

BYLAWS AND OPERATING PROCEDURES

BROWNSVILLE METROPOLITAN PLANNING ORGANIZATION
C/O CITY OF BROWNSVILLE
PLANNING DEPARTMENT
P.O. BOX 911
BROWNSVILLE, TEXAS 78520

Amended on January 10, 2018

A. STATEMENT OF PRINCIPLE

As a provision for each urbanized area over 50,000 population, the Brownsville Metropolitan Planning Organization (MPO) was designated by the agreement between the Governor and local units of government representing 75% of affected populations (in the metropolitan area) including the central cities as defined by the Bureau of the Census; [23 USC 134 (b) (1)/FTA-Sec 8 (b) (1)].

Counties and cities have the local responsibility for anticipating and meeting the transportation needs for adequately moving people and goods within their jurisdiction. However, the Texas Department of Transportation is charged, by law, 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 area. **The Brownsville Metropolitan Planning Organization (MPO) makes recommendations involving the metropolitan transportation system to the City of Brownsville, City of Los Fresnos, Town of Rancho Viejo, Cameron County and the State for all modes of transportation. Final decisions for implementing the metropolitan transportation plan rest with the governing bodies of Cameron County, the local municipalities and the Texas Department of Transportation.**

The Metropolitan Planning Organization (MPO) will monitor the transportation planning process to assure that it is conducted in a manner consistent with requirements of the applicable state and federal laws and regulations.

B. INTENT

The intent of the bylaws and operating procedures is to provide rules and procedures to assure the orderly function of the Urban Transportation Planning Process for the Brownsville Metropolitan planning area.

C. ORGANIZATION

By designation, the Metropolitan Planning Organization shall consist of the Brownsville MPO Policy Committee, MPO Technical Committee and the MPO's fiscal agent, the City of Brownsville. The MPO Policy Committee shall be the forum for the cooperative decision-making by elected officials and other representatives of local/state government agencies in the Brownsville MPO Planning Area. The MPO Technical Committee shall be made up of the staff members of the agencies representing the Policy Committee.

D. MPO POLICY COMMITTEE

The MPO Policy Committee shall be composed of at least one member of each of the following groups or local/state governmental units in the Brownsville MPO study area. The following local government and public agencies shall be represented as follows:

GOVERNMENT/AGENCY	MEMBERS	ELECTED	NON-ELECTED
City of Brownsville	3	Mayor and (1) City Commissioner, or two (2) Commissioners	City Manager
City of Los Fresnos	1	Mayor, or (1) Alderman	
Town of Rancho Viejo	1	Mayor, or (1) Alderman	
TxDOT (Pharr District)	1		District Engineer
Cameron County	2	Pct. 1 & Pct. 2 Commissioners	
Brownsville Chamber of Commerce	1		Chairman of Transportation Committee
Brownsville Navigation District	1	(1) Commissioner (BND)	
Brownsville I.S.D.	1	(1) Trustee (BISD)	
Greater Brownsville Incentives Corporation	1		Chairman or Board Member
Brownsville/SPI Airport Advisory Committee	1		Representative of the Committee
TOTAL	13	8	5

Freight interests and/or stakeholders shall be considered to have representation on the MPO Policy Committee by virtue of their input to the Chamber of Commerce's Transportation Committee.

In addition, the State Senator and the State Representative(s) that represent the Brownsville Metropolitan Planning Organization Area shall serve as ex-officio members. The Director of the Lower Rio Grande Valley Development Council shall serve as an ex-officio member of the MPO Policy Committee. Ex-officio members shall have the same role as regular members, except that they do not vote and their attendance shall not count in determining the quorum.

The Chairman of the Cameron County Regional Mobility Authority, or his/her designate, shall serve as an ex-officio member of the MPO Policy Committee. The Mayor of the City of Los Fresnos shall serve as a voting member of the MPO Policy Committee. In the event that the Mayor elects not to serve on the Policy Committee, then a designated Alderman shall represent the City of Los Fresnos. The Mayor of the Town of Rancho Viejo shall serve as a voting member of the MPO Policy Committee. In the event that the Mayor elects not to serve on the Policy Committee, then a designated Alderman shall represent the Town of Rancho Viejo.

E. MPO POLICY COMMITTEE FUNCTIONS

The functions of the MPO Policy Committee shall include the following:

- Provide direction to the Metropolitan Transportation Planning Process.
- Certify the coordination, comprehensiveness and continuity of the Metropolitan Transportation Planning Process.
- Review and Adopt the Unified Planning Work Program (UPWP), the Metropolitan Transportation Improvement Program (TIP) and the Metropolitan Long-Range Transportation Plan in accordance with federal and state regulations and statutes.
- Review the limits of the MPO study area and make recommendations for appropriate revision, when necessary.
- Establish fiscal and personnel management agreements between the MPO Policy Committee and the City of Brownsville (the MPO's fiscal agent) to define relationships, roles and responsibilities.
- Review credentials and rank consultant firms competing/seeking to conduct studies on behalf of the Brownsville MPO.
- Provide guidance and direction to the MPO Director on MPO Policy Committee matters.
- Authority to hire and evaluate the MPO Director.
- To promote public involvement in transportation planning and programming.
- Ensure the efficient and effective use of Federal Highway Administration (FHWA) PL funds and Federal Transit Administration (FTA) Section 5303 funds and other federal/state funds provided to the MPO.
- Ensure that the Metropolitan Planning Organization is adequately staffed.

F. OFFICERS

The Chairperson of the MPO Policy Committee shall be the Mayor of the City of Brownsville. In the event that the Mayor is not one of the representatives of the City of Brownsville serving on the MPO Policy Committee, then two City Commissioners shall

serve on the Committee. One of these two City Commissioners shall be chosen by majority of the City Commission to serve as the Chairperson of the MPO Policy Committee. The MPO Policy Committee shall originally elect a Vice-Chairperson for a two-year term after the adoption of the Bylaws. The Vice-Chairperson shall serve as the chairperson of the MPO Policy Committee whenever the chairperson is absent. If the Vice-Chairperson position becomes vacant, a new person on the committee shall be elected to serve in this role at the next meeting.

In the event the Chairperson or Vice-Chairperson is absent from a meeting with a quorum, the attending MPO Policy Committee members shall elect a presiding officer to conduct the meeting until the meeting concludes or until the Chair or Vice-Chair arrives.

G. MPO DIRECTOR

The MPO Director shall make presentations to the Policy Committee on pending issues and provide the staff support necessary to enable the smooth functioning of both the MPO Policy Committee and the MPO Technical Committee meetings. The MPO Director is responsible to the MPO Policy Committee for policy and supervision.

The MPO Director shall undertake the following:

- Assure compliance with federal and state transportation planning regulations and provide certifications to the appropriate funding agencies.
- Administer and coordinate MPO activities with member agencies and the Texas Department of Transportation.
- Provide staff support for the MPO Policy Committee and the MPO Technical Committee.
- Prepare the meeting agenda and distribute it to the MPO Committees.

H. MPO TECHNICAL COMMITTEE

The MPO Technical Committee shall be represented by at least one member from the local groups and public agencies which have representation on the Brownsville MPO Policy Committee. More than one representative of the local agencies may attend the Technical Committee meetings and participate in the discussions of the group. However, only one representative of each group listed below, may vote on items placed before the Committee for formal action.

From time to time, the Technical Committee may ask other local agencies or groups to participate in the work of the committee.

The following agencies shall have at least one representative on the MPO Technical Committee:

- Brownsville City Engineering Department
- Brownsville Aviation Department
- Brownsville Planning Department
- Brownsville Metro System
- Brownsville Public Utilities Board
- Cameron County Engineer's Office
- Cameron County Regional Mobility Authority

- Brownsville Traffic Division
- Brownsville Independent School District
- TxDOT Pharr District
- TxDOT Area Engineer's Office
- TxDOT South Region
- Brownsville Navigation District
- Greater Brownsville Incentives Corporation
- City of Los Fresnos
- Los Fresnos Consolidated Independent School District
- Town of Rancho Viejo

Also, the Bicycle & Pedestrian Coordinator employed by the City of Brownsville shall be a voting representative on the MPO Technical Committee. At this time, this staff person is housed at Brownsville Metro.

Representatives from Valley Metro, Port Isabel and South Padre Island shall be allowed to participate in discussions at MPO Technical Committee meetings, but the aforementioned representatives will be considered non-voting participants.

I. MPO TECHNICAL COMMITTEE FUNCTIONS

The functions of the MPO Technical Committee shall include the following:

- Develop recommendations for submittal to the Policy Committee as to the contents of the Unified Planning Work Program, the Metropolitan Transportation Improvement Program and the Metropolitan Transportation Plan.
- Review transportation planning issues at the request of the Policy Committee, as specified in the Metropolitan Transportation Planning Contract.
- Review draft transportation plans and studies.
- Review technical studies identified in the Unified Planning Work Program conducted for the MPO by either MPO staff, City of Brownsville staff, County staff and/or consultant firms.
- Conduct interviews of consultant firms seeking to conduct studies for the MPO. Review the consultant firms as to their technical abilities and proposed work plan and make recommendations to the Policy Committee as to the relative merits to such consultant firm proposals.
- The Technical Committee shall meet once per month. Technical Committee meetings will usually take place at least five (5) days before the next scheduled Policy Committee meeting.
- Approve of Technical Committee meeting minutes prepared by the MPO staff.
- Assist the MPO staff in implementing the Unified Planning Work Program tasks.

J. FUNCTIONS OF THE CITY OF BROWNSVILLE

The City of Brownsville shall house the MPO staff. The MPO Director shall hire transportation planning staff and said staff shall be City of Brownsville employees. The MPO Director shall administer a budget, hire support staff, coordinate the transportation planning process, act as liaison to the local government agencies on MPO issues and act as liaison to both TxDOT Pharr District and to the Transportation Planning and Program Division of TxDOT. The City of Brownsville

shall provide office space, maintenance services and/or support and financial oversight for all MPO activities carried out as part of the metropolitan transportation planning process.

The City, which is the designated MPO, aids the MPO staff to develop transportation plans and programs in cooperation with TxDOT, under the terms of the Metropolitan Transportation Planning Contract.

K. MINUTES

Minutes of the MPO Policy Committee meetings shall be kept by the MPO staff. These minutes shall be submitted to the members of the MPO Policy Committee for approval.

L. MEETINGS

A written meeting agenda shall be provided to the members at least 72 hours in advance of any non-emergency MPO Policy Committee meeting. The place, time and date of the meeting shall be included as part of the meeting agenda. All meetings shall be held as open meetings as defined by law in the State of Texas.

M. QUORUM & PROXIES

At least seven (7) members of the thirteen (13) members of the MPO Policy Committee must be present as a requirement for the Committee to take action. Proxies or alternates for all positions on the Policy Committee will be allowed, provided all of the following conditions are satisfied:

- (a) the proxy appointment must be confirmed in writing and said correspondence is to be filed and acknowledged by the MPO staff;
- (b) the proxy acts on behalf of an under the supervision of the policy board member who appointed the proxy; and
- (c) the proxy member is authorized to vote for the policy member who appointed the proxy, to the extent that the policy member has given the member's voting power.

Also, MPO Policy Committee members may elect to forego (or refrain from) appointment of a proxy.

N. ETHICAL STANDARDS

Voting members of the Brownsville MPO Policy Committee must adhere to the ethical standards required of MPO members, as identified in Texas Senate Bill No. 585. Also, MPO staff members shall adhere to the ethical standards required of MPO employees, as identified in Texas Senate Bill No. 585.

These standards state that MPO employees and/or voting members of the Brownsville MPO Policy Committee are prohibited from engaging in the following:

- (1) accepting or soliciting any gift, favor or service that might reasonably tend to influence the voting member in the discharge of official duties, or that the voting member knows or should know is being offered with the intent to influence the voting member's official conduct;

- (2) accepting employment or engaging in a business or professional activity that the voting member might reasonably expect would require or induce the voting member to disclose confidential information acquired by reason of the official position;
- (3) accepting employment or compensation that could reasonably be expected to impair the voting member's judgment in the performance of the voting member's official duties;
- (4) making personal investments that could reasonably be expected to create a substantial conflict between the voting member's private interest and the public interest;
- (5) intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised the voting member's official powers or performing the voting member's official duties in favor of another.

To ensure that MPO employees and MPO Policy Committee members are made aware of this MPO ethics policy, the MPO Director shall furnish a copy of the MPO Bylaws, (with this ethical standards section), to all new MPO Policy Committee members no later than the third business day after the person qualifies for office. Further, the MPO Director shall furnish a copy of the MPO Bylaws, (with this ethical standards section), to all new MPO employees no later than the third business day after the person begins employments.

In addition, the MPO Director shall develop and distribute an Ethical Standards Affidavit. This affidavit is to be signed by all MPO Policy Committee members and MPO employees, to provide evidence that said persons have read and understood the affidavit and agree to abide by its contents.

O. ADOPTION

These bylaws and operating procedures shall be in effect after the approval of the MPO Policy Committee.

P. REVISION

These bylaws and operating procedures may be revised by approval by two-thirds of the votes of the MPO Policy Committee. Proposed changes in the bylaws must be presented (in writing) at one regularly scheduled meeting and voted on at a following regularly scheduled meeting.

Q. MPO SUBCOMMITTEES & INTERLOCAL AGREEMENTS

The MPO Policy Committee shall have the authority to form temporary (or permanent) subcommittees to conduct the following activities, in order to carry out MPO Policy Committee functions:

- To negotiate the terms of possible funding agreements with member agencies.
- To investigate how MPO functions might be improved.
- To evaluate the MPO Director's performance.
- To conduct research and/or fact-finding regarding MPO plans, policies or operations.

All findings, recommendations and/or proposals submitted by MPO subcommittees shall not be binding, but are subject to review and final approval of the MPO Policy Committee.

R. ATTENDANCE

Attendance records of the MPO Policy Committee meetings shall be kept in accordance of the Open Meetings Act. Copies of these records shall be sent to Policy Committee members at their request. Members who miss three consecutive meetings shall be informed of their absences by the Policy Committee Chairperson.

The Committee may request the MPO Director to notify the affected agency or government of repeated absences of a Committee member, but any such request shall only be made by a formal vote of the Policy Committee at a regularly scheduled meeting. The intent of this policy is to encourage attendance. No substitute member may replace an absent member or represent a local government or participating agency.

**RESOLUTION
BROWNSVILLE MPO POLICY COMMITTEE**

WHEREAS, the Brownsville Metropolitan Planning Organization is the designated agency for Transportation Planning in the Brownsville Urban Study Area; and

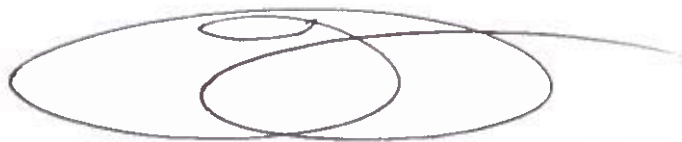
WHEREAS, the Metropolitan Planning Organization has the authority to amend its own Bylaws; and

WHEREAS, the MPO Technical Committee recommends adoption of these MPO Bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Brownsville Metropolitan Planning Organization Policy Committee amends and/or ratifies the Brownsville MPO Bylaws.

Passed and Approved this 10th day of January 2018.

Signed:



Tony Martinez
Chairperson
Brownsville MPO Policy Committee



Pedro R. Alvarez, P.E.
TxDOT District Engineer
TxDOT Pharr District