

**COOPERATIVE AGREEMENT
FORMING AND EMPOWERING THE
ROCKFORD METROPOLITAN AGENCY FOR PLANNING**

Version: May 22, 2008

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1 **RECITALS**

2 **WITNESSETH THAT:**

3 **WHEREAS** The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the
4 Transportation Equity Act for the 21st Century (TEA-21), and the Safe,
5 Accountable, Flexible, Efficient Transportation Equity Act - A Legacy For Users
6 (SAFETEA-LU) require that each urbanized area, as a condition to the receipt of
7 Federal capital or operating assistance, have a continuous, cooperative and
8 comprehensive transportation planning process that results in plans and programs
9 consistent with the comprehensively planned development of the urbanized area; and

10 **WHEREAS** It is reasonable and probable to anticipate that Federal action will take place in
11 the near future that will reaffirm the need for a comprehensive transportation
12 planning process and said process will be substantially similar to the provisions
13 of the ISTEA, TEA-21 and SAFETEA-LU; and

14 **WHEREAS** the Rockford Metropolitan Agency for Planning (RMAP) has performed
15 comprehensive transportation for the Rockford Urbanized Area, in accordance
16 with the above said Federal laws and their precursors since 1964; and

17 **WHEREAS** recent changes in funding and additional Federal requirements have created a
18 desire to reorganize the MPO, expand the regional focus of planning for the MPO,
19 and to clarify the powers and duties of RMAP; and

20 **WHEREAS** the Governor of Illinois has designated the RMAP organization as the
21 Metropolitan Planning Organization (MPO) responsible for carrying out the
22 federally-required planning requirements for the area, in cooperation with the
23 State; and

24 **WHEREAS** the laws of the State of Illinois, specifically the Intergovernmental Cooperation
25 Act, 5 ILCS 220/1 et seq., permit two or more governmental units to contract for
26 the purposes set forth; NOW, THEREFORE, IT IS AGREED BY AND AMONG
27 THE PARTIES HEREIN THAT:

28 **ARTICLE 1. NAME**

29 Upon ratification of this cooperative agreement, hereafter referred to as the Agreement or the
30 RMAP Agreement, by the legislative authorities of all participating entities, including the City
31 of Rockford, the City of Loves Park, the City of Belvidere, the Village of Machesney Park, the
32 County of Boone, County of Winnebago (all in Illinois), and the State of Illinois, a joint
33 transportation planning organization called the Rockford Metropolitan Agency for Planning,
34 hereafter referred to by said name or the acronym "RMAP", is hereby formed with the
35 purposes, powers and structure set forth below.

36 **ARTICLE 2. PURPOSE AND DUTIES OF RMAP**

37 RMAP is created to perform and carry out a continuing, cooperative, comprehensive
38 transportation planning process for the Rockford Urbanized Area in accordance with
39 applicable Federal laws, policies and procedures, and with the cooperation and assistance
40 of its members and the U.S. Department of Transportation. Unless otherwise specified by
41 subsequent amendments to U.S.C. 134 and 49 U.S.C. 1607, the duties of RMAP shall include:

- 42 1. The development and maintenance of a transportation plan, including strategies to make
43 more efficient use of existing transportation systems (acronym LRTP).
- 44 2. The development and annual update of a transportation improvement program consistent
45 with the transportation plan (acronym TIP).
- 46 3. The development and annual update of a unified planning work program which
47 coordinates the area's transportation planning activities (acronym UWP).
- 48 4. Other planning and project development activities necessary to address transportation
49 and land use issues in the region including technical assistance to the RMAP members.

50 **ARTICLE 3. ORGANIZATION AND GENERAL POWERS AND DUTIES**

- 51 1. RMAP shall consist of a Policy Committee, a Technical Committee, a Mobility
52 Subcommittee, and other standing or temporary/special purpose committees as
53 needed to carry out the duties and functions of RMAP.
- 54 2. RMAP planning shall be guided by the Policy Committee which shall have final
55 authority over all matters within the jurisdiction of RMAP.
- 56 3. The Technical Committee shall be established for the purpose of providing technical
57 advice and recommendations to the Policy Committee, and conducting or overseeing the
58 technical planning functions and duties of RMAP.
- 59 4. For administrative purposes, a local fiscal agent shall be designated. Unless otherwise
60 changed by the Policy Committee, the fiscal agent for RMAP shall be the City of
61 Rockford. RMAP employees shall be subject to the employment rules of the fiscal agent.
- 62 5. The Policy Committee shall have the responsibility to hire an Executive Director. The
63 Executive Director position shall be full-time and shall have the responsibility to hire
64 the RMAP staff.
- 65 6. The State of Illinois Department of Transportation shall assist the fiscal agent and the
66 Executive Director in securing data and source materials necessary for the effective
67 accomplishment of the transportation planning process.

68 **ARTICLE 4. POLICY COMMITTEE**

69 The Policy Committee membership shall be representative of the general purpose units of
70 government in the planning area and particularly those in the Urbanized Area. The Policy
71 Committee shall consist of the following persons or their duly authorized representatives.

72

RMAP Policy Committee		
	Entity	Representative
73		
74	1 Belvidere	Mayor
75	2 Boone County	Board Chairman
76	3 Illinois Department of Transportation	Region Engineer (Region 2)
77	4 Loves Park	Mayor
78	5 Machesney Park	Village President
79	6 Rockford	Mayor
80	7 Winnebago County	Board Chairman

81 **ARTICLE 5. TECHNICAL COMMITTEE MEMBERSHIP**

82 Unless otherwise expanded or modified by further action of the Policy Committee, the
83 Technical Committee shall consist of one duly authorized representative from the following
84 transportation planning or implementing agencies with responsibility in the urban area:

RMAP Technical Committee	
Voting Members	
1	Belvidere Public Works Department
2	Belvidere/Boone Regional Planning Commission
3	Boone County Highway Department
4	Cherry Valley, Village of
5	Greater Rockford Airport Authority
6	Illinois Department of Transportation, Region 2
7	Loves Park Public Works Department
8	Loves Park Community Development Department
9	Machesney Park Planning Department
10	Rockford Community Development Department, Planning Division
11	Rockford Mass Transit District
12	Rockford Public Works Department
13	Roscoe, Village of
14	Winnebago County Highway Department
15	Winnebago, Village of
16	Winnebago County Planning and Economic Development Department

103 **ARTICLE 6. POWERS AND DUTIES OF THE POLICY COMMITTEE**

104 1. The RMAP Policy Committee and the Illinois Department of Transportation (IDOT) shall
105 jointly share the responsibility for developing and maintaining the transportation plans
106 and programs as required by State and Federal law. To the extent possible and
107 depending upon State and Federal appropriations, IDOT shall make funding available
108 to RMAP for the purpose of carrying out these responsibilities.

109 2. The Policy Committee shall have the authority to determine membership changes or
110 additions on the Technical Committee in accordance with the terms set forth below.

111 3. The Policy Committee shall have the power to establish and appoint members to other
112 temporary or special purpose committees as needed to carry out the duties of RMAP.
113 Membership on these committees may consist of individuals or come from organizations
114 not otherwise represented on the Technical or Policy Committees. The business of said
115 temporary or special purpose committee shall be conducted in a manner similar to that
116 outlined for the Technical Committee and as further directed by the Policy Committee.

117 4. The Policy Committee shall annually elect a Chairman and a Vice Chairman from its
118 membership, said election to occur at the Policy Committee meeting in June, or the
119 nearest meeting thereafter, of each year. The Chairman of the Policy Committee shall
120 not be the Region Engineer of the Illinois Department of Transportation.

- 121 5. The Policy Committee shall have the authority to designate or change the fiscal agent
122 for RMAP, and to hire, replace or change the Executive Director.
- 123 6. The Policy Committee shall have the authority to enact by-laws further governing or
124 directing the activities and procedures of RMAP and expanding upon the terms of this
125 Agreement, provided such by-laws do not conflict with the terms of this Agreement.
- 126 7. Subject to approval by the Policy Committee, RMAP is empowered to enter into contracts
127 and agreements with units of Federal, State and local government, private corporations,
128 not-for-profit organizations, partnerships and individuals for purposes within the authority
129 of RMAP.
- 130 8. Subject to approval of the Policy Committee, RMAP is empowered to receive grants,
131 loans, gifts, bequests and funding from Federal, State, and local units of government,
132 and from public and private sources. All said funding shall be coordinated annually
133 through the Unified Planning Work Program (UWP).
- 134 9. The Policy Committee shall approve and maintain the Transportation Plan, and shall
135 annually review and approve the Transportation Improvement Program and the Unified
136 Planning Work Program.
- 137 10. The Policy Committee shall direct and oversee the planning process to ensure the
138 following in accordance with applicable Federal laws: involvement of appropriate public
139 and private transportation providers; nondiscrimination on the basis of age, race, color
140 or national origin; appropriate involvement of minority business enterprises; adequate
141 plans and provisions for the transportation-handicapped; adequate plans and provisions
142 to control and reduce air pollution; and adequate plans, programs and measures to
143 assure compliance with the terms of other duly enacted State and Federal laws related
144 to the transportation planning / implementation process including but not limited to
145 environmental justice, intelligent transportation systems, transportation safety and service
146 to persons traditionally underserved.

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ARTICLE 7. POWERS AND DUTIES OF THE TECHNICAL COMMITTEE

- 149 1. The Technical Committee shall provide technical advice and recommendations to the
150 Policy Committee on all matters pertaining to the technical planning functions of RMAP
151 and on other related matters referred to them by the Policy Committee.
- 152 2. The Technical Committee shall establish and appoint members to other temporary or
153 special purpose committees as needed to carry out the duties of the Technical
154 Committee. Membership on these committees may consist of individuals or come from
155 organizations not otherwise represented on the Technical or Policy Committees. The
156 business of said temporary or special purpose committees shall be conducted in a
157 manner similar to that outlined for the Technical Committee and as further directed by
158 the Technical Committee.

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**ARTICLE 8. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR AND THE
FISCAL AGENT**

- 162 1. The Executive Director shall supervise and coordinate the activities of RMAP and
163 coordinate the fiscal affairs of RMAP with the fiscal agent.

- 164 2. The Executive Director shall be the Chairman of the Technical Committee and shall
165 designate alternates to act as Technical Committee Chairman in his absence.
- 166 3. The Executive Director shall be responsible for the administrative functions of RMAP
167 including record keeping, correspondence, document maintenance, website, general
168 information dissemination to the public, other supportive services to the RMAP member
169 agencies, and to financial record keeping in coordination with the fiscal agent.
- 170 4. The Executive Director and RMAP staff shall schedule meetings, prepare agendas, issue
171 notices, prepare minutes and generally ensure that all meetings are conducted in
172 accordance with the Illinois Open Meetings Act.
- 173 5. The fiscal agent shall provide preliminary assurance, as needed, of matching funds
174 sufficient to capture available Federal and State subsidies available for transportation
175 and other regional planning purposes. The actual matching funds shall be provided to
176 the fiscal agent by the RMAP Policy Committee members based on population.
- 177 6. After approval by the Policy Committee, the designated fiscal agent shall enter into
178 contracts, as needed, with the State of Illinois Department of Transportation to capture
179 and utilize subsidies available for transportation and other regional planning purposes.

180 **ARTICLE 9. MEETINGS, VOTING, MISCELLANEOUS**

- 181 1. The Policy Committee shall meet regularly on the Thursday following the fourth Tuesday
182 of each month. In regard to Policy Committee meetings, the Policy Committee Chairman
183 or, in the absence of the Chairman, the Vice Chairman shall have the authority to cancel
184 or reschedule meetings, to call special or emergency meetings, to continue meetings, or
185 to change the schedule of regular meetings, as needed to conduct the business of
186 RMAP.
- 187 2. The Technical Committee shall meet regularly on the Thursday following the third
188 Tuesday of each month. In regard to Technical Committee meetings, the Chairman of
189 the Technical Committee shall have the authority to cancel or reschedule meetings, to
190 call special or emergency meetings, to continue meetings or to change the schedule for
191 regular meetings, as needed to conduct the business of RMAP.
- 192 3. A quorum of the Policy or Technical Committees and/or any other temporary or special
193 purpose committee established under the powers established herein shall consist of a
194 majority of the committee's members, respectively, unless otherwise determined by the
195 Policy or Technical Committee.
- 196 4. Policy Committee actions on issues which determine the use or allocation of Federal
197 funds shall require a majority vote of not less than two-thirds (2/ 3rds) the total number of
198 Policy Committee members. Unless otherwise more strictly specified in other parts of this
199 Agreement, all other issues shall be decided by a simple majority vote of the quorum
200 present for the meeting.
- 201 5. Formal minutes shall be kept of all meetings of the Policy Committee, Technical
202 Committee and other special standing or temporary committees.
- 203 6. All meetings shall be open to the public, held in places accessible to persons with
204 disabilities, and conducted in accordance with the Illinois Open Meetings Act.

- 205 7. Voting and representation through another person authorized to act for a member (proxy)
206 is permitted on the Policy Committee. Authorization must be in the form of a written
207 statement from the official member giving proxy. Such authorization may be permanent
208 or limited at the discretion of the official member granting proxy. Absentee voting is not
209 allowed.
- 210 8. Proxy voting and representation is permitted on the Technical Committee, to the extent
211 needed. Written authorization is not required, but new persons or persons not normally
212 representing member agencies shall announce which member agency they are
213 authorized to represent at the start of the meeting. Absentee voting is not provided for
214 and no single person may represent or vote for more than one member agency at any
215 given meeting.
- 216 9. The business of the Policy and Technical Committee meetings shall be conducted in
217 accordance with the following and in the same order of priority to avoid conflict: (1) the
218 terms of this Agreement, (2) applicable by-laws of RMAP, if any, and
219 (3) Roberts Rules of Order.
- 220 10. Major Policy Committee actions shall be made in the form of written resolutions approved
221 or denied through formal motions at the meetings. At the discretion of the Chairman,
222 more routine Policy Committee actions or directions to the Technical Committee, Executive
223 Director or staff may be made in the form of motions. All official actions and the votes
224 thereon shall be recorded in the minutes. Most Technical Committee actions will be in
225 the form of motions which make recommendations or deliver information to the Policy
226 Committee.

227 **ARTICLE 10. MEMBERSHIP CRITERIA AND TERMS - POLICY COMMITTEE**

228 An entity desiring membership to the RMAP Policy Committee should make a formal written
229 request to the Policy Committee. The Policy Committee will review and evaluate all such
230 requests and respond in a timely manner.

231 New members may be added to the Policy Committee at any time and without limitation
232 provided this Agreement is rescinded by all existing members and subsequently or
233 simultaneously reconstituted and adopted/ratified by the legislative bodies of all of the
234 reconstituted membership composition.

235 However, new members may be added to the Policy Committee and this agreement amended
236 without re-ratification by the legislative bodies of the existing members if all of the following
237 criteria and conditions are met.

- 238 1. The new entity is an incorporated village or city within the Rockford Urbanized Area or
239 a County encompassing part of the Rockford Urbanized Area.
- 240 a. If the new entity is a County, it shall contain a population of at least 7,500 persons
241 located within the Census-defined Rockford Urbanized Area, with said 7,500
242 persons not residing within a city or village having representation on the Policy
243 Committee, according to the most recent U.S. Census of Population.
- 244 b. If the new entity is a city or village, it shall contain at least five (5) percent of the
245 population of the Census-defined Rockford Urbanized Area, according to the most
246 recent U.S. Census of Population.

- 247 2. The entity has responsibility (ownership or maintenance) for three (3) road miles or more
248 with Federal route designation on the latest Federal Aid Five-Year Classification Map.
249
- 250 3. The entity has responsibility, including significant financial participation, for substantial
251 public transit service, fixed route and/or demand-response.
- 252 4. The legislative body of the new entity adopts/ratifies this agreement (altered only to
253 include their entity in the list of Policy Committee members).
- 254 5. The existing Policy Committee members unanimously agree to admit the requesting
255 member.

256 **ARTICLE 11. NEW MEMBERSHIP CRITERIA AND TERMS - TECHNICAL COMMITTEE**

257 Technical Committee membership may occasionally need to be changed or added to in
258 response to changes in local government structure or transportation planning emphasis or
259 enlargements of the Urbanized Area. The Policy Committee, by unanimous agreement of its
260 members, shall have the authority, without qualification, to change or add Technical
261 Committee members. The Policy Committee may also appoint new Technical Committee
262 members by simple majority vote if the entity meets all of the following criteria:

- 263 1. The entity provides transportation services or has comprehensive land use and/or
264 transportation planning responsibility totally or partially within the Rockford Urbanized
265 Area.
- 266 2. The entity is eligible to receive, directly or indirectly, funds from the U.S. Department of
267 Transportation and/or the U.S. Environmental Protection Agency.
- 268 3. The entity is able to contract with other entities, either as an autonomous entity itself or
269 as an empowered department or agency of an autonomous entity.
- 270 4. The entity is: (a) a special purpose unit of government; or (b) a county, city or village that
271 provides transportation services or facilities as part or all of its functions; or (c) a
272 not-for-profit corporation whose chartered function under the laws of the State is to
273 provide transportation services.

274 **ARTICLE 12. EQUAL OPPORTUNITY ASSURANCE**

275 The participants of this Agreement hereby certify that as a condition of receiving Federal
276 financial assistance to conduct transportation planning activities, the participants will ensure
277 that:

- 278 1. No person on the basis of age, race, color, or national origin will be subjected to
279 discrimination in the level and quality of transportation services and transit-related
280 benefits.
- 281 2. RMAP will compile, maintain and submit in a timely manner Title VI information required
282 by UMTA Circular 4702.1et seq., and in compliance with the U.S. Department of
283 Transportation's Title VI regulation, 49 CFR Part 21.9.
- 284 3. RMAP will make it known to the public that the person or persons alleging discrimination
285 on the basis of age, race, color, or national origin, as it relates to the provision of

286 transportation services and transit-related benefits, may file a complaint with the Federal
287 Transit Administration and/or the U.S. Department of Transportation.

288 **ARTICLE 13. SEVERABILITY**

289 If any one or more of the provisions of this Agreement, or subsequent by-laws which may be
290 added to direct or govern the activities of RMAP, or subsequent application thereof are
291 declared unconstitutional or contrary to law by a court of competent jurisdiction, such ruling
292 shall not affect any other provision of this Agreement not specifically included in such ruling
293 or which can be given effect without the unconstitutional or invalid provision or application;
294 and to this end, the provisions of this Agreement are declared severable.

295 **ARTICLE 14. RATIFICATION, AMENDMENT AND TERMINATION**

296 1. Ratification of this Agreement shall be made by the Mayors, President, Chairman, or
297 Director of the Cities, Village, Counties, or Department of Transportation, as appropriate,
298 when so empowered by formal action of the appropriate member organization.

299 2. Amendment to this Agreement shall be made in the same manner as initial ratification.

300 3. Additional parties of this Agreement may participate through adoption of an authorizing
301 resolution or ordinance similar to those adopted by the original members: each current
302 party to the Agreement must authorize participation of additional members through
303 adoption of a resolution.

304 4. This Agreement shall become effective upon ratification and shall supercede all prior
305 agreements for cooperative transportation planning in the Rockford Urbanized Area.

306 5. This Agreement shall remain in force continuously and shall be automatically renewed
307 on each succeeding June 30th following initial ratification unless a member presents
308 written notice of intention to terminate the Agreement at least six months prior to the
309 annual automatic renewal date. Regardless of the above, this Agreement may be
310 terminated or amended at any time upon unanimous mutual consent of the members.

311 **ARTICLE 15. EFFECT ON PREVIOUS ACTIONS, POLICIES, AND PLANS**

312 In as much as the MPO has been in existence and has conducted transportation planning for
313 the Rockford Urbanized Area since 1964, this Agreement is intended to establish the
314 authority of RMAP to continue said transportation planning. This agreement shall supercede
315 the RATS Cooperative Agreement previously adopted by Rockford, Loves Park, Machesney Park,
316 Belvidere, Winnebago County, Boone County and the Illinois DOT on July 24, 2003.
317 With regard to all other plans, policies, procedures, studies, resolutions and other
318 official actions previously adopted or established by and through the RATS organization in
319 existence prior to this Agreement, and not in conflict with this Agreement, those official
320 actions shall continue to remain in effect until further definitive action is taken by RMAP to add
321 to, alter, or nullify all or any part of said previous official actions. Further, any policies,
322 resolutions or official actions or parts thereof in conflict with the terms of this Agreement are
323 hereby repealed to the extent of their conflict or inconsistency.

324 **ARTICLE 16. USE OF STP-URBAN FUNDS**

325 1. The parties herein agree that the Policy Committee shall establish and maintain a project
326 selection process, in accordance with Federal guidelines and criteria of the Policy

- 327 Committee, that establishes priority for the use of STP-Urban funds. The evaluation
328 process shall include, but not be limited to, the following:
- 329 a. The project shall have the local commitment in place, including commitment for
330 completion of the design engineering and commitment for the local share of the
331 right-of-way and construction costs.
- 332 b. Priority shall be given to projects with regional significance as defined by the
333 roadway functional classification, traffic volumes and characteristics of travel
334 (regional movement as opposed to land access).
- 335 c. Priority shall be given to projects involving the reconstruction of critical roadways,
336 congestion mitigation, and service to large numbers of persons traditionally
337 underserved by the area’s transportation systems.
- 338 d. Consideration should be given to long-term equity in the geographic distribution of
339 projects relative to population and population density.
- 340 2. The parties herein agree that the priority projects established for Federal funding by
341 RATS and IDOT prior to the adoption of this revised Cooperative Agreement shall remain
342 as follows:
- 343 a. City of Rockford – Harrison Avenue – right-of-way acquisition, construction
344 engineering, and construction.
- 345 i. Phase I - 11th Street to 20th Street.
346 ii. Phase II - Alpine Road to Mulford Road.

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349 **ARTICLE 17 – OTHER PERMITTED CHANGES TO THIS AGREEMENT**

350 After the initial ratification of this Agreement by the legislative bodies of the parties herein, the
351 Policy Committee is authorized to make the following non-substantive, technical changes to
352 this Agreement without further ratification by the legislative bodies:

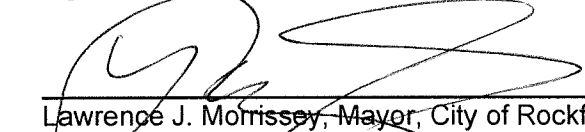
- 353 1. Technical clarifications necessary to keep this document current with changes in Federal
354 law and guidance pertaining to the Federally-required metropolitan planning process.
- 355 2. Codifications that update this document pursuant to actions taken by the Policy
356 Committee in accordance with the powers granted to the Policy Committee in previous
357 portions of this document – such as the addition of new members to the Policy
358 Committee or Technical Committee, changes regarding the Executive Director or fiscal
359 agent, and/or the creation of special subcommittees, said changes concordant with all
360 other provisions herein.
- 361 3. Clarifications that do not substantively alter the terms or spirit of this Agreement but serve
362 to clear up ambiguities of this Agreement.
- 363 4. Changes to prescribed meeting times and places as long as the opportunity for public
364 involvement and comment is not impaired.

365 **ARTICLE 18. LOCAL MATCH PAYMENTS**


366 The required local match, if any, for MPO planning dollars (FHWA PL & FTA 5303) shall be split
367 among the Policy Committee members based on urbanized area population according to the most
368 recent Census of Population issued by the Bureau of the Census. The Illinois Department of
369 Transportation shall be exempt from payment of the local match. The MPO Executive Director shall
370 prepare a quarterly invoice to each of the members as described above and the Fiscal Agent shall
371 transmit formal invoices via US Mail, receipt all monies, and cause all financial records to be completed.
372 All agencies shall comply with the Governmental Prompt Payment Act. Failure to submit payment
373 to the Fiscal Agent in a timely manner shall be reported to the Policy Committee. Suspension or
374 termination of membership shall be decided by the Policy Committee on a case by case basis.

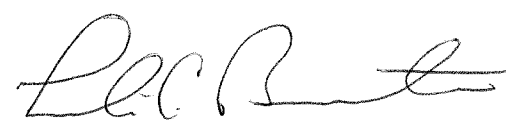
375 **ATTESTATION**


376 The undersigned officials hereby attest that they have been duly authorized by their
377 legislative authorities to enter into this Agreement.


378 _____ June 16, 2008
Lawrence J. Morrissey, Mayor, City of Rockford Date

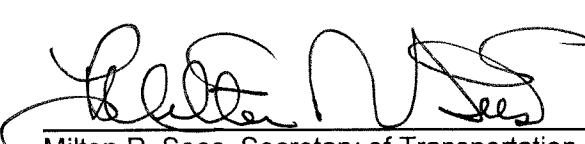

379 _____ June 16, 2008
Darryl F. Lindberg, Mayor, City of Loves Park Date


380 _____ July 7, 2008
Linda M. Vaughn, President, Village of Machesney Park Date


381 _____ June 17, 2008
Frederic C. Brereton, Mayor, City of Belvidere Date


382 _____ June 26, 2008
Scott H. Christiansen, Chairman, Winnebago County Board Date


383 _____ June 11, 2008
Catherine H. Ward, Chairman, Boone County Board Date


384 _____ 7-24-08
Milton R. Sees, Secretary of Transportation, IDOT Date

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