INTERGOVERNMENTAL COOPERATIVE AGREEMENT
EMPOWERING THE
SOUTHERN ILLINOIS METROPOLITAN PLANNING ORGANIZATION

This Cooperative Agreement, hereinafter referred to as the "Agreement", is made and entered into by the following jurisdictions within the state of Illinois: Jackson County, Williamson County, the City of Carbondale, the City of Carterville, the City of Herrin, the City of Marion, the Village of Cambria, the Village of Colp, the Village of Crainville, the Village of Energy, the Village of Spillertown and the State of Illinois acting by and through the Illinois Department of Transportation (IDOT) (collectively, the "Parties"). This Agreement seeks to establish a cooperative intergovernmental framework for the purpose of continuing cooperative and comprehensive transportation planning in and around the Census designated Carbondale Urbanized Area.

WITNESSETH THAT:

WHEREAS, as a result of the 2010 federal Census, the Cities of Carbondale, Carterville, Herrin, and Marion, and certain surrounding incorporated and unincorporated areas, have exceeded a population of 50,000 and met density criteria, thus receiving designation as an urbanized area as noted in the Federal Register, Volume 77, N. 59 published on March 27, 2012;

WHEREAS, 23 U.S.C. 134 and 49 U.S.C. 16024 of the Moving Ahead for Progress in the 21st Century Act ("MAP-21") requires that each urbanized area with a population of 50,000 or more as a condition to the receipt of federal transportation assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area; and

WHEREAS, the undersigned agencies desire to create the Southern Illinois Metropolitan Planning Organization (SIMPO) the transportation planning body serving as the forum for cooperative transportation decision-making for the Carbondale Urbanized Area to fulfill the requirements of MAP-21. Carbondale Urbanized Area hereafter called Southern Illinois Metropolitan Planning Organization Planning Area.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

Article 1. Name

Upon execution of this Agreement by the legislative authorities of all participating local entities including Jackson County, Williamson County, the City of Carbondale, the City of Carterville, the City of Herrin, the City of Marion, the Village of Cambria, the Village of Colp, the Village of Crainville, the Village of Energy, the Village of Spillertown and the State of Illinois acting by and through the Illinois Department of Transportation, a joint transportation planning organization called the Southern Illinois Metropolitan Planning Organization, hereafter referred to as "SIMPO" is hereby established with the purposes, powers, and structure set forth below.

Article 2. Purpose, Duties, and Responsibilities of SIMPO

SIMPO is created to perform and carry out a continuing, cooperative and comprehensive transportation planning process for the Southern Illinois Metropolitan Planning Organization Planning Area in

accordance with applicable federal laws, policies and procedures, and with the cooperation and assistance of its members and the U.S. Department of Transportation. Unless otherwise specified by the subsequent amendments to MAP-21, the duties of SIMPO shall include:

1. Providing a forum for cooperative transportation planning and decision-making, and establishing a public involvement process that ensures opportunities for early and continuing involvement of local governmental units, transit operators, and the general public in the review and evaluation of all transportation plans and programs.

2. Formulating, approving, and periodically updating a multi-modal transportation plan for the metropolitan area which shall conform to all applicable federal requirements and schedules to make more efficient use of existing and proposed transportation systems.

3. Formulating and annually approving the Transportation Improvement Program ("TIP") for the metropolitan planning area, which shall cover a period of not less than three (3) years consistent with the transportation plan.

4. Complying with all applicable federal, State, and local laws, policies, and federal requirements regarding transportation planning and programming.

5. Formulating and annually approving a transportation planning work program which shall identify all transportation-related planning activities funded with State and federal financial aids and technical assistance, including transit planning and programming, in accordance with the provisions of this Agreement.

6. Other planning and project development activities necessary to address transportation issues in the metropolitan planning area.

Article 3. Organization, General Powers and Duties

1. SIMPO shall include a Policy Committee, a Technical Committee, an Advisory Committee, and other standing or temporary/special purpose committees as needed to carry out the duties and functions of SIMPO.

2. SIMPO planning shall be guided by the Policy Committee, which shall have final authority over all matters within the jurisdiction of SIMPO.

3. The Technical Committee shall be established for the purpose of providing technical advice and making recommendation to the Policy Committee and conducting or overseeing the technical planning functions and duties of SIMPO.

4. The Advisory Committee shall include non-voting members from federal and State transportation agencies and other interest groups, and shall be established for the purpose of providing technical assistance, as needed, to the Technical and Policy Committees on all transportation and related issues.

5. For administrative purposes, a local Lead Agency shall be designated. Unless otherwise changed by the Policy Committee, the Lead Agency for SIMPO shall be the Greater Egypt Regional Planning and Development Commission.

6. IDOT, the Jackson and Williamson County Highway Engineer's Offices, and each municipality shall assist the Lead Agency in securing data and source materials for the effective accomplishment of the transportation planning process.

Article 4. Policy Committee Membership

The chief elected, appointed or administrative officials from each eligible unit of local government shall serve as active members and to thereby decide transportation policy issues for the area. In cases where it is not possible for the chief elected, appointed or administrative official to personally participate, an alternate appointment can be provided. If an alternate is appointed, such alternate has the full responsibility and power of the member.

The SIMPO Policy Committee shall be composed of the following representatives, each having one vote:

• Carbondale (Mayor);
• Carterville (Mayor);
• Herrin (Mayor);
• Marion (Mayor);
• Jackson County (Board Chair);
• Williamson County (Board Chair);
• Villages under 5,000 in population such asCambria, Colp, Crainville, Energy, Spillertown will be represented by a single Village President elected by the Villages under 5,000 in population within the Urbanized Area;
• Jackson County Mass Transit or Rides Mass Transit (CEO); and
• IDOT District 9 (Regional Engineer).

Alternate Members – The members designated in this Article, may appoint another person as an alternate to represent them provided that:

1. Such appointment is submitted in writing to the Chairman of the Policy Committee, including the alternate’s title and the time period of such appointment.

2. If the member attends with the alternate, the member's actions take precedence over the alternate’s.

Hereafter in the Agreement, the word “member” means either member or alternate as defined above.

Article 5. Technical Committee Membership

The Technical Committee of the SIMPO is responsible for providing technical advice and recommendations to the Policy Committee and Lead Agency staff on all matters pertaining to the SIMPO planning function, as well as other related matters referred to them by the Policy Committee. This responsibility includes reviewing and providing advice for the development of the annual Unified Work Program, and the assignment of funding and prioritization of projects for the annual Transportation Improvement Program.

The SIMPO Technical Committee shall be composed of the following representatives.

• Carbondale – 1 voting member;
• Carterville – 1 voting member;
• Herrin – 1 voting member;
• Marion – 1 voting member;
• Jackson County – 1 voting member;
• Williamson County – 1 voting member;
• Villages under 5,000 in population (Cambria, Colp, Crainville, Energy, Spillertown) – 1 voting member;
• Jackson County Mass Transit or Rides Mass Transit – 1 voting member; and
• IDOT District 9 – 1 voting member.

Article 6. Advisory Committee Membership

• IDOT Office of Planning;
• Federal Highway Administration - Illinois Division;
• Federal Transit Administration - Region Five;
• The City of Murphysboro;
• Greater Egypt Regional Planning and Development Commission;
• Southern Illinois Airport;
• Williamson County Airport; and
• Southern Illinois University.

Article 7. Powers and Duties of the Policy Committee

1. The SIMPO Policy Committee and IDOT shall jointly share the responsibility for developing and maintaining the transportation plans and programs as required by State and federal law. To the extent possible and depending upon State and federal appropriations, IDOT shall make funding available to SIMPO for the purpose of carrying out such responsibilities.

2. The Policy Committee shall have the power to establish and appoint members to the Technical Committee or other temporary or special purpose committees as needed to carry out the duties of SIMPO.

Membership on these committees may consist of individuals or representatives of organizations not otherwise represented on the Technical or Policy Committees. The business of said temporary or special purpose committee shall be conducted in a manner similar to that outlined for the Technical Committee and as further directed by the Policy Committee.

3. The Policy Committee shall elect a Chairman and Vice-Chairman from its membership, said election to occur every two (2) years in June. The Chairman of the Policy Committee shall not be the District 9 Regional Engineer of the Illinois Department of Transportation.

4. The Policy Committee shall have the authority to enact by-laws governing or directing the activities and procedures of SIMPO provided such by-laws do not conflict with the terms of this Agreement.

5. Subject to approval by the Policy Committee, SIMPO through the Lead Agency shall into contracts and agreements with units of federal, State, and local government, private corporations, not-for-profit organizations, partners, and individuals for purposes within the authority of SIMPO.

6. Subject to approval of the Policy Committee, SIMPO through the Lead Agency shallreceive grants and funding from federal, State, and local units of government, and from public and private sources. All said funding shall be coordinated annually through the Unified Transportation Work Program.

7. The Policy Committee shall approve and maintain the transportation plan, and shall annually review and approve the Transportation Improvement Program (TIP).

8. The Policy Committee shall direct and oversee the planning process to ensure the following in accordance with applicable federal laws: involvement of appropriate public and private transportation providers; non-discrimination on the basis of age, race, income, color or national origin; appropriate involvement of minority business enterprises, women owned enterprises, handicapped owned business enterprises; and maintain adequate plans and provision for the transportation-handicapped.

9. The Policy Committee shall have the authority to assess fees to the entities eligible to be represented by the Policy Committee to provide the required non-federal share of the Program.

Article 8. Powers and Duties of the Technical Committee

1. The Technical Committee shall elect a Chairman and a Vice-Chairman from its membership, said election to occur every two (2) years in June. The Chairman of the Technical Committee shall not be a representative of the Illinois Department of Transportation.

2. The Technical Committee shall provide technical advice and recommendations to the Policy Committee on all matters pertaining to the technical planning functions of SIMPO and on other related matters referred to them by the Policy Committee.

3. The Technical Committee shall establish and appoint members to other temporary or special purpose committees as needed to assist the Technical Committee in carrying out its duties. Membership on these committees may consist of individuals or representatives from organizations not otherwise represented on the Technical or Policy Committees. The Policy and/or Technical Committee shall

direct temporary or special purpose committees, with business to be conducted in a manner similar to that outlined for the Technical Committee.

Article 9. Powers and Duties of the Advisory Committee

1. Advisory Committee members shall be non-voting members.

2. The Advisory Committee shall provide technical assistance to the Policy Committee, Technical Committee, and any special purpose or ad hoc committees on transportation and related issues as requested by the Policy or Technical Committees.

Article 10. Powers and Duties of the Lead Agency

1. The Lead Agency shall supervise and coordinate the activities and act as the administrative agent for SIMPO. The Executive Director shall oversee the Lead Agency's responsibilities as the administrative and financial agent for SIMPO.

2. After approval by the Policy Committee, The Executive Director will enter into contracts, as needed, to obtain and utilize funding available for transportation planning purposes.

3. The Lead Agency shall designate a Director of Transportation Planning who is qualified to facilitate the necessary highway and mass transit planning.

4. The Director of Transportation Planning, working through the Lead Agency, shall be responsible for the following general tasks:

• Administrative and adjutant services of SIMPO, including record keeping, correspondence, local funding disbursement and management, document maintenance, general information dissemination to the public, and other supportive services to and directed by the SIMPO Committees;

• Schedule meetings, prepare agendas, issue notices, prepare minutes and generally ensure that all meetings are conducted in accordance with the Illinois Open Meetings Act;

• Obtain preliminary assurance, as needed, of matching funds sufficient to obtain available State and federal funding available for transportation planning purposes (with actual match to be provided by agencies or entities using said funds);

5. Other member agencies may provide assistance to the Lead Agency as needed.

Article 11. Required Local Funds

The Federal Highway and Federal Transit Planning Programs (hereinafter referred to as "Program") require 20% of the Program is funded with non-federal funds. Local entities, eligible to be represented by

the Policy Committee, are required to contribute on an annual basis, up to 20% of SIMPO's annual operating budget for the Program. To maintain voting privileges, entities must be current with their local contribution. An exception to this rule requires a unanimous vote of the Policy Committee.

Calculation of the Required Local Funds

1. Any state contribution to the Program is applied. In the event the state contributes 100% of SIMPO's required match, a 3.5% contribution will be collected and reserved to offset the cost of future local matching contributions. The reserve fund shall be capped at 20% of SIMPO's annual operating budget for the Program.

2. The remaining balance of the required 20% non-federal share, or reserve fund contribution, will be divided among the local entities in the following manner:

Counties

Will be calculated using a per capita rate based on the non-incorporated population[1] within the Urbanized Area.

Municipalities (population of 5,000 or more)

Will be calculated using a per capita rate based on the population[1] within the Urbanized Area.

Municipalities (population under 5,000) and Mass Transit Districts

A flat fee set by the Policy Committee.

[1] Population from current U.S. Census data

Article 12. Meetings, Voting, and Miscellaneous

1. The Policy Committee shall meet as needed, typically one week after the Technical Committee meetings. In regard to Policy Committee meetings, the Policy Committee Chairman or, in the absence of the Chairman, the Vice Chairman shall have the authority to cancel or reschedule meetings, to call special or emergency meetings, to continue meetings, or to change the schedule of regular meetings, as needed to conduct the business of SIMPO.

2. The Technical Committee shall meet as needed throughout the calendar year. In regard to Technical Committee meetings, the Chairman of the Technical Committee shall have the authority to cancel or reschedule meetings, to call special or emergency meetings, as needed to conduct the business of SIMPO.

3. A quorum of the Policy or Technical Committees and/or any other temporary or special purpose committee established under the powers established herein shall consist of a simple majority of the respective committee's members.

4. Policy Committee actions which determine the use or allocation of Surface Transportation Urban funds shall require at least seven votes; three from the voting group made up of Policy Committee members from Jackson County, City of Carbondale, IDOT, and Transit Agency; and four votes from the

voting group made up of Policy Committee members from Williamson County, City of Marion, City of Herrin, City of Carterville, and the representative of the five villages under 5,000 in population. Unless otherwise more strictly specified in other parts of this Agreement, all other activities of the Policy Committee and all activities of the other committees shall be decided by a simple majority vote of the members present for the meeting.

5. Minutes shall be kept of all Policy and Technical Committee meetings.

6. All meetings shall be open to the public, held in places accessible to the handicapped and conducted in accordance with the Illinois Open Meetings Act.

7. Voting and representation through another person authorized to act for a member (Proxy) is permitted on the Policy Committee. Authorization must be in the form of a written statement from the official member granting proxy. Absentee voting is not allowed.

8. Proxy voting and representation is permitted on the Technical Committee, to the extent needed. Written authorization is required. Absentee voting is not provided for and no single person may represent or vote for more than one member agency at any given meeting.

9. The business of the Policy and Technical Committee meetings shall be conducted in accordance with the following and in the same order of priority to avoid conflict: (1) the terms of this Agreement, (2) applicable by-laws of the Committee or SIMPO, if any, and (3) Roberts Rules of Order.

10. Policy Committee actions approving the Long Range Transportation Plan, Transportation Improvement Program, Unified Work Program, and other substantive planning documents shall be made in the form of written resolutions through formal motions at the meetings. Policy Committee actions or directions to the Technical Committee or Lead Agency staff may be made in the form of motions. All official actions and the votes thereon shall be recorded in the minutes. Most Technical Committee actions will be in the form of motions, which make recommendations or deliver information to the Policy Committee.

11. It is understood that agencies eligible for membership in SIMPO can choose not to participate. Their non-participation will not prevent their use of federal funds, but it will prevent their direct participation in the planning and priority- setting process of SIMPO. It is further understood that each agency shall initiate its own projects, whether or not it chooses to participate in the transportation planning process outlined in this Agreement; and

12. To assure area-wide coordination of transportation planning, SIMPO cooperatively determines the priorities of federally-funded transportation projects within the urbanized area under the monetary control of SIMPO.

Article 13. New Membership Criteria and Terms-Policy Committee

New members may be added to the Policy Committee by simple amendment to this Agreement whereby the amendment is unanimously agreed to by the Policy Committee. However, it is agreed that all the following criteria be met when considering new Policy Committee membership:

1. The existing members and the petitioning entity must reach mutual agreement regarding voting powers and any other factors considered relevant. Decisions on issues involving the use of federal funds should continue to require a majority approval as stated in the article 12 item 4 of this agreement.

2. A formal written request must be made to the Policy Committee for consideration.

Article 14. New Membership Criteria and Terms - Technical Committee

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

1. The entity provides transportation services or has comprehensive land use and/or transportation planning responsibility, totally or partially, within the Southern Illinois Metropolitan Planning Organization Planning Area.

2. The entity is eligible to receive, directly or indirectly, funds from the U.S. Department of Transportation.

3. The entity is able to enter into legal contracts with other entities, either as an autonomous entity itself or as an empowered department or agency of an autonomous entity.

4. The entity is: (a) a special purpose unit of government; or (b) a city, village, or township that provides transportation services or facilities as part or all of its functions; or (c) a not-for-profit corporation whose chartered function under the laws of the State is to provide transportation; or (d) a member agency of the SIMPO Technical Committee.

Article 15. Equal Opportunity Assurance

The Parties hereby certify that as a condition of receiving federal assistance to conduct transportation-planning activities, the Parties will ensure:

1. That the intent of Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-l) which states, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving

federal financial assistance," is met.

2. SIMPO will compile, maintain, and submit in a timely manner Title VI information required by DPTS Circular 1160.1A and in compliance with the U.S. Department of Transportation's Title VI regulation, 49 CFR Part 21.9.

3. SIMPO will make it known to the public that the person or persons alleging discrimination on the basis of age, race, income, color, or national origin, as it relates to the provision of transportation services and transit-related benefits, may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

Article 16. Severability

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

Article 17. Execution, Amendment and Termination

1. The Mayors, Village Presidents, Chairman of County Boards, and the Department of Transportation shall make ratification of this Agreement by signing in the appropriate space below, when so empowered to do so by formal action of the appropriate member organization.

2. Except for changes to the membership of the Policy, Technical or Advisory Committees made by the Policy Committee, amendment to this Agreement shall be made in the same manner as initial ratification.

3. Additional parties of this Agreement may participate through adoption of an authorizing resolution or ordinance similar to those adopted by the original members; each current Party to the Agreement must authorize participation of additional Parties through adoption of a resolution.

4. This Agreement shall become effective upon execution by all parties and shall supersede agreements for cooperative Transportation Planning in the Southern Illinois Metropolitan Planning Organization Planning Area.

5. This Agreement shall remain in force continuously and shall be automatically renewed on each succeeding June 30th upon execution by all parties unless a signatory member presents written notice of intention to terminate its participation in this Agreement at least ninety (90) days prior to the annual automatic renewal date. Such termination shall not affect the rights and duties of the remaining members or affect the continuing validity of this Agreement as to such remaining members.

NOW THEREFORE BE IT RESOLVED, Approval of this Agreement by the State shall become effective upon execution by all parties and shall supersede all previous agreements in the continuing, cooperative, and comprehensive transportation planning process for the Southern Illinois Metropolitan Planning Organization.

Kevin Baity, City of Carbondale — Date: 10/1/13

Bradley Robinson, City of Carterville — Date: 09-23-2013

Victor Ritter, City of Herrin — Date: 9. 23-13

Robert Butler, City of Marion — Date: 10/1/13

John Rendleman, County of Jackson — Date: 10/02/2013

Ron Ellis, County of Williamson — Date: 9/23/13

Ron Mitchell, Representative for Villages of Cambria, Colp, Crainville, Energy, Spillertown, Crainville — Date: 9-23-13

Jesus Roado, Representative for Mass Transit, Jackson County Mass Transit District — Date: 10/3/2013

Charles Ingersoll, Illinois Department of Transportation — Date: 10-8-13