

**AMENDED  
BYLAWS AND OPERATING PROCEDURES  
(Effective December 2009)**

**TRANSPORTATION PLANNING COMMITTEE MULTIMODAL  
TRANSPORTATION PLANNING JEFFERSON-ORANGE-HARDIN  
COUNTY URBAN PLANNING REGION**

The following rules shall govern the procedures and composition of the Transportation Planning Committee:

- A. FUNCTIONS.** The Transportation Planning Committee shall serve as the Policy Board for the Metropolitan Planning Organization (MPO) identified in the Governor’s MPO designation, and shall provide regular and continuing general policy guidance to multimodal transportation planning, approve region-wide transportation plans and/or revisions thereof, and promote the adoption and implementation of such plans by the various levels of government.

The Transportation Planning Committee shall examine the adequacy and appropriateness of the continuing transportation planning process, review annually the Unified Work Program and annually endorse the Transportation Improvement Program and recommend its constancy to the SETRPC as the Regional Clearinghouse. This Committee shall review annually such other documentation, which requires approval by responsible local officials. The Transportation Planning Committee shall also function as a forum for public discussion relating to transportation planning in the Jefferson, Orange and Hardin County region.

- B. MEMBERSHIP.** Membership of the Transportation Planning Committee shall consist of elected officials or representatives appointed by the City Council and Commissioners’ Court of these agencies listed under Voting Membership. The Voting Membership of this Committee shall consist of fifteen (15) persons and shall be composed of the representatives of the following governmental entities:

\*Amended September 17, 1992 to include Lumberton and Silsbee, Texas

**VOTING MEMBERSHIP**

City of Beaumont .....	1
City of Bridge City .....	1
City of Groves .....	1
City of Lumberton .....	1
City of Nederland .....	1

City of Orange .....	1
City of Port Arthur .....	1
City of Port Neches .....	1
City of Silsbee .....	1
City of Vidor .....	1
City of West Orange .....	1
County of Hardin .....	1
County of Jefferson .....	1
County of Orange .....	1
Texas Department of Transportation .....	1
TOTAL .....	15

Nonvoting Ex Officio Members are as follows:

City of Bevil Oaks	City of Pinehurst
City of China	City of Rose City
City of Nome	U.S. Representative, Dist. 2
City of Pine Forest	State Senator, Dist. 4
City of Rose Hill Acres	State Representative, Dist. 19
State Representative, Dist. 9	State Representative, Dist. 22
State Senator, Dist. 3	State Representative, Dist. 23
State Representative, Dist. 20	Governor’s Office
State Representative, Dist. 21	TxDOT-Austin Division 10
Federal Highway Administration	Texas Air Control Board
South East Texas Regional Planning Commission	U.S. Coast Guard
	Texas Commission on Environmental Quality

Members shall serve a term of two (2) calendar years. Thirty (30) days prior to the end of each Member’s term, the chief elected official or head and/or board of the entity which such Member represents shall be requested by the Secretary to name a replacement Member for the next term. The Chairman may appoint such other nonvoting ex officio Member to serve on the Transportation Planning Committee as may be appropriate, subject to the approval of a majority of the Committee Voting Membership.

C. **OFFICERS.** The Transportation Planning Committee shall elect a Chairman, a Vice Chairman, and a Secretary for a term of two (2) calendar years. The Chairman shall appoint a nominating Committee of three (3) Members in January of each even year for the purpose of bringing before this Committee a slate of officers for consideration. Elections shall be held at the first meeting of each even year. In the event a duly elected officer is unable to serve his entire term of office, the remaining officers shall concur in appointing a Committee Member to serve the remainder of the unexpired term.

- D. **VACANCIES.** Each Member shall be eligible to serve during the time he occupies the position in which he was serving at the time of his selection. In the event that a Voting Member becomes ineligible or unable to serve, then a new Member named by the chief elected official of the appropriate governmental unit shall be allowed to assume the position of the ineligible Member on the Committee. Changes of Voting Members can be made by a chief elected official or the head and/or board of the appropriate governmental unit at any time.
- E. **VOTING.** All voting during a duly called Committee meeting shall be carried out by the chief elected officials or representatives appointed by the City Council or Commissioners' Court of those entities listed under Voting Membership.
- F. **QUORUM.** Fifty-one percent (51%) of the total Committee Voting Membership shall constitute a quorum for the transaction of business at all meetings.
- G. **MEETINGS.** All meetings of the Transportation Planning Committee shall be governed by Robert's Rules of Order. At least three public meetings shall be called annually by the Chairman of this Committee for the purpose of transacting the business at hand. The Chairman shall in a written notice of the meeting designate the time and place, and indicate in an official agenda the business to be transacted or considered. The written notice of each meeting shall be mailed to each member of the Committee at which a quorum is present, the remaining Members present shall elect a presiding officer who shall serve until the conclusion of that meeting or until the arrival of the Chairman or Vice Chairman. The Chairman shall call a meeting to the Transportation Planning Committee when ten percent (10%) of the voting membership requests in writing that such a meeting be called.
- H. **MINUTES.** Minutes of all meetings shall be the responsibility of the Secretary and shall be kept and recorded by persons, and furnished to the Committee Members by the administrative staff of the Transportation Planning Committee. Minutes of each meeting shall be submitted to each Member of this Committee over the Secretary's signature. Minutes shall be so distributed not later than fourteen (14) days following the meeting.
- I. **ADMINISTRATIVE SUPPORT.** Administrative support for the Transportation Planning Committee shall be furnished by any of the agencies represented by the Committee Membership and designated by the Secretary subject to confirmation by the Transportation Planning Committee.
- J. **COMMITTEES.** The Transportation Planning Committee may create such ad hoc committees or technical committees as the Voting Membership deems appropriate for the furtherance of its functions.
- K. **ETHICAL STANDARDS POLICY.** Pursuant to Texas Senate Bill 585, the

Transportation Planning Committee Multimodal Transportation Planning Jefferson-Orange-Hardin County Urban Planning Region (“Transportation Planning Committee”) hereby adopts this Ethical Standards Policy (the “Policy”) applicable to all Transportation Planning Committee Members and staff. Attached hereto as Exhibit “A”.

- (1) Any Member or employee representing the Transportation Planning Committee is prohibited from engaging in the following:
  - (a) accepting or soliciting any gift, favor or service that might reasonably tend to influence the Member or employee in the discharge of official duties or that the Member or employee knows or should know is being offered with the intent to influence the Member’s or employee’s official conduct;
  - (b) accepting employment or engaging in a business or professional activity that the Member or employee might reasonably expect would require or induce the Member or employee to disclose confidential information acquired by reason of the official duties;
  - (c) accepting employment or compensation that could reasonably be expected impair the Member’s or employee’s judgment in the performance of the Member’s or employee’s official duties
  - (d) making personal investments that could reasonably be expected to create a substantial conflict between the Member’s or employee’s private interest and the public interest; or
  - (e) intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised the Member’s or employee’s official powers or performing the Member’s or employee’s official duties in favor of another.
- (2) An employee of the Transportation Planning Committee who violates this Policy is subject to termination of the employee’s employment or another employment-related sanction. Additionally, a Member or employee of the Transportation Planning Committee who violates this Policy may also be subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.
- (3) Each new employee of the Transportation Planning Committee shall receive a copy of this Policy no later than the third business day after the date the person begins employment with the Transportation Planning Committee. Likewise, each new Member of the Transportation Planning Committee shall receive a copy of this Policy no later than the third business day after the date the person qualifies for office.

- (4) To the extent an employee representing the Transportation Planning Committee is subject to the ethics policy of another governmental entity and to the extent that policy conflicts with this Policy, the ethics policy of the other governmental entity prevails.
- (5) Members of the Transportation Planning Committee will abstain from voting in or engaging in the discussion of any matter of business before the Transportation Planning Committee that will have a special economic effect on either a business or real property in which the Member has a substantial interest that is distinguishable from the effect on the public.
  - (a) For purposes of this Policy, a substantial interest is defined as any of the following: (i) owning 10 percent or more of the voting stock or shares of the business entity or either 10 percent or more of the fair market value of the business entity; (ii) receiving funds from the business entity exceeding 10 percent of the Member's gross income for the previous year; (iii) having a substantial interest in real property defined as an equitable or legal ownership with a fair market value of \$5,000 or more; or (iv) having a family member related to the Member in the first degree by consanguinity or affinity with a substantial interest in a business entity or real property as defined herein.
  - (b) A Member will notify the Jefferson-Orange-Hardin Regional Transportation Study (JOHRTS) - MPO Director in writing of any conflict of interest as defined above prior to any vote or discussion of any matter of business which has created the conflict of interest or as soon as practical once the conflict is discovered.
- (6) Any violation of this Policy may subject Members to removal from the Transportation Planning Committee, in addition to any applicable civil or criminal penalties noted above in subsection (2).
- (7) Following adoption of this Policy, the Jefferson-Orange-Hardin Regional Transportation Study (JOHRTS) - MPO Director shall provide a copy of this Policy to existing and all future Voting Members of the Committee. Upon receipt thereof, each Voting Member shall sign an Ethical Standard Policy Affidavit as attached hereto as Exhibit "B".

L. **AMENDMENTS.** These Bylaws may be amended by a two-thirds vote of the Committee Members or their designated representatives in attendance at any duly called meeting where an official quorum is present, provided however, that any such proposed amendments are fully set out in writing and furnished to each Member fourteen (14) days in advance of the meeting where such action is to be taken.

## EXHIBIT "A"

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  - (b) accepting employment or engaging in a business or professional activity that the Member or employee might reasonably expect would require or induce the Member or employee to disclose confidential information acquired by reason of the official duties;
  - (c) accepting employment or compensation that could reasonably be expected impair the Member's or employee's judgment in the performance of the Member's or employee's official duties
  - (d) making personal investments that could reasonably be expected to create a substantial conflict between the Member's or employee's private interest and the public interest; or
  - (e) intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised the Member's or employee's official powers or performing the Member's or employee's official duties in favor of another.
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**EXHIBIT "B"**

**ETHICAL STANDARDS POLICY AFFIDAVIT**

I acknowledge having received a copy of the Ethical Standards Policy (the "Policy") of the Transportation Planning Committee Multimodal Transportation Planning Jefferson-Orange-Hardin County Urban Planning Region ("Transportation Planning Committee").

I further understand that SB 585 requires me to notify the Jefferson County District Attorney's Office and Jefferson-Orange-Hardin Regional Transportation Study (JOHRTS) - Metropolitan Planning Organization (MPO) Director in a timely manner should I have personal knowledge of any violations of the Policy by any Member or employee of the Transportation Planning Committee.

I also understand that failure to report violations of these standards by a Member or employee of the Transportation Planning Committee may subject me to possible removal/termination from the Transportation Planning Committee and possible prosecution by a County District Attorney having jurisdiction over such matter.

I swear or affirm that I have read the entire Policy and that I understand and agree to its contents.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Representing (if member)

Sworn and subscribed before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

Notary's Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_