

**BY-LAWS OF THE
EXECUTIVE POLICY COMMITTEE OF
THE GRAND FORKS AREA
METROPOLITAN PLANNING ORGANIZATION**

ARTICLE I. Declaration of Policy

1. The Executive Policy Committee finds and discloses that the people within the Metropolitan Area have a fundamental interest in the orderly development of the area.

2. The Executive Policy Committee further finds and declares:
 - a. That the members have a positive interest in the preparation and maintenance of a long-term comprehensive Transportation Plan for the development of the area to serve as a guide to the political subdivisions within the area;
 - b. 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 – jurisdiction, presents special development problems of that can be dealt with best by an Executive Policy Committee.
 - 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 an Executive Policy Committee 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.

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ARTICLE II. Functions

1. The Executive Policy Committee, pursuant to Title 23, Section 134 and Title 49, Section 5303, and regulations as may be promulgated and amended by the U.S. Department of Transportation; shall prepare and adopt a Plan 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 of conservation of the means of production of food and water, of sanitary and other facilities, and of natural resources and transportation.

2. The Executive Policy Committee shall act as the official area-wide 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 and other agencies.

ARTICLE III. Membership

1. The Executive Policy Committee shall consist of at least two-thirds elected officials and each member unit of government shall be allowed voting representation as follows:
 - a. Two elected officials from the Grand Forks City Council;

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- b. Two elected officials from the East Grand Forks City Council;
 - c. One member each from the Grand Forks and Polk County Commissioners;
 - d. One member each representing the Grand Forks and East Grand Forks City Planning Commission;
 - e. Representatives shall be appointed by the respective bodies they are to represent.
2. Term Of Office – Members of the Policy Committee shall serve for a term of two years except that members of the respective governing bodies holding memberships by virtue of their elected positions shall hold office only during their respective terms of office. Non-elected representatives (Planning Commissioners) shall hold terms for two years. Terms for elected officials shall be staggered so not more than one-half of the memberships' terms shall expire at one time.
3. Vacancies – Any vacancy shall be filled in the same manner as is provided for the original designation.
4. Certification – Each member shall be certified as a member by means of a letter from their respective governing bodies, which shall become part of the records of the Committee.
5. Officers – The Officers shall be alternated between North Dakota and Minnesota and shall consist of a Chairperson and a Secretary-Treasurer. The Secretary-Treasurer shall be elected from among the membership for a two-year term. After the two-year term has been served, the Secretary-Treasurer shall automatically become the Chairperson and shall serve in this position for two years.

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- a. Chairperson – The Chairperson shall preside at all meetings of the Committee;
- b. Secretary-Treasurer – The Secretary-Treasurer shall exercise the functions of the authorized recording officer of the Committee and shall be empowered to execute official instruments of the Executive Policy Committee as authorized by the Committee.

ARTICLE IV. Meetings

1. The Executive Policy Committee shall meet at least quarterly each year and shall fix a time and place for the meetings. Special meetings may be called at the discretion of the Chairperson.
2. The Executive Policy Committee shall keep records of all its meetings. The Committee's records shall be public records available for inspection by any interested parties at reasonable times during regular office hours.
3. All Executive Policy Committee meetings shall be open to the public.
4. Quorum – A quorum for the transaction of the Executive Policy Committee business shall consist of a majority (5) of the members of the Committee.
5. For any member absent more than three (3) consecutive meetings without being excused, a letter shall be sent to the governmental board that appointed the member requesting that the member be replaced. An un-excused absence would be a meeting for which the member does not provide a proxy.

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6. Proxy – Designated MPO Executive Policy Board members may, in their absence, appoint a proxy to represent them at the Executive Board meeting. Said proxy must meet the eligibility requirements described in Article III, Section 1 of the member being represented.
7. Rules of Order – Except as otherwise required by these Articles, the Rules of Order shall be in accordance with the latest edition of ROBERT’S RULES OF ORDER, REVISED.

ARTICLE V. Powers and Duties

1. The Executive Policy Committee shall prepare, maintain, and regularly update the Transportation Plan and Programs set forth in “a” and “b” below. In preparation of the Plan and Program, the Board shall seek to harmonize the general Plans of the Cities and Counties within the area and the Plans and planning activities of the Federal, State, and Local Agencies.
 - a. Metropolitan Transportation Plan (MTP)

The MPO’s Metropolitan Transportation Plan (MTP) shall provide for the development of transportation facilities, including pedestrian walkways and bicycle transportation facilities, which will function as an intermodal transportation system for the metropolitan area. The process for developing such plan shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based upon the complexity of the transportation problems. The Plan shall cover a 20-year forecast period.
 - b. Transportation Improvement Program (T.I.P.)

The Executive Policy Committee shall prepare, prioritize, and submit, annually, to the respective State Departments of Transportation; a staged

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multi-year program of transportation improvements and recommend them for advancement during the program period, indicate the area's priorities, and provide realistic estimates of total costs and anticipated revenues for the program period.

2. Adoption – The Committee shall seek the cooperation and advice of cities and counties, state and federal agencies, organizations and others interested in the functions of the Committee. Before adoption of the Plan, or any revision thereto; it shall be referred to each City Planning Commission and City Council for review and recommendation. The Committee shall allow sixty (60) days for response. The Executive Policy Committee shall adopt the Plan by majority vote. The resolution shall refer to the maps and descriptive matter by the signature of the Chairperson.

3. Certification of Plan – The Executive Policy Committee shall certify copies of the adopted Plan, or portions thereof, to the City Councils and Planning Commissions within the Metropolitan Area, to all public utilities, to both State Departments of Transportation, both Federal Highway Administration State Divisions, and Federal Transit Administration Regional Office.

4. Review of Local Plan Referrals – The Executive Policy Committee shall review all matters referred to it in accordance with law. The Committee may initiate review of local plans, laws, procedures, polices and developments, codes, facilities or other planning functions that clearly affect two or more local governmental units, or that affect the Area as a whole, or what are subjects of primary responsibility for the Committee.

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5. Other Powers and Duties of the Committee Shall Be:
 - a. To provide, when possible, technical services to the member units of government;
 - b. 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 Committee;
 - c. To enter into agreements or contracts for any service necessary, or convenient for carrying out the purposes of the Committee;
 - d. To acquire, hold, improve, maintain, own, manage, or lease personal or real property, equipment or other services and to implement plans.

ARTICLE VI. Advisory Committee

1. Technical Advisory Committee (T.A.C.) – A Technical Advisory Committee (T.A.C.) of skilled and experienced people to study and report on matters related to any of the functions of the Committee is hereby established. The Committee shall be composed of Planning Directors and Engineers representing the local member units of government, and of representatives from the Minnesota Department of Transportation, the North Dakota Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration. Other members may be appointed to the T.A.C. as deemed necessary by the MPO Executive Policy Board.
2. Finance Committee – A Finance Committee shall be comprised of the Metropolitan Planning Organization (MPO) Executive Policy Committee Chairman, Secretary-Treasurer, and the immediate past president of the Executive Board unless the immediate past president is not a member, then one member elected by the Policy Committee. The elected member's term shall

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coincide with the Chairperson and must be re-elected every two years. The Finance Committee shall:

- a. Negotiate the MPO contract with the Executive Director;
- b. Approve, upon a recommendation of the Executive Director, all travel outside North Dakota and Minnesota;
- c. Review and approve other matters as the MPO Policy Committee may direct.

ARTICLE VII. Executive Director

1. The MPO shall hire an Executive Director, hereinafter referred to as the “Director”, who shall serve at the discretion of the MPO.
2. The Director shall be the Chief Administrative Officer, and technical advisor of the MPO, direct and administer the preparation, maintenance, review, and revision of all plans and administer and execute all other functions and duties determined by the Executive Board, including, but not limited to the following:
 - a. Appoint, compensate, and establish the numbers and duties of the staff. Compensation shall conform to salary schedules of the City of Grand Forks, North Dakota. Appointments and removal must be approved by the MPO.
 - b. Serve, or designate personnel to serve as recording secretary of the MPO.
 - c. Serve, or designate personnel to serve as Chair to the Technical Advisory Committee, by providing reasonable services to the organization, preparing and issuing notices of meetings, distributing reports and performing other activities that the Technical Committee and the MPO may wish to undertake in the furtherance of their functions.

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- d. Complete the specific responsibilities as described in the Executive Director's approved job description.
3. The MPO Executive Board, upon the recommendation of the Finance Committee, shall set the compensation and term of contract for the Executive Director. The salary shall be paid out equally over a 12 (twelve) month period.

ARTICLE VIII. Personnel Administration

1. MPO Employees shall be governed by the policies outlined in the most recent MPO Employee Reference Guide, which each employee receives, and which one copy is on file with the Executive Director.
2. The Executive Policy Committee shall serve as the MPO Civil Service Commission. When serving as the Civil Service Commission, the Executive Policy Committee shall be governed by the procedures outlined in Chapter VI (Civil Service Code) of the Grand Forks City Code of 1987, as amended.
3. All MPO job descriptions, except that of the Executive Director, shall be rated and classified using the procedures outlined in the most recent job classification and pay plan study completed by the City of Grand Forks, North Dakota.
4. Annual raises and benefit contributions shall be identical to those negotiated by Grand Forks City Employees. If the benefits are not available to MPO employees, a similar benefit or salary compensation shall be made.

ARTICLE IX. Code of Ethics

1. A standard of conduct shall govern the performance of the MPO's officers, employees, board members, or agents engaged in the award and administration of contracts. No employee, officer, board member, Executive Director, or agent of the MPO may participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, is involved. Such a conflict would arise when any of the parties set forth below has a financial or other interest in the firm selected for award:
 - a. The employee, officer, board member, Executive Director, or agent.
 - b. Any member of the immediate family of any of the above listed.
 - c. The business partner of any of the above listed; or
 - d. An organization that employs, or is about to employ, any of the above.

2. Furthermore, officers, employees, board members, the Executive Director, or agents may neither solicit nor accept personal gratuities, favors, or anything of monetary value from present or potential contractors or sub-recipients. The only exceptions to the policy include the following unsolicited gifts:
 - a. The gift or receipt of awards, and memorial plaques or trophies, having nominal intrinsic value; or
 - b. The gift of breakfast, lunch, or dinner.
 - c. A benefit that has been approved by the Executive Committee.

Violation of these standards renders the sale, lease, or contract voidable by the MPO, or by a court of competent jurisdiction. Any monies paid as a result of such violation may be recovered by a joint and several action from the parties to the sale, lease, or contract and the MPO official, Executive Director, employee or its agent interested in the same. Any officer, employee, board member or agent of the MPO proven to have violated these standards shall be subject to disciplinary action and the proven violations shall constitute just cause for the following actions:

- a. Reprimand;
- b. Suspension;
- c. Discharge or forfeiture of office.

Reprimand or suspension shall constitute disciplinary action as authorized by the Chairperson for the Executive Director, and by the Executive Director for employees or agents. Discharge or forfeiture of office will be at the direction of the Executive Policy Board after due and proper hearing for officers and board members. It is expressly understood that members of the Executive Policy Board are representatives of municipal bodies comprising the Grand Forks/East Grand Forks Metropolitan Planning Organization and these disciplinary proceedings set forth herein shall be in addition to any proceedings undertaken by the individual appointing authorities with respect to each appointed members of the Board of Directors.

ARTICLE X. Filing Reports

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

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ARTICLE XI. Financial Provisions

1. Prior to October 1st of each year the Committee shall adopt, by majority vote, a proposed Work Program and budget required for the operation of the Committee. The local matching funds necessary to use federal and state planning funds from the respective states and requested from each member unit

shall ensure that the match required is provided by either local and/or state. The amount shall be due and payable no later than thirty (30) days after the billing request is received.

2. Audit and Records – Books, records, and accounts shall be kept as prescribed by State and Federal Law. A Certified Public Accounting Firm shall be selected by the Finance Committee to audit the MPO books at least once every two years. The results of the audit will be made available to anyone wishing to review it.

ARTICLE XII. Amendments

1. These By-Laws may be amended or new By-Laws adopted at any regular or special meeting provided notice is given one meeting in advance that such business is included on the Executive Policy Committee's Agenda. It shall take a majority vote of the Executive Policy Committee membership at two consecutive meetings to amend or adopt these By-Laws.

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Adopted by MPO Executive Policy Committee on June 23, 1982 – Dennis Johnson, Chairman.

Amended by MPO Executive Policy Committee on June 25, 1992 – Del Olson, Chairman.

Amended by MPO Executive Board on March 9, 1993 – Arden Shores, Chairman.

Amended by MPO Executive Board on June 26, 1994 – Gary Sanders, Chairman.

Amended by MPO Executive Board on August 17, 1998 – Cindy J. Beyer,
Chairperson.

Amended by MPO Executive Board on December 9, 1999. Robert “Punky”
Beauchamp, Chairman.