

BYLAWS AND OPERATING PROCEDURES
HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION
REVISED
December 10, 2009

STATEMENT OF PRINCIPLES

1. The physical, economic, and social well being of the region, its citizens, and business enterprises, now and in the future, is determined to a great extent by its transportation system. Therefore, decisions involving transportation systems and subsystems must consider the environmental, economic, and social impacts of the alternatives in the future development of the transportation system, and must attain the principal objective of having an efficient, safe and practical system for moving people, goods, and services in the region according to their needs.
2. A transportation system can best be planned on a large-area basis involving city, county, regional, and state jurisdictional responsibilities and a proper mix of various modes of travel.
3. Counties and cities have the local responsibility for anticipating and meeting the transportation needs for adequately moving people and goods within their jurisdictions. However, law charges the Texas Department of Transportation, with the responsibility for planning, designing, constructing, and maintaining the State Highway System. In addition, duly authorized transportation entities are responsible for planning, developing, and operating public transportation services in their respective service areas.
4. Evaluation of transportation alternatives and the determination of the most desirable transportation system can best be accomplished through a Metropolitan Planning Organization (MPO) of primarily elected officials as spokesmen for the county and cities in the Hidalgo County Urban Area. The MPO will be the forum for cooperative decision-making by primarily elected officials of general purposes local governments, and including representatives of entities responsible for highway and mass transit improvements.
5. The Metropolitan Planning Organization (MPO) will make recommendations involving the regional transportation system to the county and cities, the State, and the authorities for all modes of transportation. Final decisions for implementing the regional transportation plan rest with the governing bodies of the counties and cities, the Transportation Commission and the authorities.
6. The Metropolitan Planning Organization (MPO) will monitor the transportation planning process to assure that it is conducted in a manner consistent with requirements of federal law and regulations.
7. In an attempt to fulfill the above concepts and to meet the requirements of the Federal Aid Highway Act of 1973, Governor Ann Richards, on April 27, 1993 designated the Lower Rio Grande Valley Development Council as the Metropolitan Planning Organization for transportation planning with the provision that the Transportation Policy Committee be the decision-making group for regional transportation policy for the urbanized area. As the designated Metropolitan Planning Organization, the Hidalgo County Metropolitan Planning Organization must assure that transportation planning in the urbanized area is satisfactorily coordinated and integrated with other comprehensive planning in the State Planning Region. These Bylaws and Operating Procedures spell out the manner in which the Metropolitan Planning Organization shall fulfill its responsibilities as the cooperative transportation decision-making group of the Metropolitan Planning Organization for the Hidalgo County Metropolitan Area.

DEFINITIONS

Section 1. The following definitions shall apply to terms used in these Bylaws and Operating Procedures:

- A. Transportation Planning Process. The Transportation Planning Process is the process of estimating future travel demand, identifying transportation improvement alternatives, and evaluating those alternatives to determine the best combination of facilities and services for all modes of travel.
- B. Regional Transportation Plan. The Regional Transportation Plan is the delineation of the highway, transit, and airport facilities and services for all modes of travel.
- C. Regional Transportation System. The Regional Transportation System is the continuous network of roadways and transit services that provides for movement and interchange of people and goods, primarily between local jurisdictions within the region. Included in the Regional Transportation System are highways and streets, parking and intermodal terminals, toll ways, fixed-guide way transit lines, bus routes, taxi services, paratransit and ridesharing services, railroad facilities, and general aviation and air carrier airports.
- D. Regional Highway System. The Regional Highway System consist of those freeways, principal and minor arterials, toll ways, truck terminals, parking facilities, and ridesharing which make up the system for travel by automobile or truck.
- E. Regional Public Transportation System. The Regional Public Transportation System includes all fixed-guide way facilities, bus routes, persona rapid transit, paratransit, and taxi services operated by public or private entities.
- F. Regional Airport System. The Regional Airport System is the collective airports and heliports in the urbanized area which provide terminals for commercial air travel, general aviation, and air cargo.
- G. Metropolitan Area. The Metropolitan Area is that portion of Hidalgo County expected to be principally urbanized within 20 years. The Metropolitan Area, which is also the Transportation Study Area, may be adjusted on amended demographic projections.

ORGANIZATION

Section 2. The organization for regional transportation planning shall consist of the Transportation Policy Committee (TPC) and Technical Committee, and described in subsequent paragraphs and sections of these Bylaws and Operating Procedures.

- A. Transportation Policy Committee. The Transportation Policy Committee (TPC) shall be the forum for cooperative decision-making by primarily elected officials of general purpose local governments in the Transportation Study Area.
- B. Technical Committee. This Committee shall provide technical review and advice for the regional transportation planning process to the Transportation Policy Committee.

Transportation Policy Committee

Section 3. The following rules shall govern the procedures, membership, and records of the Transportation Policy Committee.

- A. Membership. Membership on the Transportation Policy Committee shall be provided for local governments in the Transportation Study Area. There will be two (2) types of membership on the Policy Committee. The first type Membership with full voting privileges. The second type is ex-officio without voting privileges. The following governments and public agencies shall be represented as indicated:

<u>Governmental</u>	<u>Votes</u>
Alamo	3
Alton	1
Donna	3
Edcouch	1
Edinburg	5
Elsa	2
Granjeno	1
Hidalgo (City)	2
Hidalgo County	8
La Joya	1
La Villa	1
McAllen	9
Mercedes	3
Mission	5
Palmhurst	1
Palmview	1
Penitas	1
Pharr	5
Progreso	2
Progreso Lakes	1
San Juan	4
Sullivan City	1
TxDOT District Engineer	1
Weslaco	4
Hidalgo County Regional Mobility Authority	1
Rio Transit	1
Totals	68

All incorporated cities and public agencies are guaranteed at least one vote as long as they remain members in good standing. Any local government may receive additional votes based on the chart in and the official decennial Census populations. The vote totals will only be revised after every ten years unless these bylaws are amended.

All members of the Transportation Policy Committee shall be comprised of elected officials, the TxDOT District Engineer and additional parties as approved by the Transportation Policy Committee.

In addition, the State Senator and State Representatives that represent the Metropolitan Area shall serve as Ex-Officio members. Ex-Officio members shall have the same role as a regular member except that due to the fact they do not vote; their attendance shall not count in determining a quorum.

Each governmental entity may be represented by three (3) members of the governmental entity, one of whom shall be the Mayor by virtue of his position, and the other two (2) appointed by the governmental

entity by force of resolution. All three (3) may represent the governmental entity at any and all MPO Policy Committee meetings, but only one may exercise the right to vote.

The Lower Rio Grande Valley Development Council's Executive Director shall serve as an Ex-Officio member of the Transportation Policy Committee and his designee shall serve on the Technical Committee in the same capacity.

Additional Ex-Officio members will be managers or their designees for the airports of the cities of Weslaco, Edinburg, and McAllen; Valley Transit Company (owner); Rio Valley Switching, Union Pacific Railroad; and the American Trucking Association, and will be members of both the Policy and Technical Committees.

- B. Attendance: Records of attendance of Transportation Policy Committee meetings shall be kept in accordance with the Open Meetings Act. These records shall be sent to the members annually. Members of the Transportation Policy Committee that have missed three (3) consecutive meetings shall be informed of their absences by a letter from the Director Appointing bodies will be asked if they wish to change their member representative due to the absences. Any voting members who have been absent ~~3~~ four (4) consecutive times on the regularly scheduled meetings will be informed by letter from the Chairman that they will be placed in Ex-Officio status immediately.

In order to regain full voting status the suspended member must show good faith effort to retain the full status. A good effort is attending 4 consecutive meetings as an ex-officio member. In the fifth (5) month the active members will consider this a good faith effort and restore full voting membership.

If the full calendar year suspension is served and the member still has not shown any interest, then the Policy Committee will decide on further course of action.

The only exception to this rule is if the total active membership falls below the Federal Register's Required minimum representation of 75% level threshold of the metropolitan population. The TxDOT district and transit operator will maintain their respective status until these by-laws are further amended.

- C. Quorum. At least 50 percent of the active voting members or votes identified in Section 3A above must be present at meetings for the Transportation Policy Committee to take action. Proxies and/or alternates will be allowed.
- D. Proxies. In accordance with House Bill (HB) 1883 and Section 1, Chapter 472, Section 472.031 of the Transportation Code, (a) A policy board of a metropolitan planning organization designated or re-designated under 23 U.S.C. Section 134 may provide in its bylaw for appointment of voting proxies by its members.

Section 472.032 of the transportation code, further clarifies that:

- (a) A proxy appointment under section (a):
1. Acts on behalf of and under the supervision of the policy board member who appointed the proxy;
 2. Must be appointed in writing; and
 3. Is authorized to vote for the policy board member who appointed the proxy to the extent the member has given the proxy the member's voting power
- (b) A legislative member of a policy board may not be counted absent at a meeting of the policy board during a legislative session.
- (c) A legislative member of a policy board may only appoint a proxy under Subsection (a) who is:
1. The legislative member's employee or staff member;

2. A person related by consanguinity, as determined under subchapter B, Chapter 573, Government Code, who is not required to register as a lobbyist under Chapter 305, Government Code;
 3. Another legislative member of the policy board; or
 4. A locally elected official.
- E. Official Action. All official action shall require a majority of the votes represented by the members present at a meeting during which a quorum has been established.
- F. Officers. The Transportation Policy Committee shall originally elect a Chairperson, Vice-Chairperson, and Secretary for a two-year term after adoption of these by-laws. Subsequently, every two-year the officers shall ascend to the chairperson position with the Transportation Policy Committee electing a new secretary. In the event that the Chairperson of the Transportation Policy Committee cannot continue to serve at any time during his term of election, the Vice-Chairman shall automatically become Chairman. A vacancy in the office of the Secretary shall be filled by the Transportation Policy Committee in the first meetings of the Committee after the vacancy becomes known. In the event that the offices of Chairperson, Vice-Chairperson, and Secretary all become vacant, new officers shall be elected at the next regularly scheduled meeting of the Transportation Policy Committee, with nominations from the floor.
- All officers of the Transportation Policy Committee shall be eligible to vote on all matters before the Committee.
- G. Meetings. At least one meeting shall be held annually by the Transportation Policy Committee, but the Committee shall meet as necessary for the purpose of transacting the business at hand. The Chairperson shall call the meeting and shall designate in the written notice of the meeting the business to be transacted or considered.
- Written notice of the meeting, accompanied by an Agenda, shall be mailed to the members and major news media at least 72 hours prior to the meeting and confirmed by telephone. The place of the meetings shall be designated by the Chairperson. All meetings shall be held as open meetings as defined in Article 6252-17, Vernon's Annotated Statutes.
- H. Minutes. Minutes of the meetings shall be kept and shall be submitted to the members of the Transportation Policy Committee for approval.
- I. Staff Support. The transportation Policy Committee shall hire a transportation director for the purpose of providing staff support. The Transportation Policy Committee shall establish the workforce needs and shall authorize the transportation director to hire personnel to meet those needs.
- J. Committee. Functions of the Transportation Policy Committee shall be as follows:
1. Provide direction for the regional transportation planning process.
 2. Certify the coordination, comprehensiveness, and continuity of the regional transportation planning process.
 3. Develop the Unified Planning Work Program, Regional Transportation Plan, and Transportation Improvement Program in accordance with requirements of federal statutes and regulations.

4. Review the Transportation Improvement Program to assure that highway projects do not unreasonably exceed what funding currently seems likely to be available for each metropolitan area, to the degree that is reasonable.
 5. Review the limits of the Transportation Study Area and make revisions considered appropriate.
 6. Authorize transit planning technical assistance to transit operating agencies at their request.
 7. Identify the kinds of consultant projects eligible for federal transportation funding.
 8. Hire and supervise an employee who shall serve as the Transportation Director of the Metropolitan Planning Organization. The Transportation Director shall administer a budget and hire staff as may be approved by the Transportation Policy Committee.
 9. The Transportation Policy Committee shall consider the recommendation of the Technical Committee on any plan or project to be discussed.
- K. Conflict of Interest. The Transportation Policy Committee members will conduct business in compliance with Chapter 472 of the Texas Transportation Code and Chapter 171 of the Texas Local Government Code. Pursuant to Section 472.033 of the Texas Transportation Code, a Transportation Policy Committee member is considered to be a local public official for purposes of Chapter 171 of the Texas Local Government Code. Pursuant to Section 171.004 of the Texas Local Government Code, if the Transportation Policy Committee Member has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if: (1) in the case of substantial interest (interest of more than 10 % of his/her or his/her parent's, child's or spouse's gross income for the previous year or 10% of the stock or the fair market value (or \$15, 000 or more) of a business entity that has work, business or a contract with the MPO), the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or (2) in the case of substantial interest in real property (interest in property having a fair market value of \$2500 or more) it is reasonably foreseeable that the action will have a special economic effect on the value of the property distinguishable from its effect on the public. The affidavit must be filed with the Transportation Planning Director. A business entity means: sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

TECHNICAL COMMITTEE

Section 4. The MPO Technical Advisory Committee (TAC) shall be created by the Policy Committee. The TAC shall be a group of local municipal and county government representatives appointed by the Policy Committee to investigate, research and report on issues charged to them for the Policy Committee's consideration in developing regional transportation planning process. The following regulations shall govern the procedures, membership, and records of the technical Advisory Committee:

- A. Membership. Each Policy Committee members will appoint at least one member to the TAC. All local municipal and county government and public agencies within the Metropolitan Study Boundary shall have representation on the Technical Committee.

It is the responsibility of each Policy Committee member to see that the Technical Advisory Committee members are person who are authorized to act in the interest of their entity.

In addition, the staff of the State Senator and State Representatives that represent the Metropolitan Area shall serve as Ex-Officio members. Also all modes of transportation will be represented, i.e. trucking, railroads, airports, transit providers, etc. Ex-Officio members shall have the same role as a regular member, except they do not vote.

- B. Officers. The Transportation Advisory Committee shall originally elect a Chairperson, Vice-Chairperson, and Secretary for a two-year term after adoption of these by-laws. Subsequently, every two-years, in December of an odd numbered year the officers shall ascend to the chairperson position with the Transportation Advisory Committee electing a new secretary. In the event that the Chairperson of the Transportation Advisory Committee cannot continue to serve at any time during his term of election, the Vice-Chairman shall automatically become Chairman. A vacancy in the office of the Secretary shall be filled by the Transportation Advisory Committee in the first meetings of the Committee after the vacancy becomes known. In the event that the offices of Chairperson, Vice-Chairperson, and Secretary all become vacant, new officers shall be elected at the next regularly scheduled meeting of the Transportation Advisory Committee, with nominations from the floor.
- C. Attendance. The Policy Committee representative from each entity is responsible to assure the attendance of their appointee(s) and may change their representative(s) at any time for any reason.
- D. Meetings. Technical Advisory Committee meetings shall be held at least Once a month, normally on the first Tuesday at 1:30 p.m. or as necessary to conduct business.

Written notice of the meeting accompanied by an Agenda shall be delivered to the members at least 72 hours prior to the meeting and confirmed by telephone. The Place of the meeting shall be designated by the Chairperson. All meetings shall be accessible to the public.

The MPO Director may reschedule or cancel a Technical Advisory Committee in the event that the aforementioned dates conflicts with a holiday, or a regionally significant scheduled event requiring the presence of the MPO Director and/or appropriate TxDOT planning staff and/or a majority of the Technical Advisory Committee membership.

No Quorum will be necessary to conduct business at TAC Meetings.

- E. Minutes. Minutes shall be kept for all regularly scheduled meetings of the TAC.
- F. Staff Support. Staff support for the Technical Advisory Committee shall be furnished by the MPO Director for the administration of meetings.
- G. Functions. The functions of the Technical Advisory Committee shall be as follows:
 - 1. Provide technical support to the regional transportation planning process.
 - 2. Provide assistance to the Policy Committee as needed to ensure that the MPO provides for the coordination, comprehensiveness, and continuity of the Regional Transportation Planning Process.
 - 3. Provide recommendations and support for the development of the Unified Planning Work Program, Regional Transportation Plan, and assist TxDOT in developing the Transportation Improvement Program in accordance with requirements of federal statutes and regulations, and provide review and comment to assist the Policy Committee in their consideration of these documents for approval.

4. Review and comment on the Transportation Improvement Program to assure that transportation projects are reflective of local needs and do not reasonably exceed what funding currently seems likely to be available for the metropolitan area.
 5. Review the limits of the Transportation Study Area and make Recommendations considered appropriate for adoption by the Policy Committee.
 6. Recommend Policy Committee authorization of transit planning technical assistance to transit operating agencies at their request.
 7. Assist the Policy Committee in identifying the kinds of consultant Studies.
 8. Provide assistance and support in developing selection process for STP4C projects. MPO Staff shall maintain up to date data to support the selection process with assistance from the Technical Advisory Committee.
 9. Communicate the activities, actions, recommendations and technical Ramifications on all matters considered by the Technical Advisory Committee, particularly those resulting in a recommendation to the Policy Committee.
- H. Technical Advisory Sub-Committees. The Technical Committee Chairperson will have the authority to appoint sub-committees as required to carry out the business of the Technical Advisory Committee.

INTENT

Section 5. These Bylaws and Operating Procedures are intended to provide rules and procedures to assure the orderly function of the urban transportation planning process in Hidalgo County.

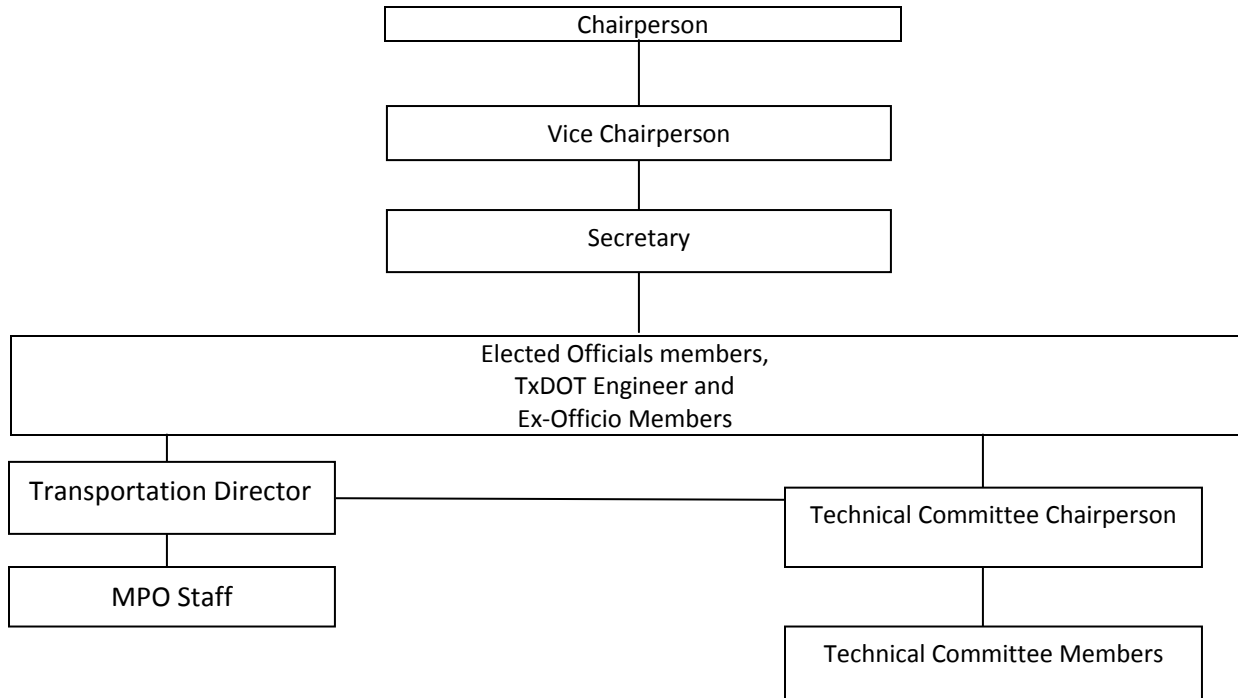
ADOPTION

Section 6. The Bylaws and Operating Procedures shall be in full force and effect at such time as they have been approved by a two-thirds (2/3) vote of the Transportation Policy Committee at which a quorum, as defined herein, is present.

REVISION

Section 7. These Bylaws and Operating Procedures may be revised by approval of two-thirds (2/3) of the votes of the Transportation Policy Committee at a meeting during which a quorum, as defined herein, is present. Changes in the Bylaws must be presented at one regularly scheduled meeting. No Bylaw change shall be made that has not been presented at a previous meeting. The Chairperson shall vote on Bylaw changes.

Hidalgo County
Metropolitan Planning Organization
Transportation Policy Committee
Structure



CONFLICT OF INTEREST

Section 8. Everyone connected with the MPO shall take all steps necessary to avoid even the appearance of a Conflict of Interest. In regards to all RFP's authorized by the MPO the rules below apply:

- A. When proposals are being reviewed, members and alternates of either the Policy or Technical committee shall not vote if they have vested interest in any proposal considered for contract (a personal from an entity in which the member has association with, i.e. employment, consultant, owner, board or committee member, etc.)
- B. No Committee member(s) may act as a representative for proposals being reviewed by either committee. If a member chooses to submit a proposal in response to an MPO approved RFP/RFQ he or she may not serve as a Committee member during review of that proposal.