



Central Dakota MPO Policy Board Meeting
Thursday, October 26, 2023, at 3:00 PM
3rd Floor Executive Conference Room, City Hall (10 3rd Ave SW)
Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

1. LINK TO VIRTUAL MEETING

Microsoft Teams meeting

Join on your computer, mobile app or room device

[HTTPS://TEAMS.MICROSOFT.COM/L/MEETUP-JOIN/19%3AMEETING_YWMWYTDLYJYTNDQYNY00YMJJLTk4NGUTZDK1OTZIMWMWZDZH%40THREAD.V2/0?CONTEXT=%7B%22TID%22%3A%22DEA0464-DA51-4A88-BAE2-B3DB94BC0C54%22%2C%22OID%22%3A%22D74B57F9-8343-4898-9F00-45BAD2547ED8%22%7D](https://teams.microsoft.com/l/meetup-join/19%3AMEETING_YWMWYTDLYJYTNDQYNY00YMJJLTk4NGUTZDK1OTZIMWMWZDZH%40THREAD.V2/0?CONTEXT=%7B%22TID%22%3A%22DEA0464-DA51-4A88-BAE2-B3DB94BC0C54%22%2C%22OID%22%3A%22D74B57F9-8343-4898-9F00-45BAD2547ED8%22%7D)

Meeting ID: 259 487 129 315

Passcode: fmTunx

Or call in (audio only)

[+1 701-328-0950](tel:+17013280950), [171148090](tel:+171148090) United States, Fargo

Phone Conference ID: 171 148 090#

[FIND A LOCAL NUMBER](#) | [RESET PIN](#)

2. REVIEW/APPROVAL OF SEPTEMBER POLICY BOARD MEETING MINUTES

Documents:

[MINUTES.PDF](#)

3. EXECUTIVE DIRECTOR JOB ANNOUNCEMENT

Documents:

[MPO EXECUTIVE DIRECTOR.PDF](#)

4. 2ND READING OF BYLAWS

Documents:

[CENTRAL DAKOTA MPO BYLAWS - DRAFT_ REVISED 9.28.23 CLEAN.PDF](#)

5. CENTRAL DAKOTA MPO 3C AGREEMENT

(NDDOT, MPO, and Transit Provider are parties to this agreement)

Documents:

[CDMPO 3C AGREEMENT \(CLEAN\).PDF](#)

6. ADDITIONAL DISCUSSION

6.I. UPWP STATUS UPDATE

6.II. DESIGNATION STATUS UPDATE

7. NEXT SCHEDULED MEETING

The next scheduled meeting is November 30, 2023, at 3:00 pm at the 3rd Floor Executive Conference Room at City Hall.

CENTRAL DAKOTA METROPOLITAN PLANNING ORGANIZATION MEETING MINUTES

September 28, 2023

Minot City Hall

3:00 p.m.

Chair Theisen called the meeting of the Central Dakota MPO to order at 3:00pm, the following were present:

Policy Board Members:

Chair Surrey City – Michael Thiesen

Burlington City – Zach Walker

Ward County – John Fjeldahl, Shelly Wepler (Alternate for Bucky Anderson)

Minot City – Lisa Olson, Harold Stewart, Carrie Evans (Alternate for Mark Jantzer)

Also Present:

NDDOT – Wayne Zacher, Stacey Hanson, Paul Benning

Ward County Engineer – Dana Larsen

City of Minot Engineer – Lance Meyer (via Teams)

Scribe: Sarah Karhoff

Minutes:

The August 24, 2023 minutes were presented for review and approval. Mr. Fjeldahl stated Shelly Wepler should be listed under Ward County as an alternate instead of under the NDDOT column. Mr. Stewart stated Carrie Evans name is misspelled in the minutes and should be corrected from 'Kari to Carrie'. Hearing no further changes, Ms. Wepler moved to approve the August 24, 2023 minutes with edits, Mr. Stewart 2nd, motion carried on the following vote: ayes: Wepler, Stewart, Walker, Fjeldahl, Olson, Evans, Thiesen; nays: none.

Mr. Thiesen asked to move item #4. Draft Letter to Governor Requesting Designation to item #2. None opposed.

Draft Letter to Governor Requesting Designation:

Mr. Thiesen addressed the draft letter sent out by Mr. Zacher stating he would like to get the approval from the Policy Board so the letter could be sent as soon as possible. Mr. Zacher informed the Policy Board they are still waiting for the final map to be approved before the designation letter can be sent off, but it could be approved with the condition of sending once the map approval had taken place. Mr. Zacher recommended that everyone on the Policy Board should sign the document once approved. Ms. Wepler moved to approve the draft letter, Mr. Walker 2nd, motion carried on the following vote: ayes: Wepler, Walker, Fjeldahl, Olson, Stewart, Evans, Thiesen; nays: none.

Executive Director Job Announcement Review:

Mr. Stewart presented the draft Executive Director Job Announcement for the Policy Board's review. It was questioned whether seven (7) years' experience was too high, limiting the number of applicants. Mr. Zacher explained other MPO jurisdictions had experience ranging from zero (0) to thirty (30) years apply, and years' experience didn't seem to deter applicants from trying. Mr. Zacher also recommended defining the MPO somewhere in the announcement, possibly in the title. Mr. Walker asked if other MPO jurisdictions had this type of advertisement. Mr. Stewart stated the City of Minot's

HR recommended a detailed description. Ms. Weppler asked if the experience could be changed from seven (7) to five (5) years' experience. All members agreed. Ms. Evans stated a salary range should be listed in the announcement, as some applicants might not apply if it is not listed. Mr. Zacher gave salary ranges for other MPO jurisdictions in the state ranging from \$100,000-\$130,000 per year, with most in the state around \$125,000 per year. Ms. Weppler asked if approval of the announcement could be made first, then move on to salary range. None were opposed. Ms. Weppler moved to approve the Central Dakota MPO Executive Director Job Announcement with the edits of spelling out Central Dakota Metropolitan Planning Organization in the title to define MPO, and changing seven (7) years' experience to five (5) years' experience. Mr. Fjeldahl 2nd, motion carried on the following vote: ayes: Weppler, Fjeldahl, Walker, Olson, Stewart, Evans, Thiesen; nays: none.

Ms. Evans presented a median pay range among MPO jurisdictions all over the country ranging from \$99,000-\$300,000 based from 2017. Ms. Weppler stated her hope was being some 'group' or 'firm' would apply for the position. Ms. Hanson stated it could get complicated with a 'group' or 'firm', as bidding for projects could become a conflict of interest. Ms. Evans moved to advertise a salary range of \$100,000-\$125,000 per year, Ms. Weppler 2nd. Ms. Olson stated concern over the range being too low, but mentioned it could be adjusted if needed. It was stated the range could be adjusted next month if there were not many applicants. Mr. Stewart addressed the concern of going too high as there were still benefit packages to include. After some discussion Mr. Fjeldahl amended the motion to advertise a salary range of \$90,000-\$125,000, Mr. Walker 2nd, motion denied on the following vote: ayes: Fjeldahl, Walker, Weppler; nays: Evans, Olson, Stewart, Thiesen. The original motion from Ms. Evans to advertise a salary range of \$100,000-\$125,000 per year was called for rollcall. Motion carried on the following vote: ayes: Evans, Weppler, Olson, Stewart, Thiesen; nays: Fjeldahl, Walker.

Ms. Olson asked if the benefit package should be included with the job announcement. It was decided to state, 'benefit package included'.

There was discussion about who would be responsible for posting and covering the cost. It was clarified no costs would be reimbursed until after designation as an MPO from the governor. It was decided to hold off from posting the Executive Director job description until next meeting.

Draft Bylaws Discussion:

Mr. Meyers presented draft bylaws for the Policy Board's review. Ms. Weppler recommended adding 'It is the duty of the MPO to hire and supervise the Executive Director'. Ms. Evans recommended adding that line under Article VI: Section 4 (f). Hire and supervise MPO Executive Director.

Mr. Zacher questioned Article IV. Membership, 2. Term of Office, and asked the Policy Board if they recommended any changes. Ms. Olson stated to remove 'Non-elected representatives shall hold terms for two years.' Mr. Zacher questioned if the Policy Board was comfortable with the staggering of officials. It was stated to remove 'Terms for elected officials shall be staggered so not more than on-half of the memberships' terms shall expire at one time.

Mr. Zacher questioned Article IV. Membership, 5 (a & b) Chair and Vice Chair. Ms. Olson stated from her prior meeting motion it should read 'The Chair shall be a voting member of the Policy Board from the City of Minot, Ward County, or the City of Surrey, and shall preside at all meetings of the Policy Board for a term of one (1) year.' Ms. Olson also asked if appointment should take place in January of each year. There were no opposed. Mr. Zacher asked if the Vice Chair should read the same. It was decided to edit the Vice Chair to read 'The Vice Chair shall be a voting member of the Policy Board from The City of Minot, Ward County, the City of Surrey, or the City of Burlington, and shall exercise

the functions of the Chair in their absence for a term of one (1) year with the Vice Chair being from a differing entity as the Chair. None opposed.

Mr. Zacher questioned Article VI. Powers and Duties, to remove 'MPO' prior to MTP.

Mr. Thiesen and Mr. Stewart both questioned if a second reading of any changes should be added. Mr. Meyers stated that could be added and he would research to find wording to include.

Ms. Evans requested to see amendments prior to approval. The matter was tabled until next meeting.

Update on Staff Location:

Mr. Meyers stated there was space for an office of the MPO Executive Director once hired in the Public Works building with eventual cubicle space for more positions once the MPO has grown along with meeting space if the meeting location wanted to be moved. Ms. Olson stated until we have an Executive Director on staff, meetings could continue at Minot City Hall. None opposed.

Recap of Discussion with BMMPO:

Mr. Meyers stated the meeting with Bismarck's MPO went very well. They went through their structure with several divisions and how they handled their budget. Mr. Meyers stated Bismarck's MPO is set up different than the Central Dakota MPO will be, but the City of Minot's finance department felt confident they understood how to proceed after the meeting.

Next Policy Board Meetings:

October 26, 2023. No issues, meeting as scheduled.

November 23, 2023. Meeting is on Thanksgiving Day. This meeting was moved to November 30, 2023.

December 28, 2023. Meeting was moved to December 21, 2023.

All meetings will be held at Minot City Hall at 3:00pm.

Other Items:

Mr. Walker asked if the Central Dakota MPO had any legal representation. It was clarified that is something that needs to be looked at in the future.

Ms. Hanson informed the Policy Board she received clarification from the Federal Highway Administration on reimbursement of funds. The MPO may be able to use State Planning and Research funds for some items until it is eligible for the MPO federal planning funds.

With no further business, Ms. Olson moved to adjourn, Ms. Weppeler 2nd, meeting adjourned at 4:27pm.

CENTRAL DAKOTA METROPOLITAN PLANNING ORGANIZATION EXECUTIVE DIRECTOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are NOT intended to reflect all duties performed within the job.

DEFINITIONS

To plan, direct, manage and oversee the activities and operations of the Central Dakota Metropolitan Planning Organization including urban and transportation planning; to coordinate assigned activities with other local and outside agencies; and to provide highly responsible and complex administrative support to the MPO Executive Board.

SUPERVISION RECEIVED AND EXERCISED

Receives general administrative direction from the MPO Chair and Executive Policy Board. Exercises direct supervision over supervisory, professional, technical, and clerical staff.

ESSENTIAL FUNCTION STATEMENTS—*Essential responsibilities and duties may include, but are not limited to, the following:*

Essential Functions:

1. Assume full management responsibility for all MPO services and activities including transportation and community planning, transportation improvements programming, grants, and public relations; recommend and administer policies and procedures.
2. Manage the development and implementation of MPO goals, objectives, policies and priorities for each assigned service area.
3. Establish, within MPO policy, appropriate service and staffing levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; allocate resources accordingly.
4. Plan, direct and coordinate, through subordinate level staff, the MPO's work plan; assign projects and programmatic areas of responsibility; review and evaluate work methods and procedures; meet with management staff to identify and resolve problems.
5. Assess and monitor workload, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct and implement changes.
6. Select, train, motivate and evaluate MPO personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.
7. Oversee and participate in the development and administration of the MPO budget; approve the forecast of funds needed for staffing, equipment, materials and supplies; approve expenditures and implement budgetary adjustments as appropriate and necessary.

8. Explain, justify, and defend MPO programs, policies, and activities; negotiate and resolve sensitive and controversial issues and assist local agencies in amending the transportation plan.
9. Represent the MPO to other local agencies, elected officials and outside agencies; coordinate MPO activities with those of other departments, outside agencies and organizations.
10. Provide staff assistance to the MPO Chair and Executive Policy Board; participate on a variety of boards, commissions, and committees; prepare and present staff reports and other necessary correspondence; provide staff support to boards and commissions.
11. Respond to and resolve difficult and sensitive citizen inquiries and complaints. Provide high quality oral and written communications to local agencies and organization to promote general awareness and consensus building.
12. Attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of urban and transportation planning.
13. Solicit input from the local operational agencies to understand concerns. Provide creative solutions to maximize local benefits, minimize local costs and impacts while meeting federally mandated system requirements.
14. Perform related duties and responsibilities as required.

QUALIFICATIONS (Knowledge, Skills and Abilities)

Knowledge: Operations, services and activities of a comprehensive MPO organization; Principles and practices of urban/transportation planning, design, regulation, implementation, administration and enforcement; Planning theory and social policies; Advanced site planning and architectural design techniques and methods; legal aspects of transportation planning and plan implementation; Land Use development; Principles of supervision, training and performance evaluation; Computers and planning related software; Statistical analysis, economics and economic development; Government purpose, function, policies, practices and administration; Research methods and analysis; Technical report writing; Principles and practices of program development and administration; Principles and practices of municipal budget preparation and administration; Applicable environmental laws and regulations; Pertinent Federal, State, and Local laws, codes and regulations.

Skills: Communicate clearly and concisely, both orally and in writing; Establish and maintain effective working relationships with those contacted in the course of work; Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities; Maintain effective audio/visual discrimination and perception to the degree necessary for the successful performance of assigned duties.

Abilities: Plan, organize, direct and coordinate the work of lower level staff; Select, supervise, train and evaluate staff; Delegate authority and responsibility; Lead and direct the operations,

services and activities of a comprehensive metropolitan planning organization; Interpret planning and zoning programs to the general public; Identify and respond to community and Executive Policy Board issues, concerns and needs; Develop and administer, departmental goals, objectives, and procedures; Prepare clear and concise administrative and financial reports; Solve complex planning problems; Prepare and administer large and complex budgets; Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals; Research, analyze, and evaluate new service delivery methods and techniques; Interpret and apply Federal, State, and Local policies, laws and regulations.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible urban and/or transportation planning experience, including three years of administrative and supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban planning, transportation planning, public administration or a related field.

License or Certificate

None.

WORKING CONDITIONS

Environmental and Physical Conditions:

Office environment; exposure to computer screens; essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.

Date Adopted: January 1, 2005

Date Revised: October 25, 2023 (Per Central Dakota MPO Policy Board)

CENTRAL DAKOTA METROPOLITAN PLANNING ORGANIZATION BY-LAWS

Adopted Date:

Revised Date:

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.

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 priorities 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 _____ day of _____, _____

Chair, Central Dakota MPO Policy Board

ATTEST:

Memorandum of Agreement Covering Metropolitan Planning within the Minot Metropolitan Area

This Memorandum of Agreement (MOA) is between the state of North Dakota, , hereinafter NDDOT, and the Central Dakota Metropolitan Planning Organization, hereinafter MPO, and the city of Minot, hereinafter Public Transportation Operator.

WHEREAS, joint responsibilities for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process is defined and required by the United States Department of Transportation (USDOT) in regulations at 23 *CFR* 450 Subpart A – *Transportation Planning and Programming Definitions*; 23 *CFR* 450 Subpart C – *Metropolitan Transportation Planning and Programming*, 23 U.S.C. 134; and 49 U.S.C. 5303; and

WHEREAS, the regulations at 23 *CFR* 450.314 – *Metropolitan Planning Agreements* and 49 *CFR* 613 – *Metropolitan Transportation Planning and Programming* direct that the Metropolitan Planning Organization (MPO), States, and Public Transportation Operator shall cooperatively determine their mutual responsibilities for carrying out the 3-C process and clearly identify them in a written agreement; and

WHEREAS, the Public Transportation Operators is the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation; and

WHEREAS, nothing in this MOA shall be construed to limit or affect the legal authorities of the parties or require the parties to perform beyond their respective authority,

NOW, THEREFORE, NDDOT, MPO, and Public Transportation Operator agree to cooperatively undertake a continuing and comprehensive transportation planning and programming process for the defined metropolitan planning area. The process will be completed in accordance with state and local goals for urban planning, the provisions of 23 U.S.C. 134, 49 U.S.C. 5303, and 23 *CFR* 450, as amended, and the provisions of this Memorandum of Agreement, in which it is mutually agreed that each agency has the following responsibilities:

I. Statewide Transportation Plan and Modal Plans

A. NDDOT

- Solicit input from the MPO and Public Transportation Operator early in the development of the Statewide Transportation and Modal Plans.
- Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the draft and final Statewide Transportation and Modal Plans.
- Periodically update the Statewide Transportation and Modal Plans after soliciting input from the MPO and Public Transportation Operator and providing an opportunity for the MPO and Public Transportation Operator to review and comment on such updates.

- Conduct periodic regional meetings on the Statewide Transportation and Modal Plans seeking assistance from the MPO and Public Transportation Operator in accordance with NDDOT Public Participation Procedures.
- Coordinate all public meetings with NDDOT Public Participation Procedures and the MPO Public Participation Plan.
- Coordinate the Statewide Transportation and Modal Plans with the MPO's Metropolitan Transportation Plan (MTP).

B. Metropolitan Planning Organization and Public Transportation Operator

- Provide input into the development of the Statewide Transportation and Modal Plans and any subsequent updates.
- Review and comment on the draft Statewide Transportation and Modal Plans and subsequent updates.
- Assist and participate in periodic regional meetings.
- Coordinate with NDDOT in all public meetings in accordance with NDDOT Public Participation Procedures and the MPO's Public Participation Plan.
- Review coordination of the Statewide Transportation and Modal Plans with the MTP.

II. *Metropolitan Transportation Plan and Modal Plans*

A. NDDOT

- Provide input into the development of MPO's MTP and Modal Plans.
- Cooperatively develop estimates of reasonable funding for the MTP period.
- Review and comment on MPO's draft MTP and Modal Plans.
- Provide assistance and available necessary data for MPO's surveillance and monitoring report; review findings and provide comment.
- Provide input into the periodic update of the MPO's MTP and Modal Plans.
- Participate in public meetings during the development of the MPO's MTP and Modal Plans.
- Coordinate to provide final acceptance of the MPO's MTP and notify the MPO of their next update deadline.

B. Metropolitan Planning Organization

- Develop and adopt an MTP in accordance with federal and state regulations in cooperation with the NDDOT and the Public Transportation Operator.
- Develop and adopt Modal Plans to support and further define the MTP.

- Provide NDDOT and the Public Transportation Operator the opportunity to review and comment on the draft, any revisions or amendments of the MTP and Modal Plans.
- Annually survey and monitor transportation system trends; prepare report of significant findings.
- Provide opportunity for NDDOT and the Public Transportation Operator to review the findings report.
- Update the MTP at least every five years in cooperation with NDDOT and the Public Transportation Operator.
- Provide an opportunity for NDDOT and the Public Transportation Operator to review and comment on the updated MTP.
- Solicit, in coordination with NDDOT and the Public Transportation Operator, public input in accordance with the MPO's Public Participation Plan.

C. Public Transportation Operator

- Provide input into the development of the MPO's MTP and Modal Plans.
- Review and comment on the MPO's draft MTP.
- Cooperatively develop estimates of reasonable funding for the MTP planning period.
- Provide assistance and data for the MPO's surveillance and monitoring report; review findings and provide comment.
- Assist and participate in obtaining public input in the development of the MPO's MTP in accordance with the MPO's Public Participation Plan.

III. Unified Planning Work Program (UPWP)

A. NDDOT

- Provide input into the MPO's UPWP.
- Provide an estimate of reasonable funding for the UPWP in accordance with the approved CPG distribution formula.
- Review and comment on the MPO's draft UPWP.
- Review MPO semi-annual progress reports.
- Approve the MPO's final UPWP and interim amendments.
- Submit to FHWA and FTA requesting approval of the UPWP.
- Prepare and execute agreement with MPO for distribution of FHWA and FTA planning funds.

B. Metropolitan Planning Organization

- Prepare a UPWP after soliciting input from NDDOT and the Public Transportation Operator.
- Provide an opportunity to NDDOT and Public Transportation Operator for review and comment on the draft UPWP.
- Submit final UPWP to NDDOT for approval.
- Review and sign agreement with NDDOT for distribution of FHWA and FTA planning funds.
- Prepare semi-annual progress reports and submit to FHWA, FTA, NDDOT and the Public Transportation Operator.

C. Public Transportation Operator

- Provide input and review/comment on the MPO semi-annual progress reports.
- Prepare and submit Urbanized Area Formula Program and/or any other direct allocation programs to FTA for approval; notify NDDOT and MPO when grant has been approved.

IV. Technical Studies

This section applies to all technical activities, such as corridor studies and sub-area planning studies.

A. NDDOT

- Provide prepared scope of work for review and comment by MPO and Public Transportation Operator, if requested, for DOT initiated studies.
- Review, comment, and approve the scope of work prepared by MPO and Public Transportation Operator.
- Review and comment on draft study reports prepared by MPO and Public Transportation Operator.

B. Metropolitan Planning Organization

- Provide prepared scope of work for review and comment by NDDOT and Public Transportation Operator for MPO initiated studies.
- Review and comment on scope of work prepared by NDDOT and Public Transportation Operator.
- Review and comment on draft study reports prepared by NDDOT and Public Transportation Operator.

C. Public Transportation Operator

- Provide prepared scope of work for review and comment by NDDOT and MPO, if requested, for Public Transportation Operator initiated studies.
- Review and comment on scope of work prepared by NDDOT and MPO.
- Review and comment on draft study reports prepared by NDDOT and MPO.

V. *Transportation Improvement Programs (TIP)***A. NDDOT**

- Provide an opportunity for the MPO and Public Transportation Operator to review and comment on the draft Statewide Transportation Improvement Program (STIP).
- Obtain early public participation on the STIP development with the assistance of the MPO and the Public Transportation Operator.
- Cooperatively develop annual estimates of available funding for each TIP/STIP cycle.
- Cooperate and participate in the annual solicitation of projects conducted by the MPO.
- Submit to MPO a DOT generated list of cooperatively developed federally funded projects which are consistent with the MPO's MTP for development of the draft TIP.
- Review and comment on MPO list of prioritized projects.
- Review and comment on draft MPO TIP.
- Approve final TIP; incorporate MPO TIP into STIP and submit to FHWA and FTA.

B. Metropolitan Planning Organization

- Solicit projects from all implementing agencies which are consistent with the MPO's MTP.
- Review and comment on the draft STIP.
- Develop TIP utilizing input from NDDOT and the Public Transportation Operator.
- Obtain public input on the TIP in accordance with the MPO's Public Participation Plan.
- Submit TIP to NDDOT for approval.

C. Public Transportation Operator

- Submit to MPO candidate projects which are consistent with the MPO's MTP.
- Review and comment on MPO list of prioritized projects.
- Participate in the early public participation process.
- Review and comment on the draft STIP.

- Utilize the MPO Public Participation Plan's public notification procedures in the development of the annual Program of Projects.
- Review and comment on draft and final MPO TIP.

VI. Committees

A. NDDOT

- Attend and participate in MPO Technical Advisory Committee meetings as a voting member.
- Serve as ex-officio member of the MPO Policy Board, as requested.
- Establish study committees / sub-committees as needed and include MPO and Public Transportation Operator representatives as appropriate.
- Participate in MPO and Public Transportation Operator study committees and sub-committees as appropriate.

B. Metropolitan Planning Organization

- Establish a Technical Advisory Committee which includes NDDOT and Public Transportation Operator as voting members.
- Establish study committees / sub-committees as needed and include NDDOT and Public Transportation Operator as appropriate.
- Participate in NDDOT and Public Transportation Operator study committees / sub-committees as appropriate.

C. Public Transportation Operator

- Attend and participate in all MPO Technical Advisory Committee meetings as a voting member.
- Establish study committees / sub-committees as needed and include MPO and NDDOT representatives as appropriate.
- Participate in MPO and NDDOT study committees and sub-committees as appropriate.

VII. MPO Certification

A. NDDOT

- Monitor federal and state legislation and inform the MPO and Public Transportation Operator of new or changed requirements.
- Conduct mid-year program review with MPO and Public Transportation Operator.
- Review and accept MPO's self-certification documentation and submit to FHWA and FTA as part of the TIP submittal.

B. Metropolitan Planning Organization

- Prepare and include in annual TIP an adopted self-certification statement.
- Every three (3) years develop a more detailed self-certification report.
- Participate in mid-year program review with NDDOT and Public Transportation Operator.

C. Public Transportation Operator

- Review MPO's self-certification documentation.
- Participate in mid-year program review with NDDOT and MPO.

VIII. Performance Based Planning

The parties to this agreement will work cooperatively to develop, identify and implement a performance based planning approach to address federal performance measures. This coordination effort is outlined in a separate agreement between the parties.

IX. Period of Agreement

- This Memorandum of Agreement shall be effective once all signatures have been obtained and may be terminated by any one of the parties by giving 90 days written notice to each of the other parties. This Memorandum of Agreement will remain in effect until terminated as provided in this clause, or until replaced by a new Memorandum of Agreement.
- Any amendments to this Memorandum of Agreement must be mutually agreed to in writing.
- It is mutually agreed that this Memorandum of Agreement will be reviewed (and amended as determined necessary) following the reauthorization of the current surface transportation authorization act.

X. Authorized Representatives

The NDDOT authorized representative is Wayne A. Zacher, MPO Coordinator & Transportation Engineer, 608 E Boulevard Ave, Bismarck, ND 58505, 701-328-4828, wzacher@nd.gov, or his successor.

The Central Dakota Metropolitan Planning Organization authorized representative is Name?, Executive Director, address, phone, email, or his/her successor.

The city of Minot authorized representative is Name, title, address, phone, email, or his/her successor.

IT IS FURTHER UNDERSTOOD, that this MOA will be effective once all signatures are obtained and remain in effect until such time as any party gives to the affected parties a 90-day written notice of its intent to withdraw from the MOA.

IT IS FURTHER UNDERSTOOD, that this MOA is not a legally binding agreement and creates no legally binding obligations for any party. Because of a mutual desire to proceed, each party fully intends to

make a good faith effort to achieve the goals described above including working together to find mutually beneficial solutions when problems arise.

The parties hereto execute this Memorandum of Agreement through their authorized representatives:

CENTRAL DAKOTA METROPOLITAN PLANNING ORGANIZATION

Name (Type or Print)

Signature

Title

Date

PUBLIC TRANSPORTATION OPERATOR: City of Minot, ND

ATTEST by:

Name (Type or Print)

Signature

Title

Date

Name (Type or Print)

Signature

Title

Date

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

APPROVED as to substance by:

Local Government Engineer (Type or Print)

Signature

Date

Director (Type or Print)

Signature

Date