

AUTHORIZING THE SFY2026 DOWNSTATE OPERATING ASSISTANCE AGREEMENT BETWEEN THE CITY OF DEKALB AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs under Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the Illinois Department of Transportation ("IDOT") provides grant funding to reimburse 65% of the operating expenses for the City's transit system under a Downstate Public Transportation Operating Assistance Agreement for SFY2026 ("Agreement"); and

WHEREAS, the City's corporate authorities find that approving the Agreement is in the City's best interests for the protection of public health, safety and welfare; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this resolution are true, material, adopted and incorporated as Section One to this resolution.

SECTION 2: The City's corporate authorities authorize and approve the City Transit Manager to: (1) negotiate and execute the Agreement and any amendments thereto; and (2) take all necessary acts to effectuate the Agreement.

SECTION 3: This resolution shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provision of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 4: This resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 10th day of March 2025 and approved by me as Mayor on the same day. Passed by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Zasada.



A handwritten signature in black ink, appearing to read "Cohen Barnes", is written over a horizontal line.

COHEN BARNES, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Ruth A. Scott", is written over a horizontal line.

Ruth A. Scott, Executive Assistant

OPINION OF COUNSEL

I, Matthew Rose, the undersigned, am an attorney, licensed by and duly admitted to practice law in the State of Illinois and am counsel and attorney for City of DeKalb ("PARTICIPANT"). In this capacity, my opinion has been requested concerning the eligibility of the PARTICIPANT for assistance under the provisions of Downstate Operating Assistance Act, 30 ILCS 740/2-1 et seq. ("Act"). I have also reviewed the Downstate Operating Assistance Agreement, Agreement No. OP-25-48-IL, Grant No. OP-25-48-IL, ("Agreement") tendered by the State of Illinois ("State") to the PARTICIPANT. I hereby advise as follows:

1. The recipient is an eligible Participant as defined in the Act.
2. There are no provisions in the PARTICIPANT'S charter or by-laws or in the laws or rules of the State of Illinois, the United States of America, or any unit of local of government that preclude or prohibit the PARTICIPANT from entering into the Agreement.
3. The PARTICIPANT is fully empowered and authorized to enter into the Agreement and that Agreement, when executed by both parties, will be legally binding upon the PARTICIPANT and its successors and assigns.
4. I have no knowledge of any pending or threatened litigation, in either federal or state courts that would adversely affect this Agreement or prevent the PARTICIPANT from contracting with the State for the purpose of receiving a Downstate Operating Assistance Agreement.

Based upon the foregoing, I am of the opinion that the PARTICIPANT is eligible under the provisions of the Act and is empowered and authorized accept the agreement from the State.

Signature: Matthew D. Rose

(Attorney's Name): Matthew Rose

Attorney for: City of DeKalb

Date: March 11, 2025