



TECHNICAL ADVISORY COMMITTEE BYLAWS

June 22, 2012

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SECTION 1. NAME

The name of this Committee shall be the Technical Advisory Committee of the Lee County Metropolitan Planning Organization.

SECTION 2. PURPOSE

- A. As stated in the Bylaws of the Lee County Metropolitan Planning Organization, Section 339.175, *Florida Statutes*, specifies the authority and responsibility of the MPO 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. The MPO, in cooperation with the Florida Department of Transportation shall appoint technical advisors to the MPO who shall act as a collegial body known as the MPO Technical Advisory Committee and shall include planners, engineers, and other appropriate employees of, or contractors and volunteers performing similar functions for Lee County, the signatory municipalities of the interlocal agreement creating the MPO, the Lee County Port Authority, the school board, Charlotte County Punta Gorda MPO and the Collier County MPO and the Southwest Florida Regional Planning Council. Representatives of other local, regional, state, and federal agencies may be non-voting associate members of the 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 MPO policy board or of the voting members of the Committee. Implemented 339.175, F.S.
- B. The functions of the Committee shall include, but not be limited to the following:
- (1) To promote communication and coordination among members;
 - (2) To identify and resolve common problems;
 - (3) To continually coordinate transportation planning and programming;
 - (4) To be responsible for technical evaluations of various Transportation Studies, plans, programs or public information documents and advise the MPO therefore;
 - (5) To make priority recommendations to the Metropolitan Planning Organization Board for transportation plans and program implementation based on the needs as determined by technical studies;
 - (6) Review and provide recommendations to the MPO on transportation plans, programs and amendments as they are developed;

- (7) Provide continuing liaison with local, state, and federal agencies involved in the transportation planning process.

SECTION 3. **MEMBERSHIP**

- A. The directors of the public agencies and local government departments and/or divisions identified below shall each appoint one (1) person to represent it on the Committee. Persons appointed to the Committee shall be technically qualified representatives employed by that agency, department, or division for the purpose of planning, engineering, and/or administration, with responsibility for comprehensive planning or the operation, control, development, or improvement of the transportation system. Smaller municipalities without professionally-staffed community development, planning, transportation, engineering, or public works departments or divisions may instead appoint one administrator with responsibility for all of these functions or a member of a volunteer board that performs or advises the municipality on such functions. Written notification shall be given to the MPO staff agency concerning appointment or replacement of members. A list of current Technical Advisory Committee members, their titles, and the agencies, departments, or divisions they represent shall be maintained by the MPO staff agency. The following governments/agencies shall be regular members and have one voting representative on the Technical Advisory Committee:

- Lee County Department of Community Development
- Lee County Department of Transportation
- Lee County Port Authority
- Lee County Transit
- Lee County School Board
- Cape Coral Department of Community Development
- Cape Coral Department of Public Works
- Cape Coral Mini Bus Service
- City of Fort Myers Division of Planning
- City of Fort Myers Division of Engineering
- Town of Fort Myers Beach
- City of Sanibel Department of Planning
- City of Sanibel Department of Public Works
- City of Bonita Springs
- Collier County MPO
- Southwest Florida Regional Planning Council
- Charlotte County – Punta Gorda MPO

The following Associate member Agencies shall be advisory members and be non-voting representatives:

- Florida Gulf Coast University
 - Community Transportation Coordinator
 - Lee County Tourism Development Council
 - Florida Utilities Coordinating Committee
 - South Florida Water Management District
 - Southwest Florida Enterprise Center
 - Department of Environmental Protection
 - Governor's Energy Office
 - Florida Fish and Wildlife Conservation Commission
 - U.S. Environmental Protection Agency
 - U.S. Fish and Wildlife Service
 - U.S. Army Corps of Engineers
- B. Alternate members may be designated to act on behalf of regular and associate members with all the privileges accorded thereto; with the exception of serving as an officer. Alternates shall be similarly technically qualified as the regular and associate members and possess the appropriate knowledge and skills to represent those public agencies, local government departments and/or divisions identified above. Alternates shall indicate on the attendance roster when they are acting as the representative of a member agency, department, or division. The MPO staff agency shall be notified in writing of the appointment or replacement of an alternate representative by the director of the member agency, department, or division.
- C. All Committee members must identify themselves on the attendance roster as to the agency, department, or division represented; and the type of member (regular or associate).

SECTION 4. **OFFICERS AND DUTIES**

- A. A Chairman and a Vice Chairman of the Committee shall be elected at the first regularly scheduled meeting of each calendar year and shall hold the offices until their successors are elected.
- B. Any regular member or alternate may nominate a regular member (except a RPC or Collier MPO or Charlotte County-Punta Gorda MPO representative) as an officer. All elections shall be by the majority vote of the regular members or their alternates present.
- C. The Chairman shall preside at all meetings and shall be responsible for the conduct of all meetings. Agendas shall be available at least seven (7) days prior to any regularly scheduled meeting. The Chairman shall also serve as a liaison

between the Technical Advisory Committee and the Lee County MPO whenever the need arises. In the absence of the Chairman, his alternate may sit as a regular member of the Committee.

- D. The Vice Chairman shall, during the absence of the Chairman or his inability to serve, have and exercise all of the duties and powers of the Chairman. The Vice Chairman shall also perform such other duties as may be assigned him by the Chairman. In the absence of the Vice Chairman, the alternate may sit as a regular member of the Committee.
- E. The MPO staff duties shall include the recording, preparation and distribution of the minutes of each Technical Advisory Committee meeting. The Lee County MPO staff shall assist the Chairman in handling Technical Advisory Committee correspondence, ensure that any pertinent information is distributed to all Technical Advisory Committee members, and be responsible for maintaining a current list of the names of regular, associate and alternate members.
- F. If both the Chairman and Vice Chairman are absent from a meeting, a temporary Chairman shall be elected.
- G. Any vacancy in office created by resignation or replacement of an officer by the appointing signatory agency shall be filled by a majority vote of regular members present or their alternates. The officer so elected shall fill the remainder of the unexpired term of the vacant office.
- H. If, at any time, the Committee feels that an officer is not performing his duties in accordance with Section 4, Subsection C & D, or has missed three (3) consecutive meetings, that officer may be removed from office by a two-thirds vote of the regular members or their alternates present at a regular meeting, provided that an item to that effect has been placed on the tentative agenda at a regular meeting to be voted on at the next regular meeting and has been distributed in accordance with Section 5, Subsection B, of these Bylaws.

SECTION 5. MEETINGS

- A. Regular meetings of the Committee shall take place at 9:30 a.m. on the first Thursday of each month.
- B. An eight (8) day notice should be given for the cancellation, rescheduling, or relocation of regular meetings. Special meetings may be called by the Chairman, or, if two or more regular members request such a meeting. Special meetings should have a minimum of three (3) days notice, indicating the reason for the meeting and notifying all signatory agencies.
- C. Agendas shall be prepared prior to all meetings. Agendas should be mailed with meeting notices and, whenever possible, minutes of the previous meeting, at least eight (8) days prior to any regular meeting. Regular members may place items on the tentative agenda by notification of the MPO Director or his designee.
- D. Any item requiring Committee action may be brought before the Committee by any member, even though it is not on the agenda. The Committee shall decide if action is to be taken at that meeting or at a subsequent meeting.
- E. Whenever reports are to be given, copies should be prepared for each member of the Committee. When possible, said copies should be mailed with meeting notices.
- F. A quorum shall consist of a simple majority of the voting membership, or their alternates (one half plus one).
- G. Meetings will be open to the public. The public may be allowed the right to speak or participate in the discussion at the discretion of the Committee.
- H. When a TAC member abstains from a vote due to a conflict they must complete Form 8B which is included in Attachment A. TAC member conflict of interest and compliance issues are guided by Section 112.3143 of the Florida Statutes.

SECTION 6. **SUBCOMMITTEES**

- A. Subcommittees may be designated and members appointed by the Chairman of the Technical Advisory Committee as necessary to investigate and report on specific subject areas of interest.
- B. All progress and results of subcommittee activities shall be reported to the Committee upon request by the Chairman.

SECTION 7. **AMENDMENTS**

- A. These Bylaws may be amended by the affirmative vote of two-thirds of the voting members or their alternates present, provided a copy of the proposed amendment shall have been presented to and discussed at the previous monthly meeting. All proposed amendments shall be voted on at regular meetings.

SECTION 8. **PRIOR AGREEMENT**

- A. These Bylaws supersede and replace any and all Bylaws adopted by the Technical Advisory Committee.

SECTION 9. **EFFECTIVE DATE**

- A. These Bylaws and any amendments to the Bylaws will become effective upon the endorsement of the Lee County MPO Board.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 _____:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.