

MEMORANDUM OF UNDERSTANDING
BETWEEN PARTICIPATING JURISDICTIONS
FOR THE
SOUTHEAST METROPOLITAN PLANNING ORGANIZATION

October 2012

SOUTHEAST METROPOLITAN PLANNING ORGANIZATION

**MEMORANDUM OF UNDERSTANDING
CONCERNING TRANSPORTATION PLANNING
FOR THE
CAPE GIRARDEAU, MISSOURI AREA**

This Memorandum of Understanding is hereby entered into by the City of Cape Girardeau, MO (“City of Cape Girardeau”), the City of Jackson, MO (“City of Jackson”), the County of Cape Girardeau, MO (“County of Cape Girardeau”), the Village of East Cape Girardeau, IL (“Village of East Cape Girardeau”), the County of Alexander, IL (“County of Alexander”), the County of Scott, MO (“County of Scott”), the Cape Special Road District (“Special Road District”), the Southeast Missouri Regional Port Authority (“SEMO Port”), the Cape Girardeau County Transit Authority (“Cape Transit Authority”), the Southeast Missouri State University, the Southeast Missouri Regional Planning Commission (“SEMO Regional Planning Commission”), the Bootheel Regional Planning Commission, the Missouri Highways and Transportation Commission, and the Illinois Department of Transportation.

WHEREAS, Federal legislation requires that a continuing and comprehensive transportation planning process including all modes of travel be carried on cooperatively between the States and urbanized areas of over 50,000 population to qualify for federal assistance in transportation projects in such areas (23 U.S.C. 134, 49, U.S.C. 16024); and,

WHEREAS, the Cape Girardeau, Missouri environs, consisting of all or parts of the City of Cape Girardeau, the City of Jackson, the County of Cape Girardeau, and the Village of East Cape Girardeau, and the County of Alexander, was declared by the U.S. Bureau of the Census a newly qualified urbanized area for Census 2010 in the Federal Register, Volume 77, No. 59, published on March 27, 2012; and

WHEREAS, the City of Cape Girardeau, the City of Jackson, the County of Cape Girardeau, the Village of East Cape Girardeau, the County of Alexander, the County of Scott, the Special Road District, the SEMO Port, the Cape Transit Authority, the Southeast Missouri State University, the SEMO Regional Planning Commission, the Bootheel Regional Planning Commission, the Missouri Highways and Transportation Commission, and the Illinois Department of Transportation wish to ensure continuity in the comprehensive and coordinated urban transportation planning process for the Cape Girardeau, Missouri environs.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

Section 1. Establishment of Organization

The City of Cape Girardeau, the City of Jackson, the County of Cape Girardeau, the Village of East Cape Girardeau, the County of Alexander, the County of Scott, the Special Road

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District, the SEMO Port, the Cape Transit Authority, the Southeast Missouri State University, the SEMO Regional Planning Commission, the Bootheel Regional Planning Commission, the Missouri Highways and Transportation Commission, and the Illinois Department of Transportation do hereby approve and enter into this MEMORANDUM OF UNDERSTANDING for the establishment of a Metropolitan Planning Organization (“MPO”) for the Cape Girardeau/Jackson, Missouri Urbanized Area, which shall be known as the Southeast Metropolitan Planning Organization (“SEMPO”) for the purpose of cooperative urban multimodal transportation planning for the metropolitan area.

Section 2. Procedure

The City of Cape Girardeau, the City of Jackson, the County of Cape Girardeau, the Village of East Cape Girardeau, the County of Alexander, the County of Scott, the Special Road District, the SEMO Port, the Cape Transit Authority, the Southeast Missouri State University, the SEMO Regional Planning Commission, the Bootheel Regional Planning Commission, the Missouri Highways and Transportation Commission, and the Illinois Department of Transportation will proceed in accordance with the provisions of this MEMORANDUM OF UNDERSTANDING, recognized transportation planning procedures, applicable Federal regulations and the cooperatively developed annual planning work program to carry out the purposes of this agreement.

Section 3. Board of Directors; Membership

Voting Members. There shall be 7 voting members on the Board of Directors, comprised as follows:

- 2 votes – City of Cape Girardeau
- 2 votes – City of Jackson
- 1 vote – Transit*
- 1 vote – SEMO Regional Planning Commission
- 1 vote – Cape Girardeau County**

*Transit representative will be alternately appointed by Southeast Missouri State University and Cape Transit Authority every two years.

**Cape Girardeau County representative will be alternately appointed by the Cape Girardeau County Commission and the Special Road District every two years.

Ex-Officio Members. The following representatives shall be designated as ex-officio (non-voting) members of the Board of Directors:

- 1 – Cape Girardeau County*
- 1 – Village of East Cape Girardeau
- 1 – County of Alexander

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- 1 – County of Scott
- 1 – SEMO Port
- 1 – Bootheel Regional Planning Commission
- 1 – Missouri Department of Transportation
- 1 – Illinois Department of Transportation
- 1 – Federal Highway Administration – Missouri Division
- 1 – Federal Highway Administration – Illinois Division
- 1 – Federal Transit Administration – Region 5
- 1 – Federal Transit Administration – Region 7
- 1 – Transit**

*Ex-Officio Cape Girardeau County representative is appointed by either the Cape Girardeau County Commission or the Special Road District, whichever is not appointing the voting member.

**Ex-Officio Transit representative is appointed by either Cape Transit Authority or Southeast Missouri State University, whichever is not appointing the voting member.

Appointment to the Board of Directors and Terms.

- A. Appointment to the Board of Directors shall be made by the respective governing bodies of each participating jurisdiction except as otherwise specified.
- B. Terms of Appointment. The voting and ex-officio members of the Board of Directors shall serve two year terms on the Board of Directors.
- C. Alternates. Each elected representative or board representative shall name one (1) elected or appointed official as an alternate, in writing, who may exercise full member powers during their absence. The alternate's term shall also correspond with the primary representative's term.
- D. Additional voting and ex-officio members shall be appointed as is deemed essential or necessary by the members of the Board of Directors, through the amendment of the bylaws.
- E. The Board of Directors may, as it deems essential and necessary, remove voting and ex-officio members of the Board through the amendment of the bylaws.

Section 4. Consensus on Data Used

The City of Cape Girardeau, the City of Jackson, the County of Cape Girardeau, the Village of East Cape Girardeau, the County of Alexander, the County of Scott, the Special Road District, the SEMO Port, the Cape Transit Authority, the Southeast Missouri State University, the SEMO Regional Planning Commission, the Bootheel Regional Planning Commission, the Missouri Highways and Transportation Commission, and the Illinois Department of

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Transportation, shall, through the Board of Directors from this MEMORANDUM OF UNDERSTANDING, meet, review, and determine the data to be used or derived for the purpose of comprehensive and coordinated transportation planning for the Cape Girardeau metropolitan area in order to eliminate duplication of effort and provide a means for sharing information of mutual interest.

Section 5. Local Financial Allocation & Staff Support

The financial obligation to support the Metropolitan Planning Organization is 80% federal funds and 20% local matching funds. The local match shall be provided annually to the MPO with each vote on the Board of Directors constituting an equal share of the required local matching funds to be provided by the voting members of the Board of Directors. The local match shall be provided annually as follows:

- City of Cape Girardeau – 28.6% of match
- City of Jackson – 28.6% of match
- Transit – 14.3% of match*
- Cape Girardeau County – 14.3% of match**
- SEMO RPC – 14.2% of match

*Transit match will be provided annually by Southeast Missouri State University and Cape Transit Authority, with each paying 7.15%.

**Cape Girardeau County match will be provided annually by Cape Girardeau County and the Special Road District, with each paying 7.15%.

If the composition of the Board of Directors changes through the addition or removal of votes the above shares shall be amended accordingly.

The Southeast Metropolitan Planning Organization shall be housed within the City of Cape Girardeau. The Board of Directors shall have power to procure services for carrying out the MPO's duties in any manner it deems appropriate consistent with federal requirements.

Information from the Unified Planning Work Program, including: socio-economic data, land use data, progress reports, technical reports and any other pertinent work will be available to the City of Cape Girardeau, the City of Jackson, the County of Cape Girardeau, the Village of East Cape Girardeau, the County of Alexander, the Missouri Highways and Transportation Commission, the Illinois Department of Transportation, and ex-officio members of the Board of Directors.

Section 6. Assistance from the Missouri Highways and Transportation Commission and the Illinois Department of Transportation.

The Missouri Highways and Transportation Commission and the Illinois Department of Transportation will provide assistance and expertise in the transportation planning process, and

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will assist in the development of alternative plans, existing and future travel data, and offer assistance and expertise in the development of technical reports.

Section 7. Formation of Other Committees by the Board of Directors.

A standing committee designated as the Technical Committee shall be appointed as set out in the By-Laws.

Ad hoc committees or study groups may be appointed by the Board of Directors as needs arise. Ad hoc committees or study groups shall have a specific charge and operate for a defined period of time.

Section 8. Bylaws.

Purpose, operations, and procedures of the Board of Directors shall be outlined in Bylaws established by the Board of Directors.

Section 9. Severability

Unless otherwise specified herein, this agreement constitutes the entire agreement between all parties with respect to this agreement supersedes all prior or contemporaneous communications and proposals (whether oral, written, or electronic) between all parties with respect to this Memorandum of Understanding. If any part of this Agreement is held invalid or unenforceable, that portion shall be construed in a manner consistent with applicable law to reflect, as nearly as possible, the original intentions of the parties, and the remaining portions shall remain in full force and effect.

Section 10. Assignment

The City of Cape Girardeau, the City of Jackson, the County of Cape Girardeau, the Village of East Cape Girardeau, the County of Alexander, the County of Scott, the Special Road District, the SEMO Port, the Cape Transit Authority, the Southeast Missouri State University, the SEMO Regional Planning Commission, the Bootheel Regional Planning Commission, the Missouri Highways and Transportation Commission, and the Illinois Department of Transportation, shall not assign any interest in this Memorandum of Understanding, and shall not transfer any interest in the same (whether by assignment or novation).

Section 11. Right to Withdraw.

Should any party desire to withdraw they may be permitted to do so upon giving ninety (90) days notice. This agreement may be cancelled in total with a 75% vote of the Board of Directors.

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Section 12. Notices

All notices, consents, authorizations, requests and statements hereunder shall be deemed to have been properly given if delivered and/or mailed by first class United States mail, postage prepaid, to:

1. Mayor, City of Cape Girardeau, 401 Independence St / PO Box 617, Cape Girardeau, MO 63703 / 63702-0617
2. Mayor, City of Jackson, 101 Court St, Jackson, MO 63755
3. Presiding Commissioner, County of Cape Girardeau, #1 Barton Sq, Suite 301, Jackson, MO 63755
4. Village President, Village of East Cape Girardeau, 50 Brookwood Dr, McClure, IL 62957
5. Chairperson, County of Alexander, 2000 Washington Ave, Cairo, IL 62914
6. Presiding Commissioner, County of Scott, 131 S. Winchester St, P.O. Box 188, Benton, MO 63736
7. District Engineer, Missouri Department of Transportation – Southeast District, 2675 N. Main St, PO Box 160, Sikeston, MO 63801
8. Chief Engineer, Missouri Department of Transportation, P.O. Box 718, Jefferson City, MO 65102
9. Regional Engineer, Illinois Department of Transportation – District 9, 2801 W. Murphysboro Rd, Carbondale, IL 62903
10. Vice President, Finance and Administration, Southeast Missouri State University, One University Plaza, Mail Stop 3000, Cape Girardeau, MO 63701
11. Executive Director, Cape Girardeau County Transit Authority, 937 Broadway, Suite 200, Cape Girardeau, MO 63701
12. District Engineer, Cape Girardeau County Special Road District, 120 Warson, Cape Girardeau, MO 63701
13. Executive Director, Southeast Missouri Regional Planning Commission, P.O. Box 366, Perryville, MO 63775
14. Executive Director, Bootheel Regional Planning Commission, 105 E. North Main, Dexter, MO 63841
15. Executive Director, Southeast Missouri Regional Port Authority, 10 Bill Bess Dr,

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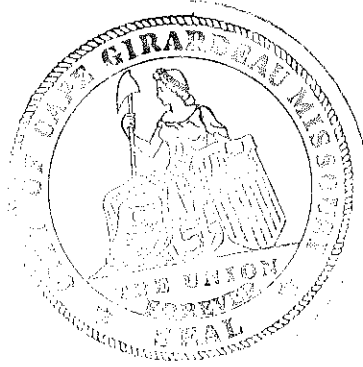
Scott City, MO 63780

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CITY OF CAPE GIRARDEAU, MISSOURI

By: *[Signature]*
Executive Officer

Date: 10-8-12



ATTEST: *[Signature]*
Title: City Clerk

APPROVED AS TO FORM: *[Signature]*
Title: CITY ATTORNEY

Southeast Metropolitan Planning Organization MOU

CITY OF JACKSON, MISSOURI

By: Barbara Lohr
Executive Officer

Date: 10-01-12



ATTEST: [Signature]
Title: City Clerk/Treasurer


APPROVED AS TO FORM: [Signature]
Title: City Attorney

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COUNTY OF CAPE GIRARDEAU, MISSOURI

By: 
Executive Officer

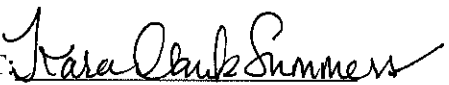
Date: 10/27/12

By: 
Executive Officer

Date: 10/27/12

By: 
Executive Officer

Date: 10-4-12

ATTEST: 

Title: County Clerk

APPROVED AS TO FORM: _____

Title: _____

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VILLAGE OF EAST CAPE GIRARDEAU, ILLINOIS

By: *Al Buzenberg*
Executive Officer

Date: 1-21-13

ATTEST: *Janet Matlock*
Title: Clerk

APPROVED AS TO FORM: _____

Title: _____

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COUNTY OF ALEXANDER, ILLINOIS

By: *Theresa DeBelle*
Executive Officer

Date: 01/27/13

By: *Chalen Tatum*
Executive Officer

Date: 1-21-13

By: *Rollie S. Madala*
Executive Officer

Date: 01-22-13

ATTEST: *Sara Harris*

Title: Deputy Clerk

APPROVED AS TO FORM: _____

Title: _____

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MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

By: David B. Nichols
Chief Engineer

Date: 10-4-12

ATTEST: [Signature]
Title: Secretary to
the Commission

APPROVED AS TO FORM: Byrne Dunbar
Title: Senior Administrative Counsel

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ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Charles D. Ingersoll
Director, Office of Planning and Programming

Date: 11-21-12

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SOUTHEAST MISSOURI STATE UNIVERSITY

By: Kathy M. Mangels
Executive Officer

Date: 10/24/12

ATTEST: Elizabeth Maldonado

Title: Executive Assistant

APPROVED AS TO FORM: _____

Title: _____

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CAPE GIRARDEAU COUNTY TRANSIT AUTHORITY

By: Tom Maguire
Executive Officer

Date: 10/24/12

ATTEST: [Signature]
Title: Board Chairman

APPROVED AS TO FORM: _____

Title: _____

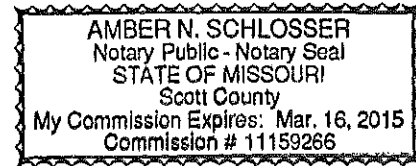
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CAPE SPECIAL ROAD DISTRICT

By: Jon M Koster
Executive Officer

Date: 10-10-12

ATTEST: Amber N. Schlosser
Title: FSR



APPROVED AS TO FORM: _____

Title: _____

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SOUTHEAST MISSOURI REGIONAL PLANNING COMMISSION

By: Clarence Buckheit
Executive Officer

Date: 9/26/12

ATTEST: Kathleen M Hall


Title: Executive Assistant

APPROVED AS TO FORM: _____

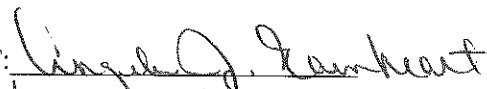
Title: _____

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BOOTHEEL REGIONAL PLANNING COMMISSION

By: 
Executive Officer

Date: September 29, 2012

ATTEST: 
Title: Fiscal Officer

APPROVED AS TO FORM: _____

Title: _____

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SOUTHEAST MISSOURI REGIONAL PORT AUTHORITY

By: Sam Quorley
Executive Officer

Date: Nov 15, 2012

ATTEST: Allen Fry
Title: Maintenance Supervisor

APPROVED AS TO FORM: Sharon Smith
Title: Mgr of Fin & Admin

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COUNTY OF SCOTT, MISSOURI

By: Jamie Eyer
Executive Officer

Date: 12-18-12

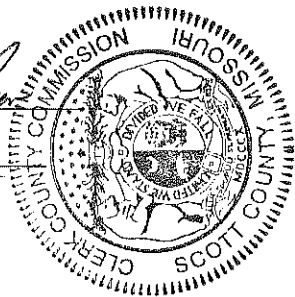
By: Donna Ziegler
Executive Officer

Date: 12-18-12

By: Kevin Kruppi
Executive Officer

Date: 12-18-12

ATTEST: Rita Milan
Title: County Clerk



APPROVED AS TO FORM: _____

Title: _____