

COMPUTER ✓
 RECORDED ✓
 COMPARED ✓

REC \$ De-7u
 AUD \$ _____
 R.M.F. \$ _____

FILED NO. 3096
 BOOK 42 PAGE 252
 94 MAY -6 PM 1:53
 MICHELLE UTSLER
 RECORDER
 MADISON COUNTY, IOWA

**AGREEMENT ESTABLISHING
 AN
 EIGHT COUNTY REGIONAL TRANSPORTATION PLANNING ALLIANCE**

ARTICLE I - ESTABLISHMENT

The Central Iowa Regional Transportation Planning Alliance (hereinafter referred to as "the CIRTPA") is hereby established and created as a voluntary organization of certain county and city governments in the Regional Transportation Planning Area, as set forth on Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as the "Regional Transportation Planning Area"). The Regional Transportation Planning Area includes Boone, Jasper, Marion, and Story Counties and those portions of Dallas, Madison, Polk, and Warren Counties not included as part of the Des Moines Area Metropolitan Planning Organization's Metropolitan Planning Area.

ARTICLE II - ORGANIZATION, PURPOSE AND POWERS

The CIRTPA is organized pursuant to the provisions of Chapter 28E, Code of Iowa, 1981, as amended, with the powers and purposes to carry out only transportation planning activities proposed for *Intermodal Surface Transportation Efficiency Act of 1991* funding for the regional transportation planning area. The purpose of the Agreement is to have the CIRTPA serve as the designated regional transportation planning agency for the Iowa Department of Transportation's Region 11, pursuant to Subpart A, Metropolitan Planning Requirements, and to Subpart B, Statewide Planning Requirements, of the *Intermodal Surface Transportation Efficiency Act of 1991*, and consistent with the Iowa Department of Transportation's

guidelines for the creation of regional transportation planning affiliations within the State of Iowa for coordinating planning and programming efforts of those regions and fostering new partnerships with state and local officials.

The CIRTPA is also authorized, upon designation by the State of Iowa, to review and comment on federal transportation planning or construction grants for which member governments have applied, and to determine their consistency with adopted areawide transportation plans. Except as otherwise hereinafter provided, the powers of the CIRTPA shall be exercised by the member government representatives or, where appropriate, alternate representatives, acting by and through the CIRTPA in accordance herewith.

ARTICLE III - MEMBERSHIP - VOTING REPRESENTATION

1. **Membership** - Except as restricted by Section 4 of this Article, to become a member of the CIRTPA, a governmental entity must: be located wholly or partially within the Regional Transportation Planning Area; adopt this Agreement creating the CIRTPA by resolution of its governing body; and have a population of at least 3,000 as shown by the most recent federal census. To retain membership in the CIRTPA, each member government must comply with all requirements of this Agreement.
2. **Representation**
 - a. The representative or representatives of each member government who shall serve on the CIRTPA shall be a member or members of its governing body or other person or persons appointed in the manner approved by such governing body. Alternate representatives may be similarly appointed on a temporary or permanent basis, as a member government shall determine. In case a member government has more

than one representative, alternate representatives for that member government shall be entitled to vote in the absence of any representative of that member government.

- b. Each member government shall be entitled to one representative on the CIRTPA. The foregoing to the contrary notwithstanding, the representation for each county member shall be based upon the portion of the population of its unincorporated area within the Regional Transportation Planning Area and the population of incorporated areas within the Regional Transportation Planning Area that is not otherwise represented on the CIRTPA.
- c. Each representative shall serve at the pleasure of the governing body by which that representative was approved.
- d. The Director of the Planning and Research Division of the Iowa Department of Transportation, the Division Administrator of the Federal Highway Administration, the Chair of the Ames Transit Authority (CY-RIDE), the Chair of the Heart of Iowa Regional Transit Authority (HIRTA), and the Chair of the Des Moines Metropolitan Transit Authority (METRO), or their designated alternates, may serve as non-voting, advisory members of the CIRTPA.

3. Voting

- a. A quorum of the CIRTPA shall be required for the conduct of its business. A quorum shall consist of a majority of the total number of persons who have been appointed as representatives of member governments.

- b. In the ordinary conduct of the CIRTPA's business, each representative will have one vote; and the majority vote of those representatives present and voting shall decide such matters.

- c. The Transportation Planning Work Program and the annual budget must be submitted on an annual basis to the member governments and must be approved by resolution of the governing bodies of at least a majority of the member governments. The Work Program to be submitted for approval shall be based upon federal funding allocations issued by the Iowa Department of Transportation prior to any application for federal funds.

In the event there is a change in federal allocations and provided that the total local assessments remain unchanged, the CIRTPA may make any amendments to the Work Program necessary to enable the CIRTPA to make grant applications. The CIRTPA shall submit the amended Work Program to the Iowa Department of Transportation as part of the grant application process.

During the ensuing budget year, the CIRTPA may, for administrative purposes, amend the Work Program and the annual budget as long as the total budget does not increase or decrease by more than ten (10) percent and the local assessments remain the same.

- d. At any time, on any question before the CIRTPA, a minimum of any two member governments represented at a meeting may request a weighted vote. If a weighted vote is requested, that question will be placed on the CIRTPA's next meeting agenda for action to be taken under the conditions of a weighted vote. Under the weighted vote

method, issues will be decided by assigning one vote to each member government for which a representative is present and voting, plus an additional vote for each 25,000 population or fraction thereof over the first 10,000 population within the Regional Transportation Planning Area for that member government, by the most recent federal census or official intercensal estimate. Under the weighted vote method, an issue must receive sixty percent (60%) of the total votes cast in order to be adopted.

4. Withdrawal and Readmission

- a. **Withdrawal** - A member government may withdraw from membership on the CIRTPA when its governing body requests such withdrawal by resolution, sent by certified mail, return receipt requested, to the CIRTPA. Any such withdrawal shall become effective on the date which is the later of the following: (1) the date specified in the resolution, or (2) upon receipt of the resolution by the CIRTPA. As provided in Article IV hereof, a member government shall be deemed to have withdrawn upon nonpayment of assessment within thirty (30) days after notice thereof is sent by certified mail, return receipt requested, to the Mayor or Chair of the Board of Supervisors and the City Clerk or County Engineer of the member government involved. In the event of withdrawal, such government shall not be relieved of its obligation to pay its share of the expenses of the CIRTPA for the CIRTPA fiscal year in which such withdrawal occurs.
- b. **Readmission** - Any member government which has withdrawn or has been deemed to have withdrawn from the CIRTPA may apply for readmission. The CIRTPA shall establish a readmission fee for any

applicant. The minimum readmission fee shall not be less than twenty-five (25) percent of the assessment for which the applicant would have been obligated had it been a member of the CIRTPA during the prior CIRTPA fiscal year. The maximum readmission fee shall not exceed two hundred (200) percent of the assessments for which the applicant would have been obligated during its non-membership period.

ARTICLE IV - BUDGET AND ASSESSMENT SCHEDULE

The CIRTPA shall approve an annual budget and assessment schedule. The assessment for each member government shall be based on the ratio of the number of weighed votes assigned to each member government to the total number weighed votes of all of member governments in the CIRTPA, as referenced in Article III., Section 3., Paragraph d., of this Agreement. Each member government shall be notified annually, on or before January 1 prior to the forthcoming fiscal year (July 1), of the annual assessment to be levied on that government for the next fiscal year. All annual assessments are due and payable as established by the CIRTPA. Any member government which fails to pay any assessment within 45 days (or such other period of time as may be requested by the member government and approved by the CIRTPA) after the due date of the full amount, shall, except as modified by the next sentence, be deemed to have withdrawn its membership on the CIRTPA, as of the end of said 45-day period or the end of such other period of time approved by the CIRTPA, and no representatives of that member government shall thereafter be allowed to vote on any matter coming before the CIRTPA. Written notice of delinquency shall be sent by certified mail, return receipt requested, to the Mayor or Chair of the Board of Supervisors and City Clerk or County Engineer of the member government involved, at least thirty (30) days prior to the effective date of withdrawal, informing those officials of the payment delinquency.

ARTICLE V - OPERATIONAL MATTERS

1. Conduct of Business - In the conduct of its business, the CIRTPA may cooperate with, contract with, and accept and expend funds from federal, state, and local agencies, public or semi-public entities, private individuals, profit and non-profit corporations, and any other legally recognized association or entity.

2. Technical Advisory Committee - The CIRTPA may appoint such advisors or create such technical or advisory committees as it deems desirable. There shall be established a Transportation Technical Committee, composed of technical representatives appointed by the member governments. No member government may have more technical representatives than it has representatives on the CIRTPA. The Director of the Office of Advance Planning and the District Planner(s) of the Iowa Department of Transportation, the Division Planning and Research Engineer of the Federal Highway Administration, and a staff representative from the transit agencies CY-RIDE, HIRTA, and METRO may serve as non-voting members of the Transportation Technical Committee. The Transportation Technical Committee shall review and develop recommendations on all matters referred to it by the CIRTPA, and it may adopt such rules or procedures for its operation as are not inconsistent with this Agreement.

3. Documents to be Approved - The CIRTPA shall approve such transportation plans, reports, or recommendations as are required by the federal and state governments as prerequisites for eligibility for *Intermodal Surface Transportation Efficiency Act of 1991* funding. In addition, the CIRTPA shall prepare annually a *Transportation Planning Work Program and Cost*

Allocation Plan that details planning activities to be conducted, the responsibilities for conducting those activities, and the proposed budget for those activities. The CIRTPA shall undertake such planning activities and prepare such plans as are required by the *Intermodal Surface Transportation Efficiency Act of 1991* and any amendments thereto. The CIRTPA shall also coordinate the development of its long-range transportation plan with the process for maintaining and updating the *Iowa State Implementation Plan*, as required by the *Clean Air Act of 1990*.

4. Surface Transportation Program (STP) Program Funds - The CIRTPA shall implement the concept of the Iowa Transportation Commission's Order Number PR-94-77, adopted on December 14, 1993. Said concept adopts a regional STP target funding amount for the CIRTPA based on three factors -- farm-to-market needs for counties within a region, Federal-aid Urban (FAU) population for areas 5,000 to 50,000 within a region, and total regional population. The CIRTPA shall suballocate 85 percent of the 1991 Federal-aid Secondary (FAS) federal apportionment to the counties within the CIRTPA, and 85 percent of the 1991 FAU funding amount urban areas of 5,000 to 50,000 population within the CIRTPA. The 85 percent level of suballocation is for Fiscal Years 1994 and 1995. A 70 percent level of suballocation shall be implemented for Fiscal Years 1996 and 1997: The remaining 15 percent or 30 percent of the STP funds, depending on Fiscal Year, will be targeted to the regional planning and programming process. All projects, whether funded under the suballocation process, or the regional programming process, must flow through the regional planning process and must be federal-aid eligible.

5. Contracting for Services - The CIRTPA may make such arrangements as it deems necessary to secure administrative, staff and planning services, including contracting with any member government or any other public or

private entity. Such services shall be included in the annual *Transportation Planning Work Program* of the CIRTPA.

6. Officers - The officers of the CIRTPA shall be a Chair, Vice Chair, and Secretary/Treasurer, each of whom shall be elected annually from the representatives of the member governments, and each of whom shall have such duties as are customary to their respective offices.
7. Bylaws - The CIRTPA may adopt Bylaws and other rules or operational procedures which are not inconsistent with this Agreement.

ARTICLE VI - TERMINATION

The CIRTPA may be terminated upon an affirmative vote of not less than three-fourths (3/4) of the representatives present at any regular meeting, or at a special meeting called for such purpose, which vote must be ratified by resolution of the governing bodies of not less than three-fourths (3/4) of the member governments.

In the event of termination, all assets of the CIRTPA shall be distributed to and all liabilities of the CIRTPA shall be assumed by those governments which are members at the time of such termination, based upon the ratio of each member government's population within the Regional Transportation Planning Area to the total population of the Regional Transportation Planning Area, as shown by the most recent federal census, with the population of each county member based upon the portion of the population of its unincorporated area within the Regional Transportation Planning Area and the population of incorporated areas within the Regional Transportation Planning Area that are not otherwise represented on the CIRTPA.

ARTICLE VII - AMENDMENTS

The terms and provisions of this Agreement may be amended by a majority vote of the representatives on the CIRTPA at any regular or special meeting called for such purpose, and approved by resolution of the governing bodies of three-fourths (3/4) of the member governments.

ARTICLE VIII - SEPARABILITY

If any one or more of the provisions of this Agreement is declared unconstitutional or otherwise illegal, the validity of the remainder hereof shall not be affected thereby. If the unconstitutionality or illegality is due to the scope or breadth of the provision then the same shall be deemed valid to the extent that it is constitutional and legal.

ARTICLE IX - EFFECTIVE DATE AND DURATION

1. Effective Date - This Agreement shall not be effective until such time as it shall have been approved by at least three-fourths (3/4) of the following governmental entities: Boone County, Dallas County, Jasper County, Madison County, Marion County, Polk County, Story County, and Warren County, and shall have been thereafter filed and recorded as provided by law. The following cities are eligible to be original parties to this Agreement: Boone in Boone County; Adel and Perry in Dallas County; Newton in Jasper County; Winterset in Madison County; Knoxville and Pella in Marion County; Ames and Nevada in Story County; and Indianola in Warren County.

2. **Duration** - It is the intention of this Agreement that the CIRTPA shall exist for the duration of the *Intermodal Surface Transportation Efficiency Act of 1991* and be a organization made up of the original parties hereto and any eligible parties which may later adopt this Agreement. Upon expiration of the *Intermodal Surface Transportation Efficiency Act of 1991*, or the extension of that Act, this Agreement shall be considered for renewal.

3. **Execution** - This Agreement may be simultaneously executed in several counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the day and year indicated below.

BOONE COUNTY

By: David M Reed
David Reed, Chair
Board of Supervisors

Date: 3-14-94

Attest:

Phillip E. Meier
Phillip Meier
County Auditor

CITY OF BOONE


By: George Maybee
George Maybee, Mayor

Date: 3-21-94

Attest:


Audrey Veldhuizen
Audrey Veldhuizen, City Clerk

DALLAS COUNTY


By: 
Joe E. Reece, Chair
Board of Supervisors

Date: March 15, 1994

Attest:

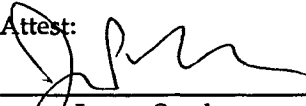

Carole Bayeur
County Auditor

CITY OF ADEL

By: 
James Peters, Mayor

Date: 3/30/94

Attest:



James Sanders
City Administrator

CITY OF PERRY

By: 
David A. Wright, Mayor

Date: 3/21/94

Attest:


Mike Farley, City Administrator

JASPER COUNTY

By: Leo Van Elswyk
Leo Van Elswyk, Chair
Board of Supervisors

Date: March 22, 1994

Attest:

Linda Gifford
Linda Gifford
County Auditor

CITY OF NEWTON

By: John R. Schermerhorn
John R. Schermerhorn, Mayor

Date: March 23, 1994

Attest:

Margaret Durbala
Margaret Durbala, City Clerk

MADISON COUNTY

By: *Cy McDonald*
Cy McDonald, Chair
Board of Supervisors

Date: March 29, 1994

Attest:

Joan Welch
Joan Welch
County Auditor

CITY OF WINTERSET

By: *Jerry Schwertfeger*
Jerry Schwertfeger, Mayor

Date: 4-4-94

Attest:

Mark Nitchals
Mark Nitchals, City Clerk





MARION COUNTY

By: Willard I. Prather
Willard I. Prather, Chair
Board of Supervisors

Date: Mar 14, 1994

Attest:

Delories DeVries
Delories DeVries
County Auditor

CITY OF KNOXVILLE



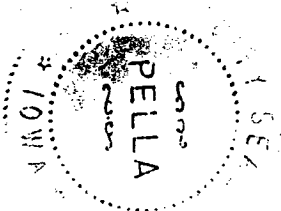
By: Mike Cunningham
Mike Cunningham, Mayor

Date: 3-21-94

Attest:

Connie Harsin
Connie Harsin, City Clerk

CITY OF PELLA



By: Johnny Menninga
Johnny Menninga, Mayor

Date: 4/5/94

Attest:

Beverly Graves
Beverly Graves, City Clerk

28E Agreement
Final Text 3/9/94
5.4.2

POLK COUNTY

By: Martha Willits
Martha Willits, Chair
Board of Supervisors

Date: 4-12-94

Attest: Tom Parkins
Tom Parkins
County Auditor



STORY COUNTY

By: Jane E. Halliburton
Jane Halliburton, Chair
Board of Supervisors

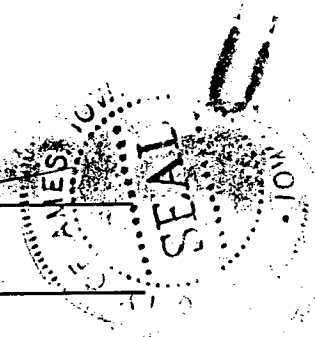
Date: 3/29/94

Attest:
Judy R. Emmons
Judy R. Emmons
County Auditor

CITY OF AMES

By: Larry Curtis
Larry Curtis, Mayor

Date: 4-18-94



Attest:
Jill Ripperger
Sandra Ryan, City Clerk
Jill Ripperger, Acting

CITY OF NEVADA

By: James Christy
James Christy, Mayor

Date: 3-21-94

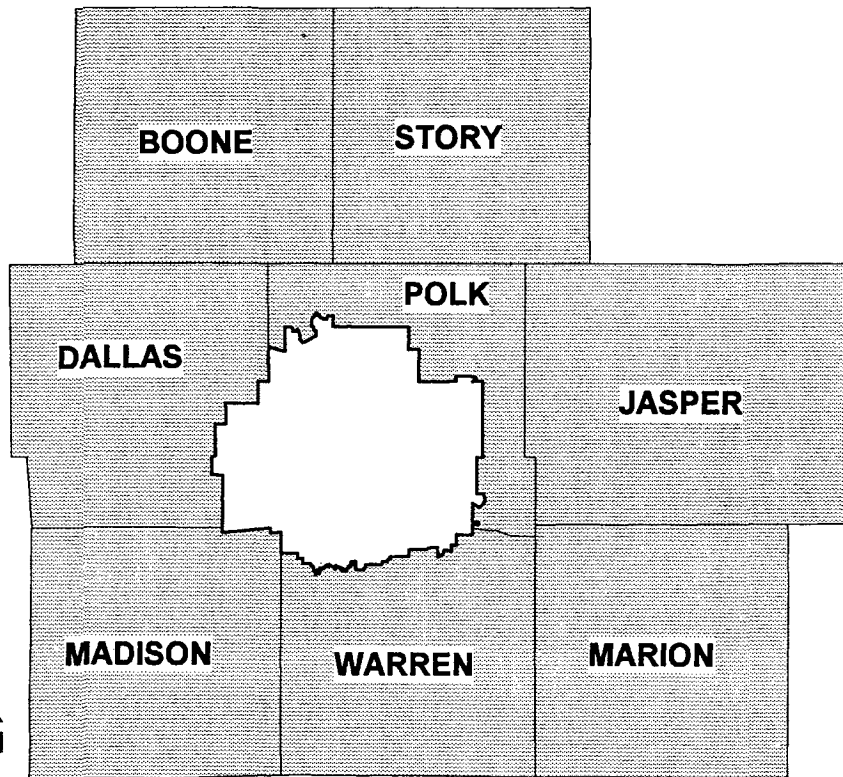


Attest:
Sue North
Sue North, City Clerk

28E Agreement
Final Text 3/9/94
5.4.2

EXHIBIT A

REGIONAL TRANSPORTATION PLANNING ALLIANCE (RTPA)



-  DES MOINES METROPOLITAN PLANNING ORGANIZATION (MPO)
-  REGIONAL TRANSPORTATION PLANNING ALLIANCE (RTPA)

PREPARED BY THE
DES MOINES
AREA MPO
3/84