

DFA OFFICE OF THE SECRETARY
2015 AUG 25 AM 11:10

**JOINT POWERS AGREEMENT
METROPOLITAN PLANNING ORGANIZATION**

THIS JOINT POWERS AGREEMENT entered into this 28th day of July, 2015, by and between the **CITY OF AZTEC, NEW MEXICO**, hereinafter referred to as "Aztec", **CITY OF BLOOMFIELD, NEW MEXICO**, hereinafter referred to as "Bloomfield", **CITY OF FARMINGTON, NEW MEXICO**, hereinafter referred to as "Farmington", and the **COUNTY OF SAN JUAN, NEW MEXICO**, hereinafter referred to as "San Juan County", pursuant to the Joint Powers Agreement Act, being Sections 11-1-1 et. Seq., NMSA 1978, as amended.

WITNESSETH:

WHEREAS, as a result of the 2010 Census of Population and Housing for the United States, the Bureau of the Census has determined that the Farmington area has an Urbanized Area (UZA) population of 53,049 and has Urban Clusters in Aztec (8,456), Bloomfield (9,892), and Kirtland (8,200); and formally was listed as the Farmington Urbanized Area (UZA) in the Federal Register, Volume 77, Number 59 part IV, published on March 27, 2012; and,

WHEREAS, the entities within the Farmington UZA formed a Metropolitan Planning Organization (MPO) through the adoption of a Joint Powers Agreement on April 22, 2003 for the purpose of identifying transportation needs and developing a comprehensive transportation plan for the Metropolitan Planning Area (MPA) that included the Farmington UZA and all areas within the twenty year planning horizon of the UZA; and,

WHEREAS, the member entities of the Farmington Metropolitan Planning Organization (FMPO) contract with the New Mexico Department of Transportation (NMDOT) for the purpose of receiving funding to support the activities of the MPO; and,

WHEREAS, the FMPO is governed by the MPO Policy Committee that is comprised of appointed officials, or their alternates, from each of the governmental units participating in the MPO for the purpose of establishing, overseeing, and directing transportation related policy within the Farmington MPA; accomplishing overall transportation planning for the Cities and County within the MPO boundary; performing the work specified in contracts with the New Mexico Department of Transportation; and complying with the provisions of Titles 23 and 49 United States Code related to Metropolitan Planning.

NOW, THEREFORE, in consideration of the premises and the covenants hereinafter contained, the parties hereby agree as follows:

SECTION ONE:

Authority: The authority under which the parties have entered into this agreement are the New Mexico Statutes: Sec. 11-1-1 to 11-1-7 NMSA 1978 (Joint Powers Agreements Act); Sec. 3-18-1, Seq. NMSA 1978 (Municipal Code); Sec 4-37-1 et. Seq. NMSA 1978 (County Ordinance); Sec. 13-1-44, Sec. 13-1-111 through Sec. 13-1-117 and Sec. 13-1-135 and Sec. 13-1-136 NMSA 1978 (Procurement Code).

SECTION TWO:

Term: The term of this Agreement shall extend from the 1st day of October, 2015 to the 30th of September, 2018; and this Agreement shall be renewed automatically each year, subject to the appropriation of funds by the Entities.

SECTION THREE:

Fiscal Agent: The parties agree that the Fiscal Agent for the Farmington MPO shall be the City of Farmington. The City of Farmington shall be responsible for the accounting and administration of all funds necessary to operate the MPO. There shall be a Metropolitan Planning Organization Officer (MPO Officer) who shall be an employee of the City of Farmington and shall be responsible to monitor and insure that all expenditures by the MPO shall be done in accordance with the requirements of the New Mexico Procurement Code. In addition, the MPO Officer shall insure that all expenditures of Metropolitan Planning funds received under Title 23 U.S.C. Section 134, Metropolitan Planning, and Title 49 U.S.C. Section 5303, Metropolitan Planning, shall be done in accordance with State and Federal requirements related to the expenditures of such funds.

SECTION FOUR:

Organizational Structure: The organizational structure of the Farmington Metropolitan Planning Organization shall be as follows:

- A. An MPO Policy Committee shall be formed to establish policy to govern the urban transportation planning process.
 1. The MPO Policy Committee shall consist of:
 - a. One (1) member who shall be an elected or appointed official from Aztec.
 - b. One (1) member who shall be an elected or appointed official from Bloomfield.
 - c. Two (2) members who shall be elected or appointed officials from Farmington.
 - d. One (1) member who shall be an elected or appointed official from San Juan County.
 - e. One (1) member who shall be appointed by the New Mexico Department of Transportation (NMDOT).

- f. Each member identified above shall be entitled to one (1) vote. Each member may have an alternate member who shall be formally designated by the Governing Body of that entity and who shall be permitted to participate and vote in the absence of that member. A majority vote of the members shall be required for any formal action taken by the MPO Policy Committee.
 - g. In addition, the Federal Highway Administration (FHWA), the New Mexico Department of Transportation (NMDOT), and other ex-officio (non-voting) members may be established by action of the MPO Policy Committee.
 - h. The MPO Officer and MPO staff shall serve as staff for the Policy Committee and shall be responsible for the keeping and distribution of the agendas, minutes and other records in compliance with all applicable statutes.
2. The function of the MPO Policy Committee shall be as follows:
- a. Serve as a forum for cooperative decision-making in transportation-related matters by principal elected officials of local governments.
 - b. Provide general policy guidance and direction to the Metropolitan Planning Organization and to the Technical Committee for the urban transportation planning process.
 - c. Review and approve actions taken by the Metropolitan Planning Organization in its performance of those functions shown in Subsection C and Subsection D below.
 - d. Provide general policy guidance and direction to the Metropolitan Planning Organization Officer and MPO staff in the performance of his/her duties.
 - e. Receive and consider input to the transportation planning process from the citizens of the MPA.
 - f. Report the status of urban transportation planning at a public meeting at least annually.
 - g. Periodically review and establish the jurisdictional boundaries of the MPA, subject to the review and approval of the Governor of the State of New Mexico, as required by law.
 - h. Develop and approve an annual budget that is adequate to fund the required activities of the MPO.
 - i. Undertake such other activities as it may deem necessary and appropriate to carry out transportation planning for the urban area.
- B. An MPO Technical Committee shall be formed to act as technical advisors to the MPO Policy Committee.
- 1. The MPO Technical Committee shall consist of:
 - a. One (1) member who shall be appointed by Aztec.
 - b. One (1) member who shall be appointed by Bloomfield.
 - c. Two (2) members who shall be appointed by Farmington

- d. One (1) member who shall be appointed by San Juan County.
 - e. One (1) member who shall be appointed by the Red Apple Transit.
 - f. One (1) member who shall be appointed by the New Mexico Department of Transportation (NMDOT).
2. Membership on the MPO Technical Committee should be made up of persons having expertise in transportation planning or programs or in transportation related planning or programs.
 3. Each member of the MPO Technical Committee identified above shall be entitled to one (1) vote. Each member of the MPO Technical Committee may designate an alternate member who shall be permitted to participate and vote in the absence of that MPO Technical Committee member. A majority vote of the MPO Technical Committee's membership shall be required for any formal action taken by the Committee.
 4. In addition, the Federal Highway Administration (FHWA), the New Mexico Department of Transportation (NMDOT) and other appropriate ex-officio (non-voting) members may be established by action of the MPO Policy Committee.
 5. The MPO Officer may be designated as a non-voting ex-officio member of the MPO Technical Committee by the Policy Committee. The MPO Officer and staff shall provide staff assistance to the MPO Technical Committee as necessary, including the keeping and distribution of the agendas, minutes and other records in compliance with all applicable statutes.
 6. The functions of the MPO Technical Committee shall be those designated by the MPO Policy Committee, including, but not limited to, providing technical information and analysis on transportation planning issues and projects; making recommendations regarding the priorities of individual transportation projects to be included on the TIP, and such other functions as are specified elsewhere in this Agreement.
 7. Advisory (voting and non-voting) members may also be designated to participate in the MPO Technical Committee from time to time by action of the MPO Policy Committee.
- C. The Metropolitan Planning Organization shall be designated by the Governor of the State of New Mexico, pursuant to Section 112 of the Federal Highway Act of 1973. The MPO boundary shall be shown in the attached Exhibit A. The MPO boundary shall be reviewed periodically and may be amended by the MPO Policy Committee, subject to the review and approval of the Governor of the State of New Mexico, as required by law.
- D. The Metropolitan Planning Organization, in cooperation with the State, shall perform the following functions:

1. Carry out the metropolitan transportation planning process through the guidance of the federal planning factors and the USDOT-HUD-EPA livability principles, which shall provide for consideration of projects and strategies that will:
 - a. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
 - b. Increase the safety of the transportation system for motorized and non-motorized users.
 - c. Increase the security of the transportation system for motorized and non-motorized users.
 - d. Increase the accessibility and mobility options available to people and for freight;
 - e. Protect and enhance the environment, promote energy conservation, improve the quality of life; and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
 - f. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
 - g. Promote efficient system management and operation;
 - h. Emphasize the preservation of the existing transportation system;
 - i. Provide more transportation choices;
 - j. Expand access to affordable housing;
 - k. Enhance economic competitiveness;
 - l. Target federal funds towards existing communities to spur revitalization and protect rural landscapes;
 - m. Increase collaboration among federal, state, and local governments to better target investments and improve accountability; and,
 - n. Value the unique qualities in all communities.

2. Address the seven National Planning Goals in MAP-21 by establishing performance targets.

Goal Area	National Goal
Safety	To achieve a significant reduction in traffic fatalities and serious injuries on all public roads
Infrastructure condition	To maintain the highway infrastructure asset system in a state of good repair
Congestion reduction	To achieve a significant reduction in congestion on the National Highway System
System reliability	To improve the efficiency of the surface transportation system
Freight movement and economic vitality	To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development
Environmental	To enhance the performance of the transportation system

sustainability	while protecting and enhancing the natural environment
Reduced project delivery delays	To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices

3. Develop and publish a Unified Planning Work Program (UPWP) describing all urban transportation and transportation-related planning activities the MPO intends to undertake during the subsequent two year period.
4. Develop and implement a proactive Public Participation Plan (PPP) which will provide complete information to the public in a timely manner, address the public involvement requirements stated in the bill Moving Ahead for Progress in the 21st Century (MAP-21), and provide an opportunity for access to key decisions.
5. Establish a performance-based approach to the transportation decision making process and to transportation plans such as the MTP and TIP.
6. Prepare, and periodically update, a Metropolitan Transportation Plan (MTP) which identifies existing or future transportation facilities that should function as an integrated metropolitan transportation system or serve important national and regional transportation functions for a 20-year planning period, including a financial plan that demonstrates how the long range transportation plan can be implemented to maintain the system, make the most efficient use of existing transportation facilities to relieve congestion and maximize the mobility of people and goods, and indicates appropriate transportation enhancement activities. Furthermore, the MTP will include performance measures and targets as well as a report evaluating the condition of the transportation system based on these performance targets.
7. Develop and update a Transportation Improvement Plan (TIP) for the urbanized area which shall include a priority list of proposed federally supported projects within the time period specified by NMDOT and a financial plan which demonstrates how the TIP can be implemented. The TIP will include a description of how it will achieve the performance targets outlined in the MTP.
8. The development of the TIP, and the MTP, shall be coordinated with other providers of transportation within and connecting to the area within the MPA.
9. Coordinate performance targets with NMDOT to ensure consistency.
10. Integrate performance-based processes into other transportation plans.

11. Cooperate with the NMDOT in the development of NMDOT's Long Range Transportation Plan (LRTP) for the MPA, pursuant to Section 134 of Title 23 and Section 5303 of Title 49.
 12. Maintain a Traffic Forecast Model (Travel Demand Model) and maintain data on traffic counts and socioeconomic conditions (population, employment, and land use) for the area within the MPA.
 13. Develop the Annual Listing of Federally Obligated Projects with obligated amounts for the MPO and publish the results annually on the MPO website.
 14. Manage the expenditures of Metropolitan Planning funds received under Title 23 U.S.C. Section 134, Metropolitan Planning (PL funds), and Title 49 U.S.C. Section 5303, Metropolitan Planning, as amended, and under the direction of the MPO Policy Committee.
 15. Enter into Agreement with NMDOT for funding and other matters as deemed necessary by the MPO Policy Committee.
 16. Take such other actions as may be necessary as directed and approved by the MPO Policy Committee.
- E. MPO Staff shall provide support and assistance to the MPO Policy Committee and MPO Technical Committee.
1. The principal duties of the MPO Officer are:
 - a. Maintain liaison and act in advisory capacity to both committees.
 - b. Provide technical support and assistance in the development and implementation of the UPWP, PPP, TIP and MTP.
 - c. Provide staff assistance to the MPO Technical Committee as necessary.
 - d. Provide liaison to the public on matters related to planning elements for which the state is responsible and insure compliance with the State of New Mexico Open Meetings Act.
 - e. Monitor all expenditures and work performed by the Metropolitan Planning Organization to insure compliance with all State and Federal laws. Process and certify requests for reimbursement with funds apportioned under Title 23, U.S.C. Section 104(f).

- f. Provide a channel for the transmission of information and directives from the Federal Highway Administration and New Mexico Department of Transportation to the Metropolitan Planning Organization.
 - g. Maintain a current record of expenditures by the State and FHWA for transportation projects and facilities within the MPO's jurisdictional area.
2. The principal duties of MPO staff are to ensure the MPO is in compliance with all federal and state requirements applicable to metropolitan planning, including carrying out the necessary metropolitan planning activities and keeping and distributing agendas, minutes, and other records in compliance with all applicable statutes.

SECTION FIVE:

Budgeting and Cost Allocation

- A. The operating costs for the MPO shall be allocated to the entities using the following formula that is based on 2010 Census population figures:

<u>Entity</u>	<u>Population</u>	<u>Percentage of Local Funding Share</u>
Farmington.....	45,877	60%
Aztec.....	6,763	10%
Bloomfield.....	8,112	10%
San Juan County area within MPO boundary (est.)	36,173 (est.)	20%
	96,925	100%

- B. Farmington will invoice the entities on a quarterly basis for each entity's share of the actual operating cost of the MPO.
- C. The budget year for the MPO shall be from October 1 to September 30 of each year.
- D. The budget for the MPO shall be established annually based on figures provided for federal funds and approved by the MPO Policy Committee. The annual budget shall be established in a timely manner each year so that each entity can budget its share of the MPO's operating cost in its own annual budget.
- E. It is further agreed that the parties hereto assume that some of the expense of the continuing transportation planning process will be provided for by funds apportioned under Section 104 (f), 23 CFR or by grants made under Sections 8 or 9, 49 CFR. Expenses not so provided shall be assumed by participating agencies according to the cost allocation specified in Section Five of this Agreement. A listing of anticipated funding sources shall be contained in the annual budget that is developed to support the Unified Planning Work Program for Transportation

Planning and which shall be presented to the MPO Policy Committee for approval.

SECTION SIX:

Severability: It is hereby declared to be the intention of the parties that the articles, sections, sub-sections, paragraphs, sentences, clauses, and phrases of this Agreement are severable, and if any phrase, clause, sentence, paragraph, section, sub-section, or article of this Agreement, shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, sub-sections, or articles of this Agreement, since the same would have been entered into by the parties without such invalid portion.

SECTION SEVEN:

Amendment:

- A. This Agreement may be supplemented or re-negotiated as necessary to meet changing conditions and as recommended by the MPO Policy Committee. This may include, but not be limited to, the following:
1. The passage of a new federal transportation bill that includes new or revised requirements for metropolitan planning.
 2. A significant change in membership and structure of the MPO that may result from an entity withdrawing from the MPO, additions or reductions of membership to the MPO committees, changes based on census data, or modifications to the MPO boundary.
- B. Except as to the funding formula contained in Section Five, Paragraph A., which may only be amended by unanimous consent of all parties, this Agreement may be amended by mutual agreement of any three of the four parties to the Agreement, as evidenced by written approval of the governing bodies or authorized officials of those three parties.

SECTION EIGHT:

Approvals: This agreement shall be subject to approval by the New Mexico Department of Finance and Administration pursuant to the New Mexico Joint Powers Agreements Act and pursuant to Sec. 13-1-135 NMSA 1978 and shall be effective as of the date of such approval. The MPA boundary, as initially established by this Agreement and as may be periodically amended by the MPO Policy Committee, shall be subject to the approval of the Governor of New Mexico, pursuant to 23 CFR 450.306.

SECTION NINE:

Termination:

- A. One entity may withdraw from this Agreement by giving ninety (90) days notice to the other Entities.
- B. This agreement may be terminated by mutual agreement of any three of the four parties to this Agreement, as evidenced by written approval of the governing bodies or authorized officials of those three parties, and by giving written notice at least ninety (90) days prior to the effective date of termination to the NMDOT and all parties to the Agreement.

SECTION TEN:

Conflict Resolution Process: In the event of a disagreement between the Entities, it is agreed that the Entities will resolve any disagreements at the lowest possible level. If a disagreement cannot be resolved at the lowest level, the Conflict Resolution hierarchy in the following table will be followed. If other agencies are involved, personnel from equivalent organizational levels will be included in the conflict resolution process.

Entity to Entity	Days to Escalate
Technical Committee	Next monthly meeting
Policy Committee	Next scheduled meeting
Local Councils/Commissions	Next scheduled meeting

If the disagreement cannot be resolved at the Technical Committee level and the entities agree to escalate, the issue will be discussed with the Policy Committee at their next scheduled meeting. If an agreement still cannot be reached, then the issue will be escalated to the local councils and commissions at their next scheduled meeting.

Mediation and facilitation may be used at any level to help expedite resolution. Mediation will be at agreement as needed and shall be held within the MPO planning area.

Disposition of Assets Upon Dissolution: The Entities agree that if the MPO formed under this JPA is dissolved or for whatever reason otherwise ceases to exist, any remaining funds and equipment associated with the MPO will be disposed of as follows:

- A. Any remaining funds will be returned to the Entities in proportion to their contribution;
- B. Any remaining equipment will be returned to the Entity contributing it or, if the equipment was purchased with contributed funds, the equipment will be distributed in proportion to contribution made; and,

- C. Any remaining equipment purchased with grant funds obtained from the NMDOT will belong to Farmington, subject to the terms of the grant agreement.

IN WITNESS WHEREOF, the Parties have here unto affixed their signatures:

THE CITY OF AZTEC, NEW MEXICO


MAYOR

ATTEST:


AZTEC CITY CLERK

(SEAL)

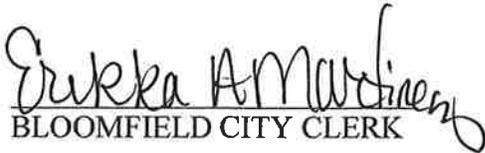
APPROVED AS TO FORM:


AZTEC CITY ATTORNEY

THE CITY OF BLOOMFIELD, NEW MEXICO


MAYOR

ATTEST:


BLOOMFIELD CITY CLERK

(SEAL)

APPROVED AS TO FORM:


BLOOMFIELD CITY ATTORNEY

THE CITY OF FARMINGTON, NEW MEXICO

Joany Roberts
MAYOR

ATTEST:

Dianne Smylie
FARMINGTON CITY CLERK

(SEAL)

APPROVED AS TO FORM:

Russell Howard, Deputy City Attorney
FARMINGTON CITY ATTORNEY

THE COUNTY OF SAN JUAN, NEW MEXICO

PRO TEM *[Signature]*
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST:

[Signature]
SAN JUAN COUNTY CLERK

(SEAL)

APPROVED AS TO FORM:

[Signature]
COUNTY ATTORNEY, SAN JUAN COUNTY

APPROVED:
THE STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND
ADMINISTRATION

By: *[Signature]*
SECRETARY
8/27/15
DATE

**EXHIBIT A
FARMINGTON MPO BOUNDARY**

