



RESOLUTION # 57- 10/08

TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS

ITEM # 11/10
BOARD ACTION

Adopted: 10-16-08
For: 34
Against: -
Abs/Excd: 1
Vote Req: _____
Other Action: _____

PUBLIC WORKS & INFRASTRUCTURE COMMITTEE ACTION

Adopted: 10-6-08
For: 7
Against: -
Abs/Excd: -

RE: AUTHORITY TO ALLOW OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES

WHEREAS, 2005 Wisconsin Act 329 created Wis. Stat., s. 349.26, which specifically allows Wisconsin counties, cities, villages, and towns to enter into agreements to regulate the use of Neighborhood Electric Vehicles ("NEVs") on roadways with shared jurisdiction; and,

WHEREAS, within the Village of Holmen limits, the Village and County share jurisdiction over several roadways; and,

WHEREAS, the Village of Holmen has adopted an ordinance allowing the use of NEVs on roadways which have a posted speed limit of 35 miles per hour or less; and,

WHEREAS, a city, town or village that passes an ordinance allowing the operation of NEVs shall enter into an agreement or obtain the consent of each governing body that shares jurisdiction over a roadway within the limits of the city, town or village, to permit NEVs to use or cross the roadway; and

WHEREAS, the Village of Holmen has requested the County's consent to allow NEVs to operate on county roads within the Village that have a posted speed limit of 35 miles per hour or less and also to allow NEVs to cross county highways within the Village that have a posted speed limit higher than 35 miles per hour; and,

WHEREAS, the Public Works & Infrastructure Committee requests that the County Board approve the Intergovernmental Agreement with the Village of Holmen and grant authority to the Committee to review and approve future intergovernmental agreements with cities, towns or villages pursuant to Wis. Stats. ss. 66.0301 and 349.26 to allow the operation of NEVs to use or cross county trunk highways within a city, town, or village in La Crosse County subject to terms and conditions that protect the public safety.

NOW THEREFORE BE IT RESOLVED, that the La Crosse County Board does hereby approve the agreement with the Village of Holmen and grants authority to the Public Works & Infrastructure Committee to review and approve future intergovernmental agreements with any city, town, or village located within La Crosse County to allow operation of Neighborhood Electric Vehicles to use or cross county trunk highways where there is shared jurisdiction over the roadway within the city, town, or village limits subject to terms and conditions that protect the public safety.

BE IT FURTHER RESOLVED, that the County Board Chair is hereby authorized to sign intergovernmental agreements with a city, town or village pursuant to Wis. Stat. 349.26 to allow the operation of NEVs subject to approval of the agreement by the Public Works & Infrastructure Committee and Corporation Counsel.

FISCAL NOTE: No cost to La Crosse County.

Date: 10/6/08
[Signature]
PUBLIC WORKS & INFRASTRUCTURE COMMITTEE CHAIR

Date: 10/6/08
[Signature]
RECORDING CLERK

	Recommended	Not Recommended	Reviewed Only
Co. Admin.	<u>50</u>	_____	_____
Fin. Director	<u>[Signature]</u>	_____	_____
Corp. Counsel	<u>[Signature]</u>	_____	_____

Requested By: Dennis Osgood
Date Requested: September 19, 2008
Drafted By: Corporation Counsel

Adopted by the La Crosse County Board this 16 Day of October, 2008.

Created by La Crosse County Last printed 9/26/2008 11:03:00 AM

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Marion I. Naegle, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original resolution required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 16th day of October 2008.

[Signature]
Marion I. Naegle, La Crosse County Clerk

INTERGOVERNMENTAL AGREEMENT
Neighborhood Electric Vehicles

This Agreement is between La Crosse County ("COUNTY") and the Village of Holmen ("VILLAGE") or ("Party" or "Parties") for the joint management of county trunk highways in which jurisdiction is shared between COUNTY and VILLAGE.

WITNESSETH:

WHEREAS, 2005 Wisconsin Act 329 that created Wis. Stat. s. 349.26 was enacted on April 14, 2006, and specially allows Wisconsin counties, cities, villages and towns to enter into agreements to regulate the use of Neighborhood Electric Vehicles ("NEVs") on roadways with shared jurisdiction; and

WHEREAS, within the Village of Holmen limits, there exist county trunk highways in which jurisdiction is shared by VILLAGE and COUNTY; and

WHEREAS, this Agreement sets forth the agreement between the Village of Holmen and La Crosse County (Hereinafter "the Parties") for the operation of Neighborhood Electric Vehicles on county trunk highways in which jurisdiction is shared between the municipalities; and

WHEREAS, the parties are authorized to enter into this Agreement pursuant to Wis. Stats. sections 66.0301 and 349.26; and

WHEREAS, in addition to the provisions of any other statutes specifically authorizing cooperation between municipalities, any municipality may contract with other municipalities in this state pursuant to §66.0301, Stats., for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the Parties hereinafter set forth, the Parties do agree as follows:

1. VILLAGE shall pass an ordinance regulating the use of Neighborhood Electric Vehicles on county trunk highways in which jurisdiction is shared by the Parties. The ordinance shall limit NEV travel on county trunk highways with shared jurisdiction on county trunk highways in which the maximum speed is 35 miles per hour except as provided in Paragraph 2 herein.
2. NEVs shall be permitted to cross County Trunk Highway HD (CTH HD) which has a posted speed in excess of 35 miles per hour only at the traffic control signal located at the intersection of CTH HD with CTH DH and CTH MH.
3. The ordinance shall require all NEVs to be licensed.
4. The ordinance shall require all NEV operators to hold a valid motor vehicle motor vehicles operator license from Wisconsin or another state.
5. VILLAGE shall be responsible for enforcement of all NEV ordinance provisions.

6. VILLAGE shall obtain written consent from COUNTY prior to adopting any amendment to the NEV ordinance which affects county trunk highways.
7. All notices shall be in writing to the Parties. Notices shall be deemed delivered as of the date of postmark, if deposited in a United States mailbox, first class postage attached, addressed to a Party's address. It is the duty of a Party changing its address to notify the other Party of such change in writing within a reasonable time.
8. Each Party shall abide by its respective non-discrimination and affirmative action policies and procedures during the term of this Agreement.
9. Each party shall be responsible for the consequences of its own acts, errors, or omissions and those of its employees, boards, commissions, agencies, officers, and representatives and shall be responsible for any losses, claims, and liabilities which are attributable to such acts, errors, or omissions including providing its own defense. In situations including joint liability, each party shall be responsible for the consequences of its own acts, errors, or omissions and those of its employees, agents, boards, commissions, agencies, officers and representatives. It is not the intent of the parties to impose liability beyond that imposed by state statutes.
10. Each Party warrants for itself that it has complied with all necessary requirements to execute this Agreement and that the person executing this Agreement on its behalf is authorized to do so.
11. This Agreement shall remain in effect for so long as there is an ordinance regulating NEVs on roadways in which there is shared jurisdiction.
12. The entire Agreement of the Parties is contained herein, and this Agreement supersedes any and all oral agreements and negotiations between the Parties relating to the subject matter hereof. The Parties expressly agree that this Intergovernmental Agreement shall not be amended in any fashion except in writing, executed by the Parties.

NOW, IN WITNESS WHEREOF, the Parties, by their representative authorized agents, have executed this Intergovernmental Agreement, effective as of the date by which all Parties hereto have affixed their respective signatures, as indicated below.

FOR THE COUNTY:

By: _____
Steve Doyle, County Board Chair

Date

FOR THE VILLAGE OF HOLMEN

By: _____
John Chapman, President

Date

By: _____
Catherine Schmit, Administrator/Clerk

Date