

# **THE BYLAWS OF COLLIER METROPOLITAN PLANNING ORGANIZATION (MPO)**

## **Section 1**                      Description of Organization

- 1.01**    The Agency
- 1.02**    Composition and Operation of MPO
- 1.03**    Committees
- 1.04**    General Information on the MPO
- 1.05**    Public Access to Agency Meetings and Workshops
- 1.06**    Rights of Review

## **Section 2**                      Agenda and Scheduling--Meeting and Workshops

- 2.01**    Notice of Meetings and Workshops
- 2.02**    Agenda
- 2.03**    Emergency Meetings and Workshops

## **Section 3**                      Amendments to Bylaws

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## **Section 1**                      **DESCRIPTION OF ORGANIZATION**

### **1.01**    **THE AGENCY**

The Collier Metropolitan Planning Organization, hereinafter referred to as the MPO, is created pursuant to Florida Statute 339.175 and operates under an Interlocal Agreement, as amended and restated dated February 26, 2015, authorized under Chapter 163 of the Florida Statutes. The parties to the interlocal agreement are Collier County, the City of Naples, the City of Marco Island, the City of Everglades City and the Florida Department of Transportation.

Creation of the MPO is for the purpose of implementing Title 23, United States Code, Section 134, and Title 49, United States Code, Sections 1602, 1603, and 1604, and Title 23, Code of Federal Regulations, Part 450, and Chapter 339.175, Florida Statutes. The MPO is created to work in cooperation with the Florida Department of Transportation, the Federal Highway Administration and Federal Transit Administration.

### **1.02**    **COMPOSITION AND OPERATION OF THE MPO**

The composition and operation of the MPO shall be as provided in the aforesaid

Interlocal Agreement; the officers of the MPO and their duties, and these rules may be amended as provided by said Agreement.

- A. Officers – The MPO shall elect a Chairman and a Vice Chairman of the MPO at its first meeting of the calendar year. The Chairman and Vice Chairman shall serve for a period of one (1) year or until a successor is elected. The Chairman and Vice-Chairman shall be voting members of the MPO.
- B. Chairman – The Chairman of the MPO shall call and preside at all meetings of the MPO. The Vice Chairman shall serve as Chairman in the absence of the Chairman.
- C. Agency Clerk – The staff of the MPO shall maintain the minutes and other records of the MPO. The minutes shall accurately reflect the proceedings of the MPO.
- D. Quorum – A majority of the voting members of the MPO must be present for the MPO to conduct business.
- E. Rules of Order – Except as otherwise provided in these Bylaws, Roberts Rules of Order, as revised, shall be followed as to any parliamentary procedures at all meetings.
- F. Reconsideration of Matters – Except for MPO approved contracts, any matter which has been voted upon by the MPO may be reconsidered as follows:
  - (1) By a motion to reconsider made by a member who voted with the majority if such motion is made prior to the adjournment of the meeting at which the matter was voted upon. If there were no public speakers on the item, or if all of the public speakers for the item are still present in the boardroom following a successful motion to reconsider, the MPO may elect to rehear the matter during that meeting, or direct the MPO Executive Director to place the item on the agenda for a future meeting. In the event that there were public speakers for the item, and not all of the public speakers are still present in the boardroom following a successful motion to reconsider, the MPO Executive Director shall be directed to place the item on the agenda for a future meeting.
  - (2) By a motion to reconsider made by a member who voted with the majority if such motion is made at a regular meeting following the meeting at which the matter was voted upon, but only in accordance with the following:

- (i) Where a member who voted with the majority wishes the Board to reconsider a matter after the adjournment of the meeting at which it was voted on, the member shall deliver to the MPO Executive Director a written memorandum stating that the member intends to introduce a motion to reconsider. The memorandum shall state the date of the regular meeting at which the member intends to introduce such motion, and shall be delivered to the MPO Executive Director at least six days prior to such meeting. The purpose of this requirement is to allow staff to advise the Board of the legal or other ramifications of reconsideration.
- (ii) No motion to reconsider shall be made any later than the second regular MPO meeting following the MPO Board's vote on the matter sought to be reconsidered; with the exception of where the basis for such request for reconsideration is found upon MPO's staff's presentation of newly discovered and previously unknown facts which would have been material to the MPO's consideration at the time the item was originally considered but were not known earlier despite the due diligence of MPO staff.
- (iii) Upon adoption of a motion to reconsider, the MPO Executive Director shall place the item on an agenda not later than the second regular MPO meeting following the meeting at which the motion for reconsideration was adopted.
- (iv) All parties who participated by speaking, submitting registration forms or written materials at the original meeting the item was addressed by the MPO, shall be notified by the MPO Executive Director of the date of reconsideration.
- (v) MPO approved contracts may only be reconsidered by motion made prior to the adjournment of the meeting at which the matter was voted upon notwithstanding the discovery of subsequent newly discovered facts. For purposes of this subsection, a contract is defined as an agreement that is legally binding and enforceable in a court of law.

### **1.03 COMMITTEES**

There are hereby created five (5) standing committees, which shall be advisory committees to the governing board of the MPO. These advisory committees are the Technical Advisory Committee, Citizens Advisory Committee, the Bicycle



and Pedestrian Advisory Committee, the Congestion Management Committee and the Local Coordinating Board for the Transportation Disadvantaged which shall have the following composition and duties:

- A. The Technical Advisory Committee – the responsibility of the Technical Advisory Committee, hereinafter referred to as the TAC, shall be to serve the MPO in an advisory capacity on technical matters regarding all modes of travel, including promoting coordination among agencies, members, and transportation planning and programming; reviewing technical sufficiency, accuracy and completeness of appropriate studies; making priority recommendations for the transportation plan and program implementation, and providing technical analyses on other transportation planning issues.

The TAC shall be composed of thirteen (13) voting members and one (1) non-voting member appointed by the division, department or agency that they represent. TAC voting members may designate an alternate to replace them in their absence.

- B. Citizens Advisory Committee – the responsibility of the Citizen Advisory Committee, hereinafter referred to as the CAC, is to advise the MPO reviewing, reacting to, and providing comment on transportation planning issues and needs regarding all modes of travel from the citizens' perspectives. The CAC shall consist of voting members appointed by the MPO.

Membership shall be composed of thirteen (13) citizens residing or whose principal place of business is located in the following areas:

City of Naples (2),  
Collier County Unincorporated Area (5), coinciding with the established Collier County Commission Districts,  
City of Marco Island (1),  
City of Everglades City (1), including the area encompassing Chokoloskee and Plantation Island, and;

Four (4) citizens at large, including a minimum of one (1) citizen representing the disabled or an advocate for the disabled community, one (1) minority citizen, and two (2) appointed from Collier County to ensure adequate representation from all geographic areas of the county, and to include groups having civic, community and economic interests.

- C. Bicycle and Pedestrian Advisory Committee – The responsibility of the Bicycle and Pedestrian Advisory Committee, hereinafter referred to as the BPAC, is to provide citizen input into the deliberation of bicycle- and



pedestrian-related issues within the community, to advise the MPO on developing a Bicycle and Pedestrian Master Plan (BPMP) that is responsive to the needs of the community, to recommend policies and advise the MPO Board of opportunities that will improve the walking and bicycling environment, recommend priorities for bicycle and pedestrian projects and program implementation, and contribute to the BPMP's vision and recommendations regarding the development of the bicycle and pedestrian network.

Membership shall be composed of twelve (12) at-large voting members representing a wide cross-section of Collier County residents and neighborhoods, bicycle and pedestrian safety professionals, Safe Routes to Schools organizations, transit riders, local bicycle and pedestrian advocacy groups, organizations that encourage active transportation from a community health perspective, and advocates for persons with disabilities, and other transportation disadvantaged populations.

- D. The Congestion Management Committee – the responsibility of the Congestion Management Committee, hereinafter referred to as the CMC, shall be to serve the MPO in an advisory capacity on technical matters relating to the update of the MPO's Congestion Management Process (CMP) and the coordination of the CMP with regional Congestion Management System and Intelligent Transportation System architecture.

The CMC shall be composed of eleven (11) voting members appointed by the division, department or agency that they represent. CMC voting members may designate an alternate to replace them in their absence.

- E. The Local Coordinating Board for the Transportation Disadvantaged – the responsibility of the Local Coordinating Board for the Transportation Disadvantaged, hereinafter referred to as the LCB, shall be to assist the MPO in identifying local service needs and providing information, advice and direction to the Community Transportation Coordinator (CTC) on the coordination of services to be provided to the transportation disadvantaged pursuant to Chapter 427.0157, *Florida Statutes*. In accordance with Rule 41-2.012, Florida Administration Code, all members of the LCB shall be appointed by the designated official planning agency. The designated official planning agency for Collier County is the MPO.

The LCB shall be composed of sixteen (16) voting members appointed by the division, department, or agency that they represent. LCB voting members may designate an alternate to replace them in their absence.

#### **1.04 GENERAL INFORMATION ON THE MPO**

All public records of the MPO, TAC, CAC, BPAC, LCB and CMC Committee are open for inspection and examination at the office of the MPO, 2885 South Horseshoe Drive, Naples, Florida, between the hours of 8:00 a.m. and 5:00 p.m. during regular business days.

#### **1.05 PUBLIC ACCESS TO MEETINGS AND WORKSHOPS**

All MPO, TAC, CAC, BPAC, LCB and CMC meetings, workshops and proceedings shall be open to the public.

#### **1.06 RIGHTS OF REVIEW**

All parties to the Interlocal Agreement, as well as the FHWA and FTA shall have the rights of technical review and comment of MPO projects.

### **Section 2 AGENDA, SCHEDULING and MEETINGS**

#### **2.01 NOTICE OF MEETINGS AND WORKSHOPS**

- A. Except in the case of emergency meetings or workshops, the MPO shall give at least seven (7) days public notice of any meeting or workshop through the issuance of a press release to local print and broadcast media in the Naples Area.
- B. The press release notice of such meeting or workshop shall provide:
  - 1. The date, time, and place of the event.
  - 2. A brief description of the purpose of the event.
  - 3. The address where interested parties may write to obtain a copy of the agenda.

A copy of the Agenda may be obtained by writing to the Collier MPO, 2885 South Horseshoe Drive, Naples, Florida 34104. Agendas may also be obtained by e-mail at [colliermmpo@colliergov.net](mailto:colliermmpo@colliergov.net) or by accessing the MPO's Web site at [colliermmpo.net](http://colliermmpo.net).

#### **2.02 AGENDA**

- A. At least seven (7) days prior to a meeting or workshop, the MPO staff shall prepare and make available an agenda for distribution on request by any interested person. The agenda shall list the items in the order they are to be considered; provided, however, that for good cause stated in the

record by the person who is designated to preside at the meeting, items may be considered out of their listed order.

- B. The agenda shall be specific as to the items to be considered. All matters shall be listed on the agenda.
  - 1. Any person who desires to have an item placed on the agenda of the meeting of the MPO shall request in writing that the item be considered at the next scheduled meeting of the MPO, provided, however, that such a request must be received fourteen (14) days in advance of the scheduled meeting. Written requests for placing an item on the agenda must describe and summarize the item and shall be mailed or delivered to MPO, at the address in Section 2.01 (B) of these Bylaws.
  - 2. Additional items not included on the meeting agenda may be considered at a meeting if the chairman or his designee feels that the item requires immediate action by the MPO.

### **2.03 EMERGENCY MEETINGS AND WORKSHOPS**

- A. The MPO may hold an emergency meeting or workshop notwithstanding the provisions of Sections 2.01 and 2.02 of these Bylaws, for the purpose of acting upon matters affecting the public health, safety and welfare.
- B. Whenever an emergency meeting or workshop is scheduled to be held, the MPO shall notify, as soon as possible prior to the meeting, at least one major newspaper of major circulation in the Naples Area stating time, date, place and purpose of the meeting or workshop.

### **Section 3 AMENDMENTS TO BYLAWS**

These Bylaws may be amended by a majority vote of the voting members, provided a copy of the proposed amendment shall have been sent to all members at least seven (7) calendar days prior to it being voted on. The MPO Board has sole authority to adopt and amend the bylaws of any advisory committee.

These Bylaws and any and all amendments to the Bylaws will become effective upon endorsement of the Collier MPO.

These Bylaws for the Collier Metropolitan Planning Organization were hereby adopted in an open session with a quorum present and voting on November 13, 2020.



**METROPOLITAN PLANNING ORGANIZATION**

By: Elaine Middelstaedt  
Elaine Middelstaedt, MPO Chair

Attested By: [Signature]  
Anne McLaughlin, MPO Executive Director

Approved as to form and legality:

COLLIER COUNTY ATTORNEY

By: [Signature]  
Scott R. Teach  
Deputy County Attorney