

**Harlingen-San Benito
Metropolitan Planning Organization**

**Bylaws
&
Operating Procedures**

**Lon C. Hill Building
502 E. Tyler St.
Harlingen, TX 78550**

ADOPTED

March 10, 1994

**REVISION # 8
Approved March 9, 2011**

PREVIOUS REVISIONS

REVISION #1 November 14, 1996

REVISION #2 December 9, 1999

REVISION #3 July 13, 2000

REVISION #4 August 14, 2004

REVISION #5 May 12, 2005

REVISION #6 June 11, 2009

REVISION # 7 August 11, 2010

TABLE OF CONTENTS

	<u>Page</u>
Statement of Principal-----	1
Intent-----	1
Definitions-----	1-2
Organization-----	2
Transportation Policy Committee-----	2-5
Responsibilities	
Membership	
Officers	
Attendance	
Meetings	
Open Meetings & Pubic Comment	
Quorum	
Technical Advisory Committee-----	5-6
Responsibilities	
Membership	
Officers	
Meetings	
Attendance	
Meetings	
Open Meetings & Public Comment	
Quorum	
Adoptions & Revisions of Bylaws and Operating Procedures Document-----	6
Ethical Standards-----	7-10
HSBMPO Transportation Policy Committee Structure-----	11

BYLAWS AND OPERATING PROCEDURES

HARLINGEN-SAN BENITO METROPOLITAN PLANNING ORGANIZATION

STATEMENT OF PRINCIPLE

1. As a provision for each urbanized area over 50,000 population, the Harlingen-San Benito MPO was designated by agreement between the Governor and local units of government representing 75% of affected population (in the metropolitan area) including the central cities as defined by the Bureau of the Census, or in accordance with procedures established by applicable state or local law. (23 USC 134 (b)(1)/FTA-Sec 8(b)(1)).
2. 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 law charges the Texas Department of Transportation (TXDOT), 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.
3. The Harlingen-San Benito Metropolitan Planning Organization (MPO) makes recommendations involving the regional transportation system to the cities of Harlingen, San Benito, Los Indios, Palm Valley, Primera, Rio Hondo, Combes, La Feria, Santa Rosa, Cameron County and the state for all modes of transportation. Final decisions for implementing the regional transportation plan rest with the governing bodies of the county and cities, the Transportation Commission and the Texas Department of Transportation.
4. The Metropolitan Planning Organization (MPO) will monitor the transportation planning process to ensure that it is conducted in a manner consistent with requirements of federal law and regulations.

Intent

The intent of the bylaws and operating procedures is to provide rules and procedures to ensure the orderly function of the urban transportation planning process in the Harlingen-San Benito Metropolitan Area.

Definitions

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

- A. **Transportation Planning Process:** Defined as the process of estimating future travel demand, identifying transportation improvement alternatives, and evaluating those

- B. alternatives to determine the best combination of facilities and services for all modes of transportation.
- C. **Regional Transportation Plan:** The delineation of highway, transit, and airport facilities and services for all modes of travel.
- D. **Regional Transportation System:** 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.
- E. **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.
- F. **Regional Public Transportation System:** includes all fixed guideway facilities, bus routes, rapid transit, paratransit, and taxi services operated by public or private entities.
- G. **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.
- H. **Metropolitan Area:** Is that portion of the Harlingen-San Benito area 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

By designation, the MPO shall consist of the Transportation Policy Committee (TPC) and the Technical Advisory Committee (TAC).

Transportation Policy Committee

The policy body of the organization is the Transportation Policy Committee composed of the general purpose local government entities and appointed officials of the providers of transportation in the metropolitan area. This Committee provides the forum for cooperative decision making and has the following responsibilities:

1. Provide direction to 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, the Transportation Improvement Program, and the Metropolitan Transportation Plan (Long Range Transportation Plan) in accordance with federal regulations and statutes.
4. Review the limits of the MPO Study Area and make appropriate revisions.

5. Authorize transit planning technical assistance to transit operating agencies at their request.
6. Identify the kinds of consultant projects eligible for federal transportation funding.
7. Establish MPO staff needs and hire an MPO Director to administer a budget, hire support staff, coordinate the transportation planning process and act as liaison to TxDOT's transportation planning programs through the TxDOT Pharr District and TxDOT Austin Division of Transportation Planning and Programming Representative and the local agencies.
8. The Transportation Planning Committee shall consider the recommendation of the Technical Advisory Committee on any plan or project to be discussed.

Membership

The Transportation Policy Committee shall be composed principally of local elected officials, the TxDOT District Engineer and additional parties as approved by the Transportation Policy Committee. In the case of cities, one of the members shall be the Mayor by virtue of his/her position and the other appointed by the government entity. Each member shall be allowed to appoint a designee who can vote on issues at the interest of the agency they are representing.

The designee acts on behalf and under the supervision of the policy board member who appointed the designee; must be appointed in writing; and is authorized to vote for the policy board member who appointed the designee to the extent the member has given the designee the member's voting power.

Although the charters of most member cities/agencies already identify the alternate (Mayor/Mayor-Pro tem), each elected member shall only be represented by another designee of that city or agency. In case both the member and the designee show up at the meeting, only one of them will be allowed to vote. The following local government and agencies shall be represented as follows:

Government/Agency	Members	Votes
City of Harlingen	2	2
City of San Benito	2	2
City of Palm Valley	1	1
City of Primera	1	1
City of Combes	1	1
City of Los Indios	1	1
City of Rio Hondo	1	1
City of La Feria	1	1
City of Santa Rosa	1	1
TxDOT	1	1
Cameron County	2	2
Total	14	14

In addition, the State Senator and State Representatives that represent the Harlingen-San Benito Metropolitan Planning Organization area shall serve as Ex-Officio members. 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 a quorum.

Other Ex-Officio members shall include representatives of the following:

- Harlingen City Engineer
- San Benito City Engineer
- Harlingen Planning and Development Director
- San Benito City Planner
- Cameron County Engineer
- Superintendent, Harlingen Consolidated Independent School District
- Superintendent, San Benito Consolidated Independent School District
- Director, Port of Harlingen
- Director, Valley International Airport
- Chairman, Cameron County Regional Mobility Authority

Officers

The Mayor of the City of Harlingen and the Mayor of the City of San Benito shall serve as Chairperson and Vice-Chairperson of the MPO. These offices shall rotate between the two cities every two years. This rotation of the office of the Chairperson and the Vice-Chairperson shall be effective in December. In the absence of the chairperson, the chairperson's alternate will conduct the meeting. If the chairperson and the chairperson's alternate are not in attendance, the vice-chairperson will conduct the meeting. If the vice-chairperson is not present, then the vice-chairperson's alternate will chair the meeting. The MPO Director shall make all preparations and provide the staff support necessary to enable the smooth functioning of both the MPO Transportation Policy Committee (TPC) and Technical Advisory Committee ((TAC) Meetings.

All officers of the Transportation Policy Committee shall be eligible to vote on all matters before the committee.

Attendance Records

Attendance records of the Transportation Policy Committee meetings shall be kept in accordance to the Open Meetings Act. These records shall be sent to members annually.

Members of the Transportation Policy Committee who have missed (2) 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 member who has missed three (3) consecutive meetings shall be placed on Ex-Officio status and be so informed by letter from the Chairman.

In order for the member to regain full voting status, the suspended member must show good faith effort to regain the voting status. A good effort is attending two (2) consecutive meetings

as an ex officio member. Attendance at three (3) consecutive meetings by the member who has been placed on Ex-officio status shall restore said member to full voting membership.

Meetings

The Transportation Policy Committee shall meet monthly unless there is no business to discuss or action to be taken.

The MPO Director, with consultation with the TPC Chairperson, may cancel a regularly scheduled meeting or call additional meetings as necessary.

Open Meetings & Public Comment

A written meeting notice, agenda, time and place of the meeting shall be provided to the members and media at least 72 hours in advance. Attendance by members shall be confirmed the day before the meeting. All meetings of the Transportation Policy Committee, to include work sessions, shall be held as open meetings as defined in Article 6252-17, Vernon's Annotated Statutes. The place of the meeting shall be designated by the Chairperson and all meetings shall be accessible to the public.

Public comments are a part of every Policy Committee meeting and are designated at the beginning of the agenda. Citizens who wish to provide public comments are required to sign in on a separate sign-in sheet no less than five (5) minutes prior to the start of the meeting. Public comments shall be limited to a period of three (3) minutes per person and the total public comment period shall be limited to thirty (30) minutes or extended at the discretion of the Chairperson.

Quorum

At least fifty-one percent (51%) of members of the Transportation Policy Committee shall be required for the committee to take action. If there is no quorum, the Transportation Policy Committee will not hold a meeting.

Technical Advisory Committee

The Technical Advisory Committee shall be created by the Transportation Policy Committee. The Technical Committee shall be a group of local municipal and county government representatives appointed by the Policy Committee to investigate, research, and report all issues charged to them for the Transportation Policy Committee's consideration in developing regional transportation planning process.

In addition the staff of the State Senator and State Representatives that represent the Metropolitan Area shall also serve in the Technical Advisory Committee. Also, all modes of transportation will be represented, i.e. trucking, railroads, airports, transit providers, etc.

The Technical Advisory Committee has the following responsibilities:

1. Assist the Transportation Policy Committee with technical tasks associate with developing the Unified Planning Work Program (UPWP) and recommend its adoption by the Transportation Policy Committee;
2. Review transportation related studies within the Harlingen-San Benito Metropolitan Planning Area and make recommendations to the Transportation Policy Committee and other agencies.
3. Provide technical support in the preparation of the Metropolitan Transportation Plan (MTP) and recommend its adoption by the Transportation Policy Committee.
4. Review the Transportation Improvement Program (TIP) and other high priority projects. Recommend its adoption by the Transportation Policy Committee.
5. Advise the Transportation Policy Committee on technical matters and, if specifically authorized by the Transportation Policy Committee, on the policy matter with accompanying recommendations and supporting rationale.

Membership

Each Policy Committee member will appoint at least one member to the Technical Committee. All local municipal, county government and public agencies within the Metropolitan Study Boundary shall have representation on the Technical Committee. Whenever possible, each member is to be appointed based on the technical ability needed to perform transportation planning activities of the MPO.

Officers

The MPO Director designee shall serve as the Technical Advisory Committee Chairperson.

Attendance to Technical Advisory Committee

The Transportation 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.

Meetings

The Technical Advisory Committee shall meet at least once a month and as many times as necessary to review proposed agenda items before making recommendations to the Transportation Policy Committee. The MPO Director or designee shall provide the staff support needed at meetings and serve as the Technical Committee Chairperson.

The MPO Director may cancel a regularly scheduled meeting or call any additional meetings as necessary.

Quorum

No Quorum will be necessary, in order, to conduct Technical Advisory Committee meetings.

Adoption & Revisions of Bylaws and Operating Procedures Document

The bylaws and operating procedures shall be in effect after the approval of the Transportation Policy Committee (TPC).

Revisions

These bylaws and operating procedures may be revised by approval by two-thirds of the votes of the Transportation Policy Committee. Changes in the bylaws must be presented at one regularly scheduled meeting and voted on at the following regularly scheduled meeting.

Conflict of Interest

The Texas Transportation Code, Title 6, Chapter 472, Subchapter D. Metropolitan Planning Organizations, Section 472.033 states that a Policy Board member is considered to be a local public official for the purposes of Chapter 171, Local Government Code.

Members or their proxies 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 Policy Board. If a Policy Board 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.

Furthermore, the appointment of a proxy by a policy board member does not excuse the member from filing an affidavit required under Section 171.004, Local Government Code even if the proxy abstains from the issue.

Ethical Standards

Voting members of the Harlingen-San Benito MPO Transportation Policy Committee must adhere to the ethical standards required of MPO members, as identified in Texas Senate Bill No. 585. Also, MPO staff members and Technical Advisory Committee shall adhere to the ethical standards required of MPO employees, as identified in Texas Senate Bill No. 585.

These standards state that MPO employees, members of Technical Advisory Committee and/or voting members of the Harlingen-San Benito 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 he/she in the discharge of official duties, or that he/she should know is being offered with the intent to influence the his/her official conduct;
2. Accepting employment or engaging in a business or professional activity that he/she might reasonably expect would require or induce he/she to disclose confidential information acquired by reason of the official position;
3. Accepting employment or compensation that could reasonably be expected to impair his/her judgment in the performance of his/her official duties;
4. Making personal investments that could reasonably be expected to create a substantial conflict between the his/her private interest and the public interest;

5. Intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised his/her official powers or performing his/her official duties in favor of another.

To ensure that MPO employees, members of the Technical Advisory Committee, 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 and Technical Advisory 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), and to all new MPO employees no later than the third business day after the person begins employment.

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, Technical Advisory Committee members and MPO employees.

**HARLINGEN-SAN BENITO
METROPOLITAN PLANNING ORGANIZATION**

**TRANSPORTATION POLICY COMMITTEE
ETHICAL STANDARDS AFFIDAVIT**

I, _____, a voting member of the Harlingen-San Benito Metropolitan Planning Organization Transportation Policy Committee, Technical Advisory Committee, or MPO employee representing _____, hereby swear and affirm that I will uphold the following ethical standards required by voting members of MPO Policy Boards as identified in Texas Senate Bill 585. These standards state that voting members of the MPO Policy Board 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.

I further swear and affirm that in order to prevent a potential conflict of interest, that I will abstain from voting in or engaging in the discussion of any matter of business before the Harlingen-San Benito MPO Policy Board that will have a special economic effect on either a business or real property of which I have a substantial interest that is distinguishable from the effect on the public.

I understand that a substantial interest is defined as either:

1) I own 10 percent or more of the voting stock or shares of the business entity or either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

2) I have received funds from the business entity exceeding 10 percent of my gross income for the previous year; or

3) I have a substantial interest in real property defined as an equitable or legal ownership with a fair market value of \$2,500 or more; or

4) I have a family member related to me in the first degree by consanguinity or affinity with a substantial interest in a business entity or real property as defined above.

I agree to notify the MPO Director in writing of any conflict of interest as defined above prior to any vote or discussion of any matter of business which has created the conflict of interest.

I understand that any violation of these standards or requirements may subject me to removal from the MPO Policy Board and possible prosecution by the Cameron County District Attorney. I further understand that SB 585 requires me to notify the Cameron County District Attorney's Office and MPO Policy Board in a timely manner should I have personal knowledge of any violations of these same standards by other voting members of the Harlingen-San Benito MPO Policy Board or of the Harlingen-San Benito MPO staff.

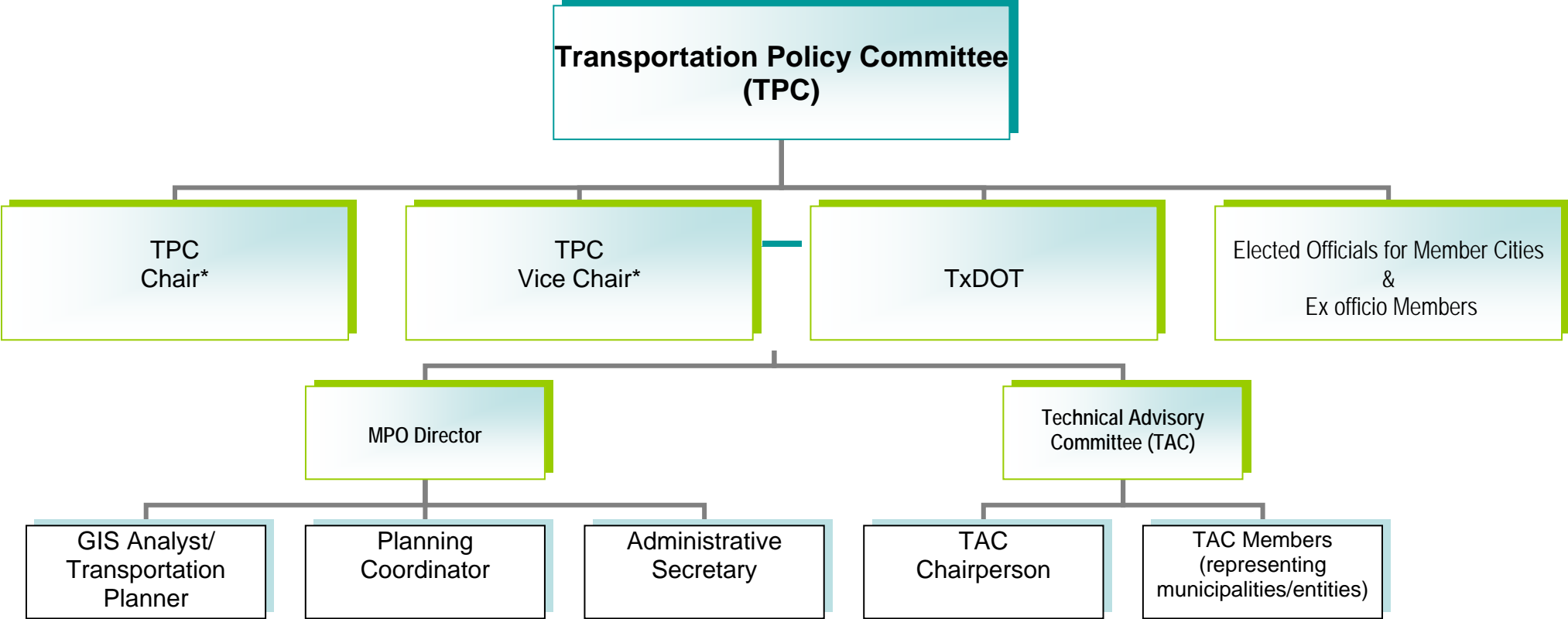
I also understand that failure to report violations of these standards by other voting members of the Harlingen-San Benito MPO Policy Board or of the Harlingen-San Benito MPO staff subjects me to possible removal from the MPO Policy Board and possible prosecution by the Cameron County District Attorney.

I hereby swear and affirm that I have read the entire affidavit and that I understand and agree to its contents.

Printed Name:
Affiant Signature:
Position:
Representing:
Sworn and subscribed before me this ____day of _____ (month), of ____ (year). Notary Public, State of Texas Notary's Printed Name: _____ My Commission Expires: _____

(Seal)

**Harlingen-San Benito
Metropolitan Planning Organization
Structure**
(Organizational Chart)



***TPC Chair and Vice-Chair alternate every two (2) years between the Mayor of Harlingen and the Mayor of San Benito.**

RESOLUTION 2011-02

**APPROVAL OF
HSBMPO BYLAWS & OPERATING PROCEDURES REVISION #8**

WHEREAS, the Harlingen-San Benito Metropolitan Planning Organization is the designated agency for transportation planning in the Harlingen-San Benito metropolitan area; and

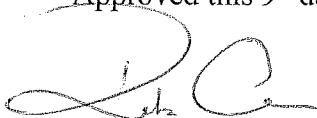
WHEREAS, the Harlingen-San Benito MPO has presented and to the TAC and TPC draft HSBMPO Bylaws and Operating Procedures Revision #8 reflecting the following changes on pages 5 & 6—Attendance Section:

Members of the Transportation Policy Committee that have missed two (2) 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 member who has been absent three (3) consecutive times to any scheduled meeting will be informed by letter from the Chairman that they will be placed in Ex-Officio status immediately.

In order for the member to regain full voting status, the suspended member must show good faith effort to regain the voting status. A good effort is attending two (2) consecutive meetings as an ex officio member. In the third (3rd) consecutive meeting, the active members will consider this a good faith effort and restore full voting membership.

NOW, THEREFORE, BE IT RESOLVED that the Harlingen-San Benito MPO Transportation Policy Committee, as the designated MPO for this area, agreed by majority vote to adopt the HSBMPO Bylaws & Operating Procedures Revision #8.

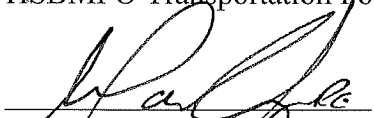
Approved this 9th day of March 2011.



Rebeca Castillo
HSBMPO MPO Director



Jack Garcia, Chair
HSBMPO Transportation Policy Committee



Mario Jorge, P.E.
TxDOT-Pharr District Engineer