

TEXARKANA  
METROPOLITAN PLANNING ORGANIZATION



BYLAWS

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FEBRUARY 2017

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THE ARKANSAS STATE HIGHWAY & TRANSPORTATION DEPARTMENT  
THE TEXAS DEPARTMENT OF TRANSPORTATION  
MILLER COUNTY, ARKANSAS  
BOWIE COUNTY, TEXAS  
THE CITY OF TEXARKANA, ARKANSAS  
THE CITY OF TEXARKANA, TEXAS  
THE CITY OF NASH, TEXAS  
THE CITY OF WAKE VILLAGE, TEXAS  
THE TEXARKANA URBAN TRANSIT DISTRICT

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IN COOPERATION WITH:  
THE U.S. DEPARTMENT OF TRANSPORTATION  
THE FEDERAL HIGHWAY ADMINISTRATION  
THE FEDERAL TRANSIT ADMINISTRATION

ADOPTED BY THE POLICY BOARD:  
AMENDMENT #1 ADOPTED  
AMENDMENT #2 ADOPTED  
AMENDMENT #3 ADOPTED

MAY 2001  
DECEMBER 2009  
OCTOBER 2011  
FEBRUARY 2017

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PREPARED IN COOPERATION WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT, THE TEXAS DEPARTMENT OF TRANSPORTATION, THE U.S. DEPARTMENT OF TRANSPORTATION, THE FEDERAL HIGHWAY ADMINISTRATION, AND THE FEDERAL TRANSIT ADMINISTRATION

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THE PREPARATION AND PUBLICATION OF THIS DOCUMENT WAS FINANCED IN PART BY FUNDS PROVIDED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, AND FEDERAL TRANSIT ADMINISTRATION. THE PROVISION OF FEDERAL FINANCIAL ASSISTANCE SHOULD NOT BE CONSTRUED AS DENOTING U.S. GOVERNMENT APPROVAL OF PLANS, POLICIES, PROGRAMS OR PROJECTS CONTAINED HEREIN

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TEXARKANA METROPOLITAN PLANNING ORGANIZATION  
NOTICE OF NONDISCRIMINATION

THE TEXARKANA METROPOLITAN PLANNING ORGANIZATION (MPO) MAKES EVERY EFFORT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED; SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND OTHER FEDERAL EQUAL OPPORTUNITY LAWS AND THEREFORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, SEX, COLOR, AGE, NATIONAL ORIGIN, RELIGION, OR DISABILITY, IN ADMISSION OR ACCESS TO AND TREATMENT IN PROGRAMS AND ACTIVITIES, AS WELL AS THE MPO'S HIRING OR EMPLOYMENT PRACTICES.

COMPLAINTS OF ALLEGED DISCRIMINATION AND INQUIRIES REGARDING THE MPO'S NONDISCRIMINATION POLICIES MAY BE DIRECTED TO THE MPO STAFF AT 903-798-3927, BY FAX AT 903-798-3773, BY EMAIL AT [txkmpo@txkusa.org](mailto:txkmpo@txkusa.org), THROUGH THE MPO WEBSITE [www.texarkanampo.org](http://www.texarkanampo.org), BY REGULAR MAIL - PO BOX 1967, TEXARKANA, TX 75504, OR AT THE MPO OFFICE AT 220 TEXAS BOULEVARD, TEXARKANA, TX 75501.

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THE CONTENTS OF THIS REPORT REFLECT THE VIEWS OF THE AUTHORS WHO ARE RESPONSIBLE FOR THE OPINIONS, FINDINGS, AND CONCLUSIONS PRESENTED HEREIN. THE CONTENTS DO NOT NECESSARILY REFLECT THE VIEWS OR POLICIES OF THE FEDERAL HIGHWAY ADMINISTRATION, THE FEDERAL TRANSIT ADMINISTRATION, THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT, OR THE TEXAS DEPARTMENT OF TRANSPORTATION.

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THIS REPORT WAS PREPARED BY THE TEXARKANA METROPOLITAN PLANNING ORGANIZATION (TXKMPO). COMMENTS OR QUESTIONS REGARDING THE CONTENTS OF THIS REPORT SHOULD BE DIRECTED TO TEXARKANA MPO, P.O. BOX 1967, TEXARKANA, TX 75504, (903)798.3927, OR EMAIL TO [TXKMPO@TXKUSA.ORG](mailto:TXKMPO@TXKUSA.ORG).

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**TEXARKANA URBAN TRANSPORTATION STUDY**

**RESOLUTION # 4-2017**

**A RESOLUTION BY THE POLICY BOARD OF THE TEXARKANA URBAN TRANSPORTATION STUDY (TUTS) ADOPTING AMENDMENT THREE TO THE BYLAWS OF THE TEXARKANA METROPOLITAN PLANNING ORGANIZATION**

**WHEREAS,** the Texarkana Metropolitan Planning Organization is responsible for maintaining a set of Bylaws to fulfill its responsibilities for transportation planning and programming; and

**WHEREAS,** the Texarkana MPO Study Director recommends for adoption Amendment Three to the Bylaws.

**NOW, THEREFORE, BE IT RESOLVED** by the Policy Board of the Texarkana MPO that:

**SECTION 1:** Amendment Three to the Bylaws of the Texarkana MPO is hereby adopted.

**SECTION 2:** That this Resolution shall be in effect immediately upon its adoption.

**ADOPTED** in Regular Session on the 15<sup>th</sup> day of February 2017.



Robert Bunch, Policy Board Chairman  
Texarkana Metropolitan Planning Organization

I hereby certify that this resolution was adopted by the Texarkana Metropolitan Planning Organization for the Texarkana Metropolitan Area in regular session on February 15, 2017.



Rea Donna Jones, Study Director  
Texarkana Metropolitan Planning Organization

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## MISSION STATEMENT

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The Texarkana Metropolitan Planning Organization (MPO) is a body comprised of elected and non-elected officials who link regional visions, multimodal transportation systems and provide strategic direction for the investment decisions in the region. The MPO duties which include, but are not limited to, the fulfillment of State and Federal planning regulations and mandates as well as locally expressed priorities by the development and implementation of the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP) and the Unified Planning Work Program (UPWP). The Policy Board 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 Texarkana Metropolitan Planning Area.

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## ARTICLES OF ORGANIZATION

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**WHEREAS**, in 1975 the Metropolitan Planning Organization (MPO) is the organization designated by the Governors of Arkansas and Texas as being responsible, together with the State, for carrying 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). The MPO is the forum for cooperative decision making by principal elected officials of general-purpose local governments, in the Texarkana Metropolitan Planning Area (MPA) and is established pursuant to 23 USC §134, 59 USC §5303 (Metropolitan Transportation Planning) and 23 CFR §450.300 et seq. (Metropolitan Transportation Planning and Programming); and

**WHEREAS**, in Texarkana the transportation study process has been established by an INTERAGENCY AGREEMENT dated July 19, 2011, between the MPO Policy Board, local governments and the states of Arkansas and Texas for the purpose of developing a suitable metropolitan transportation planning process; and

**WHEREAS**, the main function of this governing body shall be to adopt policies relating to the metropolitan transportation planning process, to review and adopt a long-range transportation plan and promote its implementation;

**NOW, THEREFORE**, the members of this governing body, named Policy Board, do hereby agree and so hereby associate themselves together for the purpose aforesaid, and in consideration of the mutual promises hereby made, do agree as follow:

- Article I: Organization and Management
- Article II: Policy Board Bylaws and Operational Procedures
- Article III: Technical Committee Bylaws and Operational Procedures
- Article IV: Study Director and MPO Staff
- Article V: Standards of Conduct
- Article VI: Amendment of Bylaws

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**ARTICLE I:  
ORGANIZATION AND MANAGEMENT**

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Participation by policy makers, technical staff, and citizens is required for the MPO to fulfill its responsibilities for the metropolitan transportation planning and programming process.

**ORGANIZATIONAL STRUCTURE**

The Texarkana MPO shall be comprised of:

1. Policy Board
2. Technical Committee
3. MPO Study Director and staff
4. Other Committees and/or Sub-committees.

The Policy Board is responsible for providing policy guidance for the MPO. The Technical Committee is responsible for providing technical support for the MPO. The Policy Board may create other committees and subcommittees to ensure adequate proactive public participation in the metropolitan transportation planning process.

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**ARTICLE II:  
POLICY BOARD BYLAWS AND OPERATIONAL  
PROCEDURES**

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**MEMBERSHIP**

The Policy Board shall be composed of representatives from the following participating governmental jurisdictions and consist of fifteen (15) voting members primarily of elected officials or their designated representatives from Miller County Arkansas, Bowie County Texas, the City of Texarkana, Arkansas, the City of Nash, the City of Wake village, the City of Texarkana, Texas, and other urbanized areas within the approved MPO Metropolitan Planning Area Boundary, and transit providers:

**Voting Members**

Texarkana, Arkansas	Three (3) members appointed by the City Board of Directors. At least one appointee shall be a member of the Board of Directors (Mayor or Director)
Texarkana, Texas	Three (3) members appointed by the City Council. At least one appointee shall be a member of the City Council (Mayor or Councilmember)
Wake Village, Texas	One (1) member appointed by the City Council from among its membership (Mayor or Councilmember)
Nash, Texas	One (1) member appointed by the City Council from among its membership (Mayor or Councilmember)
Miller County, Arkansas	One (1) member appointed by the Quorum Court from among its membership (County Judge or Justice of the Peace)
Bowie County, Texas	One (1) member appointed by the Commissioners Court from among its membership (County Judge or Commissioner)
Ark-Tex Council of Governments	One (1) Executive Director or an appointee from the Board of Directors
AHTD	Two (2) members, one (1) member appointed by the District 3 Engineer, and one (1) appointed by the Transportation Planning & Policy Division Engineer
TxDOT	Two (2) members appointed by the Atlanta District Engineer

## **Non-voting Members**

The following agencies/groups shall be represented and will be referred to as the Ex-Officio Members of the Policy Board:

- All State legislators or members of United States Congress, whose districts include the metropolitan planning area and who desire to serve in an ex-officio capacity
- Former voting members of the Policy Board who desire to serve in an ex-officio capacity
- Texarkana Regional Airport Authority – One (1) member appointed by the Texarkana Airport Authority
- Federal Highway Administration and Federal Transit Administration

## **Term of Membership**

Termination of membership (voting and non-voting members) on the Policy Board occurs when the member leaves his or her position with the entity he or she represents, or when said entity replaces their representative due to staffing changes within that entity.

## **Attendance Policy**

Membership on the Policy Board 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 1<sup>st</sup> - September 30<sup>th</sup>). (Example: if there are four (4) meetings within the fiscal year, the Policy Board member must attend two (2) meeting; if there are ten (10) meetings (regular and special meetings) the Policy Board member must attend five (5). The regular Alternate or the emergency Alternate may fill in the meetings the Policy Board member cannot attend).

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

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

## **Members, Alternate Members, and Emergency Alternates**

Each voting member of the Policy Board may designate an Alternate within each fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>) to exercise that member's voting authority. The Alternate must attend the board meeting in person, will count toward a quorum and may vote on any matter before the board. An Alternate shall not represent more than one voting member of the Policy Board at the same meeting. The Study Director shall be notified in writing, email, or fax prior to the



beginning of the board meeting of a voting member's decision to designate an Alternate. The notification will include the name and title of the Alternate. An Alternate for an elected official shall be an elected official representing the same entity, except for an Alternate who represents a Mayor. An Alternate who represents a mayor shall be a City Manager/Administrator or Councilperson. The Alternate for non-elected official shall be administrative or executive staff employed by the same entity. An Alternate will be acknowledged at the beginning of the board meeting and the alternate notice shall be filed as part of the meeting minutes.

Each Policy Board member may provide a name of an emergency Alternate that can represent the Policy Board member if he or she, or the regular Alternate, cannot attend a meeting. The above-mentioned requirements apply to the emergency Alternate.

## **BOARD RESPONSIBILITIES**

The Policy Board shall have the following responsibilities:

1. Provide policy for the MPO and the metropolitan 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. Review the limits of the MPO Study Boundary Area and make minor revisions if necessary.
6. Review and adopt the Annual Performance and Expenditure Report (APER) and Annual List of Projects (ALOP) of their past year's activities.
7. Act on recommendations from the Technical Committee and/or MPO Staff, including those relative to certification and re-certification action for the MPO.
8. Meet at intervals necessary to perform its function.
9. 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).
10. Designate such subcommittees or task forces necessary to carry out the planning process.

All official actions of the Policy Board shall be by approval of resolutions or motions. Unless as otherwise required of these bylaws, approval of resolutions and motions shall be made by an affirmative vote of a majority of the quorum present at the meeting. Action by adoption of a resolution shall occur for all matters required by federal or state regulations for approval of agreements, contracts, budgets; organizational structure, planning documents, etc., and any other matters deemed by the MPO Chairperson to be of sufficient importance to warrant adoption by a formal resolution. All other actions of the Policy Board shall be by approval of a motion. A tie vote of the Policy Board on a resolution or the lack of approval of a motion of a majority of a quorum present and eligible to vote shall be considered a denial of the resolution or motion. All official actions of the Policy Board shall be recorded in the meeting minutes, and kept in the Texarkana MPO permanent files as a hard copy for a minimum of four (4) plus one (1) years.

Verbatim transcripts are not required, but meeting minutes shall include an accurate summary of discussions and actions taken.

## **BOARD MEETINGS**

### **Frequency of Meetings**

The Policy Board shall meet in regular meetings at a minimum of three to four (3 to 4) times per year or as necessary to perform its functions. An annual meeting shall be held in November or December for the presentation of the Annual Performance and Expenditure Report (APER) and Annual Performance and Expenditure Report (ALOP), and to elect new officers during odd numbered calendar years.

### **Methods of Calling Meetings**

Meetings of the Policy Board may be called by one of the following methods:

1. Chairperson may call meeting
2. Study Director may call meeting
3. Any five members as a group may call a meeting by written request to the Chairperson and Study Director.

### **Meeting Agenda and Notices**

The Study Director shall be responsible for notifying board members and the public of the date, time, place and agenda items for meetings in compliance with the Public Participation Plan.

### **Quorum**

A quorum of the Policy Board, less vacancies, shall consist of a majority of the voting members. Therefore, if a vacancy occurs, a majority of the Policy Board members then serving in office will constitute a quorum. A majority of the quorum at any duly called regular or special meeting will be sufficient to authorize any action to be taken by the Board.

A quorum must be maintained throughout the meeting in order for the board to cast votes related to agenda items. The Policy Board shall not conduct official actions in the absence of a quorum. A quorum is not lost when a member or members abstain from voting.

Should a quorum not be obtained within fifteen (15) minutes after the scheduled meeting time the Chairperson may adjourn the meeting. In that event, those members present may, by unanimous agreement, select another time to meet and instruct the MPO staff to arrange for the meeting to take place at that new time.

## **Vote of the Membership**

The following guidelines shall govern voting by the Policy Board:

- Each member or alternate shall have one (1) vote.
- A majority vote of the quorum at a duly called meeting shall be sufficient to authorize an action to be taken on behalf of the board.
- Voting on all issues shall be open, by show of hands or voice.

## **Executive Sessions**

The Policy Board will hold executive sessions for the purpose of addressing individual personnel issues. Executive sessions shall not be opened to the public and will adhere to Texas Open Meetings Act.

## **Meeting Facilities**

- The Study Director is responsible for securing a meeting place.
- The locations and time for regular meetings shall be as agreed to by a majority of the voting members.
- Regular meetings shall be held at locations which are accessible by persons with disabilities.

## **Meeting Minutes**

The MPO staff shall produce minutes of all Policy Board meetings.

## **OFFICERS**

Officers of the Policy Board include the Chairperson and Vice Chairperson. Officers shall be city or county elected officials and voting members of the Policy Board.

## **OFFICER DUTIES**

### **Chairperson**

1. The Chairperson shall preside at all meetings of the Policy Board; be an ex-officio member of any subcommittees formed within this body; and shall vote only as necessary to cast the deciding vote in case of a tie.
2. The Chairperson shall authenticate, by signature, all minutes of Policy Board meetings and resolutions adopted by the Policy Board.
3. Notify members when not in conformance with minimum attendance standards and take appropriate action.

### **Vice-Chairperson**

In the absence of, or in case of the inability of the Chairperson to act, it shall be the duty of the Vice-Chairperson to perform all duties of the Chairperson.

### **Presiding Officer**

In the absence of the Texarkana MPO Chairperson and Vice-Chairperson, but with a quorum of the Policy Board Members present the MPO staff shall verify that a quorum is present and then call for the election of a Presiding Officer. That Presiding Officer shall preside over the meeting until it ends or until the elected Chairperson or Vice-Chairperson arrives. Upon the arrival of the elected Chairperson or Vice-Chairperson, the Presiding Officer shall relinquish duties to the Chairperson upon conclusion of the business item immediately before the Policy Board. The presiding officer shall be an elected official and a voting member of the Policy Board.

## **OFFICER TERM AND ELECTIONS**

The Policy Board shall elect a Chairperson and Vice-Chairperson from among its voting members that are elected officials. The Officers shall be chosen by a majority of the voting members present at the annual meeting or a special meeting called for the purpose of electing officers.

### **Term of Office**

1. Officers shall serve two (2) year terms and until such time as new officers are elected.
2. An officer may serve no more than two (2) consecutive terms, except that such term will not continue in the event an officer becomes ineligible for membership on the Policy Board.

### **Time of Election**

Officer elections will be held at the annual meeting in odd numbered calendar years.

### **Special Elections**

If the Chairperson is unable to serve, the Vice-Chairperson shall assume the office of the Chairperson and call a special election to fill the office of Vice-Chairman for the remaining portion of the two (2) year term. Should the Vice-Chairperson be unable to serve, the Chairperson shall call a special election to fill the office of Vice-Chairperson for the remaining portion of the two (2) year term. If both the Chairperson and the Vice-Chairperson are unable to serve, the Study Director shall call a special election to fill these vacancies for the remaining portion of the two (2) year term.

## **OTHER COMMITTEES AND SUBCOMMITTEES**

The Policy Board shall establish other committees and/or subcommittees for special purposes or to ensure adequate proactive participation in the transportation planning process as deemed necessary.

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**ARTICLE III:**

**TECHNICAL COMMITTEE BYLAWS AND OPERATIONAL PROCEDURES**

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**MEMBERSHIP**

The Technical Committee shall be composed of key staff members from the following jurisdictions/agencies:

Texarkana, Arkansas	Three (3) members, appointed by the City Manager
Texarkana, Texas	Three (3) members, appointed by the City Manager
Wake Village, Texas	One (1) member, appointed by the City Manager
Nash, Texas	One (1) member, appointed by the City Administrator
Miller County, Arkansas	One (1) member, appointed by the County Judge
Bowie County, Texas	One (1) member, appointed by the County Judge
ATCOG	One (1) member, appointed by the Ark-Tex Council of Governments Executive Director
AHTD	Two (2) members, one (1) appointed by the Transportation Planning and Policy Division Engineer, and one (1) appointed by the District 3 Engineer
TxDOT	Two (2) members, appointed by the Atlanta District Engineer
TUTD	One (1) member, appointed by the Texarkana Urban Transportation District Manager
Texarkana Regional Airport	One (1) member, appointed by the Airport Manager
*FHWA	Two (2) non-voting members, one (1) from the Arkansas Division and one (1) from the Texas Division.
*FTA	One (1) non-voting member from the Region 6 Office.

## **COMMITTEE RESPONSIBILITIES**

The Technical Committee shall have the following responsibilities:

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 Policy Board.
2. Shall assist MPO staff and the Policy Board in completing the work tasks described in the UPWP, and developing, preparing and reviewing the UPWP, TIP, and the MTP/LRP and recommend their adoption to the Policy Board.
3. Advise the Policy Board 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/LRP at least once every five (5) years.
5. Review studies related to transportation within the MPO Study Boundary Area and make recommendations to the Policy Board and other agencies.
6. Meet at intervals necessary to perform its function.
7. Review the limits of the MPO Study Boundary Area and make recommendations to the Policy Board for adoption of minor revisions if necessary.
8. Perform duties and be part of the MPO processes as described in the Public Participation Plan (PPP), other Texarkana MPO documents and MPO related federal regulations and laws.

## **COMMITTEE MEETINGS**

### **Frequency of Meetings**

The Technical Committee shall meet as necessary to perform its functions. The Technical Committee shall meet in regular meetings at a minimum of three to four (3 to 4) times per year or as necessary to perform its functions. An Annual Meeting shall be held in November or December for the presentation of the Annual Performance and Expenditure Report (APER) and Annual Listing of Projects (ALOP).

### **Methods of Calling Meetings**

Meetings of the Technical Committee may be called by one of the following methods:

1. Study Director may call a meeting
2. Any five (5) members as a group may call a meeting by written request to the Study Director.

### **Meeting Agenda and Notices**

The Study Director shall be responsible for notifying committee members and the public of the date, time, place and agenda items for meetings in compliance with the Public Participation Plan. Committee members will be notified of meetings at least ten (10) days prior to the meeting date.

Members desiring an item to be included on a meeting agenda shall notify the Study Director at least five (5) business days prior to the meeting.

### **Meeting Facilities**

- The Study Director is responsible for securing a meeting place.
- The locations and time for regular meetings shall be as agreed to by a majority of the voting members.
- Regular meetings shall be held at locations which are accessible by persons with disabilities.

### **Quorum**

The presence of at least nine (9) voting members of the Technical Committee constitutes the establishment of a quorum. A quorum must be maintained throughout the meeting in order for the Technical Committee to cast votes related to agenda items.

### **Vote of the Membership**

The following guidelines shall govern voting by the Technical Committee:

1. Each member shall have one (1) vote, except for the FHWA and FTA representatives who shall not have a vote.
2. A majority vote of the quorum at any duly called Technical Committee meeting shall be sufficient to authorize any action to be taken on behalf of the Technical Committee.
3. Voting on all issues shall be open.
4. Results of voting shall be reported as totals only, to include total votes for, against and abstaining.
5. Each member may designate a proxy to serve at any Technical Committee meeting in the member's absence. Proxies will have the voting rights and privileges of membership when serving in the absence of a voting member. Written notice designating the proxy must be presented to the Study Director prior to the Technical Committee meeting.

## **OFFICERS**

No officers shall be elected from the membership of this committee. The Study Director or designee shall serve as the Chairperson of the Technical Committee and MPO staff shall perform the necessary secretarial duties.

### **Duties of the Chairperson**

1. The Chairperson shall preside at all meetings of the Technical Committee and shall vote only as necessary to cast the deciding vote in case of a tie.
2. The Chairperson shall authenticate, by signature, all minutes of Technical Committee meetings.
3. The Chairperson shall represent the Technical Committee at hearings, conferences, and other events as required or designate a representative.



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## **ARTICLE IV: DUTIES OF STUDY DIRECTOR AND MPO STAFF**

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1. Take directions from, and report to, the Policy Board.
2. Coordinate the duties of all MPO staff as identified in the UPWP.
3. Maintain necessary staff to continually execute the transportation planning process.
4. Assure compliance with the Federal and State Transportation Planning Regulations by providing reports and certifications to the sponsoring organizations.
5. Develop and revise, with the cooperation of AHTD, TxDOT and other participants in MPO activities, the MTP/LRP, UPWP, TIP and other reports or documents as required by state or federal law for the Texarkana Metropolitan Area and obtain their approval.
6. Prepare expenditure claims and submit them to AHTD, TxDOT and the City of Texarkana, Arkansas for reimbursement of expenditures.
7. Prepare an Annual Performance and Expenditure Report (APER) and Annual Listing of Projects (ALOP) on behalf of the Policy Board.
8. Provide technical assistance in the preparation of applications for enhancement programs, grants and various state and federal programs.
9. Provide staff support for the Policy Board and the Technical Committee.
10. Monitor Technical Committee members' participation in meetings, workshops, etc. to ensure adequate involvement in committee activities.
11. The MPO staff shall give public notice of regular meetings in accordance with the Public Participation Plan (PPP).

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## **ARTICLE V: STANDARDS OF CONDUCT**

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### **ETHICS POLICY**

In compliance with Texas Senate Bill 585, Policy Board, Study Director, and MPO staff 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 or employee in the discharge of official duties or that the voting member or employee knows or should know is being offered with the intent to influence the voting member's or employee's official conduct;
- 2) Accepting other employment or engaging in a business or professional activity that the voting member or employee might reasonably expect would require or induce the voting member or employee to disclose confidential information acquired by reason of the official position;
- 3) Accepting other employment or compensation that could reasonably be expected to impair the voting member's or employee's independence of judgment in the performance of the voting member's or employee's official duties;
- 4) Making personal investments that could reasonably be expected to create a substantial conflict between the voting member's or employee'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 or employee's official powers or performing the voting member's or employee's official duties in favor of another.

### **CONFLICT OF INTEREST**

In order to prevent a potential conflict of interest, voting members and employees will abstain from voting in or engaging in the discussion of any matter of business before the Policy Board that will have a special economic effect on either a business or real property of which the voting member or employee has a substantial interest that is distinguishable from the effect on the public.

For the purposes of this policy a substantial interest is defined as either:

- 1) ownership of 10 percent (10%) or more of the voting stock or shares of the business entity or either ten percent (10%) or more or \$15,000 or more of the fair market value of the business entity:  
or
- 2) receiving funds from a business entity that exceeds ten percent (10%) of the voting member's or employee's gross income for the previous year; or
- 3) having 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) having a family member related in the first degree by consanguinity or affinity with a substantial interest in a business entity or real property as defined above.

## **NOTIFICATION, VIOLATION AND ENFORCEMENT**

Policy Board voting members and employees shall notify the Study 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.

Any violation of these standards or requirements may subject the offending voting member or employee to removal from the Policy Board, termination of employment with the MPO or another employment-related sanction and possible prosecution by the Bowie County, Texas District Attorney.

Policy Board voting members and employees are required to notify the Bowie County, Texas District Attorney's Office and the Policy Board in a timely manner should they have personal knowledge of any violations of these same standards by other voting members of the Policy Board or of the staff.

Voting members of the Policy Board and employees are subject to possible removal from the Policy Board, termination of employment with the MPO or another employment-related sanction and possible prosecution by the Bowie County, Texas District Attorney for failure to report violations of these standards by voting members of the Policy Board or of staff.

## **DISTRIBUTION OF POLICY AND AFFIDAVIT**

A copy of this ethics policy, in the form of an affidavit, shall be distributed to:

1. each new voting member of the Policy Board, not later than the third business day after the MPO Director is notified in writing of their appointment to the Policy Board or achieves said appointment by an election for public office; and
2. each new employee of the MPO, not later than the third business day after the date the person begins employment with the MPO.

Each new voting member of the Policy Board and employee of the MPO shall acknowledge their acceptance of and agreement to comply with the ethics policy by signing the affidavit, having it notarized by a currently commissioned Notary Public and returning the affidavit to the Study Director not later than thirty business days after appointment to the Policy Board or beginning employment with the MPO.

In compliance with SB 585 and the Texarkana MPO Fiscal and Personnel Management Agreement, to the extent that this policy conflicts with the City of Texarkana, Texas employee ethics policy, the City ethics policy prevails.

*\*\*For clarity, when referring to the MPO Policy Board members, this also included the Policy Board alternates.*

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## **ARTICLE VI: AMENDMENT OF BYLAWS**

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These bylaws may be amended by a two-thirds (2/3) vote of the Policy Board voting membership if all Policy Board members have been notified in writing of the proposed change at least seven (7) calendar days in advance and the proposed amendments have been placed on the agenda. Vacancies in membership will not be considered in the two-thirds (2/3) majority vote. The Chairperson shall propose amendments to these bylaws whenever changes are made to the Texarkana MPO Designation Agreement that make a Bylaws change necessary to avoid conflicts and/or confusion between the Bylaws and Designation Agreement. New amended Bylaws shall be delivered to Policy Board members (both voting and non-voting) at or before the next regular Policy Board meeting following the approval of the Bylaws amendments.