

Minutes
Chicago Metropolitan Agency for Planning (CMAP)
Board
Closed Session
March 13, 2013

233 S. Wacker Drive, Suite 800, Chicago, Illinois

I. Call to Order

Mayor Gerald Bennett of Palos Hills and Chair of the Chicago Metropolitan Agency for Planning (CMAP) called the meeting to order at 10:30 a.m. Members were asked to introduce themselves.

A motion, made by Dan Shea to move the Board to an executive session, to discuss a probable claim against CMAP, exception 5 ILCS 120/2(c)(11), was seconded by Rae Rupp Srch. The meeting was held in the offices of the Chicago Metropolitan Agency for Planning (CMAP), 233 South Wacker Drive, Chicago, Illinois. Those present included: Gerald Bennett, CMAP Board Chair-representing southwest Cook County, Frank Beal-representing the City of Chicago, Susan Campbell-representing the City of Chicago, Roger Claar-representing Will County (via tele-conference), Michael Gorman-representing Cook County, Elliott Hartstein-representing Lake County (via tele-conference), Andrew Madigan-representing the City of Chicago, Marilyn Michelini-representing Kane and Kendall Counties, Heather Weed Niehoff-representing the City of Chicago (via tele-conference), Raul Raymundo-representing the City of Chicago, Rick Reinbold-representing South Suburban Cook County, Rae Rupp Srch-representing DuPage County, Dan Shea-representing McHenry County, Peter Silvestri-representing suburban Cook County, and non-voting members Leanne Redden-representing the MPO Policy Committee and André Ashmore (via tele-conference) and Sean O'Shea-representing the Governor's office.

Also Present: Executive Director Randy Blankenhorn and Deputy Executive Director of Finance Dolores Dowdle.

II. Probable Claim against CMAP

Briefly Executive Director Randy Blankenhorn reported that IDOT had maintained that certain water supply planning expenditures during a previous fiscal year were not consistent with parameters established by the Road Fund and was seeking to recoup \$447,713. Blankenhorn went on to say that negotiations surrounding a Memorandum of Understanding (MOU) that IDOT had drafted that would allow IDOT to recoup the funds by withholding \$44,713.00 annually for a period of ten (10) years had been underway for some time. Staff is asking that the Board authorize its Executive Director to enter into this

agreement. While the Board and its Executive Director contend that CMAP expended the funds within its statutory authority, the Board also concurred that its Director should be authorized to enter into the agreement (a copy of which is attached) that would allow IDOT to recoup \$447,713 commencing annually on the 1st day of each October for a period of ten (10) years.

III. Adjournment

A motion to adjourn the executive session made by Dan Shea was seconded by Mayor Marilyn Michelini. All in favor, the motion carried.

/stk

01-27-2014

Approved as presented, by unanimous vote, February 12, 2014; authorized for release February 12, 2014.

Memorandum of Understanding

This Memorandum of Understanding (MOU) is entered into this 10th day of April 2013, by and between the Illinois Department of Transportation (IDOT) and the Chicago Metropolitan Agency for Planning (CMAP) for the purpose of establishing the general terms and conditions for the recoupment of \$447,130 in funds expended in a manner inconsistent with the Road Fund, under agreement 11BOB43.

WHEREAS IDOT and CMAP entered into an agreement, 11BOB43, by which CMAP was tasked with conducting a "Livable Communities Technical Assistance Program" and which was financed with Road Funds;

WHEREAS, Part 5, item 5 (of 10) specifies that CMAP will "provide planning and technical assistance for the preservation of natural resources, water supply, flood control, sewers and other physical infrastructure;

WHEREAS, Part 2.B requires CMAP to perform its obligations in compliance with all applicable State and federal law;

WHEREAS, Road Funds must be spent in accordance with the Highway Code (605 ILCS 5/1-102), which purpose is to provide for improvement of highways and the highway transportation system as well as the preservation of investment in highways;

WHEREAS, IDOT determined that CMAP spent \$447,130 (of \$885,558 total funds allocated for agreement 11BOB43) under the auspices of item 5, in a manner which is not consistent with the Road Fund purposes, although CMAP contends and IDOT does not dispute that such expenditures were consistent with CMAP's statutory authority;

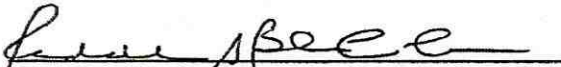
WHEREAS, the parties agree that IDOT must recoup this \$447,130;

NOW THEREFORE, the parties hereby enter into this agreement to define and clarify how these funds will be recouped:

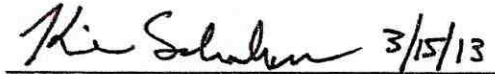
1. IDOT shall withhold \$44,713.00 annually, for a period of ten (10) years, said withholding to be from funds allocated by IDOT to CMAP, from the Department's appropriation for Metropolitan Planning and Research Purposes. In the event that any of the said withholdings or payments cannot be made when due, the entire remaining unpaid balance will immediately become due and owing. IDOT may also offset the entire unpaid balance or any portion thereof from other non-federal funds due and owing to CMAP.
2. Should State funds from other (non-IDOT) State sources be allocated to CMAP for comprehensive regional planning fund replacement purposes, which permit repayment to IDOT as prescribed hereunder, CMAP shall make its annual repayment directly to IDOT contingent with the stipulations outlined above and consistent with the terms and conditions of such agreement or contract that CMAP has with the other State agency.
3. CMAP, at its discretion, may advance pay any, or all, of the amount outstanding.
4. IDOT shall invoice CMAP annually on the 1st day of October and shall post payment when deduction in item 1 occurs or when payment in items 2 or 3 occurs, as appropriate and shall remit or credit such funds to the Road Fund, to the extent appropriate.
5. This MOU shall terminate upon recoupment of all funds due and owing hereunder.

WHEREFORE, the undersigned understand and accept the roles and responsibilities assigned to each of the parties and execute this MOU:


For CMAP:


Randall S. Blankenhorn, Executive Director Date
Chicago Metropolitan Agency for Planning

For IDOT:


Kevin G. Schoeben, Deputy Director Date
Office of Planning & Programming 3/15/13


Charles J. Ingersoll, Director Date
Office of Planning & Programming 3-15-13


Michael A. Forti, Chief Counsel Date
(Approved as to form) 3/29/13


Matthew R. Hughes, Director, Finance Date
& Administration 4/10/13


Ann L. Schneider, Secretary of Date
Transportation 4/10/13

By:

Date

Print Name and Title