

JOINT POWERS AGREEMENT

BONNEVILLE METROPOLITAN PLANNING ORGANIZATION

ORIGINAL

WHEREAS, pursuant to 23 U.S.C. 105(d) and 134(a) and pursuant to UMT Act (49 U.S.C. 5303(a) and 23 C.F.R. 450, Subpart C, the parties hereto are required to engage in an urban transportation planning process as a prerequisite for eligibility for federal funding of transportation services within the urbanized area surrounding and adjoining the territorial boundaries of the parties hereto; and

WHEREAS, for the purpose of fulfilling their obligations and responsibilities under said statute and regulations, the parties desire to identify and establish a Metropolitan Planning Organization for the purpose of coordinating urban planning activities and carrying out required planning and programming pursuant to such statutory and regulatory mandates; and

WHEREAS, pursuant to the Idaho Joint Powers Act (Idaho Code § 67-2326 to § 67-2334 inclusive) the parties hereto are authorized to enter into a Joint Powers Agreement for the purpose of jointly exercising their powers, privileges and authority under the laws of the State of Idaho.

WITNESSETH:

NOW, THEREFORE, the parties agree as follows:

ARTICLE I. CREATION AND NAME OF AGENCY

There is hereby created a joint agency to be known as the Bonneville Metropolitan Planning Organization (hereinafter referred to as "BMPO"). Such agency shall assume the execution of the powers set forth herein effective March 14, 2012.

ARTICLE II. NATURE OF AGENCY

The BMPO created hereby shall be considered to be a joint agency of the parties hereto and as a joint agency of such constituent members (hereinafter referred to as "Members") shall have all rights, powers and privileges as may be lawfully and expressly delegated to the BMPO and no others. Any act, undertaking, liability or obligation incurred or caused in excess of such delegated authority shall be deemed to be *ultra vires* and shall not be binding upon any of the members. Notwithstanding the foregoing, the BMPO may exercise all implied powers that may be implied from any express delegation of powers and as may be necessary to fully effectuate and accomplish the express powers so delegated herein.

ARTICLE III. PURPOSE

The purpose of BMPO is to provide a forum for cooperative decision-making by the members according to the Federal legislative and regulatory requirements specified in 23 U.S.C. 134, and Section 3(a)(2), 4(a), 5(g)(1), and 5(1) of the Urban Mass Transportation Act of 1964, as amended 49 U.S.C. 1602(a)(2), 1603(a), and 1604(g)(1) and (1) and 23 CFR 450. The purpose of the Agreement is also to establish a forum for discussion and study of transportation planning problems of mutual interest and concern, and to facilitate the development of policy, action, and recommendations for the solution of such problems.

**ARTICLE IV.
PLANNING AREA DEFINED**

The metropolitan planning area shall consist of a twenty-year growth boundary as defined and depicted in Exhibit "A" attached hereto. The boundary shall include all the area within the legal boundaries of the cities of Ammon, Idaho Falls, Iona and Ucon and the unincorporated area of Bonneville County located within the twenty-year growth boundary, as shown on Exhibit "A" attached hereto. Such metropolitan area may be adjusted and modified from time to time by joint resolution or agreement of all the parties hereto.

**ARTICLE V.
MEMBERSHIP**

Section 1. Membership of the BMPO are the following public agencies:

**City of Ammon
City of Idaho Falls
City of Iona
City of Ucon
Bonneville County
Idaho Transportation Department
Targhee Regional Public Transportation Authority**

Section 2. Voting membership in the BMPO shall be limited to a "Public Agency" as defined in Idaho Code § 67-2327. Additional "Public Agencies" may become members of the BMPO by i) adoption of a resolution by the governing board of the "Public Agency", agreeing to become bound by and subject to the terms and conditions of this Joint Powers Agreement, and ii) adoption of a joint resolution signed by all members of the BMPO accepting such "Public Agency" as a new member.

Section 3. The members of the BMPO may, by joint resolution of the governing board of the members allow any other political subdivision, special purpose district or governmental agency of the State of Idaho to join the BMPO as an *ex officio* member of the BMPO. Such *ex officio* member shall be entitled to receive notice of and participate in all meetings of the BMPO but shall have no right to vote any matter coming before the Policy Board of the BMPO. *Ex officio* members shall become members of the BMPO only upon unanimous approval by each member of the BMPO.

Section 4. Any member may withdraw from membership in the BMPO by giving written notice thereof to the clerk of every member, and such withdrawing member's membership shall thereafter terminate at the expiration of the current fiscal year of the BMPO, provided however in the event such notice is not given or completed more than three (3) months prior to the end of such fiscal year, then such withdrawing member's membership shall terminate at the expiration of the succeeding fiscal year.

Section 5. Upon withdrawal of any member which does not cause automatic dissolution of the BMPO, such member shall forfeit all rights, interest, claim or entitlement in and to any of the funds, assets, payables or other property of any kind of the BMPO. In the event any withdrawal causes automatic dissolution of the BMPO, then and in such event, all of such assets, tangible or intangible, shall then be forthwith distributed to each of the members in accordance with the percentages set forth in Section 1, Article IX.

Any *ex officio* member of the BMPO may be expelled or removed from membership of the BMPO by unanimous resolution by all of the members of the BMPO.

**ARTICLE VI.
DURATION**

The duration of the BMPO shall be perpetual so long as membership in the BMPO is comprised of one (1) or more members.

**ARTICLE VII.
POWERS**

- Section 1. The BMPO shall have the following powers, duties and responsibilities:
- A. Make application for grants, financial aid or enter into agreements with the United States of America, acting by and through the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) or with the Idaho State Department of Transportation for the purpose of obtaining financial aid, grants or other program assistance necessary to facilitate or otherwise carry out the BMPO's planning programs and prerogatives.
 - B. Recommend to the members appropriate policies for dealing with State and Federal governments in matters of concern to the members and to advise or provide input regarding legislation that may be deemed detrimental or beneficial to the members.
 - C. Provide a forum for discussion of policy input from member agencies and to consider and coordinate public policies relating to the metropolitan transportation planning process.
 - D. Formulate and recommend transportation policies, plans, and programs for formal adoption by the implementing agencies.
 - E. Every five years, or as needed, review and adopt a multi-modal Long Range Transportation Plan that ranks transportation projects within the metropolitan area and is responsive to and in accordance with approved goals and objectives.
 - F. Review and adopt an annual Transportation Improvement Program (TIP) that includes a Program of Projects of three to six years.
 - G. Review and adopt an annual Unified Planning Work Program (UPWP) and to recommend to the members a budget for the ensuing fiscal year, including the contracting and financing of any special services to be performed by the BMPO.
 - H. Coordinate and administer transportation studies authorized under the UPWP approved by the members.
 - I. Review technical and citizen input and consider recommendations from these sources.
 - J. Ensure the planning process adequately addresses requirements of the Joint Regulations issued by FTA and FHWA.

**ARTICLE VIII.
POLICY BOARD**

- Section 1. The governing body of BMPO shall be the Policy Board.
- Section 2. Members of BMPO shall consist of the following representatives; each of whom shall give one (1) vote in matters coming before the Policy Board:
- City of Ammon - One Elected Official
 - City of Idaho Falls - Four Elected Officials
 - City of Iona - One Elected Official
 - City of Ucon - One Elected Official
 - Bonneville County - One Member of the County Commission
 - Idaho Transportation Department District 6 - One Member
 - Targhee Regional Public Transportation Authority - One Member
- These representatives shall be appointed by their respective governing bodies and shall remain on the Policy Board until they resign or are replaced by the governing body of the public agency.
- Section 3. A quorum for purposes of transaction business shall consist of fifty percent (50%) attendance of the members of the Policy Board. All actions shall be taken by a majority of the members present at any meeting. A member may be considered present as authorized by Idaho Code Section 67-2342(5). In the case a quorum is not present at any meeting, members may be polled at a later date to determine their position. If members are polled to determine a position on any agenda item, the agenda item will be scheduled for ratification at the next regular meeting.
- Section 4. Regular and special meetings of the BMPO shall be called and conducted in the manner set forth in By-Laws adopted by a majority vote of the Policy Board.
- Section 5. Each representative shall serve without compensation from BMPO and at the pleasure of the governing body of the appointing agency. Representatives shall be entitled to reimbursement of expenses incurred in the performance of their duties for the BMPO.
- Section 6. The Policy Board shall choose a Chair and Vice-Chair and such other officers as it may determine from among its voting membership. Such officers shall have the duties and responsibilities as may be set forth in the By-Laws.

**ARTICLE IX.
BUDGET AND OPERATIONAL EXPENSE**

- Section 1. All operational, administrative expenses, liabilities, expenses and costs of any kind, name or nature arising out of the operation and management of the BMPO shall be shared among the parties. The monies to be paid by ITD and TRPTA are to be set by resolution of the Policy Board. The amount to be paid by the cities of Ammon, Idaho Falls, Iona and Ucon and Bonneville County shall be determined by the following formula:

**Estimated population of the local government (divided by)
Total estimated population of the BMPO planning area**

Section 2.

- A. On or before May 1 of each fiscal year, the BMPO shall deliver to each of the members a proposed budget of expenses for the upcoming fiscal year. Such budget shall set forth the projected revenues and expenses of the BMPO for the upcoming fiscal year. Such costs shall include but not be limited to all administrative, clerical and employee expense, benefits, equipment, insurance, travel, accounting, legal and professional, office supplies, postage, office space rental, repairs, maintenance, utilities, janitorial services, interest, and other costs and expenses of every name, kind and nature, including but not limited to the establishment of reasonable and prudent reserves.
- B. On or before June 1 of each fiscal year, each member shall submit to the Policy Board comments, proposed modifications and/or objections to such proposed budget.
- C. On or before July 1 of each fiscal year, the BMPO shall make and submit to the members any revisions or modifications based upon such comments.
- D. On or before August 1 of each fiscal year, the members shall then by concurrent resolution adopt a proposed budget for the upcoming fiscal year, and each member's share of such budget shall thereafter be submitted to and included within the annual appropriation ordinance of each of the members hereto.

Section 3. Unless otherwise agreed in writing by all of the members, each parties' share of the budget and operational expense of the BMPO shall be due and payable in four (4) equal quarterly installments, each respectively due in October, January, April and July of each year. If desired, any member may pay their share in one payment due in October or January. All installment payments shall be paid to the City of Idaho Falls who shall act as Fiscal Agent for the BMPO for the purpose of accepting, collecting, holding, accounting for and disbursing all revenues and monies necessary for the operation and maintenance of the BMPO.

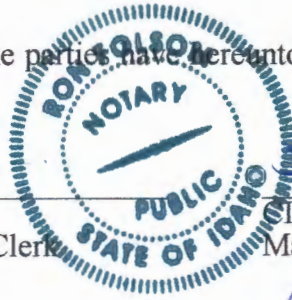
Section 4. The members shall enter into a Cooperative Fiscal Agreement for the purpose of providing for the operation of the BMPO, including but not limited to provisions providing for personnel, labor, office supplies, employee benefits, overhead, office space, utilities, equipment, travel, meals, lodging, and other expenses associated with the operation of the BMPO. The Cooperative Fiscal Agreement will remain in effect until such time that it is agreed by all members to adjust and/or modify the aforementioned provisions.

**ARTICLE X.
DISSOLUTION AND WITHDRAWAL**

Section 1. Any member may withdraw from this Joint Powers Agreement at any time, by giving notice to each of the other members of its intent to withdraw. Such withdrawal shall become effective at the expiration of the fiscal year during which such notice was given, provided that in the event notice is given on or after July 1 of any fiscal year, then and in such event the withdrawal shall not become effective until the expiration of the succeeding fiscal year.

Section 2. This Joint Powers Agreement shall be deemed to be automatically dissolved upon the effective date a withdrawal of any member the effect of which is to reduce the number of members to less than two (2).

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 14th day of March, 2012.



[Signature]

Attest: Ron Folsom
Ammon Administrator/Clerk

Steve Fuhriman

CITY OF Ammon
Mayor Steve Fuhriman

Rosemarie Anderson

Attest: Rosemary Anderson
Idaho Falls Clerk

[Signature]

CITY OF Idaho Falls
Mayor Jared Fuhriman



[Signature]

Attest: Robyn Keyes
Iona Clerk

Brad Andersen

CITY OF Iona
Mayor Brad Andersen

Ronda Deason

Attest: Ronda Deason
Ucon Clerk

[Signature]

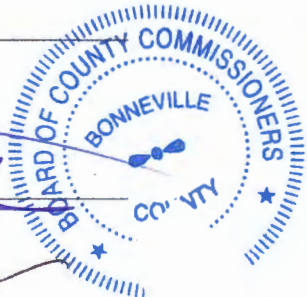
CITY OF Ucon
Mayor David Blain

[Signature]

Attest: Ron Longmore
Bonneville County Clerk

[Signature]

Bonneville County
Commissioner Lee Staker



Lynn Seymour

Attest: Lynn Seymour
TRPTA Director

[Signature]

Targhee Regional Public Transit Authority
TRPTA Board Chair Burke Webster

Nancy Luthy

Attest: Nancy Luthy
ITD District 6 Business Manager

[Signature]

Idaho Transportation Department
District 6 Engineer Blake Rindlisbacher