceases to be a member of the authority’s board of directors before the delivery of such obligations, the member’s signature shall, nevertheless, be valid for all purposes as if the member had remained a member until delivery of the bonds.

6. The authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. The authority may issue refunding bonds at such time prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture, or other security instruments. To the extent applicable, refunding bonds are subject to subd. 5.

(g) All moneys transferred under s. 59.58 (6) (cg) shall be used by the authority to assist in the planning of the KRM commuter rail line project.

(h) The authority’s powers shall be limited to those specified in this subsection.

(i) The authority is the only entity in the counties of Milwaukee, Racine, and Kenosha that may submit an application to the federal transit administration in the U.S. department of transportation under the federal new starts grant program for funding for the KRM commuter rail line.

(j) The operator of any transit system in Kenosha County or Racine County receiving funding under s. 85.20, shall provide copies of all of their annual and long- term transit plans to the southeastern regional transit authority as these plans become available.
77.9971 Imposition. (1) The southeastern regional transit authority under s. 59.58 (7) may impose a fee at a rate not to exceed $18, as adjusted under sub. (2), for each transaction in the authority’s jurisdictional area, as described in s. 59.58 (7) (b), on the rental, but not for rental and not for rental as a service or repair replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by establishments primarily engaged in short-term rental of passenger cars without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter shall be effective on the first day of the first month that begins at least 90 days after the board of directors of the southeastern regional transit authority approves the imposition of the fee and notifies the department of revenue. The board of directors shall notify the department of a repeal of the fee imposed under this subchapter at least 60 days before the effective date of the repeal.

(2) (a) The southeastern regional transit authority’s board of directors may provide for the annual adjustment of the fee specified in sub. (1) to reflect the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on September 30 of the year before the adjustment. If the fee is adjusted under this subsection, the department shall effective on the first day of the first month that begins at least 90 days after the board of directors of the southeastern regional transit authority approves the imposition of the fee and notifies the department of revenue. The board of directors shall notify the department of a repeal of the fee imposed under this subchapter at least 60 days before the effective date of the repeal.

(b) If the fee is adjusted under this subsection, the southeastern regional transit authority shall provide notice to the department of revenue of the fee adjustment at least 90 days before the adjustment becomes effective.

History: 2005 a. 25; 2009 a. 28.

77.9972 Administration. (1) The department of revenue shall administer the fee under this subchapter and may take any action, conduct any proceeding, and impose interest and penalties.

(2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (4), (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. Section 77.73, as it applies to the taxes under subch. V, applies to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the passenger car is rented.

NOTE: Sub. (2) is shown as repealed and recreated eff. 10–1–09 by 2009 Wis. Act 2. Prior to 10–1–09 it read:

(2) Sections 77.51 (4) (a), (b) 1., 2., and 4., (c) 1. to 3. and (d) and (14) (a) to (f), (j), and (k), 77.52 (1b) (4), (6), (13), (14), and (18), 77.53 (1b), 77.58 (1) to (5) and (7), 77.59, 77.60, 77.61 (2), (5), (8), (9), and (12) to (14), and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. Sections 77.72 (1) and (2) (a) and 77.73, as they apply to the taxes under subch. V, apply to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the passenger car is rented.

(3) From the appropriation under s. 20.835 (4) (gh), the department of revenue shall distribute 97.45% of the fees collected under this subchapter to the southeastern regional transit authority and shall indicate to the authority the fees reported by each fee payer in the authority’s jurisdiction, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The fees distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments. Interest paid on refunds of the fee under this subchapter shall be paid from the appropriation under s. 20.835 (4) (gh) at the rate under s. 77.60 (1) (a). If the southeastern regional transit authority receives a report along with a payment under this subsection, the southeastern regional transit authority is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

(4) Persons who are subject to the fee under this subchapter shall register with the department of revenue. Any person who is required to register; including any person authorized to act on behalf of a corporation, partnership, or other person who is required to register; who fails to do so is guilty of a misdemeanor.

(5) A retailer who collects a fee under this subchapter shall identify the fee as a separate item on a receipt the retailer provides to a rental customer.

(6) If the department of revenue receives notice of a fee adjustment under s. 77.9971 (2) (b), the department shall publish the new adjusted fee at least 30 days before the adjustment becomes effective.


77.9973 Discontinuation. Retailers and the department of revenue may not collect fees under this subchapter for the southeastern regional transit authority after the calendar quarter during which the southeastern regional transit authority ceases to exist, except that the department may collect from retailers fees that accrued before that calendar quarter and interest and penalties that relate to those fees. If fees are collected, the authority may use the revenue for any lawful purpose.

History: 2005 a. 25; 2009 a. 28.
Briefing on SERTA Responsibilities and Recent History of RTA Consideration in Southeastern Wisconsin

November 23, 2009

Intergovernmental Partnership

- Created in March 2005 in advance of RTA creation to conduct necessary technical studies of KRM commuter rail (Transit Alternatives Analysis, DEIS, and New Starts Application)
- Partnership members
  - County Executives of Kenosha, Milwaukee, and Racine Counties
  - Mayors of the Cities of Kenosha, Milwaukee, and Racine
  - Secretary of the Wisconsin Department of Transportation
  - Chairman of SEWRPC
  - Technical Steering Committee of Partnership staff representatives

Southeastern Wisconsin Regional Transit Authority

  - 7 Members
  - 25 meetings
  - Recommendations – November 15, 2008
  - www.seewisrta.org

Southeastern Wisconsin Regional Transit Authority Recommendations

- The RTA recommended that it continue as the permanent RTA for the 3 counties.
  - Initial Region
    - Kenosha County
    - Milwaukee County
    - “Urbanized portion” of Racine County, currently defined as the part of the County east of IH 94
  - Potential Future Expansion to other Southeastern Wisconsin Counties

Southeastern Wisconsin Regional Transit Authority Recommendations (continued)

- The RTA recommended that it be enabled to levy up to 0.5 percent sales tax for transit
  - All revenue generated from a sales tax would stay within each county and be used to pay for transit service within each county.
  - Current funding for county/municipal transit from the property tax would be removed from property tax levies, providing property tax relief.
The RTA recommended that the present board structure be retained:
- Appointed board (by elected officials)
  - One each by Cities and Counties of Milwaukee, Racine, and Kenosha
  - One by Governor
- 7 members with super-majority 6-to-1 vote required

November 4, 2008
- Approval of 1% sales tax and remove current property tax funding
  - Public Transit
  - Parks
  - Emergency Medical Services

To join the RTA, the governing bodies would need to adopt a resolution authorizing its membership:
- Kenosha County
- Milwaukee County
- “Urbanized portion” of Racine County, defined as the part of the County east of IH 94
- Waukesha, Ozaukee, and Washington Counties or any of their individual municipalities

Recommended that the RTA be enabled to levy up to 0.5 percent sales tax for transit

Recommended that the RTA be empowered to subcontract with the current operators for local bus transit service, or assume operations as appropriate, and upon agreement with the existing transit operators
**Governor’s Southeastern Wisconsin RTA Proposed Legislation (continued)**

- Recommended an appointed board (by elected officials)
  - Cities of Kenosha, Milwaukee, and Racine
  - Counties of Kenosha and Milwaukee
  - Two by Governor

**Wisconsin State Legislature Actions**

- Rejection of Governor’s Proposed RTA Legislation
- Proposed Substitute Legislation
  - Milwaukee County Transit Authority
  - Kenosha-Racine-Milwaukee County Commuter Rail Authority (Southeastern Regional Transit Authority—SERTA)

**Southeastern Regional Transit Authority (SERTA)**

- Created in 2009 - 2011 State budget
- Consists of Counties of Kenosha, Racine, and Milwaukee
  - Appointed Board
    - 3 - Milwaukee County Board Chairman
    - 2 - City of Milwaukee Mayor
    - 2 - Governor
  - Contract with Milwaukee County to provide transit service
  - Funded by 0.5 percent sales tax, replacing property tax
  - Governor vetoed Milwaukee County Transit Authority

**Southeastern Regional Transit Authority (SERTA)**

- Authority to construct, operate, and manage a KRM commuter rail line
  - Sole authority to apply to the Federal Transit Administration (FTA) for approval to advance to preliminary engineering and potentially obtain a Federal discretionary grant
  - Key upcoming decision of whether, and when, to move forward on KRM commuter rail, beginning with FTA application

- Authority to enact up to an $18 vehicle rental fee per transaction
  - Indexed annually to inflation
  - Up to $2 of fee may be used for SERTA administration
  - Balance of funds of “temporary” and “limited authority” Southeastern Wisconsin Regional Transit Authority to be transferred to SERTA
    - To be used to assist in KRM commuter rail planning
    - Up to $50 million bonding authority
Southeastern Regional Transit Authority (SERTA)

- Kenosha County and Racine County transit operators are to provide their annual and long term transit plans to SERTA.
# Steering Committee for the Kenosha-Racine-Milwaukee Commuter Rail Extension

<table>
<thead>
<tr>
<th>Member</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>George E. Melcher</td>
<td>Director of Planning and Development, Kenosha County, and Committee Chairman</td>
</tr>
<tr>
<td>Len Brandrup</td>
<td>Director, Department of Transportation, City of Kenosha</td>
</tr>
<tr>
<td>Brian Dranzik</td>
<td>Fiscal and Policy Administrator, Milwaukee County Department of Transportation and Public Works</td>
</tr>
<tr>
<td>Richard M. Jones</td>
<td>Commissioner of Public Works, City of Racine</td>
</tr>
<tr>
<td>Jeffrey J. Mantes</td>
<td>Commissioner of Public Works, City of Milwaukee</td>
</tr>
<tr>
<td>David Prott</td>
<td>Director of Public Works, Racine County</td>
</tr>
<tr>
<td>Mark J. Wolfgram</td>
<td>Administrator, Division of Transportation Investment Management, Wisconsin Department of Transportation</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>County Supervisors are public officials required to maintain and keep public records associated with their duties. Those records include material that created by yourself or is being kept by you and includes material you receive in the course of your duties. Records consist of handwritten, typed and printed pages, maps, charts, photographs, films, recordings, tapes, including computer tapes, computer printouts, optical disks and e-mails.</td>
<td>State law requires that whenever governmental business is discussed such discussion and action is to be at an open meeting. That requirement applies to the Ozukee County Board and its committees.</td>
</tr>
<tr>
<td>It is not a record if it is a draft, note, preliminary computation or materials prepared for the supervisor’s personal use or materials which are purely the personal property of the supervisor and have no relation to the supervisor’s office. Additionally, information that is otherwise confidential or proprietary is not considered a public record and access to such a record may be denied.</td>
<td>A convening of members of the board or a committee to exercise the responsibilities, authority or duties vested in that body is a meeting. If one-half or more of the members of that body are present, the meeting is presumed to be for exercising the responsibilities of that committee and is considered a meeting for which it is necessary to notify the public to allow the public to attend that meeting.</td>
</tr>
<tr>
<td>A request for these records may be made by the public. The supervisor has an obligation to respond to those requests. A record may be a public record but that does not mean that it is an open record for inspection purposes. There are confidentiality that apply to some records and if the harm to the public or certain members of the public is outweighed by the benefit to the public by the release of the record, access to that record may be denied.</td>
<td>A meeting does not occur when a majority of members of a committee or board are present for a “social, chance gathering, or conference” which was not held to avoid the open meeting requirements.</td>
</tr>
<tr>
<td>In general a supervisor must retain most records for seven years. Correspondence should be retained for three years.</td>
<td>A meeting can occur when less than half the members of a governmental body are present to discuss government business if the number of members present are sufficient to block action on a matter before their body. That meeting is a “negative quorum” and constitutes a meeting if the vote on an issue requires a super majority such as a 2/3 or 3/4 vote. In those situations 1/4 or 1/3 of the members could decide the result. If that percentage of supervisors meet to discuss governmental business that is a meeting that must be noticed and open to the public.</td>
</tr>
<tr>
<td></td>
<td>All meetings must be noticed to the public. That means at least 24 hours prior notice. Not all meetings are open, by law you are allowed to hold closed meetings for some purposes including discipline, financial considerations, bargaining, conferring with legal counsel, etcetera. Those exceptions to the open meeting law must also be noticed to the public as a closed meeting.</td>
</tr>
</tbody>
</table>
| **FOR DETAILED INFORMATION ON THESE SUBJECTS – go to** www.doj.state.wi.us
Department of Justice home page
Public Records and Open Meetings Laws Seminars, Guides, and Outlines | **Questions regarding open meetings and record retention can be directed to the Corporation Counsel's office. However, enforcement and interpretation of the law lies with the District Attorney and Attorney General's office.**

Corporation Counsel
Ozukee County Justice Center
1201 South Spring Street, Suite 232
Port Washington, WI 53074-0994

Telephone: Local 262-284-8300
Metro 262-238-8300 |
Collected Vehicle Fees Received From the Wisconsin Department of Revenue

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Amount*</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1 - November 27, 2006</td>
<td>$217,839.72</td>
</tr>
<tr>
<td>November 28, 2006 - February 23, 2007</td>
<td>262,727.15</td>
</tr>
<tr>
<td>February 24, 2007 - May 31, 2007</td>
<td>161,418.14</td>
</tr>
<tr>
<td>June 1, 2007 - August 31, 2007</td>
<td>236,534.54</td>
</tr>
<tr>
<td>September 1, 2007 - November 30, 2007</td>
<td>286,964.90</td>
</tr>
<tr>
<td>December 1, 2007 - February 24, 2008</td>
<td>227,743.29</td>
</tr>
<tr>
<td>February 25, 2008 - May 23, 2008</td>
<td>188,070.72</td>
</tr>
<tr>
<td>May 24, 2008 - August 15, 2008</td>
<td>264,344.63</td>
</tr>
<tr>
<td>August 16, 2008 - November 15, 2008</td>
<td>256,289.58</td>
</tr>
<tr>
<td>November 16, 2008 - February 27, 2009</td>
<td>186,234.76</td>
</tr>
<tr>
<td>February 28, 2009 - May 29, 2009</td>
<td>143,259.28</td>
</tr>
<tr>
<td>May 30, 2009 - August 31, 2009</td>
<td>207,330.25</td>
</tr>
<tr>
<td>Interest earned through September 30, 2009</td>
<td>43,709.97</td>
</tr>
<tr>
<td>Wire transfer fees incurred through September 30, 2009</td>
<td>-625.00</td>
</tr>
</tbody>
</table>

* Net amount after payment of Statutory fee to WDOR

$2,681,841.93

Progress, Billing, and Payment Report

Communications Consultant - Phase I (This phase has been closed out)

<table>
<thead>
<tr>
<th>Work Element</th>
<th>Total Budget</th>
<th>Percent Complete</th>
<th>Amount Billed</th>
<th>Amount Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - Communications Strategy</td>
<td>$50,700.00</td>
<td>100.00</td>
<td>$50,700.00</td>
<td>$50,700.00</td>
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<tr>
<td>2 - Funding Source Research</td>
<td>$58,225.00</td>
<td>94.40</td>
<td>54,978.13</td>
<td>54,978.13</td>
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<td>3 - Communications Materials</td>
<td>$28,247.72</td>
<td>100.00</td>
<td>28,247.72</td>
<td>28,247.72</td>
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<tr>
<td>4 - Public Opinion Assessment</td>
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<td>100.00</td>
<td>15,466.88</td>
<td>15,466.88</td>
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<tr>
<td>5 - Outreach--Elected Officials and Business</td>
<td>$173,305.74</td>
<td>100.00</td>
<td>173,305.74</td>
<td>173,305.74</td>
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<tr>
<td>6 - Outreach--Public</td>
<td>$170,054.66</td>
<td>100.00</td>
<td>170,054.66</td>
<td>170,054.66</td>
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<tr>
<td>Total</td>
<td>$496,000.00</td>
<td>99.35</td>
<td>$492,753.13</td>
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</tbody>
</table>

Progress, Billing, and Payment Report

Communications Consultant - Phase II (This phase has been closed out)

<table>
<thead>
<tr>
<th>Work Element</th>
<th>Total Budget</th>
<th>Percent Complete</th>
<th>Amount Billed</th>
<th>Amount Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - Outreach--Elected Officials and Business</td>
<td>$50,000.00</td>
<td>100.00</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
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<tr>
<td>6 - Outreach--Public</td>
<td>$65,000.00</td>
<td>100.00</td>
<td>65,000.00</td>
<td>65,000.00</td>
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<tr>
<td>Total</td>
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<td>100.00</td>
<td>$115,000.00</td>
<td>$115,000.00</td>
</tr>
</tbody>
</table>

Progress, Billing, and Payment Report

Communications Consultant - Phase III & IV

<table>
<thead>
<tr>
<th>Work Element</th>
<th>Total Budget*</th>
<th>Percent Complete</th>
<th>Amount Expended through September 30, 2009</th>
<th>Amount Paid to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuing Outreach and Communications</td>
<td>--</td>
<td>N/A</td>
<td>$587,890.05</td>
<td>$587,890.05</td>
</tr>
</tbody>
</table>

*Budget for Phase III includes $12,000 per month plus expenditures. Phase III began January 1, 2008. Also approved were $55,000 in May 2008, and $141,500 in October 2008. The Phase IV ($138,000 budget) was approved for one month--through April 15, 2009. Billing against Phase IV began in February 2009.

Miscellaneous Expenditures

Through September 30, 2009 $4,384.51

Financial Summary

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>$2,681,841.93</td>
</tr>
<tr>
<td>Expenditures</td>
<td>1,200,027.69</td>
</tr>
<tr>
<td>Encumbrances</td>
<td>0.00</td>
</tr>
<tr>
<td>Balance</td>
<td>$1,481,814.24</td>
</tr>
</tbody>
</table>

Through September 30, 2009 $4,384.51
PROPOSED STANDARD COMMUNICATIONS STAFFING and OPERATIONS

ESTIMATED MONTHLY BUDGET: $12,000-$15,000
(budget estimates based upon past experience with seven-member RTA body)

Staffing responsibilities and deliverables to SERTA include:

- Weekly tracking of media coverage; compile and distribute reports to SERTA members;

- Prepare and distribute weekly email updates highlighting transit issues from throughout the region, relevant announcements from elected officials and other useful news of note;

- Individual communication with RTA members:
  - How they feel about issues;
  - Providing updates on legislative news or developments;
  - Fielding media inquiries and preparing them for media interviews;
  - Researching statutory requirements of the RTA;
  - Research on car rental rates and numbers;
  - Respond to other media requests (2-3 per week)

- Weekly phone conferences/other outreach with legislative advisors and advocates such as Transit Now, MMAC, GMC, KABA, RAMAC, Coalition for Advancing Transit, labor and other business representatives to get insight and feedback on business support and legislative issues

- Assist with monthly SERTA meetings:
  - Schedule meeting time, location and coordinate participants and speakers;
  - Prepare and facilitate communications updates;
  - Provide appointing authorities with copies of all materials distributed at monthly meetings; and
  - Assist in drafting meeting minutes.

- Prepare documents for the RTA:
  - Review, analyze and summarize legislative documents including state transit Legislation, the Alliance of Cities bill; federal stimulus requests and activities relative to the Midwest High Speed Rail coalition;
  - Develop letters and communications to elected bodies;
  - Continue to refine fact sheets and informational packets regarding transit, KRM and SERTA.
RECOMMENDED ADDITIONAL COMMUNICATIONS OUTREACH

Given the high volume of interest in this issue, and the urgent need to submit a New Starts application and generate support for state legislation to provide dedicated sales tax funding for transit, we’d recommend engaging in additional proactive communications strategies to build support for transit legislation and support the critical passage of the bill in the Spring 2010 session.

Proactive media communications: Facilitate meetings with editorial boards in the three counties to seek support of SERTA, the New Starts application and the state transit legislation. Engage SERTA members, transit supporters and advocates in a letter-writing campaign to media throughout the region.
ESTIMATED MONTHLY BUDGET: $4,000

Develop and execute community outreach plan: Work with local advocates to distribute transit surveys and execute other outreach (one-on-one meetings, presentations and social media outreach) throughout the three-county area and identify transit users and supporters. Work to educate supporters and provide them with the tools to demonstrate support to state and local legislators.
ESTIMATED MONTHLY BUDGET: $10,000

Develop relationship as communications liaison with local, state and federal agencies and officials: Following the approval and submission of the New Starts application and through the debate in the state legislature, proactively reach out to members of our local, state and federal delegations to offer educational briefing sessions, background materials and responding to their request and suggestions for developing support for transit.
ESTIMATED MONTHLY BUDGET: $5,000

Local jobs and economic development research: Work with UWM, Public Policy Forum and/or Policy Studies Inc., to update existing studies to reflect the current county and city transit budgets. Studies should update the number of jobs inaccessible by transit and/or work to identify specific populations impacted by transit cuts.
ESTIMATED MONTHLY BUDGET: $12,000