

BY-LAWS OF THE BISMARCK-MANDAN AREA METROPOLITAN PLANNING ORGANIZATION

(Revised April 2020)

ARTICLE I. Organization

These By-Laws shall regulate and govern the affairs of the Bismarck-Mandan Area Metropolitan Planning Organization, hereinafter referred to as the “MPO”, organized pursuant to Title 23, Section 134 Regulations, specifically part 450, 650 and 49 CFR part 613. The MPO shall perform metropolitan and areawide planning for the geographic area comprised of the cities of Bismarck, Mandan and Lincoln, and portions of the counties of Burleigh and Morton, hereinafter referred to as the “Metropolitan Area”. The MPO shall also serve as a coordinating agency for investigations and studies for improvement of transportation services in the Metropolitan Area; shall disseminate information regarding comprehensive planning and proposals for improvement of the Metropolitan Area, and; shall promote general public support for such plans and programs as the Metropolitan Planning Organization Policy Board, hereinafter referred to as the “Policy Board”, may endorse.

ARTICLE II. Declaration of Policy

1. The MPO finds and declares that the people within the Metropolitan Area have a fundamental interest in the orderly development of the area.
2. The MPO further finds and declares:
 - a. That the members have an interest in the preparation and maintenance of a long-range transportation plan for the development of the area to serve as a guide to the political subdivisions within the area;
 - b. That the continuing growth of the area presents problems that are not confined to the boundaries of a single county or city;
 - c. That the area, by reason of its governmental jurisdictions, presents special problems of development that can be dealt with most effectively by a Metropolitan Planning Organization;
 - d. That the area is well-adapted to unified consideration, and;
 - e. That in order to assure, insofar as possible, the orderly and harmonious development of the area, and to provide for the needs of future generations, it is necessary for the people of the area to form a Metropolitan Planning Organization to serve as a coordinating agency to harmonize the activities of federal, state and local agencies, and to render assistance and create public interest and participation in the development of the area.

ARTICLE III. Functions

1. The MPO shall prepare and adopt and keep current a Metropolitan Transportation Plan (MTP) and recommend policies for the development of the area. The Plan shall be based on existing conditions and probable future growth and shall be made with the general purpose of guiding a coordinated and harmonious development that will promote the health, safety and general welfare of the inhabitants. The Plan shall also seek to promote efficiency and economy in the process of land development and population distribution so as to reduce the waste of resources; and it shall promote an efficient and economic utilization and conservation of the means of production of food and water, of sanitary and other facilities and of natural resources, and transportation.
2. The MPO shall be apprised of all local plans and projects that have areawide implications.
3. The MPO shall act as the official areawide planning agency for the Metropolitan Area and shall be designated as a consortium of governments for federal legislation dealing with transportation, land use, and any other issue deemed appropriate by their respective governing bodies and as the official Area Planning Organization as required by the United States Department of Transportation.

ARTICLE IV. Membership

1. The Metropolitan Planning Organization Policy Board shall consist of officials of local units of government and shall be allowed proportional voting representation as follows:

| <u>Member</u> | <u>Entity</u> | <u>Votes</u> |
|---|--|--------------|
| President, Board of City Commissioners | City of Bismarck | 5 |
| President, Board of City Commissioners | City of Mandan | 2 |
| Mayor | City of Lincoln | 1 |
| Chair or designated member, Board of County Commissioners | Burleigh County (less Bismarck and Lincoln) | 2 |
| Chair or designated member, Board of County Commissioners | Morton County (less Mandan) | 1 |
| Director | North Dakota Department of Transportation | 0 |
| TOTAL | | 11 |

2. Voting representation shall be based on one vote per each fifteen thousand (15,000) persons or part thereof. The population of each unit of government shall be determined by the most recent official Census.
3. Policy Board members may choose alternates to serve in their place. It is preferred that the alternates will be elected officials of their respective units of government, but may, at the original Policy Board members discretion, be a non-elected official or staff member. In either case, alternates shall have full voting rights in the absence of designated members.
4. Advisory (non-voting) membership shall be extended to the Director of the North Dakota Department of Transportation, or his/her designated alternate.
5. Terms of Office: All members shall hold office only during their respective terms of office.
6. Officers: The officers shall consist of a Chair, Vice Chair, and Executive Director.
 - a. Chair - The Chair shall be a voting member of the MPO Policy Board and shall preside at all meetings of the Policy Board for a term of two (2) years.
 - b. Vice Chair - The Vice Chair shall be a voting member of the MPO Policy Board and shall exercise the functions of the Chair in his/her absence for a term of two (2) years.
 - c. Executive Director - The Executive Director of the Metropolitan Planning Organization shall exercise the functions of the authorized recording officer of the Policy Board and shall be empowered to execute official instruments of the Policy Board as authorized by the Board. The Principal Transportation Planner of the MPO shall serve as Executive Director of the MPO.

ARTICLE V. Meetings

1. The Metropolitan Planning Organization Policy Board shall generally meet on a monthly basis and shall fix a time and place for the meetings. Special meetings may be called or regular meetings cancelled or re-scheduled at the discretion of the Chair or Executive Director.
2. The Policy Board and Technical Advisory Committee shall keep records of all its meetings. The MPO's records shall be public records available for inspection by any interested parties at reasonable times during regular office hours.
3. All MPO meetings shall be open to the public.
4. Quorum: A quorum for the transaction of the Policy Board business shall consist of at least three (3) voting members representing at least six (6) votes.

5. Rules of Order: Except as otherwise required by these By-Laws, the Rules of Order shall be in accordance with the latest edition of ROBERT'S RULES OF ORDER, REVISED.

ARTICLE VI. Powers and Duties

1. The MPO shall prepare, maintain, and regularly update the plans set forth below. In preparation of the plans the Policy Board shall seek to harmonize the general plans of the cities and counties within the area and plans and planning activities of the federal, state and local agencies.
 - a. Metropolitan Transportation Plan (MTP)

The MPO Metropolitan Transportation Plan will serve as the basis for developing the communities' future transportation network. The MTP identifies and prioritizes transportation related projects with implementation time frames including short-range (0-5 years), medium-range (5-15 years), or long-range (15+ years). The MTP is updated on regular intervals and has a planning horizon of at least twenty (20) years.
 - b. Transportation Improvement Program (TIP)

The MPO shall prepare and submit annually a staged multi-year program of transportation improvement projects in each city government unit. The TIP for the Metropolitan Area lists all of the transportation improvement projects proposed to be funded and constructed by Federal Highway Administration and certain Federal Transit Administration programs during a four (4) year time period.
 - c. Unified Planning Work Program (UPWP)

The MPO shall, biennially, prepare an annual Work Program for allocation of PL funds. This allocation shall be based on a listing of tasks to be accomplished by the MPO each year.
 - d. Multi-Jurisdictional Plans

The MPO shall review and act on all transportation projects affecting Metropolitan Area multiple units of government in a substantial manner.
2. Adoption: Before adoption of a plan or any revision thereto, it may be referred to each city and county planning commission for review with approval of the appropriate governing body as deemed necessary by the Policy Board, and the Policy Board shall allow a reasonable time for response. The MPO shall seek the cooperation and advice of cities and counties, state and federal agencies, and organizations and others interested in its functions. The Policy Board shall adopt plans and studies or portions thereof by majority vote as identified in Article IV.
3. Certification of Plan: The Policy Board shall provide information related to adopted plans and studies or portions thereof, to the legislative bodies and planning commissions within the Metropolitan Area, to all public utilities affected by the plans and studies, and

to any state or federal department or agency concerned with or affected by the plans on request.

4. Other powers and duties of the MPO:

- a. To conduct studies and research pertaining to planning and development and to make recommendations based on these studies.
- b. To provide, when possible, technical services to the member units of government.
- c. To receive and dispense grants and funds from federal, state, or local governments or from individuals and foundations within the budget established or amended by the Policy Board.
- d. To enter into agreements or contracts for any service necessary or convenient for carrying out the purposes of the MPO.

ARTICLE VII. Technical Advisory Committee

Technical Advisory Committee - A Technical Advisory Committee (TAC) of skilled and experienced persons to study and report on matters related to any of the functions of the MPO is hereby established. The TAC shall be composed of the following voting representatives: Bismarck City Engineer; Mandan City Engineer; Burleigh County Engineer; Morton County Engineer; Morton County Planner; the Director of the Bismarck Community Development Department; a trucking or freight industry representative; a North Dakota Department of Transportation MPO Coordinator; a representative for the City of Lincoln; Transit Director; Mandan City Planner; a North Dakota Department of Transportation Bismarck District official; Burleigh County Building Official/Director; and either the MPO Executive Director or an MPO Transportation Planner, one of whom shall act as the TAC chair. Any member may have an alternate serve in his/her place with full voting rights. A quorum will consist of eight (8) voting members.

The purpose of the TAC is to discuss and coordinate technical transportation matters that are under consideration by the MPO. Such matters may include highway, transit, auto/rail, bicycle, and pedestrian planning activities. The TAC will act in an advisory capacity to the Policy Board and the MPO's respective jurisdictions concerning transportation activities.

ARTICLE VIII. Information Coordination

To facilitate the planning and development of the Metropolitan Area, all governing bodies, planning agencies, and others within the area are requested to apprise the MPO of all public plans, maps, reports, regulations and other documents as well as amendments and revisions thereto, that are related to the activities of the MPO.

ARTICLE IX. Financial Provisions


1. Every two (2) years, the Policy Board shall adopt by majority vote a proposed Unified Planning Work Program (UPWP) for the operation of the MPO. The local matching funds must be provided by respective units of government receiving grant funds as per federal and state management requirements.
2. Audits and Records: Books, records and accounts shall be kept as prescribed by State and Federal law. All vouchers shall be submitted to the MPO for approval and signed by the Executive Director of the MPO. The vouchers shall then be submitted to the Bismarck City Finance Department for processing per City of Bismarck standard department protocol.

ARTICLE X. Adoption and Amendments


These By-Laws may be amended, or new By-Laws adopted, at any regular or special meeting provided notice is included on the Policy Board’s agenda. It shall take a majority vote of the Policy Board’s voting membership as identified in Article IV to amend or adopt these By-Laws.

Adopted this 21st day of April, 2020,

by the Bismarck-Mandan Metropolitan Planning Organization


Chair, Bismarck-Mandan MPO Policy Board

ATTEST:


Executive Director, Bismarck-Mandan MPO