

MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION

RESOLUTION NO. 20-08

**A RESOLUTION AMENDING THE Mesilla Valley MPO Committee
Bylaws and Operating Procedures**

The Mesilla Valley Metropolitan Planning Organization (MPO) Policy Committee is informed that:

WHEREAS, the Las Cruces MPO has bylaws to govern the MPO committees created by the Joint Powers Agreement between the New Mexico Department of Transportation (NMDOT), City of Las Cruces, Dona Ana County, and Town of Mesilla; and

WHEREAS, the meeting procedures is outlined through the MPO bylaws; and

WHEREAS, Due to the ongoing COVID-19 Public Health Emergency, as declared by the Governor of New Mexico, MPO Staff believes it advisable to amend the Mesilla Valley MPO bylaws to better reflect the current need to have virtual committee meetings; and

WHEREAS, the Bicycle and Pedestrian Facilities Advisory Committee recommended approval of these MPO Bylaws amendments at their August 18, 2020 meeting; and

WHEREAS, the Technical Advisory Committee recommended approval of these MPO Bylaws amendments at their September 3, 2020 meeting; and

WHEREAS, the Policy Committee has determined that it is in the best interest of the MPO for the Resolution amending the MPO Bylaws to be approved.

NOW, THEREFORE, be it resolved by the Policy Committee of the Mesilla Valley Metropolitan Planning Organization:

(I)

THAT all meetings of the Committees of the Las Cruces Metropolitan Planning Organization shall be held in accordance with the provisions contained in Exhibit "A", attached hereto and made part of this resolution.

(II)

THAT staff is directed to take appropriate and legal actions to implement this Resolution.

DONE and APPROVED this 9th day of September, 2020.


APPROVED:



Chair

| | |
|-----------------------|-----------------|
| Motion By: | Mayor Barraza |
| Second By: | Vice-Chair Sorg |
| VOTE: | |
| Chair Johnson-Burick | Yes |
| Vice-Chair Sorg | Yes |
| Mayor Barraza | Yes |
| Councilor Bencomo | Yes |
| Dist. Eng. Doolittle | Yes |
| Trustee Garcia | Yes |
| Commissioner Gonzalez | Abs |
| Commissioner Sanchez | Yes |
| Commissioner Solis | Yes |
| Councilor Vasquez | Yes |

ATTEST:



Recording Secretary

APPROVED AS TO FORM:

City Attorney



**METROPOLITAN
PLANNING ORGANIZATION**

LAS CRUCES DOÑA ANA COUNTY MESILLA

Committee Bylaws and Operating Procedures

Introduction

The Mesilla Valley Metropolitan Planning Organization (MPO) is established by a Joint Powers Agreement between the participating members and by designation of the Governor of the State of New Mexico and contracts between the City of Las Cruces and New Mexico Department of Transportation. The MPO's purpose is to carry out the Urban Transportation Planning Process as defined within the provisions of U.S.C. 23 Section 450.

The contracts and Joint Powers Agreement establish a number of operational and procedural requirements for the MPO, however other issues are not formally addressed. The purpose of these Bylaws and Operating Procedures is to establish guidance on those other issues. However, the Bylaws and their application shall not violate any rule or regulation established by federal regulations or State laws governing transportation planning or policies enacted by the MPO or other member agencies, such as the Metropolitan Transportation Plan, Unified Planning Work Program, and the Public Participation Plan.

Policy Committee

I. Authority:

The Policy Committee has authority granted under the current Joint Powers Agreement, applicable to contracts and State and Federal laws and regulations, including but not limited to 23 CFR Section 450.

II. Membership:

The Policy Committee is made up of ten (10) voting members. The respective governing boards of Doña Ana County, Town of Mesilla and City of Las Cruces are responsible for appointing three (3) elected officials to the Policy Committee. The District One Engineer of the New Mexico Department of Transportation (NMDOT) is the 10th member. Each Policy Committee member or designated representative has one vote.

A. Officers

The officers of the Policy Committee shall consist of a Chair, and Vice Chair. The Chair and Vice Chair shall not be chosen from the same governmental entity.

1. Chair

The Chair shall be chosen from among the members of the Policy Committee at the first meeting of each calendar year. The duties of the Chair shall be to preside at all meetings of the Policy Committee.

2. Vice Chair

The Vice Chair shall be chosen from among the members of the Policy Committee at the first meeting of each calendar year, and shall be responsible for presiding at the meetings in the absence of the Chair.

3. Secretary

The Secretary is a non-voting, ex-officio position. The MPO Officer or designee shall be the Secretary, and shall have the responsibility for maintaining accurate records of all Policy Committee meetings, preparing agendas, and other duties designated by the Policy Committee.

4. Vacancy of Office

If an officer described in paragraphs one and two of this section resigns, the remaining Policy Committee members shall elect a replacement officer at the next regularly scheduled meeting.

B. Alternate Member

If a Policy Committee member is to be absent, another member of that governing body may be appointed to substitute for that particular meeting. The agency or board shall submit written notification in a timely manner to the MPO Officer designating the alternate member.

C. Removal Procedure

1. Attendance is required at all Policy Committee meetings. If a Policy Committee member is absent for more than two consecutive meetings, then the MPO Officer may petition the absent member's governing body chair for a new appointment to the Policy Committee. Additionally, if a Policy Committee member fails to attend seventy-five (75) percent of the Policy Committee meetings in a twelve-month calendar period, membership may be terminated.
2. If a Policy Committee member vacates the position by nonattendance, the Chair of the Policy Committee shall notify the Policy Committee in writing of the same. A replacement member shall then be appointed. In the event that the Policy Committee member who has been absent from official meetings, sufficient to qualify for removal, is the Chair of the Policy Committee, the Vice Chair shall conduct the removal process. If the Vice Chair is unable to participate, another Policy Committee member, appointed by the remaining membership, shall conduct the removal process. In the event of a dispute concerning the abandonment or vacation of a Policy Committee member, the Policy Committee member affected may petition the MPO Policy Committee to be allowed an opportunity to show just cause why he/she should not be removed from office.
3. The Policy Committee may remove any Policy Committee member by the affirmative vote of five (5) members upon the grounds of malfeasance or nonfeasance of office.

D Replacement Procedure

The designated appointing entities shall make any and all replacement appointments to the Policy Committee. All replacement appointments made shall be provided in writing to the MPO Officer in a timely manner.

E. Ex-Officio Members.

The Policy Committee may, in accordance with the Joint Powers Agreement, add non-voting members to the Policy Committee through Resolution..

III. Meetings:

All meetings held shall be in compliance with the Open Meetings Act, as amended, (NMSA 10-15-1 – 10-15-4) and the yearly MPO's Open Meeting Resolution.

Written notice of meetings (agendas) and supporting documentation shall be provided to the Policy Committee members on the following schedule:

Regular Meetings – one (1) week notice and appropriate public notification according to the Open Meetings Act and the MPO Public Participation Plan

Special Meetings – four (4) day notice

Emergency Meetings – four (4) hours prior to the meeting

- A. Regular Meetings shall be scheduled each year by the Policy Committee.
- B. Special Meetings shall be held on an as needed basis. Special Meetings may be scheduled by the Chair or a majority of the members of the Policy Committee, and will be primarily used to consider time-sensitive issues.
- C. Emergency Meetings shall only be held to discuss issues with an imminent impact to health, safety, and welfare in the Mesilla Valley MPO area. Concurrence of a majority of the members of the Policy Committee is necessary to hold an Emergency Meeting.
- D. At the first regular meeting of the calendar year, the Policy Committee shall consider the following items in addition to any other business:
 - 1. Election of Officers
 - 2. Adoption of Open Meeting Resolution
- E. Quorum:

A quorum of the Policy Committee shall consist of five (5) members and shall consist of at least one member from each governing entity. No action shall be taken without a quorum of the Policy Committee in attendance at that meeting.
- F. Voting Procedure
 - 1. The methods of taking a vote are by a “show of hands,” by “raising the hand,” by rising, by ballot, or by roll call (“yes or no”).
 - 2. Any vote that results in a tie shall be considered a failed action item.
 - 3. Telephonic vote may be allowed when the quorum is not present at any Policy Committee meeting. Telephonic vote shall be enacted only to approve actions that have a deadline prior to the next regular meeting and postponement of actions will have adverse financial or other consequences for the Mesilla Valley Metropolitan Planning Organization.

Telephonic vote shall be enacted on the request of any present Policy Committee Member with the approval of the majority of the present members. Only one Policy Committee Member shall participate telephonically at any allowable meeting.

Telephonic vote shall not conflict with the codes and regulations of the entity that is represented by the Policy Committee Member. The telephonic action shall be in accordance with the New Mexico Open Meeting Act, as amended.
 - 4. In the event that the Governor of New Mexico or one of the MPO member jurisdictions declare a state of emergency, the MPO Policy Committee may meet and vote virtually. Any meeting held under these conditions must be

in conformance with the New Mexico Open Meetings Act and with any Open Government Division Advisory issued by the New Mexico Attorney General's Office relating to such an emergency.

IV. Committees:

- A. The Committee reserves the right to create committees or sub-committees, as needed, to assist with achieving goals outlined in the Metropolitan Transportation Plan. These committees may include ad hoc groups, more temporary in nature, or longer standing, perhaps permanent, advisory committees.
- B. Executive Sub-Committee: The Executive Sub-Committee shall be a three member sub-committee consisting of the current Chair and Vice-Chair and one additional member from the jurisdiction not represented by the Chair and Vice Chair. The additional member shall be appointed by a majority vote of the Committee members, and can rotate among the members from the non-represented jurisdiction based on the will of the Committee.

Technical Advisory Committee

I. Committee:

The name of this committee shall be the Technical Advisory Committee of the Mesilla Valley Metropolitan Planning Organization, referred to in this section as the Committee.

II. Responsibilities:

The Committee is established by the Mesilla Valley MPO Joint Powers Agreement, and shall be responsible for providing technical review of all transportation plans within the urban area and input to the Policy Committee on issues directed to it by its membership, the Policy Committee, or the MPO Officer. Other responsibilities shall include those as may be designated by the Policy Committee.

III. Membership:

Membership shall be governed by the Policy Committee.

A. Voting Members

Members of the Committee shall include:

two (2) representatives appointed by the City of Las Cruces,

two (2) representatives appointed by the Town of Mesilla,

two (2) representatives appointed by Doña Ana County,

two (2) representatives designated by the New Mexico Department of Transportation.

one (1) representative designated by New Mexico State University,

one (1) representative designated by Bureau of Land Management,

one (1) representative designated by RoadRunner Transit,

one (1) representative designated by Doña Ana County Flood Commission,

one (1) representative designated by the South Central Regional Transit District,

one (1) representative designated by Elephant Butte Irrigation District, and

one (1) representative designated by Las Cruces Public School District.

B. Alternate Member

Each representative from an agency or board may appoint an alternate to the Committee to serve when the appointed member cannot attend. The agency or board shall submit written notification in a timely manner to the MPO Officer designating the alternate member.

C. Membership Appointment and Replacement Procedure

The Policy Committee, at any time it deems necessary, may add new voting members to the Committee. The represented entities shall make all appointments to the Committee. All appointments from the MPO member agencies (Las Cruces, Doña Ana County, and Town of Mesilla) shall be made by the respective department heads of Community Development (Planning) or Public Works within each jurisdiction. All appointments made shall be provided in writing to the MPO Officer in a timely manner.

D. Officers

The officers of the Committee shall consist of a Chair, and Vice Chair. The Committee officers will serve one year in that capacity and can be re-elected by Committee members.

1. Chair

The Chair shall be chosen from among the members of the Committee at the first meeting of each calendar year. The Chair shall be responsible for presiding at all meetings.

2. Vice Chair

The Vice Chair shall be chosen from among the members of the Committee at the first meeting of each calendar year, and shall be responsible for presiding at the meetings in the absence of the Chair.

3. Secretary

The Secretary is a non-voting, ex-officio position. The MPO Officer or designee shall be the Secretary and shall have the responsibility for maintaining accurate records of all Committee meetings, preparing agendas and other duties as may be designated by the Committee with consent from the Policy Committee.

4. Vacancy of Office

If an officer described in paragraphs one and two of this section resigns, the remaining Committee members shall elect a replacement officer at the next regularly scheduled meeting.

E. Sub-Committees

The Committee may appoint sub-committees to assist with achieving goals outlined in the Metropolitan Transportation Plan or completing specific tasks. These sub-committees will be temporary in nature and shall disband after reporting the results to the full Committee and completing the assigned goal or task. These sub-committees shall not consist of a quorum of the membership. The Committee may appoint members to the sub-committee from outside the committee membership if particular expertise is sought.

F. Removal Procedure

1. Attendance is required at all Committee meetings. If a Committee member fails to attend seventy-five (75) percent of the Committee meetings in a twelve-month calendar period, membership may be terminated.

2. If a Committee member shall vacate the office by nonattendance, the Chair of the Committee shall notify the Policy Committee in writing of the same. A replacement member shall then be appointed. In the event that the Committee member who has been absent from official meetings, sufficient to qualify for removal, is the Chair of the Committee, the Vice Chair shall conduct the removal process. If the Vice Chair is unable to participate, another Committee member, appointed by the remaining membership, shall conduct the removal process. In the event of a dispute concerning the abandonment or vacation of a Committee member, the Committee member

affected may petition the Policy Committee to be allowed an opportunity to show just cause why he/she should not be removed from office.

3. The Policy Committee may remove any Committee member by the affirmative vote of five (5) members upon the grounds of malfeasance or nonfeasance of office.

IV. Meetings:

Meetings shall be pursuant to due notice as established by and required under the New Mexico Open Meetings Act, as amended, and the Open Meetings Resolution adopted annually by the Mesilla Valley Metropolitan Planning Organization. Meetings shall be held as scheduled by the Policy Committee, and special meetings may be called by the Committee Chair or the MPO Officer.

A. Quorum

A quorum of the Committee shall consist of a seven voting members. No action shall be taken without a quorum of the Committee in attendance at that meeting.

B. Voting Procedure

1. The methods of taking a vote are by a “show of hands,” by “raising the hand,” by rising, by ballot, or by roll call (“yes or no”).
2. Any vote that results in a tie shall be considered a failed action item.

Bicycle and Pedestrian Facilities Advisory Committee

I. Committee:

The name of this committee shall be the Bicycle and Pedestrian Facilities Advisory Committee of the Mesilla Valley Metropolitan Planning Organization, referred to in this section as the Committee.

II. Responsibilities:

The Committee is established by the Policy Committee and shall be responsible for providing technical review and policy recommendations for the planning, design, and implementation of transportation infrastructure involving bicycle and pedestrian facilities. The Committee shall also provide recommendations for the encouragement and education of the public regarding bicycle and pedestrian routes, safety, and other issues. Other responsibilities shall include those as may be designated by the Policy Committee.

III. Membership:

Membership shall be governed by the Policy Committee.

A. Voting Members

Members of the Committee number eleven (11) and include:

- two (2) Bicycling Community representatives,
- one (1) Pedestrian Community representative,
- one (1) City of Las Cruces citizen representative,
- one (1) Doña Ana County citizen representative,
- one (1) Town of Mesilla citizen representative,
- one (1) City of Las Cruces staff representative,
- one (1) Doña Ana County staff representative,
- one (1) Town of Mesilla staff representative,
- one (1) New Mexico State University staff representative,
- one (1) New Mexico Department of Transportation staff representative.

B. Alternate Member

Each representative from a represented entity may appoint an alternate to the Committee to serve when the appointed member cannot attend. The representative of the entity shall submit a letter to the MPO Officer designating the alternate member.

C. Membership Appointment and Replacement Procedure

All non-staff appointments shall be citizens residing within each respective jurisdiction. The Policy Committee shall make all citizen appointments. The citizen appointment process shall be conducted as follows:

- MPO staff will issue a call for letters of interest for the respective open position(s)
- The letters will be submitted to the Policy Committee for review

- If only one letter is received, the Policy Committee can decide to appoint the sole applicant or reopen the call for applicants
- If more than one citizen applies, the Policy Committee shall select the appointee by ballot at a regularly scheduled meeting

All staff appointments shall be made by the respective department heads of Community Development (Planning) or Public Works within each jurisdiction. All appointments made shall be provided in writing to the MPO Officer in a timely manner.

D. Officers

The officers of the Committee shall consist of a Chair, and Vice Chair. The Committee officers will serve one year in that capacity and can be re-elected by Committee members.

1. Chair

The Chair shall be chosen from among the members of the Committee at its first meeting of each new calendar year. The Chair shall be responsible for presiding at all meetings.

2. Vice Chair

The Vice Chair shall also be selected from among the members of the Committee at the first meeting of each new calendar year and shall be responsible for presiding at the meetings in the absence of the Chair.

3. Secretary

The Secretary is a non-voting, ex-officio position. The MPO Officer, or the MPO Officer's designated staff person, shall be the Secretary and have the responsibility for maintaining accurate records of all Committee meetings, preparing agendas and such other duties as may be directed by and needed for the Committee, with consent of the MPO Policy Committee.

4. Vacancy of Office

If an officer described in paragraphs one and two of this section resigns, the remaining Committee members shall elect a replacement officer at the next regularly scheduled meeting.

IV. Meetings:

Regular meetings shall be held as scheduled by the Policy Committee, Notice of time, date, location of each regular or special meeting will be in accordance with the New Mexico Open Meetings Act, as amended, and the Open Meetings Resolution, adopted annually by the MPO. A special meeting may be determined and called for by the Committee Chair or MPO Officer.

A. Quorum

A quorum of the committee shall consist of five members. At least one of those members must be a citizen representative. No action shall be taken unless there is a quorum of the committee in attendance at any meeting.

B. Removal Procedure

1. Attendance is required at all Committee meetings. If a Committee member is absent for more than two consecutive meetings, then the MPO Officer may petition the absent member's governing body for a new appointment. In the case of a citizen representative it would be handled as in item 4 below. If a Committee member fails to attend seventy-five (75) percent of the regularly scheduled Committee meetings in a twelve-month period, membership may be terminated.
2. If a Committee member shall vacate the office by nonattendance, the Chair of the Committee shall notify the Policy Committee in writing of the same. If the Committee Chair is the member who has been absent from the official meetings, the Vice Chair shall conduct the removal process. If the Vice Chair is unable to participate, another Committee member, appointed by the remaining membership, shall conduct the removal process.
3. In the event of a dispute concerning the abandonment or vacation of a Committee office by a member, the Committee member affected may petition the Policy Committee to be allowed an opportunity to show just cause why he/she should not be removed from office.
4. The Policy Committee may remove any Committee member by the affirmative vote of five (5) members upon the grounds of malfeasance or nonfeasance of office, or for any reason whatsoever upon the affirmative vote of all of the members.

C. Voting Procedure

1. The methods of taking a vote are by a "show of hands," by "raising the hand," by rising, by ballot, or by roll call ("yeas or nays").
2. Any vote that results in a tie shall be considered a failed action item.

V. Sub-Committees:

The Committee reserves the right to create sub-committees, as needed, to assist with achieving goals outlined in the Metropolitan Transportation Plan or completing specific tasks. These sub-committees will be temporary in nature and shall disband after reporting the results to the full Committee and completing the assigned goal or task.