



**EXECUTIVE COMMITTEE
MEETING
FEBRUARY 9, 2023**

10:30 A.M.

**OKI REGIONAL COUNCIL OF GOVERNMENTS
720 EAST PETE ROSE WAY, SUITE 420
CINCINNATI, OHIO 45202
WEBSITE: WWW.OKI.ORG
E-MAIL: LPLATT@OKI.ORG**

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ITEM 1B:

**APPROVAL OF JANUARY 12, 2023 BOARD OF
DIRECTOR MEETING MINUTES**

(Motion to approve and/or amend minutes)

Board of Directors Meeting Minutes
Ohio-Kentucky-Indiana Regional Council of Governments
January 12, 2023 – 10:30 a.m.
OKI Boardroom

OKI Board President David Painter called the meeting to order at 10:30 a.m. Mr. Karl Schultz led the Pledge of Allegiance. The following members were in attendance:

BOARD OF DIRECTORS

David Painter, President, Clermont County Board of Commissioners
T.C. Rogers, Butler County Board of Commissioners
Steve Pendery, Campbell County Fiscal Court
Rick Probst, Dearborn County Board of Commissioners
Charlie Cleves, Bellevue, KY
Christopher Reinersman, Independence, KY
Steve Krehbiel, Indian Hill, OH
Doug Moorman, Madeira, OH
Chris Dobrozi, Montgomery, OH
Susan Hoover, Norwood OH
Jeffrey P. Anderson, Springdale, OH
Dale Perry, Trenton, OH
Seth Thompson, Villa Hills KY
Gailen Bridges, Kenton County Planning Commission
Katherine Keough-Jurs, Cincinnati Planning Commission
Greg Kathman, Fairfield Planning Commission
Liz Hayden, Hamilton (City) Planning Commission
Craig Beckley, Resident
Denise Driehaus, Hamilton County Board of Commissioners
Eric Kranz, Dearborn County Chamber of Commerce
Christine Maticic, Resident
Pete Metz, Resident, Cincinnati USA Regional Chamber of Commerce
Pamela Mullins, Resident
Alicia Reece, Hamilton County Board of Commissioners
Mark Welch, West Chester Township
Bonnie Batchler, Clermont County Board of Commissioners
J. Todd Listerman, Dearborn County Engineer

EXECUTIVE COMMITTEE MEMBERS or their ALTERNATES

Mark Jeffreys, Cincinnati, OH
Susan Vaughn, Hamilton, OH
Talbot Moon, Middletown, OH
Dan Driehaus, Wyoming, OH
Josh Gerth, Anderson Township
Tony Rosiello, Green Township
Jeff Wright, Miami Township
Lauren O'Brien, City of Newport

Michael Logue, Union Township
Shannon Hartkemeyer, Butler County Association of Township Trustees & Clerks
Tom Peck, Clermont County Township Association
Jonathan D. Sams, Warren Co. Assoc. of Township Trustees & Clerks
Brian Painter, Campbell County Fiscal Court
Sharmili Reddy, PDS of Kenton County
Ryan Cook, Warren County Regional Planning Commission
Chris Wahlman, INDOT
Mike Bezold, KYTC
Darryl Haley, SORTA
Gina Douthat, TANK
Roger L. Kerlin, Resident
Larry Maxey, Resident
Kenneth F. Reed, Resident & Treasurer
Karl Schultz, Resident
V. Anthony Simms-Howell, Ohio Commission on Hispanic/Latino Affairs, Resident
Thomas Voss, Resident

GUESTS

Tracie Braun, Clermont County BCC
Scott Falkowski, Forest Park
Nicole Daily, Dearborn County Planning Commission
Khaled Shammout, SORTA
Jennifer Haley, Clermont County BCC
Ben Pendery, Ft. Thomas
Dan Pozniak, DSD Advisors
Scott Brow, ODOT D8
Chris Harding, Hamilton County Commissioners Office
Nicole Ard, Trenton
John Brazina, City of Cincinnati
Jeff Wallace, CT Consultants

LEGAL COUNSEL

Aaron Herzig, Taft

STAFF

Lorrie Platt
Regina Fields
Travis Miller
Jenny Newcomb
Andy Meyer
David Shuey
Florence Parker
Suzanne Parkey
Jim Pickering
Gaby Waesch
Michael Outrich

Liren Zhou
Brett Porter
Katie Hannum
Ting Zuo
Hue Xie
Mark Policinski

Item #1A - Administrative

President Painter welcomed all in attendance and noted this is his last board meeting as the OKI president of the board.

Item #1B - Approval of the November 10, 2022 meeting minutes

President Painter requested approval of the November 10, 2022 board of directors meeting minutes. Mr. Ken Reed moved that the minutes be approved as provided. Ms. Christine Maticic seconded the motion; motion carried.

Item #1C - CEO's Report

Mr. Mark Policinski stated the entire region received important news a couple of weeks ago when USDOT announced the Brent Spence Bridge would receive \$1.63 billion to build the companion bridge next to the current bridge. He noted there have been many individuals who have provided decades of support, along with the teams at ODOT and KYTC in the planning and design of the new bridge. Additionally, he mentioned Senator Rob Portman and President Biden's ability to work together to solve major infrastructure hurdles in a bipartisan manner. He named Mr. Bob Castellini from the Cincinnati business community and Mr. Brent Cooper, Northern Kentucky Chamber of Commerce as individuals who relentlessly pressed on the urgency of a new bridge.

Mr. Policinski also noted that much of the data used over the past 20 years came from OKI's transportation department headed by Bob Koehler along with the traffic counts and travel demand modeling by Dr. Liren Zhou. Both of their efforts were essential in the work submitted to state and federal authorities, including adherence to the NEPA process. He also mentioned that the board's involvement in the Brent Spence Bridge project was decades-long determination and support at many levels, including all the way up to the halls of Congress.

Mr. Policinski continued on to mention that the OKI board for 2023 would be seated at the end of the meeting. He thanked outgoing members for their service and remarked that the dedication of all board members reflected the traditions of cooperation, coordination, communication, and consensus – "each board member came here to get something done without rancor or partisanship". He commended the board in having a successful 2022.

In his final remarks, Mr. Policinski recognized President Painter's leadership to the board for the past two years, especially during the challenging time of the pandemic. He noted his leadership was persistent and provided calm guidance to OKI and himself. He presented a plaque to thank President Painter for his service and dedication.

Item #1D - Finance Officer's Report

Director of Finance, Ms. Katie Hannum, stated copies of the Finance Officer's Report were distributed via Constant Contact email to all in advance with a printed copy distributed at their seats. Ms. Hannum reported the Council's financing activities, as of January 6, 2023, OKI had:

\$583,407 in PNC Bank Commercial Checking
\$20,434 in PNC Bank - HSA/FSA Checking
\$917,032 in the STAR Ohio Money Market Mutual Fund

Ms. Hannum reported there has been no recent activity on OKI's line of credit, and that there is no outstanding balance at report date. She further reported on Balance Sheet, Revenue and Expense information.

The report concluded with the general fund balance information and the total funds committed to active projects.

President Painter requested a motion to approve the financial report. Commissioner TC Rogers motioned to approve the Finance Officer's Report and Commissioner Rick Probst seconded the motion; motion carried.

Item #2 SORTA/Metro Update

Mr. Khaled Shammout provided an update on Transit Infrastructure Fund, which was a result of Issue 7 being passed in 2020. He provided an update on round two of funding that occurred in 2022 (awarded \$39 million). They received 39 proposals from 26 jurisdictions, to date they have awarded \$266 million, of which \$205 million was awarded to the Western Hills Viaduct project (spread over 25 years). Funding for the next round (three) will be announced in March 2023 and recommended if a jurisdiction is in Hamilton county to consider applying for funding.

Mr. Shammout proceeded to share information about a new app called MetroNow, a mobile on-demand tool that will debut in May of 2023 (in two zones). A study determined which six zones within their service area would be in the initial rollout. There is a possibility of additional zones being added in phase 2.

SORTA/Metro has projected 350,000 users for this service which will be accessible for all, providing localized mobility, and connect to/from the fixed transit network. The fare will be \$2 one-way per trip.

Item #3 OKI Strategic Regional Policy Plan

OKI staff Travis Miller shared that staff is updating the OKI Strategic Regional Policy Plan (SRPP) as part of the FY23 Work Program. He noted the SRPP compliments OKI's Long-Range Transportation Plan and serves as a local resource for the local governments across the region as they conduct local planning updates. It was first adopted in 2005, it is a living document with annual updates (full update in 2014) and its website, Howdowegrow.org is a resource to use if you are not familiar with the plan. Mr. Miller also shared the highlights from focus groups that were conducted in fall of 2022. He noted he will present in next month's meeting specific actions he will ask of board members in promoting engagement from the community.

Item #4 Intermodal Coordinating Committee Report

Mr. Andy Reser, OKI staff stated the ICC met on January 10, 2023. He shared that the following OKI staff presented:

- Travis Miller provided an update to the Strategic Regional Policy Plan
- Michael Outreach, OKI demographer provided information on the process of updating population projections in the OKI region
- Dr. Elizabeth Niese proposed a methodology for evaluating safety as part of the Project Prioritization Process

He further noted the ICC approved a TIP Administrative modification and two resolutions were recommended for board approval. The first resolution was a Memorandum of Agreement between INDOT and OKI on the planning process and the second was a TIP Amendment.

In closing, he provided the ICC attendance report for 2022 which reflected an average attendance of 36 members per meeting (does not include staff or guests), this was the average for 2021 as well, though it is a bit lower than the 10-year average.

Item #5 Memorandum of Agreement by and between the Indiana Department of Transportation (INDOT) and OKI

Mr. Robert Koehler, OKI Deputy Executive Director presented a Memorandum of Agreement (MOA) between OKI and the Indiana Department of Transportation (INDOT). The MOA specifies the roles and responsibilities of OKI and INDOT in the conduct of the metropolitan (3C) planning process. It specifies details on development of the Metropolitan Transportation Plan, Transportation Improvement Program and Unified Planning Work Program. OKI agrees to conduct a performance-based planning process along with a Public Participation Plan for public outreach. OKI also has similar agreements with ODOT and KYTC.

President Painter requested a motion in the Adoption of Resolution 2023-01, which was provided by Mr. Craig Beckley, Resident member with a second from Mr. Roger Kerlin, Resident member; motion passes.

Item #6 Amendment #17 of the OKI Fiscal Years 2021-2024 TIP

Mr. Andy Reser presented TIP Amendment #17 resolution which includes seven highway projects and two transit projects in Ohio. They are as follows:

- Clermont County, the New Richmond roundabouts project, construction will not be ready for FY24 and moved to FY25
- Western Hills Viaduct Construction is also moved to FY25, there are five phases for the Western Hills Viaduct that are affected
- Warren County, the SR63 widening project now includes \$5m in a discretionary grant for construction
- Transit side - ODOT has awarded Carbon Reduction Funds for two new City of Cincinnati Streetcar maintenance and rehab projects

Mr. Reser further stated there are two projects in this amendment, the New Richmond and the SR63 Widening project which are subject to air quality conformity requirements and OKI is relying on a previous regional emission analysis. He noted that the Interagency Consultation Group has reviewed the draft amendment and it was made available for public comment on oki.org since December 21st, with no comments received.

President Painter requested a motion for OKI Resolution 2023-02 which was provided by Mr. Mark Jeffreys. A second was provided by Ms. Christine Maticic; motion carried.

ITEM #4 Amendment 16A of the OKI Fiscal Years 2021-2024 TIP

Mr. Reser noted that TIP Amendment 16A includes a funding change to the Donaldson Road widening project in Boone County between Houston and Mineola. The construction amount is increasing from \$9.4 million to \$19.7 million. He shared that due to this large increase in cost an amendment is necessary, and any major widening project requires air quality conformity to be done. He added that it was sent to the Interagency Consultation Group and that there is no change in the timing or project scope due to the amendment and we can rely on a previous regional emissions analysis.

The second item in this amendment is the removal of project 6-460 from the TIP. This is a project for improved access to a new NKU mixed-use development at the corner of US27 and Nunn Drive. This project was awarded SNK funds in 2018, but the development has stalled, and there is little hope to get it started in the short term. OKI made the decision to remove the project from the TIP. The County can reapply in the future if they choose. The amendment has been posted to our website since October 26th for public comment and no comments were received. President Painter requested a motion to approve Resolution OKI 2022-32, which was provided by Mr. Ken Reed and seconded by Mr. Mark Jeffreys; motion carried.

Item #7 Election of the 2023 Board of Directors

Mr. Karl Schultz, chair of the nominating committee, reminded all in attendance that the elections and appointments will take effect at the end of the meeting. He also reminded them that the Board is made up of Directors appointed by other groups and entities and Directors selected by the Board.

Mr. Schultz reported that the Nominating Committee, which included members Roger Kerlin and Tom Voss, met on December 8, 2022 to review applicable sections of the Articles of Agreement and By-laws, nomination applications, attendance, and past activity. Mr. Schultz stated that the Nominating Committee comes to the Board with a unanimous recommendation. He also stated that the nominating committee report was printed and distributed to all board members in attendance.

Mr. Schultz proceeded with naming the 2022 Officers and thanked them for their service.

Next, he stated that there are individuals who have been appointed to the OKI Board of Directors by various governmental units or by Associations of Township Trustees or Clerks who are listed on pages 1 through 9 of the Nominating Committee Report. He stated those individuals who have been appointed to the OKI Board of Directors were declared to be members of the OKI Board of Directors.

Moving on, Mr. Schultz stated that there are vacancies reserved for representatives of certain planning agencies listed under County, Regional and Cities of more than 40,000. These representatives are selected by their respective planning commissions. The individuals who have been appointed to the OKI Board of Directors by

those commissions are listed on pages 10 and 11 of the Nominating Committee Report were declared to be members of the OKI Board of Directors.

Mr. Schultz stated that the Articles of Agreement of OKI also call for the appointment of certain voting ex-officio members of the OKI Board. Those members were listed on page 12 of the Nominating Committee Report. Mr. Schultz declared those individuals to be voting ex-officio members.

Mr. Schultz stated that the Articles call for additional members to be elected by the Board of Directors. He explained that the Articles provide for the election of up to 20 Residents to the Board of Directors. The nominations were listed on page 13 of the Nominating Committee Report. In addition, the Articles provide for the election to the OKI Board of Directors of up to 10 Other Elected Officials and Persons Responsible to elected officials. Those nominations were listed on page 14 of the Nominating Committee Report.

Mr. Roger Kerlin moved to place in nomination the names of the individuals proposed by the Nominating Committee found on pages 13 and 14 of the Nominating Committee Report. Mr. Ken Reed seconded the motion; motion carried.

Mr. Schultz stated that the Articles call for the election of a President, First Vice President, Second Vice President and Treasurer and the election of other Officers. The proposed nominees were listed on page 17 of the Nominating Committee Report.

Mr. Tom Voss moved to place in nomination the following names found on page 17 of the Nominating Committee Report with a second from Mr. Roger Kerlin, motion passes.

The 2023 Officers are:

President	Gary W. Moore
First Vice President	Josh Gerth
Second Vice President	Richard Probst
Past President	David L. Painter
Treasurer	Kenneth F. Reed

Mr. Schultz stated that the Articles provide that the Executive Director (Mark Policinski) shall be the Secretary of OKI. He stated that with this election, the slate of officers is now complete.

Organization of the 2023 Executive Committee

Mr. Schultz stated that the officers of OKI (and the Secretary), members of the OKI Board of Directors who are appointed by member counties, members of the OKI Board of Directors who are appointed by townships and municipalities having population of over 40,000 and members of the OKI Board of Directors who are appointed by area or regional planning agencies were declared to be members of the OKI Executive Committee. They were listed on page 15 and 16 of the Nominating Committee Report.

Mr. Schultz stated that the Voting, Ex-Officio members of the OKI Board of Directors were also declared to be Voting, Ex-Officio members of the OKI Executive Committee. They were listed on page 16 of the Nominating Committee Report.

Mr. Ken Reed placed in nomination those individuals listed on pages 15 and 16 to be named to the executive committee; Mr. Tom Voss seconded; motion passes.

Mr. Schultz stated that the election of the new Board of Directors and Executive Committee was complete. He thanked staff and the members of the Nominating Committee, Roger Kerlin and Tom Voss, OKI staff and members of the Taft law practice for their help and work in this process.

Mr. Schultz turned the meeting over to 2023 OKI Board Past President David Painter as newly elected OKI president Judge/Executive Gary Moore had a scheduling conflict.

Past President Painter asked for a motion for the election of the 2023 Board of Directors. A motion was provided by Mr. Karl Schultz and seconded by Mr. Mark Jeffreys; motion carried. A congratulations was provided to all by Past President Painter.

ITEM #8: 2023 Budget Committee Appointments

Past President Painter referenced a memo that was shown on screen which listed the budget committee members. He stated that per the OKI By-Laws and Articles of Agreement, Article IV, Budget and Financing, the following individuals be appointed to serve on the OKI Budget Committee for the Calendar Year 2023.

Members

Gary W. Moore, Boone County Fiscal Court, President
Josh Gerth, Anderson Township, First Vice President
Rick Probst, Dearborn County Board of Commissioners, Second Vice President
David L. Painter, Clermont County Board of Commissioners, Past President
Kenneth F. Reed, Resident member, Treasurer
Kris Knochelmann, Kenton County Fiscal Court
Steve Pendery, Campbell County Fiscal Court
Alicia Reece, Hamilton County Board of Commissioners
T.C. Rogers, Butler County Board of Commissioners
David G. Young, Warren County Board of Commissioners

Past President Painter requested a motion to approve the 2023 Budget Committee appointments, which was provided by Mr. Ken Reed and seconded by Mr. Karl Schultz; motion carried.

Item #9 Other Business

President Painter shared that there will be a board orientation before next month's executive committee meeting, starting at 9:30 a.m. Both new and returning board members are welcome to attend. He stated that if any member has questions or needs more information to please contact Lorrie Platt, OKI's board administrator.

President Painter provided outgoing comments on his term as OKI board president. He thanked everyone who allowed him to serve; he shared accomplishments of the team at OKI, which included:

SolSmart Program – first MPO to receive a Silver Designation

Ohio River Digital Guide – NARC's Achievement Award

Introduced Tree For Me app for free tree distribution

Inaugural commuting survey

FIAM -Fiscal Impact Model

OKI Moves Travel Survey

OKI Freight Plan – 2-year project

OKI has invested \$56 million in FY21 and \$69 million in FY2022 – both record-breaking amounts in local transportation projects

Progress on the Brent Spence Bridge Project

Item #10 Adjournment

Adjournment was motioned by Mr. Ken Reed and seconded by Ms. Christine Maticic; motion carried.



David Painter, President



Mark R. Policinski, Secretary

ITEM 1C:

**RESOLUTION RATIFYING ROTH CONTRIBUTION
FEATURE AMENDMENT TO 403(b) PLAN**

RESOLUTION 2023-03

**ITEM #1C: RESOLUTION RATIFYING ROTH CONTRIBUTION FEATURE
AMENDMENT TO 403(b) PLAN**

DESCRIPTION: The purpose of this resolution is to ratify the action previously taken by the Executive Director to add a Roth contribution feature to the 403(b) Plan.

BACKGROUND: The Executive Director has determined that it is appropriate and beneficial to provide OKI employees with the opportunity to make Roth contributions to the OKI 403(b) Plan. Within the written 403(b) Plan document, the OKI Board has reserved unto itself the right to amend the 403(b) Plan. While the Executive Director generally is authorized to make decisions appropriate to his supervision of OKI's employees and in particular affecting OKI's employee benefits, because the 403(b) Plan is subject to federal tax regulations which require that the 403(b) be operated in strict accordance with its written terms, any action taken by the Executive Director to amend the 403(b) Plan should be approved by formal Board action. This resolution therefore generally affirms and ratifies the Executive Director's actions taken to add a Roth contribution feature to the 403(b) Plan.

AUTHORITY: Article V, Section 2 of the Ohio-Kentucky-Indiana Regional Council of Governments Amended and Restates Articles of Agreement (establishing the position and authority of the Executive Director)

Chapter 2, Subpart E, §200.431 of the Code of Federal Regulations

ACTION RECOMMENDED: Adoption of Resolution OKI 2023-03

RESOLUTION

OF THE EXECUTIVE COMMITTEE OF THE
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS

CONCERNING RATIFICATION OF AN AMENDMENT TO THE OKI 403(b) PLAN WHICH ADDS A ROTH
CONTRIBUTION FEATURE

WHEREAS, the Ohio-Kentucky-Indiana Regional Council of Governments (“**OKI**”) sponsors the Ohio-Kentucky-Indiana Regional Council of Governments 403(b) Plan (the “**Plan**”);

WHEREAS, pursuant to Section 14.01 of Plan, OKI has reserved the authority to amend the Plan;

WHEREAS, in the course of supervising the employees of OKI, the OKI Executive Director from time-to-time makes decisions and recommendations with respect to the benefits to be offered to the employees of OKI;

WHEREAS, the OKI Executive Director previously determined that (i) it is beneficial to OKI employees to add a Roth contribution feature to the Plan, and (ii) the additional of the Roth contribution feature will have minimal cost to OKI;

WHEREAS, on December 14, 2022 the OKI Executive Director took action to so amend the Plan, with an Amendment effective date of January 15, 2023 and the Executive Committee of the Ohio-Kentucky-Indiana Regional Council of Governments wishes to ratify such amendment.

NOW THEREFORE, BE IT RESOLVED, that the Executive Committee of the Ohio-Kentucky-Indiana Regional Council of Governments at its regular public meeting of February 9, 2023 hereby approves and adopts Amendment Number 1 to the Plan effective as of the dates set forth therein, with such changes therein as may be approved by the Chief Executive Officer which approval shall be conclusively evidenced by the signature of Chief Executive Officer to a copy of the Plan; and

FURTHER RESOLVED, that the Chief Executive Officer, and any one or more of the officers of OKI, shall be, and hereby are, authorized and directed to take such action and to make, execute, deliver and file or cause to be made, executed, delivered, or filed such agreements, documents, payments, applications, instruments, and certificates, and to take such other and further actions, as any such officer may deem to be proper, necessary, desirable or appropriate to effectuate the purpose and intent of the foregoing resolutions, the authority for taking of such action and the making, execution, delivery or filing of such agreements, documents, payments, applications, instruments or certificates to be conclusively evidenced thereby; and

FURTHER RESOLVED, that any action previously taken in furtherance of the foregoing resolutions by any of any one or more of the officers of OKI, shall be, and hereby are, ratified and approved.

AMENDMENT NUMBER 1
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS 403(B) PLAN

BY THIS AGREEMENT, Ohio-Kentucky-Indiana Regional Council of Governments 403(b) Plan (herein referred to as the "Plan") is hereby amended as follows, effective as of January 15, 2023, except as otherwise provided herein:

1. The section of the Adoption Agreement entitled "CONTRIBUTION TYPES" is amended as follows:

CONTRIBUTION TYPES (1.12). The Employer and/or Participants, in accordance with the Plan terms, make the following contributions to the Plan (Choose one or more of (a) through (g). If the Employer has made election 3(b) indicating that the ERISA Safe Harbor Exemption applies, the only valid elections are (b), (b)(1) or (g)):

- (a) **Mandatory Employee Contributions.** See Section 3.04(A)(3) and Election 18.
- (b) **Pre-Tax Elective Deferrals.** See Section 3.02 and Elections 19 - 21.
 - (1) **Roth Deferrals.** See Section 3.02(F) and Elections 19 - 21. [*Note: The Employer may not limit Elective Deferrals to Roth Deferrals only.*]
- (c) **Matching.** See Sections 1.36, 1.47, and 3.03 and Elections 22, 23, 27, 28 and 32. [*Note: If the Plan is a safe harbor plan, choose 6(f) and do not choose 6(c).*]
- (d) **Nonelective.** See Sections 1.48 and 3.04 and Elections 25 through 28. [*Note: The Employer may make an Operational QNEC without electing 6(d). See Section 3.04(C)(1). If the only nonelective contributions are safe harbor contributions, choose 6(f) and do not choose 6(d).*]
- (e) **Employee (after-tax).** See Section 3.09 and Election 32.
- (f) **Safe Harbor/Additional Matching.** The Plan is a safe harbor 403(b) Plan. The Employer will make Safe Harbor Contributions as it elects in Election 24. The Employer may or may not make Additional Matching Contributions as it elects in Election 24. See Section 3.05.
- (g) **None (frozen plan).** The Plan is/was frozen effective as of: _____. See Sections 3.01(F) and 9.04.

[*Note: Elections 18 through 26 and Election 32 do not apply to any Plan Year in which the Plan is frozen.*]

2. The section of the Adoption Agreement entitled "IN-PLAN ROTH ROLLOVER CONTRIBUTION" is amended as follows:

IN-PLAN ROTH ROLLOVER CONTRIBUTION (3.08(E)). The following provisions apply regarding In-Plan Roth Rollover Contributions (*Choose (a) or (b); also see Election (d)(1) in Appendix B; leave blank if Election 6(b)(1) is not selected.*):

- (a) **Not Applicable.** The Plan does not permit In-Plan Roth Rollover Contributions.
- (b) **Applies.** The Plan permits In-Plan Roth Rollover Contributions to the extent permitted by the Investment Arrangement Documentation with regard to the following amounts. (*Choose one or both of (1) and (2).*)
 - (1) Otherwise distributable amounts. This provision is effective the later of September 28, 2010, the Plan or Restatement Effective Date, or _____ (enter later effective date if applicable).
 - (2) Otherwise nondistributable amounts. This provision is effective the later of January 1, 2013, the Plan or Restatement Effective Date, or _____ (enter later effective date if applicable).

* * * * *

The Employer executes this Amendment on the date specified below or as reflected on the electronic signature page.

Employer: Ohio-Kentucky-Indiana Regional Council of Governments

Date: Dec 14, 2022

Signed: *Mark Policinski*
Mark Policinski (Dec 14, 2022 11:57 EST)

Mark Policinski
[print representative name/title]

ADOPTING RESOLUTION

The undersigned authorized representative of Ohio-Kentucky-Indiana Regional Council of Governments (the Employer) hereby certifies that the following resolution was duly adopted by the Employer on the date specified below, and that such resolution has not been modified or rescinded as of the signature date below:

RESOLVED, that Amendment Number 1, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator the amendment.

The undersigned further certifies that attached hereto is a true copy of Amendment Number 1 to Ohio-Kentucky-Indiana Regional Council of Governments 403(b) Plan approved and adopted in the foregoing resolution.

Date: Dec 14, 2022

By: *Mark Policinski*
Mark Policinski (Dec 14, 2022 11:57 EST)

Mark Policinski

[print name/title]

**AMENDMENT NUMBER 1 TO
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS 403(B) PLAN**

**SUMMARY OF
MATERIAL MODIFICATIONS**

**I
INTRODUCTION**

This is a Summary of Material Modifications regarding the Ohio-Kentucky-Indiana Regional Council of Governments 403(b) Plan ("Plan"). Unless stated otherwise, the modifications described in this summary are effective as of January 15, 2023. This is merely a summary of the most important changes to the Plan and information contained in the Summary of Plan Provisions previously provided to you. It supplements and amends that Summary so you should retain a copy of this document with your copy of the Summary. If you have any questions, contact the Plan Administrator. If there is any discrepancy between the terms of the Plan, as modified, and this Summary of Material Modifications, the provisions of the Plan will control.

**II
SUMMARY OF CHANGES**

1. Elective Deferrals

As a Participant under the Plan, you may elect to reduce your compensation by a specific amount and have that amount contributed to the Plan as an elective deferral. There are two types of elective deferrals: Pre-Tax Deferrals and Roth Deferrals. For purposes of this Summary of Material Modifications, "elective deferrals" generally means both Pre-Tax Deferrals and Roth Deferrals. Regardless of the type of elective deferral you make, the amount you defer is counted as compensation for purposes of Social Security taxes.

Pre-Tax Deferrals. If you elect to make Pre-Tax Deferrals, then your taxable income is reduced by the deferral contributions so you pay less in federal income taxes. Later, when the Plan distributes the deferrals and earnings, you will pay the taxes on those deferrals and the earnings. Therefore, with a Pre-Tax Deferral, federal income taxes on the elective deferral contributions and on the earnings are only postponed. Eventually, you will have to pay taxes on these amounts.

Roth Deferrals. If you elect to make Roth Deferrals, the elective deferrals are subject to federal income taxes in the year of elective deferral. However, the elective deferrals and, in certain cases, the earnings on the elective deferrals are not subject to federal income taxes when distributed to you. In order for the earnings to be tax free, you must meet certain conditions.

Distributions. You will not be taxed on distributions of your Roth deferrals. In addition, a distribution of the earnings on the Roth deferrals will not be subject to tax if the distribution is a "qualified distribution." A "qualified distribution" is one that is made after you have attained age 59 1/2 or is made on account of your death or disability. In addition, in order to be a "qualified distribution," the distribution cannot be made prior to the expiration of a 5-year participation period. The 5-year participation period is the 5-year period beginning the calendar year in which you first make a Roth deferral to our Plan (or to a 401(k) plan or another 403(b) plan if such amount was rolled over into this Plan) and ending on the last day of the calendar year that is 5 years later.

OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS 403(B) PLAN

NOTICE OF RIGHT TO PARTICIPATE IN THE PLAN AND CONTRIBUTION LIMITS

UPDATED FOR AMENDMENT EFFECTIVE JANUARY 15, 2023

Elective Deferrals. The Ohio-Kentucky-Indiana Regional Council of Governments 403(b) Plan (the "Plan") allows eligible employees to save for retirement. If you are eligible to participate in the Plan, then you may elect to reduce your compensation by a specified amount and have that amount contributed to the Plan as an elective deferral. There are two types of elective deferrals: Pre-Tax Deferrals and Roth Deferrals. For purposes of this notice, "elective deferrals" means both Pre-Tax Deferrals and Roth Deferrals. Regardless of the type of elective deferral you make, the amount you defer is counted as compensation for purposes of Social Security taxes.

Pre-Tax Deferrals. If you elect to make Pre-Tax Deferrals, then your taxable income is reduced by the deferral contributions so you pay less in federal income taxes. Later, when the Plan distributes the deferrals and earnings, you will pay the taxes on those deferrals and the earnings. Therefore, with a Pre-Tax Deferral, federal income taxes on the elective deferral contributions and on the earnings are only postponed. Eventually, you will have to pay taxes on these amounts.

Roth Deferrals. If you elect to make Roth Deferrals, the elective deferrals are subject to federal income taxes in the year of elective deferral. However, the elective deferrals and, in certain cases, the earnings on the elective deferrals are not subject to federal income taxes when distributed to you. In order for the earnings to be tax free, you must meet certain conditions. See the question in the Summary of Plan Provisions entitled "What are my tax consequences when I receive a distribution from the Plan?".

How do I elect to make contributions to the Plan?

The amount you elect to defer will be deducted from your pay in accordance with a procedure established by the Plan Administrator. You may elect to defer a portion of your compensation payable on or after your Entry Date. Such election will become effective as soon as administratively feasible after it is received by the Plan Administrator. Your election will remain in effect until you modify or terminate it.

If you are currently participating, you may want to change your amounts for the new Plan Year. You can increase or decrease your contribution or you can leave your amounts the same.

You can contact the Plan Administrator to obtain further information on how to make contributions to the Plan.

How much can I contribute?

Your total elective deferrals in any taxable year cannot exceed a dollar limit which is set by law. The limit for 2023 is \$22500. After 2023, the dollar limit may increase for cost-of-living adjustments. See the paragraph below on Annual dollar limit.

Age 50 Catch-Up Deferrals. If you are at least age 50 or will attain age 50 before the end of a calendar year, then you may elect to defer additional amounts (called Age 50 Catch-Up Deferrals) to the Plan as of the January 1st of that year. You can defer the additional amounts regardless of any other limitations on the amount you can defer to the Plan. The maximum Age 50 Catch-Up Deferrals that you can make in 2023 is \$7500. After 2023, the maximum might increase for cost-of-living adjustments. Age 50 Catch-Up Deferrals that you make will be taken into account in determining any Employer matching contribution made to the Plan.

Annual dollar limit. Each separately stated annual dollar limit on the amount you may defer (the annual deferral limit and the Catch-Up Deferral limit) is a separate aggregate limit that applies to all such similar salary deferral amounts and "catch-up contributions" you may make under this Plan and any other cash or deferred arrangements (including other tax-sheltered 403(b) annuity contracts, simplified employee pensions or 401(k) plans) in which you may be participating. Generally, if an annual dollar limit is exceeded, then the excess must be returned to you in order to avoid adverse tax consequences. For this reason, you need to contact the Plan Administrator if these situations might apply to you. It is desirable to request in writing that any such excess salary deferral amounts and Catch-Up Deferrals be returned to you.

If you are in more than one plan to which you can contribute elective deferrals, you must decide which plan or arrangement you would like to return the excess. If you decide that the excess should be distributed from this Plan, you must communicate this in writing to the Plan Administrator no later than the March 1st following the close of the calendar year in which such excess deferrals were made. However, if the entire dollar limit is exceeded in this Plan or any other plan the Employer maintains, then you will be deemed to have notified the Plan Administrator of the excess. The Plan Administrator will then return the excess deferral and any earnings to you by April 15th.

What is the maximum annual amount that can be contributed to my account?

The law imposes a limit on the amount of contributions (both Employer contributions and elective deferrals, but excluding Age 50 Catch-Up Deferrals) that may be made to your accounts during a year. For 2023, this total cannot exceed the lesser of \$66000 or 100% of your includible compensation (generally your compensation for the prior 12 month period). After 2023, the dollar limit might increase for cost-of-living adjustments. Your includible compensation for purposes of this limit is limited for 2023 to \$330000. After 2023, the dollar limit for includible compensation might increase in future years for cost-of-living adjustments.

Annual Contribution Notice

The above limit may also need to be applied by taking into account contributions made to other retirement plans in which you are a participant. If you have more than 50% control of a corporation, partnership, and/or sole proprietorship, then the above limit is based on contributions made to this Plan as well as contributions made to any 403(b) or qualified plans maintained by the businesses you control. If you control another business that maintains a plan in which you participate, then you are responsible for providing the Plan Administrator with information necessary to apply the annual contribution limits. If you fail to provide necessary and correct information to the Plan Administrator, it could result in adverse tax consequences to you, including the inability to exclude contributions to the Plan from your gross income for tax purposes.

You can find out more information about the Plan in the Summary of Plan Provisions. You can obtain a copy from the Plan Administrator.

ITEM 4:

**AMENDMENT 18 OF THE OKI FISCAL YEARS 2021-
2024 TRANSPORTATION IMPROVEMENT
PROGRAM**

RESOLUTION 2023-04

ITEM #4:

**AMENDMENT #18 OF THE OKI FISCAL YEARS 2021-2024
TRANSPORTATION IMPROVEMENT PROGRAM**

DESCRIPTION:

The attached exhibit, in resolution form, describes the specific revision proposed.

BACKGROUND:

OKI is responsible for preparing biennially a four-year program of projects in this region that will make use of available Federal-Aid Highway funds and Federal Transit Administration funds. Inclusion in this program is a prerequisite for such federal assistance. Because the scope, cost, and timing of the included projects are subject to change, and because new projects are continually being developed, the TIP is periodically amended as needed.

The amendment reflected in the proposed resolution includes funding changes for one highway project in Ohio, the addition of four highway projects in Kentucky, and the addition of one planning project in Indiana. Three highway projects are subject to air quality conformity requirements and OKI is relying on a previous regional emissions analysis with no changes in timing or scope due to this amendment. The amendment also includes one additional transit project in Ohio.

Prior to presentation to the Executive Committee, the proposed amendment is posted to the OKI website for at least 14 days and public comments are accepted. Staff presents the amendment to the Intermodal Coordinating Committee (ICC), the ICC considers the issue, and makes a recommendation to Board of Directors. Any public comments will be presented to the Board of Directors prior to scheduled action.

AUTHORITY:

23 CFR, §450.324.

FUNDING:

The fiscally constrained items proposed for the amendment have an associated funding amount and source specified. Staff has determined that there is adequate funding available, or anticipated to be available, and the funding amounts are shown in year of expenditure figures for this project.

ACTION RECOMMENDED:

Adoption of Resolution OKI 2023-04

EXHIBIT:

Resolution (OKI 2023-04) Concerning Amendment #18 of the OKI Fiscal Years 2021-2024 Transportation Improvement Program.

RESOLUTION

**OF THE EXECUTIVE COMMITTEE OF THE
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS**

**CONCERNING AMENDMENT #18 OF THE
FISCAL YEARS 2021 – 2024 TRANSPORTATION IMPROVEMENT PROGRAM**

WHEREAS, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is designated as the Metropolitan Planning Organization (MPO) by the Governors of Ohio, Kentucky and Indiana acting through the Ohio Department of Transportation (ODOT), the Kentucky Transportation Cabinet (KYTC) and the Indiana Department of Transportation (INDOT) and in cooperation with locally elected officials in the OKI region; and

WHEREAS, the Intermodal Coordinating Committee (ICC), as the technical advisory committee to OKI, has reviewed and recommended the projects and phases listed in the resolution and recommend that they be amended into the Transportation Improvement Program (TIP); and

WHEREAS, all federally funded transit and highway projects in the Ohio Counties of Butler, Clermont, Hamilton and Warren, the Kentucky Counties of Boone, Campbell and Kenton and the Indiana County of Dearborn must be included in the TIP prior to the expenditure of federal funds and be listed with year of expenditure dollars; and

WHEREAS, the amendments are consistent with the *OKI 2050 Metropolitan Transportation Plan* as amended on January 13, 2022 and the OKI Regional ITS Architecture adopted on September 8, 2022; and

WHEREAS, the Cincinnati ozone maintenance area consists of the Ohio counties of Butler, Clermont, Hamilton and Warren; and the ozone nonattainment area consists of a portion of the Kentucky counties of Boone, Campbell and Kenton; and OKI's Transportation Plan and TIP are subject to transportation conformity rules; and

WHEREAS, *Amendment 18 – Fiscal Years 2021-2024 Transportation Improvement Program* includes three projects subject to transportation conformity requirements and the projects have been previously analyzed, and the conformity determination is relying on a previous regional emissions, and OKI has engaged in interagency consultation with federal, state and local partners, including the U.S. Department of Transportation, and those partners have concurred with the methodology used by OKI to determine conformity; and

WHEREAS, the amended OKI FY 2021-2024 TIP conforms with all applicable U.S. Environmental Protection Agency (EPA) approved State Implementation Plans for air quality; and

WHEREAS, the opportunity for public participation has been provided per OKI's Public Participation Plan; and

WHEREAS, the environmental justice impacts of these amendments have been considered with "Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations"; and

WHEREAS, this amendment will result in a TIP that remains fiscally constrained: Now, therefore,

BE IT RESOLVED that the Executive Committee of the Ohio-Kentucky-Indiana Regional Council of Governments at its regular public meeting on February 9, 2023 hereby amends the Fiscal Years 2021 – 2024 Transportation Improvement Program as shown in the attached Amendment #18 project tables:

GARY MOORE, PRESIDENT

PROPOSED ACTIONS - Amendment #18 February 9, 2023

TIP ID	MTP ID	Facility	Location	Description	AQ conformity			Sponsor	Award/ Let Date
					Programmed costs				
					FY 21	FY 22	FY 23	FY 24	FUTR

Ohio

Warren County

112909	3740	WAR SR 48 6.37	Nunner Road to north of Ridgeview Lane/Saddle Creek Lane	Add one lane each direction. southbound SR 48 left turn lane onto eastbound US 22/SR 3	Add second Non-exempt	Warren County	4Q23		
			OKI-STBG	RW	0	505,000	0	0	0
			Local	RW	0	216,429	0	0	0
			HSIP	CO	0	0	722,250	previously \$974,007	0
			OKI-STBG	CO	0	0	6,095,000	0	0
			State	CO	0	0	169,112	previously \$108,223	0
			Local	CO	0	0	9,463,532	previously \$2,612,142	0

Adjust amounts and increase local share for new waterworks improvements. No change in OKI contribution.

Kentucky

Boone County

6-80100	9869	Turfway Rd(KY 1017) and Thoroughbred Blvd(KY 1017)	Turfway Rd and Thoroughbred Blvd	Convert Turfway Rd. and Thoroughbred Blvd. from 2-way to one way and modify I-71/I-75 access	Exempt	KYTC	FY27		
			STBG	D	0	0	2,000,000	0	0
			State	D	0	0	500,000	0	0
			STBG	RW	0	0	0	0	8,800,000
			State	RW	0	0	0	0	2,200,000
			STBG	UT	0	0	0	0	1,200,000
			State	UT	0	0	0	0	300,000
			STBG	CO	0	0	0	0	20,000,000
			State	CO	0	0	0	0	5,000,000

Add Project

6-80207	9584	CR 1001 (Camp Ernst Rd)	KY 536 to Longbranch Rd	Improve safety and mobility, reduce congestion and address geometric deficiencies	Non-exempt	KYTC	UNSC		
			STBG	D	0	0	1,688,000	0	0
			State	D	0	0	422,000	0	0
			Uncommitted	C	0	0	0	0	16,000,000

Add Project

Kenton County

6-376	O/M	KY 371 (Amsterdam Rd)	Amsterdam/Collins Road Intersection	Conversion to fully signalized intersection with new turn lanes, pedestrian crossing, new sidewalks and stormwater improvements	Exempt	City of Villa Hills	FY26		
			OKI-SNK	D-SF	0	0	30,000	0	0
			State	D-SF	0	0	7,500	0	0
			OKI-SNK	RW	0	0	0	212,000	0
			Local	RW	0	0	0	53,000	0
			OKI-SNK	UT	0	0	0	0	500,000
			Local	UT	0	0	0	0	125,000
			OKI-SNK	CO	0	0	0	0	3,056,173
			Local	CO	0	0	0	0	764,043

Add Project

6-80203	9905	KY 536	KY 16 to Campbell County Line	Reconstruct to a 4-lane urban section	Non-exempt	KYTC	UNSC		
			NH	D	0	0	2,400,000	0	0
			State	D	0	0	600,000	0	0
			Uncommitted	CO	0	0	0	0	23,000,000

Add Project

Indiana

Dearborn County

2300015		UPWP-OKI Planning FY24	OKI	For Planning Purposes, PL and STBG	Exempt	OKI	1Q24		
			PL	PL	0	0	0	30,000	0
			OKI-STBG	PL	0	0	0	30,000	0
			Local	PL	0	0	0	15,000	0

Add Project

TRANSIT - PROPOSED ACTIONS - Amendment #18 February 9, 2023

Project Description

FY	TIP ID	FTA ALI Code	Type	Project Name	Quantity	Air Quality	Fund Type	Programmed cost
Clermont Transportation Connection								
2023	118745	11.41.03	Capital	CTC Facility Design		Exempt	Planning and Design: Facility Design	
Add Project with FTA Covid Relief Funds (CRSSA)							CRRSAA (100% Fed)	2,801,666
Total Project Cost:								\$2,801,666

ITEM 5:

**SUPPORT OF TRANSPORTATION SAFETY
PERFORMANCE MEASURE TARGETS FOR THE
STATES OF OHIO, KENTUCKY, AND INDIANA**

RESOLUTION 2023-05

AGENDA #5:

**SUPPORT OF TRANSPORTATION SAFETY PERFORMANCE
MEASURE TARGETS FOR THE STATES OF OHIO, KENTUCKY, AND
INDIANA**

BACKGROUND:

The Fixing America's Surface Transportation (FAST) Act mandates States establish a performance and outcome based program for transportation decisions. Targets for five safety performance measures are required annually: number of fatalities, number of serious injuries, fatality rate, serious injury rate and number of non-motorized fatalities and serious injuries. MPOs have 180 days following the establishment and reporting of the State transportation safety targets to make a decision regarding whether to support each state's targets or to establish their own. States established performance targets as part of required Highway Safety Improvement Program (HSIP) reporting in August 2019. The resolution states OKI's support of each individual state's transportation safety performance measure targets and OKI agrees to plan and program projects so that they contribute toward accomplishment of each state's transportation safety performance measure targets.

ACTION RECOMMENDED: Adoption of Resolution OKI 2023-05

EXHIBIT: Resolution OKI 2023-05 concerning support of transportation safety performance measure targets for the states of Ohio, Kentucky and Indiana.

RESOLUTION**OF THE EXECUTIVE COMMITTEE OF THE
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS****ADOPTION TO SUPPORT TRANSPORTATION SAFETY PERFORMANCE MEASURE TARGETS FOR THE STATES OF
OHIO, KENTUCKY AND INDIANA**

WHEREAS, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is designated as the Metropolitan Planning Organization (MPO) by the Governors of Ohio, Kentucky and Indiana acting through the Ohio Department of Transportation (ODOT), the Kentucky Transportation Cabinet (KYTC) and the Indiana Department of Transportation (INDOT) and in cooperation with locally elected officials in the OKI region; and

WHEREAS, Congress passed the Fixing America's Surface Transportation (FAST) Act that mandates States, under Federal Rule 23 CFR 940, to establish a performance and outcome based program for transportation decisions; and

WHEREAS, a national goal has been established to achieve a significant reduction in traffic fatalities and serious injuries on all public roads; and

WHEREAS, the transportation safety performance management measures regulations support the Highway Safety Improvement Program (HSIP) and require State DOTs and MPOs to set transportation safety performance measure targets annually, which apply to all public roads, for 5 areas: number of fatalities, rate of fatalities per 100 Million Vehicle Miles Traveled (MVMT), number of serious injuries, rate of serious injuries per 100 MVMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, MPOs have 180 days following the establishment and reporting of the State targets in the HSIP Annual Report to make a decision regarding whether to support each state's targets or to establish their own; and

WHEREAS, ODOT, KYTC and INDOT formally reported their transportation safety performance measure targets to the Federal Highway Administration (FHWA) in their HSIP Annual Report and will establish new transportation safety performance measure targets annually; and

WHEREAS, the transportation safety performance measure targets adopted by the States are included in the table attached to this resolution; and

WHEREAS, through the Performance Based Planning subcommittee of the OKI Intermodal Coordinating Committee (ICC), OKI has collaborated and coordinated with local, state and federal agencies including ODOT, KYTC, INDOT and FHWA, and the ICC has recommended that OKI support each individual state's transportation safety performance measure targets; now therefore,

BE IT RESOLVED that the Executive Committee of the Ohio-Kentucky-Indiana Regional Council of Governments at its regular public meeting on February 9, 2023 concur and support each individual state's transportation safety performance measure targets for each of the above-mentioned measures by agreeing to plan and program projects so that they contribute toward accomplishment of each state's transportation safety performance measure targets.

GARY W. MOORE, PRESIDENT

OKI Supported State Safety Targets CY 2023			
	ODOT	KYTC	INDOT
Number of Fatalities	1,173	764	894.2
Fatality Rate per 100 MVMT	1.04	1.575	1.088
Number of Serious Injuries	7,649	2,658	3,348.1
Serious Injuries Rate per 100 MVMT	6.77	5.519	4.068
Number of Non-Motorized Fatalities and Serious Injuries	824	289	399.6