



Mid-Region Council of Governments  
**Board of Directors**  
Thursday, June 9, 2016  
2:30 pm-3:30 p.m.

809 Copper Avenue NW, Albuquerque, NM 87102

**M. Steven Anaya, Chair**

**Jack Torres, Vice-Chair**

**AGENDA**

**Call to Order**

*The presence of a quorum will be noted*

Tab 1 **Approval of Agenda of June 9, 2016**

Tab 2 **Approval of Action Summary for January 14, 2016**

**PUBLIC COMMENT**

Tab 3 **Public Comments**

*Anyone who wishes to address the Board must register with the Secretary of the Board.*

**ACTION ITEMS**

Tab 4 **Approval of MRCOG FY 2017 Proposed Budget/ Goals and Objectives**

Tab 5 **Approval of MRCOG Property Disposition Committee**

R-16-02  
MRCOG

Tab 6 **Approval of MRCOG Open Meetings Resolution**

R-16-01  
MRCOG

Tab 7 **Approval of Election of Officers for FY 2017 (roster attached)**

Tab 8 **Confirmation of Executive Board (roster attached)**

Tab 9 **Approval of MRCOG/MTB Memorandum of Understanding**

R-16-03  
MRCOG

Tab 10 **Approval of Revised MTB Bylaws**

R-16-04  
MRCOG

Tab 11 **Confirmation of Membership of the City of Rio Communities on the MRCOG Board of Directors**

**DISCUSSION / INFORMATION ITEMS**

Tab 12 **Executive Director's Report**

Tab 13 **Board Comments**

**Adjournment (A motion to adjourn is not necessary)**

**Next Meeting:  
August 11, 2016 at 2:30 pm**

*Anyone requiring special accommodations, please notify the MRCOG office at 247-1750 seven days prior to the meeting.*



## Action Summary

**Mid-Region Council of Governments**  
**Thursday, January 14, 2016**  
**3:00 p.m.**  
**809 Copper Ave. NW**  
**Albuquerque, New Mexico 87102**

**M. Steven Anya, Chair**

**Jack Torres, Vice-Chair**

ORGANIZATION	PRESENT	MEMBER	PRESENT	ALTERNATE
Sandoval County {2}	<b>X</b>	* <b>James Dominguez</b> , Commissioner <b>Glenn Walters</b> , Commissioner	<b>X</b>	Phil Rios
Village of Los Ranchos de Albuquerque {2}	<b>X</b>	* <b>Larry Abraham</b> , Mayor <b>Donald Lopez</b> , Trustee		Kelly S. Ward
City of Albuquerque (Administration) {1}	<b>X</b>	* <b>Robert Perry</b> , CAO		Michael Riordan Greg Smith
City of Albuquerque (City Council) {6}	<b>X</b>	* <b>Dan Lewis</b> , Councilor <b>Isaac Benton</b> , Councilor <b>Diane Gibson</b> , Councilor <b>Don Harris</b> , Councilor <b>Ken Sanchez</b> , Councilor <b>Patrick Davis</b> , Councilor	<b>X</b>    <b>X</b>	Rachel Miller Andrew Webb  Tom Menicucci
AMAFCA {1}	<b>X</b>	<b>Ron Brown</b>		Other board members
Albuquerque Public Schools {1}		<b>Lorenzo Garcia</b>	<b>X</b>	Martin W. Eckert
City of Belen {2}	<b>X</b>	<b>Jerah Cordova</b> , Mayor		Jay Ruybalid Steven Tomita
Town of Bernalillo {2}	<b>X</b>	<b>Jack Torres, Vice-Chair</b> Mayor <b>Vacant</b>		Vacant
Bernalillo County {3}	<b>X</b>	* <b>Debbie O'Malley</b> Commissioner <b>Wayne Johnson</b> , Commissioner	<b>X</b>	Kelly Sanchez Nolan Bennett
Village of Bosque Farms {2}		* <b>Robert Knowlton</b> , Mayor <b>Vacant</b>		Vacant
Village of Corrales {2}	<b>X</b> <b>X</b>	* <b>Philip Gasteyer</b> , Councilor <b>Pat Clauser</b>		Vacant
Village of Cuba {2}		<b>Mark Hatzenbuehler</b> , Mayor <b>Vandora Casados</b> , Clerk/Trustee		Vacant
Town of Edgewood {2}	<b>X</b>	<b>Brad Hill</b> , Mayor		John Abrams
Village of Encino {2}		<b>John G. Philips III</b> , Mayor <b>Vacant</b>		Loretta Chavez
Town of Estancia (2)		<b>Vacant</b> <b>Vacant</b>		Vacant
Village of Jemez Springs (2)		<b>Vacant</b> <b>Vacant</b>		Vacant
Pueblo of Laguna (1)		<b>Vacant</b>		Vacant

ORGANIZATION	PRESENT	MEMBER	PRESENT	ALTERNATE
Village of Los Lunas {2}		<b>Charles Griego</b> , Mayor <b>Christina Ainsworth</b> , Dir. Community Development		Gregory D. Martin
Los Lunas Public Schools {1}		<b>Ron Williams</b> , Assistant Superintendent Operations		Clair Cieremans
Middle Rio Grande Conservancy District {1}	<b>X</b>	<b>Adrian Oglesby</b>		Karen Dunning
City of Moriarty {2}	<b>X</b>	<b>*M. Steven Anaya, Chair</b> <b>Ted Hart</b> , Mayor		Linda Fischer
Town of Mountainair {2}		<b>Vacant</b> <b>Vacant</b>		Vacant
Village of Peralta		<b>Leon Otero</b>		Vacant
City of Rio Rancho {2}	<b>X</b>	<b>*Greggory D. Hull</b> , Mayor, <b>Lonnie Clayton</b> , Councilor		Peter Wells
Rio Rancho Public Schools		<b>Richard Bruce</b> , Chief Operations Officer		Vacant
ESCAFCA		<b>Vacant</b>		Vacant
Southern Sandoval County Arroyo Flood Control Authority {1}		<b>*James Fahey</b> , Board Member		Steve House
Village of Tijeras {2}		<b>*Gloria Chavez</b> , Mayor <b>Vacant</b>		Shannon Fresquez
Torrance County {2}	<b>X</b> <b>X</b>	<b>*Leroy Candelaria</b> , Commissioner <b>Julia DuCharme</b> , Commissioner		Joy Ansley
CNM {1}		<b>Katherine W. Winograd</b> , President	<b>X</b>	Samantha Sengel
University of New Mexico {1}	<b>X</b>	<b>Connie Beimer</b> , Director of Government Relations		Vacant
Valencia County {2}		<b>*Vacant</b> <b>Lawrence Romero</b> , Commissioner		Vacant
Village of Willard {2}		<b>Robert Chavez</b> , Mayor <b>Emily Sanchez</b> , Clerk		Vacant

**\* Executive Board**

NON-VOTING ADVISORY MEMBER				
ORGANIZATION	PRESENT	MEMBER	PRESENT	ALTERNATE
Federal Highway Administration		<b>J. Don Martinez</b> , Division Administrator		
NM Dept. of Transportation		<b>Tom Church</b> , Secretary		
NM Dept. of Transportation		<b>Kenneth Murphy</b> District 3 Engineer		
Pueblo of Santa Ana		<b>Myron Armijo</b> , Governor		Ken Paquin
MRCOG STAFF & OTHERS PRESENT				
Dewey Cave, Barbara Thomas, Ann Simon, Larry Horan				

**AGENDA**

**Call to Order**

The January 14, 2016 Board of Directors meeting was called to order by Chair M. Steven Anaya, City of Moriarty, at 3:00 p.m. and the presence of a quorum was noted.

**Approval of Agenda for January 14, 2016**

**Action Taken:**

Martin Eckert, Albuquerque Public Schools, made a motion to:

**APPROVE THE JANUARY 14, 2016 AGENDA.**

The motion was seconded by Diane Gibson, City of Albuquerque, and passed unanimously.

**Tab 1**      **Approval of Action Summary of the November 18, 2015 Work Session**

**Action Taken:**

James Dominguez, Sandoval County, made a motion to:

**APPROVE THE ACTION SUMMARY OF THE NOVEMBER 18, 2015 WORK SESSION**

The motion was seconded by Leroy Candelaria, Torrance County, and passed unanimously.

**PUBLIC COMMENT**

**Tab 2**      **Public Comment**

There was no Public Comment.

**ACTION ITEMS**

**Tab 3**      **Approval of 2016 Legislative Priorities**

Dewey Cave, MRCOG Executive Director, reported that the 30-day Legislative Session begins next Tuesday and the two major issues will be public safety and drivers' licenses. Only minor changes have been made to the MRCOG priorities including economic development projects.

Larry Horan, MRCOG Attorney, said that since it is only a 30-day session, the Legislature is limited as to what they can address this year. Those things include the two mentioned by Mr. Cave as well as education and economic development. Comprehensive tax reform is a broad-based issue that may be on the agenda as well as capital outlay reform which has a big impact on local governments.

Mr. Horan then reviewed the Council of Governments' priorities which include capital outlay, transportation (including the NM Rail Runner Express program and initiatives that improve regional transportation), economic development, water policy and other issues that impact local government authority. In the "miscellaneous" category, bullet #4, Brad Hill, Town of Edgewood, suggested the wording be "by the administrative office of the courts" and deleting "NM Attorneys Generals office."

**Tab 4**      **Approval of 2016 Legislative Priorities from the Water Resources Board**

Adrian Oglesby, Middle Rio Grande Conservancy District, reviewed the priorities of the Water Resources Board and stood for questions.

Tabs 3 and 4 were voted on together.

**Action Taken:**

Mr. Oglesby made a motion to:

	<p align="center"><b>APPROVE THE LEGISLATIVE PRIORITIES OF THE MRCOG AS AMENDED BY MR. HILL AND APPROVE THE 2016 LEGISLATIVE PRIORITIES OF THE WATER RESOURCES BOARD AS PRESENTED</b></p> <p align="center">The motion was seconded by Pat Clauser, Village of Corrales, and passed unanimously.</p>
<b>INFORMATION ITEMS</b>	
<b>Tab 5</b>	<p><b>Discussion of MRCOG FY 2016 Priorities</b></p> <p>Mr. Cave presented the FY 2016 MRCOG Priorities and stood for questions.</p>
<b>Tab 6</b>	<p><b>Update – Economic Development</b></p> <p>Ann Simon, Economic Development Program Manager, presented information on Ingenuity Central and described the four new messages which are 1) locate, 2) create, 3) work and 4) live.</p> <p>We manage that website Ms. Simon noted, and it is all about marketing. Community economic development groups support the site and it is hoped that the City of Albuquerque will participate.</p>
<b>Tab 7</b>	<p><b>Executive Director’s Report</b></p> <p>Mr. Cave reported that the audits of MRCOG, Workforce and RMRTD were clean with unmodified opinions. This year the COG will change auditors.</p> <p>The ISC will be holding a series of meetings in February, he noted.</p> <p>Mr. Cave then stood for questions. Rob Perry, City of Albuquerque, asked if there has been discussion about base closures and noted that it is very important to continue conversations with them.</p>
<b>Tab 8</b>	<p><b>Board Comments</b></p> <p>Chair Anaya noted that Mr. Cave’s contract had been extended for another three years in the Executive Board meeting,</p>
	<p><b>Adjournment</b></p> <p>The meeting adjourned at 3:45 p.m.</p>

\_\_\_\_\_  
M. Steven Anaya, Chair  
MRCOG Board of Directors

Attest \_\_\_\_\_  
Dewey V. Cave, Executive Director  
MRCOG

(The original recording of the meeting is on file in the MRCOG Office.)

Mid-Region Council of Governments  
Board of Directors

Approval of the 2017 Budget

**Action Requested:** Approval of MRCOG's 2017 Budget.

**Action Summary:** The 2017 budget is proposed based on anticipated funding for the fiscal year and anticipated expenditures. The budget provides information as to the maintenance of effort necessary to administer the grants and programs, and to operate the Mid-Region Council of Governments.

**Background:** The 2017 budget totals \$10,932,153, a decrease of \$449,920 from the 2016 final budget. The reason for the decrease is a combination of several changes, the most significant being:

**Unified Planning Work Program FTA** – Budget decrease of approximately \$78,000 is due to more carry over funding being budgeted in FY15 than in FY16.

**AMPA Wide Comp Reg Travel Survey** – Budget decrease of approximately \$105,000 is due to the project being mostly completed in FY15 and FY16.

**Veterans Transportation & Community Living Initiative** – Budget decrease of approximately \$102,000 is due to program being mostly completed in FY15 & FY16.

**UNM/CNM Transportation Study** – Budget decrease of approximately \$42,000 is due to program being mostly completed in FY15 & FY16.

**REACH Grant** – Budget decrease of approximately \$43,000 is due to program being mostly completed in FY16.

**Local Study** – Budget decrease of \$40,000 is due to Atrisco Vista Study being completed in FY16.

**Job Access/Reverse Commute** – Budget decrease of approximately \$60,000 is due to completing the program in FY16.

**New Freedom** – Budget decrease of approximately \$28,000 is due to completing the program in FY16.

**Regional Transportation and Logistics Study** – Budget increase of approximately \$78,000 is due to anticipation of most of the work being completed in FY17.

**Policy Ramification:** Approval of the budget will authorize management to spend the funding allocated.

**Financial Impact:** The total budget authorized for fiscal year 2017 is \$10,686,986.

# MRCOG

## FY2017 PROPOSED BUDGET



Urban & Rural Transportation Planning | Rio Metro RTD | Economic Development | Regional & Local Planning | Workforce Development

Program Name	FY2016 Approved Budget	FY2016 Estimated Expenses	FY2017 Proposed Budget
<b>Regional Transportation Planning</b>			
Unified Planning Work Program (UPWP) - FHWA	\$ 1,009,617	\$ 957,749	\$ 1,018,218
Unified Planning Work Program (UPWP) - FTA	436,866	197,161	358,956
Unified Planning Work Program (UPWP) - Other	258,607	92,688	200,000
AMPA Wide Comp Reg Travel Survey	112,594	112,594	6,083
REACH Grant - Presbyterian Complete Streets Grant	62,546	43,040	19,628
Regional Transportation Planning Organization (RPO)	106,250	104,566	106,250
Traffic Surveillance Program	437,049	394,804	448,734
Travel Time Program	114,254	80,340	113,098
Ortho Digital Photography	400,000	14,310	400,000
UNM/CNM Transportation Study-TCSP	16,799	16,226	1,732
UNM/CNM Transportation Study-FTA	250,609	16,162	224,024
Salt Missions Trail Scenic Byway Signage	9,000	8,443	-
Local Study - Bernalillo County	40,000	40,000	-
Complete Streets	1,984	436	-
<b>Rio Metro</b>			
Rio Metro Operations	6,200,000	6,011,057	6,200,000
<b>Economic Development</b>			
Economic Development Administration	111,055	108,522	100,000
Agribusiness	27,000	15,198	26,188
Regional Transportation and Logistics Study	90,000	7,901	168,416
<b>Regional Public Transportation Planning</b>			
Job Access/Reverse Commute (FTA Section 5316)	60,000	60,000	-
New Freedom (FTA Section 5317)	27,731	13,013	-
Veterans Transportation & Community Living Initiative	300,000	57,688	197,951
<b>Regional and Local Planning</b>			
Local Government Planning Assistance (LPA)	191,486	136,452	184,000
Comprehensive Plans	2,000	-	-
<b>Workforce Development Programs</b>			
Workforce Investment Act (WIA) AE/FA	780,000	737,706	780,000
<b>General Fund</b>			
Capital Outlay	190,000	116,444	215,875
Professional Services	18,000	18,000	18,000
Operating Costs	45,000	39,642	45,000
Overhead in excess of indirect cost allocation	120,000	120,000	100,000
<b>TOTAL EXPENDITURES</b>	<b>\$11,418,447</b>	<b>\$9,520,142</b>	<b>\$10,932,153</b>
<b>Sources of Funds/Revenues</b>			
Federal	2,512,318	1,794,478	2,121,634
State	95,743	95,743	92,000
Local	7,291,591	6,890,330	7,180,000
Other	707,122	37,409	755,284
Member Dues	530,132	528,986	538,069
<b>TOTAL REVENUES</b>	<b>\$11,136,906</b>	<b>\$9,346,946</b>	<b>\$10,686,986</b>
<b>Revenues over (under) expenditures</b>	<b>\$(281,541)</b>	<b>\$(173,196)</b>	<b>\$(245,167)</b>
<b>Beginning Fund Balance</b>	<b>\$1,393,305</b>	<b>\$1,393,305</b>	<b>\$1,220,109</b>
<b>Ending Fund Balance</b>	<b>\$1,111,764</b>	<b>\$1,220,109</b>	<b>\$974,942</b>



The Mid-Region Council of Governments FY17 Budget is focused on advancing innovative programs and strengthening the economy of Central New Mexico. These numbers reflect a balanced budget, and include a number of core priorities such as using regional transit to promote economic development by advocating for the value of regional transit, beginning development of the FFY 2016-2021 Transportation Improvement Program (TIP), promotion of regional economic development activities to facilitate economic growth, providing planning assistance that includes digital mapping, as well as preparing the available workforce in our region for emerging industries. As always, we look forward to working with our elected officials and member agencies in an effort to foster partnerships, improve cooperation and enhance opportunities for all.

Dewey V. Cave, Executive Director

**TRANSPORTATION  
PLANNING**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Unified Planning Work Program (UPWP) - FHWA	\$ 1,009,617	957,749	\$1,018,218
Unified Planning Work Program (UPWP) - FTA	436,866	197,161	358,956
Unified Planning Work Program (UPWP) - Other	258,607	92,688	200,000
AMPA Wide Comp Reg Travel Survey	112,594	112,594	6,083
Travel Time Program	114,254	80,340	113,098
Ortho Digital Photography	400,000	14,310	400,000
REACH Grant - Presbyterian Complete Streets Grant	62,546	43,040	19,628
Local Study - Bernalillo County	40,000	40,000	-
Complete Streets	1,984	436	-

**Objectives**

- Monitor progress of Futures 2040 Metropolitan Transportation Plan and process amendments if necessary.
- Maintain the FFY 2016-2021 Transportation Improvement Program (TIP) and process revisions as necessary.
- Begin development of the FFY 2018-2023 TIP.
- Collect, analyze and disseminate new socioeconomic data, Census transportation data and regional household travel survey results for integration into the travel demand model.
- GIS and Interactive Mapping: continue implementation of a cloud-based, collaborative on-line management system for maps, data, and other geospatial information.
- Continue update of the National Highway System (NHS) in cooperation with NMDOT and local agencies.
- Maintain and update, as necessary, the Congestion Management Process in the Albuquerque Metropolitan Planning Area (AMPA), including collection of travel time data across the region.
- Pursue the design and construction of the Regional Transportation Management Center, including the execution of memorandums of agreement for the construction, maintenance and operation of the center. Coordinate the Intelligent Transportation Systems activities and maintenance of the AMPA Regional ITS Architecture.
- Assist various governmental agencies with their planning efforts to include moving transportation capital projects through the project development process, local government agreement process and federal funding obligation process. Projects include the Atrisco Vista Boulevard Corridor Study, bicycle/ pedestrian counts and planning, zoning updates, comprehensive plan updates, transportation planning and other similar efforts.



**RURAL  
TRANSPORTATION  
PLANNING**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Regional Transportation Planning Organization (RTPO)	\$ 106,250	\$ 104,566	\$ 106,250
Salt Missions Trail Scenic Byway	9,000	8,443	-

**Objectives**

- Maintain a coordinated rural transportation planning process for the counties, communities, and pueblos located outside the AMPA.
- Provide technical staff support of the Salt Missions Trail Scenic Byway Committee.
- Provide staff support to the New Mexico Complete Streets Leadership Team in order to educate and assist RTPO communities to implement policies that promote safe travel for all users of all abilities.
- Provide technical tools, such as web-based interactive mapping to assist MRRTPO communities in project development.
- Develop performance measures for the RTPO Long Range Regional Transportation Plan.

**TRAFFIC  
SURVEILLANCE PROGRAM**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Traffic Surveillance Program	\$ 437,049	\$ 394,804	\$ 448,734

**Objectives**

- Collect all required traffic counts: volume, vehicle classification, intersection turning movement, and bicycle and pedestrian volume and intersection movement counts in the four-county area (approx. 960 per year).
- Complete and distribute the annual Traffic Flow Maps.

**UNM/CNM/SUNPORT  
TRANSIT STUDY**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
UNM/CNM Transportation Study-TCSP	\$ 16,799	\$ 16,226	\$ 1,732
UNM/CNM Transportation Study-FTA	250,609	16,162	224,024

**Objectives**

- Coordinate with project partner to undertake Federal Transit Administration (FTA) project development activities such as route finalization, land use analysis, and ridership estimates. Project development activities are a multi-year process that may result in a FTA Capital Improvement Grant request.



**RIO METRO  
REGIONAL TRANSIT  
DISTRICT**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Rio Metro Operations	\$ 6,200,000	\$ 6,011,057	\$ 6,200,000

**Objectives**

- Improve perceived safety, security and cleanliness of the regional transit system.
- Initiate the development of a Regional Transit Network and Service Plan.
- Use regional transit to promote economic development by advocating for the value of regional transit; communicating, collaborating with local and regional economic development agencies; and promoting Transit Oriented Development.
- Evaluate and implement cost-effectiveness measures by reviewing operation to identify opportunities for efficiency gains including administrative costs services/ operations costs, and overhead costs.
- Evaluate and pursue new and expanded funding resources such as private sector revenue sources, value capture, and a gross receipts tax increase.
- Continue ongoing stakeholder engagement.

**ECONOMIC  
DEVELOPMENT**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Economic Development Administration	\$ 111,055	\$ 108,522	\$ 100,000
Agribusiness	27,000	15,198	26,188
Regional Transportation and Logistics Study	90,000	7,901	168,416

**Objectives**

- Work with local economic development partners to implement the 2015 Comprehensive Economic Development Strategy (CEDS), review and develop an annual update to the CEDS, respond to economic development activities, and facilitate EDA investment in the region.
- Manage the Transportation and Logistics Hub Study and other special projects.
- Work with and provide administrative support to the Metro New Mexico Development Alliance to promote economic development through the website [www.ingenuitycentral.org](http://www.ingenuitycentral.org).
- Work with regional partners and economic development professionals to facilitate economic growth and development by providing technical support wherever possible.
- Work with NewMARC (New Mexico Association of Regional Councils) to finalize a statewide CEDS.
- Facilitate the Agriculture Collaborative and LandLink programs to preserve agricultural lands and a viable agriculture economy.

**REGIONAL PUBLIC  
TRANSPORTATION  
PLANNING**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Job Access/Reverse Commute (FTA Section 5316)	\$ 60,000	\$ 60,000	-
New Freedom (FTA Section 5317)	27,731	13,013	-
Veterans Transportation & Community Living Initiative	300,000	57,688	197,951

**Objectives**

- Maintain veteran-centric state and local agency partnerships for the further development of the website.
- Finalize development and implement website components.
- Complete the transfer of website to NMDVS for hosting and maintenance.



**REGIONAL  
AND LOCAL PLANNING**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Local Government Planning Assistance (LPA)	\$ 191,486	\$ 136,452	\$ 184,000
Comprehensive Plans	2,000	-	-

**Objectives**

- Develop region-wide outreach opportunities for member governments.
- Respond to all requests for planning assistance from member governments (i.e. with Infrastructure Capital Improvement Plans (ICIP), Asset Management Plans, and capital outlay programming and Community Development Block Grant applications) including mapping assistance.
- Conduct at least one Planning Commissioners Workshop.

**WORKFORCE  
DEVELOPMENT  
PROGRAMS**

<b>Budget</b>	<b>FY16 Appr.</b>	<b>FY16 Est.</b>	<b>FY17 Prop.</b>
Workforce Investment Act (WIA) AE/FA	\$ 780,000	\$ 737,706	\$ 780,000

**Objectives**

- Have the region aligned for full implementation of the new Workforce Innovation and Opportunity Act provisions.
- Provide services and outreach to employers and job seekers in the Central Region.
- Identify the needs of, and successfully support job-seekers through Intensive Services, class-room training and On-the-Job training opportunities in high demand occupations.
- Strengthen our involvement with the economic development and education community to better prepare the available workforce in our region for emerging industries.
- Provide educational resources to train, or re-train, individuals to industry standards through Occupational Skills Training, On-the-Job Training, and Customized Training services, with a focused increase in industry recognized credentials and certifications.
- Increase the number of co-enrolled youth to the adult program, opening more OJT, adult mentorship, job shadowing and short-term training opportunities for the youth of the Central Region.
- Increase the grant funding opportunities for the Central Region.
- Sustain and increase partnerships that provide outreach to youth, young adults and adult basic education individuals who have dropped out or stopped out of high school or college through on-site college and career counseling.
- Support and conduct programs to protect and preserve the region’s natural resources.
- Provide staff support for the MRCOG Water Resources Board.
- Act as fiscal agent for local governments as appropriate.
- Support the facilitation of regional water planning updates.



Mid-Region Council of Governments | 809 Copper Ave. NW | Albuquerque, NM 87102 | Ph: (505) 247-1750  
[www.mrcog-nm.gov](http://www.mrcog-nm.gov)

**Creation of Property Disposition Committee**

**R-16-02 MRCOG**

**Action Requested:**

Approval of R-16-02 MRCOG Creation of Property Disposition Committee

**Background:**

Pursuant to Section 13-6-1 NMSA, MRCOG is required to designate a committee of at least three members of the Board to approve and oversee the disposal of worn-out, obsolete or otherwise unusable property.

The Mid-Region Council of Governments (MRCOG), from time to time, has property that is worn-out, unusable or obsolete to the extent that the item or items are no longer economical or safe for continued use by the MRCOG.

**Policy Ramifications:** Disposal of worn-out, obsolete or otherwise unusable property.

**Financial Impact:** None

1 RESOLUTION

2 of the

3 BOARD OF DIRECTORS

4 of the

5 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

6 (R-16-02 MRCOG)

7 **CREATION OF THE PROPERTY DISPOSITION COMMITTEE**

8  
9 WHEREAS, The Mid-Region Council of Governments (MRCOG), from time to  
10 time, has property that is worn-out, unusable or obsolete to the extent that the item  
11 or items are no longer economical or safe for continued use by the MRCOG; and

12 WHEREAS, Sections 13-6-1 and 13-6-2 NMSA 1978 govern the disposition of  
13 obsolete, worn-out or unusable tangible personal property owned by local public  
14 bodies; and

15 WHEREAS, pursuant to Section 13-6-1 NMSA, MRCOG is required to designate  
16 a committee of at least three members of the Board to approve and oversee the  
17 disposal of worn-out, obsolete or otherwise unusable property,

18 NOW, THEREFORE, the MRCOG Board of Directors Executive Board hereby  
19 establishes a standing committee, with members to be appointed by the Chair, to  
20 serve as the Property Disposal Committee. Membership on the committee shall  
21 consist of a minimum of three members of the Board and not more than five mem-  
22 bers. Membership on the committee shall commence upon the date of appointment  
23 by the Chair and shall continue until the Board meeting in June 2016.

24 FURTHER, the duties of the Property Disposal Committee shall be to oversee

25 the disposal of worn-out, obsolete or otherwise unusable property.

26 NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF  
27 THE MID-REGION COUNCIL OF GOVERNMENTS that the Property Disposal  
28 Committee is hereby established

29 PASSED, APPROVED, AND ADOPTED this 9th day of June 2016 by the Board  
30 of Directors of the Mid-Region Council of Governments of New Mexico.

31 Nominated Members:

- 32 1.
- 33 2.
- 34 3.

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M. Steven Anaya, Chair  
MRCOG Board of Directors

41 ATTEST:

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45 Dewey V. Cave, Executive Director  
46 MRCOG

**Open Meetings Act Resolution  
(R-16-01 MRCOG)**

**Action Requested:**

Approval of R-16-01 MRCOG Open Meetings Act Resolution, to remain in compliance with statutory regulations.

**Background:**

NMSA 1978, Section 10-15-1B (1974 as Amended), of the Open Meetings Act states that, except as otherwise provided in the Constitution of New Mexico or the Provisions of the Open Meetings Act, all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, any agency or authority of formulation public policy, discussion public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings.

**Policy Ramifications:**

Section 10-15-1D of the Open Meetings Act requires MRCOG to determine annually what constitutes reasonable notice of its public meetings.

**Financial Impact:**

None

1 RESOLUTION

2 of the

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4 BOARD OF DIRECTORS

5  
6 of the

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8 MID REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

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10 (R-16-01 MRCOG)

11  
12 **OPEN MEETINGS RESOLUTION**

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15  
16 WHEREAS, Section 10-15-1(B) of the Open Meetings Act (Sections 10-15-1  
17 through 10-15-4 NMSA 1978) states that all meetings of a quorum of members of any  
18 board, commission, administrative adjudicatory body, or other policy making body of  
19 any state agency, any agency or authority of any county, municipality, district, or any  
20 political subdivision, held for the purpose of formulating public policy, including the  
21 development of personnel policy, rules, regulations or ordinances, discussing public  
22 business or for the purpose of taking any action within the authority of or the delegated  
23 authority of any board, commission or other policymaking body are declared to be public  
24 meetings open to the public at all times, except as otherwise provided in the constitution  
25 of New Mexico or the Open Meetings Act. No public meeting, once convened, that is  
26 otherwise required to be open pursuant to the Open Meetings Act shall be closed or  
27 dissolved into small groups or committees for the purpose of permitting the closing of  
28 the meeting;

29 WHEREAS, Section 10-15-1 (C) allows a public body to provide members of a  
30 public body to participate in a meeting of the public body by means of a conference  
31 telephone or other similar communicating equipment when it is otherwise difficult or  
R-16-01 MRCOG June 9, 2016

32 impossible for the member to attend the meeting in person, provided that each member  
33 participating, by conference telephone can be identified when speaking, all participants  
34 are able to hear each other at the same time and members of the public attending the  
35 meeting are able to hear any member of the public body who speaks during the  
36 meeting;

37 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board of  
38 Directors of the Mid Region Council of Governments (MRCOG) of New Mexico to  
39 determine annually what constitutes reasonable notice of its public meetings; and

40 WHEREAS, Section 10-15-4 of the Open Meetings Act provides that all  
41 provisions of the Open Meetings Act shall be enforced by the attorney general or by the  
42 district attorney in the county of jurisdiction. However, nothing in that act shall prevent  
43 an individual from independently applying for enforcement through the district courts,  
44 provided that the individual first provides written notice of the claimed violation to the  
45 public body and that the public body has denied or not acted on the claim within fifteen  
46 days of receiving it. A public meeting held to address a claimed violation of the Open  
47 Meetings Act shall include a summary of comments made at the meeting at which the  
48 claimed violation occurred; and

49 WHEREAS, Section 10-15-4(c) of the Open Meetings Act provides that the  
50 district courts of the state shall have jurisdiction, upon the application of any person to  
51 enforce the purpose of the Open Meetings Act, by injunction, mandamus or other  
52 appropriate order. The court shall award costs and reasonable attorney fees to any  
53 person who is successful in bringing a court action to enforce the provisions of the Open  
54 Meetings Act. If the prevailing party in a legal action brought under this section is a

55 public body defendant, it shall be awarded court costs. A public body defendant that  
56 prevails in court action brought under this section shall be awarded its reasonable  
57 attorney fees from the plaintiff if the plaintiff brought the action without sufficient  
58 information and belief that good grounds supported it.

59 NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mid  
60 Region Council of Governments of New Mexico that:

61 1. Regular meetings of the Board of Directors, its Executive Board, the  
62 Metropolitan Transportation Board, Middle Rio Grande Water Resources  
63 Board, Transportation Coordinating Committee, Public Involvement  
64 Committee, and/or the Regional Planning Organization Transportation  
65 Advisory Committee shall ordinarily be held as established by the  
66 individual boards at their last meeting of the calendar year. For the  
67 purposes of regular meetings, notice requirements are met if notice of the  
68 date, time, place, and information on how the public may obtain an  
69 agenda, is placed as a legal notice in newspapers of general circulation in  
70 the state at least ten (10) days in advance of the meeting date. Written  
71 notice shall also be mailed to those broadcast stations licensed by the  
72 Federal Communications Commission and newspapers of general  
73 circulation which have made a written request of the MRCOG for notice of  
74 public meetings. A proposed agenda will be posted in the offices of the  
75 MRCOG one week before the meeting, located at 809 Copper Ave. NW,  
76 Albuquerque, New Mexico; and will be available on the MRCOG website  
77 at [www.mrcog-nm.gov](http://www.mrcog-nm.gov) one week before the meeting; and

- 78           2.     The final agenda will be posted in the offices of the MRCOG not less than  
79                     seventy-two (72) hours prior to the meeting; and will be available on the  
80                     MRCOG website at [www.mrcog-nm.gov](http://www.mrcog-nm.gov) not less than seventy-two (72)  
81                     hours before the meeting; and
- 82           3.     Up to three (3) members of the Board of Directors, its Executive Board,  
83                     the Metropolitan Transportation Board, Middle Rio Grande Water  
84                     Resources Board, Transportation Coordinating Committee, Public  
85                     Involvement Committee, and/or the Regional Planning Organization  
86                     Transportation Advisory Committee may participate by conference  
87                     telephone in any meetings that are held in the MRCOG Conference  
88                     Room; and
- 89           4.     Special meetings of the Board of Directors, its Executive Board, the  
90                     Metropolitan Transportation Board, Middle Rio Grande Water Resources  
91                     Board, Transportation Coordinating Committee, Public Involvement  
92                     Committee, and/or the Regional Planning Organization Transportation  
93                     Advisory Committee may be called by the Chairman or a majority of the  
94                     members upon three (3) days notice. For the purposes of special  
95                     meetings, notice requirements shall be met by posting notices in the  
96                     offices of the MRCOG. Facsimile notice of such meetings shall be  
97                     provided to those broadcast stations licensed by the Federal  
98                     Communications Commission and newspapers of general circulation that  
99                     have made a written request of the MRCOG for notice of public meetings;  
100                    and

- 101           5.     Emergency meetings of the Board of Directors, its Executive Board, the  
102                     Metropolitan Transportation Board, Middle Rio Grande Water Resources  
103                     Board, Transportation Coordinating Committee, Public Involvement  
104                     Committee, and/or the Regional Planning Organization Transportation  
105                     Advisory Committee are meetings called under circumstances which  
106                     demand immediate action by those boards. Although the boards would  
107                     avoid emergency meetings whenever possible, such circumstances may  
108                     occasionally arise. Emergency meetings of those boards may be called  
109                     by the Chairman or a majority of the members upon twenty-four (24) hours  
110                     notice. For the purposes of emergency meetings, notice requirements  
111                     shall be met by posting notices in the offices of the MRCOG. Facsimile  
112                     notice of such meetings shall be provided to those broadcast stations  
113                     licensed by the Federal Communications Commission and newspapers of  
114                     general circulation that have made a written request of the MRCOG for  
115                     notice of public meetings; and
- 116           6.     Pursuant to Section 10-15-1(H)(I) NMSA 1978, the Board of Directors, its  
117                     Executive Board, the Metropolitan Transportation Board, Middle Rio  
118                     Grande Water Resources Board, Transportation Coordinating Committee,  
119                     Public Involvement Committee, and/or the Regional Planning Organization  
120                     Transportation Advisory Committee may close a meeting to the public if  
121                     the subject matter of such discussion or action is included in Subsection I  
122                     of the Open Meetings Act, Section 10-15-1 NMSA 1978. If any such  
123                     board meeting is closed pursuant to Section 10-15-1(H)(I) NMSA 1978,

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- such closure:
- (a) if made in an open meeting, shall be approved by a majority vote of a quorum of the members of such board and authority for the closure and subject to be discussed shall be stated in the motion calling for the vote on a closed meeting. The vote on a closed meeting shall be taken in an open meeting and the vote of each individual member is to be recorded in the minutes. Only those subjects announced or voted upon prior to closure by such board may be discussed in a closed meeting; and
  - (b) if called for when such boards are not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and subject matter is given to the members and to the general public; and
  - (c) Notwithstanding any provision, the Chairman may establish such additional notice as may be deemed advisable.

PASSED, ADOPTED, AND APPROVED this 9<sup>th</sup> day of June 2016 by the Board of Directors of the Mid Region Council of Governments of New Mexico.

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Dewey V. Cave, Executives Director  
MRCOG

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M. Steven Anaya, Chair  
MRCOG Board of Directors

## APPROVAL OF OFFICERS FOR FISCAL YEAR 2016-17

### **Action Requested:**

Approval of Officers for the Mid-Region Council of Governments Board of Directors for Fiscal Year 2016-2017

### **Background:**

As called out in the Articles of Agreement of the Mid-Region Council of Governments, Article V, Number 2 "The Chairman and Vice-Chairman shall be elected annually at the June meeting of the Board of Directors. ... The Chairman and Vice Chairman may hold office for a maximum of two consecutive one-year terms."

At its May 12, 2016 Executive Board meeting members of the Executive Board nominated the following members to serve as officers for the next fiscal year. Approval of the Full Board of Directors is needed to ratify this decision.

Chair: Mayor Jack Torres, Town of Bernalillo

Vice-Chair: Mayor Gregory Hull, City of Rio Rancho

### **Policy Ramifications:**

Provides leadership for the MRCOG for one year.





## Mid-Region Council of Governments

### Board of Directors Membership Roster Quorum (15)

ORGANIZATION	MEMBER	ALTERNATE
Sandoval County {2}	1.* <b>James Dominguez</b> , Commissioner 2. <b>Glenn Walters</b> , Commissioner	Phil Rios, County Manager
Village of Los Ranchos de Albuquerque {2}	1.* <b>Larry Abraham</b> , Mayor 2. <b>Donald Lopez</b> , Trustee	Kelly S. Ward
City of Albuquerque (Administration) {1}	1.* <b>Robert Perry</b> , Chief Administrative Officer	Michael Riordan
City of Albuquerque (City Council) {6}	1.* <b>Dan Lewis</b> , Councilor 2. <b>Isaac Benton</b> , Councilor 3. <b>Diane Gibson</b> , Councilor 4. <b>Don Harris</b> , Councilor 5. <b>Patrick Davis</b> , Councilor 6. <b>Ken Sanchez</b> , Councilor	<b>Councilors</b> , Brad Winter, Trudy Jones, Klarissa Peña, <b>Staff</b> , Tom Menicucci, Diane Dolan, Andrew Webb, Jon Zaman, Chris Sylvan, Elaine Romero, Dawn Marie Emilio, Rachel Miller
Albuq. Metropolitan Arroyo Flood Control Authority{1}	<b>Bruce Thomson</b>	Vacant
Albuquerque Public Schools {1}	1.* <b>Lorenzo Garcia</b>	Martin W. Eckert
City of Belen {2}	1. <b>Jerah Cordova</b> , Mayor	Steven Tomita
Town of Bernalillo {2}	1.* <b>Jack Torres</b> , Mayor, <b>Chair</b> 2. <b>Vacant</b>	Vacant
Bernalillo County {3}	1.* <b>Debbie O'Malley</b> , Commissioner 2. <b>Maggie Hart Stebbins</b> , Commissioner 3. <b>Julie Morgas Baca</b> , County Manager	Dan McGregor Roger Paul Other Commissioners
Village of Bosque Farms {2}	1.* <b>Wayne Ake</b> , Mayor 2. <b>Vacant</b>	Vacant
CNM	1. <b>Dr. Katharine W. Winograd</b> , President	Samantha Sengel
Village of Corrales {2}	1. <b>Philip Gasteyer</b> , Councilor 2. <b>Pat Clauser</b> , Councilor/Mayor Pro Tem	Vacant
Village of Cuba {2}	1. <b>Mark Hatzenbuhler</b> , Mayor 2. <b>Vandora Casados</b> , Clerk/Trustee	Vacant
Town of Edgewood {2}	1. <b>John Bassett</b> , Mayor 2. <b>Vacant</b>	John Abrams
Village of Encino {2}	1. <b>John G. Philips III</b> , Mayor 2. <b>Vacant</b>	Loretta Chavez
Town of Estancia {2}	1. <b>Vacant</b> 2. <b>Vacant</b>	Vacant
Village of Jemez Springs {2}	1. <b>Vacant</b> 2. <b>Vacant</b>	Vacant

Pueblo of Laguna {1}	<b>1. Vacant</b>	Vacant
Village of Los Lunas {2}	<b>1. Charles Griego, Mayor</b> <b>2. Christina Ainsworth,</b> Dir. Community Development	Gregory D. Martin
Los Lunas Public Schools {1}	<b>1. Ron Williams</b> Asst. Superintendent Operations	Clair Cieremans
Middle Rio Grande Conservancy District {1}	<b>1.*Adrian Oglesby</b>	Karen Dunning
City of Moriarty {2}	<b>1. *M. Steven Anaya, Councilor</b> <b>2. Ted Hart, Mayor</b>	Linda Fischer
Town of Mountainair {2}	<b>Vacant</b> <b>Vacant</b>	Vacant
Town of Peralta {1}	<b>1. Leon Otero</b>	Vacant
City of Rio Communities {1}	<b>1. Mark Gwinn, Mayor</b>	
City of Rio Rancho {2}	<b>1.*Greggory D. Hull, Mayor,</b> <b>Vice-Chair</b> <b>2. Vacant, Councilor</b>	Peter Wells
Rio Rancho Public Schools	<b>1. Richard Bruce,</b> Chief Operation Officer	Vacant
Eastern Sandoval County Arroyo Flood Control	<b>1. Vacant</b>	Vacant
Southern Sandoval County Arroyo Flood Control {1}	<b>1.*James Fahey, Board Member</b>	Steven House
Village of Tijeras {2}	<b>1.*Gloria Chavez, Mayor</b> <b>2. Vacant</b>	Vacant
Torrance County {1}	<b>1.*Leroy Candelaria,</b> Commissioner <b>2. Julia DuCharme, Commissioner</b>	Joy Ansley
UNM	<b>1. Connie Beimer, Director of</b> Government Relations	Robert Doran
Valencia County {2}	<b>1. Jhonathan Aragon</b> <b>2. Helen Cole</b>	Vacant
Village of Willard {2}	<b>1. Robert Chavez, Mayor</b> <b>2. Emily Sanchez, Clerk</b>	Vacant
<b>NON-VOTING ADVISORY MEMBERS</b>		
<b>ORGANIZATION</b>	<b>MEMBER</b>	<b>ALTERNATE</b>
Kirtland Air Force Base	<b>Col. Eric H. Froehlich</b>	Ed Sullivan
Federal Highway Administration	<b>J. Don Martinez, Div.</b> Administrator	Vacant
New Mexico Department of Transportation	<b>Tom Church, Secretary</b>	Vacant
New Mexico Department of Transportation	<b>Kenneth Murphy, Interim District</b> 3 Engineer	Vacant
New Mexico Department of Transportation Commission	<b>Vacant</b>	Vacant
Pueblo of Santa Ana	<b>Myron Armijo, Governor</b>	Ken Paquin
<b>NON-VOTING ASSOCIATE MEMBERS</b>		
None at this time (3-11-16)		

## CONFIRMATION OF EXECUTIVE BOARD FOR FISCAL YEAR 2016-17

### **Action Requested:**

Confirmation of Executive Board for the Mid-Region Council of Governments Board of Directors for Fiscal Year 2016-2017

### **Background:**

As called out in the Articles of Agreement of the Mid-Region Council of Governments, Article VI, Number 2 "The Executive Board of the Board of Directors will be established by the Board of Directors. The membership will be selected annually in June from the Board of Directors based on...."

### **Policy Ramifications:**

Provides leadership for the MRCOG for one year.



**Mid-Region Council of Governments  
Executive Board  
Membership Roster  
Quorum (5)**

ORGANIZATION	MEMBER	ALTERNATE
Sandoval County (2)	<b>James Dominguez,</b> Commissioner	Phil Rios, County Manager
Bernalillo County Municipalities	<b>Larry Abraham,</b> Mayor, Village of Los Ranchos de Albuquerque	Kelly S. Ward
City of Albuquerque (Administration)	<b>Robert Perry,</b> Chief Administrative Officer	Michael J. Riordan
City of Albuquerque (Council)	<b>Dan Lewis,</b> Councilor	<b>Councilors:</b> Trudy Jones, Brad Winter, Dan Lewis <b>Staff:</b> Diane Dolan, Andrew Webb, Tom Menicucci, Jon Zaman, Chris Sylvan, Nancy Montaña, Rachel Miller
Bernalillo County	<b>Debbie O'Malley,</b> Commissioner	Dan McGregor, Vince Murphy, Roger Paul Other commissioners
Flood Control Authorities	<b>Ronald D. Brown</b>	Vacant
Middle Rio Grande Conservancy District	<b>Adrian Oglesby</b>	Karen Dunning
City of Rio Rancho	<b>Greggory D. Hull, Vice Chair,</b> Mayor	Peter Wells
Sandoval County Municipalities	<b>Jack Torres, Chair</b> Mayor, Town of Bernalillo	Philip Gasteyer, Village of Corrales
School Districts	<b>Lorenzo Garcia</b> Albuquerque Public Schools	Martin Eckert
Torrance County	<b>Leroy Candelaria,</b> Commissioner	Joy Ansley
Torrance County Municipalities	<b>M. Steven Anaya,</b> Councilor, City of Moriarty	Linda Fischer
Valencia County	<b>Jhonathan Aragon</b>	Vacant
Valencia County Municipalities	<b>Wayne Ake,</b> Mayor Village of Bosque Farms	Vacant
Village of Tijeras	<b>Gloria Chavez,</b> Mayor Village of Tijeras	Diane Klaus

<b>NON-VOTING ADVISORY MEMBERS</b>		
<b>ORGANIZATION</b>	<b>MEMBER</b>	<b>ALTERNATE</b>
Kirtland Air Force Base	<b>Vacant</b>	Vacant
Federal Highway Administration	<b>J. Don Martinez,</b> Div. Administrator	Vacant
New Mexico Department of Transportation	<b>Tom Church,</b> Secretary	Vacant
New Mexico Department of Transportation	<b>Kenneth Murphy,</b> Interim District 3 Engineer	Vacant
New Mexico Department of Transportation Commission	Vacant	Vacant
Pueblo of Santa Ana	<b>Myron Armijo,</b> Governor	Ken Paquin
<b>NON-VOTING ASSOCIATE MEMBERS</b>		
None at this time (3-11-16)		

## R-16-03 MRCOG

### ***Approving the Memorandum of Agreement for the Establishment of Operations of the Mid-Region Metropolitan Planning Organization (MOA-MRMPO)***

#### Background:

The proposed MOA and associated revisions to the MTB bylaws (in resolution R-16-02) is the result of recommendations from the 2014 Federal Certification Review. The MOA-MRMPO fulfills the requirements of 23 CFR 450.314 replacing an outdated agreement from the 1990's.

Please review the "Notes for Reviewers" found on the first two pages of Attachment A. Also for review is the "Comments Summary" of comments received from FHWA-NM Division and local and tribal government reviews.

#### MPO Staff Recommendation:

MPO staff recommends approval of the MOA in order to fulfill the requirements of 23 CFR 450.314 and to implement the recommendations from the 2014 Federal Certification.

#### MTB Approval:

The Metropolitan Transportation Board approved the MOA on May 20, 2016.

#### **Following Steps:**

Following MRCOG's Board approval the MOA will be distributed to each member government and agency for their approval. The MOA becomes effective only when we are notified of approval by a majority of members. (See Section 3.)

1 RESOLUTION

2 of the

3 BOARD OF DIRECTORS

4 of the

5 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

6 (R-16-03 MRCOG)

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14 **APPROVING THE MEMORANDUM OF AGREEMENT FOR**  
15 **THE ESTABLISHMENT OF OPERATIONS FOR THE**  
16 **MID-REGION METROPOLITAN PLANNING**  
17 **ORGANIZATION**  
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20 WHEREAS, the Mid-Region Council of Governments (MRCOG) is designated as  
21 the Metropolitan Planning Organization (MPO) for the Albuquerque Metropolitan  
22 Planning Area (AMPA); and

23 WHEREAS, the Board of Directors of the Mid-Region Council of Governments of  
24 New Mexico establishes the framework and structure of this agency to accomplish and  
25 execute the various functions of the Mid-Region Council of Governments; and

26 WHEREAS, federal regulation 23 CFR 450.314 requires a metropolitan planning  
27 agreement for each metropolitan planning organization; and

28 WHEREAS, the 2014 Federal Certification Review recommended the  
29 development of such an agreement; and

30 WHEREAS, the *Memorandum of Agreement for the Establishment of Operations*  
31 *of the Mid-Region Metropolitan Planning Organization* (MOA) has been developed with  
32 input from the Federal Highway Administration-New Mexico Division, the New Mexico  
33 Department of Transportation, and local and tribal governments; and

34 WHEREAS, the MOA-MRMPO establishes the Mid-Region Metropolitan  
35 Planning Organization (MRMPO) as a division of the Mid-Region Council of  
36 Governments; and

37 WHEREAS, the Metropolitan Transportation Board (MTB) is the governing body  
38 of MRMPO and establishes transportation policy for the MPO; and

39 NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Mid-  
40 Region Council of Governments of New Mexico that the *Memorandum of Agreement for*  
41 *the Establishment of Operations of the Mid-Region Metropolitan Planning Organization*  
42 (MOA) provided in Attachment A is hereby approved;

43 AND BE IT FURTHER RESOLVED by the Board of Directors of the Mid-Region  
44 Council of Governments of New Mexico to transmit the MOA to each member  
45 government of the Metropolitan Transportation Board of the Mid-Region Metropolitan  
46 Planning Organization for approval in accordance with Section 3 of the agreement;

47 AND BE IT FURTHER RESOLVED by the Board of Directors of the Mid-Region  
48 Council of Governments of New Mexico that upon the MOA becoming effective in  
49 accordance with Section 3 of the agreement, it shall supersede and replace all previous  
50 Joint Powers Agreements or other agreements or parts of other agreements which  
51 establish parameters for the operation of the Mid-Region Council of Governments as  
52 the metropolitan planning organization, however, the Cooperative Agreement(s) as may  
53 be amended and renewed, between the New Mexico Department of Transportation and  
54 MRCOG shall remain in effect.

55 PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of June, 2016 by the Board  
56 of Directors of the Mid-Region Council of Governments of New Mexico.

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ATTEST:

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M. Steven Anaya, Chair  
MRCOG Board of Directors

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Dewey V. Cave  
Executive Director, Mid-Region Council of Governments  
Executive Secretary, Metropolitan Transportation Board

**MRMPO Agreement & Proposed MTB Bylaws Revisions**  
**COMMENTS SUMMARY**  
**from Local and Tribal Agencies' Legal Staff Reviews & FHWA-NM Review**  
**Received Through April 30, 2016**  
**MPO response in red and incorporated into the final document**

Bernalillo County:

- No changes requested.

City of Rio Rancho:

- No changes requested.

City of Albuquerque:

- Bylaws - No changes requested.
- MOA – On page 8, item C, first sentence: we suggest replacing the word “to” with the word “with”.  
The MPO changed the document to read “Compliance with federal, state, and local laws and regulations.....”

Pueblo of Laguna:

- MOA – On page 4, in the “whereas” clause, insert “...treaties ratified by the United States Government, federal court cases, executive orders, and other laws.....”  
The MPO incorporated the additional wording into the final document.
- MOA – On page 10, Section 13, delete “or potential liability”. This is unnecessary and overreaching. The reality of this provision is that there is always potential even when there is no negligent act, error or omission, which cannot be objectively quantified for indemnification.  
The clause regarding liability is written with the intent of providing broad indemnification to the state in the event where suit or a complaint is brought and ultimately the state is not liable for damages. For example, a suit is brought, the state did nothing wrong but still has to defend the suit. This clause provides coverage and indemnification in that instance without requiring a finding that the state was liable for negligent. [This requested change was not made.]

**Comments from FHWA-NM Received Feb. 3, 2016**

**MPO response in red and already incorporated into the March 2, 2016 Draft sent to local and tribal agencies for their review.**

- In the Final Draft several items should be upfront:
  - MRCOG is the designated MPO for the Albuquerque Metropolitan Planning Areas  
This is stated in the first “whereas” clause.
  - MRMPO is the Transportation Division/Section of the MRCOG, charged to do transportation planning (per 23 USC 134, and 49 USC 5300).  
This is stated in the 5th “whereas” clause and clarified under section 6 with a new paragraph.
  - MRMPO has a Metropolitan Transportation Board
  - MRCOG has a Board of Directors
    - What is not clear is who is the MPO’s Policy Board...is it the Board of Director or is it the Metropolitan Transportation Board. You may want to see the write up for MAG (Phoenix’s MPO) on their Transportation Division, and Transportation Policy Committee (TPC). [ <https://www.azmag.gov/transportation/> MAG’s TPC guide the planning process, but still reports Regional Council of Executive Committee (Policy Board).

We added a paragraph to section 6 and revised some language to clarify the two boards.

- I recommend an organization chart that shows in a simplistic manner the relationship between MRMPO and MRCOG. By having these two entities with similar names and overlapping function,

this becomes very confusing for any outside parties to understand. (For example, is MRMPO the MPO, or is it just part of the official designated MPO?)

This is being developed for our website and public information and the board member training packet we are developing.

- Section 1 – define MTB...see the above comment (on Policy Board).
- MRMPO is responsible for the planning and programming activities, who is responsible for the project/NEPA activities...MRCOG? A section C was added to section 7 to clarify that these responsibilities remain with the lead agency of a project as listed in the TIP/STIP.
- Section 4 – Fiscal Agent... Is MRMPO a separate entity that it needs a fiscal agent that is under MRCOG. Since MRMPO is just a division of MRCOG, is this necessary. I would call this out as an administrative management. This MOA clarifies MRMPO is a division of MRCOG; we changed the language to the suggested “administrative management”.
- Section 5 – Participation -- B. MRCOG staff representation on the MTB. This is not necessary. Staff cannot be part of the policy board. They are part of the technical/advisory board, or serve as staff to the Transportation Board/Board of Directors, but not as a voting or associate member. What is the intent of this section?  
This was to make it absolutely clear that MRCOG cannot have a seat on the MTB. A couple of members were misinformed as to this point. This is a “hold over” from a few years ago before Rio Metro Regional Transit District became organized and operated as a separate governmental entity and the MRCOG staff assigned to it could not have a seat on the MTB.
- Section 6 – Governance. If the MTB is the de facto Policy Board of the MPO, let’s say so... of do they just govern the Transportation Division (MRMPO)? The MTB is the MPO’s governing body. There is no “transportation division”; MRMPO is a division of MRCOG.
- Section 7 – Purpose. This all relates to planning activities...who will be responsible for project delivery/NEPA, etc... (STP-attributive, 5307, etc...). Section C was added to clarify that these responsibilities remain with the lead agency of a project as listed in the TIP/STIP. Furthermore, in the latter portion of this section, this pertains to MRCOG, and no longer reference MRMPO (see #13, #15 and #17). Since MRMPO is a division of MRCOG, and MRCOG is responsible for administrative and fiscal management, it is MRCOG who will develop the indirect cost allocation plan, conduct an external audit, etc.
- Section 8 – who is party responsible, MRCOG or MRMPO?  
This has been clarified. The actions that are strictly MPO related (developing the UPWP) are stated to be the responsibility of MRMPO (as a division of MRCOG), other administrative functions such a preparing invoices, supplying required match, etc. are the responsibility of the “umbrella organization”, MRCOG.
- Section 10 – Status of MRCOG. MRCOG/MRMPO are who perform service under the PL grant...all they really performing services for NMDOT or for themselves?  
Good point, that clause has been removed. It was in a very old version from 1970 something.
- Other sections following only refer to MRCOG...is this correct entity that will carry this out  
Since this MOA clarifies MRMPO is a division of MRCOG, many of the references to MRCOG are correct. See note for Section 8 above.

**All comments received from NMDOT were accepted and incorporated into the document before Federal review.**

**FINAL DOCUMENT**  
**for**  
**MRMPO MTB & MRCOG Board of Directors Approval**

**Memorandum of Agreement for MRMPO**

**Notes for Reviewers**

This MOA was submitted to all local and tribal jurisdictions for review by legal counsel; all comments were received in April. Earlier drafts of this MOA were circulated for review to NMDOT, FHWA-NM Division and FTA Region VI. (Reference "Summary of Comments".) NMDOT's comments have been incorporated as well as FHWA-NM Division's comments; FTA Region VI provided no comments. The document has also been reviewed by MRCOG's legal counsel (only minor changes in format were made since receiving and incorporating earlier comments).

This document is presented to the MRMPO MTB and the MRCOG Board of Directors for approval. Also attached are proposed revisions to the Bylaws of the Metropolitan Transportation Board, which are linked to the MOA.

**Schedule for Adoption (✓ indicates completed items)**

- ✓ Jan. 5, 2016 Sent final draft for NMDOT, FHWA-NM & FTA Region VI review
  - ✓ Feb. 3, 2016 Received comments from NMDOT, FHWA-NM & FTA Region VI
  - ✓ Feb. 19, 2016 Presented Draft MOA to tribal and local government representatives at the February meeting of the Metropolitan Transportation Board
  - ✓ Feb. 22, 2016 Transmitted MOA to all local and tribal agencies for review and comment, allowing about 1½ months for reviews.
  - ✓ Apr. 15, 2016 Comments received from local and tribal governments
  - ▶ May 20, 2016 Approval by MRMPO Metropolitan Transportation Board & Approval of Revised Bylaws
  - ▶ June 9, 2016 Approval by MRCOG Board of Directors & Concurrence on Bylaws Revision
- June 10, 2016 Begin local and tribal government approvals of MOA.  
Effective date of MOA will occur once a majority of MTB members have approved the MOA

**Please note the following:**

**Background:** This agreement has been prepared in response to a recommendation in the 2012 Mid-Cycle Review (#1, page 11) and subsequently carried forward as recommendation #3 in the 2014 Certification Review. The old agreement is more than twenty years old and predates the current, expanded boundaries of the metropolitan planning area which added numerous jurisdictions to the MPO.

At the 2014 Certification Review MPO staff asked whether a "Joint Powers Agreement" was required or if a "Memorandum of Agreement" would meet the requirements. Ms. Lorrie Lau

of FHWA, a review team member, cited 23 CFR 450.314 which does not specify the type or category of agreement required. Therefore, given the number of jurisdictions, we have opted to prepare a “Memorandum of Agreement” rather than a JPA.

Also during the 2014 Certification Review, it was mentioned that the Bylaws of the MTB treat tribal government representation differently than cities, counties, towns, etc. by categorizing them as “Special Units”; calculating representation by tribal governments in the same manner as other governments was recommended. Therefore, we are proposing revisions to the Bylaws to implement that recommendation. Additionally, a few other changes are proposed which clarify current practice.

- 1). This MOA clarifies the Mid-Region Metropolitan Planning Organization as a division of the Mid-Region Council of Governments which is the designated MPO for the metro area.
- 2). This draft MOA is a combination of format and wording from the 20+ year old agreement and the Farmington MPO’s agreement which was presented as a good example at an earlier MPO Quarterly meeting.
- 3). The 2014 Certification Review, page 8, specifically recommended that a conflict resolution clause and a process to assess the effectiveness of the agreement be included. Therefore, a “conflict resolution” clause, modeled after the Farmington MPO’s clause is included as Section 19. In addition, Section 20 is added to utilize the quadrennial certification review as the mechanism to assess the effectiveness of this agreement, since that is exactly the purpose of the certification review – to assess the transportation planning process. This may be different than the clause used in smaller non-TMA MPO’s which do not undergo a required certification review.
- 4). Areas of special interest are highlighted in yellow.
- 5). The 6<sup>th</sup> “Whereas” clause is added to ensure the Parties’ acknowledgement of the sovereign nation status of the Tribal Governments in this region.
- 6). Red text indicates notes for reviewers which are not part of the actual document.
- 7). I referenced the *NMDOT Planning Procedures Manual* for several procedural processes such as reimbursements per NMDOT request.
- 8). References to NMDOT as a party to this agreement have been removed per NMDOT. There is a separate Cooperative Agreement which covers the relationship between MRCOG and NMDOT for MPO purposes.

**MEMORANDUM OF AGREEMENT  
for the  
ESTABLISHMENT OF OPERATIONS  
of the  
MID-REGION METROPOLITAN PLANNING ORGANIZATION**

This Memorandum of Agreement, hereinafter referred to as "Agreement", is made and entered into, by and between:

the City of Albuquerque, the City of Belen, the City of Rio Communities, the City of Rio Rancho, the County of Bernalillo, the County of Sandoval, the County of Valencia, the Town of Bernalillo, the Town of Edgewood, the Town of Peralta, the Village of Bosque Farms, the Village of Corrales, the Village of Los Lunas, the Village of Los Ranchos de Albuquerque, and the Village of Tijeras, which are hereinafter collectively referred to as "Local Governments", and

the Pueblo de Cochiti, the Pueblo of Isleta, the Pueblo of Laguna, the Pueblo of San Felipe, the Pueblo of Sandia, the Pueblo of Santa Ana, the Pueblo of Santo Domingo, and the Navajo Nation To'hajiilee Chapter, which are hereinafter collectively referred to as "Tribal Governments", and

the Albuquerque Public School District, the Belen Consolidated School District, the Bernalillo Public School District, the Los Lunas Public School District, and the Rio Rancho Public School District, which are hereinafter collectively referred to as "School Districts", and

the Albuquerque Metropolitan Arroyo and Flood Control Authority, the Eastern Sandoval County Arroyo and Flood Control Authority, the Southern Sandoval County Arroyo and Flood Control Authority, and the Middle Rio Grande Conservancy District, which are hereinafter collectively referred to as "Specialized Agencies", and

the City of Albuquerque Transit Department (a.k.a. ABQ Ride), and the Rio Metro Regional Transit District, which are hereinafter collectively referred to as "Transit Operators", and the Mid-Region Council of Governments, hereinafter referred to as "MRCOG", and all of the entities above are hereinafter collectively referred to as the "Parties".

WHEREAS, MRCOG (formerly called the Middle Rio Grande Council of Governments) was established under the laws of the State of New Mexico as a consortium of various governments and agencies; and

WHEREAS, on December 11, 1973, the Governor of the State of New Mexico designated MRCOG as the Metropolitan Planning Organization (MPO) pursuant to Section 112 of the Federal Highway Act of 1973 for the Albuquerque Metropolitan Planning Area; and

WHEREAS, on December 19, 2002 in resolution R-02-06 MRCOG, the MRCOG Board of Directors approved Bylaws for the Metropolitan Transportation Board; and

WHEREAS, the Bylaws of the Metropolitan Transportation Board (MTB) designates the MTB as the *"body of local officials responsible for determining transportation policy for the Albuquerque Metropolitan Planning Area"* and whose *"role is to provide policy guidance in the development of transportation plans and programs and serve as the local approval body for such plans and programs"*; and

WHEREAS, the functions of the Mid-Region Metropolitan Planning Organization have been placed under the governance of the MTB, consequently, it operates as a division of MRCOG for the purpose of overseeing, directing, and establishing comprehensive transportation planning and policies to carry out the provisions of Title 23 and Title 49 United States Code related to Metropolitan Planning; and

WHEREAS, it is recognized that the Tribal Governments each maintain their status as sovereign nations in accordance with applicable treaties ratified by the United States government, federal court cases, executive orders, and other laws established by the federal government; and

WHEREAS, as a result of the 2010 United States Census, the Bureau of the Census expanded the Albuquerque Urbanized Area, established the Los Lunas Urbanized Area, and revised the Santo Domingo Urban Cluster; and

WHEREAS, the population of the Albuquerque Urbanized Area is greater than 200,000 therefore, under federal regulations, the metropolitan planning area is also a Transportation Management Area (TMA).

WHEREAS, on February 27, 2013, the Governor of the State of New Mexico in accordance with 23 CFR 450.312 established the revised boundaries of the Albuquerque Metropolitan Planning Area (AMPA) and the corresponding Transportation Management Area (TMA) in accordance with 23 CFR 420.304(i);

NOW THEREFORE, IT IS MUTUALLY agreed between the Parties:

### **Section 1 – Definitions and Abbreviations**

The following definitions and abbreviations:

AMPA – the Albuquerque Metropolitan Planning Area established in accordance with 23 CFR 450.312. The AMPA boundary coincides with the TMA boundary.

CFR – Code of Federal Regulations

FHWA – the Federal Highway Administration of the USDOT.

FTA – the Federal Transit Administration of the USDOT.

MPO – Metropolitan Planning Organization

MRCOG – the Mid-Region Council of Governments of New Mexico the designated metropolitan planning organization for the AMPA.

MRMPO – the Mid-Region Metropolitan Planning Organization, a division of MRCOG

MTB – Metropolitan Transportation Board of MRMPO

NMDOT – the New Mexico Department of Transportation

NMSA – New Mexico Statutes Annotated

Rio Metro – the Rio Metro Regional Transit District

TMA – the Transportation Management Area established in accordance with 23 CFR 450.304(i). The TMA boundary coincides with the AMPA boundary.

USDOT – United States Department of Transportation which includes the Federal Highway Administration and the Federal Transit Administration.

### **Section 2 - Authority**

The authority under which the Parties have entered into this agreement are Federal Regulation 23 CFR 450.314; Sec. 3-18-1, Seq. NMSA 1978 (Municipal Code); Sec. 4-37-1 et. Seq. NMSA 1978 (County Ordinance); Sec. 13-1-44, Sec. 13-1-111 through Sec. 13-1-117 and Sec. 13-1-135 and Sec. 13-1-136 NMSA 1978 (Procurement Code).

### **Section 3 - Effective Term**

This Agreement shall become effective upon approval by the Metropolitan Transportation Board of the Mid-Region Metropolitan Planning Organization, the Board of Directors of the Mid-Region Council of Governments, and a majority of the Parties who are members of the MTB as of January 1, 2016 including the entities required to be part of the MTB, with the method of approval determined by each Party.

This Agreement shall remain in effect until superseded by a subsequent agreement or terminated by the same process as its approval. Upon termination of this Agreement, all work under this Agreement shall immediately cease and no further funds shall be expended by MRCOG without prior written approval of NMDOT.

This Agreement supersedes all previous joint powers agreements or other agreements or parts of other agreements which establish the parameters for the operation of the Mid-Region Council of Governments as the metropolitan planning organization. However, the Cooperative Agreements as may be amended and renewed, between NMDOT and MRCOG remain in effect.

This Agreement may be amended in accordance with Section 21.

#### **Section 4 - Fiscal and Administrative Management**

The Mid-Region Metropolitan Planning Organization (MRMPO) is a division of the Mid-Region Council of Governments (MRCOG) which is the designated MPO for the Albuquerque Metropolitan Planning Area (AMPA). MRCOG shall be responsible for the accounting and administration of all funds utilized to operate MRMPO and for providing staff to fulfill MPO work tasks and assignments.

There shall be an MPO Officer who shall be an employee of MRCOG designated by the MTB who shall be responsible to monitor and insure that all expenditures by MRMPO shall be done in accordance with the requirements of the New Mexico Procurement Code and all applicable federal and state laws. In addition, the MPO Officer shall insure that all expenditures of metropolitan planning funds received under Title 23 U.S.C. Section 134 and Title 49 U.S.C. Section 5303, shall be done in accordance with all applicable federal and state requirements.

#### **Section 5 - MRMPO Participation**

All Parties, except MRCOG, the City of Albuquerque, and Rio Metro shall be entitled to choose one of three levels of participation in MRMPO.

- 1). Full Voting Membership – the Party is entitled to voting representation on the MTB in accordance with the Bylaws and voting representation on committees per committee bylaws or guidelines. The Party's representation counts toward a quorum for the meetings.
- 2). Associate Membership – the Party is entitled to non-voting representation, to fully participate in all discussions on the MTB in accordance with the Bylaws and is entitled to non-voting representation on committees per committee bylaws or guidelines. The Party's representation does not count toward a quorum for the meetings.
- 3). Nonparticipating – the Party does not have representation on the MTB or its committees. The Party may participate as a member of the public.

All Parties, regardless of their level of participation in MRMPO may submit project proposals to compete for federal transportation funding contingent upon eligibility requirements and in accordance with the *TIP Policies and Procedures*.

All Parties except the City of Albuquerque, Rio Metro, and MRCOG may change its level of participation at any time at the discretion of the Party.

A. The City of Albuquerque which includes the city's transit department, ABQ Ride, and

Rio Metro shall be required to have Full Voting Membership in MRMPO. [Reference 23 CFR 450.310(b) and (h) and MAP-21.]

- B. MRCOG, as the designated MPO, is not entitled to voting representation on the MTB; MRCOG staff assigned to MRMPO duties serve as staff for the MTB and work under the direction of the MTB providing recommendations and advice.

23 CFR 310(b) requires the largest incorporated city and those local governments representing at least 75% of the affected [planning area] population, to be party to the designated MPO. MAP-21 requires transit operators to have a seat on the policy board.

Membership on the MRCOG Board of Directors shall not be a requirement for participation or membership on the MTB or its committees and subcommittees. This is clarification of an issue which arose in the 2004 Certification Review.

## **Section 6 - Governance**

The Mid-Region Council of Governments is governed by a Board of Directors which places authority for transportation planning (per 23 USC 134 and 49 USC 5300) under the governance of the Metropolitan Transportation Board (MTB) creating the Mid-Region Metropolitan Planning Organization as a division of MRCOG. The MRCOG Board of Directors shall approve all revisions and amendments to the MTB Bylaws.

The Metropolitan Transportation Board (MTB) is the governing body for the Mid-Region Metropolitan Planning Organization (MRMPO). The MTB shall operate in accordance with its Bylaws which may be amended from time to time and are hereby appended to this agreement. (Future amended Bylaws shall be considered part of this agreement).

- A. The MTB shall consist of voting member representatives and associates (or alternates) in accordance with its Bylaws. Voting shall be conducted, and MTB officers elected in accordance with the Bylaws.
- B. The MPO Officer and MRCOG employees shall serve as staff for the MTB and shall be responsible for the development, distribution, public notification, and archive of agendas, minutes and other records in compliance with all applicable statutes.
- C. The MTB may establish standing committees and ad hoc committees in accordance with its Bylaws.
  1. Committees shall operate under rules and structure established by the MTB and in accordance with the committee's bylaws or guidelines.
- D. The Bylaws shall be amended to conform to all new, future federal requirements.

## **Section 7 - Purpose**

It is therefore agreed that, pursuant to the provisions of Title 23 and Title 49 United States Code related to Metropolitan Planning and other applicable regulations issued by the U.S. Department of Transportation (USDOT) and its component divisions, the Parties will *"carry out a continuing cooperative and comprehensive multimodal transportation planning process that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution and encourages continued development and improvement of metropolitan transportation planning processes guided by the planning factors set forth in 23 USC 134(h) and 49 USC 5303(h)"* [23 CFR 450.300 & 304].

- A. The transportation planning and programming process shall cover the Metropolitan

Planning Area and corresponding Transportation Management Area (TMA) established February 27, 2013 by the Governor of the State of New Mexico in accordance with 23 CFR 450.312. This area will be referred to hereinafter as the Albuquerque Metropolitan Planning Area (AMPA).

1. The AMPA boundary may be revised from time to time in accordance with 23 CFR 450.312 and shall be reviewed following the official release of each U.S. Decennial Census and U.S. Census Bureau-defined urbanized area boundaries.
- B. The Mid-Region Metropolitan Planning Organization of the Mid-Region Council of Governments shall perform the following functions:
  1. **UPWP** - Develop and publish a Unified Planning Work Program (UPWP) in accordance with 23 CFR 420.111, 23 CFR 450.304, 23 CFR 450.308 and FTA Circular C 8100.1C-Chapter II. The UPWP shall describe all transportation planning activities the MPO intends to undertake in the period covered by the UPWP.
  2. **MTP** - Periodically prepare, update and revise as necessary, a long-range, Metropolitan Transportation Plan (MTP) in accordance with 23 CFR 450.
  3. **TIP** – Periodically prepare, update and revise as necessary, a short-range Transportation Improvement Program (TIP) in accordance with 23 CFR 450.
    - a). MRMPO shall maintain, update and revise as necessary policies and procedures for the development, management and revision of the TIP in conformance to 23 CFR 450.316(e).
  4. **Annual Listing** – Develop the Annual Listing of Obligated Projects in conformance to 23 CFR 450.332.
  5. **PPP** – Periodically update and revise as necessary, a Public Participation Plan (PPP) in accordance with 23 CFR 450.316.
  6. **CMP** – Maintain and periodically update and revise as necessary a Congestion Management Process (CMP) in accordance with 23 CFR 450.
  7. **ITS** – Maintain and periodically update and revise as necessary the Regional ITS Architecture in accordance with 23 CFR 450 and 23 CFR 940.
  8. **Model** – Maintain a travel demand forecast model that incorporates traffic count data and socioeconomic conditions (population, employment, and land use) for the area within the AMPA.
  9. **Mobile-Source Air Quality** – coordinate with the local air quality board(s) and agencies, NMDOT, and the New Mexico Environment Department in reviewing air quality, identifying strategies to reduce mobile-source emissions, and if applicable, determining air quality conformity for the MTP and TIP.
  10. **SLRP** – Cooperatively work with NMDOT in the development, update and revisions of the State's long range transportation plan.
  11. **STIP** – Cooperatively work with NMDOT in the development, management, update, and revisions of the Statewide Transportation Improvement Program (STIP).
  12. **Federal Requirements** – Cooperatively work with NMDOT in the implementation of federal legislation requirements such as, but not limited to: establishing performance measures and targets, establishing performance-based transportation planning processes and other areas required by federal legislation and/or regulations.
  13. **Financial** – Manage the expenditures of Metropolitan Planning (PL) funds received under Title 23 U.S.C. Section 134 and Title 49 U.S.C. Section 5303 and other funds received from the federal government or NMDOT in conformance to all applicable federal and state laws, regulations, and administrative codes and 2 CFR 200.

- a). MRCOG shall cooperatively with NMDOT and the cognizant federal agency, develop, as needed, an indirect cost allocation plan in accordance with 2 CFR 200.
  - b). MRCOG shall have an external audit conducted annually and provide a copy of the final audit report to NMDOT and have it available for review by the general public.
  - c). NMDOT, the New Mexico State Auditor and the Comptroller General of the United States General Accounting Office and their authorized representatives shall have access to all documents, work papers, deliverables, or other data in whatever form that pertain to this Agreement. The MRCOG shall cooperate with all state and federal auditors and shall supply copies of any requested materials that pertain to this Agreement.
  - d). NMDOT shall have the right to audit billings both before and after payment; payment under this Agreement shall not foreclose the right of NMDOT to recover excessive or illegal payments.
14. **Reporting and Reimbursements** – Prepare and disseminate reports regarding progress made on work described in the UPWP and invoice NMDOT for said work, in accordance with the processes and procedures outlined in the *NMDOT Planning Procedures Manual*.
  15. **Agreements** – Enter into agreements with NMDOT, Local Governments, Tribal Governments, School Districts, Specialized Agencies, Transit Operators, and other federal, state or local agencies for funding and other matters deemed beneficial to the metropolitan planning process by the MTB and/or MRCOG.
  16. **Future Requirements** – MRMPO shall undertake future transportation planning efforts which may be established and funded under federal laws and regulations.
  17. **Miscellaneous** – Take such other actions as may be necessary as directed and approved by the MTB or MRCOG.

**C. Compliance with federal, state, and local laws and regulations for the planning, scoping, environmental documentation, design, construction, quality assurance, equipment purchases, project implementation, and accounting and bookkeeping of capital projects utilizing federal funds shall remain the responsibility and duty of the project sponsor (a.k.a. "lead agency") listed in the Transportation Improvement Program.**

Nothing in this Agreement shall be deemed to prohibit MRMPO and MRCOG from using the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process. [Reference 23 CFR 450.310(f).]

### **Section 8 – Budgeting and Cost Allocation**

- A. MRCOG shall receive federal funding for metropolitan planning for MRMPO in accordance with 23 CFR 420.109.
- B. MRCOG agrees to provide the required match for funds received from the FHWA and FTA for metropolitan planning purposes. The MRCOG share may be in cash, or as in-kind services provided by Local Governments. In-kind services must be reduced to a cash equivalent basis using a format acceptable to NMDOT and must be described in the UPWP.
- C. MRMPO shall develop a Unified Planning Work Program (UPWP) in accordance with 23 CFR 450.308 and other applicable federal regulations and the *NMDOT Planning Procedures Manual*. Once approved by NMDOT and the FHWA and FTA, the

- UPWP shall be the basis for project authorization by the USDOT thereby establishing eligibility for reimbursement of allowable costs.
- D. Reimbursement from NMDOT shall be on the basis of quarterly (or other agreed upon period) billings submitted by the MRCOG. The allowable costs shall be in accordance with the cost principles and procedures set forth federal regulations. MRCOG shall comply with all requirements of 2 CFR 200 and shall submit reimbursement in accordance to the *NMDOT Planning Procedures Manual*.
  - E. In accordance with the *NMDOT Planning Procedures Manual*, MRMPO shall develop, prepare, and distribute for review a draft UPWP. Upon receipt of comments from NMDOT, MRMPO shall prepare a final UPWP to be approved by the MTB and submitted to NMDOT for final approvals. When approved by NMDOT, FHWA and FTA, the UPWP shall be the approved Budget Document for that fiscal year(s). Modification to the UPWP and Budget shall be done in accordance with the *NMDOT Planning Procedures Manual*.
  - F. Invoices shall be submitted to NMDOT in accordance with the *NMDOT Planning Procedures Manual*.
  - G. MRCOG shall be responsible for applicable New Mexico gross receipts taxes or local option taxes for services rendered.
  - H. MRCOG shall collect funds to provide the required matching funds for each category of federal funds from the various Parties to this agreement in accordance to the fee structure approved by the Mid-Region Council of Governments Board of Directors.
  - I. The terms of this Agreement are contingent upon sufficient appropriations being made by the Legislature of New Mexico and the Congress of the United States of America for the performance of this Agreement. If sufficient appropriations are not made by the Legislature or Congress, this Agreement shall terminate upon written notice being given by NMDOT to the MRCOG. NMDOT's decision as to whether sufficient appropriations are available shall be accepted by the MRCOG and shall be final.

### **Section 9 – Continuous, Cooperative, and Comprehensive Planning**

The Parties agree to engage in a continuous, cooperative and comprehensive planning process to fulfill the requirements of 23 CFR 450. Therefore, the Parties agree to share information and data required to meet the metropolitan transportation planning process and requirements of 23 CFR 450.

### **Section 10 – Status of MRCOG**

Nothing in this Agreement shall be deemed to limit MRCOG from entering into agreements with other agencies and jurisdictions to conduct, perform, or assist in other federal, state, local, tribal, or regional planning efforts in areas such as, but not limited to, land-use, transportation, zoning, comprehensive planning, mapping, socioeconomic and/or demographic studies and analyses, natural resources, economic development, agriculture, traffic studies, or any field which is included in the duties and responsibilities of the other divisions of MRCOG.

### **Section 11 – Assignment**

MRCOG shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior approval of NMDOT.

## **Section 12 – Conflict of Interest**

The MRCOG warrants that its employees presently have no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner of degree with the performance of services required under this Agreement.

## **Section 13 - Liability**

The MRCOG shall indemnify and hold the State harmless for all claims, damages, and liability or potential liability arising from the negligent acts, errors or omission of itself, its agents, subcontractors or employees under this Agreement. The MRCOG agrees to carry comprehensive general liability insurance.

## **Section 14 – Third Party Beneficiary Clause**

This Agreement is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to person, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

## **Section 15 - Notice**

The State of New Mexico Procurement Code, Sections 13-1-1 et. seq. NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities, and kickbacks.

## **Section 16 – Equal Opportunity Compliance**

MRCOG agrees to abide by all Federal and State laws, rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws, rules and regulations, and executive orders of the Governor of the State of New Mexico, MRCOG agrees to assure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, sexual preference, sexual orientation, age, or disability, be excluded from employment with, or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If MRCOG is found to be not in compliance with these requirements during the life of this Agreement, MRCOG agrees to take appropriate steps to correct these deficiencies.

## **Sections 17 – Force Majeure**

A Party shall be excused from the performance under this Agreement for any period that the Party is prevented from performing as a result of an act of God, strike, war, civil disturbance, epidemic, or court order, provided that the Party has prudently and promptly acted to take any and all steps that are within the Party's control to ensure performance. Subject to this provision, such nonperformance shall not be deemed a default or a ground for termination.

## **Section 18 - Severability**

It is hereby declared to be the intention of the Parties that the articles, sections, subsections, paragraphs, sentences, clauses, and phrases of this Agreement are severable, and if any

phrase, clause, sentence, paragraph, section, subsection, or article of this Agreement shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining part of this Agreement.

### **Section 19 – Conflict Resolution**

(This section was written specifically in response to the 2014 certification review.)

In the event of disagreement between the Parties with respect to the duties or processes of metropolitan transportation planning, it is agreed that the Parties will resolve any disagreements at the lowest possible level. If a disagreement cannot be resolved at the lowest possible level, the Conflict Resolution hierarchy in the following table will be followed. If other agencies are involved, personnel from equivalent organizational levels will be included in the conflict resolution process.

#### **Level 1 Party to Party**

The Parties to the disagreement agree to discuss the issue(s) and attempt to resolve the disagreement.

#### **Level 2 Technical Committee**

The Parties to the disagreement agree to elevate the issue(s) and attempt to resolve the disagreement at the appropriate technical committee at the next scheduled meeting.

#### **Level 3 Metropolitan Transportation Board**

The Parties to the disagreement agree to discuss the issue(s) and attempt to resolve the disagreement at the next scheduled meeting.

#### **Level 4 Parties' Governing Bodies**

The issue(s) shall be discussed between the affected Parties' governing bodies.

Mediation and facilitation may be used at any level to help expedite resolution of the disagreement(s).

### **Section 20 – Effectiveness of this Agreement**

The quadrennial certification review required under 23 CFR 450.334 shall be utilized to assess the effectiveness of this Agreement.

### **Section 21 - Amendment**

This Agreement shall not be altered, modified, or amended except as noted herein.

This Agreement may be supplemented, renegotiated or amended to meet changing conditions as recommended by the Metropolitan Transportation Board. This may include, but not be limited to the following:

- A. The passage of a new federal transportation bill that includes new or significantly revised requirements for metropolitan planning.
- B. A request for redesignation of the metropolitan planning organization in accordance with 23 CFR 450.310(g), (h), (k) and (l).
- C. Findings of Corrective Actions or Recommendations from a federal Certification Review.

Amendments to this Agreement must be approved by an affirmative vote by three-fourths ( $\frac{3}{4}$ ) of the full voting members of the MTB.

**Section 22 – Disposition of Assets Upon Dissolution**

The Parties agree that if the Mid-Region Council of Governments is dissolved or, for whatever reason otherwise ceases to exist, or no longer functions as the metropolitan planning organization, any remaining funds and equipment associated with the MPO will be disposed of as follows:

- A. Any remaining funds collected by MRCOG for MPO functions will be returned to the Parties in proportion to their contribution;
- B. Any remaining equipment purchased with contributed funds will be distributed to contributing Parties in proportion to the contribution made; and
- C. Any remaining equipment and office furniture will remain the property of MRCOG.

APPROVED by the Metropolitan Transportation Board of the Mid-Region Metropolitan Planning Organization on the \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Debbie O'Malley  
Chairperson, Metropolitan Transportation Board

APPROVED by the Board of Directors of the Mid-Region Council of Governments of New Mexico on the \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
M. Steven Anaya  
Chairperson, MRCOG Board of Directors

\_\_\_\_\_  
Dewey V. Cave  
Executive Secretary, Metropolitan Transportation Board  
Executive Director, Mid-Region Council of Governments

**MEMORANDUM OF AGREEMENT  
for the  
ESTABLISHMENT OF OPERATIONS  
of the  
MID-REGION METROPOLITAN PLANNING ORGANIZATION**

**RECORD OF APPROVAL BY THE PARTIES  
[Reference Section 3 of the Agreement]**

This certifies that the

*Memorandum of Agreement for the Establishment of Operations of the Mid-Region Metropolitan Planning Organization*

has been approved by the

\_\_\_\_\_ [name of Party]

on the \_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
name  
title

Each Party approving this agreement would complete this form with the method of approval determined by the Party.

## R-16-04 MRCOG

### ***Amending the Bylaws for the Metropolitan Transportation Board of the Mid-Region Metropolitan Planning Organization***

#### Background:

The proposed revisions in **yellow highlight** in Attachment A are those revisions necessary to conform to *the Memorandum of Agreement for the Establishment of Operations of the Mid-Region Metropolitan Planning Organization (MOA-MRMPO)*. Both the bylaws revisions and the development of the MOA-MRMPO is a result of recommendations from the 2014 Federal Certification Review. The MOA-MRMPO fulfills the requirements of 23 CFR 450.314 replacing an outdated agreement from the 1990's.

#### MPO Staff Recommendation:

MPO staff usually does not issue a recommendation on amendments to the bylaws of the MTB. However, in order to fulfill the requirements of 23 CFR 450.314 and to implement the recommendation in the 2014 Federal Certification Review, MPO staff recommends approving the revisions highlighted in yellow in Attachment A.

#### MTB Approval:

At the May 20, 2016 meeting, the Metropolitan Transportation Board approved the amendments to the Bylaws by more than the  $\frac{3}{4}$  vote required.

1 RESOLUTION

2 of the

3  
4 BOARD OF DIRECTORS

5  
6 of the

7  
8 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

9  
10 (R-16-04 MRCOG)

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12  
13  
14 **AMENDING BYLAWS FOR THE**  
15 **METROPOLITAN TRANSPORTATION BOARD OF THE**  
16 **MID-REGION METROPOLITAN PLANNING**  
17 **ORGANIZATION**  
18

19  
20 WHEREAS, the Mid-Region Council of Governments (MRCOG) is designated as  
21 the Metropolitan Planning Organization (MPO) for the Albuquerque Metropolitan  
22 Planning Area (AMPA); and

23 WHEREAS, the *Memorandum of Agreement for the Establishment of Operations*  
24 *of the Mid-Region Metropolitan Planning Organization* (MOA-MRMPO) has been  
25 approved by the Metropolitan Transportation Board (MTB) and by the Board of Directors  
26 of MRCOG; and

27 WHEREAS, the MOA-MRMPO establishes the Mid-Region Metropolitan  
28 Planning Organization (MRMPO) as a division of the Mid-Region Council of  
29 Governments; and

30 WHEREAS, the Metropolitan Transportation Board (MTB) is the governing body  
31 of MRMPO and establishes transportation policy for the MPO; and

32 WHEREAS, bylaws were previously developed which define the purpose, role,  
33 function, and membership of the MTB; and

34 WHEREAS, amendments to the bylaws have been developed as a result of  
35 recommendations from the 2014 Federal Certification Review and to conform to the  
36 MOA-MRMPO; and

37 WHEREAS, amending the bylaws requires a three-fourths affirmative vote of the  
38 MTB and concurrence of approval of said amendments from the Board of Directors of  
39 MRCOG; and

40 WHEREAS, the amended bylaws have been approved by the MTB on the 20<sup>th</sup> of  
41 May 2016.

42 NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Mid-  
43 Region Council of Governments of New Mexico that it hereby concurs and approves the  
44 amended *Bylaws for the Metropolitan Transportation Board of the Mid-Region*  
45 *Metropolitan Planning Organization of the Mid-Region Council of Governments* provided  
46 in Attachment A.

47 PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of June, 2016 by the Board  
48 of Directors of the Mid-Region Council of Governments of New Mexico.

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57

\_\_\_\_\_  
M. Steven Anaya, Chair  
MRCOG Board of Directors

ATTEST:

\_\_\_\_\_  
Dewey V. Cave  
Executive Director, Mid-Region Council of Governments

BYLAWS  
for the  
METROPOLITAN TRANSPORTATION BOARD  
of the  
MID-REGION METROPOLITAN PLANNING  
ORGANIZATION  
of the  
MID-REGION COUNCIL OF GOVERNMENTS

**KEY:**

Proposed revisions in association with the MOA for Operations of the MPO are in yellow highlight.

Red text indicates notes to the reader, not part of the document.

Statement of Purpose

These bylaws define the purpose, role, function, and membership of the Metropolitan Transportation Board (MTB) of the Mid-Region Metropolitan Planning Organization of the Mid-Region Council of Governments. ~~as approved by the Board of Directors of the Mid-Region Council of Governments.~~

Article I - Definitions

As used in these bylaws, the following terms mean:

1. ADVISORY MEMBER – refers to:

a. any person representing a private or public organization that is appointed by the MTB as a non-voting member to the MTB, who by professional expertise can contribute to the functions of the MTB. ~~and~~

~~b. a representative from any jurisdiction or agency that qualifies as a “Member Government” which is not participating as a full voting member of the MTB, and~~

~~c. a representative of a special purpose government which does not have voting status on the MTB.~~

Advisory members shall have no vote and shall not be considered for determination of a quorum but they may participate in MTB discussions ~~per the MTB appointment.~~

2. ASSOCIATE MEMBER – refers to:

a. a representative from any jurisdiction or agency that qualifies as a “Member Government” which chooses not to participate as a full voting member of the

MTB, but chooses to contribute in the metropolitan transportation planning process.

Associate members shall have no vote on the MTB and shall not be considered for determination of a quorum but they may participate in MTB discussions and may serve and vote on committees.

Note: The changes to 1 and 2 above are meant to be consistent with the proposed Memorandum of Agreement (MOA) and clarify the terms “Advisory” and “Associate” which currently are used interchangeably.

3. BOARD OF DIRECTORS – refers to the Board of Directors of the Mid-Region Council of Governments of New Mexico

4. MEMBER - any person appointed by a member government in accordance with Article II, Section 1 or Section 2, to represent that government as a voting member of the MTB. A duly appointed ALTERNATE may vote only when serving as proxy for a member and after notifying the Chair of the MTB of such at the beginning of the meeting.

5. MEMBER GOVERNMENT - those general and special purpose units of local government, and/or agencies that administer or operate major modes of transportation (having scheduled and multiple fixed route service) within the Metropolitan Planning Area, and/or appropriate state agencies, and/or governments of federally recognized tribes having land within the boundaries of the Metropolitan Planning Area, which choose to be members of the MTB.

6. METROPOLITAN PLANNING AREA (MPA) - that portion of New Mexico delineated on the attached map as the Albuquerque Metropolitan Planning Area (which is hereby appended to these bylaws), for which the Mid-Region Council of Governments acts as the Metropolitan Planning Organization and the MTB establishes transportation policy. Boundaries of the MPA may be adjusted from time to time without amending these Bylaws provided they are adjusted in accordance with procedures established by Federal regulations.

7. METROPOLITAN PLANNING ORGANIZATION (MPO) – the entity designated by agreement among the Governor and general purpose local governments within the area to be responsible for the continuing, cooperative and comprehensive transportation planning process in the MPA as mandated by Federal law.

8. METROPOLITAN TRANSPORTATION BOARD (MTB) - the body of representatives of Member Governments responsible for determining transportation policy for the Metropolitan Planning Area and is the governing body of the Mid-Region Metropolitan Planning Organization.

9. MID-REGION COUNCIL OF GOVERNMENTS (MRCOG) – the association made up of and representing the local governments within New Mexico State Planning and

Development District 3. The designated Metropolitan Planning Organization (MPO) for the Albuquerque Metropolitan Planning Area.

10. MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO) – a division of MRCOG for the purpose of overseeing, directing, and establishing comprehensive transportation planning and policies for the Albuquerque Metropolitan Planning Area to carry out the provisions of Title 23 and Title 49 United States Code related to metropolitan planning.

Note: This section clarifies MRMPO as a division of MRCOG, the designated metropolitan planning organization.

## Article II - Organization and Membership

1. Board members of the MTB shall be appointed by the member government. Persons appointed as members shall be:

- a. Local elected officials [as per 23 CFR 450.310(d)];
- b. Governing officials of Tribes and/or Pueblos;
- c. Officials of agencies that administer or operate major modes or systems of transportation (transit operators, sponsors of major local airports, maritime ports, rail operators, etc.) [As per 23 CFR 450.310(d)];
- d. State appointed officials from the New Mexico Department of Transportation (NMDOT) [as per 23CFR 450.310(d)];
- e. Chief executives (Chief Administrative Officer, County Manager, City Manager, etc.) of the agency they represent.

A member may appoint an alternate to serve at those times when the member is unable to serve.

2. Representation on the MTB shall be established as follows:

- a. Member Governments including Tribal Governments
  - 1) Population 0 - 50,000 - One representative
  - 2) Population 50,001 - 100,000-Two representatives
  - 3) Population 100,001 - 150,000 - Three representatives
  - 4) Population of more than 150,000 – Three representatives plus one additional representative for each 75,000 persons over 150,000
- b. Special Units of Governments
  - ~~1) Tribal governments – One representative each~~
  - 1) School districts - One representative for each
  - 2) Flood control authorities - One representative each
  - 3) Middle Rio Grande Conservancy District - One representative
  - 4) New Mexico Department of Transportation – Two representatives
- c. The MTB shall maintain a list as an appendix to these bylaws (which may be revised as needed) of current, eligible voting member governments and their representation. The list must be certified by the MTB annually.

Note: The changes to Article II, Section 2 (in yellow) are per discussions from the 2014 Quadrennial Review which recommended tribal governments be treated the same as any other member government for MTB representation. Since no tribal

jurisdiction within the AMPA has over 50,000 population this results in no change in membership representation.

3. Population will be determined based on the most recent **decennial** population data published by the **United States** Bureau of Census.

4. Associate nonvoting members will include individuals from the member governments and special units of government which choose to participate on the MTB at the associate level per Article 1, Section 2.

45. Advisory nonvoting members will include individuals from private and public agencies that the members of the MTB consider qualified to make an effective contribution to the MTB.

6. If a **voting** member does not attend three consecutive MTB meetings and an alternate does not serve as proxy for the member, the MTB by majority vote shall notify the member government that the seat may be declared vacant at the next meeting of the MTB.

7. Vacant seats shall not be considered when determining a quorum or calculating the three-fourths provision of Article VIII of these Bylaws. Vacant seats shall be considered filled when the member government notifies the Chair of the MTB and duly appoints a voting member to fill the vacancy.

8. The MTB's Transportation Coordinating Committee and Public Involvement Committee are established technical and advisory committees to provide recommendations to the MTB regarding matters within the MTB's authority. **The** MTB will define the role of each group in that group's bylaws.

#### Article III - Role and Authority

1. The role of the MTB shall be to provide policy guidance in the development of transportation plans and programs and serve as the local approval body for such plans and programs.

2. The MTB shall provide a forum for cooperative decision making for the MPA.

3. As the governing body of MRMPO, the MTB shall oversee, direct, and establish comprehensive transportation planning and policies for the Albuquerque Metropolitan Planning Area to carry out the provisions of Title 23 and Title 49 United States Code related to metropolitan planning.

**Note:** This section clarifies the MTB's role under federal regulations.

#### Article IV - Functions and Responsibilities

1. The MTB shall make final decisions on technical and policy matters regarding plans and programs designed to serve the transportation needs of the MPA.
2. The MTB shall provide input to MPO staff and make recommendations to the Board of Directors regarding the ~~annual Transportation Work Program~~ Unified Planning Work Program (UPWP) for intermodal transportation planning for the MPA.

Note: This section updates terminology.

#### Article V - Meetings and Voting

1. The MTB shall meet ~~monthly~~ at a regularly scheduled time and place as the MTB may determine appropriate, and may meet at such other and additional times and places as it deems necessary. The Chair of the MTB may call special meetings at his/her discretion, and shall call a special meeting at the request of one-third of the voting members, or at the request of the Chair of the MRCOG Board of Directors.
2. The MTB voting membership shall follow the adopted MRCOG Rules of Procedures during their meetings. Where questions of procedure or precedence arise, the Rules of Procedures will govern.
3. A simple majority of the filled voting member positions of the MTB shall constitute a quorum at any meeting held by the MTB at which formal action is to be taken.
4. Each voting member shall have one vote on an issue or question presented to the MTB. A vote of a majority of the voting members at a meeting shall decide in the affirmative or negative any issue or question presented to the MTB. Any minority opinions or advisory member comments shall be appended to the record of voting.

#### Article VI - Officers

1. Officers of the MTB shall consist of a Chair and Vice Chair.
2. The ~~MRCOG Board of Directors shall appoint~~ MTB shall elect the Chair and Vice Chair.
3. The Chair and Vice Chair may hold office for a one-year term. The term begins on the first meeting of the fiscal year (normally ~~October~~ July). Officers may be reappointed for a second consecutive term at the discretion of the board.
4. ~~If a vacancy occurs in the office of Chair or Vice Chair, the MRCOG Executive Board shall select a member of the MTB to complete the term of that office.~~

4. If a vacancy occurs in the office of Chair, the Vice Chair shall assume the duties of the Chair. If a vacancy occurs in the office of Vice Chair, the MTB shall elect a new Vice Chair.

Note: Changes in 2, 3 and 4 reflect current practice since the MRCOG Board allows the MTB to appoint its own officers and out fiscal year now follows the federal fiscal year.

#### Article VII – Staff

1. The MRCOG will provide the MTB with the necessary staff and technical assistance to support the regional transportation planning process.
2. The Secretary for the MTB shall be the Executive Director of MRCOG or his designee from the MPO staff of the MRCOG.

#### Article VIII - Approval and Amendments

1. These bylaws shall be in force upon consent of the voting membership of the MTB and approval by the MRCOG Board of Directors.
2. These bylaws may be amended by the affirmative vote of three-fourths of the MTB's voting members. Amendments shall be subject to approval by concurrence of by the MRCOG Board of Directors or the MRCOG Executive Board.

BYLAWS AMENDED by affirmative vote of three-fourths of the Metropolitan Transportation Board's voting members on the \_\_\_ day of \_\_\_\_\_ 2016.

AMENDMENTS APPROVED by the Board of Directors of the Mid-Region Council of Governments on the \_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Debbie O'Malley  
Chair, MRMPO Metropolitan Transportation Board

\_\_\_\_\_  
M. Steven Anaya  
Chair, MRCOG Board of Directors

ATTEST:

\_\_\_\_\_  
Dewey V. Cave  
Executive Secretary, Metropolitan Transportation Board  
Executive Director, Mid-Region Council of Governments

**Mid-Region Council of Governments of New Mexico  
Board of Directors**

Action Requested: Approval of Rio Communities as a member of the MRCOG

Action Summary: Rio Communities passed a resolution on April 26, 2016 expressing their desire to become a member of the MRCOG Board of Directors.

Background: Upon approval of the MRCOG Board, a letter confirming their request to join the MRCOG, a copy of the minutes and by-laws will be sent to Rio Communities requesting the appointment of a member to the full Board.

Policy Ramification: The Articles of Agreement of the MRCOG will be amended to include Rio Communities as an active member. Rio Communities will have a rotation on the Executive Board that is held by Valencia County Members.

Financial Impact: Rio Communities will be subject to membership dues on an annual basis.

**STATE OF NEW MEXICO  
CITY OF RIO COMMUNITIES  
RESOLUTION 2016-64**

**MID-REGION COUNCIL OF GOVERNMENTS MEMBERSHIP**

**WHEREAS,** The Mid-Region Council of Governments (MRCOG) is an association of local governments and special units of government within New Mexico's Third Planning District and;

**WHEREAS,** Elected and appointed representatives of these organizations serve on MRCOG's Board of Directors and MRCOG conducts and coordinates regional planning and other services and provides a forum for local elected officials to meet and discuss issues that do not begin or end with political boundaries and;

**WHEREAS,** MRCOG provides data and planning on various issues such as:

- A. Transportation Planning
- B. Rio Metro Regional Transit District
- C. Local Government Assistance
- D. Workforce Connection of Central New Mexico
- E. Economic Development
- F. Agriculture

and;

**WHEREAS:** The City of Rio Communities Governing Body has adopted a vision and mission statement to provide multiple services and increase the quality of life for the residents of the City in a cost effective and progressive manner.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the City of Rio Communities supports membership in the Mid-Region Council of Governments (MRCOG) and agrees to yearly dues and assessment, and requests full municipal membership, including a seat on the MRCOG's Board of Directors.

Resolved: In the Regular Board Session this 26<sup>th</sup> day of April 2016.



City of Rio Communities Governing Body

*Mark Gwinn*

Mark Gwinn,  
Mayor

*Margaret (Peggy) Gutjahr*

Margaret (Peggy) Gutjahr,  
Councilor Mayor Pro-tem

*William (Bill) Brown*

William (Bill) Brown,  
Councilor

*Arturo R. Sais*

Arturo R. Sais,  
Councilor

ATTEST:

*Elizabeth (Lisa) Adair*

Elizabeth (Lisa) Adair,  
Municipal Clerk