



BYLAWS

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ARTICLE I INTRODUCTION

The purpose of a Metropolitan Planning Organization (MPO) is to carry out the provisions of 23 USC §134, 59 USC §5305 (Metropolitan Transportation Planning) and 23 CFR §450.300 et seq. (Metropolitan Transportation Planning and Programming). An MPO serves as the forum for cooperative decision making by principal elected officials of general purpose local governments, in a Metropolitan Planning Area (MPA).

In 1974 the Governor of Texas designated the City of Tyler to be an MPO which, in cooperation with the State, would have overall transportation planning responsibilities for the Tyler urbanized area which encompasses the Cities of Tyler, Arp, Bullard, Hideaway, Lindale, New Chapel Hill, Nooday, Troup, Whitehouse, Winona, and unincorporated areas of Smith County.

The Tyler Area MPO is a body comprised of elected and appointed officials who link regional visions, multimodal transportation systems and provide strategic direction for the investment decisions in the region. The MPO's duty is to fulfill State and Federal planning regulations as well as local priorities, which include, but are not limited to, the development and implementation of the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). The MPO provides direction that is implemented by partner agencies, elected officials and the public that will improve the quality of life, enhance the regional economy and assure efficient mobility in the Tyler MPO Planning Area.

The Tyler Area MPO is comprised of two committees: the Technical Advisory Committee which provides technical analysis and review and the Transportation Policy Committee which is the top-level transportation planning committee, which provides review and policy guidance for transportation planning efforts in the Tyler Metropolitan Area. The following By Laws constitute membership, responsibilities and procedures for organizational conduct, which shall serve to guide the transportation planning process and govern the actions of the MPO committees and employees.

ARTICLE II
TRANSPORTATION POLICY COMMITTEE

A. MEMBERSHIP.

The Transportation Policy Committee is chaired by the Mayor of the City of Tyler and consists 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 their designee(s), 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 or Deputy 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. If the Chair is unable to attend a meeting, they will select a replacement from the voting membership to serve as Chair and notify the MPO staff of the replacement at least 72 hours in advance of the meeting, or as soon as is otherwise possible.

B. APPOINTMENT AND TERM.

The members will be appointed by the governing body that they represent. Members shall serve on the Policy Board as long as they hold their job or their position as an elected official, or until resignation, removal or replacement.

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

C. ATTENDANCE.

Membership on the Transportation Policy Committee is based on public trust by virtue of the office or position held by individual members. Thus, voting members owe a duty to the citizens they represent/serve to attend a minimum of fifty percent (50%) of all duly called board meetings within each fiscal year (October 1st - September 30th).

If a member fails to attend the minimum number of meetings, the MPO Staff will notify the Committee Chairperson. The Chairperson shall take whatever action is deemed appropriate (i.e. phone call, memorandum, request appointment of new representative, etc.) 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.

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. QUORUM AND VOTING

A quorum is a minimum of six (6) voting members. 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. 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.

E. CONFLICT OF INTEREST.

A Policy Committee member is considered to be a local public official for the purposes of Chapter 171, Texas Local Government Code. Members must abstain from voting if he or she has substantial interest in a business entity that would be affected by a vote or decision of the Transportation Policy Committee. If a Policy Committee member must abstain from participation in a vote or decision under Chapter 171, Local Government Code, that member must file an affidavit required under Section 171.004, Local Government Code. A Transportation Policy Committee meeting is subject to any applicable ethics provisions in Texas Transportation Code Chapter 472.

F. FREQUENCY OF MEETINGS.

The Transportation Policy Committee will meet as necessary to perform its functions for the submission of planning documents. The Committee may meet at other times as the Chairperson deems necessary or upon written request of any member to the Chairperson.

G. 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.

H. MEETING MINUTES.

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

I. RULES OF ORDER.

Roberts Rules of Order will govern all meetings.

J. FUNCTION OF COMMITTEE.

The function of the Transportation Policy Committee will be as follows:

- (1) Provide policy guidance for the Metropolitan Planning Organization and transportation planning process.
- (2) Review and adopt changes in the continuing metropolitan transportation planning process at appropriate intervals and as necessary to fulfill the obligations of the MPO.
- (3) Review and approve the Unified Planning Work Program (UPWP) and any revisions.
- (4) Review and adopt the Transportation Improvement Program (TIP) and any revisions including project priorities and any changes in the priority schedule.
- (5) Periodically review the limits of the approved MPO Planning Boundary and make minor revisions if necessary.
- (6) Act on recommendations from the Technical Committee and/or MPO Staff, including those relative to certification and re-certification action for the MPO.
- (7) Serve as liaison representatives between various agencies in the metropolitan planning area to obtain optimum cooperation of all governmental agencies in implementing the various elements of the Metropolitan Transportation Plan (MTP).
- (8) Designate such subcommittees or task forces necessary to carry out the planning process.

ARTICLE III
TECHNICAL ADVISORY COMMITTEE

A. MEMBERSHIP.

The Technical Advisory Committee is chaired by the MPO Executive Director or designee and will consist of 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, freight movement, alternative transportation (bicycle and pedestrian) movement, natural disaster risk reduction and tourism. The following governments, agencies, organizations and industries shall appoint membership as noted:

- City of Tyler -- 8
- Smith County -- 2
- TxDOT Tyler 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
- Bicycle Advocate -- 1
- Pedestrian Advocate – 1

If the Chair is unable to attend a meeting, they will select a replacement from the MPO staff to serve as Chair.

B. APPOINTMENT AND TERM.

The members will be appointed by the governing body or entity that they represent. Members shall serve on the Technical Advisory Committee as long as they hold their job or their position, or until resignation, removal or replacement.

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

C. FREQUENCY OF MEETINGS

The Technical Advisory Committee will meet as necessary to perform its functions for the submission of planning documents. The Committee may meet at other times as the MPO Director deems necessary or upon written request of five (5) members to the MPO Director.

D. MEETING NOTICES

The MPO Director shall be responsible for establishing the meeting agenda and notice and setting the date, time and place for said meeting. The MPO Director is responsible for notifying every member of the Technical Committee of the aforementioned responsibilities no later than one (1) week prior to the meeting.

E. MEETING MINUTES.

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

F. FUNCTION OF COMMITTEE.

The function of the Technical Advisory Committee will be as follows:

- (1) Provide technical assistance to the MPO staff in collecting information, performing technical reviews, formulating recommendations, setting priorities, drafting MPO documents, maintain MPO processes, and other matters as directed by the Transportation Policy Committee.
- (2) Assist MPO staff in developing, preparing and reviewing the Unified Planning Work Program (UPWP), the Transportation Improvement Program (TIP), the Metropolitan Transportation Plan (MTP) and other documents as required by State or Federal law for the Tyler Metropolitan Area and recommend their adoption to the Transportation Policy Committee.
- (3) Advise the Transportation Policy Committee on technical and policy matters with accompanying recommendations and supporting rationale.
- (4) Conduct a complete review and, if necessary, revisions, of all elements of the MTP at least once every five (5) years.
- (5) Review studies related to transportation within the MPO Boundary and make recommendations to the Transportation Policy Committee and other agencies.
- (6) Meet at intervals necessary to perform its function.
- (7) Periodically review the limits of the approved MPO Planning Boundary and make recommendations to the Transportation Policy Committee for adoption of minor revisions if necessary.
- (8) Perform duties and be part of the MPO processes as described in federal regulations and laws, the Public Participation Plan (PPP) and other MPO policies.

ARTICLE IV MPO DIRECTOR AND STAFF

The personnel who will perform the day to day technical and administrative operations of the Tyler Area Metropolitan Planning Organization will consist of an MPO Executive Director and staff.

The function of the MPO Director and staff will be as follows:

- (1) Coordinate the duties of all MPO staff as identified in the Unified Planning Work Program.
- (2) Maintain necessary staff to execute continually the transportation planning process.
- (3) Assure compliance with the Federal and State transportation planning regulations by providing reports and certifications to the sponsoring organizations.
- (4) Develop and revise, with cooperation of Texas Department of Transportation (TxDOT) and other participants in MPO activities, the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP), the Unified Planning Work Program (UPWP) and other reports or documents as required by state or federal law for the Tyler Metropolitan Area and obtain their approval.
- (5) Prepare billing statements and submit them to TxDOT and the City of Tyler for reimbursement of expenditures.
- (6) Prepare an Annual Performance and Expenditure Report.
- (7) Assist in the preparation of applications for Statewide Transportation Enhancement Programs, Recreational Trails Grants and other appropriate programs.
- (8) Take direction from and report to the Transportation Policy Committee.
- (9) Provide staff support for the Transportation Policy Committee and the Technical Advisory Committee.

ARTICLE V Ethics Policy

In accordance with Section 472.034, Texas Transportation Code, an ethics policy will establish standards of conduct. The purpose of the ethics policy is to prevent a Metropolitan Planning Organization (MPO) Policy Board member or employee of the MPO from having a conflict of interest in business before the Metropolitan Planning Organization.

A Transportation 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 reasonably 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 Transportation 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 Transportation 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 offense 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. AMENDMENTS


These Bylaws are adopted and may be amended by a two-thirds affirmative vote of the Transportation Policy Committee 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 26th day of July, 2018.



**MARTIN HEINES
MAYOR, CITY OF TYLER, TEXAS
CHAIRPERSON, POLICY COMMITTEE**

ATTEST:



**HEATHER NICK, AICP
TYLER AREA MPO EXECUTIVE DIRECTOR**