



POLICY COMMITTEE BY-LAWS

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ARTICLE I

Mission Statement: The Tyler Metropolitan Planning Organization (MPO) Policy Committee is a body comprised of elected and non-elected officials who establish transportation policy for the Metropolitan Planning Organization. The Committee's duty is to fulfill state and federal mandates, which include, but are not limited to, the development and implementation of the Metropolitan Transportation Plan (MTP) and the development of both the Unified Planning Work Program (UPWP) and the Transportation Improvement Program (TIP). The Committee also examines the planning process and reviews the adequacy of current and future Transportation Plans. It examines the needs and desires of the citizens it serves in the Tyler Study Area and develops projects and plans based upon those needs and desires.

ARTICLES OF ORGANIZATION

WHEREAS, the Federal Aid Highway Act of 1962, as amended by the Intermodal Surface Transportation Efficiency Act of 1991, Section 8 of the Federal Transit Act, the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), requires a comprehensive, cooperative and continuing (3C) transportation planning process carried on by the State and local governments for each urban area of more than 50,000 population in order to qualify for federal-aid transportation projects in such areas; and

WHEREAS, in the Tyler urban area the transportation study process was established by a METROPOLITAN TRANSPORTATION PLANNING CONTRACT dated December 12, 2006, between the MPO, local governments and the state of Texas for the purpose of developing a suitable transportation planning process; and

WHEREAS, the main functions of this Tyler Metropolitan Planning Organization Policy Committee will be to adopt policies relating to the transportation planning process, to review and adopt a metropolitan transportation plan and promote its implementation, and to develop the annual Unified Planning Work Program (UPWP) and the Transportation Improvement Program (TIP) and promote implementation of these plans;

NOW, THEREFORE, the members of this committee do with this agree and so with this associate themselves together for the purpose aforesaid, and in consideration of the mutual promises with this made, do agree as follows:

NAME

The name of this committee will, from this day forward be changed from the Tyler MPO Policy Committee to the Tyler Area MPO Policy Committee.

ARTICLE II
Members and Meetings

A. MEMBERSHIP.

The Policy Committee will consist of eleven (11) voting members comprised primarily of elected officials or their designated representatives from the City of Tyler, City of Lindale, City of Whitehouse, other incorporated cities within the approved MPO Boundary, Smith County governmental agencies, the North East Texas Regional Mobility Authority (NET RMA), and from the Texas Department of Transportation (TxDOT). The members should consist of the following:

City of Tyler and other incorporated cities within MPO Boundary -- six (6) members, three (3) of which shall be the Mayor and the City Manager of the City of Tyler or his designee, one (1) other representative for the City of Tyler as agreed to by the Mayor and City Manager, one (1) representative for the City of Lindale as agreed by the Mayor and City Manager of Lindale, one (1) representative for the City of Whitehouse as agreed by the Mayor and City Manager of Whitehouse, and one (1) member designated by the Policy Board of the other incorporated cities within the MPO Boundary to serve two-year rotating terms

Smith County -- three (3) members, two (2) of which shall be designated by the Commissioners Court and one (1) being the County Road Administrator or designee

North East Texas Regional Mobility Authority (NET RMA) – one (1) member which shall be designated by the NET RMA Board

Texas Department of Transportation -- one (1) being the Tyler District Engineer

Voting members of the Policy Board can assume the duties of the Chair in the absence of the Chairperson or the Vice Chairperson

B. APPOINTMENT.

The members will be appointed annually by the governing body that they represent or in the event of an opening. The MPO Staff will request appointments, in writing, from the chief elected official or head of the entity June 1 of each year. Members shall serve on the Policy Board as long as they hold their job or their position as an elected official. Appointments shall be made in writing by July 1 of each year to the MPO Staff.

The MPO Staff shall maintain a current list of the voting membership.

C. REPLACEMENT.

If any voting member is unable to complete the term of the appointment, a replacement will be named by the head of the governmental entity within thirty days of the date of the vacancy and the MPO Staff shall be so notified.

D. ABSENCES.

Any voting member missing three (3) consecutive meetings unexcused will be removed from the Policy Committee, and the represented entity will name a replacement. Members shall be excused from attendance at a committee meeting due to medical reasons certified by a personal physician, a certified emergency requiring immediate personal attention or as otherwise excused by the committee at the next meeting.

The MPO Staff shall notify the chief elected official or head of each entity in writing after any voting member has missed two consecutive meetings.

E. VOTE OF THE MEMBERSHIP.

Each voting member will have one (1) vote. Proxy cannot execute voting and no member can vote by phone. Voting on all issues shall be open, by show of hands or voice.

F. QUORUM.

A majority vote of the quorum at any duly called regular or special meeting will be sufficient to authorize any action to be taken by the committee. A quorum is a minimum of six voting members.

G. FREQUENCY OF MEETINGS.

The Policy Committee will meet at least two (2) times per year consistent with the federal and state requirements for the submission of planning documents. The Committee will meet at other times as the Chairperson deems necessary or upon written request of any member to the Chairperson.

H. RESPONSIBILITY OF MEETING NOTICES.

It will be the responsibility of the MPO Staff to send out written notices of the date, time, place and nature of the meeting to every member of the committee. The written notice of the meeting shall be mailed to each board member at least seven (7) days in advance of the meeting. Those meetings will be in conformance with the Texas Open Meetings Act and the Public Participation Plan.

I. MINUTES.

The MPO Staff will keep a written record of the proceedings of the committee meeting, and may distribute the minutes to all members and all appropriate individuals.

J. ACTION OF COMMITTEE.

When reviewing items of a technical nature, this committee will take recommendations from the Technical Committee under advisement.

K. RULES OF ORDER.

Roberts Rules of Order will govern all meetings.

L. FUNCTION OF COMMITTEE.

The function of the Policy Committee will be as follows:

- (1) Provide policy guidance for the Metropolitan Planning Organization and transportation planning process.
- (2) Examine the adequacy of the continuing planning process at appropriate intervals and review annually the Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP, every two years), and Metropolitan Transportation Plan (MTP, every five years); adopt them; and, recommend their adoption and implementation to local governments and agencies.
- (3) Act on recommendations of the Technical Committee.
- (4) Determine if the current transportation data are in accord with previous projections and recommendations or if there are discrepancies of a nature that would require significant changes in the Plan. A complete review and, if necessary, revision of all elements of the Plan at five (5) year intervals.
- (5) Review the limits of the approved MPO Planning Boundary and make minor revisions if necessary.
- (6) Designate such Technical Committee or task forces necessary to carry out the planning process.
- (7) Develop and adopt the Unified Planning Work Program and the Transportation Improvement Program, and any subsequent amendments to the UPWP.
- (8) Take appropriate action relative to certification for the study.

ARTICLE III
Officers - Policy Committee

A. CHAIRPERSON.

The Chairperson shall be elected from a majority vote of the voting members. The Chairperson will perform the duties usually assigned to that office, such as presiding at all meetings of this committee and be an Ex Officio member of any subcommittees formed within this body, and shall vote on all matters presented before the Policy Committee.

B. VICE CHAIRPERSON.

The Vice Chairperson shall be chosen by a majority vote of the membership each year. In the absence of, or in case of the inability of the Chairperson to act, the Vice Chairperson shall perform all the duties of the Chairperson.

C. SECRETARY.

No secretary will be elected from the membership of this committee. The MPO staff shall furnish the secretarial duties necessary to conduct meetings.

D. CHANGE OF OFFICERS.

The changing of the Chairperson will occur with the end of the current officer's elected term. Upon vacancy, the Chairperson position will be filled as outlined in *Article III, Section A*, above. The Vice Chairperson will serve a one-year term and may not succeed himself or herself in this office more than once. The term of office shall run concurrent with the MPO fiscal year - October 1 through September 30.

E. TIME OF ELECTION.

The Vice Chairperson election shall be held at the Annual Meeting each summer the Vice Chairperson will assume office at the beginning of the next fiscal year.

ARTICLE IV
Sub-committees

A. SUBCOMMITTEES.

The Policy Committee may establish sub-committees as necessary to carry out the mission of the MPO. Sub-committees will serve at the pleasure of the Policy Committee in an advisory capacity.

B. TECHNICAL ADVISORY COMMITTEE.

- (1) **PURPOSE AND FUNCTION.** The Technical Committee's purpose is to advise the Policy Committee on the development of the Unified Planning Work Program (UPWP), the Metropolitan Transportation Plan (MTP), and the Transportation Improvement Program (TIP). The Technical Committee will help the MPO Director in ensuring that these plans and programs are developed and conducted according to TEA-21 and SAFETEA-LU. The Committee will also help with technical tasks associated with the development of the MTP and the TIP, and will review projects and make recommendations regarding the UPWP, MTP, and the TIP to the Policy Committee.

The Technical Committee will merely advise the Policy Committee on technical matters. All official action of adopting policies, endorsing the UPWP, approving the MTP, and adopting the TIP resides with the Policy Committee. The Policy Committee may direct the Technical Committee to present alternatives for its consideration, with accompanying recommendations and supporting rationale.

- (2). MEMBERSHIP. The Technical Advisory Committee will be staff personnel appointed by their respective governments, agencies, organization or industry. Representatives should have expertise in transportation, engineering, traffic operations, planning, public transportation, aviation, economic development, air quality, and freight movement. The following governments, agencies, organizations and industries shall appoint membership as noted:

City of Tyler -- 8
Smith County -- 2
TxDOT District -- 3, TxDOT TPP Division -- 1
Tyler Transit --1
Texas Commission on Environmental Quality -- 1
Tyler Economic Development Council -- 1
Tyler Chamber of Commerce -- 1
East Texas Council of Governments -- 1
Federal Highway Administration --1
Federal Transit Administration -- 1
North East Texas Regional Mobility Authority (NET RMA) -- 1
Freight Industry --1
Tyler Bicycle Club -- 1
East Texas Trekkers -- 1

- (3) APPOINTMENT/REAPPOINTMENT. The MPO Staff will request appointments, in writing, from the chief elected official or head of the entity June 1 of each year. Appointments shall be made in writing by July 1 of each year to the MPO Staff. Members shall serve on the Technical Advisory Committee as long as they hold their job or their position as an elected official. If a voting member becomes ineligible or unable to serve, a new member must be named within thirty days.

The MPO Staff shall maintain a current list of the voting membership.

- (4.) FACILITATOR. The MPO Staff will serve as the facilitator of the Technical Committee.
- (5.) MEETINGS. The Technical Advisory Committee shall meet as necessary in order for the committee to perform its functions. The Facilitator will, in a written notice of the meeting, designate the time and place and show in an official agenda the business to be considered. The written notice of each meeting will be mailed to each member of the committee at least one week before the meeting or established via phone or fax at least three days before the meeting.

ARTICLE V
Ethics Policy

A policy committee member or employee of the Tyler Area Metropolitan Planning Organization may not:

- (1) accept or solicit any gift, favor, or service that might reasonable tend to influence the member or employee in the discharge of official duties or that the member or employee knows or should know is being offered with the intent to influence the member's or employee's official conduct;
- (2) accept other employment or engage in a business or professional activity that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of the official position;
- (3) accept other employment or compensation that could reasonably be expected to impair the member's or employee's independence of judgment in the performance of the member's or employee's official duties;
- (4) make personal investments that could reasonably be expected to create a substantial conflict between the member's or employee's private interest and the public interest; or
- (5) intentionally or knowingly solicit, accept, or agree to accept any benefit or having exercised the member's or employee's official powers or performed the member's or employee's official duties in favor of another.

An employee of the Tyler Area Metropolitan Planning Organization who violates the Ethics Policy is subject to termination or the employee's employment or another employment-related sanction. A policy committee member or employee of the Tyler Area Metropolitan Planning Organization who violates the Ethics Policy is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

The Ethics Policy shall be distributed to:

- (1) each new employee not later than the third business day after the date the person begins employment with the agency; and
- (2) each new policy committee member not later than the third business day after the date the person qualifies for office.

If a person with knowledge of a violation of an ethics policy that also constitutes a criminal offence under another law of the state reports the violation to an appropriate prosecuting attorney who concludes that there is reasonable basis to initiate an investigation, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the Texas Ethics Commission of the status of the prosecuting attorney's investigation of the

alleged violation. The Texas Ethics Commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation

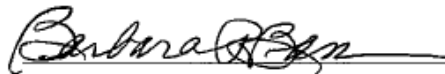
To the extent an employee of the Tyler Area Metropolitan Planning Organization is subject to the ethics policy of another governmental entity and to the extent that policy conflicts with this section, the ethics policy of the other governmental entity prevails.

ARTICLE VI
Amendments

A. METHODS OF AMENDMENT

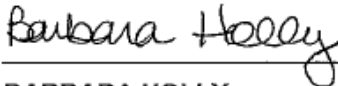
These Bylaws are adopted and may be amended by a two-thirds affirmative vote of the voting membership at a duly called meeting in which a quorum is present, provided that any changes are set out in writing and provided to members at least seven (7) days in advance and that official notice of the proposed amendment is included in the notice of the meeting.

Approved and revised on the 4th day of December, 2009.



B. BASS
MAYOR, CITY OF TYLER, TEXAS
CHAIRPERSON, POLICY COMMITTEE

ATTEST:



BARBARA HOLLY
TYLER AREA MPO EXECUTIVE DIRECTOR