



## MEMORANDUM

**To:** CMAP Board

**From:** CMAP Intergovernmental Affairs staff

**Date:** March 6, 2024

**Subject:** Proposed Regional Planning Act (RPA) amendments to support CMAP operations while maintaining regional collaboration by the CMAP Board

**Action Requested:** Discussion and approval

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Recently, the CMAP Board has faced greater challenges achieving the in-person quorum necessary for the Board to take action. In 2023, three of the 10 scheduled Board meetings were canceled due to a lack of quorum. CMAP staff were unable to find a time to reschedule with the necessary quorum. While the flexibilities permitted under the public health emergency enabled the Board to meet quorum virtually, these challenges have persisted even when members were able to participate remotely.

Part of this challenge is exacerbated by the requirements set forth in the Regional Planning Act (70 ILCS 1707), which currently requires “fourth-fifth of the Board members in office...for the Board to take any action.” In practice, this means 12 of 15 CMAP Board members must be physically present for the CMAP Board to take action, per the requirements set forth in the Regional Planning Act and Open Meetings Act.

CMAP staff recognize the importance of the four-fifths decision-making requirement for a board that represents a large and diverse region. CMAP staff do not recommend making any changes to this requirement for Board decisions of regional significance or substantive policy decisions.

The CMAP Board also plays an important role to ensure that the day-to-day operations of the agency are able to progress in a timely manner. Part of this includes approving grants and contracts that support agency programs, projects, and operations. CMAP’s primary funding source is federal UWP funding, which is disbursed through an agreement with IDOT spanning

only one fiscal year at a time. If the Board is unable to meet and take the action necessary to allow the agency to expend these dollars, it compresses the amount of time in which these funds may be spent. If not expended during the fiscal year, the state can recall the unexpended funds and disburse elsewhere. This can include purchases and contracts related to operational efficiencies such as data subscriptions and data purchases.

Additionally, CMAP staff estimate the agency will have \$14 million in contracts in FY25. It is also necessary to expend all granted money within the fiscal year it is appropriated in order to meet our funders' expectations. With this goal, the Board meetings, especially at the beginning of each fiscal year, will be vital to approve the necessary contracts to meet the agency's grant obligations. Board action is necessary for staff to be able to act upon already approved agreements. If the Board is unable to achieve the quorum necessary to keep these resources moving, it stalls the work of the agency and our ability to fulfill our state and federal obligations.

This memo presents possible legislative changes for consideration that allow for the Board to maintain regional decision-making authority on key regional issues while enabling the regular business of the agency to move forward with a simple majority of Board members in office present.

In response to the Board's desire for further deliberation and an affirmative vote on legislation related to this issue, the following section proposes several options for amendments to the Regional Planning Act that would achieve the above objectives.

**Current approach: Preserve the intent of the original Regional Planning Act statute by continuing to require a 4/5 vote on key regional priorities and major agency actions. This approach specifies which actions would continue to be subject to a 4/5 vote of the Board members in office and allow action on remaining items to be determined by a process set forth in the Board's bylaws.**

**Language:** "Concurrence of four-fifths of the Board members in office is necessary for the Board to take action regarding agency budget and workplan, regional plan, annual federally funded program, legislative agenda, and any matters regarding the executive director. Action on all other matters shall be taken in accordance with the Board's bylaws."

The language above is aligned with the language previously shared with the Board and submitted to the Legislative Reference Bureau for SB3389/HB5078. It identifies the actions that would continue to be subject to a 4/5 vote of the Board members in office and allows the Board to make a determination for how other decisions should be made via the Board's bylaws.

Two alternatives have been identified that achieve similar operational objectives should the Board wish to pursue an alternative path.

**Alternative 1: Utilize the same language as above but expand upon the list of items that are still subject to a 4/5 vote of the Board members in office.**

**Language:** “Concurrence of four-fifths of the Board members in office is necessary for the Board to take action regarding agency budget and workplan, regional plan, annual federally funded program, legislative agenda, the Board’s bylaws, resolutions, and any matters regarding the executive director. Action on all other matters shall be taken in accordance with the Board’s bylaws.”

This language builds upon the current approach by codifying additional actions that would continue to require a 4/5 vote of the Board members in office. This language mirrors the current approach in that action on all other matters would be taken in accordance with the Board’s bylaws.

**Alternative 2: Identify which actions would be newly subject to a simple majority vote of the Board members in office. All other actions would continue to be subject to a 4/5 vote of the Board members in office.**

**Language:** “Concurrence of four-fifths of the Board members in office is necessary for the Board to take any action, except for decisions with regard to contracts, grant and purchase agreements, and meeting minutes, which shall require a simple majority vote of the Board members in office.

This option specifies the actions that would be newly subject to a simple majority vote of the Board members in office. All other decisions would continue to require concurrence of 4/5 of the Board members in office.