

Capital Region
CRTPA
Transportation
Planning Agency

CRTPA Board Retreat
October 17, 2011
9:00 AM - 1:00 PM
Goodwood Plantation
Carriage House





300 S. ADAMS STREET, A-19, TALLAHASSEE, FL 32301
www.crtpa.org

CRTPA RETREAT
MONDAY, OCTOBER 17, 2011
GOODWOOD MUSEUM AND GARDENS
CARRIAGE HOUSE
1600 MICCOSUKEE ROAD
TALLAHASSEE, FL 32308

MISSION STATEMENT

“The mission of the CRTPA is to act as the principal forum for collective transportation policy discussions that results in the development of a long range transportation plan which creates an integrated regional multimodal transportation network that supports sustainable development patterns and promotes economic growth.”

MEETING OBJECTIVES

The objectives for the October 17, 2011 CRTPA Retreat:

- Receive a presentation on the Draft Fiscal Year (FY) 2013 – FY 2017 Work Program
- Receive an update on CRTPA organizational structure issues

MEETING SCHEDULE

- 1. Bagels and Coffee.....8:45 – 9:00
- 2. Welcome and Introductions.....9:00 – 9:10

DRAFT FISCAL YEAR (FY) 2013 – FY 2017 WORK PROGRAM

- 3. Presentation and Discussion.....9:10 - 9:45

Regina Battles, Florida Department of Transportation (FDOT), District 3, will present the Draft FY 2013 – FY 2017 Work Program. CRTPA written comments on the Draft Work Program must be provided to the FDOT by November 25, 2011.

CRTPA ORGANIZATIONAL STRUCTURE

4. Organizational Structure Overview 9:45 – 10:00

Review the Florida Statute on Metropolitan Planning Organization and discussion of organizational issues related to the CRTPA’s recent expansion.

5 CRTPA Committee Structure 10:00 – 10:45

A discussion of needed efforts related to restructuring of the CRTPA’s three committees (Citizens Advisory Committee, Multimodal Advisory Committee and Technical Advisory Committee) as a result of the agency’s recent expansion will occur.

BREAK..... 10:45 – 11:00

6. Transportation Disadvantaged 11:00 – 11:30

A discussion of the transportation disadvantaged programs within the CRTPA region will be provided, including the Leon County Transportation Disadvantaged Committee, staffed by the CRTPA.

7. CRTPA By-Laws, Interlocal Agreement and Variable Weighted Voting..... 11:30 – 12:00

A discussion of needed efforts related to updating the CRTPA’s By-Laws and Interlocal Agreement related to the agency’s recent expansion. Variable weighted voting will also be discussed.

8. Wrap-Up and Adjourn..... 12:00 – 1:00

DRAFT FISCAL YEAR
(FY) 2013-FY 2017
WORK PROGRAM

AGENDA ITEM 3
PRESENTATION AND DISCUSSION

October 17, 2011



RETREAT AGENDA ITEM 3

**DRAFT FISCAL YEAR FY 2013 – FY 2017
WORK PROGRAM**

REQUESTED BY: FDOT

TYPE OF ITEM: Discussion

The Florida Department of Transportation (FDOT) has developed the Draft Fiscal Year FY 2013 – FY 2017 Work Program. Developed annually, the Work Program provides a list of transportation projects that have received state and federal funding.

Development of the Work Program occurs in coordination with the CRTPA. As members will recall, at the June 20, 2011 Board meeting, the CRTPA adopted the FY 2013 – FY 2017 CRTPA Priority Project Lists. These lists were subsequently provided to the FDOT to provide guidance as the FDOT proceeded with development of the FY 2013 – FY2017 Draft Work Program.

A public hearing, attended by CRTPA staff, to present the Draft FY 2013 – FY 2017 Work Program was held on October 10, 2011 at the FDOT District 3 Operations Center in Midway.

Written comments from the CRTPA on the Draft Work Program must be provided to the FDOT by November 25, 2011.

Note: Projects within the CRTPA region (Gadsden, Jefferson, Leon and Wakulla counties) proposed for funding in the Draft FY 2013 – FY 2017 Work Program were not available at the time of development and distribution of the CRTPA Retreat agenda package.

CRTPA ORGANIZATIONAL STRUCTURE

AGENDA ITEM 4
ORGANIZATIONAL STRUCTURE
OVERVIEW

October 17, 2011



RETREAT AGENDA ITEM 4

CRTPA ORGANIZATIONAL STRUCTURE

REQUESTED BY: CRTPA Staff

TYPE OF ITEM: Information

Staff will provide a review of Florida Statute 339.175 which covers Metropolitan Planning Organizations and discuss organizational matters related to the Statute and the CRTPA's recent planning boundaries expansion. A copy of Florida Statute 339.175 (*Attachment 1*) and a summary version of the statute (*Attachment 2*) are attached.

The 2011 Florida Statutes

Title XXVI

PUBLIC TRANSPORTATION Chapter 339 TRANSPORTATION FINANCE AND PLANNING

339.175 Metropolitan planning organization.—

(1) **PURPOSE.**—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.2819(4).

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. designated in a manner prescribed by Title 23 of the United States Code shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. Each M.P.O. shall be considered separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O. and shall have such powers and

privileges that are provided under s. 163.01. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

(e) The governing body of the M.P.O. shall designate, at a minimum, a chair, vice chair, and agency clerk. The chair and vice chair shall be selected from among the member delegates comprising the governing board. The agency clerk shall be charged with the responsibility of preparing meeting minutes and maintaining agency records. The clerk shall be a member of the M.P.O. governing board, an employee of the M.P.O., or other natural person. Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(3) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a 5-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose local governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term "elected officials of a general-purpose local government" shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general-

purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;
2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and
3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

4) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area. At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. The method shall be set forth as a part of the interlocal agreement describing the M.P.O.'s membership or in the M.P.O.'s operating procedures and bylaws. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. governing board. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but shall not have a vote and shall not be members of the governing board. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (3).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided

in paragraph (3)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (3)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (2)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the entity's governing board represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(5) AUTHORITY AND RESPONSIBILITY.—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (6), (7), (8), and (9).

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (7);
2. An annually updated transportation improvement program pursuant to the requirements of subsection (8); and
3. An annual unified planning work program pursuant to the requirements of subsection (9).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
2. Increase the safety and security of the transportation system for motorized and nonmotorized users;
3. Increase the accessibility and mobility options available to people and for freight;
4. Protect and enhance the environment, promote energy conservation, and improve quality of life;
5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.
- (c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:
1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;
 2. Assist the department in mapping transportation planning boundaries required by state or federal law;
 3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;
 4. Execute all agreements or certifications necessary to comply with applicable state or federal law;
 5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and
 6. Perform all other duties required by state or federal law.
- (d) Each M.P.O. shall appoint a technical advisory committee, the members of which shall serve at the pleasure of the M.P.O. The membership of the technical advisory committee must include, whenever possible, planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.
- (e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.
2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.
- (f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.
- (g) Each M.P.O. shall have an executive or staff director who reports directly to the M.P.O. governing board for all matters regarding the administration and operation of the M.P.O. and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by an M.P.O. or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the M.P.O. Each M.P.O. may enter into contracts with local or state agencies, private planning firms, private engineering firms, or other public or private entities to accomplish its transportation planning and programming duties and administrative functions.

(h) In order to enhance their knowledge, effectiveness, and participation in the urbanized area transportation planning process, each M.P.O. shall provide training opportunities and training funds specifically for local elected officials and others who serve on an M.P.O. The training opportunities may be conducted by an individual M.P.O. or through statewide and federal training programs and initiatives that are specifically designed to meet the needs of M.P.O. board members.

(i) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.
2. Review the impact of regionally significant land use decisions on the region.
3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.
4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(j)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provides the purpose for which the entity is created; provides the duration of the agreement and the entity and specifies how the agreement may be terminated, modified, or rescinded; describes the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provides the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provides the manner in which funds may be paid to and disbursed from the entity; and provides how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan

are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

- (a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.
 - (b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.
 - (c) Assess capital investment and other measures necessary to:
 1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
 2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.
 - (d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.
 - (e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.
- In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. and include those projects programmed pursuant to s. 339.2819(4).

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;
2. The Strategic Intermodal System Plan developed under s. 339.64.
3. The priorities developed pursuant to s. 339.2819(4).
4. The results of the transportation management systems; and
5. The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.
2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (7).
3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation

improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (7), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Economic Opportunity at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Economic Opportunity at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Economic Opportunity, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Economic Opportunity shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Economic Opportunity shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are

inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(9) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(10) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.
2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.
3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.
2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.
3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.
4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.
5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(12) APPLICATION OF FEDERAL LAW.—Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

(13) VOTING REQUIREMENTS.—Each long-range transportation plan required pursuant to subsection (7), each annually updated Transportation Improvement Program required under subsection (8), and each amendment that affects projects in the first 3 years of such plans and programs must be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present.

History.—s. 1, ch. 79-219; s. 1, ch. 82-9; s. 219, ch. 84-309; s. 3, ch. 84-332; s. 30, ch. 85-55; ss. 1, 2, ch. 87-61; ss. 1, 2, ch. 88-86; s. 1, ch. 88-163; s. 6, ch. 89-301; s. 79, ch. 90-136; s. 4, ch. 92-152; s. 60, ch. 93-164; s. 502, ch. 95-148; s. 54, ch. 95-257; s. 53, ch. 96-323; s. 25, ch. 97-280; s. 70, ch. 98-200; s. 9, ch. 99-256; ss. 33, 103, ch. 99-385; s. 20, ch. 2000-266; s. 23, ch. 2002-183; s. 8, ch. 2003-286; s. 4, ch. 2004-366; s. 6, ch. 2005-281; s. 22, ch. 2005-290; s. 40, ch. 2007-196; s. 70, ch. 2008-4; s. 30, ch. 2008-227; s. 240, ch. 2011-142.

Note.—Former s. 334.215.

The 2011 Florida Statutes

Summary of

339.175 Metropolitan planning organization.—

(1) PURPOSE.—

- It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will:
 - serve the mobility needs of people and freight
 - foster economic growth and development
 - minimize transportation-related fuel consumption, air pollution, and greenhouse gas emissions
- Through metropolitan transportation planning processes shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas.
- plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities
- Including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system
- Provide for consideration of all modes of transportation
- Process for developing plans and programs shall be continuing, cooperative, and comprehensive, **and coordinated** *(not in statute but added to CRTPA process to ensure better compatibility with other local and regional plans)*
- Develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions.

(2) DESIGNATION.—

- An M.P.O. shall be designated for each urbanized area of the state;
- designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population
- Each M.P.O. designated shall be created and operated pursuant to an interlocal agreement
- signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O.
- Each M.P.O. shall be considered separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O.

- Jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O.
- The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.
- Each M.P.O. shall designate, at a minimum, a chair, vice chair, and agency clerk.
- The agency clerk shall be charged with the responsibility of preparing meeting minutes and maintaining agency records.

(3) VOTING MEMBERSHIP.—

- The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members
- provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities
- All voting members shall be elected officials of general-purpose local governments
- the term “elected officials of a general-purpose local government” shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials.
- authorities or other agencies created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O.

4) APPORTIONMENT.—

- The Governor shall, with the agreement of the affected units of general-purpose local government, apportion the membership on the applicable M.P.O. among the various governmental entities within the area
- the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member.
- The method shall be set forth as a part of the interlocal agreement describing the M.P.O.’s membership or in the M.P.O.’s operating procedures and bylaws.
- Representatives of the department (**FDOT**) shall serve as nonvoting members of the M.P.O. governing board.
- Nonvoting advisers may be appointed by the M.P.O.

- to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O.
- The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census, and reapportion it as necessary
- members of an M.P.O. shall serve 4-year terms.
- The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason
- A vacancy shall be filled by the original appointing entity.
- A member may be reappointed for one or more additional 4-year terms.
- If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(5) AUTHORITY AND RESPONSIBILITY.—

- authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive **and coordinated** (*not in statute but added to CRTPA process to ensure better compatibility with other local and regional plans*) transportation planning process
- develop plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans
- M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—

- The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01.
- Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid.
- each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to,
 - airports,
 - intercity and high-speed rail lines,
 - seaports,
 - intermodal facilities,
- Each M.P.O. shall, in cooperation with the department (**FDOT**), develop:
 1. A long-range transportation plan
 2. An annually updated transportation improvement program (**TIP**)
 3. An annual unified planning work program (**UPWP**)

- In developing the long-range transportation plan and the transportation improvement program, each M.P.O. shall provide for consideration of projects and strategies that will:
 1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
 2. Increase the safety and security of the transportation system for motorized and nonmotorized users;
 3. Increase the accessibility and mobility options available to people and for freight;
 4. Protect and enhance the environment, promote energy conservation, and improve quality of life;
 5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
 6. Promote efficient system management and operation; and
 7. Emphasize the preservation of the existing transportation system.

- In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:
 1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;
 2. Assist the department in mapping transportation planning boundaries required by state or federal law;
 3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;
 4. Execute all agreements or certifications necessary to comply with applicable state or federal law;
 5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and
 6. Perform all other duties required by state or federal law.

- Each M.P.O. shall appoint a technical advisory committee,
 - membership of the technical advisory committee must include, whenever possible, planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments

 - the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee

 - other appropriate representatives of affected local governments.

 - In addition to any other duties, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters.

 - the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams.

- Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.
- Each M.P.O. shall appoint a citizens' advisory committee,
 - membership on the citizens' advisory committee must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.
- The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.
- Each M.P.O. shall have an executive or staff director who reports directly to the M.P.O. governing board for all matters regarding the administration and operation of the M.P.O. and any additional personnel as deemed necessary.
- The executive director and any additional personnel may be employed either by an M.P.O. or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the M.P.O.
- Each M.P.O. may enter into contracts with local or state agencies, private planning firms, private engineering firms, or other public or private entities to accomplish its transportation planning and programming duties and administrative functions
- In order to enhance their knowledge, effectiveness, and participation in the urbanized area transportation planning process, each M.P.O. shall provide training opportunities and training funds specifically for local elected officials and others who serve on an M.P.O.
- The training opportunities may be conducted by an individual M.P.O. or through statewide and federal training programs and initiatives that are specifically designed to meet the needs of M.P.O. board members.

(7) LONG-RANGE TRANSPORTATION PLAN.—

- Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon.
- The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements.
- principles to be considered in the long-range transportation plan are:
 - preserving the existing transportation infrastructure;
 - enhancing Florida's economic competitiveness; and
 - improving travel choices to ensure mobility.
- The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans
- Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions.

- The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto.
- The long-range transportation plan must, at a minimum:
 - Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system.
 - give emphasis to those transportation facilities that serve national, statewide, or regional functions,
 - consider the goals and objectives identified in the Florida Transportation Plan
 - If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.
 - Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan,
 - recommend any additional financing strategies for needed projects and programs.
 - The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available
 - Each M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation.
 - Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.
 - Assess capital investment and other measures necessary to:
 1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
 2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.
- Indicate proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.
- In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees,

freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan.

- The long-range transportation plan must be approved by the M.P.O.

(8) TRANSPORTATION IMPROVEMENT PROGRAM.—

- Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program
 - must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.
 - developing, annually, a list of project priorities and a transportation improvement program
 - prevailing principles for list of project priorities and transportation improvement program are:
 - preserving the existing transportation infrastructure;
 - enhancing Florida's economic competitiveness; and
 - improving travel choices to ensure mobility.
 - transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund
 - transportation improvement program shall be consistent with the approved local government comprehensive plans
 - Each M.P.O. annually shall prepare a list of project priorities
 - shall submit the list to the appropriate district of the department by October 1 of each year;
 - the department (**FDOT**) and a metropolitan planning organization may, in writing, agree to vary this submittal date.
 - list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district.
 - The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program.
 - The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:
 1. The approved M.P.O. long-range transportation plan;
 2. The Strategic Intermodal System Plan

3. The priorities developed pursuant to s. 339.2819(4). (***Transportation Regional Incentive Program***)
 4. The results of the transportation management systems; and
 5. The M.P.O.'s public-involvement procedures.
- The transportation improvement program must, at a minimum:
 - Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program
 - projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans
 - For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.
 - Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act
 - Provide a financial plan that demonstrates how the transportation improvement program can be implemented
 - Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.
 - Indicate how the transportation improvement program relates to the long-range transportation plan
 - Indicate whether any project or project phase is inconsistent with an approved comprehensive plan
 - Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans
 - Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.
 - M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.
 - The Department of Economic Opportunity shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans

- The Department of Economic Opportunity shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans
- annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year.
- Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(9) UNIFIED PLANNING WORK PROGRAM.—

- Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year.
- The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(10) AGREEMENTS.—

- Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:
 1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.
 2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.
 3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.
- may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

- A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.
- The council shall consist of one representative from each M.P.O. and
- shall elect a chairperson annually from its number.
- Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative.

- Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties
- The powers and duties of the Metropolitan Planning Organization Advisory Council are to:
 - Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.
 - Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law
 - Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations.
 - The executive director and staff serve at the direction and control of the council.
 - The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.
 - Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(12) APPLICATION OF FEDERAL LAW.—

- Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved.
- The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

(13) VOTING REQUIREMENTS.—

- Each long-range transportation plan, each annually updated Transportation Improvement Program, and each amendment that affects projects in the first 3 years of such plans and programs must be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present.

AGENDA ITEM 5
CRTPA COMMITTEE STRUCTURE

October 17, 2011



RETREAT AGENDA ITEM 5
CRTPA COMMITTEE STRUCTURE

REQUESTED BY: CRTPA Staff

TYPE OF ITEM: Discussion

Statement of Issue

The expansion of the planning area for the Capital Region Transportation Planning Agency (CRTPA) into Jefferson County has necessitated a revision to the membership and bylaw structure for the existing CRTPA subcommittees. The restructuring must address the need to capture involvement and specific representation from the four (4) county region as prescribed by the Florida Statute relating to the Citizen's Advisory Committee (CAC), Technical Advisory Committee (TAC) and the Transportation Disadvantaged Coordinating Board (TDCB). Although not required by Florida Statute, the Multimodal Advisory Committee (MAC) is also being examined for restructuring to meet the intent of the statute for citizen representation and participation.

Recommended Actions

- Option 1: Approve the recommendations of the TAC and direct staff to draft a proposed membership structure and accompanying bylaws for consideration at the November 14, 2011 CRTPA Meeting.
- Option 2: Approve the recommendation of the CAC and MAC to explore the possibility of merging the two together. Direct staff to hold a joint meeting of the two subcommittees to identify the potential structure and opportunities gained and/or lost in taking on such a venture. CRTPA staff will bring the results of the meeting to the November 14, 2011 CRTPA meeting.
- Option 3: Approve the recommendations of the CAC and MAC to have citizens appointed by the CRTPA Board as a whole, and with applications for service reviewed and recommended by CRTPA staff and with comments provided by the subcommittee members.
- Option 4: Approve the recommendation of all subcommittees to allow participation on the subcommittee via teleconference, webinar, or conference call for all subcommittees. Specific regulations regarding its use will be spelled out in the bylaws.

History and Analysis

In response to the formal expansion of the CRTPA planning region to include all of Gadsden, Jefferson, Leon, and Wakulla counties, CRTPA staff examined the current structure and bylaws of the CRTPA's advisory committees to identify necessary actions to keep the CRTPA in compliance with state law. Please note that the Transportation Disadvantaged Coordinating Board is addressed under Agenda Item 6 of today's retreat, and is not included in this item.

In August of 2011, CRTPA staff began to evaluate the structure and membership of the CRTPA subcommittees in consideration of the guidance and requirements provided thereto under Section 339.175 of the Florida Statutes (*Attachment I*), which speaks specifically to the Technical Advisory Committee (TAC) and to the Citizen's Advisory Committee (CAC). Upon reviewing the requirements and current status of the subcommittees, CRTPA staff proceeded to initiate discussions with each subcommittee regarding the opportunities for improvement and necessary restructuring as a result of the CRTPA expansion. A brief overview of the issues, statutory requirements and discussions and recommendations of each subcommittee are provided on the following pages.

I. Technical Advisory Committee

Florida Statute Section 339.174(6)(d) outlines the statutory requirement for a TAC for each Metropolitan Planning Organization or Transportation Planning Organization. In summary, the membership and duties of a TAC per the Florida Statute are outlined below.

Membership Requirements and Duties per Florida Statute

The TAC is to include the following in its membership:

- Planners;
- Engineers;
- Representatives of local aviation authorities, ports authorities, or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments as applicable;
- The school superintendent of each county within the jurisdiction of each MPO or the superintendent's designee; and
- Other appropriate representatives of affected local governments.

The duties of the TAC are identified as follows:

- Responsible for considering safe access to schools in its review of transportation project priorities, long range transportation plans, and transportation improvement programs, and advising the MPO on such matters;
- Coordinate its actions with local school boards and other local programs and organizations within the MPO area which participate in school safety activities such as locally established community traffic safety teams; and
- Any other duties as assigned to it by the MPO or state and/or federal law.

Evaluation of the TAC Structure

The TAC held a meeting on September 6, 2011 to discuss the expansion of the CRTPA boundary and the need for restructuring per Florida Statute. The membership was determined to adequately represent the vocations and transportation interests required by statute (and as they apply to this region) with a few exceptions. The exceptions and suggested amendments to expand the membership of the TAC are listed below.

1. A School Superintendent from each CRTPA County or his /her designee must be added to the TAC.
(Satisfies Florida Statutory requirements)
2. A representative of each Planning Department for each CRTPA county should be represented on the TAC. As part of these recommended additions, the bylaws would be amended to remove the membership requirement for the towns of Havana, Midway, and Quincy, and instead, have the representative from Gadsden County Planning represent these municipalities along with the Apalachee Regional Planning Council (ARPC) representative.
(Currently, Gadsden and Wakulla counties both have representation on the TAC, although the voting position does not specifically state the position must come from Planning. Jefferson County and Leon County do not have a Planning Department voting member. Leon County's voting member is recommended to be a planner from PLACE, which is the merger of Blueprint 2000 and the Tallahassee-Leon County Planning Department.)

TAC Recommendations:

The TAC meeting on September 6, 2011 resulted in two recommendations, which are outlined on the following page.

Recommendation 1: The voting structure of the TAC should be amended to comprise the following 17 members:

- 4 voting seats for Leon County (currently held)
(Currently held by county admin, growth management, and 2-public works members)
- 4 voting seats for the City of Tallahassee (currently held)
(airport, Starmetro, growth management, public works)
- 1 voting seat for the Apalachee Regional Planning Council (currently held)
- 1 voting seat for Gadsden County Planning (currently held)
- 1 voting seat for Wakulla County Planning (currently held)
- 1 voting seat for Jefferson County Planning (NEW)
- 1 voting seat for PLACE (Tallahassee-Leon County Planning) (NEW)
- 1 voting seat for the Gadsden County Superintendent of Schools or his/her designee - (NEW)
- 1 voting seat for the Jefferson County Superintendent of Schools or his/her designee - (NEW)
- 1 voting seat for the Leon County Superintendent of Schools or his/her designee - (NEW)
- 1 voting seat for the Wakulla County Superintendent of Schools or his/her designee - (NEW)
- *The existing voting seats held for the towns of Midway, Havana, and Quincy would be removed, and their voting interest would be represented by the Gadsden County Planning Department representative, and by the ARPC.*

Recommendation 2: Amend the bylaws of the TAC to effectuate the necessary changes for the membership expansion, and to permit the use of conference calling/webinars/videoconference for voting members who are NOT within Tallahassee-Leon County to participate in meetings as necessary. *(This recommendation was made to address the difficulty with which members from the outlying counties may have attending meetings in person due to travel considerations.)*

II. Multimodal Advisory Committee

There are no statutory guidelines or requirements for the MAC. The MAC is unique to the CRTPA in that it was established to bring professional staff and citizens (who represent users of various modes of transportation) together to work cooperatively with one another to balance the conflicting needs of various modes to result in a cost-effective system that enhances mobility options for all.

Evaluation of the MAC Structure

The MAC held a meeting on September 6, 2011, and October 4, 2011 to discuss the expansion of the CRTPA boundary and the working order of the existing MAC structure. It was noted that the membership is lacking in representation from Jefferson County, as well as lacking consistent participation from the Wakulla and Gadsden County Planning Departments, staff from Tallahassee Community College (TCC) and staff from Florida Agricultural and Mechanical University (FAMU). With regard to citizen membership, it was noted that it does not currently reflect a balanced assembly of modal interests from across the four (4) county region. Specifically, the citizen membership lacks the interests of transit users, car/van pool users, non-expert cyclists, pedestrians, and student, minority, and elderly populations both within and external to Leon County.

Discussions by the MAC revealed several factors that they felt were causing limited participation from existing members as well as preventing citizens from different modes from participating. These issues are listed below.

1. *It is difficult for voting members from Gadsden, Wakulla, and Jefferson Counties to attend meetings due to the travel constraints and time of day of the meeting.*

Professional staff and citizens from the outlying counties (Non-Leon County) have travel considerations. Additionally, some of the professional staff that votes on the MAC also serves on the TAC, which meets earlier in the day. It may be impractical for the professional staff to attend both meetings on the same day, especially if those individuals are members of organizations with limited professional staff positions as it is.

2. *Lack of understanding/interest in the CRTPA duties for the committee.*

It was raised that some of the voting members may either not understand their role on the subcommittee, or not have an interest in the work tasks of the CRTPA. The professional staff from the various local governments or university systems may not fully understand how their participation can help plan and fund necessary improvements for their respective locales. Likewise, frustrations were raised from citizens representing the commuter cycling interests that they wanted to be involved more in implementation, such as design review for construction projects, and were, therefore, dissatisfied with their role on the committee. For some citizens, the responsibilities on the MAC does not coincide with their interests, and therefore, membership participation increases when corridor studies are introduced, and drops dramatically when CRTPA work documents are introduced.

3. *The bylaws of the MAC are written such that a representation of user modes is likely to be influenced by the Chair. The bylaws need to protect the citizen representation so that it can be balanced among user modes.*

The Chair of the MAC is given the responsibility to review applications to the MAC and to recommend an appointment to the CRTPA Board. Without guidance on balancing the interests of the various modes, the citizen membership can become heavily biased against and for certain modes of transportation, which is not the intent of the committee.

MAC Recommendations:

The MAC meeting on October 4, 2011 resulted in several recommendations for improvement, which are as follows:

Recommendation 1: Amend the voting membership to include representatives of various agencies that can represent different transportation user types. Examples include Florida Department of Health, Elder Services of North Florida, Gulf Winds Track Club, and the cycling clubs from the area universities.

Recommendation 2: Allow teleconference/webinar/video conferencing as a means for committee members to be able to participate in the meetings. This should help participation from Wakulla, Gadsden, and Jefferson counties.

Recommendation 3: Amend the appointment process of citizens such that applications are reviewed by CRTPA staff to determine which applicants best provide balance to the committee. Recommendations would be forwarded to the committee for comment, and the CRTPA Board as a whole would approve appointments.

Recommendation 4: Explore the possibility of merging the CAC and the MAC such that the meeting(s) would take place following the TAC to facilitate the ease with which professional staff from Gadsden, Wakulla, and Jefferson counties could participate on both the TAC and the CAC/MAC. As a potential merger of the two groups, explore the possibility of removing the University representatives from the MAC, and place them on the TAC. Student representatives would be requested rather than professional staff. Potentially remove the Planning Department and Starmetro representatives from voting spots on the MAC (they have voting membership on the TAC) and retain them as liaisons for the CAC/MAC. The effort would be that of retaining professional staff for advice and information, and implementing a more citizen voice of multi-modal USERS or representatives thereof (from identified agencies or community organizations) rather than providers.

III. Citizen's Advisory Committee

Florida Statute Section 339.174(6)(e) outlines the statutory requirement for a citizen's advisory committee (CAC) for each Metropolitan Planning Organization or Transportation Planning Organization.

In summary, the membership and duties of a CAC per the Florida Statute are outlined below.

Membership Requirements and Duties per Florida Statute

The membership of a CAC must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

Evaluation of the CAC Structure

The CAC held meetings on September 6, 2011, and October 5, 2011 to discuss the expansion of the CRTPA boundary and the need for restructuring. The membership was determined to be lacking in adequate representation of the geographic boundaries of the region, and also in representation of targeted populations such as the elderly, handicapped, and minorities. Furthermore, the CAC discussed a need to have a broader representation of users of the transportation system reflected on their committee. Such targeted users included students, transit riders, recreational cyclists, commuter cyclists, elderly, and transportation disadvantaged (through physical, mental, or income constraints).

The discussions of the CAC largely mirrored the issues brought forth from the MAC the previous day. Issues raised and discussed were many, but can be collapsed and summarized into the following topics:

1. *The CAC needs to have active participation and interest from a diverse group of members.*
The CAC discussed goals for their committee for the future restructuring, which largely focused on active participation and a broader-based membership that could better reflect the broad spectrum of users within the planning area of the CRTPA. Discussions to increase participation highlighted a need for prospective members of the committee to have enough information on the duties and responsibilities of the committee before they are appointed to ensure that they WANT to serve and can dedicate the necessary amount of time to serve. A lack of different voices of modal choices was identified as a shortfall of the CAC.
2. *The CAC membership needs to be appointed by the CRTPA Board a whole rather than by individual CRTPA members.*
The CAC requests that an appointment process be initiated where the members can be easily appointed, removed, and reappointed so that the stability of the committee can be maintained without it becoming a burden on a small percentage of the membership, which may, or may not, be representative of the region as a whole. The members request that CRTPA staff review the applications, recommend members based on an overall balancing of the committee structure for various demographics and modal interests, and provide the recommendations to the CAC membership for comment, and to the CRTPA Board for approval.
3. *It is difficult to achieve participation from citizens representing the interests of Gadsden, Wakulla, and Jefferson counties due to the travel involved.*
CAC members discussed the possibility of allowing conference calling, webinars, and video conferencing as potential solutions in special circumstances to attain better participation, but it was to be considered only in special circumstances, and not to become the norm for meeting participation.

CAC Recommendations:

The CAC meetings on September 6, 2011, and on October 5, 2011 resulted in four (4) recommendations, which are as follows:

Recommendation 1: Amend the voting structure of the CAC to include representatives of various different transportation user types. Examples include representatives from the Florida Department of Health, Elder Services of North Florida, Gulf Winds Track Club, cycling clubs from the area universities and retirement communities.

Recommendation 2: Allow teleconference/webinar/video conferencing as a means for committee members to be able to participate in the meetings. This should help participation from Wakulla, Gadsden, and Jefferson counties, but should only be utilized in extreme situations.

Recommendation 3: Amend the appointment process of citizens such that applications are reviewed by CRTPA staff to determine which applicants best provide balance to the committee. Recommendations would be forwarded to the committee for comment, and the CRTPA Board as a whole would approve appointments.

Recommendation 4: Explore the possibility of merging the CAC and the MAC such that the meeting would take place following the TAC to facilitate the ease with which professional staff from Gadsden, Wakulla, and Jefferson counties could participate on both the TAC and the CAC/MAC. The effort would be that of retaining professional staff for advice and information, and implementing a more citizen voice of multi-modal USERS rather than providers, while maintaining a manageable sized committee for valuable interactions. The CAC voiced that they would like to have the same professional staff available to them that the MAC currently has.

Next Steps

Following the retreat, CRTPA staff will proceed to implement suggested changes to the CRTPA subcommittee membership and bylaws.

A joint meeting of the CAC and MAC is recommended for the month of November so that the two subcommittees can better understand the functions of one another, since each subcommittee appears to be requesting similar membership structure and goals and shares the same frustration with participation and appointment processes. Currently, each subcommittee is requesting to have the same representation, meeting day and time period, and responsibilities such that maintaining two separate subcommittees as they each desire would be duplicative. Therefore, it appears worth further

exploration to see if a merger of the two existing subcommittees and membership thereon (with their respective suggested changes) would result in a more active, balanced and representative subcommittee than what could be reached independently. Discussions and recommendations from the November CAC and MAC meeting will be brought forward to the CRTPA for further consideration at the November 14, 2011 CRTPA Meeting.

Issues raised by cyclists that relate to wanting to be involved in the implementation and design/construction plan review is being further explored. CRTPA staff is working with the interested parties to achieve a clear understanding of what specific involvement this special interest group is seeking. Once that has been clearly communicated, CRTPA staff will have a better idea of within which local governments and departments the interest most appropriately falls. Currently the interest does not have a regional nature. CRTPA staff will report the issues and discussions to the CRTPA at the November 14, 2011 meeting.

Options

- Option 1: Approve the recommendations of the TAC and direct staff to draft a proposed membership structure and accompanying bylaws for consideration at the November 14, 2011 CRTPA Meeting.
- Option 2: Approve the recommendation of the CAC and MAC to explore merging the membership of the two together. Direct staff to hold a joint meeting of the two subcommittees to identify the potential structure and opportunities gained and/or lost in taking on such a venture. CRTPA staff will bring the results of the meeting to the November 14, 2011 CRTPA meeting.
- Option 3: Approve the recommendations of the CAC and MAC to have citizens appointed by the CRTPA Board as a whole, and with applications for service reviewed and recommended by CRTPA staff, with comments provided by the subcommittee members.
- Option 4: Approve the recommendation of all subcommittees to allow participation on the subcommittee via teleconference, webinar, or conference call for all subcommittees. Specific regulations regarding its use will be spelled out in the bylaws.
- Option 5: Provide other direction.

Recommended Actions

- Option 1: Approve the recommendations of the TAC and direct staff to draft a proposed membership structure and accompanying bylaws for consideration at the November 14, 2011 CRTPA Meeting.
- Option 2: Approve the recommendation of the CAC and MAC to explore merging the membership of the two together. Direct staff to hold a joint meeting of the two subcommittees to identify the potential structure and opportunities gained and/or lost in taking on such a venture. CRTPA staff will bring the results of the meeting to the November 14, 2011 CRTPA meeting.
- Option 3: Approve the recommendations of the CAC and MAC to have citizens appointed by the CRTPA Board as a whole, and with applications for service reviewed and recommended by CRTPA staff, with comments provided by the subcommittee members.
- Option 4: Approve the recommendation of all subcommittees to allow participation on the subcommittee via teleconference, webinar, or conference call for all subcommittees. Specific regulations regarding its use will be spelled out in the bylaws.

Attachments

Attachment 1: 2011 Florida Statute Section 339.174

The 2011 Florida Statutes

Title XXVI PUBLIC TRANSPORTATION Chapter 339 TRANSPORTATION FINANCE AND PLANNING

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

Technical Advisory Committee Requirements - Section 339.175(6)(d)

(d) Each M.P.O. shall appoint a technical advisory committee, the members of which shall serve at the pleasure of the M.P.O. The membership of the technical advisory committee must include, whenever possible, planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

Citizen's Advisory Committee Requirements - Section 339.175(6)(e)1, and 2.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

AGENDA ITEM 6
TRANSPORTATION DISADVANTAGED

October 17, 2011



RETREAT AGENDA ITEM 6

TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD

REQUESTED BY: Staff

TYPE OF ITEM: Discussion

Staff will be reviewing the role of the Capital Region Transportation Planning Agency (CRTPA) and the Transportation Disadvantaged Coordinating Boards of Jefferson, Gadsden, and Wakulla Counties.

BACKGROUND

Florida Statutes require that:

“Metropolitan Planning Organizations shall serve as the designated official planning agency in urbanized areas. In areas not covered by a Metropolitan Planning Organization, agencies eligible for selection as Designated Official Planning Agencies include County or City governments, Regional Planning Councils, Metropolitan Planning Organizations from other areas, or Local Planning Organizations who are currently performing planning activities in designated service areas...” (41-2.009, Florida Administrative Code)

In March 2011, the Governor approved the expansion of the planning boundaries for CRTPA to include Gadsden, Jefferson, Leon and Wakulla Counties. With this expansion, it would appear that CRTPA would be required under State Statute (Chapter 427) and Florida Administrative Code to assume the functions of Official Planning Agency (OPA) for the Local Transportation Disadvantaged Coordinating Boards for Gadsden, Jefferson and Wakulla Counties. When initially designated, the CRTPA covered only portions of Gadsden, Jefferson, and Wakulla Counties. The Commission for the Transportation Disadvantaged and their legal counsel advised that as long as the counties were not completely included in the CRTPA jurisdiction, they could choose to remain with the Regional Planning Council (RPC) or designate the CRTPA become their OPA. An interlocal agreement was drafted and executed by the CRTPA and the Apalachee RPC, retaining them as the OPA. CRTPA staff attends the meetings, and provides up to date project information to facilitate coordination.

There are RPCs that continue to staff the Local Coordinating Boards in several counties. However, those RPCs are also staff to the Metropolitan Planning Organizations in the same counties. Apalachee Regional Planning Council is the OPA to Gadsden, Jefferson, and Wakulla Counties. However, they do not staff the Metropolitan Planning Organization.

There is funding for the OPA staff to complete the necessary meeting and agenda work. An estimate of that amount would be an additional \$53,100. Staff would not be added to meet the increased workload. Funding provided to the Apalachee RPC would decrease by the estimated amount.

As part of the organizational restructuring of CRTPA, staff is recommending that this matter be investigated further to determine what issues and impacts may occur should CRTPA assume the responsibilities of being OPA for the other three counties in our region.

AGENDA ITEM 7
CRTPA BY-LAWS, INTERLOCAL
AGREEMENT AND VARIABLE
WEIGHTED VOTING

October 17, 2011



RETREAT AGENDA ITEM 7

C RTPA'S BY-LAWS, INTERLOCAL AGREEMENT AND VARIABLE WEIGHTED VOTING

REQUESTED BY: CRTPA Staff

TYPE OF ITEM: Information

Staff will provide a review of the amended By-Laws and amended Interlocal Agreement. The amended By-Laws and Interlocal Agreement are based on the most recent update to Florida Statute 339.175 – “Metropolitan Planning Organization” and the CRTPA’s recent planning boundaries expansion. A legal opinion has been rendered by CRTPA’s legal counsel and will be presented at the retreat. Copies (clean and track change versions) of the amended By-Laws, amended Interlocal Agreement and variable weighted voting legal opinion are attached.

ATTACHMENT

- Attachment 1: CRTPA By-Laws Revised (Clean Copy)
- Attachment 2: CRTPA By-Laws Revised (Tracked Changes)
- Attachment 3: CRTPA Draft Interlocal Agreement (Clean Copy)
- Attachment 4: CRTPA Draft Interlocal Agreement (Tracked Changes)
- Attachment 5: Variable Weighted Voting legal opinion

**CAPITAL REGION TRANSPORTATION PLANNING AGENCY
REVISED BY-LAWS, POLICIES
AND PROCEDURES**

Adopted November 2006

Revised _____, 2011

- I. Organization Name**
- II. Preamble**
- III. Purpose**
- IV. CRTPA By-Laws**
- V. CRTPA General Policies**
- VI. CRTPA Specific Policies**
- VII. CRTPA Long-Range Transportation Plan Amendment**
- VIII. Funding**
- IX. Notices**

I. Organization Name

The name for the Metropolitan Planning Organization is the Capital Region Transportation Planning Agency (CRTPA).

II. Preamble

The following sets forth the By-Laws, Policies and Procedures that shall serve to guide the proper functioning of the urban transportation planning process by the CRTPA. . The intent is to provide policies and procedures for the CRTPA and its Standing Committees for fulfilling the requirements of the Interlocal Agreement that creates the CRTPA; the applicable provisions of federal law; and the applicable provisions of Chapter 339, Florida Statutes. Any interpretations of the Interlocal Agreement by these bylaws shall be the preferred interpretation for CRTPA unless there is a direct and express conflict with the Interlocal Agreement. Furthermore, all provisions contained in these Bylaws shall be interpreted to be consistent with all applicable state and federal law.

III. Purpose

Pursuant to Section 339.175, Florida Statutes, the purpose of CRTPA is:

A. To assist in the safe and efficient management, operation, and development of surface transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people, freight and goods within and through the metropolitan area of this state, foster economic growth and development within and through urbanized areas of this state and minimize, to the maximum extent feasible for transportation-related fuel consumption,

air pollution, and greenhouse gas emissions through metropolitan transportation planning processes;

B. To develop transportation plans and programs, in cooperation with the state and public transit operators, which plans and programs provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as multi-modal and an intermodal transportation system for the metropolitan area

C. To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that considers all modes of transportation based on the complexity of the transportation problems to be addresses and results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan area in cooperation with the Florida Department of Transportation (“Department”);

D. To develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state and regional transportation functions.

IV. CRTPA By-Laws

A. Membership and Board Membership

1. As designated by the Governor of the State of Florida, and as reflected in Article 4, Section 4.01(a) of the _____, 2011, Interlocal Agreement, the CRTPA shall consist of voting representatives from Leon County, Gadsden County, Jefferson County, and Wakulla County; the City of Tallahassee, the City of Midway, the City of Quincy, the City of Sopchoppy, the City of St. Marks, the City of Chattahoochee, the City of Greensboro, the City of Gretna, the City of Monticello, and the Town of Havana; the Leon County School Board; and one non-voting representative from the Department of Transportation.

The weighted vote of the voting members is as follows:

Governmental Entity	Number of Members	Voting Points
Leon County School Board	1	1
Jefferson County *	1	4
Gadsden Cities **	1	5
Wakulla County ***	1	7
Gadsden County	1	9
Leon County ****	-	37
City of Tallahassee *****	-	37
Total		100

As provided in Section 4.01(a)(1) of the Interlocal Agreement, for Leon County and the City of Tallahassee, the number of voting points is determined by the number of voting members as agreed upon by the Leon County Board of County Commissioners and the City of Tallahassee respectively.

- * The County Representative will also represent the City of Monticello.
- ** The Cities of Chattahoochee, Greensboro, Gretna, Havana, Midway and Quincy will consolidate their membership and weighted vote into one membership.
- *** The County Representative will also represent the Cities of St. Marks and Sopchoppy.
- **** The number of voting members is determined by the Leon County.
- ***** The number of voting members is determined by the City of Tallahassee.

2. The City of Tallahassee and Leon County commissions may change the number of their members to serve as members of the CRTPA Board no more than once annually. Similarly, Cities consolidating their memberships and weighted vote, may reverse such consolidation no more than once annually. Should any membership adjustments be made pursuant to this section, the governmental entity shall notify the Executive Director of CRTPA in writing of such change. The written notice shall specifically reference this section as the basis for the change.

3. Board members from participating governments which have one voting member may designate an alternative member of that government to vote in the absence of the appointed member. Such designation may be changed no more frequently than annually, unless the alternate leaves office. A participating governmental entity that selects an alternative member shall notify CRTPA in writing of that selection. No Board Member may vote by proxy.

4. As provided by Section 6.04 of the Interlocal Agreement, the Board may delegate authority to one or more of its members to act on behalf of the Board and may delegate certain duties to the Executive Director.

a. Delegation to one or more Board Members shall be pursuant to a majority vote of the Board, which shall identify the member(s) to whom authority is delegated, specify the scope (and time period if appropriate) for the delegation, and whether action of the Board member(s) shall be subject to Board ratification or approval. Any such delegation shall be subject to the requirements of the Sunshine Law, when applicable. The scope and time period of the delegation shall be appropriate for the intended purpose, and shall be limited as necessary to comply with law. When practicable, the action of the Board members shall be subject to Board ratification or approval.

b. Delegation to the Executive Director shall be pursuant to a majority vote of the Board, which shall specify the scope, direction and purpose for the delegation and whether the action of the Executive Director shall be subject to ratification or approval of the Board, Board members or the Chairperson. Delegation to the Executive Director shall be subject to such limitations in scope, direction and

supervision by the Board as appropriate for the intended purpose and as necessary to comply with law.

B. Membership Term of Office

1. The membership and terms of elected officials as voting members of the CRTPA Board shall be as prescribed in Section 339.175(3) and (4), Florida Statutes, and Sections 4.01 and 4.02 of the Interlocal Agreement. Board members from participating governments which have one voting member may appoint a substitute member to serve as a member of the CRTPA Board no more frequently than once annually, unless the member leaves office.

2. a. The term of office of members of the CRTPA shall be four years. The membership of a member who is a public official automatically terminates upon said official leaving the elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the governmental entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be appointed for one or more additional four year terms. Where Counties and Cities have elected to consolidate their memberships and weighted vote, the term of the representative member or members shall be no less than one year from the date of designation by the consolidated entity represented by the member.

2. b. Any governmental entity performing any actions under this section shall notify CRTPA in writing of such actions.

3. The CRTPA may also provide for other non-voting advisors as needed.

C. Officers and Duties

1. The CRTPA Board shall hold an annual organizational meeting no later than the last Board meeting of the calendar year for the purpose of electing the following officers from its voting membership:

- Chairperson
- Vice-Chairperson
- Representative to the Florida Metropolitan Planning Organization Advisory Committee
- Alternate representative to the Florida Metropolitan Planning Organization Advisory Committee

The Chairperson and Vice-Chairperson shall be members of different member governments.

2. Officers shall be elected by a majority of the votes of members present at the organizational meeting and shall serve a term of one year.

3. The Chairperson shall preside at all meetings and shall sign official documents of the CRTPA. In the event of the Chairperson's absence, or at the Chairperson's direction, the Vice-Chairperson shall assume the powers and duties of the Chairperson. In the absence of both

a Chairperson and Vice-Chairperson at a regular or special Board meeting, a temporary Chair shall be elected by majority vote at said meeting to serve as Chairman of the meeting, for this meeting alone. The Chairperson shall:

- a. Sign, on behalf of the MPO, resolutions, contracts, deeds, certifications, vouchers and all other instruments whether relating to real or personal property or otherwise;
- b. Appoint subcommittees as needed;
- c. Approve or revise the final agenda presented by the Executive Director;
- d. Accept agenda items from other MPO members, with advice of the Executive Director to ensure that the addition is submitted on a timeline that allows them to be fully staffed and distributed with the regular agenda materials;
- e. Draft the annual performance evaluation of the Executive Director, distribute it to MPO membership for comments, and develop the final evaluation for MPO approval;
- f. Have authority to approve CRTPA expenditures of greater than \$5000, but no greater than \$25,000;
- g. Have authority to approve certain personnel actions, such as salary adjustments, disciplinary actions, and final approval of staff evaluations completed by the Executive Director;
- h. Perform such other duties as, from time to time, may be assigned by the Board.

4. If the chair is unable to serve the remainder of the chair's term, the vice-chair shall automatically become the chair and the CRTPA shall elect a new vice-chair. In the event of the permanent inability of the Chairperson or Vice-Chairperson of the CRTPA to serve, a new officer(s) will be elected from the membership at the next meeting.

D. Administration

The administration of the CRTPA shall be as set forth in Sections 6.01 through 6.05 of the Interlocal Agreement. The Chairperson shall serve as the principle administrative officer of the Board. The Executive Director shall serve as the principal administration of MPO operations and staff, shall have responsibility for advising the Board regarding official MPO business and administration.

1. The Executive Director shall serve at the pleasure of the Board and shall report directly to the CRTPA Board for all matters regarding the administration and operation of the CRTPA and any additional personnel as deemed necessary. A subcommittee of the Chair and Vice-Chair will conduct the annual performance evaluation of the Executive Director and deliver

their findings to the Board for its review and approval. CRTPA staff will report directly to the Executive Director and serve at the pleasure of the director. The Executive Director shall have authority to:

- a. Approve expenditures for the normal operations of staff not to exceed \$5000;
- b. Approve routine staff travel;
- c. Hire, fire, assign duties to, and evaluate CRTPA staff, subject to review and concurrence of the Chairperson; and
- d. Sign routine communications with local, state and federal agencies, except in those instances when the signature of the chair is required.

2. The Executive Director, or designee, is responsible for the CRTPA meeting minutes and all notices and agendas for future meetings. The Executive Director shall also perform such other and additional duties as are necessary to carry out the objectives and functions of the CRTPA and the directives from the CRTPA membership.

3. The CRTPA General Counsel shall serve at the pleasure of the Board and shall perform such duties as are assigned by the Board, the Chairperson or the Executive Director.

E. Meetings

1. Regular meetings of the CRTPA shall be held as needed in the Tallahassee City Commission Chambers or other locations designated by the Chairperson. Regular meetings will be held no less frequently than every two months, or six times a year.

2. Meetings will be held on the third Monday of any given month and such other times as scheduled by the Chairperson. Meeting dates will be adjusted by the Chairperson to accommodate holidays or other conflicts.

3. Special meetings of the CRTPA may be called by the Chairperson, or in the absence of the chair, by the vice-chair. Special meetings may also be called on the initiative of four (4) or more voting members petitioning the chair.

4. There must be majority representation to constitute a quorum for the transaction of business. A quorum is defined as 51% of the voting interest of the CRTPA. An affirmative vote shall consist of a majority vote of the total quorum present. A quorum must be present for any matters to be voted on at any duly called CRTPA meeting.

5. Agenda materials for the CRTPA meetings shall be distributed to Board Members no later than seven days prior to the meeting, unless otherwise decided by the Chairperson. Supplemental materials shall be provided to the Board Members as soon as practicable.

6. Meetings will be open to the public. Citizen comments and suggestions are welcomed. Any group which requests in writing will be notified of CRTPA meetings. Members of the public are allowed to speak on any items not on the Agenda during the Public Comment period, with established time limits, and by providing a Speaker Card at the CRTPA meeting as set out in section D-6. Members of the public are allowed to comment on items on the agenda at the appropriate time following the same established rules for time limits and providing speaker cards.

7. The CRTPA may choose to hold workshops from time to time. A quorum shall not be necessary for conducting a workshop; however, all workshops shall be noticed in the same manner as regular meetings of the CRTPA.

8. The most current edition of Roberts Rules of Order Revised is the adopted rule of meeting procedure. The Chairperson (or the Vice Chairperson when serving as Chairperson) shall preside at all meetings.

9. The General Counsel or his designee shall serve as the “parliamentarian. The CRTPA General Counsel shall advise the Chairperson and the Board at the direction of the Chairperson.

10. CRTPA meetings will be recorded and minutes will be prepared.

11. Where a Super-Majority Vote is required by the Interlocal Agreement or CRTPA By-Laws, such Super-Majority Vote shall be defined as two-thirds of the vote of the Board members in attendance and no less than 67 votes, regardless of the number of members in attendance.

12. The Executive Director shall serve as the clerk of the CRTPA.

13. As necessary, subcommittees and the chair of subcommittees shall be designated by the chair to investigate and report on specific subject areas of interest to the CRTPA. A subcommittee shall consist of at least three members.

F. Citizen Participation at Board Meetings

1. Citizen comments will be accepted during the meeting.

2. Citizens may speak on issues related to the approved agenda or any issue for which the CRTPA has the statutory authority to act upon.

3. Citizens will complete a Request to Speak card. If the citizen is unable to complete the card, s/he will be assisted by the CRTPA staff.

4. Citizens will be allowed to speak for three minutes.

5. Large groups of citizens wishing to speak are encouraged to designate a spokesperson to represent their views.

G. By Law Amendments

The CRTPA By-Laws may be amended by a majority vote of the CRTPA. Proposed amendments shall be considered at the annual organizational meeting or at any other CRTPA meeting with thirty (30) days notice of the proposed amendment. The CRTPA Board may adopt resolutions as necessary to implement, supplement or clarify the CRTPA By-Laws, but shall not substantively alter the policies or procedures contained in the By-Laws except upon a Super-Majority Vote. No less often than annually, the Board shall consider amendments to the By-Laws to incorporate prior resolutions issued by the Board, as appropriate.

H. Creation of Committees

The following committees have been created by the CRTPA, are ratified herein and shall serve as standing committees, with membership subject to appointment by the CRTPA Board:

1. The Technical Advisory Committee, which shall function as provided in Section 339.175(6)(d) and (8)(b), Florida Statutes, and as otherwise directed by the CRTPA Board. The Technical Advisory Committee serves at the pleasure of the Board.
 - a. The technical advisory committee serves in an advisory capacity to the CRTPA on matters related to coordinating transportation planning and programming including, but not limited to, review of CRTPA related transportation studies, reports, plans and programs. The technical advisory committee shall assist the CRTPA by providing technical resources and recommendations as requested.
 - b. The membership of the technical advisory committee must include, whenever possible, planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the CRTPA or the superintendent's designee; and other appropriate representatives of affected local governments.
 - c. In addition to any other duties assigned to it by the CRTPA or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the CRTPA on such matters.
 - d. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the

metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the CRTPA with information concerning future school sites and in the coordination of transportation service.

- e. The technical advisory committee shall have additional advisory (non-voting) members as the CRTPA deems advisable.
- f. Each member of the technical advisory committee is expected to demonstrate interest in the technical advisory committee's activities through attendance at the regularly scheduled meetings except for reasons of an unavoidable nature. A majority of the technical advisory committee may recommend the removal of any member who fails to attend, or arrange for an alternate to attend, three or more meetings in a one-year period. Such recommendations shall be forwarded to the appointing agency or governmental unit through the CRTPA Executive Director.

2. The Citizens Advisory Committee, which shall function as provided in Section 339.175(6)(e)1. and (8)(b), Florida Statutes, and as otherwise directed by the CRTPA Board. The Citizens Advisory Committee serves at the pleasure of the Board. The membership on the Citizens Advisory Committee must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

- a. The community at large shall be represented in the transportation planning process by the citizen's advisory committee. The citizen's advisory committee serves in an advisory capacity to the CRTPA for the purpose of assisting in the formulation of CRTPA's goals and objectives, seeking reaction to planning proposals and providing comment with respect to the concerns of various segments of the population regarding their transportation needs.
- b. Notwithstanding the above provisions, CRTPA may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

3. The Multimodal Advisory Committee, which shall function xxx.

V. CRTPA General Policies

A. The CRTPA agenda will include sections for Action, Information, and Citizen Involvement. Agenda items for Board action will be divided into consent, discussion and action sections.

B. The CRTPA agenda will be limited to required items only as determined by the Chairperson. Board Members are requested to coordinate with the Executive Director on those items that they wish to have considered, so that they can be adequately staffed prior to being heard by the Board.

C. The Executive Director is directed to assist the Chairperson in scheduling important matters for Board consideration, where practicable, for at least one discussion meeting prior to scheduling the matter for Board action at a subsequent meeting. Notwithstanding the foregoing, unless otherwise provided by law, Board action shall not be delayed nor subject to challenge simply because it was acted upon at the same meeting at which it was first discussed by the Board. Workshops, retreats and delegated subcommittees of Board Members shall also be considered as methods of exchanging information and opinions on and focusing the analysis of important matters that may later come before the Board for action.

D. No other governmental organization shall preclude the scheduled convening or adjournment time of the CRTPA.

VI. CRTPA Specific Policies

A. Any policy that affects planning efforts and not administration nor procedural policies of the CRTPA shall be adopted solely by resolution and not become part of these bylaws. Examples of this are resolutions that promote bicycle and pedestrian transportation, preservation of right-of-way, and consideration of the needs of the Transportation Disadvantaged in plan development. All resolutions will be kept in a separate section of each member's agenda book for reference purposes.

B. A supermajority vote will be required by the CRTPA when amending, adding, or deleting projects from the Transportation Improvement Program, the Priority Project List, any Project Development and Environment Study, and any intersection improvement study requiring the approval of the CRTPA.

VII. Modifications to the Long Range Transportation Plan

A. A request to amend the Long Range Transportation Plan may be initiated by the Citizen's Advisory Committee, the Transportation Technical Coordinating Committee, the CRTPA, or another governmental agency. Members of the CRTPA will be notified of a request to amend the Long-Range Transportation Plan.

B. A request to amend the Long Range Transportation Plan will be reviewed by the Transportation Technical Coordinating Committee to determine the technical applicability of the proposal for plan inclusion or removal and the TCC recommendation, CRTPA Staff recommendation, and the recommendation of the Transportation Technical Coordinating Committee will be forwarded to the CRTPA.

C. If the CRTPA determines that the proposed amendment should be considered, the CRTPA may initiate the following plan amendment process that will be in compliance and

consistent with procedures established in Chapter 339 Florida Statutes and all applicable federal code.

D. In addition to the required public notification and public hearing of the plan amendment(s), efforts to communicate the plan amendment to the traditionally underserved (populations protected by Title VI of the Civil Rights Act of 1964) will be made and documented.

VIII. Funding of the CRTPA

A. Each member government shall pay a proportional share of the operating costs of the CRTPA, over and above the amount annually provided by federal and state sources. Proportional costs are based on population. To the extent that funding allocated for MPO operations is exceeded by expenses, the balance shall be funded by the members, with the exception of the Leon County School Board, in proportion to their weighted vote without consideration of the weighted vote of the Leon County School Board. The Leon County School Board shall provide in-kind services in lieu of direct funding for MPO operations. Unless otherwise agreed by the parties hereto, any change in the weighted voting occurring during the MPO's fiscal year shall result in a proration of financial responsibility of the members.

B. The CRTPA staff will perform only those services required by applicable Federal Code and State Statute. If tasks are requested by the CRTPA that are not part of the statutory duty of the CRTPA staff, additional funding will be provided by the member governments.

C. An estimate of the amount will be made known in the annual Unified Planning Work Program, prior to July 1. Concurrent with the adoption of the Final Unified Planning Work Program the CRTPA will adopt its budget. The Unified Planning Work Program is the de facto budget of the CRTPA.

D. Payment of funds by participating governments will be made to the CRTPA no later than December 31.

IX. Notices.

All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be as follows, addressed to then current incumbent:

Mayor
City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301

City Attorney

City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301

Chairperson
Leon County Board of County Commissioners
301 S. Monroe Street, 5th Floor
Tallahassee, Florida 32301

County Attorney
Leon County
301 S. Monroe Street, Suite 202
Tallahassee, Florida 32301

Chairperson
Gadsden County Board of Commissioners
9-B East Jefferson Street
Post Office Box 1799
Quincy, Florida 32353-1799

Chairperson
Wakulla County Board of County Commissioners
3093 Crawfordville Highway
Post Office Box 1263
Crawfordville, FL 32326

Chairperson
Jefferson County Board of County Commissioners
1 Courthouse Circle
Monticello, FL 32344

Mayor
City of Quincy
404 W. Jefferson Street
Quincy, Florida 32351-2328

City Manager
City of Quincy
404 West Jefferson Street
Quincy, FL 32351-2328

Mayor
City of Midway
Post Office Box 438
Midway, FL 32343

City Manager
City of Midway
Post Office Box 438

Midway, FL 32343

Mayor
Town of Havana
P. O. Box 1068
Havana, FL 32333-1068

Town Manager
Town of Havana
P.O. Box 1068
Havana, FL 32333-1068

Mayor
City of Chattahoochee
P.O. Box 188
Chattahoochee, FL 32324

City Manager
City of Chattahoochee
P.O. Box 188
Chattahoochee, FL 32324

Mayor
Town of Greensboro
150 E 11th Street
Greensboro, FL 32330

Town Manager
Town of Greensboro
150 E 11th Street
Greensboro, FL 32330

Mayor
City of Gretna
Post Office Drawer 220
Gretna, Florida 32332

City Manager
City of Gretna
Post Office Drawer 220
Gretna, Florida 32332

Mayor
City Hall
245 South Mulberry Street
Monticello, FL 32344

City Manager
City Hall
245 South Mulberry Street
Monticello, FL 32344

Mayor
City of St. Marks
PO Box 296
788 Port Leon Drive
St. Marks, Florida, 32355

City Manager
City of St. Marks
PO Box 296
788 Port Leon Drive
St. Marks, Florida, 32355

Mayor
City of Sopchoppy
Sopchoppy City Hall
105 Municipal Avenue
P.O. Box 1219
Sopchoppy, FL 32358

City Administrator
City of Sopchoppy
Sopchoppy City Hall
105 Municipal Avenue
P.O. Box 1219
Sopchoppy, FL 32358

Chairperson
Leon County School Board
2757 W. Pensacola Street
Tallahassee, Florida 32304

District III Secretary
Florida Department of Transportation
1074 Highway 90
Post Office Box 607
Chipley, Florida 32428

Executive Director
Capital Region Transportation
Planning Agency
300 S. Adams Street, Mail Stop A-19
Tallahassee, FL 32301

General Counsel

Capital Region Transportation
Planning Agency
300 S. Adams Street, Mail Stop A-19
Tallahassee, FL 32301

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address and addressee.

CAPITAL REGION TRANSPORTATION PLANNING AGENCY
REVISED BY-LAWS, POLICIES PROCEDURES,
AND PROCEDURES SOLICIES

Adopted November 2006
Revised , 2011

Formatted: Font: Bold
Formatted: Centered

IA. Organization Name

II. Preamble

III. Purpose

B.

IV. CRTPA By-Laws

V.C. CRTPA General Policies

VI.D. CRTPA Specific Policies

VII.E. CRTPA Long-Range Transportation Plan Amendment

VIII.F. Funding

IX. Notices

Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Bold
Formatted: Font: Not Bold

I. A. Organization Name

The name for the Metropolitan Planning Organization is the Capital Region Transportation Planning Agency (CRTPA).

II. Preamble.

The following sets forth the By-Laws, Policies and Procedures that shall serve to guide the proper functioning of the urban transportation planning process by for the -CRTPA. Capital Region Transportation Planning Agency. The intent is to provide policies and procedures for the CRTPA and its Standing Committees for fulfilling the requirements of the Interlocal Agreement that creates the CRTPA; the applicable provisions of federal law; and the applicable provisions of Chapter 339, Florida Statutes. Any interpretations of the Interlocal Agreement by these bylaws shall be the preferred interpretation for CRTPA unless there is a direct and express conflict with the Interlocal Agreement. Furthermore, all provisions contained in these Bylaws shall be interpreted to be consistent with all applicable state and federal law.

III. Purpose

Formatted: Font: Bold

Pursuant to Section 339.175, Florida Statutes, the purpose of CRTPA is:

Formatted: Indent: First line: 0", Line spacing: single, Tab stops: Not at 0" + 0.68" + 1.09" + 2.66" + 6.02" + 7.13"
Formatted: Font: Not Bold
Formatted: Font: Not Bold

A. To assist in the safe and efficient management, operation, and development of surface transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people, freight and goods within and through the metropolitan area of this state, foster economic growth and development within and through urbanized areas of this state and minimize, to the maximum extent feasible for transportation-related fuel consumption,

air pollution, and greenhouse gas emissions through metropolitan transportation planning processes;

B. To develop transportation plans and programs, in cooperation with the state and public transit operators, which plans and programs provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as multi-modal and an intermodal transportation system for the metropolitan area

Formatted: Indent: First line: 0", Line spacing: single, Tab stops: Not at 0" + 0.68" + 1.09" + 2.66" + 6.02" + 7.13"

C. To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that considers all modes of transportation based on the complexity of the transportation problems to be addresses and results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan area in cooperation with the Florida Department of Transportation ("Department");

D. To develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state and regional transportation functions.

IVB. CRTPA By-Laws

A.B-1. Membership and Board Membership

1.(+) As designated by the Governor of the State of Florida, and as reflected in Article 4, Section 4.01(a)(+) of the _____, 2011 May 12, 2005, Interlocal Agreement, the CRTPA shall consist of voting representatives from Leon County, Gadsden County, Jefferson County, and Wakulla County; the City of Tallahassee, the City of Midway, the City of Quincy, the City of Sopchoppy, the City of St. Marks, the City of Chattahoochee, the City of Greensboro, the City of Gretna, the City of Monticello, and the Town of Havana; the Leon County School Board; and one non-voting representative from the Department of Transportation. Leon County, the City of Tallahassee, the Leon County School Board, Gadsden County, Wakulla County, the City of Midway, the Town of Havana, and the City of Quincy, and one non-voting representative from the Department of Transportation.

Formatted: Indent: First line: 0", Line spacing: single

The weighted vote of the voting members is as follows:

<u>Governmental Entity</u>	<u>Number of Members</u>	<u>Voting Points</u>
<u>Leon County School Board</u>	<u>1</u>	<u>1</u>
<u>Jefferson County *</u>	<u>1</u>	<u>4</u>
<u>Gadsden Cities **</u>	<u>1</u>	<u>5</u>
<u>Wakulla County ***</u>	<u>1</u>	<u>7</u>
<u>Gadsden County</u>	<u>1</u>	<u>9</u>
<u>Leon County ****</u>	<u>-</u>	<u>37</u>

City of Tallahassee *****	-	37
Total		100

Leon County	42
City of Tallahassee	42
Leon County School Board	1
City of Midway	1
Town of Havana	1
City of Quincy	2
Gadsden County	5
Wakulla County	6

As provided in Section 4.01(a)(1) of the Interlocal Agreement, for Leon County and the City of Tallahassee, the number of voting points is determined by the number of voting members as agreed upon by the Leon County Board of County Commissioners and the City of Tallahassee respectively. may designate the number of members of their respective commissions to serve as members of the Board.

- * The County Representative will also represent the City of Monticello.
- ** The Cities of Chattahoochee, Greensboro, Gretna, Havana, Midway and Quincy will consolidate their membership and weighted vote into one membership.
- *** The County Representative will also represent the Cities of St. Marks and Sopchoppy.
- **** The number of voting members is determined by the Leon County.
- ***** The number of voting members is determined by the City of Tallahassee.

Additionally, as provided in Section 4.02 of the Interlocal Agreement, Gadsden County and the Cities of Midway and Quincy and the Town of Havana have the option to consolidate their memberships and weighted vote into one or more memberships.

(2) The City of Tallahassee and Leon County Commission have each designated all members of their respective commissions to serve as members of the CRTPA Board. The Gadsden County and the Cities of Midway and Quincy and the Town of Havana have not opted to consolidate their memberships and weighted vote into one or more memberships. Accordingly, the number of "votes" allocated to each Board member shall be as follows:

Member	Board Members	Votes Each
City of Tallahassee City Commission	5	8.4
Leon County Board of County Commissioners	7	6
Leon County School Board	1	1
Wakulla County Board of County Commissioners	1	6
Gadsden County Board of County Commissioners	1	5
City of Quincy City Commission	1	2
Town of Havana Town Council	1	1
City of Midway City Commission	1	1

Attachment 2

2. The City of Tallahassee and Leon County commissions may change the number of their members to serve as members of the CRTPA Board no more than once annually. Similarly, Cities consolidating the Cities of Midway and Quincy and the Town of Havana may consolidate their memberships and weighted vote, may or reverse such consolidation, no more than once annually. Should any membership adjustments be made pursuant to this section, the governmental entity shall notify the Executive Director of CRTPA in writing of such change. The written notice shall specifically reference this section as the basis for the change.

Formatted: Highlight

Comment [SM1]: Harry I changed this because I was not sure what specific cities we wanted to make this apply to; please note my change may have unintended consequences of broadening the authority of cities so please let me know your thoughts.

Formatted: Highlight

3.(3) Board members from participating governments which have one voting member may designate an alternative member of that government to vote in the absence of the appointed member. Such designation may be changed no more frequently than annually, unless the alternate leaves office. A participating governmental entity that selects an alternative member shall notify CRTPA in writing of that selection. No Board Member may vote by proxy.

4.(4) As provided by Section 6.04 of the Interlocal Agreement, the Board may delegate authority to one or more of its members to act on behalf of the Board and may delegate certain duties to the Executive Director.

(a.) Delegation to one or more Board Members shall be pursuant to a majority vote of the ___ Board, which shall identify the member(s) to whom authority is delegated, specify the ___ scope (and time period if appropriate) for the delegation, and whether action of the Board ___ member(s) shall be subject to Board ratification or approval. Any such delegation shall be subject to the requirements of the Sunshine Law, when applicable. The scope and ___ time period of the delegation shall be appropriate for the intended purpose, and shall be ___ limited as necessary to comply with law. When practicable, the action of the Board ___ members shall be subject to Board ratification or approval.

Formatted: Indent: Left: 0.5"

(b.) Delegation to the Executive Director shall be pursuant to a majority vote of the ___ Board, which shall specify the scope, direction and purpose for the delegation and ___ whether the action of the Executive Director shall be subject to ratification or approval of ___ the Board, Board members or the Chairperson. Delegation to the Executive Director ___ shall be subject to such limitations in scope, direction and supervision by the Board as ___ appropriate for the intended purpose and as necessary to comply with law.

Formatted: Indent: Left: 0.5"

BB-2. Membership Term of Office

1.(1) The membership and terms of elected officials as voting members of the CRTPA Board shall be as prescribed in Section 339.175(3) and (4b), Florida Statutes, and Sections 4.01 and 4.02 of the Interlocal Agreement. Board members from participating governments which have one voting member may appoint a substitute member to serve as a member of the CRTPA Board no more frequently than once annually, unless the member leaves office.

2. (a) The term of office of members of the CRTPA shall be four years. The membership of a member who is a public official automatically terminates upon said official

leaving the elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the governmental entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be appointed for one or more additional four year terms. Where Counties and Cities have elected to consolidate their memberships and weighted vote, the term of the representative member or members shall be no less than one year from the date of designation by the consolidated entity represented by the member.

2. (b) Any governmental entity performing any actions under this section shall notify CRTPA in writing of such actions.

3. The CRTPA may also provide for other non-voting advisors as needed.

CB-3. Officers and Duties

1.(1) The CRTPA Board shall hold an annual organizational meeting no later than the last Board meeting of the calendar year for the purpose of electing the following officers from its voting membership:

- Chairperson
- Vice-Chairperson
- Representative to the Florida Metropolitan Planning Organization Advisory Committee
- Alternate representative to the Florida Metropolitan Planning Organization Advisory Committee

The Chairperson and Vice-Chairperson shall be members of different member governments.

2.(2) Officers shall be elected by a majority of the votes of members present at the organizational meeting and shall serve a term of one year.

3.(3) The Chairperson shall preside at all meetings and shall sign official documents of the CRTPA. In the event of the Chairperson's absence, or at the Chairperson's direction, the Vice-Chairperson shall assume the powers and duties of the Chairperson. In the absence of both a Chairperson and Vice-Chairperson at a regular or special Board meeting, a temporary Chair shall be elected by majority vote at said meeting to serve as Chairman of the meeting, for this meeting alone. The Chairperson shall:

- a. (a) Sign, on behalf of the MPO, resolutions, contracts, deeds, certifications, vouchers and ___ all other instruments whether relating to real or personal property or otherwise;
- b. (b) Appoint subcommittees as needed;
- c. (c) Approve or revise the final agenda presented by the Executive Director;

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at:
1.25"

Formatted: Indent: Left: 0.75"

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at:
1.25"

Formatted: Indent: Left: 0.75"

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at:
1.25"

Attachment 2

- d. ~~(d)~~ Accept agenda items from other MPO members, with advice of the Executive Director ~~and the Management Oversight Committee~~ to ensure that the addition is submitted on a timeline that allows them to be fully ___ staffed and distributed with the regular agenda materials;
- e. ~~(e)~~ Draft the annual performance evaluation of the Executive Director, distribute it to ___ MPO membership for comments, and develop the final evaluation for MPO approval;
- f. ~~(f)~~ Have authority to approve CRTPA expenditures of greater than \$5000, but no greater than \$25,000;
- g. ~~(g)~~ Have authority to approve certain personnel actions, such as salary adjustments, ___ disciplinary actions, and final approval of staff evaluations completed by the Executive ___ Director;
- h. ~~(h)~~ Perform such other duties as, from time to time, may be assigned by the Board.

Formatted: Indent: Left: 0.75"

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Indent: Left: 0.75"

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Indent: Left: 0.75"

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Indent: Left: 0.75"

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Indent: Left: 0.75"

Formatted: Indent: Left: 0.5"

4.(4) ~~If the chair is unable to serve the remainder of the chair's term, the vice-chair shall automatically become the chair and the CRTPA shall elect a new vice-chair. In the event of the permanent inability of the Chairperson or Vice-Chairperson of the CRTPA to serve, a new officer(s) will be elected from the membership at the next meeting.~~

DB-4 Administration

The administration of the CRTPA shall be as set forth in Sections 6.01 through 6.053 of the Interlocal Agreement. The Chairperson shall serve as the principle administrative officer of the Board. ~~The Management Oversight Committee shall provide oversight of the Executive Director and perform other management oversight functions as approved by resolution of the Board. The~~ Executive Director shall serve as the principal administration of MPO operations and staff, shall have responsibility for advising the ~~Management Oversight Committee and the~~ Board regarding official MPO business and administration.

Management Oversight Committee

- ~~(1) The Management Oversight Committee shall consist of:~~
 - ~~(a) Tallahassee City Manager~~
 - ~~(b) Leon County Administrator~~
 - ~~(c) Wakulla Administrator~~
 - ~~(d) Gadsden County Administrator~~

Attachment 2

~~(2) The Management Oversight Committee shall serve at the pleasure of the Board and shall report to the Board. The Management Oversight Committee shall have such administrative, management, and supervisory oversight authority as prescribed by the Board through resolution, including:~~

- ~~(a) Supervising recruitment efforts for the Executive Director position;~~
- ~~(b) Hiring and dismissal of the Executive Director, with approval from the CRTPA Board;~~
- ~~(c) Administering the Annual Performance Evaluation of the Executive Director~~
- ~~(d) Overseeing the work product of the Executive Director;~~
- ~~(e) Reviewing budget recommendations prior to submittal to the Board; and~~
- ~~(f) All other management oversight functions as approved in resolution of the Board.~~

~~The Management Oversight Committee will conduct the annual performance evaluation of the Executive Director and deliver their findings to the Chairperson and the Board for its review, comments, and approval.~~

~~(3) The City of Tallahassee City Manager and Leon County Administrator will serve as principle administrative officers of the Management Oversight Committee and will lead the oversight functions on a regular basis. However, the entire Management Oversight Committee shall be involved in the recommendation to employ or dismiss the Executive Director. The Management Oversight Committee will put in place any additional procedures needed for how it will be governed in its daily decision making process.~~

1.(1) The Executive Director shall serve at the pleasure of the Board and shall report directly to the CRTPA Board for all matters regarding the administration and operation of the CRTPA and any additional personnel as deemed necessary. Chairperson. A subcommittee of the Chair and Vice-Chair will conduct the annual performance evaluation of the Executive Director and deliver their findings to the Board for its review and approval. CRTPA staff will report directly to the Executive Director and serve at the pleasure of the director. The Executive Director shall have authority to:

- a. (a) Approve expenditures for the normal operations of staff not to exceed \$5000;
- b. (b) Approve of routine staff travel;
- c. (c) Hire, fire, assign duties to, and evaluate CRTPA staff, subject to review and concurrence of the Chairperson; and
- (d) Sign routine communications with local, state and federal agencies, except in those instances when the signature of the chair is required.

2.(2) The Executive Director, or designee, is responsible for the CRTPA meeting minutes and all notices and agendas for future meetings. The Executive Director shall also

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.75" + Indent
at: 1"

Formatted: Indent: Left: 0.51"

Formatted: Font: (Default) TimesNewRoman,
12 pt

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.75" + Indent
at: 1"

Formatted: Indent: Left: 0.51"

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.75" + Indent
at: 1"

Formatted: Indent: Left: 0.51"

Formatted: Indent: Left: 0.5"

perform such other and additional duties as are necessary to carry out the objectives and functions of the CRTPA and the directives from the CRTPA membership.

3. The CRTPA General Counsel shall serve at the pleasure of the Board and shall perform such duties as are assigned by the Board, the Chairperson or the Executive Director.

E. B-5 Meetings

1. (1) Regular meetings of the CRTPA shall be held as needed in the Tallahassee City Commission Chambers or other locations designated by the Chairperson. Regular meetings will be held no less frequently than every two months, or six times a year.

2. (2) Meetings will be held on the third Monday of any given month and such other times as scheduled by the Chairperson. Meeting dates will be adjusted by the Chairperson to accommodate holidays or other conflicts.

3. (3) Special meetings of the CRTPA may be called by the Chairperson, or in the absence of the chair, by the vice-chair. Special meetings may also be called on the initiative of four (4) or more voting members petitioning the chair.

Comment [SM2]: Do you want to change to say "Regular meeting dates and times may be changed by action of the CRTPA Board to accommodate desirable changes because of holidays or other reasons."

Formatted: Highlight

4. (4) There must be majority representation to constitute a quorum for the transaction of business. A quorum is defined as 51% of the voting interest of the CRTPA. An affirmative vote shall consist of a majority vote of the total quorum present. A quorum must be present for any matters to be voted on at any duly called CRTPA meeting.

5. (5) Agenda materials for the CRTPA meetings shall be distributed to Board Members no later than seven days prior to the meeting, unless otherwise decided by the Chairperson. Supplemental materials shall be provided to the Board Members as soon as practicable.

6. (6) Meetings will be open to the public. Citizen comments and suggestions are welcomed. Any group which so requests in writing, writing will be notified of CRTPA meetings. Members of the public are allowed to speak on any items not on the Agenda during the Public Comment period, with established time limits, and by providing a Speaker Card at the CRTPA meeting as set out in section D-6. Members of the public are allowed to comment on items on the agenda at the appropriate time following the same established rules for time limits and providing speaker cards.

7. (7) The CRTPA may choose to hold workshops from time to time. A quorum shall not be necessary for conducting a workshop; however, all workshops shall be noticed in the same manner as regular meetings of the CRTPA. Meetings will be open to the public. Citizen comments and suggestions are encouraged.

Attachment 2

8.(8) The most current edition of Roberts Rules of Order Revised is the adopted rule of meeting procedure. The Chairperson (or the Vice Chairperson when serving as Chairperson) shall preside at all meetings.

9. The General Counsel or his designee and shall either serve as the “parliamentarian” or designate another Board Member to serve as “parliamentarian.”
Theparliamentarian. The CRTPA General Counsel shall advise the Chairperson and the Board at the direction of the Chairperson.

10.(9) CRTPA meetings will be recorded and minutes will be prepared.

(10) Upon the seconding of a motion for discussion purposes, comments from members will be limited to three minutes for that motion. Subsequent motions will allow members an additional three minutes each for discussion.

11.(11) Where a Super-Majority Vote is required by the Interlocal Agreement or CRTPA By-Laws, such Super-Majority Vote shall be defined as two-thirds of the vote of the Board members in attendance and no less than 67 50.1 votes, regardless of the number of members in attendance.

Formatted: Highlight

12.(12) The Executive Director shall serve as the clerk of the CRTPA.

13. As necessary, subcommittees and the chair of subcommittees shall be designated by the chair to investigate and report on specific subject areas of interest to the CRTPA. A subcommittee shall consist of at least three members.

F.B-6 Citizen Participation at Board Meetings

1.(1) Citizen comments will be accepted during the meeting.

2.(2) Citizens may speak on issues related to the approved agenda or any issue for which the CRTPA has the statutory authority to act upon.

3.(3) Citizens will complete a Request to Speak card. If the citizen is unable to complete the card, s/he will be assisted by the CRTPA staff.

4.(4) Citizens will be allowed to speak for three minutes.

5.(5) Large groups of citizens wishing to speak are encouraged to designate a spokesperson to represent their views.

G.B-7 By Law Amendments

The CRTPA By-Laws may be amended by a majority vote of the CRTPA. Proposed amendments shall be considered at the annual organizational meeting or at any other CRTPA meeting with thirty (30) days notice of the proposed amendment. The CRTPA Board may adopt

resolutions as necessary to implement, supplement or clarify the CRTPA By-Laws, but shall not substantively alter the policies or procedures contained in the By-Laws except upon a Super-Majority Vote. No less often than annually, the Board shall consider amendments to the By-Laws to incorporate prior resolutions issued by the Board, as appropriate.

H.B-8 Creation of Committees

The following committees have been created by the CRTPA, are ratified herein and shall serve as standing committees, with membership subject to appointment by the CRTPA Board:

1.(4) The Technical Advisory Committee, which shall function as provided in Section 339.175(65)(d) and (87)(b), Florida Statutes, and as otherwise directed by the CRTPA Board. The Technical Advisory Committee serves at the pleasure of the Board.

- a. The technical advisory committee serves in an advisory capacity to the CRTPA on matters related to coordinating transportation planning and programming including, but not limited to, review of CRTPA related transportation studies, reports, plans and programs. The technical advisory committee shall assist the CRTPA by providing technical resources and recommendations as requested.
- b. The membership of the technical advisory committee must include, whenever possible, planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the CRTPA or the superintendent's designee; and other appropriate representatives of affected local governments.
- c. In addition to any other duties assigned to it by the CRTPA or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the CRTPA on such matters.
- d. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the CRTPA with information concerning future school sites and in the coordination of transportation service.
- e. The technical advisory committee shall have additional advisory (non-voting) members as the CRTPA deems advisable.

Each member of the technical advisory committee is expected to demonstrate interest in the technical advisory committee's activities through attendance at

Formatted: Left

Comment [SM3]: Not sure how your TAC is set up to date in terms of members and who appoints them—need to discuss with Harry and include specific process.

Formatted: Left, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: Verdana, 10 pt

Formatted: Left, Indent: Left: 0.75"

Formatted: Font: Times New Roman, 12 pt

Formatted: Left, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Verdana, 10 pt

Formatted: Left, Indent: Left: 0.75"

Formatted: Font: Times New Roman, 12 pt

Formatted: Left, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Verdana, 10 pt

Formatted: List Paragraph, No bullets or numbering

Formatted: Font: Times New Roman, 12 pt

Formatted: Left, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Verdana, 10 pt

Formatted: List Paragraph, No bullets or numbering

Formatted: Font: Times New Roman, 12 pt

Formatted: Left, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: List Paragraph, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

the regularly scheduled meetings except for reasons of an unavoidable nature. A majority of the technical advisory committee may recommend the removal of any member who fails to attend, or arrange for an alternate to attend, three or more meetings in a one-year period. Such recommendations shall be forwarded to the appointing agency or governmental unit through the CRTPA Executive Director.

Formatted: Highlight

Formatted: Font color: Dark Blue, Highlight

2.(2) The Citizens Advisory Committee, which shall function as provided in Section 339.175(65)(e)1. and (87)(b), Florida Statutes, and as otherwise directed by the CRTPA Board. The Citizens Advisory Committee serves at the pleasure of the Board. The membership on the Citizens Advisory Committee must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

Formatted: Left

Formatted: Font: Times New Roman, 12 pt

Comment [SM4]: Again, not sure how the current citizens advisory committee is set up. Need to discuss with Harry and outline the process.

Formatted: Font: Times New Roman, 12 pt

Formatted: Left, Indent: Left: 0.75"

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

a. The community at large shall be represented in the transportation planning process by the citizen's advisory committee. The citizen's advisory committee serves in an advisory capacity to the CRTPA for the purpose of assisting in the formulation of CRTPA's goals and objectives, seeking reaction to planning proposals and providing comment with respect to the concerns of various segments of the population regarding their transportation needs.

Formatted: Font: Verdana, 10 pt

Formatted: Left, Indent: Left: 0.75"

b. Notwithstanding the above provisions, CRTPA may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

Formatted: Font: Times New Roman, 12 pt

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

3.(3) The Multimodal Advisory Committee, which shall function xxx.

Formatted: Font: Times New Roman, 12 pt

Formatted: Font color: Dark Blue

4. ~~The Bicycle and Pedestrian Advisory Committee, which shall function xxx.~~

Comment [SM5]: Need to discuss with Harry if there is currently such a committee and outline what its function is and how it operates- i.e., members, meetings, etc.

VI. CRTPA General Policies

A.(+) The CRTPA agenda will include sections for Action, Information, and Citizen Involvement. Agenda items for Board action will be divided into consent, discussion and action sections.

B.(2) The CRTPA agenda will be limited to required items only as determined by the Chairperson. Board Members are requested to coordinate with the Executive Director on those items that they wish to have considered, so that they can be adequately staffed prior to being heard by the Board.

C.(3) The Executive Director is directed to assist the Chairperson in scheduling important matters for Board consideration, where practicable, for at least one discussion meeting prior to scheduling the matter for Board action at a subsequent meeting. Notwithstanding the foregoing, unless otherwise provided by law, Board action shall not be delayed nor subject to

challenge simply because it was acted upon at the same meeting at which it was first discussed by the Board. Workshops, retreats and delegated subcommittees of Board Members shall also be considered as methods of exchanging information and opinions on and focusing the analysis of important matters that may later come before the Board for action.

 ~~D.(4)~~ No other governmental organization shall preclude the scheduled convening or adjournment time of the CRTPA.

VI~~D~~. CRTPA Specific Policies

 ~~A.(4)~~ Any policy that affects planning efforts and not administration nor procedural policies of the CRTPA shall be adopted solely by resolution and not become part of these bylaws. Examples of this are resolutions that promote bicycle and pedestrian transportation, preservation of right-of-way, and consideration of the needs of the Transportation Disadvantaged in plan development. All resolutions will be kept in a separate section of each member's agenda book for reference purposes.

 ~~B.(2)~~ A supermajority vote will be required by the CRTPA when amending, adding, or deleting projects from the Transportation Improvement Program, the Priority Project List, any Project Development and Environment Study, and any intersection improvement study requiring the approval of the CRTPA.

-

VIII~~E~~. Modifications to the Long Range Transportation Plan

 ~~A.(4)~~ A request to amend the Long Range Transportation Plan may be initiated by the Citizen's Advisory Committee, the Transportation Technical Coordinating Committee, the CRTPA, or another governmental agency. Members of the CRTPA will be notified of a request to amend the Long-Range Transportation Plan.

 ~~B.(2)~~ A request to amend the Long Range Transportation Plan will be reviewed by the Transportation Technical Coordinating Committee to determine the technical applicability of the proposal for plan inclusion or removal and the TCC recommendation, CRTPA Staff recommendation, and the recommendation of the Transportation Technical Coordinating Committee will be forwarded to the CRTPA.

 ~~C.(3)~~ If the CRTPA determines that the proposed amendment should be considered, the CRTPA may initiate the following plan amendment process that will be in compliance and consistent with procedures established in Chapter 339 Florida Statutes and all applicable federal code.

 ~~D.(3)~~ In addition to the required public notification and public hearing of the plan amendment(s), efforts to communicate the plan amendment to the traditionally underserved (populations protected by Title VI of the Civil Rights Act of 1964) will be made and documented.

VIII.F. Funding of the CRTPA

A.(1) Each member government shall pay a proportional share of the operating costs of the CRTPA, over and above the amount annually provided by federal and state sources. Proportional costs are based on population, and stipulated in the interlocal agreements forming the CRTPA. To the extent that funding allocated for MPO operations is exceeded by expenses, the balance shall be funded by the members, with the exception of the Leon County School Board, in proportion to their weighted vote without consideration of the weighted vote of the Leon County School Board. The Leon County School Board shall provide in-kind services in lieu of direct funding for MPO operations. Unless otherwise agreed by the parties hereto, any change in the weighted voting occurring during the MPO's fiscal year shall result in a proration of financial responsibility of the members.

B. The CRTPA staff will perform only those services required by applicable Federal Code and State Statute. If tasks are requested by the CRTPA that are not part of the statutory duty of the CRTPA staff, additional funding will be provided by the member governments.

C.(2) An estimate of the amount will be made known in the annual Unified Planning Work Program, prior to July 1. Concurrent with the adoption of the Final Unified Planning Work Program the CRTPA will adopt its budget. The Unified Planning Work Program is the de facto budget of the CRTPA.

D.(3) Payment of funds by participating governments will be made to the CRTPA no later than December 31.

IX. Notices.

All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be as follows, addressed to then current incumbent:

Formatted: Indent: First line: 0", Line spacing: single, Tab stops: Not at 1.5" + 2.25"
Formatted: Font: Bold

Mayor
City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301

City Attorney
City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301

Attachment 2

Chairperson

Leon County Board of County Commissioners
301 S. Monroe Street, 5th Floor
Tallahassee, Florida 32301

County Attorney

Leon County
301 S. Monroe Street, Suite 202
Tallahassee, Florida 32301

Chairperson

Gadsden County Board of Commissioners
9-B East Jefferson Street
Post Office Box 1799
Quincy, Florida 32353-1799

Chairperson

Wakulla County Board of County Commissioners
3093 Crawfordville Highway
Post Office Box 1263
Crawfordville, FL 32326

Chairperson

Jefferson County Board of County Commissioners
1 Courthouse Circle
Monticello, FL 32344

Mayor

City of Quincy
404 W. Jefferson Street
Quincy, Florida 32351-2328

City Manager

City of Quincy 404 West Jefferson Street
Quincy, FL 32351-2328

Mayor

City of Midway
Post Office Box 438
Midway, FL 32343

City Manager

City of Midway
Post Office Box 438
Midway, FL 32343

Mayor

Town of Havana

Attachment 2

P. O. Box 1068
Havana, FL 32333-1068

Town Manager
Town of Havana
P.O. Box 1068
Havana, FL 32333-1068

Mayor
City of Chattahoochee
P.O. Box 188
Chattahoochee, FL 32324

City Manager
City of Chattahoochee
P.O. Box 188
Chattahoochee, FL 32324

Mayor
Town of Greensboro
150 E 11th Street
Greensboro, FL 32330

Town Manager
Town of Greensboro
150 E 11th Street
Greensboro, FL 32330

Mayor
City of Gretna
Post Office Drawer 220
Gretna, Florida 32332

City Manager
City of Gretna
Post Office Drawer 220
Gretna, Florida 32332

Mayor
City Hall
245 South Mulberry Street
Monticello, FL 32344

City Manager

Attachment 2

City Hall
245 South Mulberry Street
Monticello, FL 32344

Mayor
City of St. Marks
PO Box 296
788 Port Leon Drive
St. Marks, Florida, 32355

City Manager
City of St. Marks
PO Box 296
788 Port Leon Drive
St. Marks, Florida, 32355

Mayor
City of Sopchoppy
Sopchoppy City Hall
105 Municipal Avenue
P.O. Box 1219
Sopchoppy, FL 32358

City Administrator
City of Sopchoppy
Sopchoppy City Hall
105 Municipal Avenue
P.O. Box 1219
Sopchoppy, FL 32358

Chairperson
Leon County School Board
2757 W. Pensacola Street
Tallahassee, Florida 32304

District III Secretary
Florida Department of Transportation
1074 Highway 90
Post Office Box 607
Chipley, Florida 32428

Executive Director
Capital Region Transportation
Planning Agency
300 S. Adams Street, Mail Stop A-19
Tallahassee, FL 32301

Formatted: Space After: 0 pt

General Counsel

Capital Region Transportation

Planning Agency

300 S. Adams Street, Mail Stop A-19

Tallahassee, FL 32301

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address and addressee.

**AMENDED INTERLOCAL AGREEMENT CONCERNING THE FORMATION AND
OPERATION OF THE
CAPITAL REGION TRANSPORTATION PLANNING AGENCY**

THIS AMENDED INTERLOCAL AGREEMENT is made and entered into this _____ day of _____, 2011, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter DEPARTMENT); the COUNTIES OF GADSDEN, JEFFERSON, LEON and WAKULLA; the CITIES OF CHATTAHOOCHEE, GRETNA, MIDWAY, MONTICELLO, QUINCY, SOPCHOPPY, ST. MARKS, TALLAHASSEE; the TOWNS OF GREENSBORO and HAVANA; and the LEON COUNTY SCHOOL BOARD.

RECITALS

WHEREAS, the Federal Government, under the authority of 23 U.S.C. and 49 U.S.C. requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan area; and further requires the State Transportation Agency and the Metropolitan Planning Organization (MPO) to enter into an Agreement clearly identifying the responsibilities of each party for cooperatively carrying out such transportation planning; and

WHEREAS, the parties to this Interlocal Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be properly located and developed in relation to the overall plan of community development; and

WHEREAS, 23 U.S.C. as amended by the Intermodal Surface Transportation Efficiency Act of 1991 and the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, 112 Stat. 107), 49 U.S.C., 23 CFR 450, and Section 339.175, Florida Statutes, provide for the creation of Metropolitan Planning Organizations to develop transportation plans and programs for metropolitan areas; and

WHEREAS, pursuant to 23 U.S.C., 49 U.S.C., 23 CFR 450 and Section 339.175, Florida Statutes, a determination has been made by the Governor and units of general purpose local government representing at least 75% of the affected population (including the central city or cities) in the metropolitan area to designate a Metropolitan Planning Organization; and

WHEREAS, pursuant to Section 339.175(4), Florida Statutes, the Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable MPO among the various governmental entities within the area; and

WHEREAS, pursuant to 23 CFR 450 and Section 339.175(2)(b), Florida Statutes, an Interlocal agreement must be entered into by the Department and the governmental entities designated by the Governor for membership on the MPO. The signatories to the Interlocal agreement shall be the Department and the governmental entities designated by the Governor for membership on the MPO; and

WHEREAS, on June 21, 2004, the Board of the Tallahassee-Leon County Metropolitan Planning Organization approved a resolution changing the name of the MPO to the Capital Region Transportation Planning Agency (the CRTPA), without any change to its legal organization; and

WHEREAS, on January 12, 2009, the CRTPA Board approved a reapportionment plan in accordance with the revised Planning Area Boundary to include all of Gadsden, Jefferson, Leon and Wakulla Counties, which reapportionment plan was subsequently submitted to the Governor for approval; and

WHEREAS, pursuant to Section 339.175(4), Florida Statutes, dated March 17, 2011, the Governor has agreed to the apportionment plan; and

WHEREAS, the Interlocal agreement is required to create the CRTPA and delineate the provisions for operation of the CRTPA as the MPO for this region; and

WHEREAS, the undersigned parties have determined that this Interlocal Agreement satisfies the requirements of and is consistent with Section 339.175, Florida Statutes;

WHEREAS, pursuant to Section 339.175(2)(b), Florida Statutes, the Interlocal agreement must be consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to Interlocal agreements; and

WHEREAS, the undersigned parties have determined that this Interlocal Agreement is consistent with the requirements of Section 163.01, Florida Statutes.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties desiring to be legally bound, do agree as follows:

ARTICLE 1 RECITALS; DEFINITIONS

Section 1.01. Recitals. Each and all of the foregoing recitals are hereby incorporated herein and acknowledged to be true and correct to the best of the parties' knowledge. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

Section 1.02. Definitions. The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

Agreement means and refers to this instrument, as amended from time to time.

BOARD shall mean the governing board of the CAPITAL REGION TRANSPORTATION PLANNING AGENCY (CRTPA). Congestion Management System means a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet state and local needs.

CRTPA means the Capital Region Transportation Planning Agency, which is the MPO formed pursuant to this Agreement.

DEPARTMENT shall mean and refer to the FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida created pursuant to Section 20.23, Florida Statutes.

FHWA means and refers to the Federal Highway Administration.

FTA means and refers to the Federal Transit Administration.

Functional Classification means the assignment of roads into systems according to the character of service they provide in relation to the total road network. Basic functional categories include arterial roads, collector roads, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.

Long-Range Transportation Plan is the 20-year plan which: identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities, indicates proposed transportation enhancement activities; and in ozone/carbon monoxide nonattainment areas is coordinated with the State Implementation Plan, all as required by 23 U.S.C., 23 CFR 450, and Section 339.175(7), Florida Statutes.

Metropolitan Area means and refers to the planning area as delineated by the MPO for the urbanized area containing at least a population as described in 23 U.S.C., 49 U.S.C., and Section 339.175, Florida Statutes, which shall be subject to the Metropolitan Planning Organization's planning authority.

MPO means Metropolitan Planning Organization and refers to the CRTPA which is the MPO formed pursuant to this Agreement.

Transportation Improvement Program (TIP) is the is the staged multi-year program of transportation improvement projects developed by a Metropolitan Planning Organization consistent with the Long-Range Transportation Plan and developed pursuant to title 23 U.S.C., 49 U.S.C, 23 CFR 450 and Section 339.175, Florida Statutes.

Unified Planning Work Program (UPWP) is the annual program developed in cooperation with the Department and public transportation providers, that lists all planning tasks to be undertaken during a program year, together with a complete description of each planning task and an estimated budget therefore and must comply with applicable state and federal law, all as required by 23 CFR 450 and Section 339.175(9), Florida Statutes.

ARTICLE 2 PURPOSE

Section 2.01. General Purpose. The purpose of this Agreement is to establish the Capital Region Transportation Planning Agency:

(a) To assist in the safe and efficient management, operation, and development of surface transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people, freight and goods within and through this metropolitan area of this state, foster economic growth and development within and through urbanized areas of this state and minimize, to the maximum extent feasible for transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan

transportation planning processes;

(b) To develop transportation plans and programs, in cooperation with the state and public transit operators, which plans and programs provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as multi-modal and an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in section 334.046(1), Florida Statutes;

(c) To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that considers all modes of transportation based on the complexity of the transportation problems to be addresses and results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan area in cooperation with the Department;

(d) To ensure that the process is integrated with the statewide planning process, the MPO shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state and regional transportation functions;

(e) To assure eligibility for the receipt of Federal capital and operating assistance pursuant to 23 U.S.C. and 49 U.S.C.; and

(f) To carry out the metropolitan transportation planning process, in cooperation with the Department, as required by 23 U.S.C. and 49 U.S.C.; 23 CFR 420 and 450, and 49 CFR Part 613; and consistent with Chapter 339, Florida Statutes, and other applicable state and local laws.

Section 2.02. Major MPO Responsibilities. The MPO is intended to be a forum for cooperative decision making by officials of the governmental entities which are party to this Agreement in the development of transportation-related plans and programs, including but not limited to:

- (a) The Long-range Transportation Plan;
- (b) The Transportation Improvement Program;
- (c) The Unified Planning Work Program;
- (d) A congestion management system for the metropolitan area and cooperate with the Department in the development of all other transportation management systems as required by state or federal law;
- (e) Assisting the Department in mapping transportation planning boundaries required by state or federal law;
- (f) Assisting the Department in performing its duties relating to access management, functional classification of roads, and data collection; and
- (g) Execute all agreements or certifications necessary to comply with applicable state or federal law;

- (h) Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and
- (i) Performing such other tasks presently or hereafter required by state or federal law.

Section 2.03. MPO decisions coordinated with the DEPARTMENT and consistent with comprehensive plans. Chapter 334, Florida Statutes, grants the broad authority for the Department's role in transportation. Section 334.044, Florida Statutes, shows the legislative intent that the Department shall be responsible for coordinating the planning of a safe, viable and balanced state transportation system serving all regions of the State and to assure the compatibility of all components, including multimodal facilities. Section 339.155, Florida Statutes, requires the Department to develop and annually update a statewide transportation plan, which established and defines the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years within the context of the State Comprehensive Plan, and considers, to the maximum extent feasible, strategic regional policy plans, MPO plans, and approved local government comprehensive plans. Section 339.175, Florida Statutes, specifies the authority and responsibility of the MPO and the Department in the management of a continuing, cooperative, and comprehensive transportation planning process for the metropolitan area.

In fulfillment of this purpose and in the exercise of the various powers granted by Chapters 334 and 339, Florida Statutes, the Department and all parties to this Agreement acknowledge that the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161-3215, Florida Statutes, are applicable to this Agreement. The parties to this Agreement shall take particular care that the planning processes and planning integrity of local governments as set forth in aforementioned law shall not be infringed upon.

ARTICLE 3 MPO ORGANIZATION AND CREATION

Section 3.01. Establishment of MPO. The MPO for the metropolitan area as described in the membership apportionment plan approved by the Governor is hereby created and established pursuant to the Agreement to carry out the purposes and functions set forth in Articles 2 and 5. The legal name of this Metropolitan Planning Organization shall be the Capital Region Transportation Planning Agency (CRTPA).

Section 3.02. Effect on Prior Interlocal Agreement. This Agreement supercedes and replaces the November 15, 2004, Interlocal Agreement between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTIES OF GADSDEN, LEON AND WAKULLA; the CITIES OF QUINCY, MIDWAY and TALLAHASSEE; the TOWN OF HAVANA; and the LEON COUNTY SCHOOL BOARD, upon the effective date of this Agreement. The November 15, 2004 Interlocal Agreement superceded and replaced the October 16, 2000, Interlocal Agreement between THE DEPARTMENT OF TRANSPORTATION, LEON COUNTY, THE CITY OF TALLAHASSEE and THE LEON COUNTY SCHOOL BOARD. Notwithstanding the foregoing, the legal existence of the MPO shall be continuous and all lawful and valid acts of the MPO and its Board and officials prior to the date of this Agreement are hereby ratified and acknowledged as valid and binding acts of the CRTPA.

Section 3.03. MPO to operate pursuant to law. In the event that any election, referendum, approval, permit, notice, other proceeding or authorization is required under applicable law to undertake any power, duty, or responsibility hereunder, or to observe, assume, or carry out any of the provisions of this Agreement, the MPO will, to the extent of its legal capacity, comply with all applicable laws and requirements.

Section 3.04. Governing board to act as policy-making body of MPO. The governing board established pursuant to Section 4.01 of this Agreement shall be the policy-making body of the MPO responsible for cooperative decision-making of actions taken by the MPO. The governing board is the policy-making body that is the forum for cooperative decision-making and will be taking the required approval action as the MPO.

Section 3.05. Submission of proceedings; Contracts and other documents. Subject to the right to claim an exemption from the Florida Public Records Law, Chapter 119, Florida Statutes, the parties shall submit to each other such data, reports, records, contracts, and other documents relating to its performance as a metropolitan planning organization as is requested. Charges are to be in accordance with Chapter 119, Florida Statutes.

Section 3.06. Rights of review. All parties to this Agreement, and the affected federal funding agency (i.e., FHWA, FTA, and FAA) shall have the rights of technical review and comment of MPO projects.

ARTICLE 4 COMPOSITION; MEMBERSHIP; TERMS OF OFFICE

Section 4.01. Composition and membership of governing board.

(a) The membership of the MPO shall consist of voting representatives from the Counties of Gadsden Jefferson, Leon and Wakulla; the Cities of Chattahoochee, Gretna, Midway, Monticello, Quincy, Sopchoppy, St. Marks, and Tallahassee; the Towns of Greensboro and Havana; the Leon County School Board; and one non-voting representative from the Department of Transportation.

(1) The apportionment of the membership of the MPO is based on population distribution among the above members, using weighted voting as specifically outlined in the CRTPA bylaws. For Leon County and the City of Tallahassee, the number of voting points is determined by the number of voting members as agreed upon by the Leon County Board of County Commissioners and the City of Tallahassee respectively.

(2) The MPO may also provide for other non-voting advisors as outlined in the MPO bylaws.

(3) The Board shall have the authority to adopt bylaws concerning the governance and management of the CRTPA, including provisions governing Board meetings and votes, the authority of Board officers and the authority of CRTPA officials. The bylaws shall address:

(A) The weighted votes assigned to each member from the County Commission designated by Leon County and each member from City Commission to be designated by the City of Tallahassee.

(B) The weighted votes assigned to each representative of any consolidated membership of the Counties of Gadsden, Jefferson, Leon and Wakulla; the Cities of Chattahoochee, Gretna, Midway, Monticello, Quincy, Sopchoppy, St. Marks, and Tallahassee; and the Towns of Greensboro and Havana.

(C) Substitution and replacement of Board members.

(D) Such other matters as are necessary or convenient for the administration of the MPO.

(b) The voting membership of an MPO shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the effected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 USC 134, may also provide for MPO members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the MPO.

(c) All voting representatives shall be elected officials of general purpose local governments, except that an MPO may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term “elected officials of a general-purpose local government” shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. Where all members of a governing board of the county, the city, or authority are to be voting representatives on the MPO, each member shall become a representative on the MPO upon entering office. Otherwise, individuals acting as a representative of the governing board of the county, the city, or authority shall first be selected by said governing board.

(d) In no event shall the county commission representatives constitute less than one-third of the weighted vote of the MPO, except for an MPO with more than 15 members located in a county with a 5member county commission or an MPO with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the MPO membership, but all county commissioners must be members.

(e) County commissioners shall compose not less than 20 percent of the MPO membership if an official of the agency that operates or administers a major mode of transportation has been appointed to an MPO.

(f) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the MPO, they shall be provided voting membership on the MPO. Consortiums of municipalities may organize to appoint voting members who alternate each year.

(g) In the event that a governmental entity that is a member of the MPO fails to fill an assigned appointment to the MPO within 60 days after notification by the Governor of its duty to appoint a representative, that appointment shall be made by the Governor from the eligible individuals of that governmental entity.

Section 4.02. Terms. The term of office of members of the MPO shall be four years. The membership of a member who is a public official automatically terminates upon said official leaving the elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the governmental entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be appointed for one or more additional four year terms. Where Counties and Cities have elected to consolidate their memberships and weighted vote, the term of the representative member or members shall be no less than one year from the date of designation by the consolidated entity represented by the member or as outlined in the CRTPA bylaws.

ARTICLE 5

AUTHORITIES, POWERS, DUTIES AND RESPONSIBILITIES

Section 5.01. General authority. The MPO shall have all authorities, powers and duties, enjoy all rights, privileges, and immunities, exercise all responsibilities and perform all obligations necessary or appropriate to managing a continuing, cooperative, and comprehensive transportation planning process as specified in Section 339.175 (5) and (6), Florida Statutes.

Section 5.02. Specific authority and powers. The MPO shall have the following powers and authority:

(a) As provided in Section 339.175(6)(g), Florida Statutes, the MPO shall have an executive or staff director who reports directly to the MPO governing board for all matters regarding the administration and operation of the MPO and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by the MPO or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the MPO. Each MPO may enter into contracts with local or state agencies, private planning or private engineering firms, or other public or private entities to accomplish its transportation planning and programming and administrative functions;

(b) As provided in Section 163.01(14), Florida Statutes, the MPO may enter into contracts for the performance of service functions of public agencies;

(c) As provided in Section 163.01(5)(j), Florida Statutes, the MPO may acquire, own, operate, maintain, sell, or lease real and personal property;

(d) As provided in Section 163.01(5)(m), Florida Statutes, the MPO may accept gifts, grants, assistance funds, or bequests;

(e) The MPO may promulgate rules to effectuate its powers, responsibilities, and obligations enumerated herein; provided, that said rules do not supersede or conflict with applicable state laws, rules and regulations; and

(f) The MPO shall have such powers and authority as specifically provided in Sections 163.01 and 339.175, Florida Statutes, and as may otherwise be provided by federal or state law.

Section 5.03. Duties and responsibilities. The MPO shall have the following duties and responsibilities:

(a) As provided in Section 339.175(6)(d), Florida Statutes, the MPO shall create and appoint a technical advisory committee;

(b) As provided in Section 339.175(6)(e), Florida Statutes, the MPO shall create and appoint a citizens' advisory committee;

(c) As provided in Section 163.01(5)(o), Florida Statutes, the MPO membership shall be jointly and severally liable for liabilities, and the MPO may respond to such liabilities through the purchase of insurance or bonds, the retention of legal counsel, and, as appropriate, the approval of settlements of claims by its governing board;

- (d) As provided in Section 339.175(9), Florida Statutes, the MPO shall establish a budget which shall operate on a fiscal year basis consistent with any requirements of the Unified Planning Work Program;
- (e) The MPO, in cooperation with the Department, shall carry out the metropolitan transportation planning process as required by 23 CFR Parts 420 and 450, and 49 CFR Part 613, and consistent with Chapter 339.175, Florida Statutes, and other applicable state and local laws;
- (f) As provided in Section 339.175(10)(a), Florida Statutes, the MPO shall enter into written agreements, which shall be reviewed, and updated as necessary, every 5 years with the Department, operators of public transportation systems and the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan area. These agreements will prescribe the cooperative manner in which the transportation planning process will be coordinated and included in the comprehensively planned development of the area;
- (g) Prepare the Long-Range Transportation Plan;
- (h) In cooperation with the Department, prepare the Transportation Improvement Program;
- (i) In cooperation with the Department, prepare and annually update the Unified Planning Work Program;
- (j) Prepare a congestion management system for the metropolitan area and cooperate with the Department in the development of all other transportation management systems required by state or federal law;
- (k) Assist the Department in mapping transportation planning boundaries required by state or federal law;
- (l) Assist the Department in performing its duties relating to access management, functional classification of roads, and data collection;
- (m) Execute all certifications and agreements necessary to comply with state or federal law;
- (n) Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs;
- (o) Perform such other tasks presently or hereafter required by state or federal law; and
- (p) Adopt operating rules and procedures.

ARTICLE 6 ADMINISTRATION

Section 6.01. Generally. In addition to its function as the policy-making body of MPO, the Board shall have responsibility to approve the official MPO reports and take the official MPO actions required by Section 339.175, Florida Statutes. The Board Chairman shall serve as the principle administrative officer of the Board and shall have such additional duties and authority as described in the MPO bylaws. An Executive Director shall serve as the principal administration of MPO operations and staff, shall have responsibility for advising the

Board regarding official MPO business and administration. The Executive Director shall have responsibility for the day-to-day administration of MPO operations, supervision of MPO staff, consultants and contractors, establishment of procedures and operational policies governing MPO administration and staff, and such other responsibilities as are set forth in the MPO bylaws.

Section 6.02. Administrative Support. The MPO shall operate as an independent legal entity, employ its own staff, and enter into any contracts necessary or convenient for its operations and administration. The MPO may contract for office space and administrative support and, alternatively or additionally, enter into arrangements with one or more of the member cities or counties for such purposes, setting forth the nature, scope and terms of service and method of compensation therefore. Such compensation may be by direct payment, by credit against monies due under Section 7.01, or a combination thereof.

Section 6.03. Recommendations and Reports. The Executive Director shall have responsibility to ensure that the Board timely receives all necessary and appropriate recommendations and reports for the efficient performance of the MPO's obligations. Unless otherwise provided by law or MPO bylaws, all recommendations and reports by MPO staff, consultants, contractors, committees and advisory bodies shall be directed to the Executive Director, who will thereafter formulate a recommendation(s) or report to the Board for consideration and coordinate such staff and other presentations to the Board as appropriate.

Section 6.04 Delegation. The Board may, in accordance with MPO bylaws, delegate authority to one or more of its members to act on behalf of the Board as necessary for the efficient and effective performance of MPO obligations. The MPO bylaws shall provide procedures and criteria for such delegation, which shall ensure that such delegation is limited in scope and time appropriate for the intended purpose and as necessary to comply with law, and is subject to Board ratification or approval whenever practicable. Any such delegation shall be subject to the requirements of the Sunshine Law, when applicable. Additionally, the Board may, in accordance with MPO bylaws, delegate certain duties to the Executive Director, subject to such limitations in scope, direction and supervision by the Board as appropriate for the intended purpose and as necessary to comply with law.

Section 6.05 General Counsel. The MPO may employ a general counsel, who shall serve under contract and at the pleasure of the Board, providing legal counsel and services to the MPO and its Executive Director at the direction of the Board, the Board Chairman and the Executive Director.

ARTICLE 7 FUNDING; INVENTORY REPORT; RECORD-KEEPING

Section 7.01. Funding. Pursuant to Section 339.175(6)(f), Florida Statutes, the Department shall allocate to the MPO for its performance of its transportation planning and programming duties, an appropriate amount of federal transportation planning funds. The MPO will be responsible for the establishment of procedures and operational policies governing all other MPO funding allocations and responsibilities as set forth in the MPO bylaws.

Section 7.02. Inventory report. The MPO agrees to inventory, to maintain records of and to insure proper use, control, and disposal of all nonexpendable tangible property acquired pursuant to funding under this Agreement. This shall be done in accordance with the requirements of 23 CFR Part 420, 49 CFR Part 18, and all other applicable federal regulations.

Section 7.03. Record-keeping and document retention. The Department and the MPO shall prepare and

retain all records in accordance with the federal and state requirements, including but not limited to 23 CFR Part 420, 49 CFR Part 18, 49 CFR 18 and Chapter 119, Florida Statutes. The Executive Director or his designee shall be the custodian of official MPO records.

ARTICLE 8 MISCELLANEOUS PROVISIONS

Section 8.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 8.02. Amendment of Agreement. Amendments or modifications of this Agreement may only be made by written agreement signed by all parties here to with the same formalities as the original Agreement. No amendment may alter the apportionment or jurisdictional boundaries of the MPO without approval by the Governor.

Section 8.03. Duration; withdrawal procedure.

(a) Duration. This Agreement shall remain in effect until terminated by mutual agreement of all parties to this Agreement. The Governor shall review the composition of the MPO membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of Census, and reapportion it as necessary to comply with Section 339.175, Florida Statutes, as appropriate. During examination of the MPO apportionment by the Governor, this Agreement shall also be reviewed by the MPO and the Department to confirm the validity of the contents and to recommend amendments, if any, that are required.

(b) Withdrawal procedure. Any party, except Leon County and the City of Tallahassee and the United States Bureau of the Census designated center city(ies), may withdraw from this Agreement after presenting in written form a notice of intent to withdraw to the other parties to this Agreement and the MPO, at least 90 days prior to the intended date of withdrawal. Withdrawal of one or more members of this MPO shall not result in termination of this Agreement or the MPO. Unless agreed in writing by the remaining members of the MPO, withdrawal by a member shall be effective at the end of the MPO's fiscal year during which the memorandum of withdrawal was received, and any financial or other obligation of the withdrawing member shall remain in effect for the remainder of said fiscal year. Upon receipt of the intended notice of withdrawal:

(1) The withdrawing member and the MPO shall execute a memorandum reflecting the withdrawal of the member and alteration of the list of member governments that are signatories to this Agreement. The memorandum shall be filed in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located; and

(2) The Office of the Governor shall be contacted, and the Governor, with the agreement of the remaining members of the MPO, shall determine whether any reapportionment of the membership shall be appropriate. The Governor and the MPO shall review the previous MPO designation, applicable Florida and

local law, and MPO rules for appropriate revision. In the event that another entity is to accorded membership in the place of the member withdrawing from the MPO, the parties acknowledge that pursuant to 23 CFR 450.306(k), adding membership to the MPO does not automatically require redesignation of the MPO. In the event that a party who is not a signatory to this Agreement is accorded membership on the MPO, membership shall not become effective until this Agreement is amended to reflect that the new member has joined the MPO.

Section 8.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be as provided in the MPO bylaws.

Section 8.05. Interpretation.

(a) Drafters of Agreement. The Department and the members of the MPO were each represented by or afforded the opportunity for representation by legal counsel and participated in the drafting of this Agreement and in choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

(b) Severability. Invalidation of any one of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.

(c) Renumbering or Revisions to Statutory Provisions. To the extent that any statutory revisions occur between the date of this Interlocal Agreement and its five year review, it is the intent of the CRTPA to incorporate the changes or renumbering of the statutory provisions into this Interlocal Agreement.

(d) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word "shall" is mandatory, and "may" is permissive.

Section 8.06. Enforcement by parties hereto. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney's fees in connection with such proceeding.

Section 8.07. Agreement execution; Use of counterpart signature pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

Section 8.08. Effective date; Cost of recordation.

(a) Effective date. This Agreement shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located. Any amendment hereto shall become

effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located.

(b) Recordation. The Counties of GADSDEN, JEFFERSON, LEON and WAKULLA hereby agree to pay for any costs of recordation or filing of this Agreement in the Office of the Circuit Court for each county in which a party is hereto located. The recorded or filed original hereof, or any amendment, shall be returned to the MPO for filing in its records.

IN WITNESS WHEREOF, the undersigned parties have executed this Interlocal Agreement on behalf of the referenced legal entities and hereby establish the above designated MPO.

Signed, Sealed and Delivered in the presence of:

(Signature Pages To Follow)

Passed and adopted by the Board of County Commissioners of Gadsden County, this ____ day of _____, 2011.

Sherrie Taylor, Chair
Board of County Commissioners

ATTEST:
NICHOLAS THOMAS, CLERK OF THE COURT
GADSDEN COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
GADSDEN COUNTY ATTORNEY

BY: _____
Deborah Minnis, Esq.

Passed and adopted by the Board of County Commissioners of Jefferson County, this _____ day of _____, 2011.

Stephen Fulford, Chair
Board of County Commissioners

ATTEST:
KIRK REAMS, CLERK OF THE COURT
JEFFERSON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:

JEFFERSON COUNTY ATTORNEY

BY: _____
T. Buckingham Bird, Esq.

Passed and adopted by the Board of County Commissioners of Leon County, this _____ day of _____,
2011.

John E. Dailey, Chair
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____
Herbert W.A. Thiele, Esq.

Passed and adopted by the Board of County Commissioners of Wakulla County, this _____ day of _____,
2011.

Mike Stewart, Chair
Board of County Commissioners

ATTEST:
BRENT THURMOND, CLERK OF THE COURT
WAKULLA COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
WAKULLA COUNTY ATTORNEY

BY: _____
Heather Encinosa, Esq.

Passed and adopted by the Chattahoochee City Commission, this ____ day of _____, 2011.

Christopher Moultry
Mayor, City of Chattahoochee

ATTEST:
GAYLE LANIER, TREASURER, CLERK
CITY OF CHATTAHOOCHEE, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF CHATTAHOOCHEE

BY: _____
John D. House, Esq.

Passed and adopted by the Gretna City Commission, this _____ day of _____, 2011.

Clarence Jackson
Mayor, City of Gretna

ATTEST:
NICHOLAS THOMAS, TREASURER, CLERK
CITY OF GRETN, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF GRETNA

BY: _____
Harold Knowles, Esq.

Passed and adopted by the Midway City Commission, this _____ day of _____, 2011.

Charles Willis
Mayor, City of Midway

ATTEST:
FRANCES HARRELL, CLERK
CITY OF MIDWAY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF MIDWAY ATTORNEY

BY: _____
Henry Hunter, Esq.

Passed and adopted by the Monticello City Commission, this ____ day of _____, 2011.

John Jones
Mayor, City of Monticello

ATTEST:
EMILY ANDERSON, TREASURER, CLERK
CITY OF MONTICELLO, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF MONTICELLO

BY: _____
Bruce Leinback, Esq.

Passed and adopted by the Quincy City Commission, this ____ day of _____, 2011.

Derrick Elias
Mayor, City of Quincy

ATTEST:
SYLVIA HICKS, TREASURER, CLERK
CITY OF QUINCY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF QUINCY

BY: _____
Larry White, Esq.

Passed and adopted by the Sopchoppy City Commission, this _____ day of _____, 2011.

Colleen Q. Skipper
Mayor, City of Sopchoppy

ATTEST:
JACKIE LAWHON, TREASURER, CLERK
CITY OF SOPCHOPPY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF SOPCHOPPY

BY: _____
Dan Cox, Esq.

Passed and adopted by the St. Marks City Commission, this ____ day of _____, 2011.

Charles Shields
Mayor, City of St. Marks

ATTEST:
PHIL CANTNER, TREASURER, CLERK
CITY OF ST. MARKS, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF ST. MARKS

BY: _____
Ron Mowrey, Esq.

Passed and adopted by the Tallahassee City Commission, this _____ day of _____, 2011.

John Marks, Mayor
City of Tallahassee

ATTEST:
JAMES COOK, TREASURER, CLERK
CITY OF TALLAHASSEE, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF TALLAHASSEE ATTORNEY'S OFFICE

BY: _____
James R. English, Esq.

Passed and adopted by the Greensboro Town Council, this ____ day of _____, 2011.

William Pitts
Mayor, Town of Greensboro

ATTEST:
H. MAXWELL FLETCHER, TREASURER, CLERK
TOWN OF GREENSBORO, FLORIDA

BY: _____

APPROVED AS TO FORM:
TOWN OF GREENSBORO

BY: _____
Alan Jackson, Esq.

Passed and adopted by the Havana Town Council, this ____ day of _____, 2011.

T. J. Davis
Mayor, Town of Havana

ATTEST:
SHEILA EVANS, CLERK
TOWN OF HAVANA, FLORIDA

BY: _____

APPROVED AS TO FORM:
TOWN OF HAVANA

BY: _____
Alex Hinson, Esq.

Passed and adopted by the School Board of Leon County, this _____ day of _____, 2011.

Dee Crumpler, Chairman
School Board of Leon County

ATTEST:

BY: _____

APPROVED AS TO FORM:
SCHOOL BOARD OF LEON COUNTY

BY: _____
Jeff Wahlen, Esq.

Agreed to by the State of Florida Department of Transportation, this ____ day of _____, 2011.

Tommy Barfield
FDOT District III Secretary

ATTEST:

BY: _____
Executive Secretary

APPROVED AS TO FORM:
FDOT DISTRICT III, GENERAL COUNSEL

BY: _____
Samuel Henderson, Esq.

APPROVED AS TO FORM AND LEGALITY:
CRTPA GENERAL COUNSEL

BY: _____
Thornton Williams, Esq.

**AMENDED INTERLOCAL INTERLOCAL AGREEMENT CONCERNING THE
FORMATION AND OPERATION FOR CREATION OF THE
CAPITAL REGION TRANSPORTATION PLANNING AGENCY**

THIS AMENDED INTERLOCAL INTERLOCAL AGREEMENT is made and entered into this day of _____, 2011, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter DEPARTMENT); the COUNTIES OF LEON, GADSDEN, JEFFERSON, LEON and WAKULLA; the CITIES OF MIDWAY, QUINCY, HAVANA, CHATTAHOOCHEE, GRETNA, MIDWAY, MONTICELLO, QUINCY, SOPCHOPPY, ST. MARKS and TALLAHASSEE; the TOWNS OF GREENSBORO and HAVANA; and the LEON COUNTY SCHOOL BOARD.

RECITALS

WHEREAS, the Federal Government, under the authority of 23 U.S.C. United States Code 134 and 49 U.S.C. United States Code 5303, requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan area, and further requires the State Transportation Agency and the Metropolitan Planning Organization (MPO) to enter into an Agreement clearly identifying the responsibilities of each party for cooperatively carrying out such transportation planning; and

Formatted: Font: Bold

WHEREAS, the parties to this Interlocal Interlocal Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be properly located and developed in relation to the overall plan of community development; and

Formatted: Font: Bold

WHEREAS, 23 U.S.C. United States Code 134, as amended by the Intermodal Surface Transportation Efficiency Act of 1991 and the Transportation Equity Act for the Twenty-first Century (Public Law 105-178, 112 Stat. 107), 49 U.S.C. United States Code 5303-5307, 23 CFR Code of Federal Regulations 450.306, and Section 339.175, Florida Statutes, provide for the creation of Metropolitan Planning Organizations to develop transportation plans and programs for metropolitan areas; and

Formatted: Font: Bold

WHEREAS, pursuant to 23 U.S.C. United States Code 134(b), 49 U.S.C. United States Code 5303, 23 CFR Code of Federal Regulations 450.306(a), and Section 339.175, Florida Statutes, a determination has been made by the Governor and units of general purpose local government representing at least 75% of the affected population (including the central city or cities) in the metropolitan area to designate a Metropolitan Planning Organization; and

Formatted: Font: Bold

WHEREAS, pursuant to Section 339.175(4), Florida Statutes, the Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable MPO among the various governmental entities within the area; and

Formatted: Font: Bold

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

WHEREAS, pursuant to 23 CFR 450 and Section 339.175(2)(b), Florida Statutes, an Interlocal agreement must be entered into by the Department and the governmental entities designated by the Governor for membership on the MPO. The signatories to the Interlocal agreement shall be the Department and the governmental entities designated by the Governor for membership on the MPO; and

Formatted: Font: Bold

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt

~~WHEREAS, on October 16, 2000, THE DEPARTMENT OF TRANSPORTATION, LEON COUNTY, THE CITY OF TALLAHASSEE and THE LEON COUNTY SCHOOL BOARD entered into an interlocal agreement establishing the Tallahassee Leon County Metropolitan Planning Organization;~~

~~WHEREAS, on October 13, 2003, the Board of the Tallahassee Leon County Metropolitan Planning Organization approved a revised Planning Area Boundary to include portions of WAKULLA and GADSDEN COUNTIES, and the CITIES OF MIDWAY, QUINCY and HAVANA;~~

~~WHEREAS, on May 17, 2004, the Board of the Tallahassee Leon County Metropolitan Planning Organization approved a reapportionment plan in accordance with the revised Planning Area Boundary, which reapportionment plan was subsequently submitted to the Governor for approval;~~

~~WHEREAS, on June 21, 2004, the Board of the Tallahassee-Leon County Metropolitan Planning Organization approved a resolution changing the name of the MPO to the Capital Region Transportation Planning Agency (the CRTPA), without any change to its legal organization; and~~

Formatted: Font: Bold

~~WHEREAS, on January 12, 2009, the CRTPA Board approved a reapportionment plan in accordance with the revised Planning Area Boundary to include all of Gadsden, Jefferson, Leon and Wakulla Counties, which reapportionment plan was subsequently submitted to the Governor for approval; and~~

Formatted: Font: Bold

~~WHEREAS, pursuant to Section 339.175(4)(3), Florida Statutes, by letter to dated March 17, 2011, the Governor has agreed to the apportionment plan; and~~

Formatted: Font: Bold

~~Robert Raekleff, dated August 17, 2004, the Governor has agreed to the apportionment plan of the members of the proposed Metropolitan Planning Organization as set forth in this Agreement;~~

~~WHEREAS, pursuant to 23 Code of Federal Regulations 450.306(e), and Section 339.175(1)(b), Florida Statutes, an interlocal agreement must be entered into by the Department and the governmental entities designated by the Governor for membership on the MPO;~~

~~WHEREAS, the interlocal agreement is required to create the Capital Region Transportation Planning Agency-CRTPA and delineate the provisions for operation of the CRTPA as the MPO for this region; and~~

Formatted: Font: Bold

~~WHEREAS, the undersigned parties have determined that this Interlocal Agreement satisfies the requirements of and is consistent with Section 339.175(1)(b), Florida Statutes;~~

Formatted: Font: Bold

~~WHEREAS, pursuant to Section 339.175(2)(b), Florida Statutes, the interlocal agreement must be consistent with statutory requirements set forth in Section 163.01, Florida Statutes, relating to interlocal agreements; and~~

Formatted: Font: Bold

~~WHEREAS, the undersigned parties have determined that this Interlocal Agreement is consistent with the requirements of Section 163.01, Florida Statutes.~~

Formatted: Font: Bold

Formatted: No underline

Formatted: No underline

~~NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties desiring to be legally bound, do agree as follows:~~

Formatted: Font: Bold

**ARTICLE 1
RECITALS; DEFINITIONS**

Section 1.01. Recitals.—Each and all of the foregoing recitals are hereby incorporated herein and acknowledged to be true and correct to the best of the parties' knowledge. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

Section 1.02. Definitions. The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

Agreement means and refers to this instrument, as amended from time to time.

BOARD shall mean the governing board of the CAPITAL REGION TRANSPORTATION PLANNING AGENCY (CRTPA).

Congestion Management System means a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet state and local needs.

Formatted: Font: (Default) Times New Roman, 12 pt, Not Bold

Formatted: Font: (Default) Times New Roman, 12 pt

CRTPA means the Capital Region Transportation Planning Agency, which is the MPO formed pursuant to this Agreement.

DEPARTMENT shall mean and refer to the FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida created pursuant to Section 20.23, Florida Statutes.

FHWA means and refers to the Federal Highway Administration.

FTA means and refers to the Federal Transit Administration.

Functional Classification means the assignment of roads into systems according to the character of service they provide in relation to the total road network. Basic functional categories include arterial roads, collector roads, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.

Formatted: Font: Times New Roman, 12 pt

Formatted: Left

Long-Range Transportation Plan is the 20-year plan which: identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities, indicates proposed transportation enhancement activities; and in ozone/carbon monoxide nonattainment areas is coordinated with the State Implementation Plan, all as required by 23 U.S.C., USC Section 134(g), 23 CFR Section 450.322, Section 339.175(76), Florida Statutes.

Metropolitan Area means and refers to the planning area as delineated by the MPO for the urbanized area containing at least a population of 50,000 as described in 23 U.S.C. 134(b)(1), 49 U.S.C. Section 5303(e)(1), and Section 339.175, Florida Statutes, which shall be subject to the Metropolitan Planning Organization's planning authority.

MPO means Metropolitan Planning Organization and refers to the Capital Region Transportation Planning Agency-CRTPA which is the MPO formed pursuant to this Agreement.

Transportation Improvement Program (TIP) is the staged multi-year program of transportation improvement projects developed by a Metropolitan Planning Organization consistent with the Long-Range Transportation Plan and developed pursuant to title 23 U.S.C. ~~United States Code 134(h)~~, 49 U.S.C. ~~United States Code 5304~~, 23 CFR ~~Code of Federal Regulations 450.324~~ and Section 339.175, Florida Statutes.

Unified Planning Work Program (UPWP) is the annual program developed in cooperation with the Department and public transportation providers, that lists all planning tasks to be undertaken during a program year, together with a complete description of each planning task ~~thereof~~ and an estimated budget ~~therefore and~~ must comply with applicable state and federal law, all as required by 23 CFR 450.344, and Section 339.175(98), Florida Statutes.

Formatted: Indent: First line: 0", Line spacing: single, Tab stops: -1", Left + -0.5", Left + 0.5", Left + 1", Left + 1.5", Left + 2", Left + 2.5", Left + 3", Left + 3.5", Left + 4", Left + 4.5", Left + 5", Left + 5.5", Left + 6.5", Left + 7", Left + 7.5", Left + 8", Left + 8.5", Left + 9", Left + 9.5", Left + 10", Left + 10.5", Left + 11", Left + 11.5", Left + 12", Left + 12.5", Left + 13", Left + Not at 0.48" + 1.61" + 2.44" + 7.13"

**ARTICLE 2
PURPOSE**

Section 2.01. General Purpose. The purpose of this Agreement is to establish the Capital Region Transportation Planning Agency:

(a) To assist in the safe and efficient management, operation, and development of surface transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people, freight and goods within and through this metropolitan area of this state, foster economic growth and development within and through urbanized areas of this state and minimize, to the maximum extent feasible for transportation-related fuel consumption, ~~and~~ air pollution, and greenhouse gas emissions through metropolitan transportation planning processes;

(b) To develop transportation plans and programs, in cooperation with the state and public transit operators ~~Department~~, which plans and programs provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as multi-modal and an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1), Florida Statutes;

(c) To implement and ensure a continuing, cooperative, and comprehensive transportation planning process that considers all modes of transportation based on the complexity of the transportation problems to be addresses and results in coordinated plans and programs consistent with the comprehensively planned development of this affected metropolitan area in cooperation with the Department;

(d) To ensure that the process is integrated with the statewide planning process, the MPO shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state and regional transportation functions;

(e) To assure eligibility for the receipt of Federal capital and operating assistance pursuant to 23 U.S.C. 34 and 49 U.S.C. 5303, 5304, 5305 and 5306; and

(fe) To carry out the metropolitan transportation planning process, in cooperation with the Department, as required by 23 U.S.C. ~~134~~ and 49 U.S.C. ~~5303, 5304, 5305 and 5306~~; 23 CFR 420 and 450, and 49 CFR Part 613, ~~Subpart A~~; and consistent with Chapter 339, Florida Statutes, and other applicable state and local laws.

Section 2.02. Major MPO Responsibilities. —The MPO is intended to be a forum for cooperative decision making by officials of the governmental entities which are party to this Agreement in the development of transportation-related plans and programs, including but not limited to:

- (a) The Long-range Transportation Plan;
- (b) The Transportation Improvement Program;
- (c) The Unified Planning Work Program;
- (d) A congestion management system for the metropolitan area and cooperate with the Department in the development of all other transportation management systems as required by state or federal law;
- (e) Assisting the Department in mapping transportation planning boundaries required by state or federal law;
- (f) Assisting the Department in performing its duties relating to access management, functional classification of roads, and data collection; and
- (g) Execute all agreements or certifications necessary to comply with applicable state or federal law;
- (h) Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and
- (i) Performing such other tasks presently or hereafter required by state or federal law.

Formatted: No underline

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 0.68" + Indent at: 1.18"

Section 2.03. MPO decisions coordinated with the DEPARTMENT and consistent with comprehensive plans. Chapter 334, Florida Statutes, grants the broad authority for the Department’s role in transportation. Section 334.044, Florida Statutes, shows the legislative intent that the Department shall be responsible for coordinating the planning of a safe, viable and balanced state transportation system serving all regions of the State and to assure the compatibility of all components, including multimodal facilities. Section 339.155, Florida Statutes, requires the Department to develop and annually update a statewide transportation plan, which established and defines the state’s long-range transportation goals and objectives to be accomplished over a period of at least 20 years within the context of the State Comprehensive Plan, and considers, to the maximum extent feasible, strategic regional policy plans, MPO plans, and approved local government comprehensive plans. Section 339.175, Florida Statutes, specifies the authority and responsibility of the MPO and the Department in the management of a continuing, cooperative, and comprehensive transportation planning process for the metropolitan area.

In fulfillment of this purpose and in the exercise of the various powers granted by Chapters 334 and 339, Florida Statutes, the Department and all parties to this Agreement acknowledge that the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161-3215, Florida Statutes, are applicable to this Agreement. The parties to this Agreement shall take particular care that the planning processes and planning integrity of local governments as set forth in aforementioned law shall not be infringed upon.

ARTICLE 3 MPO ORGANIZATION AND CREATION

Section 3.01. Establishment of MPO. The MPO for the metropolitan area as described in the membership apportionment plan approved by the Governor is hereby created and established pursuant to the Agreement to carry out the purposes and functions set forth in Articles 2 and 5. The legal name of this Metropolitan Planning Organization shall be the Capital Region Transportation Planning Agency (CRTPA).

Section 3.02. Effect on Prior ~~Interlocal~~Interlocal Agreement. This Agreement supercedes and replaces the November 15, 2004, Interlocal Agreement between the FLORIDA DEPARTMENT OF TRANSPORTATION; the COUNTIES OF GADSDEN, LEON AND WAKULLA; the CITIES OF QUINCY, MIDWAY and TALLAHASSEE, the TOWN OF HAVANA; and the LEON COUNTY SCHOOL BOARD, upon the effective date of this Agreement. The November 15, 2004 ~~Interlocal~~Interlocal Agreement is ~~Agreement~~ superceded and replaced the October 16, 2000, ~~Interlocal~~Interlocal Agreement between THE DEPARTMENT OF TRANSPORTATION, LEON COUNTY, THE CITY OF TALLAHASSEE and THE LEON COUNTY SCHOOL BOARD, ~~upon the effective date of this Agreement.~~ Notwithstanding the foregoing, the legal existence of the MPO shall be continuous and all lawful and valid acts of the MPO and its Board and officials prior to the date of this Agreement are hereby ratified and acknowledged as valid and binding acts of the CRTPA ~~Capital Region Transportation Planning Agency.~~

Section 3.03. MPO to operate pursuant to law. —In the event that any election, referendum, approval, permit, notice, other proceeding or authorization is required under applicable law to undertake any power, duty, or responsibility hereunder, or to observe, assume, or carry out any of the provisions of this Agreement, the MPO will, to the extent of its legal capacity, comply with all applicable laws and requirements.

Section 3.04. Governing board to act as policy-making body of MPO. —The governing board established pursuant to Section 4.01 of this Agreement shall be the policy-making body of the MPO responsible for cooperative decision-making of actions taken by the MPO. The governing board is the policy-making body that is the forum for cooperative decision-making and will be taking the required approval action as the MPO.

Section 3.05. Submission of proceedings; Contracts and other documents. —Subject to the right to claim an exemption from the Florida Public Records Law, Chapter 119, Florida Statutes, the parties shall submit to each other such data, reports, records, contracts, and other documents relating to its performance as a metropolitan planning organization as is requested. Charges are to be in accordance with Chapter 119, Florida Statutes.

Section 3.06. Rights of review. —All parties to this Agreement, and the affected ~~F~~ederal funding agency (i.e., FHWA, FTA, and FAA) shall have the rights of technical review and comment of MPO projects.

ARTICLE 4 COMPOSITION; MEMBERSHIP; TERMS OF OFFICE

Section 4.01. Composition and membership of governing board.

(a) The membership of the MPO shall consist of voting representatives from ~~the Counties of Leon County, Gadsden Jefferson, Leon and Wakulla; the Cities of Chattahoochee, Gretna, Midway, Monticello, Quincy, Sopchoppy, St. Marks, and Tallahassee, the Leon County School Board, Gadsden County, Wakulla County, the City of Midway; the TownsCity of Greensboro and Havana; and the City of Quincy; the Leon County School Board;~~ and one non-voting representative from the Department of Transportation.

(1) The apportionment of the membership of the MPO is based on population distribution among the following ~~above~~ members, using weighted voting ~~as specifically outlined in the CRTPA bylaws~~. For Leon County and the City of Tallahassee, the number of voting points is determined by the number of voting members as agreed upon by the Leon County Board of County Commissioners and the City of Tallahassee respectively.

Governmental Entity	Voting/Non-Voting	Weighted Vote	Members
Leon County	Voting	42	*
City of Tallahassee	Voting	42	**
Leon County School Board	Voting	1	1
City of Midway	Voting	1	1
City of Havana	Voting	1	1
City of Quincy	Voting	2	1
Gadsden County	Voting	5	1
Wakulla County	Voting	6	1
Department of Transportation	Non-voting	0	1

*Number of members from County Commission to be designated by Leon County.

**Number of members from City Commission to be designated by City of Tallahassee.

~~Gadsden County and the Cities of Midway, Havana and Quincy have the option to consolidate their memberships and weighted vote into one or more memberships.~~

(2) The MPO may also provide for other non-voting advisors as outlined in the MPO bylaws.

(3) The Board shall have the authority to adopt bylaws concerning the governance and management of the ~~CRTPA~~MPO, including provisions governing Board meetings and votes, the authority of Board officers and the authority of ~~CRTPA~~MPO officials. The bylaws shall address:

(A) The weighted votes assigned to each member from the County Commission designated by Leon County and each member from City Commission to be designated by ~~the~~ City of Tallahassee.

(B) The weighted votes assigned to each representative of any consolidated membership of ~~Gadsden~~ the Counties of Gadsden, Jefferson, Leon and Wakulla; ~~and~~ the Cities of ~~Chattahoochee, Gretna, Midway, Monticello, Quincy, Sopchoppy, St. Marks, and Tallahassee; and the Towns of Greensboro and Havana, Midway, Havana and Quincy.~~

(C) Substitution and replacement of Board members.

(D) Such other matters as are necessary or convenient for the administration of the MPO.

(b) ~~The voting membership of an MPO shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the effected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 USC 134, may also provide for MPO members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the MPO.~~

(c) ~~All voting representatives shall be elected officials of general purpose local governments, except except that an MPO may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term "elected officials of a general-purpose local government" shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. for officials of an agency that operates or administers a major mode of transportation.~~ Where all members of a governing board of the county, the city, or authority are to be voting representatives on the MPO, each member shall become a representative on the MPO upon entering office. Otherwise, individuals acting as a representative of the governing board of the county, the city, or authority shall first be selected by said governing board.

(de) In no event shall the county commission representatives constitute less than one-third of the weighted vote of the MPO, ~~except for an MPO with more than 15 members located in a county with a 5-member county commission or an MPO with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the MPO membership, but all county commissioners must be members.~~

(e) ~~County commissioners shall compose not less than 20 percent of the MPO membership if an official of the agency that operates or administers a major mode of transportation has been appointed to an MPO.~~

(fd) ~~In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the MPO, they shall be provided voting membership on the MPO. Consortiums of municipalities may organize to appoint voting members who alternate each year.~~

(g) ~~In the event that a governmental entity that is a member of the MPO fails to fill an assigned appointment to the MPO within sixty-60 days after notification by the Governor of its duty to appoint a representative, that appointment shall be made by the Governor from the eligible individuals of that governmental entity.~~

Section 4.02. Terms. The term of office of members of the MPO shall be four years. The membership of a member who is a public official automatically terminates upon said official leaving the elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the governmental entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be appointed for one or more additional four year terms. Where ~~Gadsden Counties~~ and ~~the Cities have of Midway, Havana and Quincy~~ elected to consolidate their memberships and weighted vote, the term of the representative member or members shall be no less than one year from the date of designation by the consolidated entity represented by the member ~~or as outlined in the CRTPA bylaws.~~

ARTICLE 5 AUTHORITIES, POWERS, DUTIES AND RESPONSIBILITIES

Section 5.01. General authority. The MPO shall have all authorities, powers and duties, enjoy all rights, privileges, and immunities, exercise all responsibilities and perform all obligations necessary or appropriate to managing a continuing, cooperative, and comprehensive transportation planning process as specified in Section 339.175(4) and (5) and (6), Florida Statutes.

Section 5.02. Specific authority and powers. The MPO shall have the following powers and authority:

(a) As provided in Section 339.175(65)(g), Florida Statutes, the MPO shall have an executive or staff director who reports directly to the MPO governing board for all matters regarding the administration and operation of the MPO and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by the MPO or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the MPO. ~~may employ personnel. Each MPO and/or~~ may enter into contracts with local or state agencies, ~~and private planning or private engineering firms, or other public or private entities to accomplish its transportation planning and programming and administrative functions; to utilize the staff resources of local and/or state agencies;~~

(b) As provided in Section 163.01(14), Florida Statutes, the MPO may enter into contracts for the performance of service functions of public agencies;

(c) As provided in Section 163.01(5)(j), Florida Statutes, the MPO may acquire, own, operate, maintain, sell, or lease real and personal property;

(d) As provided in Section 163.01(5)(m), Florida Statutes, the MPO may accept gifts, funds, grants, assistance funds, gifts or bequests ~~from local, State, and Federal resources;~~

(e) The MPO may promulgate rules to effectuate its powers, responsibilities, and obligations enumerated herein; provided, that said rules do not supersede or conflict with applicable state laws, rules and regulations; and

(f) The MPO shall have such powers and authority as specifically provided in Sections 163.01 and 339.175, Florida Statutes, and as may otherwise be provided by federal or state law.

Section 5.03. Duties and responsibilities. The MPO shall have the following duties and responsibilities:

(a) As provided in Section 339.175(65)(d), Florida Statutes, the MPO shall create and appoint a technical advisory committee;

(b) As provided in Section 339.175(65)(e), Florida Statutes, the MPO shall create and appoint a citizens' advisory committee;

(c) As provided in Section 163.01(5)(o), Florida Statutes, the MPO membership shall be jointly and severally liable for liabilities, and the MPO may respond to such liabilities through the purchase of insurance or bonds, the retention of legal counsel, and, as appropriate, the approval of settlements of claims by its governing board;

(d) As provided in Section 339.175(98), Florida Statutes, the MPO shall establish a budget which shall operate on a fiscal year basis consistent with any requirements of the Unified Planning Work Program;

(e) The MPO, in cooperation with the Department, shall carry out the metropolitan transportation planning process as required by 23 CFR Parts 420 and 450, and 49 CFR Part 613, ~~Subpart A,~~ and consistent with Chapter 339.175, Florida Statutes, and other applicable state and local laws;

(f) As provided in Section 339.175(109)(a), Florida Statutes, the MPO shall enter into written

agreements, which shall be reviewed, and updated as necessary, every 5 years with the Department, operators of public transportation systems and the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan area. These agreements will prescribe the cooperative manner in which the transportation planning process will be coordinated and included in the comprehensively planned development of the area;

(g) Prepare the Long-Range Transportation Plan;

(h) In cooperation with the Department, prepare the Transportation Improvement Program;

(i) In cooperation with the Department, prepare and annually update the Unified Planning Work Program;

(j) Prepare a congestion management system for the metropolitan area and cooperate with the Department in the development of all other transportation management systems required by state or federal law;

(k) Assist the Department in mapping transportation planning boundaries required by state or federal law;

(l) Assist the Department in performing its duties relating to access management, functional classification of roads, and data collection;

(m) Execute all certifications and agreements necessary to comply with state or federal law;

(n) Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs;

(o) Perform such other tasks presently or hereafter required by state or federal law; and

~~(n) Execute certifications and agreements necessary to comply with state or federal law; and~~

(p) Adopt operating rules and procedures.

ARTICLE 6 ADMINISTRATION

Section 6.01. Generally. In addition to its function as the policy-making body of MPO, the Board shall have responsibility to approve the official MPO reports and take the official MPO actions required by Section 339.175, Florida Statutes. The Board Chairman shall serve as the principle administrative officer of the Board and shall have such additional duties and authority as described in the MPO bylaws. An Executive Director shall serve as the principal administration of MPO operations and staff, shall have responsibility for advising the Board regarding official MPO business and administration. The Executive Director shall have responsibility for the day-to-day administration of MPO operations, supervision of MPO staff, consultants and contractors, establishment of procedures and operational policies governing MPO administration and staff, and such other responsibilities as are set forth in the MPO bylaws.

Section 6.02. Administrative Support. The MPO shall operate as an independent legal entity, employ its own staff, and enter into any contracts necessary or convenient for its operations and administration. The MPO may contract for office space and administrative support and, alternatively or additionally, enter into

arrangements with one or more of the member cities or counties for such purposes, setting forth the nature, scope and terms of service and method of compensation therefore. Such compensation may be by direct payment, by credit against monies due under Section 7.01, or a combination thereof.

Section 6.03. Recommendations and Reports. The Executive Director shall have responsibility to ensure that the Board timely receives all necessary and appropriate recommendations and reports for the efficient performance of the MPO's obligations. Unless otherwise provided by law or MPO bylaws, all recommendations and reports by MPO staff, consultants, contractors, committees and advisory bodies shall be directed to the Executive Director, who will thereafter formulate a recommendation(s) or report to the Board for consideration and coordinate such staff and other presentations to the Board as appropriate.

Section 6.04 Delegation. The Board may, in accordance with MPO bylaws, delegate authority to one or more of its members to act on behalf of the Board as necessary for the efficient and effective performance of MPO obligations. The MPO bylaws shall provide procedures and criteria for such delegation, which shall ensure that such delegation is limited in scope and time appropriate for the intended purpose and as necessary to comply with law, and is subject to Board ratification or approval whenever practicable. Any such delegation shall be subject to the requirements of the Sunshine Law, when applicable. Additionally, the Board may, in accordance with MPO bylaws, delegate certain duties to the Executive Director, subject to such limitations in scope, direction and supervision by the Board as appropriate for the intended purpose and as necessary to comply with law.

Section 6.05 General Counsel. The MPO may employ a general counsel, who shall serve under contract and at the pleasure of the Board, providing legal counsel and services to the MPO and its Executive Director at the direction of the Board, the Board Chairman and the Executive Director.

ARTICLE 7 FUNDING; INVENTORY REPORT; RECORD-KEEPING

Section 7.01. Funding. — Pursuant to Section 339.175(6)(f), Florida Statutes, ~~the~~ Department shall allocate to the MPO for its performance of its transportation planning and programming duties, an appropriate amount of federal transportation planning funds. The MPO will be responsible for the establishment of procedures and operational policies governing all other MPO funding allocations and responsibilities as set forth in the MPO bylaws.

~~To the extent that funding allocated for MPO operations is exceeded by expenses, the balance shall be funded by the members, with the exception of the Leon County School Board, in proportion to their weighted vote without consideration of the weighted vote of the Leon County School Board. The Leon County School Board shall provide in-kind services in lieu of direct funding for MPO operations. Unless otherwise agreed by the parties hereto, any change in the weighted voting occurring during the MPO's fiscal year shall result in a proration of financial responsibility of the members.~~

Section 7.02. Inventory report. The MPO agrees to inventory, to maintain records of and to insure proper use, control, and disposal of all nonexpendable tangible property acquired pursuant to funding under this Agreement. This shall be done in accordance with the requirements of 23 CFR Part 420, ~~Subpart A~~, 49 CFR Part 18, ~~Subpart C~~, and all other applicable federal regulations.

Section 7.03. Record-keeping and document retention. The Department and the MPO shall prepare and retain all records in accordance with the federal and state requirements, including but not limited to 23 CFR Part 420, ~~Subpart A~~, 49 CFR Part 18, ~~Subpart C~~, 49 CFR 18.42, and Chapter 119, ~~F.S.~~ Florida Statutes. The

Executive Director or his designee shall be the custodian of official MPO records.

ARTICLE 8 MISCELLANEOUS PROVISIONS

Section 8.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 8.02. Amendment of Agreement.—Amendments or modifications of this Agreement may only be made by written agreement signed by all parties here to with the same formalities as the original Agreement. No amendment may alter the apportionment or jurisdictional boundaries of the MPO without approval by the Governor.

Section 8.03. Duration; withdrawal procedure.

(a) Duration.—This Agreement shall remain in effect until terminated by mutual agreement of all parties to this Agreement. The Governor shall review the composition of the MPO membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of Census, and reapportion it as necessary; provided, however, that by no later than January 1, 2010, and at least every five years thereafter, the Governor shall examine the composition of the MPO membership and reapportion it as necessary to comply with Section 339.175, Florida Statutes, as appropriate. During examination of the MPO apportionment every five years by the Governor, this Agreement shall also be reviewed by the MPO and the Department to confirm the validity of the contents and to recommend amendments, if any, that are required.

(b) Withdrawal procedure.—Any party, except Leon County and the City of Tallahassee and the United States Bureau of the Census designated center city(ies), may withdraw from this Agreement after presenting in written form a notice of intent to withdraw to the other parties to this Agreement and the MPO, at least 90 days prior to the intended date of withdrawal. Withdrawal of one or more members of this MPO shall not result in termination of this Agreement or the MPO. Unless agreed in writing by the remaining members of the MPO, withdrawal by a member shall be effective at the end of the MPO's fiscal year during which the memorandum of withdrawal was received, and any financial or other obligation of the withdrawing member shall remain in effect for the remainder of said fiscal year. Upon receipt of the intended notice of withdrawal:

(1) The withdrawing member and the MPO shall execute a memorandum reflecting the withdrawal of the member and alteration of the list of member governments that are signatories to this Agreement. The memorandum shall be filed in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located; and

(2) The Office of the Governor shall be contacted, and the Governor, with the agreement of the remaining members of the MPO, shall determine whether any reapportionment of the membership shall be appropriate. The Governor and the MPO shall review the previous MPO designation, applicable Florida and local law, and MPO rules for appropriate revision. In the event that another entity is to accord membership in the place of the member withdrawing from the MPO, the parties acknowledge that pursuant to 23 CFR 450.306(k), adding membership to the MPO does not automatically require redesignation of the MPO. In the event that a party who is not a signatory to this Agreement is accorded membership on the MPO, membership

shall not become effective until this Agreement is amended to reflect that the new member has joined the MPO.

Section 8.04. Notices.—All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be as provided in the MPO bylaws. ~~follows, addressed to the then-current incumbent:~~

Mayor
City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301

City Attorney
City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301

~~Chairperson
Leon County Board of County Commissioners
215 S. Monroe Street
Tallahassee, Florida 32301~~

~~County Attorney
Leon County
215 S. Monroe Street
Tallahassee, Florida 32301~~

~~Chairperson
Gadsden County Board of Commissioners
9-B East Jefferson Street
Post Office Box 1799
Quincy, Florida 32353-1799~~

~~Chairperson
Wakulla County Board of County Commissioners
3093 Crawfordville Highway
Post Office Box 1263
Crawfordville, FL 32326~~

~~Mayor
City of Quincy
404 W. Jefferson Street
Quincy, Florida 32351-2328~~

~~Director, City of Quincy Building
and Planning Department
404 West Jefferson Street
Quincy, FL 32351~~

~~Mayor
City of Midway
Post Office Box 438
Midway, FL 32343~~

~~City Manager
City of Midway
Post Office Box 438
Midway, FL 32343~~

~~Mayor
City of Havana
P. O. Box 1068
Havana, FL 32333~~

Formatted: Line spacing: Multiple 0.96 li, No widow/orphan control, Tab stops: 3.75", Centered + 3.78", Left + 6.31", Left + 7.13", Left

Chairperson
Leon County School Board
2757 W. Pensacola Street
Tallahassee, Florida 32304

Formatted: Font color: Black

District III Secretary
Florida Department of Transportation
Post Office Box 607
Chipley, Florida 32428

Executive Director
Capital Region Transportation
Planning Agency

Formatted: Tab stops: 3.75", Centered + Not at 0" + 0.88" + 1.63" + 2.06" + 2.88"

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address and addressee.

Section 8.05. Interpretation.

(a) Drafters of Agreement.—The Department and the members of the MPO were each represented by or afforded the opportunity for representation by legal counsel and participated in the drafting of this Agreement and in choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

(b) Severability.—Invalidation of any one of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.

(c) Renumbering or Revisions to Statutory Provisions. To the extent that any statutory revisions occur between the date of this Interlocal Agreement and its five year review, it is the intent of the CRTPA to incorporate the changes or renumbering of the statutory provisions into this Interlocal Agreement.

(d) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word “shall” is mandatory, and “may” is permissive.

Section 8.06. Enforcement by parties hereto. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney’s fees in connection with such proceeding.

Section 8.07. Agreement execution; Use of counterpart signature pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be

deemed to be an original, and such counterparts together shall constitute one and the same instrument.

Section 8.08. Effective date; Cost of recordation.

(a) Effective date. This Agreement shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party hereto is located. Any amendment hereto shall become effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located.

(b) Recordation. The Counties of ~~LEON~~, GADSDEN, ~~JEFFERSON, LEON~~ and WAKULLA hereby agree to pay for any costs of recordation or filing of this Agreement in the Office of the Circuit Court for each county in which a party is hereto located. The recorded or filed original hereof, or any amendment, shall be returned to the MPO for filing in its records.

IN WITNESS WHEREOF, the undersigned parties have executed this ~~Interlocal~~Interlocal Agreement on behalf of the referenced legal entities and hereby establish the above designated MPO.

Signed, Sealed and Delivered in the presence of:

(Signature Pages To Follow)

Passed and adopted by the Board of County Commissioners of Gadsden County, this _____ day of _____, 2011.

Sherrie Taylor, Chair
Board of County Commissioners

ATTEST:
NICHOLAS THOMAS, CLERK OF THE COURT
GADSDEN COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
GADSDEN COUNTY ATTORNEY

BY: _____
Deborah Minnis, Esq.

Passed and adopted by the Board of County Commissioners of Jefferson County, this _____ day of _____, 2011.

Stephen Fulford, Chair
Board of County Commissioners

ATTEST:
KIRK REAMS, CLERK OF THE COURT
JEFFERSON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
JEFFERSON COUNTY ATTORNEY

BY: _____
T. Buckingham Bird, Esq.

Passed and adopted by the Board of County Commissioners of Leon County, this _____ day of _____,
2011.

John E. Dailey, Chair
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____
Herbert W.A. Thiele, Esq.

Passed and adopted by the Board of County Commissioners of Wakulla County, this _____ day of _____, 2011.

Mike Stewart, Chair
Board of County Commissioners

ATTEST:
BRENT THURMOND, CLERK OF THE COURT
WAKULLA COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
WAKULLA COUNTY ATTORNEY

BY: _____
Heather Encinosa, Esq.

Passed and adopted by the Chattahoochee City Commission, this _____ day of _____, 2011.

Christopher Moultry
Mayor, City of Chattahoochee

ATTEST:
GAYLE LANIER, TREASURER, CLERK
CITY OF CHATTAHOOCHEE, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF CHATTAHOOCHEE

BY: _____
John D. House, Esq.

Passed and adopted by the Gretna City Commission, this _____ day of _____, 2011.

Clarence Jackson
Mayor, City of Gretna

ATTEST:
NICHOLAS THOMAS, TREASURER, CLERK
CITY OF GRETNA, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF GRETNA

BY: _____
Harold Knowles, Esq.

Passed and adopted by the Midway City Commission, this _____ day of _____, 2011.

Charles Willis
Mayor, City of Midway

ATTEST:
FRANCES HARRELL, CLERK
CITY OF MIDWAY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF MIDWAY ATTORNEY

BY: _____
Henry Hunter, Esq.

Passed and adopted by the Monticello City Commission, this _____ day of _____, 2011.

John Jones
Mayor, City of Monticello

ATTEST:
EMILY ANDERSON, TREASURER, CLERK
CITY OF MONTICELLO, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF MONTICELLO

BY: _____
Bruce Leinback, Esq.

Passed and adopted by the Quincy City Commission, this ____ day of _____, 201104.

Derrick Elias
Mayor, City of Quincy

ATTEST:
SYLVIA HICKS, TREASURER, CLERK
CITY OF QUINCY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF QUINCY

BY: Larry WhiteJack McLane, Esq.

Passed and adopted by the Sopchoppy City Commission, this _____ day of _____, 2011.

Colleen Q. Skipper
Mayor, City of Sopchoppy

ATTEST:
JACKIE LAWHON, TREASURER, CLERK
CITY OF SOPCHOPPY, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF SOPCHOPPY

BY: _____
Dan Cox, Esq.

Passed and adopted by the St. Marks City Commission, this _____ day of _____, 2011.

Charles Shields
Mayor, City of St. Marks

ATTEST:
PHIL CANTNER, TREASURER, CLERK
CITY OF ST. MARKS, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF ST. MARKS

BY: _____
Ron Mowrey, Esq.

Passed and adopted by the Tallahassee City Commission, this _____ day of _____, 2011.

John Marks, Mayor
City of Tallahassee

ATTEST:
JAMES COOK, TREASURER, CLERK
CITY OF TALLAHASSEE, FLORIDA

BY: _____

APPROVED AS TO FORM:
CITY OF TALLAHASSEE ATTORNEY'S OFFICE

BY: _____
James R. English, Esq.

Passed and adopted by the Greensboro Town Council, this _____ day of _____, 2011.

William Pitts
Mayor, Town of Greensboro

ATTEST:
H. MAXWELL FLETCHER, TREASURER, CLERK
TOWN OF GREENSBORO, FLORIDA

BY: _____

APPROVED AS TO FORM:
TOWN OF GREENSBORO

BY: _____
Alan Jackson, Esq.

Passed and adopted by the Havana ~~Town Council~~ City Commission, this ____ day of _____, 2011~~04~~.

T. J. Davis
Mayor, ~~Town~~ City of Havana

ATTEST:
~~SHEILA EVANS~~ KAREN MYRICK, FINANCIAL DIRECTOR, CLERK
~~TOWN~~ CITY OF HAVANA, FLORIDA

BY: _____

APPROVED AS TO FORM:
~~TOWN~~ CITY OF HAVANA

BY: _____
Alex Hinson, Esq.

Passed and adopted by the School Board of Leon County, this ____ day of _____, 201104.

~~Dee Crumpler~~ Sheila Costigan, Chairman
School Board of Leon County

ATTEST:

BY: _____

APPROVED AS TO FORM:
SCHOOL BOARD OF LEON COUNTY

BY: _____
Jeff Wahlen, Esq.

Agreed to by the State of Florida Department of Transportation, this ____ day of _____, 201104.

Tommy Barfield~~Edward Prescott~~
FDOT District III Secretary

ATTEST:

BY: _____
Executive Secretary

APPROVED AS TO FORM:
FDOT DISTRICT III, GENERAL COUNSEL

BY: Samuel Henderson~~Bob Deal~~, Esq.

APPROVED AS TO FORM AND LEGALITY:
CRTPA GENERAL COUNSEL

BY: _____
Thornton Williams, Esq.

MEMORANDUM

TO: Harry Reed, CRTPA Executive Director

FROM: Thornton Williams/Stacey McMillian

RE: Variable Weighted Voting Procedures

DATE: October 6, 2011

Issue: Is there anything in federal or state law, Robert Rules of Procedure or any other supporting MPO documents (Bylaws, Interlocal Agreements, Apportionment Plan), that precludes or prohibits the utilization of variable weighted voting for the City or County Commissions' membership on the CRTPA Board?

Answer: No. The above documents are all silent on the issue of whether the City of Tallahassee and the Leon County can utilize a variable weighted voting process for determining the percentage of weight each member's vote will have on the Board.

Analysis: Both the federal statute (23 U.S.C 134) and state statute (section 339.175, Florida Statutes) are silent as to this issue. In fact, the only direction in law as to how votes will be distributed among the different bodies that encompass the MPO is that as a general rule County Commission members shall not compose less than one-third of the MPO membership. In fact, the statute seems to suggest that the interlocal agreement and/or the bylaws will prescribe what the MPO membership composition will resemble.

Section 339.175(3), Florida Statutes, which governs *Voting Membership* states:

3) VOTING MEMBERSHIP.—

- (a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. . . County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a 5-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-

third percent of the M.P.O. membership, but all county commissioners must be members.

Additionally, section 339.175(4), Florida Statutes, which governs *Apportionment* states:

(4) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area. At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. **The method shall be set forth as a part of the interlocal agreement describing the M.P.O.'s membership or in the M.P.O.'s operating procedures and bylaws.** The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials.

Upon review of this section, Section 339.174, Florida Statutes is silent on the issue of variable weighted voting. However, note it appears all County Commissioners must be members of the MPO.

Likewise, a review of the Robert Rules of Procedure, which will govern the CRTPA Board meeting procedures pursuant to the bylaws, is also silent as to the utilization of variable weighted voting for membership determination. The only assistance the Rules provide is to state that, “a quorum of an assembly is such a number as must be present in order that business can be legally transacted. The quorum refers to the number present, not to the number voting.”

According to *Black's Law Dictionary*, the word 'quorum' is defined as follows:

quorum, n. The minimum number of members (usu. a majority) who must be present for a body to transact business or take a vote.

And the word 'majority' is defined as follows:

majority, n. A number that is more than half of a total; a group of more than 50 percent.

One of the issues to be addressed is how the variable weighted voting approach will affect the quorum.

Next, we reviewed all the other MPO supporting documentation, including the Governor approved Apportionment Plan, the Interlocal Agreement and the Bylaws for direction as to the issue of variable weighted voting.

Specifically, a review of the Apportionment Plan shows that pursuant to 339.175 (3) (a), Florida Statutes, the voting membership of an MPO is apportioned on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The current Apportionment Plan consists of a weight vote based on population from the 2000 Census.

The methodology used to distribute the membership of the CRTPA is calculated based on the percentage of the population representing the weighted vote of the membership, with one exception. Since the inception of the MPO, the CRTPA, Leon County and the City of Tallahassee have been equal partners, with a weighted vote scheme that has always balanced the two members voted to be an equal share. Although the population distribution indicates that the City has a higher population than unincorporated Leon County, the partnership established over thirty-three years ago is still in effect today.

Since 2004, Leon County and the City of Tallahassee have both had the option to divide its voting points among its appointed commissioners. With the 2007 expansion, this option still remained in effect. The CRTPA approved this Apportionment Plan on November 19, 2007 and resolutions of support from all members supported this continued determination that the number of voting points is determined by the number of voting members as agreed upon by the Leon County Board of County Commissioners and the City of Tallahassee.

On January 12, 2009, the CRTPA Board approved a Reapportionment Plan in accordance with the revised Planning Area Boundary to include all of Gadsden, Jefferson, Leon and Wakulla Counties, which was submitted to the Governor for approval. On March 17, 2011, the Governor agreed to the Reapportionment plan.

The current weighted vote of the voting members is as follows:

Governmental Entity	Number of Members	Voting Points
Leon County School Board	1	1
Jefferson County *	1	4
Gadsden Cities **	1	5
Wakulla County ***	1	7
Gadsden County	1	9
Leon County ****	-	37
City of Tallahassee *****	-	37
Total		100

- * The County Representative will also represent the City of Monticello.
- ** The Cities of Chattahoochee, Greensboro, Gretna, Havana, Midway and Quincy will consolidate their membership and weighted vote into one membership.
- *** The County Representative will also represent the Cities of St. Marks and Sopchoppy.
- **** The number of voting members is determined by the Leon County.
- ***** The number of voting members is determined by the City of Tallahassee.

As provided in Section 4.01(a)(1) of the Interlocal Agreement, for Leon County and the City of Tallahassee, the number of voting points is determined by the number of voting members as agreed upon by the Leon County Board of County Commissioners and the City of Tallahassee respectively. Presently, the Leon County Commission has allocated all of its votes among all its members and the City of Tallahassee has allocated all of its votes among three members. The City of Tallahassee and Leon County commissions may change the number of their members to serve as members of the CRTPA Board no more than once annually.

Similarly, a review of the executed November 2004 Interlocal Agreement and the November 2006 Bylaws reflect this methodology of membership for the MPO. The only additional requirements seen are that the Interlocal Agreement requires that in no event shall County Commission representatives constitute less than one-third of the weighted vote of the MPO. In turn, the Bylaws require that the City of Tallahassee and Leon County commissions can change the number of their members to serve as members of the CRTPA Board no more than once annually.

Other MPOs Voting Practice

Nationally MPOs vary significantly in their structure and representation, which largely depends on unique local needs. In a Hampton Roads MPO Best Practices Study to identify best practices being used by other MPOs identifying and interviewing 37 Peer MPOs,¹ it was determined that the use of weighted voting is an independent decision made by each MPO (local preferences and desires dictate).

In addition, there were no specific standard or best practices that could be clearly defined. In fact, a majority of the peer MPOs surveyed (70%) do not use weighted voting. The weighted vote option is allowed but seldom ever used. In turn, while every vote is considered a weighted vote, the determination as to what percentage each vote must represent is not addressed.

Recommendation: Based on the above analysis and review of all the relevant law and

¹ http://www.hrtpo.org/Presentations/2008/Dec08/07_MPO_Best_Practices_Summary.pdf

documents associated with the creation of CRTPA, it is our recommendation that Leon County and the City of Tallahassee be allowed to present a plan to CRTPA regarding the use of a variable weighted voting composition for their membership on the CRTPA for approval by each of the bodies on the Board. The CRTPA can then determine if any restrictions or minimum requirements as to the weighted variable voting should be put in place for Board approval.

A recommended procedural process is attached for the Board's consideration (Attachment A).

ATTACHMENT A
PROCESS FOR VARIABLE WEIGHTED VOTING

Procedure

1. If CRTPA Board approves the decision to allow a weighted variable voting scheme for Leon County and the City of Tallahassee, they will have to take this issue back to their respective County and City Commissions for formal authorization to allow their votes to be used in a variable weighted voting structure.
2. Once the County and City Commissions approve the utilization of the weighted variable voting scheme, the CRTPA Board would then need to develop and vote on the formal process for how the variable weighted voting scheme would be applied.
3. The below are issues for the CRTPA Board to discuss and resolve assuming that a variable weighted voting process is approved for application:
 - a. What is the minimum fixed number of representatives that must be present at the CRTPA Board meeting for Leon County and the City of Tallahassee respectively for the Board to transact formal business under the variable weighted voting concept (establishment of a quorum).
 - b. In our opinion, to provide stability and consistency, there must be a clearly delineated point where the variable vote is for a particular meeting. At that point, the vote is “fixed” for the rest of the meeting. The question thus becomes when is the vote at the CRTPA Board meeting for members changed from a variable percentage to a fixed percentage (i.e., when is the number of members locked in). The options for consideration are:
 - i. When the Call to Order is made.
 - ii. When the first actual vote occurs.
 - iii. When the first substantive vote occurs (i.e., when Board votes to pull an item from the consent agenda for discussion or at discussion of the first agenda item). This is a conceptual option but may not be a practical option.

AGENDA ITEM 8
WRAP-UP AND ADJOURN