1. CALL TO ORDER
   Roll Call

2. PROPER NOTICE

3. PUBLIC COMMENT

4. ACTION ITEMS:
   a. Award Bid for Low Slope Roofs on Justice Center
   b. Award Bid for CTH LL Concrete Reconstruction
   c. Creation of a Joint Ozaukee-Washington Counties Transit Superintendent Position and Memorandum of Understanding

5. ADJOURNMENT

A quorum of members of committees or the full County Board of Ozaukee County may be in attendance at this meeting for purposes related to committee or board duties, however, no formal action will be taken by these committees or the board at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the County Clerk’s Office at 262-284-8110, twenty-four (24) hours in advance of the meeting.
Public Works Committee

AGENDA INFORMATION SHEET

AGENDA DATE:          April 3, 2019
DEPARTMENT:           Facilities Management
DIRECTOR:             Jon Edgren
PREPARER:             Jon Edgren

Agenda Summary: Award Bid for Low Slope Roofs on Justice Center

BACKGROUND INFORMATION: As part of the 2019 Budget, replacement of the Justice Center’s (JC) low slope roofs were approved with an approximate total budget of $625,000.

Building Superintendent Behlen has been working with Greg Gardner of Interstate Roof Systems Consultants, Inc. (IRSC) on Design and Bidding of the project.

The construction bid opening is scheduled for Monday, April 1st at 11am.

ANALYSIS: Since the bid opening is scheduled after the distribution of the Public Works Committee agenda packet, we will bring the bid information and recommendation to the meeting.

FISCAL IMPACT:

Balance Current Year: $625,000   Next Year’s Estimated Cost: --

FUNDING SOURCE:

County Levy: --  Non-County Levy: X  Indicate source: General Fund Undesignated Balance

RECOMMENDED MOTION: Base motion upon the Public Works Director’s recommendation.
Public Works Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 3, 2019
DEPARTMENT: Highway
DIRECTOR: Jon Edgren
PREPARER: Jon Edgren

Agenda Summary Award Bid for CTH LL Concrete Reconstruction

BACKGROUND INFORMATION: As part of the 2019 Highway Department Budget, we planned to reconstruct CTH LL (Seven Hills Road), east of STH 32 (Wisconsin Street) to Highland Road in the City of Port Washington. The project has an estimated construction cost of $600,000, and will involve full-depth reconstruction of concrete pavement and a mill & overlay of existing asphaltic pavement.

The construction bid opening occurred on Tuesday, March 26, 2019 at 2pm, but no bids were submitted.

ANALYSIS: I reached out to the six contractors listed as potential Prime Bidders for the project, and received the following feedback:

1) Buteyn-Peterson Construction: They were only planning on doing removals, so they wouldn’t run the project.
2) Sommers Construction: They picked-up several jobs recently, so they were too busy.
3) Stark Pavement: They were only planning to do asphalt due to workload, so they wouldn’t run the project.
4) TP Concrete: They have a heavy workload.
5) Vinton Construction: They have a heavy workload, but it was also a small project with multi-phasing.
6) Zignego Concrete: They were concerned about being competitive with a number of local Primes, and are busy.

All contacts seemed surprised that we didn’t get any bids, and none gave significant concerns over the size, phasing or design of the project.

Therefore, given the current construction workload in southeast Wisconsin, I would recommend re-bidding the project next November to January for 2020 construction.

FISCAL IMPACT:

Balance Current Year: $600,000  Next Year’s Estimated Cost: N/A

FUNDING SOURCE:
County Levy:  X ($300,000)  Non-County Levy: X ($300,000)

Indicate source: WisDOT CHIP Funds

**RECOMMENDED MOTION:** Re-bid the CTH LL Concrete Reconstruction project for 2020 Construction.
Public Works Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 3, 2019
DEPARTMENT: Transit
DIRECTOR: Jon Edgren
PREPARER: Julie Winkelhorst

Agenda Summary
Creation of a Joint Ozaukee-Washington Counties Transit Superintendent Position and Memorandum of Understanding

BACKGROUND INFORMATION: Research and discussion of a merger between the transit programs in Ozaukee County and Washington County began in 2017. The two Counties held Joint Public Works Meetings in May and November of 2017. In November, SEWRPC presented a Memo that is attached on the benefits and impacts of merging the two counties. At the conclusion of the November, 2017 meeting, both Public Works Committees could not pass a motion to continue studying the merger, on 2-2 votes on each side.

In December of 2018, Ozaukee County completed its Transit Development Plan, which included the merger task as desiring further study. SEWRPC presented the plan to the full County Board, along with the summary of the 2017 Memo by SEWRPC outlining the impacts and benefits of merging. In January, 2019, the Transit Manager position in Washington County became vacant. At that time Washington County's Administrator and Chairman approached Ozaukee County about continuing the merger discussion and outlining recommendations for merging and to share a transit manager position.

On March 13, 2019, the Washington County Public Works Committee passed a unanimous motion: to direct the staff to begin to negotiate an agreement to share the position with Ozaukee County and begin the preliminary stages of merging the transit systems with exploration of the creation of an advisory joint transit commission.

ANALYSIS: Sharing a position is the first step in merging the two counties transit programs. Fully merging requires additional steps outlined in the attachment, which includes the creation of a new Joint Transit Commission, allowed under state statute to merge county transit services. This would make the Transit Commission the recipient of state and federal funds. The new shared Transit Superintendent would be tasked with beginning to work on the preliminary stages of merging the two transit systems, and the creation of a joint transit commission.

SEWRPC succinctly outlined the many benefits of merging transit programs. Benefits include reduced administrative work, crossing county lines through a merged shared-ride taxi service, eliminating the barrier between the two counties, while giving riders more access and mobility, through seamless transit service.

Ozaukee Transit believes the merge can be done at the same or less cost to the County's tax levy. The attached recommendations outline the remaining tasks on how the new shared position would work to accomplish the merge by January 2020.
RECOMMENDED MOTION: Approve the creation of a joint Transit Superintendent position with Washington County and direct staff to create a MOU to share the position.

ATTACHMENTS:
- Recommendations for Merging Ozaukee and Washington Transit 3-13-2019 (PDF)
- SEWRPC Memo on Potential Merger of Ozaukee and Washington Transit (PDF)
Recommendations for Merging the Ozaukee County Transit Services and the Washington County Transit System

March 13, 2019

Both Ozaukee and Washington Counties are currently experiencing a staff vacancy in managing their Transit systems. As a result, both County Administrators have requested a recommended timeline and further analysis of the required steps for merging both entities under a shared-services agreement. SEWRPC’s 2017 Memorandum of the Benefits, Impacts and Additional Considerations Regarding Merging the Ozaukee County Transit Services and the Washington County Transit System organizes an excellent blueprint for accomplishing the merger, but it does not specify an actual timeline, nor recommend certain operational policies. Recommendations below answer the remaining policy questions posed in SEWRPC’s Memo. It would be mutually beneficial for both counties to determine whether to merge or maintain their current operational service level by April 1st, to ensure time to accomplish the administrative tasks to merge, and hire new staff to manage merged or current services. At this time, it is recommended to merge administration of the Transit program, and the Shared-Ride Taxi Services operations, and to further study the efficiency of the commuter bus services. As outlined below, merging both Transit entities can likely be accomplished by creating better overall services for our citizens at the same or lessor cost.

Timeline for Merging

It is important to recognize that any attempt to fully merge the two transit entities requires alignment with a calendar year to take full advantage of Federal, State, and Local County funding mechanisms. As outlined in the SEWRPC Memo, fully merging the administration and operations of each transit entity requires the establishment of a Transit Commission. It is recommended that the decision to merge begin immediately, or by April 1. Time is required to negotiate an agreement to share a position with Washington County, complete the administrative tasks of creating an advisory joint transit commission, secure state and federal funding, and prepare to operationally merge the Shared-Ride Taxi Service contract commencing January 1, 2020.
Table 1

<table>
<thead>
<tr>
<th>Estimated Timeline for Implementing Merger</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Required Tasks</strong></td>
<td></td>
<td></td>
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<tr>
<td>Both Public Works Committees Recommend Merge</td>
<td>1-Mar</td>
<td>31-Mar</td>
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<tr>
<td>Enter into MOU w/Wash Cty to Share Transit Staff</td>
<td>March</td>
<td>Apr-1</td>
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<tr>
<td>Draft/Issue/Award New RFP for Taxi Service Contract</td>
<td>1-May</td>
<td>30-Jun</td>
</tr>
<tr>
<td>Adopt Standard Fare Structure (mileage, agency)</td>
<td>1-Jul</td>
<td>31-Aug</td>
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<tr>
<td>Consolidate RouteMatch Dispatching Software</td>
<td>1-Oct</td>
<td>31-Dec</td>
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<tr>
<td>Give Min. 90 Day Notice to End Taxi Service Contracts</td>
<td>30-Sep</td>
<td></td>
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<tr>
<td><strong>State Required Tasks</strong></td>
<td></td>
<td></td>
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<tr>
<td>County Boards Adopt Transit Commission Resolutions</td>
<td>1-Apr</td>
<td>31-May</td>
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<tr>
<td>Counties Enter into MOU w/ Transit Commission</td>
<td>1-May</td>
<td>31-May</td>
</tr>
<tr>
<td>Submit 85.21 Specialized Transit Grant Application</td>
<td>1-Oct</td>
<td>15-Dec</td>
</tr>
<tr>
<td>Submit 85.20 Operating Grant Application</td>
<td>1-Oct</td>
<td>30-Dec</td>
</tr>
<tr>
<td><strong>Federal Required Tasks</strong></td>
<td></td>
<td></td>
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<tr>
<td>Request SEWRPC pass resolution in support of Transit Commission as designated recipient of federal funds</td>
<td>1-Apr</td>
<td>1-Jun</td>
</tr>
<tr>
<td>Rescind two designated recipients for grant funds</td>
<td>1-Apr</td>
<td>1-Jun</td>
</tr>
<tr>
<td>Request Governor Declare Transit Commission Designated Recipient of Funds</td>
<td>1-Apr</td>
<td>1-Jun</td>
</tr>
<tr>
<td>Submit Preliminary Annual Federal Grant Applications for FTA Review - (5307 MKE Urbanized Area, 5339 MKE Urbanized Area, 5307 WB Urbanized Area, 5339 WB Urbanized Area)</td>
<td>1-May</td>
<td>15-Jun</td>
</tr>
<tr>
<td>Consolidate Required Federal Policies (D/A, Title VI, Procurement, DBE, etc...)</td>
<td>1-May</td>
<td>31-Dec</td>
</tr>
<tr>
<td>Transferring of Assets to Transit Commission <em>NEW</em></td>
<td>1-Jul</td>
<td>1-Oct</td>
</tr>
<tr>
<td>Contractor Prepare/Maintain EEO Program <em>NEW</em></td>
<td>1-Jul</td>
<td>31-Dec</td>
</tr>
</tbody>
</table>

**Transit Commission Charter Recommendations**

As proposed in the SEWRPC Memo, we recommend the Counties provide the local funding for their respective bus services. Each County would provide the funds to cover the local costs of taxi trips taken within each of their respective counties. Ozaukee County’s budgeted Shared-Ride Taxi purchased service hours costs in 2019 are $1,422,372. We also recommend that the counties split the costs and fare of taxi trips crossing the county line on a 50-50 basis, rather than attempt to charge each county for the portion of the trip taking place within each county. SEWRPC’s Memo estimates an annual cost of between $106,300 and $169,600 for cross county trips, with a tax levy
impact of approximately $22,800 and $29,800 split between the two counties. This approach recognizes that crossing county boundaries is a regional transit solution.

Commission Membership

State Statute requires a Transit Commission to be made up of at least seven members appointed by the County Boards, County Board Chair or governing board. Similar to the Joint Public Health model, but not the same, we recommend three from Ozaukee, and four from Washington County, and one citizen member from each county.

Transfer of Assets

It is recommended we transfer the vehicle assets of each County to the Transit Commission as the Commission would be the designated recipient of Federal Transit Administration funds. Transferring the vehicle assets to the Commission assigns responsibility for ensuring that the grant recipient uses the vehicle for its useful life, or reimburses the FTA if it were to dispose of a vehicle before it met its useful life, or was worth more than $5,000 at the time of disposal. Both recipients have never disposed of a vehicle before the end of its useful life. Ozaukee County currently owns a vehicle storage and dispatch facility constructed in 2012 for $2.4 million, funded 80% with FTA grant funds. It is yet to be determined whether this facility needs to be transferred to the Transit Commission, or could just be leased by the County to the Transit Commission. The transit commission would bear the liability and carry the insurance for all of the assets as it is its own public body, allowed under state statute.

Staffing Level

Currently, each county is staffed by one full time position who administers the Transit programs. We recommend entering into a Memorandum of Understanding to share the costs of the Transit Superintendent with Washington County at the current Ozaukee County pay range of $59,446-$80,475 annually. The new shared Transit Superintendent would be charged with carrying out the task of merging the two counties transit programs. A merged Transit Service requires likely one full-time superintendent and one full-time assistant or clerk. After being hired, the new Superintendent could help in determining the level of need for an additional assistant, and the appropriate pay range. We recommend splitting the cost of the position on a 60/40 basis, with Washington County 60% and Ozaukee 40% based on the representation on the Transit Commission, as well as remaining consistent with the Joint Public Health agreement.

Shared-Ride Taxi Fare Structure

We recommend adopting a unified mileage fare rate for the Shared-Ride Taxi Service, rather than a zonal fare structure used by Ozaukee County. A mileage fare structure allows the fare structure to remain simple and understandable across the larger geographic area. Currently, Washington County has five fares under its current mileage fare structure, and Ozaukee County has four fares under its current zonal structure. Implementing a mileage fare structure for a merged Taxi service, would likely result in the current five fares, or six, with an additional fare for the longest distances.
The longest possible ride distance within the two counties is approximately 50 miles in length. Preliminary analysis indicates that adopting Washington County’s current mileage fare structure in Ozaukee County would result in approximately 30% more fare revenue. It is recommended that any fare structure adopted, result in no loss of revenue for the rides taking place in each respective county.

**Shared-Ride Taxi Hours of Operation of Taxi/Service Hours in Contract**

Merging Taxi Service also requires uniform hours of operation. It might be advantageous to adopt the most expansive hours of operation for each system, to not impact any citizen negatively. Washington County would increase its hours of operation on weekdays from an 11pm close to 11:30pm close. Ozaukee County would increase its hours of operation from 8:30am to 5:00am Saturday mornings, and 10pm to 11pm on Saturday evenings. Washington County would increase its hours of operation from 4pm to 6pm on Sundays. Assuming each of those expanded hours would result in two taxis being operated, purchased service hours would increase by 464 hours for Washington County, and 468 hours for Ozaukee County. The increased purchased service cost to Ozaukee County would be approximately $11,320 annually, and $5,207 cost to the tax levy. This increased service hour cost would likely be mitigated by farebox revenue.

| **Existing Hours of Operation of Ozaukee & Washington County Shared-Ride Taxi Service and Proposed Merged Hours of Operation** |
|---------------------------------|-----------------|-----------------|-----------------|
| **Day of the Week** | **Ozaukee County** | **Washington County** | **Ozaukee-Washington** |
| Monday-Fridays | 5:00am-11:30pm | 5:00am – 11:00pm | 5:00am – 11:30pm |
| Saturdays | 8:30am – 10:00pm | 5:00 – 11:00pm | 5:00am – 11:00pm |
| Sundays | 8:00am – 6:00pm | 8:00am – 4:00pm | 8:00am – 6:00pm |

**Additional Costs and Opportunities to Save $**

SEWRPC’s *Memo* projects between $22,800 and $36,400 in additional local levy operational costs to serve between 6,700 and 10,600 riders going between the two counties. These costs would be split in half between the counties per the recommended costs distribution outlined in the Charter. Additional operational costs for unifying the hours of operation between the two systems as stated above could potentially cost Ozaukee County approximately $11,320 annually, and $5,207 cost to the tax levy. SEWRPC also projects one time capital costs up to $150,000 for three additional vehicles, at a local levy cost of up to $30,000. Although, we recommend mitigating or eliminating those capital costs to increase the overall taxi fleet by operating vehicles longer before retiring. Rather than replacing vehicles, the fleet would be supplemented with new vehicles.

Potential opportunities to reduce operational costs could mitigate any increased costs through the following scenarios:
- $50,000 – Reduced contractor costs due to consolidating dispatch operations and reducing dispatcher staffing levels
- Set new fare structure to realize increased revenue, offsetting increased operational costs
- Convert some Washington County Taxi minivans to hybrid sedans. Saving approximately $3,000 per year, per hybrid, based on 50,000 miles at $2.00 per gallon.
- Unify Agency Fare rate at $12 per ride. Currently, Washington County’s Agency Fare is $10, while Ozaukee County’s is $12 per ride.
- Increase Agency rate above $12 if needed
- Reduced County Staff costs consisting of One Director, and one assistant split between the two counties
MEMORANDUM

BENEFITS, IMPACTS, AND ADDITIONAL CONSIDERATIONS REGARDING MERGING THE OZAUKEE COUNTY TRANSIT SERVICES AND THE WASHINGTON COUNTY TRANSIT SYSTEM

At the request of the Ozaukee County Board of Supervisors and the Washington County Board of Supervisors, the staff of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) have prepared this discussion of the potential benefits, costs, and impacts of combining the Ozaukee County and Washington County transit systems. This memorandum also includes a discussion of some decisions that will need to be made by the counties collectively or by any potential transit commission, describes potential cost-sharing methods for funding the merged transit agency, and outlines text (in Appendix A) that could be used to develop a charter for the merged transit agency.

BENEFITS OF MERGING

As noted in SEWRPC Community Assistance Planning Report No. 317: Washington County Transit System Development Plan, a merger between the Ozaukee County and Washington County transit systems would provide current and future passengers of the two shared-ride taxi services with greater access and mobility, allowing residents of either county to access both counties’ employment opportunities, medical facilities, and other resources. Existing shared-ride taxi users who travel between the two counties would typically experience quicker trips, as transferring in Newburg would no longer be required. A merger would also allow businesses in both counties access to a greater labor pool, potentially assisting with the current labor shortage being experienced by many businesses.

In addition, merging services may result in increased efficiencies for the transit systems, such as the potential for reducing the number of empty shared-ride taxi vehicles traveling to or from the Newburg transfer point. The current contract operator for both counties’ shared-ride taxi services has indicated that they may be able to reduce dispatch costs if they were providing one unified service, perhaps saving approximately $50,000 per year. Although it may not lead to direct cost savings, merging would also reduce the amount of administrative reports currently associated with managing each transit system. Each operator must currently report data annually to and be intensively reviewed once every three years by the Federal Transit Administration (FTA), and work with the Wisconsin Department of Transportation to sign grant agreements, provide quarterly and yearly summary reports, and respond as needed to annual audits. The total amount of reports related to Federal and State requirements would be reduced if the two transit systems were merged. Merging would also allow the two separate shared-ride taxi contracts to be combined, reducing the total amount of reporting related to contract management.
COSTS AND IMPACTS OF MERGING

It is expected that if a merger between the Ozaukee County and Washington County transit systems is implemented, the greater freedom to move between the two counties would result in an increase in trips across county lines over what is currently experienced by each existing shared-ride taxi service individually. Commission staff has previously provided an estimate of the increased ridership and estimated costs associated with merging the two taxi services as part of developing SEWRPC Community Assistance Planning Report No. 317: Washington County Transit System Development Plan. As part of producing this memorandum, Commission staff refined those estimates, including estimating potential ridership increases using information from the regional travel demand models, the regional household travel survey, and existing taxi trip logs. Producing these more refined estimates resulted in a range of values, with the expectation that future ridership on the merged systems will fall somewhere within this range within the first two to three years after a merger would be implemented.

Table 1 shows the estimated ridership increase, and the estimated operating costs (in 2017$) associated with these new trips. It is expected that these trips will be more expensive per trip to operate than the current average trip, as the average length of these new trips is likely to be longer than the average length of existing trips. Table 1 includes estimates of the total costs associated with the trips, and also includes an estimate of the additional fare revenue generated by the trips and the additional Federal, State, and local funding associated with the trips. Excluding any one-time startup costs and any potential savings at the contractor or in county staffing, it is estimated that merging the transit service would cost the counties a combined additional $22,800 through $36,400. It is not expected that the full costs of the merger would occur in the first year, as a ramp-up period can be expected when introducing new transit services. However, depending on the timing of initiation of new services, the transit commission may not be able to rely on the additional State and Federal funding shown in the table below during the first year of operation. Therefore, the counties may be responsible for up to $81,300 through $129,700 in the first year of operation, although due to the ramp-up period discussed earlier, these full amounts seem unlikely.

Table 1 shows the estimated ridership increase, and the estimated operating costs (in 2017$) associated with these new trips. It is expected that these trips will be more expensive per trip to operate than the current average trip, as the average length of these new trips is likely to be longer than the average length of existing trips. Table 1 includes estimates of the total costs associated with the trips, and also includes an estimate of the additional fare revenue generated by the trips and the additional Federal, State, and local funding associated with the trips. Excluding any one-time startup costs and any potential savings at the contractor or in county staffing, it is estimated that merging the transit service would cost the counties a combined additional $22,800 through $36,400. It is not expected that the full costs of the merger would occur in the first year, as a ramp-up period can be expected when introducing new transit services. However, depending on the timing of initiation of new services, the transit commission may not be able to rely on the additional State and Federal funding shown in the table below during the first year of operation. Therefore, the counties may be responsible for up to $81,300 through $129,700 in the first year of operation, although due to the ramp-up period discussed earlier, these full amounts seem unlikely.

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Estimated Amounts</th>
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<tbody>
<tr>
<td></td>
<td>Low</td>
</tr>
<tr>
<td>Revenue Vehicle Miles</td>
<td>113,900</td>
</tr>
<tr>
<td>Revenue Vehicle Hours</td>
<td>4,200</td>
</tr>
<tr>
<td>Revenue Passengers</td>
<td>6,700</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>$106,300</td>
</tr>
<tr>
<td>Farebox Revenues</td>
<td>$25,000</td>
</tr>
<tr>
<td>Percent of Expenses Recovered through Revenues</td>
<td>23.5</td>
</tr>
<tr>
<td>Federal</td>
<td>$31,400</td>
</tr>
<tr>
<td>State</td>
<td>$27,100</td>
</tr>
<tr>
<td>Counties</td>
<td>$22,800</td>
</tr>
<tr>
<td>Total</td>
<td>$81,300</td>
</tr>
</tbody>
</table>
In addition to increased operating costs, it is likely that a significant portion of these new trips will occur during time periods when the two existing taxi fleets are already near capacity, requiring the potential transit commission to acquire additional taxi vehicles. If the distribution of the new trips throughout the day is similar to the distribution of existing trips, up to three additional vehicles may need to be purchased. It is expected that the additional vehicles will cost approximately $75,000 to $150,000, depending on the number and size of vehicle required. It is likely that these vehicles will be purchased partially with Federal funds, leaving a local cost of approximately $15,000 to $30,000.

There would be additional potential impacts associated with merging the transit systems beyond the expected additional costs associated with providing greater mobility. Many of these items are discussed below under the “Additional Decision Items” section, but some impacts not included in that section would include the need to combine the financial systems for the transit systems and the need to rebid the shared-ride taxi contracts to create a merged service from an operational perspective. Combining the dispatch systems of the existing shared-ride taxi services is expected to cost approximately $8,000 to $10,000, according to the vendor of the system both services are currently utilizing. There may be other administrative costs associated with these efforts that could not be absorbed in the regular work of the staff of the potential transit commission, leading to additional one-time costs.

**Additional Federal Requirements**

If any single organization using FTA funds spent more than $1,000,000 in FTA funds in the previous year and has more than 50 individual employees doing transit-related work, that organization would need to produce an equal employment opportunity (EEO) plan. It is possible, although not certain, that the contractor operating the merged shared-ride taxi service may meet both of these thresholds, and therefore need to produce an EEO plan to have on file in case it is reviewed by the FTA during the triennial review process. The type of EEO plan required in this instance, called an abbreviated EEO program, is relatively straightforward, but would represent an additional effort that STS, as the current contractor for both taxi services, does not have to currently produce.

**FUNDING A MERGED SERVICE**

As shown in Table 1, it is expected that a merger would result in slightly more Federal and State funds, but not enough additional funds to cover the entire cost of the expanded service. Even if potential cost savings in other areas occur, the counties or the future transit commission would need to determine how to distribute the cost of providing transit services. SEWRPC staff would propose that if a merger is pursued, each county provide the local funding necessary to the transit commission to operate the bus services that serve that respective county. Similarly, SEWRPC staff would also encourage that each county provide the transit commission with the funds needed to cover the costs incurred to provide taxi services for trips entirely within that county. If the counties agree with these relatively straightforward suggestions, the remaining issue would be how to fund the local (non-Federal and non-State) cost of the new trips that would travel between the two counties. Two possible options are discussed in the following paragraphs, but additional options could certainly be explored by the counties or the transit commission.

One possible approach to funding the intercounty trips would be to bill each county for the portion of the trip that takes place in each county on a per-mile or per-hour basis. Fare revenue for these trips could be distributed in the same fashion, based on what portion of the overall trip occurred in each county. This approach would likely be the most equitable, but may require information that is not readily available from the two services’ current dispatch software. Therefore, this option may not be technically feasible.

Another possible approach would provide a slightly lower level of equity, but would not require the technical capacity of the first approach. The counties or the transit commission could choose to simply split costs and fare revenue for any trip that crosses the county line in half. The major population centers in each county are roughly the same distance from the county line, and these population centers are likely to produce and attract most of the intercounty trips. This approach is likely to be simpler to implement than the per-mile or per-hour approach discussed above.
CREATING A TRANSIT COMMISSION

Fully merging the two transit systems would require the creation of a transit commission, the only option allowed under current State law for the creation of a multi-county transit systems. There are five other multi-county transit commissions in the State, and their charters and bylaws were studied as part of developing the draft charter text included in Appendix A, which Ozaukee County and Washington County could consider as a starting point if they choose to pursue a transit commission.

To create a transit commission, each county’s Board of Supervisors would need to pass identical resolutions. This resolution would likely need to reference a charter similar to that included in the Appendix. Passing this resolution would require that the counties agree upon the number and position of the members of the transit commission’s board, among other items. The other multi-county transit commissions in Wisconsin generally have three or four board members from each county on their board, and State Statutes require that a transit commission have at least seven members. Different transit commissions have different policies regarding whether all the board members from each county must be elected officials representing that county (such as County Supervisors) or if some board members should be transit riders or members of the public from each county. Alternatively, the Counties could look to the Joint Board of Health structure, with nine members (four from Ozaukee County and five from Washington County), at least four of which are not elected officials or staff of either County.

State Statutes require that initial transit commission members must be appointed for staggered three-year terms, and after that that the term of office of each member of the commission be three years. A commission’s members cannot be financially involved in any corporation subject to the commission’s jurisdiction. All commission members must be appointed by the County Boards, County Board Chair, or governing board of any municipality that joins a commission.

Following a decision to create a transit commission, the counties would request that SEWRPC pass a resolution indicating SEWRPC’s support of designating the transit commission as a recipient for FTA funds. Following SEWRPC passing the needed resolution, the counties would make a request the Wisconsin Department of Transportation that the Governor designate the transit commission. If he agrees, the Governor would notify the FTA of his decision, making the transit commission eligible to receive the Federal funds currently collected by each county. In 2017, Ozaukee County received approximately $0.70 million and Washington County received approximately $1.03 million in FTA formula funds for their transit services. If the Governor designates the transit commission as a recipient of FTA funds in place of both counties, the transit commission would receive at least that amount of money in the future.

ADDITIONAL DECISION ITEMS

In addition to determining the makeup of the potential transit commission, there are a number of decisions that will need to be made by the County Boards or the future transit commission. The following items have been identified by Commission and County staff, although this is likely not an exhaustive list.

Transfer of Assets

Currently, each county owns the vehicles needed to provide their respective shared-ride taxi services. In addition, Ozaukee County owns a dispatch and vehicle storage facility. It is likely that all of these assets should be transferred from the counties to the new transit commission, although whether one of the counties will act as the fiscal agent for the transit commission would need to be determined by the counties or the transit commission.

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1 The other existing multi-county transit commissions are: Bay Area Rural Transit, serving Ashland County and Bayfield County; Menominee Regional Public Transit, serving Langlade County, Menominee County, and Shawano County; Namekagon Transit, serving Barron County, Sawyer County, and Washburn County; Oneida-Vilas Transit System, serving Oneida County and Vilas County; and Southwest Transit, serving Grant County and Iowa County.
Vehicle Storage and Dispatch
Ozaukee County’s taxi vehicles are stored in and dispatched from a County-owned facility in Port Washington. Washington County’s taxi vehicles are stored at and dispatched from a facility leased by STS in West Bend. If the systems are merged, the counties or the transit commission will need to determine if the vehicles should be stored in different locations, and whether it is reasonable to consolidate dispatch centers. Washington County currently pays a slightly higher rate to STS than Ozaukee County, partially due to the need for STS to lease space for dispatch staff and to store Washington County’s vehicles. It may be possible to reduce this cost difference if dispatch or storage can be reasonably consolidated.

Vehicle Maintenance
Currently, Ozaukee County maintains its shared-ride taxi vehicles at its Highway Department maintenance facility using Highway Department staff, while Washington County’s vehicles are maintained at a Johnson Bus facility by their staff. Based on conversations with Ozaukee County staff, it appears that there is not currently capacity for a large number of additional vehicles to be maintained by the Ozaukee County Highway Department, and therefore the counties or the transit commission would need to determine the most efficient way to maintain the consolidated fleet, if a merger is pursued.

Branding
If the counties decide to merge their transit systems, it is likely that a new name, logo, and brand for the merged service would be appropriate. A new name, brand, and logo could be chosen by the counties, or the decision could be delegated to the transit commission members. Information provided by Ozaukee County staff indicates that the designing a new logo and implementing a new website would cost approximately $4,000, while replacing the logos and information on the side of each taxi vehicle would cost approximately $400 per vehicle. The counties or the transit commission would need to decide if it makes sense to pursue a full rebranding immediately, or if, for instance, the vehicles could simply be branded with the new logo and information as part of the ongoing replacement of vehicles that have reached the end of their useful life.

Fare Structure
Currently, Ozaukee County has a zone-based fare system, while Washington County has a distance-based fare system. In many cases, the differing fare structures result in similar fees being paid by riders in both counties, but there are examples where a zone system and a distance system can result in very different charges for similar length trips. In an extreme example, it is possible for a short trip in Ozaukee County to cover three zones, but be less than five miles in trip length. Under Ozaukee County’s fare structure and rates, that trip would cost a senior $4.25, while under Washington County’s fare structure and rates, the same trip would cost a senior $2.50. Similarly, the longest one zone trip in Ozaukee County is approximately 14 miles, costing a senior $2.50 under Ozaukee County’s fare structure and rates, but $4.25 under Washington County’s fare structure and rates.

In addition to the idiosyncrasies of each fare structure, Washington County’s taxi fares for adults are currently higher, on average, than Ozaukee County’s taxi fares (as shown in Table 2). Washington County adult fares range from $4.25 to $9.00, while Ozaukee County adult fares range from $3.00 to $6.75. Student fares are also slightly higher in Washington County than Ozaukee County, while fares for seniors and people with disabilities are similar between the two counties.
Table 2

EXISTING FARES FOR PASSENGERS ON THE OZAUKEE COUNTY SHARED-RIDE TAXI SERVICE AND THE
WASHINGTON COUNTY SHARED-RIDE TAXI SERVICE

<table>
<thead>
<tr>
<th>Taxi System</th>
<th>Zones or Distance Traveled</th>
<th>Fare Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Adult</td>
</tr>
<tr>
<td>Ozaukee County</td>
<td>Within 1 Zone</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>Within 2 Zones</td>
<td>$4.00</td>
</tr>
<tr>
<td></td>
<td>Within 3 Zones</td>
<td>$5.50</td>
</tr>
<tr>
<td></td>
<td>Within 4 or More Zones</td>
<td>$6.75</td>
</tr>
<tr>
<td>Washington County</td>
<td>5.0 miles or less</td>
<td>$4.25</td>
</tr>
<tr>
<td></td>
<td>5.1 to 10.0 miles</td>
<td>$5.75</td>
</tr>
<tr>
<td></td>
<td>10.1 to 15.0 miles</td>
<td>$6.00</td>
</tr>
<tr>
<td></td>
<td>15.1 to 20 miles</td>
<td>$7.00</td>
</tr>
<tr>
<td></td>
<td>20.0 miles or more</td>
<td>$8.00</td>
</tr>
</tbody>
</table>

In 2016, Ozaukee County collected an average of $0.48 in passenger fare revenue per revenue mile of service, while Washington County collected an average of $0.33 in passenger fare revenue per revenue mile of service. Some of this difference can be explained by the larger number of short trips that Ozaukee County provides now that the City of Port Washington. In addition, a larger proportion of its passengers of the Ozaukee County Shared-Ride Taxi are adults without a disability, meaning that more riders are paying the full adult fare in Ozaukee County than Washington County.

The counties or the transit commission would need to determine the appropriate fare structure for the merged system. If the counties or the transit commission choose to pursue a distance-based system, it would make sense for additional fare categories to be considered, including a lower fare for trips shorter than 3 miles such as those entirely within the City of Port Washington, and higher fare categories for trips between 20 and 25 miles in length, between 25 and 30 miles in length, and greater than 30 miles in length. If the counties or the transit commission choose to pursue a zone-based system, zones would need to be identified for Washington County, and five, six, and seven zone fare categories would likely need to be identified. The counties or the transit commission would also need to resolve the differences in fares between the two counties for adults under 65 and students.

Staffing Levels
If a transit system merger is pursued, either the counties or the transit commission would need to determine the level of staffing required to manage the joint shared-ride taxi systems and the two bus services. In discussions with Ozaukee County and Washington County staff, it became clear that it may be possible to manage the merged system and fulfill all State and Federal requirements with less than 2.0 FTEs, but that it would require more than 1.0 FTE. Staff also indicated that an individual with an accounting or bookkeeping background would desirable, at least on a part time basis.

Service Hours
Currently, service hours differ between the two shared-ride taxi services, as shown in Table 3. It is likely that the counties or the transit commission would want to unify the service hours if the services are merged. If this results in hours being expanded in either county, there would be additional new operating costs associated with the merger beyond those described in Table 1. If this unification results in hours being cut, it is likely that operational cost savings would occur. The counties or the transit commission would need to weigh the cost increases or
decreases against the increase or decrease in mobility for residents resulting from adding or reducing service hours.

Table 3
EXISTING SERVICE HOURS ON THE OZAUKEE COUNTY SHARED-RIDE TAXI SERVICE AND THE WASHINGTON COUNTY SHARED-RIDE TAXI SERVICE

<table>
<thead>
<tr>
<th>Day of the Week</th>
<th>Taxi System</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ozaukee County</td>
</tr>
<tr>
<td>Mondays – Fridays</td>
<td>5:00 a.m. – 10:00 p.m</td>
</tr>
<tr>
<td>Saturdays</td>
<td>8:30 a.m. – 10:00 p.m</td>
</tr>
<tr>
<td>Sundays</td>
<td>8:00 a.m. – 6:00 p.m.</td>
</tr>
</tbody>
</table>

Operational Policies
There are a number of small differences in operational policies between the two services that would need to be modified by the counties or a transit commission if a merger is pursued. Examples of some of the differences include:

- Ozaukee County allows the first child five and under to ride free, with any additional children five and under being charged the student rate, while Washington County allows any children four and under to ride free;
- The counties have differing penalties for repeat “no-show” clients; and
- The counties have differing policies regarding how much time a client might be expected to wait for a taxi to arrive to pick them up.

NEXT STEPS

Should both Ozaukee County and Washington County determine to proceed with a merger, the counties would need to determine which of the above items they feel should be decided by the Boards of Supervisors, and which items should be delegated to a transit commission. In addition, it may make sense to identify the appropriate membership of the transit commission, and begin to develop and refine the transit commission’s charter.

Because of the timing of such a changeover, it may make sense to wait to truly integrate the services until January 1, 2019, to ease the transition with State and Federal agencies, and match the county budgetary cycle. It may also be possible to provide a unified service to passengers earlier, while working to financially and legally unify the “behind the scenes” operations of the service during 2018. Commission staff are available to assist the counties if they determine to proceed further.

* * *

KJM
10/17/2017
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APPENDIX A

DRAFT CHARTER TEXT FOR A TRANSIT COMMISSION

The parties to this Charter agree to and do hereby create a commission to be known as the "____________ Transit Commission".

ARTICLE I
CREATION, NAME, PURPOSE, AND DEFINITIONS

Section 1 – Authority: This commission is created under, by virtue of and pursuant to the provisions of S. 59.58(2) and S. 66.0301, Wisconsin Statutes, as amended.

Section 2 – Name: The commission shall be known as the ______________ Transit Commission, hereinafter referred to as the “Commission.”

Section 3 – Purpose: The purpose of the commission shall be to provide, preserve, promote, protect, plan, assist, finance, acquire, operate, maintain and enhance existing and future transportation systems in the County of Ozaukee, State of Wisconsin, the County of Washington, State of Wisconsin, and in any other areas which may wish to seek transportation services offered by the Commission.

Section 4 – Definitions: For the purpose of this agreement:

a. “Municipality” means any city, village, town, county or federally-recognized Indian tribe or band.
b. “Transportation System” means any public or private passenger or freight transportation facility or operation including, but not limited to, motor buses, shared-ride taxis or any other systems of public transportation utilized by or for the benefit of citizens of Wisconsin. The term “transportation system” will be broadly construed to include auxiliary facilities such as, but not limited to, depots, maintenance facilities and parking areas for motor vehicles.
c. “Governing body” means (1) the common council of a city; (2) the board of trustees or board of supervisors of a village or town; (3) the board of supervisors of a county; (4) the tribal council of a federally recognized Indian tribe or Band; or (5) the board of commissioners or trustees of a public transit commission, district or authority.
d. “Board” means the Board of Commissioners of the ______________ Transit Commission.
e. “Member Municipality” means a municipality which is a member of the Commission under the terms of Article II of this agreement.
f. “Commissioner” means a person designated by a Member Municipality or the Board pursuant to Art. II, Sec. 10 to serve on the Board of the Commission.
g. “Fiscal Year” means January 1 through December 31 of any calendar year.
h. “Neglect of Duty” shall mean an unexcused absence from three consecutive meetings of the Board.

ARTICLE II
MEMBERSHIP

Section 1 – Creators: The County of Ozaukee and the County of Washington are the creating municipalities of this commission.

Section 2 – Member Eligibility and Procedure: Any additional municipalities in the State of Wisconsin are eligible for membership upon ordinance of their governing bodies accepting this agreement, filing a certified copy of such ordinance with the Commission and approval by a majority vote of the Board. The municipality shall suggest to the County Board Chair of the County in which the municipality is located the names of individuals it
desires be appointed to the Board. These municipalities shall then be members of the Commission subject to compliance with Wisconsin Statutes with rights and responsibilities as specified in the by-laws.

Section 3 – Financial Contributions: Any member who fails to comply with Article VI, Section 5 (payment of allocated cost) shall, upon resolution of the Board, cease to be a member in good standing and its representatives on the Board shall be ineligible to vote until payment is made.

Section 4 – Withdrawal: Any member may withdraw from the Commission upon a majority vote of its governing body.

Section 5 - Number of Commissioners per Member: The number of Commissioners shall, at the inception of the Commission, be as follows:

   County of Ozaukee - 3
   County of Washington - 3

In addition, the County Board Chair of each County shall select one consumer member of the Board. The consumer member of the board shall also be a resident of the County that the respective Board Chair serves. These consumer members should represent the users of the transit system and should not be employees or officials of any of the member agencies. Each additional member municipality, following the steps outlined in Section 2 of this Article, shall be represented by one Commissioner. Each representative shall have one vote.

Section 6 – Term: The initial Commissioners shall be appointed for staggered three-year terms. The term of office of each Commissioner thereafter shall be three years. Appointments of Commissioners among constituents of each member municipality shall be made in accordance with the recommendation of the affected municipality’s governing body.

Section 7 – Compensation: Commissioners may be reimbursed for meeting attendance, with the commission establishing the rate for the following calendar year at its final meeting of the preceding year. They shall be compensated for authorized travel and other expenses by the commission.

Section 8 – Removal: A Commissioner may be removed from office by a two-thirds vote of the Board and by a majority vote of the governing body of the appointing municipality for misconduct, malfeasance or neglect of duty in office. Any vacancy so created shall be filled as provided in Section 10.

Section 9 – Succession: A Commissioner shall hold office until his or her successor has been appointed, except in the case of removal pursuant to Art. II, Sec. 8.

Section 10 – Vacancies: Vacancies on the Board shall be filled within sixty (60) days after occurrence of the vacancy by appointment of the County Board Chair of the County that appointed the preceding individual whose removal was completed as outlined in Section 8.

Section 11 – Indemnification: The Commission agrees to hold harmless or indemnify its directors, officers, commissioners, employees and agents against any claims or judgments arising out of or in connection with their work under the provisions of this agreement. The Commission shall seek appropriate counsel to defend any claims filed against those individuals concerning work done under the charter, and shall pay for such legal services.

Section 12 – Liquidation: In the event of liquidation, the assets shall be used for payment of the obligations and debts of the Commission, and the remaining assets, if any, shall be distributed to the remaining partner/members in ratio to past capital contributions by those partners.
ARTICLE III
ORGANIZATION

Section 1 – Officers: The Board shall, at its first official meeting, elect one of its members as chairperson, one as vice-chairperson, one secretary and one treasurer. The posts of secretary and treasurer may be held by one person at the discretion of the Commissioners. The Board shall, after the initial election of officers, elect officers annually at its third meeting in a calendar year.

Section 2 – Quorum: The presence of a simple majority of the members in good standing shall constitute a quorum for Commission action. In the absence of a quorum, any number of Commissioners may adjourn a meeting to a later date.

Section 3 – Majority: All resolutions, ordinances and by-laws must be approved by a majority of the Commissioners present, unless otherwise specified in this Charter.

Section 4 – By-Laws: The chairperson shall have the power to designate a by-laws committee. By-laws shall contain a committee and sub-committee structure, the rights and responsibilities of members, and general operating procedures of the Commission.

ARTICLE IV
POWERS OF THE COMMISSION

Section 1: The Commission, under this agreement, may exercise the power granted by law to it. If the member municipalities have varying powers and duties under Wisconsin law, each may act under this agreement to the extent of its lawful powers and duties. The Commission has the status of a municipality. This section shall supersede any conflicting charter provisions, and shall be liberally construed. The Commission possesses all powers of its members relating to the promotion and operation of transportation systems which enhance the purposes of the Commission as expressed in Article I, Section 3 of this charter. The Commission’s powers include, but are not limited to, the following:

(a) To purchase, lease, use, sell, subsidize, contract for, own, operate or provide for the operation of any transit system or any part thereof or any property or franchise necessary or desirable for the purpose of the Commission, with or from any governmental or private body, including the right to contract for management or any other services.
(b) To conduct or contract for transportation studies and planning, and to coordinate these plans with any political subdivision or public agency, including Wisconsin State agencies.
(c) To employ a transit manager and other employees as it deems necessary to accomplish its purposes. The Commission shall be responsible for hiring the Transit Manager, who shall serve at the will of the Commission. The Transit Manager shall be responsible for the recruitment, hiring and dismissal of all other Commission employees.
(d) To make, amend and repeal all by-laws, rules and regulations not inconsistent with the purposes of this agreement as deemed necessary to the discharge of the powers, duties and other functions of the Commission.
(e) To establish and alter rates, fares and other charges for services and facilities.
(f) To establish and alter schedules and routes and other service parameters.
(g) To apply for and/or accept gifts or grants or money or other property.
(h) To promulgate policies to enhance the operational efficiencies of the transit system.
(i) To adopt, use and alter at will a corporate seal.
(j) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the Commission in order to carry out the powers granted to it by this charter or any other law.
Section 2 – Board of Commissioners: All actions of the ___________ Transit Commission shall be exercised under the control and direction of the Board.

Section 3 – Financing: The Commission, upon approval of the member municipalities, may under Section 66.0301 (4) of the Wisconsin Statutes finance the acquisition, development, remodeling or construction of buildings and facilities for the purposes of the Commission under Sec. 59.58(2) stats. Member municipalities may jointly or separately finance such projects or an agreed upon share of the cost thereof, under Chapter 67, Stats. The Commission may exercise any power of any of its members to borrow funds in the furtherance of the Commission’s contractual functions.

Section 4: Under Section 194.33, Wis. Stats., no common motor carrier of passengers shall operate any motor vehicle within or through any member city, village or town except in compliance with action taken by the Commission on behalf of its members.

ARTICLE V
INTERGOVERNMENTAL COOPERATION

Section 1 - Intergovernmental Agreements: This commission may enter into agreements under Section 66.0301, Wis. Stats. and any future amendments to this section, with any municipality, as defined in Sec. 66.0301, Stats. or with any private entity.

ARTICLE VI
FINANCING

Section 1 – Budget Preparation: The Transit Manager or the Manager’s designee, or any other person directed by the Board shall, annually, prior to the 15th day of September, prepare an operating budget for the Transit System, and shall present it to the Board for consideration and approval. Board approval of the budget shall be accomplished prior the expenditure of funds in the following fiscal year beginning on January 1.

Section 2 – Budget Review: The Board shall have full authority to amend in any manner the proposed budget, and, before final passage of the budget, shall send copies of it to the member municipalities for their review and approval.

Section 3 – Budget Hearing: The Board shall establish and date and place for a public hearing and review of the proposed budget after its initial presentation to the Board but before the Board’s final approval.

Section 4 – Final Approval: Final approval of the budget shall be made by the Board. Upon final approval of the budget by the Board and the Wisconsin Department of Transportation, the Board shall certify it to each member together with a statement of the member’s share thereof. Each member’s share of the budget shall be an integral part of the budget, and should, as closely as possible, reflect that body’s transit budget in the year preceding the municipality’s initiation of membership in the Commission. Cash contributions from partners may be reduced by the provision of “in-kind” service of state and federal matching items.

Section 5 – Capital Expenditures: Each member/partner shall pay an equal share of capital costs unless the Board, upon a 2/3 vote, approves a different distribution of capital costs. Each such distribution must be voted on separately.

Section 6- Payment: Each member shall pay half of its allocated local share by January 31 of the Commission’s fiscal year, and the balance by June 30. Budget allocations as provided for in Section 4 hereof, approved by member/partners shall be a legal debt for which the Commission may bring legal action.

ARTICLE VII
PUBLIC NOTICE OF MEETINGS

Section 1 – Notification: The Commission will publish in each County’s official newspaper and mail to each partner notice of regular and special meetings, submitting with such notice the time and place of such meeting and a copy of the proposed agenda. Such notice should be made at least 10 calendar days prior to the meeting date. If a member is added from outside of the County of Ozaukee or the County of Washington, such notices shall be published in that county’s official newspaper as well.

Section 2 – Rules: All meetings shall be open to the public, and the Board shall establish reasonable regulations to enable members of the public to be heard on any matter coming before the Board. Section 3 – Records: All minutes and budget records of the Commission shall be deemed public records, and shall be made available to the public under reasonable rules and regulations. The Board shall establish charges for copies of documents made available to the public. Documents and records exempted from disclosure under either the Public Records or the Open Meetings laws shall not be made public.

ARTICLE VIII
ACCOUNTING AND BUDGETARY PROCEDURES

Section 1 – Procedures: The Commission shall establish appropriate accounting and budgetary procedures in its by-laws.

Section 2 – Annual Audit: An annual audit shall be performed by an independent certified public accountant hired by the Commission to audit the accounting and budgetary records of the Commission. This shall be started within 180 days after the close of each fiscal year, and completed within 60 days of inception. Certified copies of the annual audit shall be filed with the governing board of each member/partner. The Commission shall cooperate with all audits performed by the Wisconsin Department of Transportation.

Section 3 – Financial Statement: Upon completion of the audit, the Commission shall publish an annual financial statement which shall be furnished to the governing bodies of each member and made available to the public.

ARTICLE IX
EFFECTIVE DATE

Section 1 – Effective Date: This charter shall become effective upon ratification and execution by the members.

ARTICLE X
AMENDMENTS

Section 1 – Procedure: This Charter may be amended by a two-thirds vote of the Board and subsequent ratification by a majority vote of the governing bodies of the members.

Section 2 – Effective Date: Upon ratification, amendments shall become effective when copies of said amendments have been published in the official county newspaper of each County in which a member municipality is located.

ARTICLE XI
SEVERABILITY

If any article, section, subsection, sentence, clause or provision of this Charter is held invalid, illegal or unenforceable, the remainder of this document shall not be affected.