

Summary Minutes
Metropolitan Planning Organization Committee
Meeting of September 2, 2008

Chairman Joe Frank called the Metropolitan Planning Organization (MPO) Committee meeting to order at 9:35 a.m. in the HRPDC Board Room with the following in attendance:

MEMBERS:

Joe S. Frank, Chairman (NN)
Unwanna Dabney (FHWA)
Randall L. Gilliland (HA)
Clifton E. Hayes, Jr. (CH)
Dennis W. Heuer (VDOT)

James O. McReynolds (YK)
Mark D. Rickards (WAT)
Ivan P. Rucker (FHWA)
Douglas L. Smith (PO)
James K. Spore (VB)

MPO STAFF:

Jessica Banks
Dwight Farmer
Kathlene Grauberger

Mike Kimbrel
Camelia Ravanbakht

OTHERS:

John Gergely (NN Citizen)
Rod Ingram (VB)
Elizabeth Kersey (HA)

Les Lilley (VB)
Jeff Raliski (NOR)
Ray Taylor (FHR)
Vince Thomas (FHR)

Chairman Frank proceeded with the MPO Agenda.

Proposed Organizational Structure of MPO-Related Committees

Chairman Frank stated he met with the members of the Transportation Technical Committee (TTC) and reported there were mixed reactions as to whether the TTC should become a public body. He then took the issue to the Chief Administrative Officers (CAOs) where a rigorous discussion took place. The CAOs were in agreement that in the future, the TTC be convened as a public body. They also agreed to be members of the Transportation Advisory Committee (TAC), along with other stakeholders to be appointed by the MPO Chairman, and would conduct business on an as-needed basis.

The TTC, with its current makeup of staff appointed by the City Managers from the local communities, will continue its current work with the change that it will be constituted as a public body and will have public notices, agendas, and public minutes. Chairman Frank asked Mr. Lilley if the Draft MPO Bylaws reflected this change and Mr. Lilley responded affirmatively.

The MPO Committee also created a Transportation Advisory Committee (TAC) in the MPO Bylaws. This committee would be composed of the CAOs and stakeholders and would also be a public body. The TAC would meet as needed for special projects. Chairman Frank also confirmed with Mr. Lilley that this information was also in the draft bylaws.

Later in the meeting, Mr. Kimbrel reported that with the decision to have the TTC become a public body, the MPO Committee had resolved the FHWA Corrective Action 4. To complete Action 4, Mr. Kimbrel recommended the MPO Staff draft a letter to the FHWA stating the MPO has met all the requirements of Corrective Action 4. The Committee requested the MPO Staff draft the letter and present it to the MPO at the September meeting.

Draft MPO Bylaws

Chairman Frank outlined the TTC in Section 6.02 of the Draft MPO Bylaws, stating that membership in this committee would be comprised of three members from each locality, two members from the Virginia Department of Transportation (VDOT), one member from the Virginia Department of Rail and Public Transportation (VDRPT), and one member from each public transit agency. He asked the Committee if any other agency should be added. Mr. Spore asked how this list compared to the current membership of the TTC. Mr. Farmer reported that DRPT has been added to the new membership list. Mr. Farmer also pointed out that this membership is of voting members only. Chairman Frank suggested language be inserted into the bylaws reflecting that the Chair of the MPO may appoint additional members from the stakeholder community to serve on the TTC as necessary. This was agreed upon by the Committee. Mr. Lilley asked if these additional appointees would affect the quorum of the TTC in the future. Chairman Frank responded these additional appointees would only serve in an advisory capacity. Mr. Farmer commented that in the past these individuals were "invited participants." Chairman Frank stated the public has a right to know the process by which people participate in these public bodies and if it is a public body, there should be a process that is understandable as to who appoints these people. He further stated the TTC Chair would notify the MPO Chair when these participants were needed for a particular project or purpose. Mr. Lilley stated Chairman Frank resolved the quorum issue because the TTC voting membership would be stable. Mr. Farmer added the quorum would be based on voting members. The committee agreed with the additional TTC information and this decision would be reflected in the bylaws.

Chairman Frank then outlined the TAC in Section 6.03 of the Draft MPO Bylaws which would be composed of the CAOs from each MPO member locality. There was some discussion regarding the language referring to the stakeholders in the bylaws. Mr. Lilley restated that the other remaining members, as written in the bylaws, could each designate a TTC representative. The stakeholders would be the other voting members and each stakeholder could appoint a representative to the TAC. Chairman Frank commented that each stakeholder representative should rank as a high policy level position within the stakeholder's company and the MPO should identify those positions. Mr. Rickards stated the two transit agencies have their own CAOs and agreed there should be language in the bylaws to have the Transit CAOs represent the transit agencies. Mr. Heuer said he would be the representative from VDOT and his title is District Administrator. Mr. Rucker stated the job title from FHWA would be FHWA Planner. He also pointed out that the bylaws

incorrectly stated the TAC as Technical Advisory Committee, when it should be Transportation Advisory Committee. The language in the bylaws will be changed to reflect this correction. Chairman Frank explained these bylaws were merely a draft and more changes could be made to them. After discussion, Chairman Frank then summarized that the CAOs, VDOT HR District Administrator, FHWA Planner, CAOs of the Transit Authorities, and the Executive Director of the Port Authority would all be stakeholders on the TAC.

Chairman Frank suggested there be a provision in the bylaws giving the MPO Chair the right to appoint other such committees as deemed necessary. Mr. Ingram responded that in Section 6.01 there is language that allows the MPO as a body to establish new committees. The Committee agreed to have the language state that the MPO Chair may appoint new committees.

Weighted Voting at MPO Meetings

Chairman Frank stated the main issue was that the larger communities have the most burden and cost factor for the regional projects and favor weighted voting. The smaller communities do not want to be neglected and prefer non-weighted voting. Mr. Heuer stated weighted voting was a topic of discussion during the interviews for the Best Practices Study and suggested it might be premature to discuss it now. Mr. Farmer stated the MPO has non-weighted voting now and the PDC has weighted voting. Chairman Frank reflected that the MPO would have meetings before the Best Practices Study is complete, and in the interim, the Committee needed to make a decision. Mr. Farmer commented that if the MPO Board had other stakeholders as voting members as discussed, the MPO should adopt weighted voting in order to maintain the 65-75 voting percentage for local governments.

Mr. Spore stated Virginia Beach favored weighted voting and while the Committee may receive insight from the Best Practices Study, it needed to consider the makeup of the Hampton Roads region which is characterized by diverse communities. He recommended the Committee decide upon a weighted voting formula that would be fair to all of the jurisdictions. Chairman Frank asked if Mr. Farmer's study of other MPOs had a general formula being used to calculate weighted voting. Mr. Farmer stated there was no pattern in the study, but that the larger communities aligned themselves with each other and likewise with the smaller communities. Chairman Frank stated the Committee needed to calculate the number of actual people who would have a vote on the MPO Board and needed to know what number was needed to have the local governments at 75% representation. Mr. McReynolds calculated the MPO board could have 18 members on the board with the 13 represented local governments having 75% of the vote, while the 5 stakeholders would have 25% of the vote. Ms. Ravanbakht reported the national average percentage of local government representation is 65% and the State of Virginia's average is 75%. There was consensus among the Committee that there would be a conflict of interest to have the CAOs participate as voting members on the MPO Board when they were already voting members of the TAC. Mr. Lilley stated there would be no conflict of interest if the CAOs were on the MPO Board as non-voting members. Mr. Spore suggested the 13 voting members, representing the local jurisdictions, would each have one member per locality on the board, but that one member would represent a different weighted vote based on a

population formula. He also commented the MPO should have weighted voting because there is non-weighted voting on both the TTC and TAC. Mr. Rucker asked how the voting structure was arranged when there were separate Southside and Peninsula MPOs. Ms. Ravanbakht stated the Southside used non-weighted voting and Mr. Farmer stated the Peninsula also utilized non-weighted voting.

Mr. Farmer introduced a spreadsheet outlining the MPO jurisdiction population with regard to weighted voting. The spreadsheet encompassed data that showed each jurisdiction having one vote, and then adding either one vote per 50,000 in population, one vote per 75,000 in population, or one vote per 100,000. It was suggested in order to make the MPO meetings more physically manageable, each local jurisdiction would have one representative on the MPO Board, but depending on the population formula, the jurisdiction's percentage vote could be multiplied. Mr. Farmer commented that the 1 vote/75,000 population formula would allow for 24 local jurisdiction weighted votes and 8 stakeholders, and would still maintain local government representation of 75%. Mr. Gilliland stated the Committee should first debate whether the MPO would have weighted voting. Mr. McReynolds reported the smaller communities would prefer the MPO voting to be one locality equals one vote. Mr. Farmer reported that the 1/100,000 ratio represented more of a compromise than the other formulas. Another suggestion was to have the 1/1 ratio on routine issues and require a super majority on major issues. Mr. Farmer stated a super majority would likely be needed on the Unified Planning Work Program (UPWP), Long Range Planning (LRP) and the Transportation Improvement Program (TIP). After more discussion, it was decided that Mr. Farmer would bring a variety of spreadsheets to the next meeting in order to plug in different suggestions and then the Committee could view the different configurations. The Committee agreed to use Weldon Cooper numbers as the guideline for the population figures. Mr. Gilliland asked for an email of the spreadsheet in order to look at the figures more closely.

Mr. McReynolds stated that instead of determining the methodology of weighted voting, the more prudent question was whether the MPO would even have weighted voting. Chairman Frank agreed but felt the Committee would not be able to reach that conclusion without going through the specifics of the methodology. Mr. Farmer stated the MPO Staff would bring 3 – 4 prepared options to the next meeting. Chairman Frank asked the Committee members for an impromptu vote regarding the weighted versus non-weighted voting issue. The results were as follows:

- Mr. Hayes – Prefers 1/75,000 ratio
- Mr. Gilliland – Prefers 1/1 ratio but acknowledges that in all fairness, there would probably have to be some sort of weighted voting
- Mr. Smith – Prefers weighted voting, would support 1/75,000
- Mr. Heuer – Prefers 1/100,000 but could also support 1/75,000
- Mr. Rucker – Prefers 1/75,000 ratio
- Mr. McReynolds – Understands the need for weighted voting, but believed it would be a big debate
- Mr. Rickards – Believed Williamsburg would prefer the 1/1 ratio and James City County would probably vote for the 1/75,000 ratio
- Ms. Dabney – Prefers 1/100,000 ratio
- Mr. Spore – Prefers 1/50,000 ratio, but would support the 1/75,000 ratio

It was decided that Mr. Farmer would prepare spreadsheets representing the different ratios and have them ready to view before the next MPO Committee meeting.

Citizen Transportation Advisory Committee (CTAC) Research

Ms. Ravanbakht reported MPO Staff included 22 MPOs with citizen transportation advisory committees in the analysis. She summarized there was a wide variety of committee names that were researched. The MPO Committee agreed the Hampton Roads citizen committee would be named the Citizens Transportation Advisory Committee (CTAC). Ms. Ravanbakht explained the role of the CTAC generally ranges from providing an avenue for obtaining public input for the MPO Policy Board deliberations on transportation issues to promoting public involvement in transportation planning for the region. Based on research, the CTAC usually had its own set of bylaws, the CTAC Chair could serve on the MPO Policy Board, and the CTAC could make recommendations to the MPO Board. Of the 22 MPOs researched, the average number of members on the committee was 26. MPO Staff also gave examples of possible representation from regional special interest groups as a starting point for the MPO Committee.

Chairman Frank suggested the CTAC be comprised of average citizens with transportation knowledge instead of special interest groups. Mr. Spore agreed stating the CTAC should be a broad based citizen input group. Mr. McReynolds commented the special interest groups would seek out the information in order to provide their input. Chairman Frank stated the Committee could send out letters informing the special interest groups of the MPO website. The groups would be welcome to access the MPO website, attend the CTAC and the MPO meetings, and offer comments.

The Committee decided the CTAC should create its own bylaws subject to approval by the MPO and the CTAC Chairperson should be a voting member of the MPO. After much discussion, the Committee agreed to include language in the MPO Bylaws that required there to be a CTAC with representation from each of the member jurisdictions based on weighted voting criteria. The Nominating Committee of the MPO would be charged with populating the CTAC consisting of 30 members from the member localities and 5 at large members from the region. Mr. Lilley asked if the Nominating Committee should be a committee established in the MPO Bylaws. The Committee agreed there should be language in the MPO Bylaws to create the Nominating Committee with a member from each jurisdiction, and the Chair to be appointed by the MPO Chairperson. It was also agreed that the CTAC would have the support from MPO Staff and when appropriate, representatives of VDOT, FHWA, Rail, and Transit would be invited to provide input to the CTAC. The members of the CTAC would have a one-third rotation with 3 years being a full rotation with one reappointment term. The CATC Chair would be appointed by the MPO Chair for a three year term and that term would not be staggered.

Legislative Liaisons Meeting

Chairman Frank reported he met with legislative liaisons from Virginia Beach, Chesapeake, Portsmouth, Newport News and Hampton Roads Transit (HRT). He summarized the

liaisons' consensus that there was no justification in hiring a separate individual to be the Legislative Liaison between the MPO and members of the State Legislature. He stated the liaisons wanted to take on the task and proposed they become a staff committee to the staff of the MPO. The liaisons would be briefed on a monthly basis and use their ongoing relationships with the members of the Legislature. The MPO agenda would be added to the agendas that the liaisons already work with on a recurring basis. Chairman Frank stated the MPO Committee needed to ask the CAOs if they were agreeable to this because the liaisons are their employees. Chairman Frank commented that if the CAOs are in agreement, this would be an equitable solution. Mr. Heuer asked how the legislative liaisons would deal with presenting one opinion for the municipality who pays their salary versus a different regional view of that of the MPO. Chairman Frank stated the liaisons are providing facts and information, but overall, it might be a weakness. Mr. Gilliland stated the MPO needs a fulltime employee who could organize the region's business groups and could also be the point person for the local governmental affairs directors for each locality. Mr. Heuer agreed with Mr. Gilliland's statements. Mr. Farmer commented the legislative liaisons had expressed concern in the idea of tasking one individual to communicate a message that a variety of localities might not be in agreement with. He further stated an MPO staff person could not be conducting lobbying efforts within the budget of the MPO. The PDC could use its funds but then the individual would be a PDC employee. Mr. Gilliland commented the liaison would be a year round position and therefore, would not be a lobbyist. For the next meeting, Chairman Frank asked MPO Staff to create a liaison job description, determine how it should be funded, and whether the position would be an employee of the PDC or MPO. Mr. Farmer stated the MPO already had the resources out there in the form of the legislative liaisons, and he would commit to channeling those resources into a monthly based Technical Staff Working Group. He also stated he would report to the MPO on a regular basis regarding the group's efforts. Chairman Frank suggested Mr. Farmer construct a report for the Committee detailing how this might work and also how the liaison would function if their community disagreed with a majority of the MPO vote.

MPO Best Practices Study – Status Report

Mr. Farmer reported the Best Practices Study interviews were concluded and the Selection Committee unanimously chose PBS&J to conduct the study. PBS&J will be under contract by mid September.

Old/New Business

The next MPO Committee meeting will be Tuesday, October 7th at 9:30 a.m. in the HRPDC Boardroom

There being no further business, the meeting adjourned at 12:20 p.m.