

**MESILLA VALLEY METROPOLITAN PLANNING ORGANIZATION**

**RESOLUTION NO. 22-12**

**A RESOLUTION AMENDING THE MESILLA VALLEY MPO  
COMMITTEE BYLAWS AND OPERATING PROCEDURES**

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

**WHEREAS**, the Mesilla Valley MPO is created by a Joint Powers Agreement between the City of Las Cruces, Doña Ana County, and the Town of Mesilla; and

**WHEREAS**, the Mesilla Valley MPO adopted a new Joint Powers Agreement in 2021; and

**WHEREAS**, the State of New Mexico requires the Mesilla Valley MPO to maintain bylaws to govern the MPO board, committees, and operations; and

**WHEREAS**, changes in the newly adopted Joint Powers Agreement required a revision to the previously in-force version of the MPO Bylaws; and

**WHEREAS**, the MPO Policy Board designated a Bylaws Sub-Committee to develop a revised draft of the MPO Bylaws; and

**WHEREAS**, the Bylaws Sub-Committee reported out a revised draft of the MPO Bylaws; and

**WHEREAS**, the Bicycle and Pedestrian Facilities Advisory Committee recommended approval of the revised MPO Bylaws at their August 16, 2022 meeting; and

**WHEREAS**, the Technical Advisory Committee recommended approval of the revised MPO Bylaws at their September 1, 2022 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 Board of the Mesilla Valley Metropolitan Planning Organization:

(I)

**THAT** the draft contained in Exhibit "A", attached hereto and made part of this resolution are **APPROVED** as the new Bylaws and Operating Procedures for the Mesilla Valley Metropolitan Planning Organization.

(II)

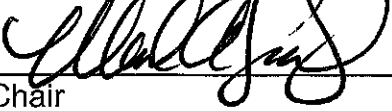
**THAT** these Bylaws and Operating Procedures will take effect on January 1, 2023.

(III)

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

**DONE** and **APPROVED** this 14th day of September, 2022.

APPROVED:

  
\_\_\_\_\_  
Chair

ATTEST:

  
\_\_\_\_\_  
Executive Secretary

Motion By:	
Second By:	
VOTE:	
Chair Sanchez	
Vice-Chair Johnson-Burick	
Mayor Barraza	
Councilor Bencomo	
Councilor Corran	
Dist. Eng. Doolittle	
Commissioner Ellins	
Councilor Graham	
Trustee Merrick	
Commissioner Murillo	



**Mesilla Valley Metropolitan Planning Organization**

# **Bylaws**

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**Mesilla Valley Metropolitan Planning Organization**  
700 North Main, Las Cruces, New Mexico 88001-1120  
(575) 528-3070-telephone (575) 528-3155-fax <http://mesillavalleympo.org/>.

## **Definitions**

**BLM** – Bureau of Land Management.

**BPAC** – Bicycle and Pedestrian Facilities Advisory Committee.

**CFR** – Code of Federal Regulations.

**CLC** – City of Las Cruces.

**Core Documents** – The documents required by the federal government of all MPOs: MTP, TIP, UPWP, PPP, Title VI Plan.

**DAC** – Doña Ana County.

**EBID** – Elephant Butte Irrigation District.

**JPA** – Joint Powers Agreement, the agreement between the City of Las Cruces, Doña Ana County, the Town of Mesilla, and the State of New Mexico that establishes the Mesilla Valley MPO.

**Malfeasance of Office** – misuse of office, refusal to abide by applicable laws, regulations, policies, or bylaws.

**MPO** – Metropolitan Planning Organization.

**MTP** – Metropolitan Transportation Plan, the long-range regional transportation plan covering a minimum 20 year period.

**NMDOT** – New Mexico Department of Transportation.

**NMSA** – New Mexico Statutes Annotated.

**NMSU** – New Mexico State University.

**Nonfeasance of Office** – failure to perform required duties as part of membership of an MPO board or committee. This includes chronic absenteeism at board or committee meetings.

**PPM** – New Mexico Planning Procedures Manual.

**PPP** – Public Participation Plan, the adopted list of public engagement tools that the MPO will utilize in public engagement processes.

**TAC** – Technical Advisory Committee.

**Telephonic** – Utilization of the telephone or other virtual means to participate in MPO Board or Committee meetings.

**TIP** – Transportation Improvement Program, the fiscally constrained list of projects covering a minimum four-year period.

**Title VI** – Title VI Plan, adopted by the MPO Policy Board to ensure compliance with Title VI of the Civil Rights Act of 1964.

**TOM** – Town of Mesilla.

**UPWP** – Unified Planning Work Program, the biennial task list of work projects for MPO Staff.

## **I. Introduction**

The Mesilla Valley Metropolitan Planning Organization (MPO) is established by a Joint Powers Agreement (JPA) between the participating members and by designation of the Governor of the State of New Mexico. The MPO's purpose is to carry out the Urban Transportation Planning Process as defined within the provisions of 23 CFR 450: Planning Assistance and Standards.

The Joint Powers Agreement establishes a number of operational and procedural requirements for the MPO. The purpose of these Bylaws is to establish the policies to implement the requirements of the JPA and to establish the operational procedures for the Mesilla Valley MPO.

These Bylaws and their application shall not violate any rule or regulation established by Federal laws or regulations, State statutes and regulations, local ordinances or codes, or the Mesilla Valley MPO JPA.

## **II. Policy Board**

### **A. Authority**

The Policy Board is the governing authority of the Mesilla Valley MPO and has authority granted under the Joint Powers Agreement to set regional transportation planning policy, which is applicable to contracts and State and Federal laws and regulations, including but not limited to 23 CFR 450.

### **B. Membership**

The Policy Board is made up of ten (10) voting members:

- Three (3) Las Cruces City Councilors,
- Three (3) Doña Ana County Commissioners,
- Three (3) Town of Mesilla Trustees, and
- The New Mexico Department of Transportation District One Engineer

#### **1. Officers**

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

##### ***a. Chair***

The Chair shall be chosen from among the voting members of the Policy Board at the first meeting of each calendar year. The duties of the Chair shall be to preside at all meetings of the Policy Board and sign MPO documents as authorized by the Policy Board. The Chair shall be the primary liaison between the Policy Board and MPO Staff. The Chair shall also have further powers described in Section V of these bylaws.

b. *Vice Chair*

The Vice Chair shall be chosen from among the voting members of the Policy Board at the first meeting of each calendar year. The Vice Chair shall not be chosen from the same governmental entity as the Chair. The Vice Chair shall be responsible for presiding at meetings in the absence of the Chair.

c. *Executive Secretary*

The MPO Officer is the Executive Secretary of the MPO Policy Board and is an ex-officio, non-voting member of the Board. The Executive Secretary shall have the responsibility for maintaining accurate records of all MPO Policy Board meetings, preparing agendas, and other duties designated by the Policy Board. The Executive Secretary may exercise professional judgement to sign letters of support on behalf of the MPO, for things such as grant applications, without consultation with the MPO Policy Board. Additionally, the Executive Secretary or designee has the authority to call meetings of the MPO Policy Board to order and preside over the election of a temporary Chair in the event of the absence of the Chair and Vice Chair.

d. *Vacancy of Office*

If an officer of the Policy Board as described in the previous paragraphs of this section resigns, is removed, or otherwise loses their position on the Policy Board, the remaining Policy Board members shall elect a replacement officer at the next regularly scheduled meeting. This provision does not apply to the Executive Secretary position as the MPO Officer is hired via processes described in the Mesilla Valley MPO Joint Powers Agreement.

2. Attendance

Attendance is required at all Policy Board meetings. If a Policy Board member is absent for more than three (3) meetings in a calendar year that member shall lose their voting privileges or may be removed from the Policy Board per the provisions in Section VII.A & B.

3. Proxy Member

If a Policy Board member is to be absent, a proxy may be appointed for that meeting. The proxy must be an elected official from that member's governing body, with the exception of NMDOT D1. In the case of the NMDOT D1 Engineer, one of the Assistant District Engineers is the appropriate proxy. The absent member is required to provide written notification to the Chair and the MPO Officer in a timely manner prior to the meeting. In the event of the Chair being absent, the Chair must notify the Vice Chair and MPO Officer



as soon as possible so the Vice Chair can be prepared to Chair the meeting. For the purpose of this provision, email correspondence qualifies as written notice.

a. *Utilization*

Utilization of the proxy provision does not count as an absence against a Policy Board member.

b. *Limitation*

A Policy Board member may only utilize the proxy provision three (3) times per calendar year. After three times, it counts as an absence.

4. Appointment Procedure

The MPO member jurisdictions shall make any and all appointments to the Policy Board. All replacement appointments shall be provided in writing to the MPO Officer in a timely manner. For the purpose of this provision, email correspondence qualifies as written notice.

5. Ex-Officio Member

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

**C. Meetings**

All meetings shall be in compliance with the New Mexico Open Meetings Act, as amended, (NMSA 10-15-1 – 10-15-4). At the first regular meeting of every calendar year, the Policy Board shall elect officers and shall pass a resolution certifying compliance with the Open Meetings Act by the MPO Policy Board and MPO advisory committees.

1. Regular Meetings

Regular meetings shall be annually scheduled by the Policy Board and agendas for those meetings will be available no less than seventy-two (72) hours prior to the meeting.

2. Special Meetings

Special Meetings shall be held on an as needed basis. Special Meetings may be called at the discretion of the MPO Chair.

a. *Special Meeting Agendas*

Special Meetings will only be used to consider time-sensitive issues. The only allowable agenda items at a special meeting are those items that necessitate the Special Meeting.

### 3. Emergency Meetings

Emergency Meetings shall only be held to discuss issues with an imminent impact to health, safety, and welfare in the Mesilla Valley MPO area. The MPO Chair has the authority to call an Emergency Meeting.

### 4. States of Emergency

In the event that the Governor of New Mexico or one of the MPO member jurisdictions declare a state of emergency, the MPO Policy Board may meet and vote virtually. Any meeting held under these conditions must be in conformity 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.

## **D. Quorum**

A quorum of the Policy Board shall consist of five (5) members and shall consist of at least one member from each political entity. No action shall be taken without a quorum of the Policy Board in attendance at that meeting.

### 1. Limitation

Telephonic or other virtual participation is allowed to Policy Board members. Only one Policy Board member may participate telephonically at a given meeting.

### 2. Quorum

A Policy Board member participating telephonically counts for the purposes of quorum and for taking action.

### 3. Compliance

This telephonic or virtual participation provision shall not conflict with the codes and regulations of the entity represented by the Policy Board member. The telephonic action shall be in accordance with the New Mexico Open Meetings Act.

## **E. Voting Procedure**

The methods of taking a vote are by rising, by roll call ("yes" or "no"), or by acclamation. Resolutions must be voted on by roll call.

### 1. Ties

Any vote that results in a tie shall be considered a failed action item.

## **F. Committees**

### **1. Permanent Advisory Committees**

The Technical Advisory Committee (TAC) and the Bicycle and Pedestrian Facilities Advisory Committee (BPAC) are the two permanent advisory committees to the MPO Policy Board.

### **2. Other Committees or Subcommittees**

The Board 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.

### **3. Executive Committee**

The Executive Committee shall be a four-member sub-committee consisting of representatives from each member jurisdiction, plus the NMDOT District 1 Engineer. The Chair and Vice-Chair should be members of the Executive Sub-Committee. The Executive Sub-Committee meets at the discretion of the Chair. The Executive Sub-Committee is designated at the first meeting of every calendar year.

### **III. Technical Advisory Committee**

#### **A. 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 TAC.

#### **B. Responsibilities**

The TAC is established by these Bylaws of the Mesilla Valley Metropolitan Planning Organization. The TAC shall be responsible for providing technical advice of all transportation plans within the Metropolitan Planning Area. The TAC shall also provide input to the Policy Board on issues directed to it by its membership, the Policy Board, or the MPO Officer. The TAC shall be responsible for providing recommendations and support to the Policy Board as described in Section V.

#### **C. Membership**

Membership of the TAC shall be governed by the Policy Board. The Policy Board, at any time it deems necessary, may add or remove voting members on the TAC. Members of the TAC from the political participating entities: the City of Las Cruces, Doña Ana County, and the Town of Mesilla, shall be at minimum either director, deputy-director, or equivalent level of authority within their organization. As the City of Las Cruces is the administrative and fiscal agent for the Mesilla Valley MPO, the Las Cruces City Manager may not appoint the direct supervisor or from the superior chain of command of the MPO Officer to the TAC. Subject to these requirements, the Las Cruces City Manager, the Doña Ana County Manager, and the Mayor of the Town of Mesilla have the prerogative to make the appointments on behalf of their jurisdictions. Appointments by other technical participating entities shall be made by the appropriate authorities of those entities. Technical participating entities should appoint representative, authoritative individuals to represent themselves on the TAC. Appointments must be submitted to the MPO Officer in writing. For the purpose of this provision, email correspondence qualifies as written notice.

##### **1. Voting Members**

Members of the TAC shall include:

###### ***a. Political***

- Two (2) representatives designated by the City of Las Cruces,
- Two (2) representatives designated by Doña Ana County,
- Two (2) representatives designated by the Town of Mesilla.

###### ***b. Technical***

- 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 the 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 School District.

**D. Officers**

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

1. Chair

The Chair shall be chosen from among the members of the TAC 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 TAC 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 MPO Officer is the Secretary of the TAC and is an ex-officio, non-voting member of the TAC. The Secretary shall have the responsibility for maintaining accurate records of all TAC meetings, preparing agendas, and other duties designated by the TAC. Additionally, the Secretary or designee has the authority to call meetings of the TAC to order and preside over the election of a temporary Chair in the event of the absence of the Chair and Vice Chair.

4. Vacancy of Office

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

## **E. Attendance**

Attendance is required at all TAC meetings. If a TAC member is absent for more than four (4) meetings in a calendar year that member shall lose their voting privileges or may be removed from the TAC per the provisions in Section VII.A & B.

### **1. Proxy Member**

If a TAC member is to be absent, a proxy may be appointed for that meeting. The proxy must be an employee of the appointing agency. The absent member is required to provide written notification to the TAC Chair and the MPO Officer in a timely manner prior to the meeting. In the event of the Chair being absent, the Chair must notify the Vice Chair and MPO Officer as soon as possible so the Vice Chair can be prepared to Chair the meeting. For the purpose of this provision, email correspondence qualifies as written notice.

#### *a. Utilization*

Utilization of the proxy provision does not count as an absence against a TAC member.

#### *b. Limitation*

A TAC member may only utilize the proxy provision three (3) times per calendar year. After three times, it counts as an absence.

## **F. Sub-Committees**

The TAC 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 TAC and completing the assigned goal or task. These sub-committees shall not consist of a quorum of the membership. The TAC may appoint members to the sub-committee from outside the TAC membership if particular expertise is sought.

## **G. Meetings**

TAC 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 Policy Board. Meetings shall be held as scheduled by the Policy Board. Special Meetings may be called by the TAC Chair or MPO Officer.

1. Quorum

A quorum of the TAC shall consist of seven (7) voting members. No action shall be taken without a quorum of the TAC in attendance at that meeting.

2. Voting Procedure

a. *Method*

The methods of taking a vote are by rising, by roll call ("yes" or "no"), or by acclamation.

b. *Ties*

Any vote that results in a tie shall be considered a failed action item.

## **IV. Bicycle and Pedestrian Facilities Advisory Committee**

### **A. 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 BPAC.

### **B. Responsibilities**

The BPAC is established by these Bylaws of the Mesilla Valley Metropolitan Planning Organization. The BPAC shall be responsible for providing advice on bicycle and pedestrian related issues and review from these perspectives of all transportation plans within the Metropolitan Planning Area. The BPAC shall also provide input to the Policy Board on issues directed to it by its membership, the Policy Board, or the MPO Officer. The BPAC shall be responsible for providing recommendations and support to the Policy Board as described in Section V.

### **C. Membership**

Membership of the BPAC shall be governed by the Policy Board. The Policy Board, at any time it deems necessary, may add or remove voting members on the BPAC.

#### **1. Citizen Representatives**

All non-staff appointments to the BPAC shall be citizens residing within each respective jurisdiction within the Metropolitan Planning Area. The citizen appointment process shall be conducted as follows:

Step 1: MPO Staff will issue a call for candidates for the respective open position(s),

Step 2: The interested candidates shall submit letters of interest to MPO Staff,

Step 3: The letters will be submitted by MPO Staff to the Policy Board for review,

Step 4: The Policy Board makes all citizen appointments to the BPAC,

Step 5: If only one letter is received, the Policy Board can decide to appoint the sole applicant or reopen the call for candidates,

Step 6: If more than one citizen applies, the Policy Board shall select the appointee by voice vote at a regularly scheduled meeting.



## 2. Staff Representatives

As the City of Las Cruces is the administrative and fiscal agent for the Mesilla Valley MPO, the Las Cruces City Manager may not appoint the direct supervisor, or from the superior chain of command of the MPO Officer to the BPAC. Subject to these requirements, the Las Cruces City Manager, the Doña Ana County Manager, and the Mayor of the Town of Mesilla have the prerogative to make the appointments on behalf of their jurisdictions. Appointments by other participating entities shall be made by the appropriate authorities of those entities. Appointments must be submitted to the MPO Officer in writing. For the purpose of this provision, email correspondence qualifies as written notice.

## 3. Voting Members

Members of the BPAC shall include:

### a. *Citizen*

- Two (2) Bicycling Community citizen representatives,
- One (1) Pedestrian Community citizen representative,
- One (1) City of Las Cruces citizen representative,
- One (1) Doña Ana County citizen representative,
- One (1) Town of Mesilla citizen representative.

### b. *Staff*

- 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, and
- One (1) New Mexico Department of Transportation Staff representative.

## **D. Officers**

The officers of the Committee shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair and Vice-Chair 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 MPO Officer is the Secretary of the Committee and is an ex-officio, non-voting member of the Committee. The Secretary shall have the responsibility for maintaining accurate records of all Committee meetings, preparing agendas, and other duties designated by the Committee. Additionally, the Secretary or designee has the authority to call meetings of the Committee to order and preside over the election of a temporary Chair in the event of the absence of the Chair and Vice Chair.

### 4. Vacancy of Office

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

## **E. Attendance**

Attendance is required at all Committee meetings. If a Committee member is absent for more than three meetings in a calendar year that member shall lose their voting privileges or may be removed from the Committee per the provisions in Section VII.A & B.

### 1. Proxy Member

If a Committee member is to be absent, a proxy may be appointed for that meeting. The proxy must be an employee of the appointing agency, a resident of the appropriate jurisdiction, or an individual with the appropriate expertise if proxying for an at-large bicycle or pedestrian community representative. The absent member is required to provide written notification to the Committee Chair and the MPO Officer in a timely manner prior to the meeting. In the event of the Chair being absent, the Chair must notify the Vice Chair and MPO Officer as soon as possible so the Vice Chair can be prepared to Chair the meeting. For the purpose of this provision, email correspondence qualifies as written notice.

#### *a. Utilization*

Utilization of the proxy provision does not count as an absence against a Committee member.

#### *b. Limitation*

A Committee member may only utilize the proxy provision three (3) times per calendar year. After three times, it counts as an absence.

## **F. 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.

## **G. Meetings**

Committee 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 Policy Board. Meetings shall be held as scheduled by the Policy Board. Special Meetings may be called by the Committee Chair or MPO Officer.

### **1. Quorum**

A quorum of the Committee shall consist of five (5) voting members. One of the members present at the meeting must be a citizen representative. No action shall be taken without a quorum of the Committee in attendance at that meeting.

### **2. Voting Procedure**

#### **a. *Methods***

The methods of taking a vote are by rising, by roll call ("yes" or "no"), or by acclamation.

#### **b. *Ties***

Any vote that results in a tie shall be considered a failed action item.

## **V. MPO Committee Process**

### **A. MPO Committee Process**

MPO Core Documents and other major work products must be reviewed by both advisory committees, with the exceptions as listed in Section V.A.1&2, before being brought to the MPO Policy Board for approval. These products include: the Metropolitan Transportation Plan (MTP), all amendments to the MTP, the Transportation Improvement Program (TIP), all amendments to the TIP, the Annual Listing of Obligated Projects, the Unified Planning Work Program (UPWP), all amendments to the UPWP, the Title VI Plan, all amendments to the Title VI Plan, the Public Participation Plan (PPP), all amendments to the PPP, and all Federal and State calls for projects that come through the MPO process.

#### 1. Committee Exceptions

The Bicycle and Pedestrian Facilities Advisory Committee does not review the Annual Listing of Obligated Projects.

#### 2. Staff Exceptions

MPO Staff work products are not subject to the MPO Committee Process and are not subject to direct approval by the MPO Policy Board.

## **VI. Authority of the MPO Chair**

### **A. Prerogatives**

In addition to the responsibilities listed in Section II.B.1.a, the MPO Chair has the ability to permit items and projects to bypass the MPO Committee Process described in Section V and proceed directly to consideration by the Policy Board. This permission may only be sought when there is an imminent danger of loss of project(s) or funding if there is no immediate action by the Policy Board. The Vice-Chair may exercise this authority if the MPO Officer is unable to reach the Chair in a reasonable amount of time. This provision shall not provide a mechanism for routine bypassing of the advisory committee process. The MPO Chair has the right to refuse the request.

#### **1. Bypass Permission Process**

In order for the Chair to grant permission for an item or project to bypass the MPO Committee Process as described in Section V, the sponsoring jurisdiction must submit a formal, written request through the MPO Officer to the MPO Chair stating the need and justification for the request. For the purpose of this provision, in compliance with requirements in the New Mexico Planning Procedures Manual, this written request must be a formal letter addressed to the MPO Chair. This letter must have signature lines for the MPO Chair and the NMDOT Transportation Secretary. This letter must be emailed to the MPO Officer. The MPO Officer will then forward the request to the Chair for consideration with a recommendation of whether the request meets the criteria of this provision. The Chair will then grant or deny the request for the item to appear on the agenda of the next Policy Board meeting. If granted, the request and the Chair's response will be included in the meeting packet for review by the Policy Board.

##### *a. MPO Officer Prerogative*

The MPO Officer also has the ability to petition the Chair to bypass the MPO Committee Process as described in Section V when there is an imminent danger of loss of project(s) or funding if there is no immediate action by the Policy Board. Should the MPO Officer need to make this request, the request must be submitted in writing by the MPO Officer to the MPO Chair for consideration and the Chair will grant or deny the request for the item to appear on the agenda of the next Policy Board meeting. For the purpose of this provision, email correspondence qualifies as written notice. If granted, the request and the Chair's response will be included in the meeting packet for review by the Policy Board.

## **VII. Board and Committee Requirements**

### **A. Malfeasance of Office**

#### **1. Open Meetings Act**

As stated in Section II.C, at the first regular meeting of every calendar year the Policy Board shall pass a resolution certifying compliance with the Open Meetings Act by the MPO Policy Board and MPO advisory committees. Compliance with the Open Meetings Act is required of all members of the Policy Board and advisory committees. Non-compliance with the Open Meetings Act is Malfeasance of Office. The consequence for Malfeasance of Office via non-compliance with the Open Meetings Act is removal from the relevant board or committee.

##### *a. Open Meetings Act Violation Removal Procedure*

- i. If the MPO Officer becomes aware of a potential violation of the Open Meetings Act by a member of an MPO Board or Committee, the MPO Officer shall immediately notify the MPO Chair, the City of Las Cruces Attorney, and the Chair of the member's advisory committee if applicable.
- ii. The MPO Officer shall submit the information related to the City of Las Cruces Attorney. The City Attorney will review the submitted materials and make a recommendation whether or not a violation of the Open Meetings Act has potentially taken place. If it is the opinion of the City Attorney that no violation took place, no further action will be taken. This information will be conveyed by the MPO Officer to the MPO Chair and the Chair of the member's advisory committee if applicable.
- iii. If it is the opinion of the City Attorney that a potential Open Meetings Act violation did occur, the MPO Officer will convey this information to the MPO Chair and the Chair of the member's advisory committee if applicable. The MPO Officer will then bring an action item considering the removal of the member to the next regularly scheduled meeting of the MPO Policy Board.
- iv. At the next regularly scheduled Policy Board meeting, the relevant information will be presented by the MPO Officer. The member will have the opportunity to defend themselves. A majority vote of the Policy Board is required to remove any member of the Board or an Advisory Committee.
- v. If a member is removed from the Board or an advisory committee, that individual is unable to be reappointed to any MPO Board or Advisory Committee for a period of one year from the date of their removal.

## 2. Attendance

As stated in Section II.B.2 (Policy Board), Section III.E (TAC), and Section IV.E (BPAC) attendance for members is mandatory at all MPO Board and Committee meetings.

### a. *Voting Rights Loss for Excessive Absences*

- i. MPO Staff shall be responsible for tracking the attendance of all the members of the MPO Board and Committees.
- ii. If a member of an MPO Board or Committee exceeds the allowable number of absences for their respective body, that member shall automatically lose their voting rights for that body.
- iii. If a member loses their voting rights through excessive absences, the MPO Officer will notify the MPO Chair, and the Chair of their Advisory Committee if applicable, of the loss of voting rights for that member.

### b. *Restoration of Voting Rights*

- i. If a member of an MPO Board or Committee loses their voting rights for excessive absences, that member will have their voting rights restored upon their meeting with MPO Staff to discuss their role on the MPO and the importance of their participation.
- ii. If a member who lost their voting rights meets with MPO Staff, the MPO Officer shall notify the MPO Chair, and the Chair of their Advisory Committee if applicable, that the member has had their voting rights restored.

## 3. Other Malfeasance of Office

### a. *Removal*

The MPO Policy Board may remove members of the Board or Advisory Committees for other acts of malfeasance not otherwise specified in this section for such as: misuse of office, refusal to abide by applicable laws, regulations, policies, bylaws, or otherwise bringing the MPO into disrepute.

- i. An act of malfeasance may be brought to the attention of the Policy Board by the MPO Officer, or the Policy Board may bring the act of malfeasance to the attention of the MPO Officer and direct MPO Staff to initiate a removal process.
- ii. The MPO Officer will then bring an action item considering the removal of the member to the next regularly scheduled meeting of the MPO Policy Board.
- iii. At the next regularly scheduled Policy Board meeting, the relevant information will be presented by the MPO Officer. The member will have

the opportunity to defend themselves. A majority vote of the Policy Board is required to remove any member of the Board or an Advisory Committee.

iv. If a member is removed from the Board or an advisory committee, that individual is unable to be reappointed to any MPO Board or Advisory Committee for a period of one year from the date of their removal.

## **B. Non-Feasance of Office**

### **1. Chronic Absenteeism and Non-Feasance of Office**

#### *a. Chronic Absenteeism*

Chronic Absenteeism shall constitute Non-Feasance of Office and be grounds for removal from an MPO Board or Advisory Committee.

#### *b. Determination via Aggregation*

A member of an MPO Board or Committee shall be deemed chronically absent if that member has three separate instances of loss of voting rights.

#### *c. Determination via Non-Response*

A member of an MPO Board or Committee shall be deemed chronically absent if that member loses their voting rights for one calendar year from the time of loss of voting rights without meeting with MPO Staff to have their voting rights restored.

### **2. Non-Feasance of Office Removal Procedure**

#### *a. Notification*

If a member of an MPO Board or Committee is deemed to be chronically absent, the MPO Officer shall notify the MPO Chair and the Chair of their Advisory Committee if applicable.

#### *b. Process*

The MPO Officer will bring an action item considering the removal of the member to the next regularly scheduled meeting of the MPO Policy Board.

#### *c. Action*

At the next regularly scheduled Policy Board meeting, the relevant information will be presented by the MPO Officer. The member will have the opportunity to defend themselves. A majority vote of the Policy Board is required to remove any member of the Board or an Advisory Committee.



d. *Reappointment Prohibition*

If a member is removed from the Board or an Advisory Committee, that individual is unable to be reappointed to any MPO Board or Advisory Committee for a period of one year from the date of their removal.

## **VIII. Bylaws Amendment Process**

### **A. Bylaws Amendments**

#### 1. Conformity and Consistency

These bylaws shall be reviewed for conformity and consistency after every amendment or modification to the Mesilla Valley MPO Joint Powers Agreement.

#### 2. Review

These bylaws may be reviewed at the request of MPO Staff or any of the MPO Board or Committee members.

### **B. Bylaws Amendment Process**

#### 1. Process

The MPO Bylaws shall be amended via the following process:

##### a. *Review Process*

Once a Bylaws review process has been requested, the MPO Policy Board shall determine if they want the review to be conducted by MPO Staff or by Sub-Committee specifically appointed for the task.

##### b. *Draft Presentation*

Whether done by MPO Staff or by Sub-Committee, a draft of the proposed bylaws revision shall be presented to the advisory committees and the MPO Policy Board for their consideration.

##### c. *Adoption*

The MPO Policy Board may amend the bylaws by a majority vote.

##### d. *Effective Date*

The revised bylaws go into effect immediately upon adoption by the MPO Policy Board.

## **IX. Miscellaneous**

### **A. Parliamentary Authority**

Except as may be otherwise specified within these bylaws, Robert's Rules of Order is the parliamentary authority for the Mesilla Valley MPO.

### **B. Ethics**

Except as may be otherwise specified within the Mesilla Valley MPO Joint Powers Agreement or within these bylaws, the MPO Policy Board and Advisory Committees shall operate in accordance with the City of Las Cruces Code of Ethics.