



**LEE COUNTY
METROPOLITAN PLANNING ORGANIZATION
BYLAWS**

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CHAPTER 1

ORGANIZATION

1.01 GENERAL

- (1) The purpose of these bylaws is to inform the public of the nature of the Metropolitan Planning Organization's business, operations, delegation of authority, internal organization and other related matters. Additionally, the intent is to provide procedures and policies for the Metropolitan Planning Organization in order to allow it to fulfill the requirements of the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, as amended, and subsequent laws setting forth requirements for transportation planning for all modes of travel and to insure the accomplishment of the planning tasks within a cooperative framework properly related to comprehensive planning on a continual basis.
- (2) Section 339.175, *Florida Statutes*, specifies the authority and responsibility of the Metropolitan Planning Organization and the Florida Department of Transportation for the management of the continuing, cooperative and comprehensive transportation planning process for the urbanized area that is consistent with the federal laws and regulations.
- (3) The Metropolitan Planning Organization shall operate in accordance with applicable provisions of the Uniform Rules of Procedure adopted by the Florida Administration Commission pursuant to subsection 120.54(5), *Florida Statutes*. In the event of a conflict, the Uniform Rules of Procedure shall take precedence over the provisions of these Bylaws.

1.02 **THE AGENCY** The Metropolitan Planning Organization consists of the appointed members, voting and non-voting, of the Metropolitan Planning Organization.

1.03 **THE AGENCY HEAD** The agency head is the collegial body of voting members of the Metropolitan Planning Organization.

1.04 GENERAL DESCRIPTION OF THE METROPOLITAN PLANNING ORGANIZATION

(1) Voting Members

- (a) **Apportionment of Membership** Pursuant to Section 339.175, *Florida Statutes*, the Governor of the State of Florida is authorized to designate and apportion the voting membership among the governmental entities that shall constitute the Metropolitan Planning Organization based on an equitable population ratio and geographic factors. As reapportioned and approved by all participating parties on December 16, 2009, the Metropolitan Planning Organization shall consist of the following voting members:

Designated Local Government Entities	Apportioned Number of Members
Lee County	5
Fort Myers	3
Sanibel	1
Cape Coral	4
Fort Myers Beach	1
Bonita Springs	2

- (b) **Regular Members** The governmental body of each governing entity so designated shall appoint the appropriate number of members to the Metropolitan Planning Organization from eligible officials. The Governor shall appoint individual members only when the local entity involved fails to appoint a member as required by law. Metropolitan Planning Organization members shall serve a term of four (4) years. Membership shall be terminated upon the member leaving his/her elective or appointed office for any reason or by a majority vote of the total membership of the county or city governing body represented by the members. Vacancies shall be filled by the original appointing body. Members may be appointed for one or more additional four (4) year terms.
- (c) **Alternate Members** If desired, an Metropolitan Planning Organization member governmental entity may appoint, in accordance with procedures prescribed by the Governor, an alternate for one or more of its regular Metropolitan Planning Organization members. The alternate member must be an elected official and serve the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves, as authorized in Section 339.175(3)(a), *Florida Statutes*. An alternate voting member's term shall be for no longer than the term of the voting member he or she represents as defined in 339.175(3)(b), *Florida Statutes*.
- (i) Unless the Governor prescribes a different procedure, alternate members shall be appointed by action taken at an official meeting of the governmental entity. The member governmental entity shall notify the Metropolitan Planning Organization chairperson in writing that the appointed individual may act as an alternate member in accordance with 339.175(3)(a), *Florida Statutes*, if the regular member cannot attend a meeting. A copy of the governmental entity's minutes of the meeting when the alternate member was appointed shall accompany this written notification.
- (ii) Unless the Governor prescribes a different procedure, the Metropolitan Planning Organization shall acknowledge the appointment of each alternate member by reading the notification of appointment into the

minutes of the first Metropolitan Planning Organization meeting following notification by the governmental entity.

- (iii) Alternate members may vote in place of absent voting members serving the same governmental entities that appointed them at any Metropolitan Planning Organization meeting.

(2) **Non-voting Members** Representatives of the Florida Department of Transportation shall serve as non-voting advisors of the Metropolitan Planning Organization. Such representatives shall include but shall not be limited to the Deputy Secretary for District One or in his/her absence the Director of Production for the Florida Department of Transportation.

(3) **Officers and Duties**

(a) The Metropolitan Planning Organization shall hold an organizational meeting as part of the first regular meeting that occurs after the month of November each year for the purpose of electing the following officers:

- (i) Chairperson

- (ii) Vice Chairperson

- (iii) Treasurer

(b) Officers shall be voting members of the Metropolitan Planning Organization and elected by the majority of the members present at the organizational meeting and shall serve a term of one year, starting with the new calendar year.

(c) The Chairperson shall preside over all meetings and may appoint other members to represent the Metropolitan Planning Organization on councils, committees, task forces, *etc.* or at meetings or other events, or to perform certain tasks. In the event of the Chairperson's absence or at his or her direction, the Vice Chairperson shall assume the powers and duties of the Chairperson. In the absence of either the Chairperson or the Vice Chairperson, then the members of the Metropolitan Planning Organization may appoint a person to preside over the meeting and assume the powers and duties of the Chairperson for that particular meeting.

(d) The Treasurer shall attend all Board meetings; Maintain knowledge of the organization and personal commitment to its goals and objectives; understand financial accounting for nonprofit governmental organizations; Manage, with the Director and Chairman, the Boards review of and action related to the Board's financial responsibilities; Work with the Director and the Chairman to ensure that appropriate financial reports are made available to the Board on a timely basis; and assist in the review of the annual audit and help answer Board members' questions about the audit.

(e) All officers will be authorized to sign off on check requests in coordination with the Director (requiring two signatures to process from those four people).

(f) The agency clerk for the MPO is the Transportation Planner. The clerk is charged with the responsibility of preparing the meeting minutes and maintaining the agency records.

(4) **Quorum** A majority of the voting members of the Metropolitan Planning Organization, present in person or represented by alternates, shall constitute a quorum for the transaction of business.

(5) **Options in the Absence of a Quorum**

(a) In the absence of a quorum, the members present may fix the time to which to adjourn, recess, take measures to obtain a quorum or constitute themselves a committee of the whole to consider and make recommendations on any matters on the agenda with the exception of the election of officers, amendment of the bylaws, adoption of plans, setting project priorities, endorsement of the Transportation Improvement Program, and adoption or amendment of the Unified Planning Work Program budget. Four (4) voting members of the Metropolitan Planning Organization, present in person or represented by alternates, shall constitute a quorum for a committee of the whole.

(b) The question of whether to adopt the recommendations of the committee of the whole shall be placed on the agenda of the next Metropolitan Planning Organization meeting as unfinished business.

1.05 **GENERAL DESCRIPTION OF THE METROPOLITAN PLANNING ORGANIZATION'S OPERATIONS**

(1) **Responsibilities and Functions of the Metropolitan Planning Organization**

(a) The Metropolitan Planning Organization is charged with the overall responsibility for review and approval of the urban transportation planning and programming process for the Lee County area and all plans and programs that are developed through the process. The Metropolitan Planning Organization is responsible for defining transportation-related goals and objectives and ensuring that the transportation planning process embodies these goals and objectives.

(b) The Metropolitan Planning Organization is responsible for the preparation and publication of the following documents:

(i) Long Range Transportation Plan, Transportation Improvement Program and Unified Planning Work Program.

- (ii) Other documents which are required by the State and the Federal Government.
- (c) **Subcommittees** may be designated by majority vote of the Metropolitan Planning Organization as necessary to investigate and report on specific subject areas of interest to the Metropolitan Planning Organization, or to deal with administrative and legislative procedures. The powers and duties of each subcommittee and its members shall be established by resolution.
- (d) **Participation in the Metropolitan Planning Organization Advisory Council** Pursuant to Sections 35-1.002 and 35-1.005, F.A.C., prior to December 31st of each year, the Metropolitan Planning Organization shall appoint one of its voting members to represent it on the statewide Metropolitan Planning Organization Advisory Council (MPOAC), and another of its voting members to be his/her alternate, who shall serve at its pleasure during the following calendar year, providing they continue to be voting members of the Metropolitan Planning Organization. The Metropolitan Planning Organization shall also appoint two (2) employees of the Metropolitan Planning Organization staff agency to be the Metropolitan Planning Organization's representative and alternate on the Metropolitan Planning Organization Staff Director's Advisory Committee for the following calendar year. The Chairperson shall certify these appointments in writing to the Metropolitan Planning Organization Advisory Committee prior to December 31st. Any vacancies shall be filled in the same manner as the annual appointments are made.

(2) **Citizen Advisory Committee**

- (a) The Metropolitan Planning Organization shall appoint twenty-four (24) citizen advisors to the Metropolitan Planning Organization, who shall act as a collegial body known as the Metropolitan Planning Organization Citizen Advisory Committee. The Metropolitan Planning Organization Citizen Advisory Committee shall be responsible for advising the Metropolitan Planning Organization on the policy aspects of issues before the Metropolitan Planning Organization, public involvement programs and other duties assigned it by the Metropolitan Planning Organization.

- (b) Each County Commissioner shall appoint two (2) members to the CAC from different communities within his or her district. Each of the other voting members of the MPO shall appoint one (1) member to the CAC who lives in his or her city. If a voting member is unable to find a volunteer to sit on the CAC that lives in his or her district the voting member may appoint someone who lives outside of their jurisdiction to represent their jurisdiction as long as the appointee lives in Lee County. The MPO shall also appoint a transportation handicapped member on an at-large basis and two other at-large members that will be filled with low income and/or minority members of the community. The appointments are subject to ratification by a majority of members of the MPO at a regular MPO meeting at which a quorum is present. Members of the CAC shall serve at the pleasure of the MPO members who appointed them, or their successors. (A notification letter will be sent to all elected officials that are new to the MPO Board regarding this process.) Due to the fact that each member of the CAC is appointed by a member of the MPO Board, the CAC Committee **does not** have alternate members.
- (c) The members of the Metropolitan Planning Organization Citizen's Advisory Committee shall be citizens and year-round residents of the city or county commission district which their appointers represent Lee County; or, in the case of the at-large, mobility handicapped member, of the Metropolitan Planning Organization's transportation study area. Members or their immediate family members (spouse, child, parent or sibling) shall not be declared candidates or elected officials of the Lee County Commission, municipalities in Lee County or Lee County Constitutional Officers. Members shall not be employees of any of the local governments represented on the MPO or of the state or federal departments of transportation. Should the status of any CAC member change in such a way as to disqualify him/her from membership under the terms of this paragraph, his/her membership shall automatically terminate. Those who thus become ineligible for CAC membership shall provide written notice to the MPO staff, the CAC Chairman and the MPO member responsible for appointing their replacements.
- (d) Each member of the CAC is expected to demonstrate his/her interest in the CAC's activities through active participation in CAC meetings and public information and community involvement efforts. Member's shall be granted an excused absence if they contact MPO Staff prior to the meeting via email or by phone with a follow up email as to why they were unable to attend the meeting. Excused absences are counted as a regular absence. However, MPO Staff will keep a record of excused and unexcused absences and present this record to the appointer/MPO Board if the member is in violation of the participation requirements. Should any member be absent from three (3) consecutive regular CAC meetings, or from four (4) out of six (6) consecutive regular CAC meetings within a twelve (12) month period, staff recommendation will be made to the MPO Board to remove this member for lack of participation, regardless if the absence was excused or unexcused. Member's attendance will be reviewed quarterly with the Committee and MPO

Staff will review attendance monthly. MPO Staff will follow the following guidelines to help insure adequate participation for the CAC meetings:

- When a CAC member misses two (2) consecutive CAC meetings, MPO Staff will prepare a letter to the member and let them know that if they miss another meeting they will be in violation of the CAC bylaws and the MPO Board may choose to remove the member from the CAC unless they request a leave of absence. The appointing MPO Board member will also be copied on the letter.
 - If a CAC member misses three (3) consecutive meetings or four (4) out of the last six (6) meetings then Staff will prepare a letter to the appointing MPO Board member to ask for a replacement member to be appointed due to lack of participation and the fact that their constituencies are not being represented at the meetings.
 - If a CAC member or a member of his/her immediate family becomes a declared candidate for the Lee County Commission, a municipality in Lee County or a Lee County Constitutional Officer, the CAC member will immediately be removed and MPO Staff will prepare a letter to the appointing MPO Board member to ask for a replacement member to be appointed immediately. If a CAC member becomes employed by any of the local governments represented on the MPO or of the state or federal departments of transportation, the CAC member will immediately be removed and MPO Staff will prepare a letter to the appointing MPO Board member to ask for a replacement member to be appointed immediately.
- (e) Should a temporary circumstance prevent a member from participation, a leave of absence may be granted by the CAC for a period of no more than three (3) months. A CAC member should submit the request to the MPO Staff in writing and address it to the CAC Chairman. No more than two (2) leave of absences will be granted to a member except in the situation of an eminent death or hospitalization of an immediate family member. All leave of absence requests will be forwarded to the appointer of the CAC member requesting the leave.
- (f) If, at any time, the MPO finds that any CAC member is not performing his or her duties or is impairing the ability of the CAC to meet its responsibilities under these bylaws, the MPO may, by majority vote, remove that member from the CAC.
- (g) All CAC members will be required to complete a CAC Application at time of nomination by an MPO Board member. Members of the public wishing to serve on the CAC shall submit a completed application which is available at the Lee MPO's office and can be requested by telephone at 239-330-2242 or by email at mmarion@leempo.com. Completed applications will be forwarded to the eligible elected official within the jurisdiction from which the individual

resides for endorsement. Endorsed applications will be forwarded to the MPO Board for approval.

- (h) The Metropolitan Planning Organization Citizen Advisory Committee shall adopt, and may from time to time amend bylaws, subject to ratification by the Metropolitan Planning Organization.

(3) Technical Advisory Committee

- (a) The Metropolitan Planning Organization, in cooperation with the Florida Department of Transportation, shall appoint technical advisors to the Metropolitan Planning Organization who shall act as a collegial body known as the Metropolitan Planning Organization Technical Advisory Committee and shall include the departments or divisions of Lee County and the signatory municipalities of the interlocal agreement creating the Metropolitan Planning Organization that are responsible for community development or comprehensive planning, transportation or engineering or public works, and operating modes of transportation or intermodal facilities;

- The Lee County Port Authority;
- The Lee County School District;
- The Collier County Metropolitan Planning Organization;
- The Southwest Florida Regional Planning Council
- The Charlotte County Punta Gorda MPO

The director of each such department, division, or agency may appoint one (1) planner, engineer, or other appropriate employee, or a member of a volunteer board performing similar functions for it, as its voting representative. Representatives of other local, regional, state, and federal agencies may be non-voting associate members of the Metropolitan Planning Organization Technical Advisory Committee if required by federal or state law or regulations, at the Governor's request or upon appointment by a majority of the Metropolitan Planning Organization policy board or of the voting members of the Committee.

(4) **Bicycle Pedestrian Coordinating Committee**

- (a) The Metropolitan Planning Organization, in cooperation with the Florida Department of Transportation, shall appoint technical advisors and four (4) at large citizen advisors to the Metropolitan Planning Organization, who shall act as the collegial body known as the Metropolitan Planning Organization Bicycle Pedestrian Coordinating Committee and shall include the departments or divisions of Lee County and the signatory municipalities of the interlocal agreement creating the Metropolitan Planning Organization that are responsible for community development or comprehensive planning, transportation, engineering or public works, and operating modes of transportation or intermodal facilities. The Metropolitan Planning Organization Bicycle Pedestrian Coordinating Committee shall be responsible for advising the Metropolitan Planning Organization on the policy aspects of issues before the Metropolitan Planning Organization, public involvement programs and other duties assigned it by the Metropolitan Planning Organization.
- (b) The at large citizen appointments must follow the same guidelines for membership as those of the Citizen's Advisory Committee (detailed in section 1.05(2) of this document).

1.06 **GENERAL POLICIES OF THE METROPOLITAN PLANNING ORGANIZATION** General Policies shall apply to all committees and participants of the Metropolitan Planning Organization.

- (1) The adoption of reports, studies, plans, and programs must be by the majority vote of both regular voting and duly appointed alternate members constituting a quorum, after review and recommendations by the Metropolitan Planning Organization Technical and Citizen Advisory Committees and the Bicycle Pedestrian Coordinating Committee.
- (2) All committees shall maintain a broad perspective covering the range of all modes of transportation and associated facilities in all recommended planning work programs so that proper study and evaluation of transportation needs will result in a multi-modal transportation system plan, balanced with respect to area wide needs and properly related to area wide comprehensive plan goals and objectives.

1.07 **GENERAL INFORMATION CONCERNING THE METROPOLITAN PLANNING ORGANIZATION**

- (1) **Principal Office** The principal office of the Metropolitan Planning Organization is located at the City of Cape Coral's City Complex, 815 Nicholas Parkway E., Cape Coral, Florida 33991.
- (2) **Office Hours** The office hours shall be from 8:00 a.m. to 5:00 p.m.

1.08 **STATUTORY CHAPTERS AND RULES** Statutory chapters which affect the Metropolitan Planning Organization's operation include the following:

Chapter 120, *Florida Statutes*

Chapter 163, *Florida Statutes*

Chapter 339, *Florida Statutes*

23 U.S.C. 134

49 U.S.C. 5303-5306

23 C.F.R. Part 450 or 1410

49 C.F.R. Part 613 or 621

1.09 **PUBLIC INFORMATION AND INSPECTION OF RECORDS**

(1) **Public Records All** public records within the meaning of Chapter 119, *Florida Statutes* (1973) and not otherwise restricted by law may be inspected by the public at the Metropolitan Planning Organization's principal office during the office hours. Copies of the Metropolitan Planning Organization's documents, publications and recorded actions are also available on the Metropolitan Planning Organization's website at www.mpo-swfl.org.

(2) **Charge for Service** A charge for the service at cost of copying public records may be imposed. All board members are exempt from this Charge for Service.

1.10 **PUBLIC ACCESS TO THE METROPOLITAN PLANNING ORGANIZATION**

Unless restricted by state or federal law, the public shall have access to all public records and meetings of the Metropolitan Planning Organization. The Metropolitan Planning Organization in its discretion may provide the opportunity at each of its meetings for citizens to comment or be heard on any matter pertinent to the urban transportation planning process.

CHAPTER 2

AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS

2.01 **NOTICE OF MEETING**

(1) **Meeting Day and Location** Meetings of the Metropolitan Planning Organization shall be held on the Friday following the third Thursday of every month at 9:00 a.m.—at the City of Cape Coral Council Chambers, 1015 Cultural Parkway Boulevard, Cape Coral, Florida 33991.

(2) **Meeting Day Changes** The Chairperson or Vice Chairperson may change the meeting date or time so long as:

- (a) All voting and non-voting members of the Metropolitan Planning Organization are given notice of the change at least forty-eight (48) hours prior to the meeting and the members of the Metropolitan Planning Organization have received the agenda at least three (3) working days in advance of this new meeting date;
- (b) One (1) major newspaper of general circulation in the area where the meeting will take place is notified of the change; and
- (c) All persons and government agencies that have asked to receive notice or agendas of Metropolitan Planning Organization meetings are given notice of the change at least forty-eight (48) hours prior to the meeting.

2.02 AGENDAS OF MEETINGS AND WORKSHOPS

- (1) At least eight (8) days prior to a meeting or workshop, the Metropolitan Planning Organization Staff shall prepare and make available an agenda for distribution on the request of any interested person.
- (2)
 - (a) Requests to include items on the agenda shall be brought before the MPO Board for their review to include on future meeting agendas.
 - (b) The agenda shall list the items in the order they are to be considered. For good cause stated in the record, items on the agenda may be considered out of their stated order with the approval of the person designated to preside.
- (3)
 - (a) The agenda shall be specific as to items to be considered. All matters involving the exercise of agency discretion and policy-making shall be listed and summarized on the agenda. Additions to agenda items such as "old business," "new business," "other business" or "other matters which may come before the Metropolitan Planning Organization" or similar terms shall be for consideration of solely ministerial or internal-administrative matters which do not affect the interests of the public generally.
 - (b) The Metropolitan Planning Organization may utilize the following or a different form substantially the same in detail, in preparing its agenda:

LEE COUNTY

METROPOLITAN PLANNING ORGANIZATION

[Time, date & place of meeting]

THIS MEETING IS OPEN TO THE PUBLIC

- (i) Call to Order

- (ii) Roll Call
 - (iii) Review of Minutes
 - (iv) Old Business: *Specific listing of all matters involving Metropolitan Planning Organization discretion or policy-making with brief summary of each.*
 - (v) New Business: *Specific listing of all matters involving Metropolitan Planning Organization discretion or policy-making with brief summary of each.*
 - (vi) Other Business: *Specific listing of all matters involving Metropolitan Planning Organization discretion or policy-making with brief summary of each.*
 - (vii) Adjournment
- (4) The person designated to preside may make specific changes in the agenda after it has been made available for distribution, only for "good cause" shown.
- (5) The Metropolitan Planning Organization Staff shall be responsible for the minutes of the meetings and for all notices and agendas. Furthermore, Staff shall furnish a recording secretary for all Metropolitan Planning Organization meetings and will assist the Chairperson in the preparation, duplication and distribution of all printed materials necessary for the Metropolitan Planning Organization meetings. The minutes of the meetings shall be published and distributed to the members.

2.03 EMERGENCY MEETINGS

- (1) The Chairperson or Vice Chairperson may call for an emergency meeting for the purpose of acting upon emergency matters affecting the public health, safety and welfare.
- (2) Whenever an emergency meeting is scheduled to be held, the Metropolitan Planning Organization shall notify at least one major newspaper of general circulation in the area where the meeting will take place of the time, date, place and purpose of the meeting. Also, the Metropolitan Planning Organization shall place a notice on local jurisdiction TV Channels.

2.04 SPECIAL MEETINGS

- (1) The Chairperson or Vice Chairperson may call for a special meeting outside of the advertised meeting schedule for the purpose of acting on items of Board interest.

- (2) Whenever a special meeting is scheduled the Metropolitan Planning Organization shall follow the same notification requirements as a regular meeting in accordance to section 2.01.

2.05 EXECUTIVE COMMITTEE MEETINGS AND DUTIES

- (1) The Executive Committee shall be comprised of the Chair, Vice-Chair and the Treasurer along with one (1) representative from each jurisdiction that is not covered by the officers listed above (to ensure that we have one member from each jurisdiction).
- (2) The Executive Committee will meet on an as needed basis to address administrative and budget items, to address items that are not feasible to be heard by the full Board based on timing or to hear items referred to the Executive Committee by the Board.

CHAPTER 3 AMENDMENTS

3.01 PUBLIC NOTICE These bylaws may be amended at any non-emergency meeting providing notice of the meeting has been given in accordance with section 2.01, the consideration of a bylaws amendment has been included on the agenda made available in accordance with section 2.02, and the text of the proposed amendment(s) has been provided with the agenda to each Metropolitan Planning Organization member and made available to the public.

3.02 SUPERMAJORITY REQUIRED The affirmative vote of two-thirds of the voting membership of the, or their alternates, shall be required to amend these bylaws.