

CENTRAL DAKOTA
MPO
BY-LAWS

ADOPTED DATE: OCTOBER 26, 2023
REVISED DATE: FEBRUARY 27, 2025





ARTICLE I. ORGANIZATION

1. These By-Laws shall regulate and govern the affairs of the Central Dakota 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 Minot, Surrey, and Burlington and portions of Ward County.
2. 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 political subdivision;
 - 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 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 Policy Board shall consist of officials from the political subdivisions making up the MPO and shall be allowed representation as follows:

<u>Member</u>	<u>Entity</u>
City Council	City of Minot
City Council	City of Minot
City Manager	City of Minot
City Council	City of Surrey
City Council	City of Burlington
Commissioner	Ward County
Commissioner	Ward County

- a. Each member of the Policy Board receives one vote.
 - b. Members shall be appointed by their respective political subdivisions.
 - c. Each political subdivision is allowed to have one alternate member appointed by their governing body.
 - d. The alternate member shall have full voting rights in the absence of the designated Policy Board member.
2. Term of Office – Members of the Policy Board shall serve for a term of two years except that members of the respective political subdivisions holding memberships by virtue of their elected positions shall hold office only during their respective terms of office.





3. Vacancies – Any vacancy shall be filled in the same manner as is provided for in the original designation.
4. Certification – Each member shall be certified as a member by means of written communication from their respective political subdivision, which shall become part of the records of the Policy Board.
5. Officers – The officers shall consist of a Chair, Vice Chair, and Executive Director.
 - a. Chair – The Chair shall be a voting member of the Policy Board from the City of Minot, City of Surrey, and Ward County and shall preside at all meetings of the Policy Board for a term of one (1) year.
 - b. Vice Chair – The Vice Chair shall be a voting member of the Policy Board from the City of Minot, City of Surrey, City of Burlington, and Ward County and shall exercise the functions of the Chair in their absence for a term of one (1) year.
 - c. The Chair and Vice-Chair shall be appointed in January of each year.
 - d. Executive Director – The Executive Director of the MPO 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 Policy Board.
6. Absences – Policy Board members shall notify the Executive Director of known absences ahead of the respective meeting for which they will not be present and make arrangements with the alternate member to attend on their behalf.
 - a. Removal for Unexcused Absences – It is reasonable to expect that absences may occur from time-to-time due to the necessity to perform other duties related to elected office, personal employment, illness, or other extenuating circumstances that inhibit members from attendance at all regularly scheduled meetings throughout a calendar year. However, frequent absences by any member will have a negative impact on the Policy Board's ability to: 1) achieve quorum; 2) ensure that all members fully comprehend the material for which they are rendering a decision; and 3) base decisions on a region-wide perspective.

Therefore, any member that is absent for three (3) or more regularly scheduled meetings in a calendar year shall be subject to review by the Policy Board. The review shall be undertaken through discussion at a meeting whereby at least four (4) members, exclusive of the member subject of the discussion, are present. The review shall include a finding by a majority of the members, exclusive of the member subject of the discussion, whether an exceptional circumstance warranting excusal exists. If no such exceptional circumstance is found, the majority of the members, exclusive of the member subject of the discussion, may further find that the member is stayed from acting in their capacity on the Policy Board and that their position is considered vacant until either of the following actions are taken by the respective political subdivision: 1) Reappointment; OR 2) Appointment of an alternate member.





Should a member be reappointed by a political subdivision, the respective member shall not be subject to review by the Policy Board for the remainder of the calendar year for which the review was initiated.

ARTICLE V. MEETINGS

1. The MPO 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 business hours.
3. All MPO meetings shall be open to the public.
4. Quorum: A quorum for the transaction of Policy Board business shall consist of the majority (4) of the Policy Board members.
5. 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 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 county within the area and plans and planning activities of the federal, state, and local agencies.
 - a. Metropolitan Transportation Plan (MTP) – The MTP 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 at regular intervals and has a planning horizon of at least twenty (20) years.
 - b. Transportation Improvement Plan (TIP) – The MPO shall prepare and submit annually a staged multi-year program of transportation improvement projects in each political subdivision. The TIP for the Metropolitan Area lists all 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, at an interval required by NDDOT, 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 plans and projects that clearly and substantially affect multiple political subdivisions within the Metropolitan Area.
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 the cities and county, 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.
3. Certification of Plan – The Policy Board shall certify 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 political subdivisions.
 - 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.
 - e. To acquire, hold, improve, maintain, own, manage, or lease personal or real property, equipment, or other services and to implement plans.
 - f. Hire and supervise MPO Executive Director.

ARTICLE VII. TECHNICAL ADVISORY COMMITTEE

1. 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 of the following members:
 - a. City of Burlington Auditor
 - b. City of Burlington Public Works Director
 - c. City of Minot City Engineer
 - d. City of Minot Principal Planner
 - e. City of Minot Transit Superintendent
 - f. City of Surrey City Engineer
 - g. Ward County County Engineer
 - h. Ward County Planning and Zoning Administrator
 - i. NDDOT Minot District Engineer
 - j. NDDOT MPO Coordinator
 - k. Central Dakota MPO Executive Director





2. Any member may have an alternate serve in their place with full voting rights.
3. A quorum will consist of six (6) voting members.
4. The MPO Executive Director shall serve as the TAC Chair.
5. 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 political subdivisions concerning transportation activities.

ARTICLE VIII. INFORMATION COORDINATION

1. To facilitate the planning and development of the Metropolitan Area, all political subdivisions, 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. Prior to June 30th of each year, the Policy board shall adopt, by majority vote, a proposed UPWP and budget required for the operation of the MPO.
2. The local matching funds necessary to use federal and state planning funds by the respective political subdivisions must be provided by the respective political subdivisions per federal and state management requirements.
 - a. The local match from each political subdivision shall be based on their respective population as determined by the decennial census.
3. 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 City of Minot Finance Department for processing following City of Minot policies and procedures.

ARTICLE X. ADOPTION AND AMENDMENTS

1. 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 to amend or adopt these by-laws. The adoption or amendment of the by-laws shall become effective after the second affirmative vote of the Policy Board.





ARTICLE XI. 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 such a contract if a conflict of interest, real or apparent, would be 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 of 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 Policy Board.
3. Violation of these standards render 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.
4. Reprimand or suspension shall constitute disciplinary action as authorized by the Chair 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 Policy Board after due and proper hearing for officers and board members. It is expressly understood that members of the Policy Board are representatives of political subdivisions comprising the MPO 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 Policy Board.

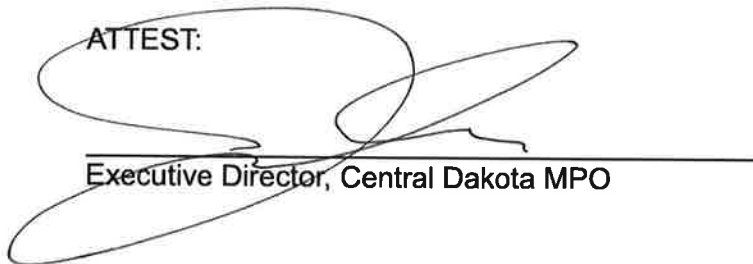




Adopted this 27 day of February, 2025


Chair, Central Dakota MPO Policy Board

ATTEST:


Executive Director, Central Dakota MPO

