

## Orientation Outline for Land Use Advisory Committee Members 2013

The following outline identifies what will be covered during orientation of members appointed to the Metropolitan Council's Land Use Advisory Committee in December 2013. This packet of materials will also be shared with all committee members.

### Primary focus of orientation

The Land Use Advisory Committee (LUAC) was established pursuant to state statute. Its advisory duties include giving advice and assistance on metropolitan land use, comprehensive planning and matters of metropolitan significance as requested by the Council. Orientation will focus on the purpose of the Land Use Advisory Committee, its membership, committee meetings and other specifics about how LUAC functions as described in:

- *Bylaws of the Metropolitan Council Land Use Advisory Committee, 2004.*
  - Also see a summary of the purpose of LUAC prepared for applicants in 2013.

### Roster of LUAC members

- Updated roster of LUAC members by Council district, with contact information.

### Meeting dates in 2014

- **Regular meeting dates in 2014: Jan. 16, March 20, May 15, July 17, Sept. 18 and Nov. 20.**
- The committee secretary will generally post agendas, materials and minutes a week in advance of meetings and send a link to LUAC members the same day as the posting.
- Regular meetings start at 4:00 p.m. in room LLA (basement) at 390 Robert St. N.

### Background information

- Membership changes since July 2011.
- One-page summary of recent committee outcomes and agenda topics for reference.

### Additional information

- LUAC page on Council's website ([www.metrocouncil.org](http://www.metrocouncil.org)) at [Land Use Advisory Committee](#).
- Directions to meetings and parking information.
- Reimbursement form for mileage.
- IRS W-9 form, if needed for Taxpayer Identification Number.

## Land Use Advisory Committee Summary

### Purpose of committee

The Land Use Advisory Committee (LUAC) is authorized by state statute to give advice and assistance to the Metropolitan Council on regional land use and comprehensive planning, and matters of metropolitan significance as requested by the Council. LUAC has a Council member as chair and must have at least 16 members. By law, at least half of committee members shall be elected officials. Members must represent each Council district and county within the Council's jurisdiction.

### Regional land use and comprehensive planning

When requested by the Council and under the direction of the Committee Chair, LUAC assists the Council in performing the Council's regional land use planning responsibilities. Assistance may include:

- Giving advice and recommendations to the Council for implementing the Metropolitan Land Planning Act. For example, advisory work by LUAC helps inform development of *Thrive MSP 2040*.
- Providing advice and recommendations to the Council on guidelines for metropolitan system plans to help communities prepare or update their comprehensive plans. System plans are long-range plans for the regional systems – transit, highways and airports, wastewater services, and parks and open space.
- Conducting hearings to resolve disagreements over the content of system statements.
- Providing advice and recommendations to the Council for administering a local planning assistance fund. This program helps governments with amending or updating local comprehensive plans, fiscal devices and official controls.

### Metropolitan significance

When requested by the Council and under the direction of the Committee Chair, assistance may include providing advice and assistance to the Council in:

- Developing and implementing rules establishing standards, guidelines and procedures for determining matters of metropolitan significance. The purpose of these rules is to promote the orderly and economic development of the metropolitan area.
- Establishing a procedure for reviews and final determinations on matters of metropolitan significance.

Primary source: Article I, Bylaws of the Metropolitan Council Land Use Advisory Committee, 2004.

**BYLAWS OF THE  
METROPOLITAN COUNCIL  
LAND USE ADVISORY COMMITTEE**

**ARTICLE I - ORGANIZATION AND DUTIES**

**A. Establishment and Name.** Pursuant to Minnesota Statutes sections 473.127 and 473.853, the Metropolitan Council (the “Council”) hereby establishes the Land Use Advisory Committee (the “Committee”).

**B. Committee Purpose and Charge.** The Committee will assist the Council in performing the Council’s regional land use planning functions under Minnesota Statutes Chapter 473 and will undertake such other duties and responsibilities as are delegated to the Committee by the Council or required by law. The Committee’s advisory duties shall include rendering advice and assistance regarding metropolitan land use and comprehensive planning and matters of metropolitan significance as requested by the Council.

**1. Metropolitan Land Use and Comprehensive Planning.** As and when requested by the Council and under the direction of the Committee Chair, the Committee will provide assistance to the Council in performing the Council’s regional land use planning responsibilities. The Committee’s assistance may include, without limitation:

- (a) Providing advice and recommendations to the Council regarding guidelines and procedures for implementing the Metropolitan Land Planning Act, including Minnesota Statutes sections 462.255, subdivision 4, 473.175 and 473.851 to 473.871.
- (b) Providing advice and recommendations to the Council regarding guidelines for metropolitan system plans.
- (c) Conducting hearings to resolve disagreements over the content of system statements as requested or required under Minnesota Statutes section 473.857.
- (d) Providing advice and recommendations to the Council regarding criteria, guidelines and procedures for administering the local planning assistance fund established under Minnesota Statutes section 473.867.

**2. Metropolitan Significance Matters.** When requested by the Council and pursuant to Minnesota Statutes section 473.173 and the direction of the Committee Chair, the Committee’s assistance may include:

- (a) Providing advice and assistance to the Council in developing and implementing rules establishing standards, guidelines and procedures for determining matters of metropolitan significance.

- (b) Providing advice and assistance to the Council in establishing a procedure for reviews and final determinations on matters of metropolitan significance.

## **ARTICLE II - MEMBERSHIP**

- A. Members.** The Committee shall consist of at least sixteen (16) members, plus a chair. In accordance with Minnesota Statutes section 473.853, the membership of the Committee shall include at least one member from each Council district and provide representation from each metropolitan county, plus a chair. At least one-half of the members shall be elected officials of local governmental units. The Committee members shall perform their advisory committee functions under the supervision and direction of the Committee Chair.
  
- B. Officers.** The officers of the Committee are the Chair, Vice Chair and Secretary. The Chair and Vice Chair must be Committee members. The Secretary shall be a Council employee.
  - 1. *Committee Chair.*** The Committee Chair shall be recommended by the Chair of the Council, approved by the Council, and shall serve as a voting member of the Committee. The Committee Chair shall preside at all Committee meetings and have the duties and responsibilities normally attendant upon that office as well as duties and responsibilities prescribed by these bylaws and delegated or assigned by the Council or the Committee. The Committee Chair shall serve as Chair for a two-year term, or until the Chair's successor is appointed, and may be reappointed Chair for one or more additional two-year terms.
  
  - 2. *Committee Vice Chair.*** The Committee Chair shall name a Committee Vice Chair from among the Committee members subject to the approval of the Committee. The Vice Chair shall act for the Chair during the Chair's temporary absence or disability. The term of the Vice Chair shall be one year commencing at the first meeting in January, or until the Vice Chair's successor is appointed. The Vice Chair may be reappointed Vice Chair for one or more additional one-year terms.
  
  - 3. *Committee Secretary.*** The Committee Secretary shall be a designated Council employee. The Secretary shall not participate in Committee discussions about or vote on any matters before the Committee. The Secretary shall keep a current and correct journal of all Committee proceedings.
  
- C. Terms.** Pursuant to Minnesota Statutes section 473.853, each Committee member shall be appointed for the same period as the term of the Council member for the district in which the Committee member resides. In the event a Council member resigns or otherwise ceases to be a Council member prior to the expiration of the Council member's full term, the Committee member appointed from that district may continue to serve until the expiration of the full term of the Council member for which the Committee member originally was appointed.
  
- D. Committee Vacancies.** Committee members shall communicate their intentions to resign to the Committee Chair in writing. When a vacancy occurs, the Committee Chair shall immediately notify the Council Chair and the Council shall, as soon thereafter as possible, appoint a new Committee member to fill the vacated position for the unexpired term.

### ARTICLE III - MEETINGS OF THE COMMITTEE

- A. Regular Meetings.** The Committee shall hold regular meetings. Regular meetings of the whole Committee shall be scheduled to be held once a month in the Metropolitan Council Chambers, or at such other place as may be determined by the members of the Committee or the Council. The public shall be notified of Committee meetings in accordance with applicable law and general Council procedures.
- B. Special Meetings.** Special meetings of the Committee may be held at any time upon the call of the Chair, the Vice Chair, or any six (6) other members of the Committee. Notice of special meetings shall include the date, time, place and agenda and be sent to the Committee members at least three (3) calendar days prior to the meeting. There shall be adequate public notice of such meetings. In the event of an emergency, notice may be waived by two-thirds of the Committee. Business transacted at a special meeting where notice has been waived may be called for reconsideration at the next regular meeting of the Committee.
- C. Quorum.** A majority of the Committee members shall constitute a quorum for the conduct of Committee business, except that a quorum shall not be necessary for conducting public hearings. If a quorum exists at any time during the meeting, a quorum is then determined to exist for the remainder of the meeting. Should a quorum not exist the Chair may, in the Chair's discretion, entertain and report any general discussions and any consensus of the Committee members present at the meeting.
- D. Public Participation.** All Committee meetings shall be open to the public. The Committee Chair may, subject to challenge by a majority of the Committee members, permit or close public discussion on any agenda item. Public participation at a Committee meeting relative to specific agenda items should, to the extent possible, present new information not previously made available to the public.
- E. Conflicts of Interest.** No Committee member shall participate in any deliberations or vote on any matters or proposals in which the Committee member has a conflict of interest. A conflict of interest exists when: (1) an action or decision by the Committee or the Council could substantially affect the Committee member's financial interests or the financial interests of an organization with which the Committee member is affiliated; (2) the Committee member is a director, trustee, officer, employee or agent of an institution or organization directly involved in an issue or proposal before the Committee or the Council; (3) the Committee member is related by blood or marriage to an individual directly affected by an issue or proposal before the Committee or the Council; or (4) the Committee member knows or has reason to know an organization with which the Committee member is affiliated or is reasonably likely to become a participant in a project or development which will be affected by an action or decision by the Committee or the Council.

A conflict of interest generally does not exist if the effect of a Committee or Council action or decision on the Committee member will be no greater than on other individuals engaged in the business, profession or occupation of the Committee member, or if the effect on the organization with which the Committee member is affiliated is indirect, remote and insubstantial.

Prior to the commencement of Committee deliberations, a Committee member who has a conflict of interest shall orally disclose to the Committee Chair that the Committee member has a conflict of interest. The Committee member also shall prepare a written statement describing the matter requiring action or decision and the nature of the Committee member's conflict of interest. The written disclosure shall be entered upon the minutes of the Committee at the Committee's next meeting. The written disclosure shall be submitted to the Committee Chair no later than one week after the Committee member becomes aware of the conflict of interest.

**F. Order of Business.** The business of the Committee shall be conducted in the following order:

1. ***Roll Call.*** Roll call by the Secretary of the presiding officer.
2. ***Agenda Approval.*** Motions, if any, by Committee members to amend the published agenda and approval of the agenda or the amended agenda.
3. ***Minutes Approval.*** Approval of the minutes of prior meetings.
4. ***Recitals.*** Recitals regarding petitions and communications to the Committee.
5. ***Agenda.*** Consideration of agenda items on the published agenda or the amended agenda.
6. ***Other Business.*** Other matters which properly may come before the Committee.
7. ***Reports.*** Reports of officers, Committee members and staff.
8. ***Presentations.*** Presentations by interested public at the meeting wishing to be heard on Committee matters not included on the agenda.
9. ***Adjournment.*** Motion to adjourn.

**G. Conduct of Business.** The business of the Committee shall be conducted in accordance with the following provisions:

1. ***Robert's Rules of Order.*** Committee meetings shall be governed by *Robert's Rules of Order* (most recent revision), to the extent they are consistent with laws or these bylaws, as well as Council and Committee bylaws and all other applicable Council policies and procedures. If these bylaws conflict with the Council's bylaws or applicable law, the Council's bylaws and applicable law shall prevail.
2. ***Suspension of Rules.*** Committee rules and procedures may be suspended by two-thirds vote of the Committee members present.
3. ***Voting, Motions and Recording.*** Voting on any matter shall be by voice vote, provided that roll call votes shall be called and recorded on any issue if requested by one or more Committee members. Upon request of any Committee member, the Secretary shall repeat the motion and name the mover and the secondor immediately preceding a vote by

the Committee. There shall be no voting by proxy and each member shall be entitled to only one vote on any issue.

4. **Public Record.** All minutes and reports of the Committee shall be retained on file at the Metropolitan Council offices and shall be available for inspection by any member of the public unless otherwise made not public by the Minnesota Government Data Practices Act or other applicable state or federal law.

#### **ARTICLE IV - SPECIAL COMMITTEES**

The Committee Chair may appoint or dissolve special committees of the Committee, subject to Committee approval. Except as otherwise provided in these bylaws, procedures governing notification of meeting time and place, order of business, and conduct of business at meetings of special committees shall be the same as those for meetings of the Committee. Subcommittees may be formed to address existing or emerging issues.

#### **ARTICLE V - STAFFING**

The Community Development Division Director shall designate a Committee Secretary and shall assign Council staff to assist the Committee in carrying out its duties and responsibilities.

#### **ARTICLE VI - EXPENSE REIMBURSEMENT**

The Committee members shall serve without compensation but may be reimbursed for reasonable expenses in accordance with adopted Council policy.

#### **ARTICLE VII - AMENDMENT OF BYLAWS**

The Committee may recommend amendments to these bylaws by a two-thirds vote of the members present at any regular meeting of the Committee provided written notice setting forth in detail the contents of the proposed amendments has been given to Committee members at least ten (10) days prior to the meeting. Recommended amendments shall not be effective unless approved by the Council pursuant to the Council's bylaws.

Adopted by the Metropolitan Council December 15, 1999.

Amended by the Metropolitan Council January 14, 2004.

**LAND USE ADVISORY COMMITTEE**

December 2013

Authorized by: Minnesota Statutes - Section 473.127 and 473.853  
 Appointed by: Metropolitan Council  
 Membership: 16 Members (At least one-half of the members shall be elected officials of local governmental units.)  
 Term: 1 Chairman, appointed by Metropolitan Council  
 The same period as the term of the Council member for the district in which the Committee member resides.  
 Qualifications: Reside in district to which appointed, except Chairman

<b>Council District/ County</b>	<b>Name and Address</b>	<b>Contact Information</b>	
Chair	Jon Commers 2294 Commonwealth Ave. St. Paul, MN 55108	C: 651.645.4644 <a href="mailto:jon.commers@metc.state.mn.us">jon.commers@metc.state.mn.us</a>	
1	Marvin Johnson 6325 Co Rd 6 Independence, MN 55359-9508	H: 763-479-2274 C: 612-840-3423 <a href="mailto:marvdjohnson@gmail.com">marvdjohnson@gmail.com</a>	Elected Official, Mayor of Independence
2	Tami Diehm 5125 Saint Moritz Drive Columbia Hts., MN 55421  <b>Preferred Mailing Add.:</b> Winthrop & Weinstine, P.A. 225 S Sixth St., Ste. 3500 Minneapolis, MN 55402	W: 612.604.6658 (preferred) H: 763.574.2122 C: 763.245.3263 <a href="mailto:tdiehm@winthrop.com">tdiehm@winthrop.com</a>	Elected Official, Columbia Heights – City Council Member
3	Kim Kang 4295 Watertown Road Orono, MN 55359	C: 612.387.6509 <a href="mailto:kimk@arcmn.org">kimk@arcmn.org</a>	
4 (Carver)			
4 (Scott)	Jon Ulrich 14043 Walters Way Savage, MN 55378	W: 952.447.2286 H: 952.447.6278 C: 612.716.6724 <a href="mailto:julrich@co.scott.mn.us">julrich@co.scott.mn.us</a> <a href="mailto:jonulrich@integraonline.com">jonulrich@integraonline.com</a>	Elected Official, Savage – Scott County Commissioner
5	William Neuendorf 5625 York Avenue S Edina, MN 55410	W: 651.789.1406 H: 952.920.9255 C: 952.491.1143 <a href="mailto:Billn@tlcminnesota.org">Billn@tlcminnesota.org</a> <a href="mailto:wneuendorf@yahoo.com">wneuendorf@yahoo.com</a>	
6	Kathi Hemken 3657 Maryland Avenue N New Hope, MN 55427  <b>Preferred Mailing Address:</b> 4401 Xylon Ave. N New Hope, MN 55427	W: 763.537.7990 <a href="mailto:KHemken@ci.new-hope.mn.us">KHemken@ci.new-hope.mn.us</a>	Elected Official, New Hope - Mayor
7	Andrew Hestness 3932 18 <sup>th</sup> Avenue South Minneapolis, MN 55407	W: 612.235.4974 H: 612.331.3933 C: 612.618.7989 <a href="mailto:ahestness@nacdi.org">ahestness@nacdi.org</a>	



<b>Council District/ County</b>	<b>Name and Address</b>	<b>Contact Information</b>	
8	Chip Halbach 1620 E River Terrace Minneapolis, MN 55414  <b>Preferred Mailing Address:</b> 2446 University Ave. W #140 St. Paul, MN 55114	W: 651.928.5547 H: 651.338.5959 C: 612.396.2057 <a href="mailto:chalbach@mhponline.org">chalbach@mhponline.org</a> <a href="mailto:chiphalbach@hotmail.com">chiphalbach@hotmail.com</a>	
9			
10	Amy Ihlan 1776 Stanbridge Ave. Roseville, MN 55113	W: 612.337.8410 H: 651.635.9152 C: 651.336.3930 <a href="mailto:Amy@Briollaw.com">Amy@Briollaw.com</a> <a href="mailto:Amy.J.Ihlan@gmail.com">Amy.J.Ihlan@gmail.com</a>	
11	Phillip Klein 6760 165 <sup>th</sup> Street Hugo, MN 55038  <b>Preferred Mailing Address:</b> P.O. Box 454 Hugo, MN 55038	W/C: 651.246.4024 H: 651.653.7152 <a href="mailto:phil.klein@catholicfinanciallife.org">phil.klein@catholicfinanciallife.org</a> <a href="mailto:philklein7@msn.com">philklein7@msn.com</a>	Elected Official, Hugo – City Council Member
12	Kristina Smitten 2333 Jackson Circle Marine on St. Croix, MN 55047	W/C: 651.246.9443 H: 651.433.3626 <a href="mailto:ksmitten@smittengroup.com">ksmitten@smittengroup.com</a>	
13	James McLean 350 St. Peter St, #321 St. Paul, MN 55102	W: 651-265-2795 C: 612-805-9670 <a href="mailto:Jmmcclean@gmail.com">Jmmcclean@gmail.com</a> <a href="mailto:james@saintpaulchamber.com">james@saintpaulchamber.com</a>	
14	Elizabeth Wefel 977 Goodrich Ave., #4 Saint Paul, MN 55105	W: 651.259.1924 H: 651.225.1139 C: 651.492.3998 <a href="mailto:eawefel@flaherty-hood.com">eawefel@flaherty-hood.com</a> <a href="mailto:eawefel@gmail.com">eawefel@gmail.com</a>	
15	Elizabeth Kautz  <b>Preferred Mailing Address:</b> 100 Civic Center Parkway Burnsville, MN 55337	W: H: C: <a href="mailto:elizabeth.kautz@ci.burnsville.mn.us">elizabeth.kautz@ci.burnsville.mn.us</a>	Elected Official, Burnsville – Mayor
15	William Droste 13832 Danbury Path Rosemount, MN 55068  <b>Preferred Mailing Address:</b> 2875 145 <sup>th</sup> Street West Rosemount, MN 55068	W/C: 651.280.5630 H: 651.423.1944 <a href="mailto:mayor@ci.rosemount.mn.us">mayor@ci.rosemount.mn.us</a> wdroste@frontiernet.net	Elected Official, Rosemount – Mayor
16	Colleen Ratzlaff Labeau 21483 Grenada Avenue Lakeville, MN 55044	C: 952-292-7235 <a href="mailto:crlabeau@yahoo.com">crlabeau@yahoo.com</a>	Elected Official, Lakeville City Council Member

**Metropolitan Council Staff:**

Guy Peterson, Director – Community Development  
Deb Detrick, Planning Analyst  
Sandi Dingle, Principal Administrative Specialist

651-602-1306 [Guy.Peterson@metc.state.mn.us](mailto:Guy.Peterson@metc.state.mn.us)  
651-602-1327 [Debra.Detrick@metc.state.mn.us](mailto:Debra.Detrick@metc.state.mn.us)  
651-602-1312 [Sandi.Dingle@metc.state.mn.us](mailto:Sandi.Dingle@metc.state.mn.us)

# Background Information for Land Use Advisory Committee Orientation 2013

## Recent Membership Changes

In July 2011, the Metropolitan Council appointed 17 members of the Land Use Advisory Committee (LUAC) and approved Chair Haigh's recommendation for Council Member Jon Commers to serve as Chair of the committee. At least half of committee members must be elected officials of local government units. New appointments followed recent vacancies and redistricting in 2013 that modified Council districts.

## Summary of Committee's Recent Work

Over the past two years, LUAC concentrated on efforts supporting the ongoing development of the next Comprehensive Development Guide for the region, known as *Thrive MSP 2040 (Thrive)*. This long-range plan is described at [Thrive MSP 2040](#). The Council expects to adopt *Thrive* in April 2014.

Additional information on outcomes and agenda topics appears below, with links to presentations and handouts for most meetings in 2013.

## Outcomes on geographic planning areas

The most notable outcome of LUAC's recent work was its recommendation on geographic planning areas to the Council's Committee of the Whole. Geographic planning areas group similar communities and will be used to implement high-level policies in *Thrive* at the community level. LUAC's recommendation followed substantial analysis and discussion during meetings held from January through July of 2013.

- LUAC's recommendation on planning areas to the Committee of the Whole at [Geographic Planning Areas: Recommendation of Land Use Advisory Committee, Aug. 14, 2013](#).
- Proposed policy direction on planning areas to the Committee of the Whole for discussion and confirmation at [Geographic Planning Areas: Proposed Policy Direction, Oct. 30, 2013](#).

## Other Thrive MSP 2040 topics

- Initial plans for updating *Regional Development Framework* (current regional plan), Sept. 15, 2011.
- Peer cities project (analysis to prepare for *Thrive*), Jan. 19 and March 15, 2012.
- Regional forecasting, Nov. 17, 2011, and May 17, 2012.
- *Thrive* planning process and LUAC input, July 19, 2012.
- *Transportation Policy Plan*, Nov. 15, 2012.
- Public engagement plans for *Thrive*, March 21, 2013.
- Water supply issues in the metro area at [Groundwater Issues](#), Sept. 19, 2013.
- Land use strategies for *Transportation Policy Plan* at [Memo on Land Use Strategies](#), Nov. 21, 2013.

## Additional topics

- Healthy Planning: A review of developed community comprehensive plans by Minnesota Dept. of Health, Sept. 20, 2012.
- SAC (Sewer Availability Charge) Work Group recommendations at [2013 SAC Work Group Process & Findings](#), Nov. 21, 2013.

**The Council is located at 390 N. Robert St. in St. Paul,** on the southeast corner of 6th St. and Robert St.

**If you're driving:**

- **From the west,** take I-94 eastbound, take the 5th St. exit, follow 5th St. to Robert, turn left (north) on Robert St. one block to 6th St.
- **From the east,** take I-94 westbound to 6th St. exit (left lane exit), go straight east on 6th St. to Robert St.
- **From the north,** take I-35E southbound to Wacouta St. exit, go straight ahead to 6th St. and turn right (west) on 6th St. to Robert St.
- **From the south,** take I-35E northbound to the Kellogg Blvd. exit. Turn right on Kellogg, then left on West 7th St. to Robert St. , then south on Robert St. to 6th St.



**Parking** is available on the street and is free after 4:30 p.m. Committee Members are able to request reimbursement for parking at a meter, as well as for mileage. Contact Met Council staff (Sandi Dingle) for the reimbursement form and more information.

**Validated Parking Ramps for Land Use Advisory Committee Members:**

**For validated parking (for Committee Members), please park in one of the two ramps listed below:**

1. Pull ticket
2. Bring to Met Council staff person (Sandi Dingle) to have stamped
3. Return to cashier when leaving

**US Bank Parking Center - 326 Minnesota Avenue**

Enter from Minnesota Avenue between 5<sup>th</sup> & 6<sup>th</sup> Streets.

To walk to 390 N. Robert Street:

- Leave parking ramp elevators on the Skyway Level #2.
- Follow the 375 Jackson/Robert Street sign.
- Pass popcorn store and walk over Robert Street and take stairs down. (Elevator is located to the right just before stairwell.)
- 390 Building entrance is straight across small plaza.

**1<sup>st</sup> National Bank Building Ramp – 332 Minnesota Avenue**

Enter from 5<sup>th</sup> Street between Minnesota & Robert Streets.

To walk to 390 N. Robert Street:

- Leave parking ramp elevators on Skyway Level
- Go straight to “US Bank Center” sign, then follow 375 Jackson sign (green skyway)
- Pass popcorn store and walk over Robert Street and take stairs down.
- 390 Building entrance is straight across small plaza.



## Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶	
	<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.)		Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Employer identification number									

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a “saving clause.” Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called “backup withholding.” Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### **Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

### **Updating Your Information**

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

### **Penalties**

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

### **Specific Instructions**

#### **Name**

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the “Name” line. You may enter your business, trade, or “doing business as (DBA)” name on the “Business name/disregarded entity name” line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the “Name” line and any business, trade, or “doing business as (DBA) name” on the “Business name/disregarded entity name” line.

**Disregarded entity.** Enter the owner's name on the “Name” line. The name of the entity entered on the “Name” line should never be a disregarded entity. The name on the “Name” line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the “Name” line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the “Business name/disregarded entity name” line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the “Name” line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the “Name” line is an LLC, check the “Limited liability company” box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter “P” for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter “C” for C corporation or “S” for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the “Name” line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the “Name” line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>1</sup> The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

#### Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.