

REVISED COOPERATIVE AGREEMENT FOR THE DEKALB-SYCAMORE AREA TRANSPORTATION STUDY (DSATS)

This revised cooperative agreement is entered into by and between the City of DeKalb, the City of Sycamore, the Town of Cortland, DeKalb County, the Board of Trustees of Northern Illinois University, and the State of Illinois acting by and through the Illinois Department of Transportation. This agreement establishes a cooperative intergovernmental framework for the DeKalb-Sycamore Area Transportation Study (DSATS), which is charged with providing continuing, cooperative, and comprehensive transportation planning in and around the DeKalb-Sycamore Urbanized Area.

WHEREAS 23 USC Section 134, and Section 1203 of the Transportation Equity Act for the 21st Century (TEA-21), require that each urbanized area with a population of 50,000 or more, as a condition to the receipt of Federal capital or operating assistance for transportation, 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 Article VII, Section 10A of the Constitution of the State of Illinois and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., enable parties hereto to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

NOW, THEREFORE, The undersigned agencies amend the DeKalb-Sycamore Area Transportation Study (DSATS) original Cooperative Agreement forming The DeKalb-Sycamore Area Transportation Study and signed by the Governor of Illinois on April 8, 2003, to modify the existing board structure and sharing of the local match between all member agencies in order to serve as the forum for cooperative transportation decision making for the DeKalb urbanized area thereby fulfilling the requirements of Title 23 U.S.C., Section 134 and Title 49 U.S.C., Section 5303, and

THEREFORE, the signatories to this agreement recommend to the Governor of Illinois that the Cooperative Agreement between the member agencies of the DeKalb-Sycamore Area Transportation Study be amended to modify how the member agencies share the cost of the required local match.

Article I:

Purpose and Duties of the DSATS

- A. DSATS was created to perform and carry out a continuing, cooperative, and comprehensive transportation planning process for the DeKalb-Sycamore Urbanized Area in accordance with applicable Federal laws, policies and procedures, and with the cooperation and assistance of its members and the US Department of Transportation. Unless otherwise specified by subsequent amendments to 23 U.S.C. 134 and 49 U.S.C. § 5303 the duties of DSATS shall include:
1. The establishment and continued functioning of the DSATS Policy Committee, to oversee and coordinate the process for the area in a manner that will insure that the transportation planning and programming decisions are reflective of the needs of local and state governments, transit operations, and the general public.
 2. The development and maintenance of a Long Range Transportation Plan ("LRTP") for the DeKalb-Sycamore urbanized area, including strategies to make more efficient use of existing transportation systems and to integrate local land use/development decisions and regional transportation investments.
 3. The development and annual update of a Transportation Improvement Program ("TIP"), which reflects the Policy Committee's priorities for federal and state investments in the urbanized area's transportation systems, to be developed in accordance with the Long Range Transportation Plan and other pertinent policies adopted by the DSATS Policy Committee.
 4. The development and annual update of a Unified Planning Work Program ("UPWP"), which coordinates the area's transportation planning activities and establishes the priorities for planning initiatives to be undertaken by DSATS.
 5. The development and maintenance of the Public Participation Plan ("PPP") to identify how DSATS and its member organizations shall provide public outreach for all transportation projects and activities.
 6. The development and maintenance of the Human Services Transportation Plan ("HSTP") to identify how DSATS, area public transportation providers, and member agencies shall provide transportation to lower-income and minority populations in the DSATS region and to area human service agencies and medical facilities.
 7. Other planning and project development activities necessary to address transportation issues in the area.

Article II: General Organization and Duties

- A. DSATS shall consist of a Policy Committee, a Technical Advisory Committee, and other standing or temporary/special purpose committees as needed to carry out the duties and functions of DSATS.
- B. The DSATS Policy Committee shall be the recognized decision-making body for the Metropolitan Planning Organization serving the DeKalb-Sycamore urbanized area. The Policy Committee shall guide and approve all DSATS planning activities, and shall have final authority over all decision-making matters within the jurisdiction of DSATS.
- C. The Technical Advisory Committee ("TAC") shall be established for the purpose of providing professional technical advice and recommendations to the Policy Committee, and conducting or overseeing the technical planning functions and duties of DSATS.
- D. The Illinois Department of Transportation ("IDOT") shall assist the Lead Agency in securing data and source materials necessary to the effective accomplishment of the transportation planning process.
- E. DSATS shall operate pursuant to a set of adopted Bylaws, a copy of the most recent set of which is appended hereto as Exhibit . The Bylaws may only be amended with the affirmative vote of three-fourths of the members of the Policy Committee, at a meeting with all members of said Committee present. This provision may not be amended except through an amendment of this Agreement.

D.

Article III: Financial Organization

- A. For administrative purposes, a local Lead Agency shall be designated to act as the fiscal agent for and provide staff support to the DSATS. Unless otherwise amended by the approval of three-fourths-unanimous consent of the DSATS Policy Committee membership, the Lead Agency for DSATS shall be the City of DeKalb.
- B. The lead Agency shall be the recipient of the Federal Highway Administration (FHWA) Planning and Federal Transit Administration (FTA) Section 5303 Planning funds, and shall serve as staff to the DSATS. Depending upon the availability of State and Federal appropriations for Planning (PL) and Section 5303 funds, and subject to IDOT's MPO Distribution Agreement, IDOT shall make funds available to the MPO for the purpose of carrying out these responsibilities.
- C. With the approval of the DSATS Policy Committee, the Lead Agency shall enter into contracts, as needed, with IDOT to capture and utilize subsidies available for transportation planning purposes.

D. ~~The Lead Agency shall provide preliminary assurance, as needed, of the existence of matching funds sufficient to capture available State and Federal subsidies available for transportation planning purposes. with an actual local match planning funds shall be split among local match membersto be provided by the agencies or entities using said funds.~~

D.E. ~~The DSATS member agencies agree to pay a percentage of the 20% required local match of the PL and Section 5303 grant funds to operate DSATS base on the % of Local Match identified in the DSATS Bylaws, Article II. Table 1. Distribution of DSATS Policy Committee Votes and Local Match Share.~~

E. ~~The DSATS member agencies agree to pay a percentage of the 20% required local match of the PL and Section 5303 grant funds to operate DSATS based on the number of votes each member agency has on the DSATS Policy Committee. The table below shows the distribution of local match funds as of the adoption of this revised cooperative agreement:~~

Agency	# of Votes	% of Local Match
City of DeKalb	3	37.5%
City of Sycamore	2	25.0%
Town of Cortland	1	12.5%
DeKalb County	1	12.5%
Northern Illinois University	1	12.5%
Illinois Department of Transportation	1	0%
TOTAL	9	100%

Article IV: Policy Committee Structure

A. ~~The DSATS Policy Committee membership shall be comprised of a total of nine (9) voting members, each having one vote: be identified within the DSATS Bylaws.~~

- ~~1. City of DeKalb: Mayor;~~
- ~~2. City of DeKalb: representative appointed by the Mayor;~~

Commented [DF1]: A.?? Something missing here? This doesn't make sense. How is it split? Pursuant to the split outlined in the Bylaws?

Commented [DF2]: B. C. This section doesn't make sense—Article IV is duplicated, and there is no explanation of the split. How does the split work? Who pays what percentage? Again, per the bylaws?

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- ~~3. — City of DeKalb: representative appointed by the Mayor;~~
- ~~4. — City of Sycamore: Mayor;~~
- ~~5. — City of Sycamore: representative appointed by the Mayor;~~
- ~~6. — Town of Cortland: Mayor;~~
- ~~7. — DeKalb County: Chairman of the County Board;~~
- ~~8. — Northern Illinois University: President of NIU; and~~
- ~~9. — State of Illinois: IDOT District Three (3) Representative~~

~~B. — In addition to the voting membership, the following organizations shall have one (1) non-voting seat each on the DSATS Policy Committee:~~

- ~~1. — Illinois Dept. of Transportation — Office of Policy and Planning: Office of Policy and Planning Representative;~~
- ~~2. — Federal Highway Administration: FHWA Illinois Representative; and~~
- ~~3. — Federal Transit Administration: FTA Region Five (5) Representative~~

~~C.A. Lengths of terms of Policy Committee members shall be left to the discretion of the Chief Elected Official or governing authority for each participating jurisdiction, as provided for by their respective rules for such appointments.~~

~~D. Any member of the DSATS Policy Committee may select a designated voting representative to represent them at the meeting in their absence. A written statement on official letterhead shall be submitted by the Chief Elected Official or governing authority of each member agency designating each Committee member and official proxies. These letters will be kept on file by the DSATS Study Director. Additionally, an official letter should be submitted to the Study Director any time there is a change in committee members or official proxies.~~

~~E. A quorum of the DSATS Policy Committee shall consist of a simple majority of the voting members of the Committee.~~

Commented [DB4]: E. It is suggested moving this to the Bylaws, Article II Membership.

Commented [DB5]: F. This is identified in the DSATS Bylaws, Article II. Membership. It is recommended this be removed from the IGA.

Commented [DB6]: G. This is identified in the DSATS Bylaws, Article II. Membership. It is recommended this be removed from the IGA.

Article V: Policy Committee Responsibilities

A. The DSATS 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.

B. The DSATS Policy Committee shall have the authority to determine membership changes or additions on the Technical Advisory Committee, or any sub-committee, in accordance with the terms set forth in this Agreement.

C. The DSATS Policy Committee shall have the authority to enact bylaws governing the activities and procedures of DSATS, to amend the terms of this Agreement, or to establish policies or agreements pertaining to the functioning of the DSATS.

~~D. Decisions by the DSATS Policy Committee shall be carried by the approval of a majority of the Policy Committee members present at a meeting at which quorum is achieved, except that approval by three fourths of the total Policy Committee membership shall be required for the following:~~

- ~~1. Approval of the Transportation Improvement Program (TIP);~~
- ~~2. Approval of the Unified Planning Work Program (UPWP), including its accompanying budget;~~
- ~~3. Approval of the Public Participation Plan (PPP) or updates (Annual updates of the PPP Appendixes shall only require a simple majority of members present);~~
- ~~4. Approval of new plans, policies, or regulations or modification of existing plans, policies, or regulations dealing with Federal Conformity issues. Staff shall maintain a listing of all plans and policy documents which address Federal Conformity issues;~~
- ~~5. Changing the designated Lead Agency;~~
- ~~6. Approval of changes to the Policy Committee membership, allocation of representation, or allocation of the number of votes allocated to each member organization;~~
- ~~7. Approval of amendments to the text of this Agreement; and~~
- ~~8. Authorization of a DSATS approved "Task Force" or sub-committee to hold a private meeting, as allowed for by the Illinois Open Meetings Act (5-ILCS 120/2). Unless otherwise amended by the adoption of bylaws, the DSATS Policy Committee meetings shall be governed under the Roberts Rules of Order.~~

Commented [DB7]: H. Staff recommends removal of this section in the IGA as it is already identified in the Bylaws, Article I, Section D.

~~**Article VI: Technical Advisory Committee Structure**~~

~~A. The DSATS Policy Committee shall appoint and direct a DSATS Technical Advisory Committee ("TAG"), composed of professional and technical staff from the~~

jurisdictions represented by the Policy Committee, specifically the following representatives, each enumerated jurisdiction, agency or association having one vote:

- ~~1. City of DeKalb: City Engineer, City Manager, Public Works Director, City Planner;~~
- ~~2. City of Sycamore: City Manager, City Engineer;~~
- ~~3. Town of Cortland: Town Administrator, Town Engineer;~~
- ~~4. DeKalb County: County Administrator, County Engineer, County Planning Director/Regional Planning Commission Director;~~
- ~~5. Northern Illinois University NIU Staff representative identified by NIU President;~~
- ~~6. Northern Illinois University Student Association (Huskie Bus): SA President, Transportation Director;~~
- ~~7. Voluntary Action Center (TransVAC): Executive Director, Assistant Director;~~
- ~~8. Illinois Department of Transportation: District Three (3) representative identified by District Three (3) Deputy Director; and~~
- ~~9. Kishwaukee College: Kishwaukee representative (appointed by Kishwaukee College, approved by Policy Committee)~~

~~B. In addition to the voting membership the following representatives shall have one (1) non-voting seat each on the DSATS TAC:~~

- ~~1. DeKalb Taylor Municipal Airport: Airport Manager;~~
- ~~2. Illinois Dept. of Transportation Office of Policy and Planning (OPP): Representative identified by OPP Director;~~
- ~~3. Illinois Dept. of Transportation Division of Public & Intermodal Transportation (DPIT): Representative identified by DPIT Director;~~
- ~~4. Federal Highway Administration: FHWA Illinois Representative;~~
- ~~5. Federal Transit Administration: FTA Region Five (5) Representative;~~

- ~~C. The Chief Elected Official or governing authority of each TAC member agency shall designate in writing on official letterhead, their TAC representative and designated proxy representatives to act on behalf of the member agency at any duly called meeting of the TAC. The names and contact information of the designated member and proxy representatives will be kept on file by the DSATS Study Director. Should there be any changes in TAC membership or designated proxy representatives, the Chief Elected Official or governing authority of the member agency shall submit a letter on agency letterhead to the Study Director identifying the changes.~~
- ~~D. A quorum of the DSATS TAC shall consist of a simple majority of the voting jurisdictions represented on the TAC.~~
- ~~E. Unless otherwise amended by the adoption of bylaws, the DSATS Technical Committee meetings shall be governed under the Roberts Rules of Order.~~

~~**Article VII: Technical Advisory Committee Responsibilities**~~

- ~~A. The DSATS Technical Advisory Committee (TAC) shall provide professional and technical advice and recommendations to the Policy Committee on all matters pertaining to the technical planning functions of DSATS and on other related matters referred to them by the DSATS Policy Committee.~~
- ~~B. The TAC shall be responsible for preparing annually a draft Transportation Improvement Program (TIP), to be submitted for approval by the DSATS Policy Committee.~~
- ~~C. In coordination with MPO staff, the TAC shall be jointly responsible for preparing and maintaining a Long Range Transportation Plan (LRTP), to be submitted for approval by the DSATS Policy Committee.~~
- ~~D. The TAC shall be responsible for forwarding a recommendation to the DSATS Policy Committee on the annual draft Unified Planning Work Program (UPWP) prepared by the MPO staff.~~
- ~~E. The TAC shall provide the MPO staff technical advice concerning special transportation studies.~~
- ~~F. The TAC shall perform other duties as assigned by the Policy Committee.~~

Commented [DB8]: I. Staff recommends the enumeration of TAC membership and duties in the IGA be removed. As TAC is only a recommending body to the PC and therefore do not need to be addressed in the IGA.

~~**Article VIII: Article VI: Lead Agency Responsibilities**~~

A. For further administrative, coordinating, and supervisory purposes, the City Manager of the City of DeKalb shall appoint a Study Director from within the Lead Agency, conditional upon the approval of the appointment by three-fourths of the Policy Committee voting membership. The Study Director shall act as the lead staff person assigned to work with DSATS, and shall be responsible for the ongoing supervision, management, and coordination of the planning and administrative assistance provided to the DSATS. Pertaining to the management of the DSATS program and the completion of assigned tasks, the Study Director shall report to the DSATS Policy Committee for direction.

~~B. Responsibilities of the DSATS Staff shall be identified within Article VII of the DSATS Bylaws.~~

~~B. The Study Director shall be responsible for preparing a draft Unified Planning Work Program (UPWP), to be submitted to the Technical Advisory Committee for their recommendation and to the Policy Committee for adoption.~~

~~C. The Study Director shall be responsible for preparing a draft Long Range Transportation Plan (LRTP), to be submitted to the Technical Advisory Committee for their recommendation and to the DSATS Policy Committee for adoption. Once adopted, the Study Director and the Technical Advisory Committee will be jointly responsible for the timely updating of the Long Range Transportation Plan.~~

~~D. The Study Director shall be responsible for facilitating the Technical Advisory Committee's annual draft Transportation Improvement Program (TIP), to be submitted for approval by the DSATS Policy Committee.~~

~~E. The Study Director shall be responsible for the administrative and planning services of DSATS, 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 DSATS Committees.~~

~~1. The Study Director, with direction from the Policy Committee, shall schedule meetings, prepare agendas, issue notices, prepare minutes, and generally ensure all meetings are conducted in accordance with the Illinois Open Meetings Act.~~

Commented [DB9]: J. Staff recommends the responsibilities of DSATS staff be removed from the IGA and identified within the DSATS Bylaws.

Article IX: Article VII: Equal Opportunity Assurance

The parties involved in this Agreement hereby certify that as a condition of receiving Federal financial assistance to conduct transportation planning activities, they will ensure:

A. That the intent of Title VI of the 1964 Civil Rights Act (42 USC 2000d-1) 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.

- B. That the DSATS will compile, maintain and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the U.S. Department of Transportation Title VI regulation 49 CFR Part 21.9.
- C. That the DSATS will make it known to the public that the person or persons alleging discrimination on the basis of age, race, 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.
- D. All meetings shall be open to the public (except for executive sessions, where applicable) and conducted in accordance with the Illinois Open Meetings Act. ~~A and~~ all meeting locations shall be accessible to the public as required by the Americans with Disabilities Act.

Article X: Article VIII: Federal and State Conformity

- A. DSATS and its member organizations shall agree to conform to all rules and regulations set forth in 23 CFR 450, the Transportation Equity Act for the 21st Century (TEA-21), the Intermodal Surface Transportation and Efficiency Act (ISTEA), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and all subsequent transportation acts when using federal funds for any transportation projects or transportation planning within the DeKalb metropolitan region.
- B. DSATS shall maintain and update, as needed, the plans, policies, and regulations to ensure federal and state conformity. DSATS staff shall maintain a list of all plans, policies, and regulations, which have been adopted by the DSATS Policy Committee to ensure federal and state conformity and make those policies and procedures available for public review.
- C. When using any FHWA or FTA funds for transportation projects, all DSATS member agencies agree to conform to all federal and state of Illinois laws and regulations. In addition, agencies agree to conform to all policies, plans, and procedures developed by DSATS to ensure Federal and State Conformity.

Article XI: Article IX: Amendments & Severability

- A. If any one or more of the provisions of this Agreement is declared unconstitutional or contrary to law, the validity of the remainder of the Agreement shall not be affected thereby.

B. Amendment of this Agreement shall require the unanimous consent of each of the members of DSATS, expressed through a resolution or ordinance of their respective governing bodies.

~~B. This Agreement is subject to amendment with the approval of three-fourths 100% of the voting DSATS Policy Committee voting members, or designated alternates, representing the original parties to this intergovernmental agreement, i.e., the City of DeKalb, the City of Sycamore, the Town of Cortland, DeKalb County, the Board of Trustees of Northern Illinois University, and the State of Illinois acting by and through the Illinois Department of Transportation, and any future parties who may be admitted to the DeKalb-Sycamore Area Transportation Study pursuant to Article XII, Paragraph C.~~

Article XII: Article X: Ratification & Termination

- A. This cooperative agreement shall become effective upon approval by all new/current signatory parties.
- B. Designation of the MPO by the Governor and approval of the Agreement by the State of Illinois shall be considered acceptance of the provisions and objectives contained herein and shall constitute an agreement between the jurisdictions heretofore mentioned to cooperate in the continuing, cooperative, and comprehensive transportation planning process for the DeKalb-Sycamore Urbanized Area.
- C. A jurisdiction which is eligible and wishes to be part of this Agreement may do so by adoption of a resolution; said resolution agreeing to the provisions of this Agreement shall be delivered to the DSATS Policy Committee. Approval by three-fourths of the voting members of the Policy Committee membership shall be required.
- D. This Agreement shall remain in force continuously and shall automatically be renewed on each succeeding June 30th following initial ratification.
- E. Any party to this Agreement may withdraw by giving written notice to the DSATS Policy Committee, not less than sixty (60) days prior to the effective date of termination. Termination from this agreement shall not relieve the withdrawing party from compliance with federal requirements for cooperative transportation planning and programming.

ATTEST:

City Clerk

City Clerk

~~Town Clerk~~

County Clerk

General Counsel
Northern Illinois University

~~Kris Povlsen~~, Mayor
City of DeKalb

~~Ken Mundy~~, Mayor
City of Sycamore

~~Bob Seyller~~, Mayor
~~Town of Cortland~~

~~Larry Anderson~~, County Chair
DeKalb County

~~Marc J. Strauss~~
Chair – Board of Trustees

Northern Illinois University

~~Gary Hannig~~ Randy Blankenhorn,
Secretary
Illinois Department of Transportation

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D.