

**El Paso
Metropolitan Planning Organization**

TRANSPORTATION POLICY BOARD AGENDA PROJECT SUMMARY

MARCH 23, 2018

AGENDA ITEM NO. 3:

Discussion and action to amend the Transportation Policy Board (TPB) Bylaws to add South Central Regional Transit District (SCRTD) of New Mexico as voting member of the Transportation Policy Board, changing the membership to thirty-one (31) members.

ACTION REQUESTED:

Request for approval required.

SUPPORT INFORMATION:

- Notification letter sent to all TPB members
- NMDOT request for addition of SCRTD
- Draft Resolution of TPB Bylaw change
- New Mexico Regional Transit District Legislation
- Current TPB Bylaws
- Proposed TPB Bylaws with changes

DISCUSSION/OPTIONS:

El Paso MPO sent a notification letter of TPB Bylaw change to all TPB members via e-mail, US Mail and Certified Mail on March 1, 2018.



El Paso Metropolitan Planning Organization

Transportation Policy Board

Joe Moody, Chair

Texas State Representative

Javier Perea, Vice-Chair

Mayor, City of Sunland Park, NM

Jay Banasiak

Director, Mass Transit

Robert Bielek, P.E.

District Engineer, TxDOT

César Blanco

Texas State Representative

Cassandra H. Brown

City of El Paso Representative

Joseph Cervantes

New Mexico State Senator

Trent Doolittle, P.E.

District Engineer, NMIDOT

Eli Garcia

Mayor, City of Socorro

Bealquin "Bill" Gomez

New Mexico State Representative

Mary E. Gonzalez

Texas State Representative

Tommy Gonzalez

City Manager, City of El Paso

Addam Hernandez

Commission Member, Town of Clint

Manuel Leos,

Mayor, Village of Vinton

Martin Lerma

Mayor, Town of Anthony

Monica Lombraña

*Director of Aviation,
El Paso International Airport*

Chuck McMahon

*Assist. County Manager of Operations,
Doña Ana County*

Dee Margo

Mayor, City of El Paso

Ted Marquez

*Director of Department of Transportation,
City of El Paso*

Walter Miller

Alderman 1, Horizon City

Michiel Noe, MD

City of El Paso Representative

Lina Ortega

Texas State Representative

Vincent Perez,

Commissioner, El Paso County

Joseph C. Pickett

Texas State Representative

Norma Palacios

*Public Works Assistant Director,
El Paso County*

José R. Rodríguez

Texas State Senator

Maya Sanchez

Mayor, City of San Elizario, TX

Peter Svarzbein

City of El Paso Representative

Diana Trujillo

Mayor, City of Anthony, NM

Ruben Vogt

County Judge, El Paso County

Michael Medina, CNU-A
Executive Director

February 28, 2018

Joe Moody, TPB Chairperson
Texas State Representative, 78th District
5675 Woodrow Bean, Suite 12
El Paso, TX 79924

Honorable TPB Chair, Representative Moody,

Be advised that on July 15, 2016 the El Paso Metropolitan Planning Organization received an official request from the New Mexico Department of Transportation (Attached) to include a representative of the South Central Regional Trnsanit District (SCRTD).

Under the provision establishing Metropolitan Planning Organization, the Code of Federal Rgulations states that "... each metropolitan planning organization that serves a designated TMA shall consist of ...(ii) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation."

In order to accomplish this addition, it is necessary to amend the Bylaws, which requires at least ten (10) days notice to the Transportation Policy Board members, and at the regular meeting, a vote of a majority of the membership (16 minimum).

Therefore, this item will appear upon the agenda of the next regular meeting of the El Paso MPO Transportation Policy Board meeting. Your attention to this matter and attendance at the next regular meeting is appreciated.

Sincerely,

Michael Medina, CNU-A
Executive Director

Cc: Transportation Policy Board Members
Federal Highway Administration Texas & New Mexico Division Offices
Federal Transit Administration - Region 6 Office

Attachments: NMDOT requests
Draft Resolution



July 15, 2016

TPB Chair Mayor Oscar Leeser and
Executive Director Michael Medina
El Paso Metropolitan Planning Organization
211 North Florence Street
El Paso, Texas 79901

RE: El Paso Transportation Policy Board Membership

Dear Chairman Leeser and Mr. Medina:

This letter is to formally request a review of the El Paso MPO's Transportation Policy Board membership based on information contained in the amended Federal Register published May 27, 2016 regarding 23 CFR Parts 450 and 771 and 49 CFR Part 613: Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning. 23 CFR §450.310 (d)(1) refers to the structure of a Transportation Management Area (TMA) and specifically lists in subsection (ii) that "Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation" shall be included in the body of the TMA. In order to comply with federal requirements, NMDOT respectfully requests that the South Central Regional Transit District (SCRTD), a provider of public transportation within, to, and from the El Paso MPO Urbanized area be added to the Transportation Policy Board.

The SCRTD is comprised of an eight member Board and provides service between Alamogordo, Las Cruces, Sunland Park, Chaparral, and Anthony, NM with plans to expand services in the southcentral region of NM in the future. This service is vital to the residents of those communities and connects them with Roadrunner Transit in Las Cruces and Sun Metro Transit in El Paso, creating a regional transit network. In order to effectively plan for this large area it is imperative to have this body represented on the TPB and included in planning discussions and decisions about the transportation and transit systems.

Section 450.310 (d)(1) states that this change should have taken place by October 1, 2014, a time when the SCRTD was not fully operational. The SCRTD has since become operational and NMDOT respectfully requests

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Tom Church
Cabinet Secretary

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Dr. Kenneth White
Secretary
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David Sepich
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Keith Mortensen
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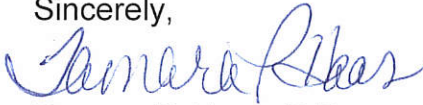
Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

Page 2
July 15, 2016
El Paso TPB Membership

action on this at your earliest convenience. If you have any questions or concerns with this request please contact me at (505) 795-2126 or TamaraP.Hass@state.nm.us or Jessica Griffin at (505) 476-2155 or Jessica.Griffin@state.nm.us.

Sincerely,

A handwritten signature in blue ink that reads "Tamara P. Haas". The signature is written in a cursive, flowing style.

Tamara P. Haas, P.E.
Asset Management & Planning Division Director

cc: Jessica Griffin, AICP, NMDOT Government to Government Unit
Trent Doolittle, P.E., NMDOT District 1 Engineer
Jolene Herrera, NMDOT Urban & Regional Planner-D1 & D2
Roger Williams, EPMPO Assistant Director



January 5, 2017

TPB Vice Chair Representative Joe Moody and
Executive Director Michael Medina
El Paso Metropolitan Planning Organization
211 North Florence Street
El Paso, TX 79901

RE: Request for Transit Representation on Transportation Policy Board

Dear Representative Moody and Mr. Medina,

This letter is a follow up to previously sent correspondence requesting representation of transit providers from New Mexico on the El Paso Metropolitan Planning Organization (EPMPO) Transportation Policy Board (TPB). The original letter dated July 15, 2016 outlines the Code of Federal Regulations (CFR) citations regarding transit providers on MPO Policy Boards and requests inclusion of the South Central Regional Transit District (SCRTD) on the EPMPO TPB.

Currently, the SCRTD provides services to many residents within the NM boundary of the EPMPO planning area with plans to expand further south and possibly to the West Side Sun Metro Transfer Center. If this connection is made, residents from the rural New Mexico communities would have access to the entire EPMPO area reinforcing the need for coordinated transit planning efforts for the region.

NMDOT would like to reiterate the request from the July 15, 2016 letter to add the SCRTD to the TPB in order to comply with federal requirements. If you should have any questions or concerns with this request please contact Tamara Haas at TamaraP.Hass@state.nm.us or Trent Doolittle at Trent.Doolittle@state.nm.us.

Sincerely,

A handwritten signature in black ink that appears to read "Tom Church".

Tom Church
NMDOT Cabinet Secretary

CC: Anthony Lujan, NMDOT Deputy Secretary-Operations
Tammy Haas, P.E., NMDOT Asset Management & Planning Division Director
Trent Doolittle, P.E., NMDOT District 1 Engineer
Jessica Griffin, AICP, NMDOT Statewide Planning Bureau Chief
Jolene Herrera, NMDOT Urban & Regional Planner
Roger Williams, EPMPO Assistant Director
Rodolfo Monge-Oviedo, FHWA NM Division Planning & Program Development Team Leader

Attachment: July 15, 2016 Letter

Susana Martinez
Governor

Tom Church
Cabinet Secretary

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David Sepich
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EL PASO METROPOLITAN PLANNING ORGANIZATION

RESOLUTION

A RESOLUTION AMENDING THE BYLAWS OF THE EL PASO METROPOLITAN ORGANIZATION TO AFFECT POLICY BOARD MEMBERSHIP

WHEREAS, the El Paso Metropolitan Planning Organization (“El Paso MPO”) is the designated regional planning and transportation organization for the West Texas and Southern New Mexico regions; and,

WHEREAS, the Code of Federal Regulations states that “. . . each metropolitan planning organization that serves a designated TMA shall consist of . . . (ii) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation [;]” and

WHEREAS, the El Paso Metropolitan Planning Organization received an official request from the New Mexico Department of Transportation to include a representative of the South Central Regional Transit District; and

WHEREAS, the South Central Regional Transit District provides transportation service between Alamogordo, Las Cruces, Sunland Park, Chaparral, and Anthony, New Mexico with plans to expand services in the South Central region of New Mexico in the future; the service being vital to the residents of those communities and connects them with Roadrunner Transit in Las Cruces and Sun Metro Transit in El Paso, creating a regional transit network.

NOW, THEREFORE, BE IT RESOLVED, BY THE EL PASO MPO THAT:

The El Paso Metropolitan Planning Organization Transportation Policy Board hereby amends its Bylaws, ARTICLE III. MEMBERSHIP, to include a single representative of the South Central Regional Transit District of New Mexico.

APPROVED BY MAJORITY VOTE OF THE TRANSPORTATION POLICY BOARD THIS 23RD DAY OF MARCH, 2018.

TRANSPORTATION POLICY BOARD:

Joe Moody, TPB Chairperson
Texas State Representative

APPROVED AS TO FORM:

Scott P. Foster
Legal Counsel

APPROVED AS TO CONTENT:

Michael Medina, Executive Director
El Paso Metropolitan Planning Organization

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2013 New Mexico Statutes

Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-2 - Purpose. (2003)

Universal Citation: [NM Stat § 73-25-2 \(2013\)](#)

73-25-2. Purpose. (2003)

The purpose of the Regional Transit District Act [73-25-1 NMSA 1978] is to:

- A. serve the public by providing for the creation of regional networks of safe and efficient public transit services;
- B. allow multijurisdictional public transit systems to reduce the congestion of single-occupant motor vehicle traffic by providing transportation options for residents;
- C. decrease automobile accidents by reducing traffic congestion on freeways and streets;
- D. reduce noise and air pollution produced by motor vehicles;
- E. prolong and extend the life of New Mexico's existing roadways by easing the traffic burden;
- F. provide residents with a choice of transportation alternatives so that seniors, youth, low-income and mobility-impaired residents and others unable to drive or afford motor vehicles continue to have full access to the goods, services, jobs and activities of the community;
- G. improve the New Mexico economy by increasing workforce and citizen access to education and higher paying jobs; and
- H. prolong and extend petroleum resources.

History: Laws 2003, ch. 65, § 2.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-3 - Definitions. (2003)

Universal Citation: [NM Stat § 73-25-3 \(2013\)](#)

73-25-3. Definitions. (2003)

As used in the Regional Transit District Act [73-25-1 NMSA 1978]:

- A. "board" means the board of directors of a district;
- B. "bond" means a revenue bond;
- C. "combination" means two or more governmental units that exercise joint authority;
- D. "commission" means the state transportation commission;
- E. "construct" or "construction" means the planning, designing, engineering, acquisition, installation, construction or reconstruction of a regional transit system;
- F. "district" means a regional transit district that is a political subdivision of the state created pursuant to the Regional Transit District Act [73-25-1 to 73-25-18 NMSA 1978];
- G. "governmental unit" means the state, a county or a municipality of the state or an Indian nation, tribe or pueblo located within the boundaries of the state;
- H. "regional transit system" means a property, improvement or system designed to be compatible with established state and local transportation plans that transports or conveys passengers within a region by means of a high-occupancy vehicle, including an automobile, truck, bus, van or railcar; and
- I. "revenues" means tolls, fees, rates, charges, assessments, grants, contributions or other income and revenues received by the district.

History: Laws 2003, ch. 65, § 3.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-4 - Creation of districts. (2003)

Universal Citation: [NM Stat § 73-25-4 \(2013\)](#)

73-25-4. Creation of districts. (2003)

A. A combination may create a district by contract. Upon the issuance by the commission of a certificate stating that the district has been duly organized according to the provisions of the Regional Transit District Act [73-25-1 NMSA 1978], the district may exercise the functions conferred by the provisions of that act. The commission shall issue the certificate within thirty days of the filing with the commission of a copy of a contract that fulfills all the requirements set forth in this section and a copy of the bylaws and operating procedures of the district. The commission shall cause the certificate to be recorded in each county having territory included in the boundaries of the district. Upon issuance of the certificate by the commission, the district shall constitute a separate political subdivision of the state and shall have all of the duties, privileges, immunities, rights, liabilities and disabilities of a political subdivision.

B. A contract establishing a district shall specify the:

- (1) name and purpose of the district and the regional transit systems to be provided;
- (2) establishment and organization of the board in which all legislative power of the district is vested;
- (3) manner of the appointment, term of service and qualifications, if any, of the directors and the procedure for filling vacancies;
- (4) officers of the district, the manner of their appointment and their duties;
- (5) voting requirements for action by the board;
- (6) provisions for the distribution, disposition or division of the assets of the district;
- (7) boundaries of the district, which shall not include territory;

- (a) outside the boundaries of the members of the combination without the consent of the governing body of the governmental unit of the territory; or
- (b) within the unincorporated boundaries of a county that is not a member of the combination as the unincorporated boundaries of the county exist on the date the district is created without the consent of the governing body of the county;
- (8) term of the contract and the method by which it may be terminated or rescinded. The contract shall not be terminated or rescinded so long as the district has bonds outstanding;
- (9) provisions for amendment of the contract;
- (10) limitations on the powers granted by the Regional Transit District Act [73-25-1 to 73-25-18 NMSA 1978] that may be exercised by the district; and
- (11) conditions required when adding or deleting parties to the contract pursuant to Section 18 [73-25-18 NMSA 1978] of the Regional Transit District Act.

C. A governmental unit shall not enter into a contract establishing a district without holding at least one public hearing in addition to other requirements imposed by law for public notice. The governmental unit shall give notice of the time, place and purpose of the public hearing by publication in a newspaper of general circulation in the governmental unit at least ten days prior to the date of the public hearing.

D. Upon the approval of the governor, the state may join in a contract creating a district. The number of directors of the board to which the state is entitled shall be established in the contract, but in no case shall the state be entitled to less than one director. The governor shall appoint the director or directors representing the state on the board, for a term as established by the contract that created the district.

History: Laws 2003, ch. 65, § 4.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-5 - Board. (2003)

Universal Citation: [NM Stat § 73-25-5 \(2013\)](#)

73-25-5. Board. (2003)

A. All powers, privileges and duties vested in or imposed upon the district shall be exercised and performed by the board. The board may delegate its powers by resolution to an officer or agent of the board, with the exception of the following:

- (1) adoption of board policies and procedures;
- (2) ratification of acquisition of land by negotiated sale;
- (3) initiation or continuation of legal action, not involving traffic or toll violations;
- (4) establishment of policies regarding fees, tolls, rates or charges;
- (5) approval of significant route or schedule changes affecting more than twenty-five percent of a regional transit system; and
- (6) issuance of bonds.

B. Only an elected official shall be able to vote on resolutions regarding Paragraphs (2) and (6) of Subsection A of this section.

C. The board shall promulgate and adhere to policies and procedures that govern its conduct and provide meaningful opportunities for public input. These policies shall include standards and procedures for calling emergency meetings.

D. The board shall be composed of at least one director from each governmental unit that is a member of the district. A director shall be an elected official or his designee. A governmental unit shall not have a majority of membership on the board, unless there are three or fewer participating governmental units in the district.

E. A director of the board shall not vote on an issue when the director has a conflict of interest. A director of the board, officer of the board or employee of the board shall not:

- (1) acquire a financial interest in a new or existing business venture or business property of any kind when he believes or has reason to believe that the new financial interest will be directly affected by his official act;
- (2) use confidential information acquired by virtue of his office or employment for his or another's private gain; or
- (3) contract with the district without public notice and competitive bidding and full disclosure of his financial or other interest in the business that is party to the contract.

F. The attorney general shall investigate and prosecute, when appropriate, a complaint brought to his attention involving a violation of Subsection D of this section. Violation of the provisions of Subsection D of this section by a director of the board, officer of the board or employee of the board is grounds for removal or suspension of the director or officer and dismissal, demotion or suspension of the employee.

G. In addition to all other powers conferred by the Regional Transit District Act [73-25-1 NMSA 1978], the board may:

- (1) adopt bylaws;
- (2) fix the time and place of meetings and the method of providing notice of the meetings;
- (3) make and pass orders and resolutions necessary for the government and management of the affairs of the district and the execution of the powers vested in the district;
- (4) adopt and use a seal;
- (5) maintain offices at a place as the board may designate;
- (6) appoint, hire and retain employees, agents, engineers, attorneys, accountants, financial advisors, investment bankers and other consultants;
- (7) prescribe, in accordance with the Procurement Code [13-1-28 NMSA 1978], methods for auditing and allowing or rejecting claims and demands for:
 - (a) the awarding of contracts for the construction of improvements, works or structures;
 - (b) the acquisition of equipment; or
 - (c) the performance or furnishing of labor, materials or supplies as may be required for carrying out the purposes of the Regional Transit District Act [73-25-1 to 73-25-18 NMSA 1978]; and
- (8) appoint advisory committees and define the duties of the committees.

History: Laws 2003, ch. 65, § 5.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-6 - Powers of the district. (2003)

Universal Citation: [NM Stat § 73-25-6 \(2013\)](#)

73-25-6. Powers of the district. (2003)

A. A district is a body politic and corporate. In addition to other powers granted to the district pursuant to the Regional Transit District Act [73-25-1 NMSA 1978], the district may:

- (1) have perpetual existence, except as otherwise provided in the contract;
- (2) sue and be sued;
- (3) enter into contracts and agreements affecting the affairs of the district;
- (4) establish, collect and increase or decrease fees, tolls, rates or charges for the use of property of a regional transit system financed, constructed, operated or maintained by the district; except that fees, tolls, rates or charges imposed for the use of a regional transit system shall be fixed and adjusted to pay for bonds issued by the district;
- (5) pledge all or a portion of the revenues to the payment of bonds of the district;
- (6) finance, construct, operate or maintain regional transit systems within the boundaries of the district;
- (7) purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of and encumber real or personal property and interest therein, including easements and rights of way;
- (8) accept real or personal property for the use of the district and accept gifts and conveyances upon the terms and conditions as the board may approve;
- (9) use the streets, highways and other public ways and, with permission of the owner, to relocate or alter the construction of streets, highways, other public ways, electric and telephone lines and properties, pipelines, conduits and other properties, whether publicly or

privately owned, if deemed necessary by the district in the construction, reconstruction, repair, maintenance and operation of the system. Any damage that may occur to the property shall be borne by the district; and

(10) provide transportation services outside the boundaries of the district.

B. After the creation of a district, the board may include property within or exclude property from the boundaries of the district in the manner provided in this section. Property shall not be included within the boundaries of the district unless it is within the boundaries of the members of the combination at the time of the inclusion. Property located within the boundaries of a governmental unit that is not a member of the combination as the boundaries of the governmental unit exist on the date the property is included shall not be included without the consent of the governing body of the governmental unit. Prior to inclusion of property in or exclusion of property from the boundaries of the district, the board shall cause notice of the proposed inclusion or exclusion to be published in a newspaper of general circulation within the boundaries of the district and cause the notice to be mailed to the commission. The notice shall:

- (1) describe the property to be included in or excluded from the boundaries of the district;
- (2) specify the date, time and place at which the board shall hold a public hearing on the proposed inclusion or exclusion; provided that the date of the public hearing contained in the notice shall be not less than twenty days after publication of the notice; and
- (3) state that persons having objections to the inclusion or exclusion may appear at the public hearing to object to the proposed inclusion or exclusion.

C. The board shall hear all objections to the proposed inclusion or exclusion at the time and place designated in the notice. The board, upon the affirmative vote of two-thirds of the directors, may adopt a resolution including or excluding all or a portion of the property described in the notice. Upon the adoption of the resolution, the property shall be included within or excluded from the boundaries of the district as set forth in the resolution. The board may adopt the resolution without amending the district's enabling contract. The board shall file the resolution with the commission, who shall cause the resolution to be recorded in the real estate records of each county having territory included in the boundaries of the district.

History: Laws 2003, ch. 65, § 6.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-9 - Agreement of the state not to limit or alter rights of obligees. (2003)

Universal Citation: [NM Stat § 73-25-9 \(2013\)](#)

73-25-9. Agreement of the state not to limit or alter rights of obligees. (2003)

The state pledges and agrees with the holders of bonds issued under the Regional Transit District Act [73-25-1 NMSA 1978] and with those parties who enter into contracts with a district or a member of a combination pursuant to the Regional Transit District Act that the state will not impair the rights vested in the district or the rights or obligations of a person with which the district contracts to fulfill the terms of an agreement made pursuant to the Regional Transit District Act. The state further agrees that it will not impair the rights or remedies of the holders of the bonds of a district until the bonds have been paid or until adequate provision for payment has been made. A district may include this provision and undertaking for the state in bonds.

History: Laws 2003, ch. 65, § 9.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-12 - Cooperative powers. (2003)

Universal Citation: [NM Stat § 73-25-12 \(2013\)](#)

73-25-12. Cooperative powers. (2003)

A district may cooperate with a person to:

- A. accept legitimate contributions or liens securing obligations of the district from the person with respect to the financing, construction, operation or maintenance of a regional transit system and, in connection with a loan or advance, enter into contracts establishing the repayment terms;
- B. enter into contracts regarding the financing, construction, operation or maintenance of a specified regional transit system;
- C. enter into joint operating contracts concerning a regional transit system;
- D. acquire easements or rights of way for a regional transit system; and
- E. designate a regional transit system as part of the state highway system, a county highway system or a municipal highway system if the person with jurisdiction over the applicable highway system consents to the designation.

History: Laws 2003, ch. 65, § 12.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-13 - Powers of governmental units. (2003)

Universal Citation: [NM Stat § 73-25-13 \(2013\)](#)

73-25-13. Powers of governmental units. (2003)

A governmental unit, for the purpose of aiding the financing, construction, operation or maintenance of a regional transit system, may:

- A. sell, lease, loan, donate, grant, convey, assign, transfer and otherwise dispose to the district real or personal property or interests therein;
- B. enter into agreements with a person for the joint financing, construction, operation or maintenance of a regional transit system. Upon compliance with applicable constitutional or charter limitations, the governmental unit may agree to make payments, without limitation as to amount except as set forth in the agreement, from revenues received from one or more fiscal years, to the district or a person to defray the costs of the financing, construction, operation or maintenance of a regional transit system; and
- C. transfer to the district a contract that may have been awarded by the governmental unit for construction, operation or maintenance of a regional transit system.

History: Laws 2003, ch. 65, § 13.

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Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-14 - Notice; opportunity for comment. (2003)

Universal Citation: [NM Stat § 73-25-14 \(2013\)](#)

73-25-14. Notice; opportunity for comment. (2003)

A. At least forty-five days prior to a meeting at which the board shall consider or take action on a proposal to request, establish, increase or decrease a rate, toll, fee or charge, the board shall deliver written notice of the meeting and proposal to a governmental unit where the proposed rate, toll, fee or charge will be imposed. The affected governmental unit shall be afforded a reasonable opportunity for comment, either at a regular meeting of the board or at a special meeting convened to receive comment.

B. At least seven business days prior to a regularly scheduled meeting, the board shall make available to the public written or electronic notice of the time and agenda of the meeting. The board shall designate during each meeting a public comment period and shall offer the public an opportunity to comment.

History: Laws 2003, ch. 65, § 14.

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2013 New Mexico Statutes

Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-15 - Notice; coordination of information. (2003)

Universal Citation: [NM Stat § 73-25-15 \(2013\)](#)

73-25-15. Notice; coordination of information. (2003)

A. At least forty-five days prior to the imposition of or an increase in a rate, toll, fee or charge or prior to the issuance of bonds as authorized in the Regional Transit District Act [73-25-1NMSA 1978], a notice specifying the amount of the fee, toll, rate or charge and its proposed duration or the value and number of bonds to be issued shall be sent to the commission and to the taxation and revenue department.

B. The commission shall file an annual report with the state auditor concerning the activities of all active districts. The report shall detail how many districts have been created, describe their boundaries and specify the regional transit systems that are being provided and how they are being financed.

History: Laws 2003, ch. 65, § 15.

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2013 New Mexico Statutes

Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-17 - Addition or withdrawal of territory by a district. (2003)

Universal Citation: [NM Stat § 73-25-17 \(2013\)](#)

73-25-17. Addition or withdrawal of territory by a district. (2003)

- A. After the creation of a district, a governmental unit adjacent to but not part of that district may join the district and determine the territorial area to become a part of that district. A two-thirds affirmative vote by the board shall be required before the governmental unit may join the district.
- B. A governmental unit that is a member of a district may withdraw from the district by adopting a resolution to withdraw. The governmental unit shall withdraw its representative from the board. Real property owned by the district within the boundaries of the withdrawing governmental unit shall remain the property of the district. The provisions of withdrawal shall be negotiated and agreed to by the board, the governmental unit and the commission.

History: Laws 2003, ch. 65, § 17.

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2013 New Mexico Statutes

Chapter 73 - Special Districts

Article 25 - Regional Transit District

Section 73-25-18 - Matching funds. (2003)

Universal Citation: [NM Stat § 73-25-18 \(2013\)](#)

73-25-18. Matching funds. (2003)

The local government members of a combination shall match at least one dollar (\$1.00) for every four dollars (\$4.00) provided by the state. Before a district is able to receive state matching funds, it must be certified by the commission pursuant to Section 4 [73-25-4 NMSA 1978] of the Regional Transit District Act.

History: Laws 2003, ch. 65, § 18.

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BYLAWS AND PROCEDURES
METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY BOARD
EL PASO URBANIZED TRANSPORTATION STUDY AREA

ARTICLE I. MISSION STATEMENT

Counties and cities have the local responsibility for anticipating and meeting the transportation needs for adequately moving people and goods within their jurisdictions. However, the Texas Department of Transportation is charged, by law, with the responsibility for planning, designing, constructing, and maintaining the State Transportation System and to facilitate the implementation of the Transportation Equity Act for the 21st Century (TEA-21) and any subsequent transportation legislation enacted by the U. S. Congress, as amended. In addition, duly authorized Transportation Authorities are responsible for planning, developing, and operating public transportation services in their respective service areas. Under federal legislation, the Metropolitan Planning Organization (MPO), through the Transportation Policy Board (Policy Board) has an expanded role in project selection and transportation project planning and programming.

ARTICLE II. DEFINITIONS

Metropolitan Planning Organization - The Metropolitan Planning Organization (MPO) is the organization designated by the Governor of Texas on August 30, 1988 as being responsible, together with the State, for carrying out the provisions of 23 USC §134, 59 USC §5303 (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 El Paso 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) City of El Paso serves as the Fiscal Agent for the Transportation Policy Board of the MPO. The Fiscal Agent shall provide supportive services as outlined in a mutually approved operational policy agreement between the Transportation Policy Board and the City of El Paso.

Transportation Policy Board - The Transportation Policy Board (TPB) establishes regional transportation policy guidance and direction for the metropolitan planning study area. Ultimate responsibility for the metropolitan transportation planning process including, but not limited to, review and approval of the recommended transportation plan rests with the TPB.

Metropolitan Transportation Plan - The Metropolitan Transportation Plan (MTP) provides guidance to transportation providers, engineers, planners, community decision makers, and the general citizenry regarding the future growth of the MPA of El Paso County Texas, portions of Southern Doña Ana County and Otero County New Mexico, and the impact of this growth on all aspects of the transportation system. The transportation system consists of the infrastructure, facilities, and linkages that are used to move goods and services within the area. The MTP is intended as an action plan with a minimum twenty-year horizon for the maintenance, management, and further development of the region's transportation systems including highways and public transportation.

Transportation Improvement Program - The Transportation Improvement Program (TIP), is a multimodal listing of all transportation projects and programs expected to be implemented over a designated three (3) year period. This includes all projects or programs, which are expected to utilize federal funds and those projects or programs which will utilize other funds (state or local), including toll road and bridge projects. The TIP will be developed consistent with state and federal guidelines and the TPB's selection criteria.

Unified Planning Work Program - The Unified Planning Work Program (UPWP) is a listing of transportation planning, programs and services to be performed by the MPO in support of a continuous, comprehensive, and coordinated transportation planning process. The UPWP is a two-year transportation-planning program and budget that contains a listing of planning projects, programs and services performed by other agencies, which will have regional significance.

Congestion Management Process - The Congestion Management Process (CMP) provides information on the location and severity of current and future traffic congestion in the MPA. It also makes recommendations for the best projects and programs to relieve the congestion. The CMP is an ongoing process resulting in periodic update reports. The MPO is required to use a CMP when selecting transportation projects for inclusion in the MTP and TIP.

ARTICLE III. MEMBERSHIP

The Policy Board shall be composed of members from the local Texas and New Mexico units of government including the Texas and New Mexico Legislative Delegation and the Texas and New Mexico Departments of Transportations within the El Paso Metropolitan Planning Area. In addition the Sun Metro Mass Transit Agency, the El Paso International Airport and the El Paso County Mass Transit Agency or the County-wide Mass Transit Authority will be represented on the TPB. No two elected members shall be representatives of the same local/state unit of government/entity or fiscal agent.

Membership shall consist of the following but not by way of limitation:

Texas:

Town of Anthony	1 Elected Official; Mayor or Appointee
City of El Paso	6 Members; Mayor or Appointee + no less than 3 Elected Officials
Town of Clint	1 Elected Official; Mayor or Appointee
County of El Paso	2 Elected Officials; County Judge or Appointee
Town of Horizon City	1 Elected Official; Mayor or Appointee
City of San Elizario	1 Elected Official; Mayor or Appointee
City of Socorro	1 Elected Official; Mayor or Appointee
Village of Vinton	1 Elected Official; Mayor or Appointee
Texas State Senator(s)	All Elected Officials from the El Paso MPO Study Area
Texas State Representative(s)	All Elected Officials from the El Paso MPO Study Area
El Paso International Airport	1 Member
El Paso County Transit Agency or County-wide Mass Transit Authority	1 Member
Sun Metro/Mass Transit Department	1 Member
Texas Department of Transportation	1 Member

New Mexico:

City of Anthony, N.M.	1 Elected Official; Mayor or Appointee
Doña Ana County	1 Member
City of Sunland Park, NM	1 Elected Official; Mayor or Appointee
New Mexico State Representative(s)	1 Elected Official from the El Paso MPO Study Area
New Mexico State Senator	1 Elected Official from the El Paso MPO Study Area
New Mexico Dept. of Transportation	1 Member

The City of El Paso’s representation on the Transportation Policy Board shall be equal to the number of incorporated Texas municipalities, cities, towns, or villages within the urbanized study area who have representation on the TPB.

Representatives of local units of government shall be appointed by and serve at the pleasure of the appointing local units of government and may be a serving member on the governing body they represent. Said appointee(s) shall provide to the Executive Director of the MPO a copy of the resolution appointing them prior to participating in a meeting.

All TPB members may elect to be a non-voting member of the MPO, by submitting a letter to the Chairperson of the Transportation Policy Board at the annual business meeting requesting that their seat be counted as a non-voting position. Such a letter shall be valid for a period of one (1) year from its date. In such a case, that seat will not be counted in the number necessary for a quorum. An initial business meeting may be called following adoption of these bylaws to facilitate this option and shall be valid until the next business meeting.

All Members of the MPO shall each have one vote. A TPB member shall not be allowed to have or appoint a proxy member or representation.

TPB members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

All members of the MPO shall comply with the TPB's Ethics Policy, a copy of which is attached hereto as Exhibit "A," and incorporated herein by reference as a part of these Bylaws.

All newly appointed members of the TPB shall successfully complete a mandatory orientation and training program provided by the MPO staff within ninety (90) days of their appointment in order to maintain their voting status on the Board.

ARTICLE IV. MEETINGS

The Policy Board shall hold at least one meeting per year. A regular schedule of meetings may be adopted. At least five (5) days written notice to members is required.

Notices of meetings shall be posted at the Office of the El Paso County Clerk and New Mexico Public Regulation Commission at least 72 hours prior to the meeting in accordance with the Texas Open Meetings Act and as amended.

The TPB shall conduct no fewer than one meeting each year at the call of the Chairperson to conduct the election of officers.

All Meetings will be conducted in accordance with the Parliamentary Rules of Procedure, a copy of which is attached hereto as Exhibit “B” and incorporated herein by reference as a part of these Bylaws.

ARTICLE V. QUORUM

A quorum shall consist of sixteen (16) voting members.

ARTICLE VI. OFFICERS

The officers of the Transportation Policy Board of the MPO shall consist of a Chairperson and a Vice-Chairperson, and a Secretary to the TPB. The Chairperson shall be the chief administrative officer of the TPB and will preside over each meeting of the Policy Board, and have execution authority on all MPO policy documents after TPB action. The Vice-Chairperson shall serve in the same capacity in the absence of, or upon the request of the Chairperson. In the event that neither the Chairperson nor Vice-Chairperson is available to preside over a meeting of the Policy Board, a quorum will elect a temporary Chairperson for that meeting as first order of business.

The Chairperson and the Vice-Chairperson shall each be separately nominated and elected to a term of one-year at the July TPB meeting each year, or, if there is no July TPB meeting, at the first TPB meeting following the month of July. The Chairperson and the Vice-Chairperson shall not be representatives of the same local units of government or entity.

The Secretary to the TPB shall be the Executive Director or his/her designee. The Secretary will record the business of the TPB and prepare meeting notifications/postings, and distribute minutes of TPB meetings. The Secretary is not eligible to vote.

ARTICLE VII. STAFF

The MPO shall provide technical, planning, administrative, and clerical staff support to the TPB and its committees. The staff, regardless of agency affiliation shall be responsible to and directed by the Executive Director.

The Executive Director shall serve in a full time capacity and be a contract employee of the Transportation Policy Board (TPB). The Director shall be hired, supervised, evaluated, or terminated by the TPB. The Director shall take planning and policy directions, solely from and be solely responsible to the TPB. The Director shall be responsible for providing information to the TPB and for coordinating research activities undertaken pursuant to the Unified Planning Work Program for transportation planning adopted by the Board.

The staff of the Metropolitan Planning Organization shall be civil service employees of the City of El Paso. The TPB shall contract with the City of El Paso for these employees' services, as outlined in the operational policy agreement between and approved by the Transportation Policy Board and the City of El Paso. The staff of the MPO will provide the required administrative, fiscal, and contract management support to provide the planning needed to develop the Metropolitan Transportation Plan, Transportation Improvement Program, Unified Planning Work Program, and other special studies required by the contract with the Texas Department of Transportation or requested by the Policy Board.

The staff of the MPO will include the necessary Transportation Planners to accomplish the required work in-house or oversee consultants hired to accomplish specific work assignments, including the air conformity analysis. The staff shall support and assist the smaller local units of government (who do not have staff or consultants contracts) in response to project and program calls.

The MPO staff will be officed at a location selected by the TPB.

ARTICLE VIII. COMMITTEES

The MPO will have six (6) standing committees:

- The Executive Committee
- The Congestion Management Process Committee
- Transportation Finance Committee
- The Suburban Mobility Committee
- The Transportation Project Advisory Committee
- The Transit Coordination Committee

Additional Ad hoc committees of the membership of the Policy Board may be established and appointed by the Chairperson to assist the Policy Board in the performance of its function. Special Committees or Task Forces may be established and appointed by the Transportation Policy Board to undertake special assignments. These committees may consist of TPB members, public officials, citizens, and other individuals the TPB deems appropriate. Standing committees may have separate bylaws, which must be ratified by the Policy Board.

The Executive Committee (EC) shall be composed of seven (7) voting TPB members to be recommended by the TPB Chairperson and approved by the TPB. The TPB Chairperson will then recommend a Chair and Vice-Chair to also be approved by the TPB. These actions will take place at the meeting during which the election of officers is held. No two members of the Executive Committee shall be representatives of the same local unit of government or entity. The EC's roles and responsibilities will include review of the business aspect of the MPO, review of the Executive Director, review of contracts and other documents, and other assignments for recommendations to the TPB. Executive Committee members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Congestion Management Process (CMP) Committee shall be composed of three (3) voting TPB members recommended by the Chairperson and approved by the TPB at the meeting during which the election of officers is held. No two members of the Congestion Management Process Committee shall be representatives of the same local unit of government or entity. The CMP's roles and responsibilities will include developing, reviewing, and maintaining the Congestion Management Plan with MPO staff and making recommendations to the TPB. The CMP Committee will meet quarterly to ensure there is follow through once the plan has been approved and after that the committee will need to meet yearly, and other assignments for recommendations to the TPB. Congestion Management Process Committee members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Transportation Finance Committee (TFC) shall be composed of three (3) voting TPB members recommended by the Chairperson and approved by the TPB at the meeting during which the election of officers is held. No two members of the Transportation Finance Committee shall be representatives of the same local unit of government or entity. The TFC's roles and responsibilities will include reviewing and establishing policies regarding overruns, change orders, obligation limitation, funding assumptions, and financial constraint with regard to the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP), and other assignments for recommendations to the TPB. Transportation Finance Committee members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Suburban Mobility Committee shall be composed of the Mayors of the following local units of government: City of Anthony, NM; Town of Anthony, TX; City of San Elizario; City of Socorro; Town of Horizon City; City of Sunland Park, NM; Village of Vinton; and Town of Clint. The Suburban Mobility Committee shall make recommendations to the Transportation Policy Board regarding projects affecting local units of government in the El Paso Urbanized Transportation Study Area. A quorum shall consist of five (5) members of the Suburban Mobility Committee. Suburban Mobility Committee members with three (3) cumulative absences in a fiscal year shall lose their

voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Transportation Project Advisory Committee (TPAC) will have sixteen (16) voting members. The TPAC develops and makes recommendations to the Transportation Policy Board on projects with regard to the MTP and TIP, project selection process criteria, and special transportation planning issues. The TPAC holds meetings monthly or as needed. One TPAC member will be selected by their governing body. The Chair and Vice-Chair of the TPAC shall be selected for a two-year term by peer members of the TPAC, and is eligible for re-election. Nine (9) voting members of the TPAC shall constitute a quorum.

Effective January 1, 2015, TPAC members with three (3) cumulative absences in a fiscal year (October-September) shall result in member(s) losing their voting privilege for that fiscal year. TPAC will not be allowed to have proxy member representation.

The Transportation Project Advisory Committee's membership shall be as follows:

Voting Members:

Texas

Town of Anthony
City of El Paso
Mass Transit Board
Town of Clint
Horizon City
City of Socorro
Village of Vinton
City of San Elizario
El Paso County
Texas Department of Transportation (TXDOT)
Ysleta Del Sur Pueblo
University of Texas at El Paso (UTEP)

New Mexico


City of Anthony
City of Sunland Park
Doña Ana County
New Mexico Department of Transportation (NMDOT)

The Transit Coordination Committee (TCC) will have voting members from Doña Ana, Otero, Hudspeth, Jeff Davis, Culberson, El Paso, Presidio, and Brewster Counties . The TCC makes recommendations to the Transportation Policy Board (TPB) via the Transportation Project Advisory Committee (TPAC) on transit projects/initiatives. The TCC will hold meetings monthly or as needed. The Chair and Vice-Chair of the TCC shall be selected to a one year term by peer members of the TCC, and is eligible for re-election. Quorum will constitute half plus one of voting membership.

ARTICLE IX. AMENDMENT

Upon adoption of these bylaws, the Policy Board, by a majority vote of its members, may make, alter, amend, or rescind these bylaws at any regular meeting, after at least ten (10) days written notice to the voting membership. Notification of amendments to the Policy Board shall be made by the Executive Secretary.

AMENDED, APPROVED AND ADOPTED THIS 21st DAY OF OCTOBER, 2016.



Michael Medina, CNU-A
Executive Director, Secretary



Mayor Madeleine Praino
Chairperson, Transportation Policy Board



Eduardo Miranda
Legal Counsel

- ¹¹Amended by the Transportation Policy Board on October 8, 2010.
- ¹²Amended by the Transportation Policy Board on July 6, 2012.
- ¹³Amended by the Transportation Policy Board on May 3, 2013.
- ¹⁴Amended by the Transportation Policy Board on April 4, 2014.
- ¹⁵Amended by the Transportation Policy Board on September 12, 2014.
- ¹⁶Amended by the Transportation Policy Board on November 7, 2014.
- ¹⁷Amended by the Transportation Policy Board on June 19, 2015.
- ¹⁸Amended by the Transportation Policy Board on November 20, 2015.
- ¹⁹Amended by the Transportation Policy Board on October 21, 2016.

EXHIBIT “A”

Ethics Policy

Metropolitan Planning Organization
Transportation Policy Board
El Paso Urbanized Transportation Study Area

Adopted February 22, 2008

ETHICS POLICY

METROPOLITAN PLANNING ORGANIZATION

TRANSPORTATION POLICY BOARD

EL PASO URBANIZED TRANSPORTATION STUDY AREA

I. Policy

All members of the Transportation Policy Board (“TPB”) for the El Paso Metropolitan Planning Organization (“MPO”) have a fiduciary duty to be ethical in fulfilling their responsibilities. Ethical conduct includes, but is not limited to, behavior that is in compliance with applicable local, state, and federal laws. Toward that end, and in compliance with § 472.034 of the Texas Transportation Code, the TPB adopts the following Ethics Policy as part of its bylaws.

II. Purpose

A. Ethical conduct is motivated by sources inside and outside the law. The Texas Local Government Code and the Texas Transportation Code regulate aspects of the conduct of members of the Transportation Policy Board. However, as ethical conduct means more than complying with state and federal laws, the Transportation Policy Board strongly encourages all of its members to maintain the highest personal values and standards. While it is impossible to establish specific and exhaustive standards for all situations, the standards established in this policy reflect minimum standards below which no conduct of a member of the TPB should fall. This Policy has the following purposes:

1. To maintain and improve standards of public service;
2. To improve public confidence in the integrity of the El Paso MPO and its Transportation Policy Board;
3. To provide a process by which members of the TPB may identify and resolve ethical issues;
4. To avoid conflicts between the personal interest and the public responsibilities of TPB members;
5. To establish minimum standards of conduct to be adhered to by TPB members;
6. To require disclosure of private financial interests by members of the El Paso TPB;
7. To require reporting of certain gifts received by members of the El Paso TPB; and,
8. To provide for complaints and resolution of ethical issues and concerns.

B. This chapter is cumulative of and supplemental to all applicable provisions of state and federal laws and regulations. Compliance with this Ethics Policy does not excuse or relieve any person from any obligation imposed by any applicable state or federal laws or regulations.

III. Definitions

For purposes of this Ethics Policy, the following definitions shall apply. Terms not defined in this policy, but defined in the Texas Local Government Code and the Texas Transportation Code, shall have the meanings assigned to them in those statutes.

“Benefit” means anything reasonably regarded as economic gain or economic advantage to a member of the TPB, or to a relative of a member of the TPB. “Benefit” does not include:

1. Political contributions made or received and reported in accordance with law;
2. Awards, such as plaques, certificates, trophies or similar mementos, publicly presented in recognition of public service;

3. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient as a member of the TPB;
4. Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;
5. Commercially reasonable loans made to a member of the TPB in the ordinary course of the lender's business;
6. Complimentary copies of trade publications;
7. Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official TPB or MPO business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity;
8. Any economic gain or economic advantage, excluding cash or a negotiable instrument as described by Section 3.104, Texas Business and Commerce Code, conferred by any one person or organization if the economic value totals less than fifty dollars per calendar year; or
9. An honorarium, transportation or lodging, the acceptance of which is not prohibited under Sections 36.07 and 36.08, Texas Penal Code.

"Board" means the Transportation Policy Board;

"Committee" means any committee established or created by the TPB;

"Business days" means the weekdays excluding city holidays.

"Confidential information" means any written information that could be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written, could be excepted from disclosure under that Act, unless disclosure has been authorized.

"Contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit. The term does not include an expenditure required to be reported under Section 35.006(b), Texas Government Code.

"Contributor" means a person making a contribution and the person's spouse.

"Executive Director" means the Executive Director of the El Paso Metropolitan Planning Organization.

"In-kind expenses" means the value of personal services provided without compensation by any person on behalf of a member of the TPB and includes incidental vehicular travel expenses incurred in conjunction with the provision of the personal services.

"Official business" means a purpose or function related to the duties or activities of the TPB or the MPO.

"Person" means an individual, corporation, partnership, labor union or labor organization, or any unincorporated association, firm, committee, club, or other organization or group of persons, excluding a political committee organized pursuant to the Texas Election Code.

"Public event, appearances or ceremonies" means those functions, activities and ceremonies conducted by or for the benefit of any governmental entity; a function, activity or ceremony conducted by a non-profit

corporation or similar organization formed for educational, scientific, community-betterment or economic development purposes which relates to the purpose for which the non-profit corporation or organization was formed; or a function, activity or ceremony which honors or recognizes the accomplishments of a political, prominent or public figure.

“Quasi-judicial proceeding” means a hearing or proceeding held by a public administrative officer, to include but not be limited to a hearing officer, arbitrator or administrative law judge, who is required to hear or investigate facts and to draw conclusions from them as a basis for his or her official action and to exercise discretion of a judicial nature.

“Relative” means a person who is related to a TPB member as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, step son-in-law, stepdaughter, step daughter-in-law, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.

IV. Standards of Conduct

Members of the TPB:

- A. Shall not accept or solicit for personal financial gain, any benefit that might reasonably tend to influence them to act improperly in the discharge of official duties, or that may tend to give the appearance of improper influence;
- B. Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude members from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;
- C. Shall not participate in making or influencing any TPB decision or action in which they know that they have any financial interest distinguishable from that of the public generally or from that of other members generally;
- D. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person;
- E. Shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities;
- F. Shall not use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions. This provision applies to former members as well as to current ones;
- G. Shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the policies, rules or regulations of the Board or the MPO;
- H. Shall not utilize Board and MPO resources for personal benefit or the personal benefit of a relative, friend or business associate, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the Board or the MPO;
- I. Shall not transact any business (other than ministerial acts) on behalf of the Board or the MPO with any

business entity of which they are officers, agents, members, or employees, or in which they have a financial interest. A Board member is considered to have a financial interest in a business entity if a person related to the Board member in the first degree by consanguinity or affinity has a financial interest in the business entity. In the event such a circumstance arises, then the Board member shall make known their interest, and:

1. Abstain from voting on the matter and refrain from discussion of the matter at any time with the other Board member.
- J. Shall not personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the Board or the MPO. This restriction does not apply to outside employment of a member if the employment is the member's primary source of income;
- K. Shall not accept employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the Board or the MPO, or which might impair their independent judgment in the performance of their duties;
- L. Shall not personally participate in a decision in a matter if the member is negotiating or has an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter under consideration by or within the jurisdiction of the Board or the MPO. For purposes of this section, the term "decision" shall mean a decision, approval, disapproval, recommendation, investigation or rendering of advice, and the term "matter" shall include but not be limited to a matter, proceeding, application, request for ruling or determination, contract or claim which involves the Board or the MPO. In such instance, the member shall:
1. Immediately notify the Chair of the Board of the nature of the negotiation or arrangement, file an affidavit with the Executive Director describing the nature of the negotiation or arrangement and:
 - a. Refrain from discussing the matter at any time with other Board members; and,
 - b. Abstain from voting on the matter.
- M. Shall not receive any fee or compensation for their services as Board members. This shall not prohibit their performing the same or other services for a public or private organization that they perform for the MPO if there is no conflict with their duties and responsibilities;
- N. Shall not personally represent or appear in behalf of the private interest of another before the Board; or, if the represented person's interest is adverse to that of the Board or the MPO, represent any person:
1. In any quasi-judicial proceeding involving the Board or MPO; or
 2. In any judicial proceeding to which the Board or the MPO is a party.

Nothing in this subsection shall preclude:

- a. A Board member from speaking or appearing without compensation before the Board, any governmental body, or any board or department on behalf of constituents in the course of his or her duties as an elected official;
- b. Any Board member from appearing before any governmental body, board, or department, in a manner consistent with other Board and MPO policies and rules, to discuss any general Board or MPO policies or public issues, including the presentation of viewpoints or petitions of other members;

- c. A Board member from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding.
- O. Shall not personally represent or appear in behalf of the private interests of another:
 - 1. Before the Board, unless the member discloses his or her status as a Board member and the representation or appearance does not relate to a matter that was heard or decided by the Board; or
 - 2. In a judicial or quasi-judicial proceeding to which the Board or the MPO is a party, if the interest of the person being represented is adverse to that of the Board or the MPO and the subject of the proceeding involves the Board or the MPO.
- P. Shall not use for their personal benefit and shall not disclose, except as may be required by law, confidential information gained in the course of or by reason of their positions. This provision shall not prohibit the disclosure of such information to incumbent public officials or employees to whose duties such information may be pertinent.
- Q. Each Board member shall acknowledge in writing receipt of this Ethics Policy.

V. Reporting requirements

A. Financial Disclosure

- 1. Each Board member, excluding officials whose financial disclosure requirements are governed by local, state, or federal law, shall file with the Executive Director, within ten business days after the date of his or her appointment to the Board, a signed, sworn statement disclosing:
 - a. Where, by whom and in what specific capacity that person is employed or self-employed;
 - b. Membership on boards of directors of corporations, whether organized for profit or not;
 - c. Partnership interest in any business conducting business with the TPB or the MPO;
- 2. Each person submitting a statement of financial disclosure required under this section shall utilize a form provided by the Executive Director.
- 3. No person submitting such a statement of financial disclosure must indicate therein the extent of financial involvement in any investments.
- 4. Each person subject to this section shall thereafter file with the Executive Director a signed and sworn financial disclosure statement, on or before January 15 of each year while a member of the Board, or at any other time in which the person changes his or her primary employment or has made changes in financial investments which require disclosure under this section. Those persons who have no changes to report regarding the information required to be reported, may, in lieu of filing a complete financial disclosure form, file a short form annual report, provided that they have filed a complete financial disclosure form within the previous five years.
- 5. The Executive Director shall, no later than March 15 of each year, prepare a report which notes whether each person subject to the filing requirement of this section has filed the required financial disclosure statement as of the date of the report. In the event that a person subject to the filing requirement has not filed his or her financial disclosure statement by the date of the completion of the report or in the event that a person fails to file his or her financial disclosure form within ten business days after the date of their appointment and they do not already have a current financial disclosure form on file, the Executive Director shall send a written notice by certified mail, return receipt requested, with a copy sent by regular mail, to the person to advise the person that the Executive

Director's records indicate that the person is subject to the requirement of this section, the person has not filed a financial disclosure statement as required by this section and that the person has fifteen days from the date of the letter to file his or her financial disclosure statement. The Executive Director will also advise the board member that the intentional or deliberate failure to timely file the financial disclosure statement may result in the removal of that board member as a member of the TPB.

6. In the event that a Board member fails to file his or her financial disclosure statement by the deadlines calculated in paragraph 5 above, the Executive Director shall prepare and send a notice of the failure to each member of the Board for their review and consideration regarding the possible removal of the Board member as a member of the TPB Board. A Board member who fails to file his or her financial disclosure statement as required by this section forfeits his or her voting rights on the Board until he or she complies with such financial disclosure requirements.

B. Reporting of Gifts

It is the policy of the Board that all Board members shall be careful about accepting gifts from any source, particularly from those sources who may transact business with the Board or the MPO.

1. Each Board member, excluding officials who are required to report the receipt of gifts by local, state or federal law, shall keep a written record of all reportable gifts received during his or her term of office as a Board member.
2. Such record shall be made on a quarterly basis each year. The record shall include a description of the reportable gift received; the name of the person and organization giving the reportable gift; the relationship of the donor to the reporter, if any; the value or estimated value of the reportable gift; and the immediate or intended disposition of the reportable gift. A reportable gift consisting of a certificate or admission ticket to a future event or activity shall be deemed to have been received on the date on which the certificate or admission ticket was received.
3. Such record shall be submitted to the Executive Director on a form prepared by the Executive Director no later than the tenth day of the month following the end of the quarter. If a Board member has no gift to report for a quarter, a statement to that effect shall be included on the reporting form.
4. If a gift is returned to the sender or donated to a suitable charity immediately upon its receipt, reporting of the gift is unnecessary. Any gift, the receipt of which is prohibited by this policy, shall be returned to its source.
5. In no event shall any Board member accept a gift, if the source of the gift is not identified. If the source of any gift cannot be ascertained, the gift shall be donated to a suitable charitable organization.
6. Door prizes are not reportable as gifts unless (a) the likelihood of winning a prize of some sort is at least one chance in ten or (b) the combined value of all prizes is greater than \$10 multiplied by the number of persons eligible to win.
7. Except as provided herein, no Board member shall accept any expenses related to travel from an outside source. Acceptance of such expenses shall be made only if:
 - a. The Board specifically authorizes receipt of the expenses; and,
 - b. A public record of that action is maintained in the minutes of the Board.
8. Reportable gifts shall mean the following:
 - a. Anything of value, including edibles, if the fair market value exceeds \$50;
 - b. Any hosting, such as travel and expenses, entertainment, meals or refreshments, that has a value of more than fifty dollars, other than hosting provided on account of kinship or a personal, professional, or

business relationship independent of the official status of the recipient;

- c. Any honorarium with a value of more than fifty dollars; and
 - d. Any other economic gain or economic advantage that has a value of more than fifty dollars and which was conferred on account of the official status of the recipient or in connection with official Board or MPO business.
5. Any hosting, honorarium or other economic gain or economic advantage that is refused and returned to the sender within seventy-two hours of receipt shall not constitute a reportable gift under this section.
6. For purposes of this section, "honorarium" shall mean a payment, other than reimbursement for meals, travel or lodging expenses, for services provided in connection with addressing an audience or engaging in a seminar.

VI. Complaints

- A. Any person may submit matters concerning an ethical issue under the provisions of this Ethics Policy to the Executive Director. Upon receipt of such written complaint, in a form prepared by the Executive Director, the Executive Director shall refer the Complaint to the Chair of the Board. Upon its receipt, the Chair shall refer the complaint to the Executive Committee of the Board. If the Executive Committee finds just cause in support of the complaint, the complaint shall be referred to the Board for its review and consideration. "Just cause" means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this policy.
- B. If a complaint is referred to the Board by the Executive Committee, the Board will schedule a review of the matter at the next Board meeting. The person submitting the complaint and any persons named in the complaint will be sent written notice of the date, time and place of the meeting by the Executive Director so that these persons may have the opportunity to attend the meeting at which the review will take place.
- C. If neither the Executive Committee nor the Board finds just cause in support of the complaint, the complaint shall be dismissed and the Executive Committee's findings shall be referred to the Board. If the Board finds just cause in support of the complaint, the Board shall file a report with the Executive Director identifying in the report the particular provision or provisions of this Ethics Policy found to have been violated, and issue one or more of the following sanctions:
- 1. Letter of Notification. When the Board finds that a violation of the Ethics Policy was clearly unintentional or when the action or conduct found to have been a violation of the Ethics Policy was performed by the Board member in reliance on a written opinion of legal counsel the Board may issue a letter of notification advising the Board member of any steps to be taken to avoid future violations.
 - 2. Letter of Admonition. When the Board finds that a violation of the Ethics Policy was minor and/or may have been unintentional, but where the circumstances merit a more substantial response, the Board may issue a Letter of Admonition.
 - 3. Letter of Reprimand. When the Board finds that a violation of the Ethics Policy was committed intentionally or through reckless disregard of the provisions of the Ethics Policy, the Board may issue a letter of Reprimand.
 - 4. Removal from Office. When the Board finds that a violation of the Ethics Policy was committed intentionally or through deliberate disregard of the provisions of the Ethics Policy, the Board may take action to remove the Board member as a member of the Board.

EXHIBIT “B”

Parliamentary Rules of Procedure

Metropolitan Planning Organization
Transportation Policy Board
El Paso Urbanized Transportation Study Area

Adopted November 20, 2015

PARLIAMENTARY RULES OF PROCEDURE

METROPOLITAN PLANNING ORGANIZATION

TRANSPORTATION POLICY BOARD

EL PASO URBANIZED TRANSPORTATION STUDY AREA

PREAMBLE

The Transportation Policy Board (the “Board”) for the El Paso Metropolitan Planning Organization has determined that all public meetings shall be conducted in a civil, orderly and deliberative manner. The Board adopts the following rules of procedure as guides of conduct for members of the Board, all members of its standing committees, and for the general public. The following rules are based on the following basic principles of parliamentary procedure: All Board members and Committee members have equal rights, privileges, and obligations; a quorum must be present in order for action to be taken; full and free discussion of every motion is a basic right; only one motion at a time may be considered, and only one person may have the floor at any one time; members have a right to know what the pending motion is and to have the pending motion restated before a vote is taken; no one can speak until recognized by the Chair; personal remarks are always out of order; and all motions are decided by a majority vote.

Section A. Application of Rules

The following rules apply at all regular and special meetings of the Board and the El Paso MPO Committees where action is to be taken. When a question arises during a meeting that is not addressed by these rules, Robert’s Rules of Order shall apply. Whenever there is a conflict between these rules and Robert’s Rules of Order, these rules shall govern.

Section B. Effect of Failure to Follow These Rules

1. No action of the Board or of any Committee shall be considered invalid merely by reason of the failure of the Board or Committee to follow these Rules.
2. No one other than a member of the Board or a Committee shall have standing to assert that any action taken is invalid by reason of the Board’s or Committee’s failure to comply with these Rules.

Section C. Presiding Officer

1. If a quorum is present the Presiding Officer shall call the meeting to order at the posted time. If a quorum is not present at the posted time, the Presiding Officer shall call the meeting to order as soon as a quorum is present.

2. The Chair shall preside at all public meetings. In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and the Vice-Chair, the members present shall elect a Presiding Officer to preside over the meeting. Upon arrival of the Chair or Vice-Chair, the acting Presiding Officer shall immediately relinquish the chair upon the conclusion of the business then pending.
3. The Presiding Officer shall preserve strict order and decorum at all times; shall state all agenda items and pending action motions as necessary for clarity, and shall announce the action of the membership.
4. The Presiding Officer, with the assistance of the El Paso MPO staff, shall timely prepare all agendas in advance of all public meetings in compliance with the posting requirements of the Texas Open Meetings Act.
5. Board and Committee members, wishing to place an item on the agenda shall submit a request for inclusion of the item directly to the Chair. The Chair, or the Vice-Chair in the absence of the Chair, shall determine whether or not an item is placed on the agenda. A decision to not place a requested item(s) on the agenda, and the reason(s) for not placing such item(s) on the agenda, must be communicated to the requestor before posting of the agenda.

Section D. Order of Discussion

1. All questions of order shall be decided by the Presiding Officer.
2. All decisions of the Presiding Officer concerning questions of order may be overridden by a majority of the members then present and voting.

Section E. Voting and Motion Practice

1. Unless otherwise provided herein, all motions shall be decided by a majority vote of those members present and voting.
2. No member may make a motion unless recognized by the Presiding Officer.
3. All motions shall be seconded by another member before action on the motion can be taken.
4. Before a motion is restated by the Presiding Officer, any member can suggest, without waiting to be recognized, a modification of the pending motion in order to clarify the motion. The maker of the motion can choose to accept or reject the suggested modification.
5. If the Presiding Officer decides that the motion is in order, the Presiding

- Officer shall restate the motion and open debate or discussion.
6. The maker of the motion shall speak first in support of the motion.
 7. The Presiding Officer may close debate or discussion of the motion when discussion has ended or when the membership by a two-thirds vote closes debate.
 8. The Presiding Officer may allow members of the public to speak on an agenda item.
 9. After discussion is ended, the Presiding Officer shall call for a general vote and announces the result of the vote. A member may challenge the Presiding Officer's count by demanding a poll or roll call vote.

Section F. General Rules of Debate

1. No members may speak until recognized by the Presiding Officer.
2. No member may speak more than twice on a pending motion, unless allowed by the Presiding Officer.
3. The Presiding Officer may impose time limitations on each member per pending motion.
4. All remarks and comments shall be addressed to the Presiding Officer.
5. It is not permissible to speak against one's motion; however, one may vote against one's own motion.
6. Debate shall address issues not personalities—no one is permitted to make personal attacks or question the motives of other speakers.
7. Rules of debate may be suspended by a two-thirds vote of those members present and voting.

Section G. Rules Concerning Order of Precedence of Motions

1. All motions require a second.
2. A motion to adjourn takes precedence over all other motions and is non-debatable unless such a motion is made prior to the disposition of all agenda items, in which case the motion to adjourn must be approved by a two-thirds vote of all members present.
3. A question of order takes precedence over all other motions except a motion to adjourn.
4. A motion to postpone takes precedence over all other motions except a

motion to adjourn or a question of order, and may at the discretion of the Presiding Officer, be debatable.

5. A motion to amend takes precedence over a main motion and must be approved by a simple majority of those members present and voting. Following approval of any amendment(s), the Presiding Officer shall call for a vote on the merits of the main motion as amended.
6. Motion To Reconsider–Opens debate on a motion that has already been voted upon in the same meeting. A motion to reconsider may only be made by a member who voted on the prevailing side.
7. Motion to Rescind–Repeals or amends a motion for which it is too late to reconsider, and requires a two-thirds vote of those members present.

Section H. Right of Public To Be Heard

1. Members of the public may be allowed a reasonable opportunity to be heard during the meeting or in regard to any and all matters on the agenda. The time allowed for public comment may be limited to a fixed number of minutes at the discretion of the Presiding Officer. Members of the public shall usually be granted three (3) minutes to present their position on the issues. The Presiding Officer may grant a speaker additional time at his or her exclusive discretion.
2. Members of the Public wishing to provide comment during a meeting shall sign up prior to the commencement of the meeting.
3. A member of the public who the Presiding Officer determines is being disruptive may be asked to leave the meeting.

Section I. Parliamentarian

1. The Board’s Legal Counsel shall act as the Parliamentarian at all meetings.

BYLAWS AND PROCEDURES
METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY BOARD
EL PASO URBANIZED TRANSPORTATION STUDY AREA

ARTICLE I. MISSION STATEMENT

Counties and cities have the local responsibility for anticipating and meeting the transportation needs for adequately moving people and goods within their jurisdictions. However, the Texas Department of Transportation is charged, by law, with the responsibility for planning, designing, constructing, and maintaining the State Transportation System and to facilitate the implementation of the Transportation Equity Act for the 21st Century (TEA-21) and any subsequent transportation legislation enacted by the U. S. Congress, as amended. In addition, duly authorized Transportation Authorities are responsible for planning, developing, and operating public transportation services in their respective service areas. Under federal legislation, the Metropolitan Planning Organization (MPO), through the Transportation Policy Board (Policy Board) has an expanded role in project selection and transportation project planning and programming.

ARTICLE II. DEFINITIONS

Metropolitan Planning Organization - The Metropolitan Planning Organization (MPO) is the organization designated by the Governor of Texas on August 30, 1988 as being responsible, together with the State, for carrying out the provisions of 23 USC §134, 59 USC §5303 (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 El Paso 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) City of El Paso serves as the Fiscal Agent for the Transportation Policy Board of the MPO. The Fiscal Agent shall provide supportive services as outlined in a mutually approved operational policy agreement between the Transportation Policy Board and the City of El Paso.

Transportation Policy Board - The Transportation Policy Board (TPB) establishes regional transportation policy guidance and direction for the metropolitan planning study area. Ultimate responsibility for the metropolitan transportation planning process including, but not limited to, review and approval of the recommended transportation plan rests with the TPB.

Metropolitan Transportation Plan - The Metropolitan Transportation Plan (MTP) provides guidance to transportation providers, engineers, planners, community decision makers, and the general citizenry regarding the future growth of the MPA of El Paso County Texas, portions of Southern Doña Ana County and Otero County New Mexico, and the impact of this growth on all aspects of the transportation system. The transportation system consists of the infrastructure, facilities, and linkages that are used to move goods and services within the area. The MTP is intended as an action plan with a minimum twenty-year horizon for the maintenance, management, and further development of the region's transportation systems including highways and public transportation.

Transportation Improvement Program - The Transportation Improvement Program (TIP), is a multimodal listing of all transportation projects and programs expected to be implemented over a designated three (3) year period. This includes all projects or programs, which are expected to utilize federal funds and those projects or programs which will utilize other funds (state or local), including toll road and bridge projects. The TIP will be developed consistent with state and federal guidelines and the TPB's selection criteria.

Unified Planning Work Program - The Unified Planning Work Program (UPWP) is a listing of transportation planning, programs and services to be performed by the MPO in support of a continuous, comprehensive, and coordinated transportation planning process. The UPWP is a two-year transportation-planning program and budget that contains a listing of planning projects, programs and services performed by other agencies, which will have regional significance.

Congestion Management Process - The Congestion Management Process (CMP) provides information on the location and severity of current and future traffic congestion in the MPA. It also makes recommendations for the best projects and programs to relieve the congestion. The CMP is an ongoing process resulting in periodic update reports. The MPO is required to use a CMP when selecting transportation projects for inclusion in the MTP and TIP.

ARTICLE III. MEMBERSHIP

The Policy Board shall be composed of members from the local Texas and New Mexico units of government including the Texas and New Mexico Legislative Delegation and the Texas and New Mexico Departments of Transportations within the El Paso Metropolitan Planning Area. In addition the Sun Metro Mass Transit Agency, the El Paso International Airport and the El Paso County Mass Transit Agency or the County-wide Mass Transit Authority will be represented on the TPB. No two elected members shall be representatives of the same local/state unit of government/entity or fiscal agent.

Membership shall consist of the following but not by way of limitation:

Texas:

Town of Anthony	1 Elected Official; Mayor or Appointee
City of El Paso	6 Members; Mayor or Appointee + no less than 3 Elected Officials
Town of Clint	1 Elected Official; Mayor or Appointee
County of El Paso	2 Elected Officials; County Judge or Appointee
Town of Horizon City	1 Elected Official; Mayor or Appointee
City of San Elizario	1 Elected Official; Mayor or Appointee
City of Socorro	1 Elected Official; Mayor or Appointee
Village of Vinton	1 Elected Official; Mayor or Appointee
Texas State Senator(s)	All Elected Officials from the El Paso MPO Study Area
Texas State Representative(s)	All Elected Officials from the El Paso MPO Study Area
El Paso International Airport	1 Member
El Paso County Transit Agency or County-wide Mass Transit Authority	1 Member
Sun Metro/Mass Transit Department	1 Member
Texas Department of Transportation	1 Member

New Mexico:

City of Anthony, N.M.	1 Elected Official; Mayor or Appointee
Doña Ana County	1 Member
City of Sunland Park, NM	1 Elected Official; Mayor or Appointee
South Central Regional Transit District	1 Member
New Mexico State Representative(s)	1 Elected Official from the El Paso MPO Study Area
New Mexico State Senator	1 Elected Official from the El Paso MPO Study Area
New Mexico Dept. of Transportation	1 Member

The City of El Paso's representation on the Transportation Policy Board shall be equal to the number of incorporated Texas municipalities, cities, towns, or villages within the urbanized study area who have representation on the TPB.

Representatives of local units of government shall be appointed by and serve at the pleasure of the appointing local units of government and may be a serving member on the governing body they represent. Said appointee(s) shall provide to the Executive Director of the MPO a copy of the resolution appointing them prior to participating in a meeting.

All TPB members may elect to be a non-voting member of the MPO, by submitting a letter to the Chairperson of the Transportation Policy Board at the annual business meeting requesting that their seat be counted as a non-voting position. Such a letter shall be valid for a period of one (1) year from its date. In such a case, that seat will not be counted in the number necessary for a quorum. An initial business meeting may be called following adoption of these bylaws to facilitate this option and shall be valid until the next business meeting.

All Members of the MPO shall each have one vote. A TPB member shall not be allowed to have or appoint a proxy member or representation.

TPB members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

All members of the MPO shall comply with the TPB's Ethics Policy, a copy of which is attached hereto as Exhibit "A," and incorporated herein by reference as a part of these Bylaws.

All newly appointed members of the TPB shall successfully complete a mandatory orientation and training program provided by the MPO staff within ninety (90) days of their appointment in order to maintain their voting status on the Board.

ARTICLE IV. MEETINGS

The Policy Board shall hold at least one meeting per year. A regular schedule of meetings may be adopted. At least five (5) days written notice to members is required.

Notices of meetings shall be posted at the Office of the El Paso County Clerk and New Mexico Public Regulation Commission at least 72 hours prior to the meeting in accordance with the Texas Open Meetings Act and as amended.

The TPB shall conduct no fewer than one meeting each year at the call of the Chairperson to conduct the election of officers.

All Meetings will be conducted in accordance with the Parliamentary Rules of Procedure, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference as a part of these Bylaws.

ARTICLE V. QUORUM

A quorum shall consist of sixteen (16) voting members.

ARTICLE VI. OFFICERS

The officers of the Transportation Policy Board of the MPO shall consist of a Chairperson and a Vice-Chairperson, and a Secretary to the TPB. The Chairperson shall be the chief administrative officer of the TPB and will preside over each meeting of the Policy Board, and have execution authority on all MPO policy documents after TPB action. The Vice-Chairperson shall serve in the same capacity in the absence of, or upon the request of the Chairperson. In the event that neither the Chairperson nor Vice-Chairperson is available to preside over a meeting of the Policy Board, a quorum will elect a temporary Chairperson for that meeting as first order of business.

The Chairperson and the Vice-Chairperson shall each be separately nominated and elected to a term of one-year at the July TPB meeting each year, or, if there is no July TPB meeting, at the first TPB meeting following the month of July. The Chairperson and the Vice-Chairperson shall not be representatives of the same local units of government or entity.

The Secretary to the TPB shall be the Executive Director or his/her designee. The Secretary will record the business of the TPB and prepare meeting notifications/postings, and distribute minutes of TPB meetings. The Secretary is not eligible to vote.

ARTICLE VII. STAFF

The MPO shall provide technical, planning, administrative, and clerical staff support to the TPB and its committees. The staff, regardless of agency affiliation shall be responsible to and directed by the Executive Director.

The Executive Director shall serve in a full time capacity and be a contract employee of the Transportation Policy Board (TPB). The Director shall be hired, supervised, evaluated, or terminated by the TPB. The Director shall take planning and policy directions, solely from and be solely responsible to the TPB. The Director shall be responsible for providing information to the TPB and for coordinating research activities undertaken pursuant to the Unified Planning Work Program for transportation planning adopted by the Board.

The staff of the Metropolitan Planning Organization shall be civil service employees of the City of El Paso. The TPB shall contract with the City of El Paso for these employees' services, as outlined in the operational policy agreement between and approved by the Transportation Policy Board and the City of El Paso. The staff of the MPO will provide the required administrative, fiscal, and contract management support to provide the planning needed to develop the Metropolitan Transportation Plan, Transportation Improvement Program, Unified Planning Work Program, and other special studies required by the contract with the Texas Department of Transportation or requested by the Policy Board.

The staff of the MPO will include the necessary Transportation Planners to accomplish the required work in-house or oversee consultants hired to accomplish specific work assignments, including the air conformity analysis. The staff shall support and assist the smaller local units of government (who do not have staff or consultants contracts) in response to project and program calls.

The MPO staff will be officed at a location selected by the TPB.

ARTICLE VIII. COMMITTEES

The MPO will have six (6) standing committees:

- The Executive Committee
- The Congestion Management Process Committee
- Transportation Finance Committee
- The Suburban Mobility Committee
- The Transportation Project Advisory Committee
- The Transit Coordination Committee

Additional Ad hoc committees of the membership of the Policy Board may be established and appointed by the Chairperson to assist the Policy Board in the performance of its function. Special Committees or Task Forces may be established and appointed by the Transportation Policy Board to undertake special assignments. These committees may consist of TPB members, public officials, citizens, and other individuals the TPB deems appropriate. Standing committees may have separate bylaws, which must be ratified by the Policy Board.

The Executive Committee (EC) shall be composed of seven (7) voting TPB members to be recommended by the TPB Chairperson and approved by the TPB. The TPB Chairperson will then recommend a Chair and Vice-Chair to also be approved by the TPB. These actions will take place at the meeting during which the election of officers is held. No two members of the Executive Committee shall be representatives of the same local unit of government or entity. The EC's roles and responsibilities will include review of the business aspect of the MPO, review of the Executive Director, review of contracts and other documents, and other assignments for recommendations to the TPB. Executive Committee members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Congestion Management Process (CMP) Committee shall be composed of three (3) voting TPB members recommended by the Chairperson and approved by the TPB at the meeting during which the election of officers is held. No two members of the Congestion Management Process Committee shall be representatives of the same local unit of government or entity. The CMP's roles and responsibilities will include developing, reviewing, and maintaining the Congestion Management Plan with MPO staff and making recommendations to the TPB. The CMP Committee will meet quarterly to ensure there is follow through once the plan has been approved and after that the committee will need to meet yearly, and other assignments for recommendations to the TPB. Congestion Management Process Committee members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Transportation Finance Committee (TFC) shall be composed of three (3) voting TPB members recommended by the Chairperson and approved by the TPB at the meeting during which the election of officers is held. No two members of the Transportation Finance Committee shall be representatives of the same local unit of government or entity. The TFC's roles and responsibilities will include reviewing and establishing policies regarding overruns, change orders, obligation limitation, funding assumptions, and financial constraint with regard to the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP), and other assignments for recommendations to the TPB. Transportation Finance Committee members with three (3) cumulative absences in a fiscal year shall lose their voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Suburban Mobility Committee shall be composed of the Mayors of the following local units of government: City of Anthony, NM; Town of Anthony, TX; City of San Elizario; City of Socorro; Town of Horizon City; City of Sunland Park, NM; Village of Vinton; and Town of Clint. The Suburban Mobility Committee shall make recommendations to the Transportation Policy Board regarding projects affecting local units of government in the El Paso Urbanized Transportation Study Area. A quorum shall consist of five (5) members of the Suburban Mobility Committee. Suburban Mobility Committee members with three (3) cumulative absences in a fiscal year shall lose their

voting status for the remainder of the fiscal year. This rule is suspended for those members attending regular or special legislative sessions who demonstrate attendance.

The Transportation Project Advisory Committee (TPAC) will have sixteen (16) voting members. The TPAC develops and makes recommendations to the Transportation Policy Board on projects with regard to the MTP and TIP, project selection process criteria, and special transportation planning issues. The TPAC holds meetings monthly or as needed. One TPAC member will be selected by their governing body. The Chair and Vice-Chair of the TPAC shall be selected for a two-year term by peer members of the TPAC, and is eligible for re-election. Nine (9) voting members of the TPAC shall constitute a quorum.

Effective January 1, 2015, TPAC members with three (3) cumulative absences in a fiscal year (October-September) shall result in member(s) losing their voting privilege for that fiscal year. TPAC will not be allowed to have proxy member representation.

The Transportation Project Advisory Committee's membership shall be as follows:

Voting Members:

Texas

Town of Anthony
City of El Paso
Mass Transit Board
Town of Clint
Horizon City
City of Socorro
Village of Vinton
City of San Elizario
El Paso County
Texas Department of Transportation (TXDOT)
Ysleta Del Sur Pueblo
University of Texas at El Paso (UTEP)

New Mexico

City of Anthony
City of Sunland Park
Doña Ana County
New Mexico Department of Transportation (NMDOT)

The Transit Coordination Committee (TCC) will have voting members from Doña Ana, Otero, Hudspeth, Jeff Davis, Culberson, El Paso, Presidio, and Brewster Counties . The TCC makes recommendations to the Transportation Policy Board (TPB) via the Transportation Project Advisory Committee (TPAC) on transit projects/initiatives. The TCC will hold meetings monthly or as needed. The Chair and Vice-Chair of the TCC shall be selected to a one year term by peer members of the TCC, and is eligible for re-election. Quorum will constitute half plus one of voting membership.

ARTICLE IX. AMENDMENT

Upon adoption of these bylaws, the Policy Board, by a majority vote of its members, may make, alter, amend, or rescind these bylaws at any regular meeting, after at least ten (10) days written notice to the voting membership. Notification of amendments to the Policy Board shall be made by the Executive Secretary.

AMENDED, APPROVED AND ADOPTED THIS 23rd DAY OF MARCH, 2018.

Joe Moody, Texas State Representative
Chairperson, Transportation Policy Board

Michael Medina, CNU-A
Executive Director, Secretary

Scott P. Foster
Legal Counsel

¹¹Amended by the Transportation Policy Board on October 8, 2010.

¹²Amended by the Transportation Policy Board on July 6, 2012.

¹³Amended by the Transportation Policy Board on May 3, 2013.

¹⁴Amended by the Transportation Policy Board on April 4, 2014.

¹⁵Amended by the Transportation Policy Board on September 12, 2014.

¹⁶Amended by the Transportation Policy Board on November 7, 2014.

¹⁷Amended by the Transportation Policy Board on June 19, 2015.

¹⁸Amended by the Transportation Policy Board on November 20, 2015.

¹⁹Amended by the Transportation Policy Board on October 21, 2016.

²⁰Amended by the Transportation Policy Board on March 23, 2017.

EXHIBIT “A”

Ethics Policy

Metropolitan Planning Organization
Transportation Policy Board
El Paso Urbanized Transportation Study Area

Adopted February 22, 2008

ETHICS POLICY

METROPOLITAN PLANNING ORGANIZATION

TRANSPORTATION POLICY BOARD

EL PASO URBANIZED TRANSPORTATION STUDY AREA

I. Policy

All members of the Transportation Policy Board (“TPB”) for the El Paso Metropolitan Planning Organization (“MPO”) have a fiduciary duty to be ethical in fulfilling their responsibilities. Ethical conduct includes, but is not limited to, behavior that is in compliance with applicable local, state, and federal laws. Toward that end, and in compliance with § 472.034 of the Texas Transportation Code, the TPB adopts the following Ethics Policy as part of its bylaws.

II. Purpose

A. Ethical conduct is motivated by sources inside and outside the law. The Texas Local Government Code and the Texas Transportation Code regulate aspects of the conduct of members of the Transportation Policy Board. However, as ethical conduct means more than complying with state and federal laws, the Transportation Policy Board strongly encourages all of its members to maintain the highest personal values and standards. While it is impossible to establish specific and exhaustive standards for all situations, the standards established in this policy reflect minimum standards below which no conduct of a member of the TPB should fall. This Policy has the following purposes:

1. To maintain and improve standards of public service;
2. To improve public confidence in the integrity of the El Paso MPO and its Transportation Policy Board;
3. To provide a process by which members of the TPB may identify and resolve ethical issues;
4. To avoid conflicts between the personal interest and the public responsibilities of TPB members;
5. To establish minimum standards of conduct to be adhered to by TPB members;
6. To require disclosure of private financial interests by members of the El Paso TPB;
7. To require reporting of certain gifts received by members of the El Paso TPB; and,
8. To provide for complaints and resolution of ethical issues and concerns.

B. This chapter is cumulative of and supplemental to all applicable provisions of state and federal laws and regulations. Compliance with this Ethics Policy does not excuse or relieve any person from any obligation imposed by any applicable state or federal laws or regulations.

III. Definitions

For purposes of this Ethics Policy, the following definitions shall apply. Terms not defined in this policy, but defined in the Texas Local Government Code and the Texas Transportation Code, shall have the meanings assigned to them in those statutes.

“Benefit” means anything reasonably regarded as economic gain or economic advantage to a member of the TPB, or to a relative of a member of the TPB. “Benefit” does not include:

1. Political contributions made or received and reported in accordance with law;
2. Awards, such as plaques, certificates, trophies or similar mementos, publicly presented in recognition of public service;

3. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient as a member of the TPB;
4. Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;
5. Commercially reasonable loans made to a member of the TPB in the ordinary course of the lender's business;
6. Complimentary copies of trade publications;
7. Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official TPB or MPO business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity;
8. Any economic gain or economic advantage, excluding cash or a negotiable instrument as described by Section 3.104, Texas Business and Commerce Code, conferred by any one person or organization if the economic value totals less than fifty dollars per calendar year; or
9. An honorarium, transportation or lodging, the acceptance of which is not prohibited under Sections 36.07 and 36.08, Texas Penal Code.

"Board" means the Transportation Policy Board;

"Committee" means any committee established or created by the TPB;

"Business days" means the weekdays excluding city holidays.

"Confidential information" means any written information that could be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written, could be excepted from disclosure under that Act, unless disclosure has been authorized.

"Contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit. The term does not include an expenditure required to be reported under Section 35.006(b), Texas Government Code.

"Contributor" means a person making a contribution and the person's spouse.

"Executive Director" means the Executive Director of the El Paso Metropolitan Planning Organization.

"In-kind expenses" means the value of personal services provided without compensation by any person on behalf of a member of the TPB and includes incidental vehicular travel expenses incurred in conjunction with the provision of the personal services.

"Official business" means a purpose or function related to the duties or activities of the TPB or the MPO.

"Person" means an individual, corporation, partnership, labor union or labor organization, or any unincorporated association, firm, committee, club, or other organization or group of persons, excluding a political committee organized pursuant to the Texas Election Code.

"Public event, appearances or ceremonies" means those functions, activities and ceremonies conducted by or for the benefit of any governmental entity; a function, activity or ceremony conducted by a non-profit

corporation or similar organization formed for educational, scientific, community-betterment or economic development purposes which relates to the purpose for which the non-profit corporation or organization was formed; or a function, activity or ceremony which honors or recognizes the accomplishments of a political, prominent or public figure.

“Quasi-judicial proceeding” means a hearing or proceeding held by a public administrative officer, to include but not be limited to a hearing officer, arbitrator or administrative law judge, who is required to hear or investigate facts and to draw conclusions from them as a basis for his or her official action and to exercise discretion of a judicial nature.

“Relative” means a person who is related to a TPB member as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, step son-in-law, stepdaughter, step daughter-in-law, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.

IV. Standards of Conduct

Members of the TPB:

- A. Shall not accept or solicit for personal financial gain, any benefit that might reasonably tend to influence them to act improperly in the discharge of official duties, or that may tend to give the appearance of improper influence;
- B. Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude members from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;
- C. Shall not participate in making or influencing any TPB decision or action in which they know that they have any financial interest distinguishable from that of the public generally or from that of other members generally;
- D. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person;
- E. Shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities;
- F. Shall not use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions. This provision applies to former members as well as to current ones;
- G. Shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the policies, rules or regulations of the Board or the MPO;
- H. Shall not utilize Board and MPO resources for personal benefit or the personal benefit of a relative, friend or business associate, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the Board or the MPO;
- I. Shall not transact any business (other than ministerial acts) on behalf of the Board or the MPO with any

business entity of which they are officers, agents, members, or employees, or in which they have a financial interest. A Board member is considered to have a financial interest in a business entity if a person related to the Board member in the first degree by consanguinity or affinity has a financial interest in the business entity. In the event such a circumstance arises, then the Board member shall make known their interest, and:

1. Abstain from voting on the matter and refrain from discussion of the matter at any time with the other Board member.
- J. Shall not personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the Board or the MPO. This restriction does not apply to outside employment of a member if the employment is the member's primary source of income;
- K. Shall not accept employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the Board or the MPO, or which might impair their independent judgment in the performance of their duties;
- L. Shall not personally participate in a decision in a matter if the member is negotiating or has an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter under consideration by or within the jurisdiction of the Board or the MPO. For purposes of this section, the term "decision" shall mean a decision, approval, disapproval, recommendation, investigation or rendering of advice, and the term "matter" shall include but not be limited to a matter, proceeding, application, request for ruling or determination, contract or claim which involves the Board or the MPO. In such instance, the member shall:
1. Immediately notify the Chair of the Board of the nature of the negotiation or arrangement, file an affidavit with the Executive Director describing the nature of the negotiation or arrangement and:
 - a. Refrain from discussing the matter at any time with other Board members; and,
 - b. Abstain from voting on the matter.
- M. Shall not receive any fee or compensation for their services as Board members. This shall not prohibit their performing the same or other services for a public or private organization that they perform for the MPO if there is no conflict with their duties and responsibilities;
- N. Shall not personally represent or appear in behalf of the private interest of another before the Board; or, if the represented person's interest is adverse to that of the Board or the MPO, represent any person:
1. In any quasi-judicial proceeding involving the Board or MPO; or
 2. In any judicial proceeding to which the Board or the MPO is a party.

Nothing in this subsection shall preclude:

- a. A Board member from speaking or appearing without compensation before the Board, any governmental body, or any board or department on behalf of constituents in the course of his or her duties as an elected official;
- b. Any Board member from appearing before any governmental body, board, or department, in a manner consistent with other Board and MPO policies and rules, to discuss any general Board or MPO policies or public issues, including the presentation of viewpoints or petitions of other members;

- c. A Board member from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding.
- O. Shall not personally represent or appear in behalf of the private interests of another:
 - 1. Before the Board, unless the member discloses his or her status as a Board member and the representation or appearance does not relate to a matter that was heard or decided by the Board; or
 - 2. In a judicial or quasi-judicial proceeding to which the Board or the MPO is a party, if the interest of the person being represented is adverse to that of the Board or the MPO and the subject of the proceeding involves the Board or the MPO.
- P. Shall not use for their personal benefit and shall not disclose, except as may be required by law, confidential information gained in the course of or by reason of their positions. This provision shall not prohibit the disclosure of such information to incumbent public officials or employees to whose duties such information may be pertinent.
- Q. Each Board member shall acknowledge in writing receipt of this Ethics Policy.

V. Reporting requirements

A. Financial Disclosure

- 1. Each Board member, excluding officials whose financial disclosure requirements are governed by local, state, or federal law, shall file with the Executive Director, within ten business days after the date of his or her appointment to the Board, a signed, sworn statement disclosing:
 - a. Where, by whom and in what specific capacity that person is employed or self-employed;
 - b. Membership on boards of directors of corporations, whether organized for profit or not;
 - c. Partnership interest in any business conducting business with the TPB or the MPO;
- 2. Each person submitting a statement of financial disclosure required under this section shall utilize a form provided by the Executive Director.
- 3. No person submitting such a statement of financial disclosure must indicate therein the extent of financial involvement in any investments.
- 4. Each person subject to this section shall thereafter file with the Executive Director a signed and sworn financial disclosure statement, on or before January 15 of each year while a member of the Board, or at any other time in which the person changes his or her primary employment or has made changes in financial investments which require disclosure under this section. Those persons who have no changes to report regarding the information required to be reported, may, in lieu of filing a complete financial disclosure form, file a short form annual report, provided that they have filed a complete financial disclosure form within the previous five years.
- 5. The Executive Director shall, no later than March 15 of each year, prepare a report which notes whether each person subject to the filing requirement of this section has filed the required financial disclosure statement as of the date of the report. In the event that a person subject to the filing requirement has not filed his or her financial disclosure statement by the date of the completion of the report or in the event that a person fails to file his or her financial disclosure form within ten business days after the date of their appointment and they do not already have a current financial disclosure form on file, the Executive Director shall send a written notice by certified mail, return receipt requested, with a copy sent by regular mail, to the person to advise the person that the Executive

Director's records indicate that the person is subject to the requirement of this section, the person has not filed a financial disclosure statement as required by this section and that the person has fifteen days from the date of the letter to file his or her financial disclosure statement. The Executive Director will also advise the board member that the intentional or deliberate failure to timely file the financial disclosure statement may result in the removal of that board member as a member of the TPB.

6. In the event that a Board member fails to file his or her financial disclosure statement by the deadlines calculated in paragraph 5 above, the Executive Director shall prepare and send a notice of the failure to each member of the Board for their review and consideration regarding the possible removal of the Board member as a member of the TPB Board. A Board member who fails to file his or her financial disclosure statement as required by this section forfeits his or her voting rights on the Board until he or she complies with such financial disclosure requirements.

B. Reporting of Gifts

It is the policy of the Board that all Board members shall be careful about accepting gifts from any source, particularly from those sources who may transact business with the Board or the MPO.

1. Each Board member, excluding officials who are required to report the receipt of gifts by local, state or federal law, shall keep a written record of all reportable gifts received during his or her term of office as a Board member.
2. Such record shall be made on a quarterly basis each year. The record shall include a description of the reportable gift received; the name of the person and organization giving the reportable gift; the relationship of the donor to the reporter, if any; the value or estimated value of the reportable gift; and the immediate or intended disposition of the reportable gift. A reportable gift consisting of a certificate or admission ticket to a future event or activity shall be deemed to have been received on the date on which the certificate or admission ticket was received.
3. Such record shall be submitted to the Executive Director on a form prepared by the Executive Director no later than the tenth day of the month following the end of the quarter. If a Board member has no gift to report for a quarter, a statement to that effect shall be included on the reporting form.
4. If a gift is returned to the sender or donated to a suitable charity immediately upon its receipt, reporting of the gift is unnecessary. Any gift, the receipt of which is prohibited by this policy, shall be returned to its source.
5. In no event shall any Board member accept a gift, if the source of the gift is not identified. If the source of any gift cannot be ascertained, the gift shall be donated to a suitable charitable organization.
6. Door prizes are not reportable as gifts unless (a) the likelihood of winning a prize of some sort is at least one chance in ten or (b) the combined value of all prizes is greater than \$10 multiplied by the number of persons eligible to win.
7. Except as provided herein, no Board member shall accept any expenses related to travel from an outside source. Acceptance of such expenses shall be made only if:
 - a. The Board specifically authorizes receipt of the expenses; and,
 - b. A public record of that action is maintained in the minutes of the Board.
8. Reportable gifts shall mean the following:
 - a. Anything of value, including edibles, if the fair market value exceeds \$50;
 - b. Any hosting, such as travel and expenses, entertainment, meals or refreshments, that has a value of more than fifty dollars, other than hosting provided on account of kinship or a personal, professional, or

business relationship independent of the official status of the recipient;

- c. Any honorarium with a value of more than fifty dollars; and
 - d. Any other economic gain or economic advantage that has a value of more than fifty dollars and which was conferred on account of the official status of the recipient or in connection with official Board or MPO business.
5. Any hosting, honorarium or other economic gain or economic advantage that is refused and returned to the sender within seventy-two hours of receipt shall not constitute a reportable gift under this section.
 6. For purposes of this section, "honorarium" shall mean a payment, other than reimbursement for meals, travel or lodging expenses, for services provided in connection with addressing an audience or engaging in a seminar.

VI. Complaints

- A. Any person may submit matters concerning an ethical issue under the provisions of this Ethics Policy to the Executive Director. Upon receipt of such written complaint, in a form prepared by the Executive Director, the Executive Director shall refer the Complaint to the Chair of the Board. Upon its receipt, the Chair shall refer the complaint to the Executive Committee of the Board. If the Executive Committee finds just cause in support of the complaint, the complaint shall be referred to the Board for its review and consideration. "Just cause" means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this policy.
- B. If a complaint is referred to the Board by the Executive Committee, the Board will schedule a review of the matter at the next Board meeting. The person submitting the complaint and any persons named in the complaint will be sent written notice of the date, time and place of the meeting by the Executive Director so that these persons may have the opportunity to attend the meeting at which the review will take place.
- C. If neither the Executive Committee nor the Board finds just cause in support of the complaint, the complaint shall be dismissed and the Executive Committee's findings shall be referred to the Board. If the Board finds just cause in support of the complaint, the Board shall file a report with the Executive Director identifying in the report the particular provision or provisions of this Ethics Policy found to have been violated, and issue one or more of the following sanctions:
 1. Letter of Notification. When the Board finds that a violation of the Ethics Policy was clearly unintentional or when the action or conduct found to have been a violation of the Ethics Policy was performed by the Board member in reliance on a written opinion of legal counsel the Board may issue a letter of notification advising the Board member of any steps to be taken to avoid future violations.
 2. Letter of Admonition. When the Board finds that a violation of the Ethics Policy was minor and/or may have been unintentional, but where the circumstances merit a more substantial response, the Board may issue a Letter of Admonition.
 3. Letter of Reprimand. When the Board finds that a violation of the Ethics Policy was committed intentionally or through reckless disregard of the provisions of the Ethics Policy, the Board may issue a letter of Reprimand.
 4. Removal from Office. When the Board finds that a violation of the Ethics Policy was committed intentionally or through deliberate disregard of the provisions of the Ethics Policy, the Board may take action to remove the Board member as a member of the Board.

EXHIBIT “B”

Parliamentary Rules of Procedure

Metropolitan Planning Organization
Transportation Policy Board
El Paso Urbanized Transportation Study Area

Adopted November 20, 2015

PARLIAMENTARY RULES OF PROCEDURE

METROPOLITAN PLANNING ORGANIZATION

TRANSPORTATION POLICY BOARD

EL PASO URBANIZED TRANSPORTATION STUDY AREA

PREAMBLE

The Transportation Policy Board (the “Board”) for the El Paso Metropolitan Planning Organization has determined that all public meetings shall be conducted in a civil, orderly and deliberative manner. The Board adopts the following rules of procedure as guides of conduct for members of the Board, all members of its standing committees, and for the general public. The following rules are based on the following basic principles of parliamentary procedure: All Board members and Committee members have equal rights, privileges, and obligations; a quorum must be present in order for action to be taken; full and free discussion of every motion is a basic right; only one motion at a time may be considered, and only one person may have the floor at any one time; members have a right to know what the pending motion is and to have the pending motion restated before a vote is taken; no one can speak until recognized by the Chair; personal remarks are always out of order; and all motions are decided by a majority vote.

Section A. Application of Rules

The following rules apply at all regular and special meetings of the Board and the El Paso MPO Committees where action is to be taken. When a question arises during a meeting that is not addressed by these rules, Robert’s Rules of Order shall apply. Whenever there is a conflict between these rules and Robert’s Rules of Order, these rules shall govern.

Section B. Effect of Failure to Follow These Rules

1. No action of the Board or of any Committee shall be considered invalid merely by reason of the failure of the Board or Committee to follow these Rules.
2. No one other than a member of the Board or a Committee shall have standing to assert that any action taken is invalid by reason of the Board’s or Committee’s failure to comply with these Rules.

Section C. Presiding Officer

1. If a quorum is present the Presiding Officer shall call the meeting to order at the posted time. If a quorum is not present at the posted time, the Presiding Officer shall call the meeting to order as soon as a quorum is present.

2. The Chair shall preside at all public meetings. In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and the Vice-Chair, the members present shall elect a Presiding Officer to preside over the meeting. Upon arrival of the Chair or Vice-Chair, the acting Presiding Officer shall immediately relinquish the chair upon the conclusion of the business then pending.
3. The Presiding Officer shall preserve strict order and decorum at all times; shall state all agenda items and pending action motions as necessary for clarity, and shall announce the action of the membership.
4. The Presiding Officer, with the assistance of the El Paso MPO staff, shall timely prepare all agendas in advance of all public meetings in compliance with the posting requirements of the Texas Open Meetings Act.
5. Board and Committee members, wishing to place an item on the agenda shall submit a request for inclusion of the item directly to the Chair. The Chair, or the Vice-Chair in the absence of the Chair, shall determine whether or not an item is placed on the agenda. A decision to not place a requested item(s) on the agenda, and the reason(s) for not placing such item(s) on the agenda, must be communicated to the requestor before posting of the agenda.

Section D. Order of Discussion

1. All questions of order shall be decided by the Presiding Officer.
2. All decisions of the Presiding Officer concerning questions of order may be overridden by a majority of the members then present and voting.

Section E. Voting and Motion Practice

1. Unless otherwise provided herein, all motions shall be decided by a majority vote of those members present and voting.
2. No member may make a motion unless recognized by the Presiding Officer.
3. All motions shall be seconded by another member before action on the motion can be taken.
4. Before a motion is restated by the Presiding Officer, any member can suggest, without waiting to be recognized, a modification of the pending motion in order to clarify the motion. The maker of the motion can choose to accept or reject the suggested modification.
5. If the Presiding Officer decides that the motion is in order, the Presiding

- Officer shall restate the motion and open debate or discussion.
6. The maker of the motion shall speak first in support of the motion.
 7. The Presiding Officer may close debate or discussion of the motion when discussion has ended or when the membership by a two-thirds vote closes debate.
 8. The Presiding Officer may allow members of the public to speak on an agenda item.
 9. After discussion is ended, the Presiding Officer shall call for a general vote and announces the result of the vote. A member may challenge the Presiding Officer's count by demanding a poll or roll call vote.

Section F. General Rules of Debate

1. No members may speak until recognized by the Presiding Officer.
2. No member may speak more than twice on a pending motion, unless allowed by the Presiding Officer.
3. The Presiding Officer may impose time limitations on each member per pending motion.
4. All remarks and comments shall be addressed to the Presiding Officer.
5. It is not permissible to speak against one's motion; however, one may vote against one's own motion.
6. Debate shall address issues not personalities—no one is permitted to make personal attacks or question the motives of other speakers.
7. Rules of debate may be suspended by a two-thirds vote of those members present and voting.

Section G. Rules Concerning Order of Precedence of Motions

1. All motions require a second.
2. A motion to adjourn takes precedence over all other motions and is non-debatable unless such a motion is made prior to the disposition of all agenda items, in which case the motion to adjourn must be approved by a two-thirds vote of all members present.
3. A question of order takes precedence over all other motions except a motion to adjourn.
4. A motion to postpone takes precedence over all other motions except a

motion to adjourn or a question of order, and may at the discretion of the Presiding Officer, be debatable.

5. A motion to amend takes precedence over a main motion and must be approved by a simple majority of those members present and voting. Following approval of any amendment(s), the Presiding Officer shall call for a vote on the merits of the main motion as amended.
6. Motion To Reconsider–Opens debate on a motion that has already been voted upon in the same meeting. A motion to reconsider may only be made by a member who voted on the prevailing side.
7. Motion to Rescind–Repeals or amends a motion for which it is too late to reconsider, and requires a two-thirds vote of those members present.

Section H. Right of Public To Be Heard

1. Members of the public may be allowed a reasonable opportunity to be heard during the meeting or in regard to any and all matters on the agenda. The time allowed for public comment may be limited to a fixed number of minutes at the discretion of the Presiding Officer. Members of the public shall usually be granted three (3) minutes to present their position on the issues. The Presiding Officer may grant a speaker additional time at his or her exclusive discretion.
2. Members of the Public wishing to provide comment during a meeting shall sign up prior to the commencement of the meeting.
3. A member of the public who the Presiding Officer determines is being disruptive may be asked to leave the meeting.

Section I. Parliamentarian

1. The Board's Legal Counsel shall act as the Parliamentarian at all meetings.



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION VI Arkansas,
Louisiana, New Mexico,
Oklahoma, Texas

819 Taylor St. Room 14A02
Fort Worth, TX 76102
817-978-0550
817-978-0575 (fax)

March 14, 2018

Received by
El Paso MPO
Via E-mail
03/20/18

Mr. Michael Medina, CNU-A
El Paso MPO Executive Director
El Paso Metropolitan Planning Organization
211 N. Florence Street, Suite 202
El Paso, Texas 79901

Dear Mr. Medina:

The FTA is in receipt of your letter to Ms. Pearlie Tiggs dated February 28, 2018, regarding a request from the New Mexico Department of Transportation to include a representative from the South Central Regional Transit District (SCRTD) on the El Paso Metropolitan Planning Organization (MPO) Transportation Policy Board, and the El Paso MPO's determination that it is necessary to amend its bylaws. The FTA appreciates your informing the Regional Office of this matter. The MAP-21 requirement for transit agency representation on MPO Policy Boards in TMAs does not dictate the form in which that transit agency representation takes. There may be a single representative of transit, or multiple representatives. However, whatever form it takes needs to be reflected in the MPO bylaws and applicable agreements. As long as the MPO can demonstrate that it has transit agency representation on the MPO policy board, it is in compliance with FTA's rule.

Relative to NMDOT's specific request to include a representative of the SCRTD on the MPO policy board, that would be a local (MPO) decision, since there is no federal requirement that each transit provider in the MPO region be represented. We encourage the MPO to consider the request from NMDOT in this context and through its established continuing, collaborative, cooperative planning and decision-making process.

Thank you for allowing the FTA to clarify its stance in this matter. If you have any further questions please contact Pearlie Tiggs, Community Planner, at 817-978-0567 or Pearlie.Tiggs@dot.gov.

Sincerely,

Donald R. Koski, Director,
Planning and Program Development