



TPA EXECUTIVE COMMITTEE MEETING AGENDA

DATE: **Monday, December 5, 2022**
TIME: **3:00 p.m.**
PLACE: **301 Datura Street, West Palm Beach, FL 33401**

Attendees may not enter the TPA workplace if in the previous 5 days, they have tested positive for COVID-19, exhibited symptoms of COVID-19, or been in close contact with someone with COVID-19 and are unvaccinated.

To promote awareness of multimodal options for in-person attendance, a map of transportation facilities and services around the TPA Office is provided on page 3.

Members of the public can also join the meeting virtually in the following ways:

- Via Zoom app using Webinar ID: 821-8436-3197 and Password: 967191
- Via web browser at PalmBeachTPA.org/Exec-Meeting
- Via phone at 1-646-558-8656 using the above Webinar ID and Password
- View a live simulcast at PalmBeachTPA.org/LIVE

Please call 561-725-0800 or e-mail info@PalmBeachTPA.org for assistance joining the virtual meeting.

1. REGULAR ITEMS

- A. Call to Order and Roll Call
- B. Modifications to the Agenda
- C. General Public Comments

Members of the public are invited to offer comments or questions as follows:

- A written comment may be submitted at PalmBeachTPA.org/Exec-Comment at any time prior to the commencement of the relevant agenda item.
- A verbal comment may be provided by a virtual attendee using the raise hand feature in the Zoom platform.
- A verbal comment may be provided by an in-person attendee submitting a comment card available at the welcome table.

Note that the Chair may limit comments to 3 minutes or less depending on meeting attendance.

- D. Comments from the Chair and Member Comments
- E. Executive Director's Report
- F. MOTION TO APPROVE Meeting Minutes from October 3, 2022

2. ACTION ITEMS

- A. MOTION TO RECOMMEND APPROVAL of an Amendment to the TPA Operating Procedures Section 2.2.E

TPA Executive Director will provide an overview of the attached resolution and proposed changes to the TPA's Operating Procedures Section 2.2.E to include attendance at the Southeast Florida Transportation Council (SEFTC) and Metropolitan Planning Organization Advisory Council (MPOAC) meetings in the Chair and Vice Chair duties.

- B. MOTION TO RECOMMEND APPROVAL of an Amendment to the TPA Operating Procedures Section 2.2.F

TPA Executive Director will provide an overview of the attached resolution and proposed changes to the TPA's Operating Procedures Section 2.2.F to update the charge of the Executive Committee.

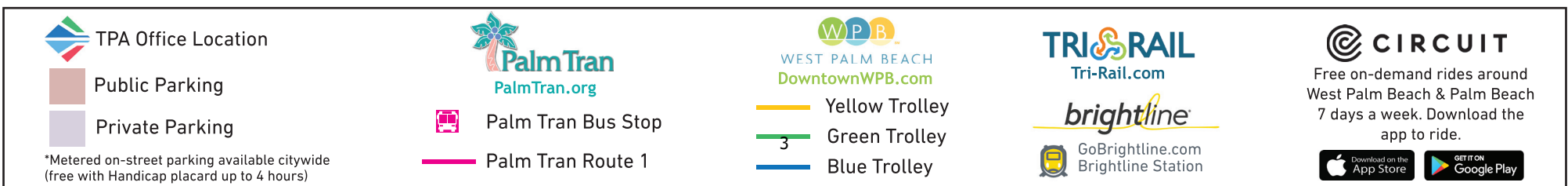
3. INFORMATION ITEMS

- A. Palm Beach County School District Membership on TPA Governing Board Update

TPA Executive Director will provide an update on the possibility of adding the Palm Beach County School District as a member on the TPA Governing Board and seek direction. A TPA General Counsel Memorandum is attached.

4. ADMINISTRATIVE ITEMS

- A. Next Meeting – **February 2023**
B. Adjournment



Chelsea S. Reed, Mayor
TPA Chair
City of Palm Beach Gardens

Joel Flores, Mayor
At Large Member
City of Greenacres

Maria Marino, Commissioner
At Large Member
Palm Beach County

Michael J. Napoleone, Councilman
At Large Member
Village of Wellington

Paul Gougelman, Esq.
TPA General Counsel
Non-Voting Advisory

NOTICE

This is a meeting of the Palm Beach MPO doing business as the Palm Beach Transportation Planning Agency.

In accordance with Section 286.0105, *Florida Statutes*, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and that, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require a printed copy of the agenda package, require special accommodations under the Americans with Disabilities Act or require translation services for a meeting (free of charge) must call 561-725-0800 or send email to Info@PalmBeachTPA.org at least five business days in advance. Hearing impaired individuals are requested to telephone the Florida Relay System at #711.



**OFFICIAL MEETING MINUTES OF THE
PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA)
EXECUTIVE COMMITTEE**

October 3, 2022

301 Datura Street, West Palm Beach, FL 33401
Meeting was also conducted virtually via Zoom.

*These minutes are a summary of the meeting events and may not reflect all discussion that occurred.
PDF versions of the agenda, backup material and presentations as well as audio and video recordings are available for review
at PalmBeachTPA.org/Executive-Committee*

1. REGULAR ITEMS

1.A. Call to Order and Roll Call

CHAIR WEINROTH called the meeting to order at 2:05 p.m.

The recording secretary called the roll. A quorum was present in-person as depicted in the table below.

Member	Attendance	Member	Attendance
Joel Flores	P	Chelsea Reed	P
Maria Marino	P	Robert Weinroth	P
Michael Napoleone	P		

P = Present A = Absent

1.B. APPROVED: Modifications to the Agenda

There were no modifications to the agenda.

Modification to the Agenda approved by unanimous consent.

1.C. General Public Comments

There were no public comments received.

1.D. Comments from the Chair and Member Comments

There were no member comments received.

1.E. Executive Director's Report

VALERIE NEILSON, TPA Executive Director, provided a presentation of the Director's Report.

CHAIR WEINROTH inquired about the cost of a Human Resources (HR) consultant compared to TPA General Counsel providing HR support services.

MATTHEW KOMMA, TPA CFO, provided details about TPA payroll and timesheet methods.

Member discussion ensued about TPA General Counsel providing HR services and revisiting after a six-month timeline.

1.F. APPROVED Meeting Minutes from August 29, 2022

MOTION to Approve Meeting Minutes made by Commissioner Marino, seconded by Mayor Reed, and carried unanimously 5-0 as depicted in the table below.

Member	Vote	Member	Vote
Joel Flores	Y	Chelsea Reed	Y
Maria Marino	Y	Robert Weinroth	Y
Michael Napoleone	Y		

Y = Yes N = No A = Absent ABST = Abstain

2. ACTION ITEMS**2.A. RECOMMENDED APPROVAL: of the Amended and Restated TPA Personnel Handbook Sections 1 and 2**

VALERIE NEILSON, TPA Executive Director, provided a presentation of TPA General Counsel's proposed revisions to the TPA Personnel Handbook.

Member discussion ensued about exempt and non-exempt employee compensatory time, review of employee job descriptions, and further updates in Section 3 at the discretion of the Executive Director.

There were no public comments on this item.

MOTION to Recommend Approval of the Amended and Restated TPA Personnel Handbook Sections 1 and 2 made by Mayor Flores, seconded by Commissioner Marino, and carried unanimously 5-0 as depicted in the table below.

Member	Vote	Member	Vote
Joel Flores	Y	Chelsea Reed	Y
Maria Marino	Y	Robert Weinroth	Y
Michael Napoleone	Y		

Y = Yes N = No A = Absent ABST = Abstain

2.B. RECOMMENDED APPROVAL: of an Amendment to the TPA Operating Procedures Section 2.2

VALERIE NEILSON, TPA Executive Director, provided a presentation of the TPA Operating Procedures.

Member discussion ensued about including instructions in the TPA Travel Form to purchase traveler's insurance or book refundable travel options.

MILTON COLLINS, TPA General Counsel, provided context that other agencies require travel insurance.

There were no public comments on this item.

MOTION to Recommend Approval of an Amendment to the TPA Operating Procedures Section 2.2 made by Commissioner Marino, seconded by Vice Chair Reed, and carried unanimously 5-0 as depicted in the table below.

Member	Vote	Member	Vote
Joel Flores	Y	Chelsea Reed	Y
Maria Marino	Y	Robert Weinroth	Y
Michael Napoleone	Y		

Y = Yes N = No A = Absent ABST = Abstain

2.C. RECOMMENDED APPROVAL: of Draft 2023 TPA Governing Board and Advisory Committee Meeting Dates

VALERIE NEILSON, TPA Executive Director, provided a presentation of the draft 2023 TPA meeting dates.

COMMISSIONER MARINO identified a conflict for the 2023 October Board meeting.

CHAIR WEINROTH instructed staff to change the 2023 October TPA meeting dates to take place on their regularly scheduled days with the Board meeting on October 19, 2023.

There were no public comments on this item.

MOTION to Recommend Approval of Draft 2023 TPA Governing Board and Advisory Committee Meeting Dates as amended made by Mayor Flores, seconded by Vice Chair Reed, and carried unanimously 5-0 as depicted in the table below.

Member	Vote	Member	Vote
Joel Flores	Y	Chelsea Reed	Y
Maria Marino	Y	Robert Weinroth	Y
Michael Napoleone	Y		

Y = Yes N = No A = Absent ABST = Abstain

3. INFORMATION ITEMS

There were no information items on this agenda.

4. ADMINISTRATIVE ITEMS

4.A. Next Meeting – December 5, 2022

4.C. Adjournment

There being no further business, the Chair declared the meeting adjourned at 3:16 p.m.

This signature is to attest that the undersigned is the Chair, or a designated nominee, of the TPA Executive Committee and that the information provided herein is the true and correct Minutes for the October 3, 2022, meeting of the Committee, dated this 5th day of December 2022.

Chair Chelsea Reed
Palm Beach Gardens Mayor

EXHIBIT A
TPA Executive Committee
Attendance Record

Representative Local Government	May '22	Jun '22	July '22	Aug '22	Oct '22
Robert Weinroth, Mayor – TPA CHAIR Palm Beach County	P	P	P	P	P
Chelsea Reed, Vice Mayor – TPA VICE CHAIR City of Palm Beach Gardens	P	E	P	P	P
Joel Flores, Mayor City of Greenacres	P	P	P	P	P
Maria Marino, Commissioner Palm Beach County	P	P	P	P	P
Michael Napoleone, Councilman Village of Wellington	P	P	P	P	P

*** New Appointment

P - Representative Present

ALT- Alternate Present

E - Excused

A - Absent

OTHERS PRESENT

Alaura Hart
Brian Ruscher
Matthew Komma
Melissa Murray
Valerie Neilson
Cassidy Sparks
Amanda Williams
Paul Gougelman
Milton Collins

REPRESENTING

Palm Beach TPA
Palm Beach TPA
Palm Beach TPA
Palm Beach TPA
Palm Beach TPA
Palm Beach TPA
Palm Beach TPA
Palm Beach TPA
Palm Beach TPA – Weiss Serota et al.
Palm Beach TPA – Weiss Serota et al.

TPA RESOLUTION 2022-xx

**A RESOLUTION OF THE PALM BEACH
TRANSPORTATION PLANNING AGENCY (TPA)
APPROVING AN AMENDMENT TO THE OPERATING
PROCEDURES; MAKING FINDINGS; AMENDING
SECTION 2.2 E. PROVIDING FOR APPOINTMENT OF
SOUTHEAST FLORIDA TRANSPORTATION COUNCIL
(SEFTC) AND METROPOLITAN PLANNING
ORGANIZATION ADVISORY COUNCIL (MPOAC)
DELEGATE AND ALTERNATE.**

WHEREAS, the Palm Beach MPO, doing business as the Palm Beach Transportation Planning Agency (TPA), a public agency created in accordance with and operating pursuant to 23 U.S.C. 134, 49 U.S.C. 5303, and Sections 163.01 and 339.175, Florida Statutes, is the designated and duly constituted body responsible for the urban transportation planning process for Palm Beach County; and

WHEREAS, pursuant to 23 CFR 450.300 through 450.326 and Sections 339.175(6) through (9), Florida Statutes, the TPA is required to develop and amend as appropriate, plans and programs including but not limited to a Long Range Transportation Plan (LRTP), Priority Project List, Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP); and

WHEREAS, the TPA has previously adopted by-laws regulating the conduct of its governing board and advisory committees; and

WHEREAS, the TPA now desires to amend its Operating Procedures to provide for appointment of the Chair as the TPA's Southeast Florida Transportation Council (SEFTC) and Metropolitan Planning Organization Advisory Council (MPOAC) Delegate and the Vice Chair as the TPA's SEFTC and MPOAC Alternate Delegate; and

WHEREAS, the TPA Governing Board finds the adoption of this amendment to be in furtherance of the public interest,

NOW THEREFORE, BE IT RESOLVED BY THE PALM BEACH MPO, d/b/a PALM BEACH TRANSPORTATION PLANNING AGENCY, THAT:

SECTION 1. The foregoing recitals are hereby adopted and declared to be true and correct and are incorporated herein.

SECTION 2. The TPA Governing Board hereby:

1. Approves the amendment to the Palm Beach TPA Operating Procedures incorporated herein and attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 3. In the event that any term, provision, clause, sentence or section of this Resolution shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 4. This Resolution shall take effect upon adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the motion passed. The Chair thereupon declared the Resolution duly adopted this ____ day of _____ 2022.

PALM BEACH METROPOLITAN PLANNING
ORGANIZATION, d/b/a PALM BEACH
TRANSPORTATION PLANNING AGENCY

By: _____
Mayor Chelsea Reed,
as its Chair

ATTEST:

(AGENCY SEAL)

Amanda Williams, TPA Agency Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Paul R. Gougelman, TPA General Counsel



PALM BEACH
Transportation
Planning Agency

Operating Procedures

Approved by TPA Board on December 15, 2022

Mayor Chelsea Reed, TPA Chair

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Section 1. General Information

1.1 Purpose

The Palm Beach Transportation Planning Agency (TPA) Operating Procedures facilitate efficient conduct by the TPA as it collaboratively plans, prioritizes, and funds a safe, efficient, connected, and multimodal transportation system for all of Palm Beach County.

1.2 Authority

The federal government, under the authority of Title 23 United States Code (USC) §134 and Title 49 USC §5303, requires each metropolitan area, as a condition for the receipt of federal capital or operating assistance, to designate a Metropolitan Planning Organization (MPO) to conduct a continuing, cooperative, and comprehensive transportation planning process that results in transportation plans and programs consistent with the comprehensively planned development of the metropolitan area. Pursuant to Titles 23 USC §134(d), 49 USC §5303, 23 CFR §450.310(b), and Section 339.175(2), Florida Statutes (F.S.), the Palm Beach MPO, d/b/a the Palm Beach TPA is designated by Interlocal Agreement to serve as the federally mandated MPO for that part of the Miami Urbanized Area Transportation Management Area (TMA) within Palm Beach County (PBC).

1.3 Definitions

The following terms when used in these Operating Procedures shall be defined as set forth below, unless the context of usage affirmatively dictates to the contrary:

- A. TPA - The Palm Beach Transportation Planning Agency (TPA), which serves as the Metropolitan Planning Organization (MPO) for that part of the Miami Urbanized Area Transportation Management Area (TMA) within Palm Beach County.
- B. Interlocal Agreement - The agreement executed by the Governor and units of general purpose local government representing at least 75 percent of the affected population in the Palm Beach County urbanized area which formally designates the TPA, as it may be amended from time to time.
- C. TPA Governing Board - The policy-making body for the TPA responsible for coordinating the cooperative decision-making process of the TPA's actions and taking required actions as the TPA.
- D. Governing Board Member - A unit of General Purpose Local Government or an agency that operates or administers a major mode of transportation with voting membership on the TPA pursuant to the most current Interlocal Agreement (and any amendment thereto) creating the TPA.
- E. Governing Board Representative - An elected official appointed by a Governing Board Member to exercise its voting membership on the TPA Governing Board.

- F. Governing Board Alternate - An elected official appointed by a Governing Board Member to exercise its voting membership on the TPA Governing Board in the event the Representative is not in attendance.
- G. TAC Member - A local government, airports, seaports, public transit agencies, the school superintendent or designee, and other entities as deemed appropriate by the TPA Governing Board.
- H. TAC Representative - An individual nominated by the TAC Member and appointed by the TPA Governing Board to represent the TAC Member at TAC meetings. If a TAC Member has a TAC Representative and TAC Alternate, these terms are used interchangeably.
- I. TAC Alternate - An individual nominated by the TAC Member and appointed by the TPA Governing Board to represent the TAC Member at TAC meetings in the event the TAC Representative is not in attendance.
- J. CAC Member - An individual nominated by a TPA Governing Board Member and appointed by the TPA Governing Board to represent the citizenry of Palm Beach County at CAC meetings.
- K. VZAC Member – A local government, law enforcement and fire rescues services, school district, health department, active transportation advocacy groups, or other entity as deemed appropriate by the TPA Governing Board.
- L. VZAC Representative - An individual nominated by the VZAC Member and appointed by the TPA Governing Board to represent the VZAC Member at VZAC meetings. If a VZAC Member has a Representative and Alternate, these terms are used interchangeably.
- M. VZAC Alternate - An individual nominated by the VZAC Member and appointed by the TPA Governing Board to represent the VZAC Member at VZAC meetings in the event the VZAC Representative is not in attendance.
- N. Quorum – A quorum of the TPA Board or any of its committees shall be constituted by a majority of Representatives (or Members, for the CAC). Only designated Representatives physically present shall count toward establishing a quorum unless the TPA is operating under Section 6. Emergency Powers.
- O. Robert's Rules of Order - Roberts Rules of Order, Newly Revised (10th Edition).
- P. Communications Media Technology - the electronic transmission of printed matter, telephone, audio, computer, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

1.4 Interpretations

If any provision of these Operating Procedures conflicts with the Interlocal Agreement that designates the TPA, the Interlocal Agreement shall control. Furthermore, all provisions contained in these Operating

Procedures shall be interpreted to be consistent with applicable state and federal law and the TPA's Public Participation Plan (PPP). In the event of a conflict, state or federal law shall control.

1.5 Agency Clerk

- A. The Executive Director shall appoint a designated member of the TPA staff to serve, ex officio, as the Agency Clerk. Alternatively, the Executive Director may appoint the executive director to serve, ex officio, as the agency clerk. The duties and responsibilities of the agency clerk shall be to: maintain the official seal of the agency; index and file agency resolutions, orders, operating procedures, and official agency records; send notices of workshops and meetings; transcribe minutes of the Governing Board and committee and subcommittee meetings and workshops; maintain and be the custodian of agency files and records; make certifications of true copies and actions; attest to the signatures of MPOAC officers; and perform such other duties as determined by the executive director. See §339.175(2)(e), F.S.
- B. Upon completion of the preparation of an agenda for a meeting of the Governing Board, or any committee or subcommittee, the agency clerk shall make available the agenda for the meeting for distribution on request by any interested person who pays the reasonable cost for a copy of said agenda; to any person named in said agenda; and to any class of individuals to whom intended action is directed.
- C. The agency clerk shall give written notice of said meeting by all applicable members and the general public prior to any meeting or workshop of the Governing Board, the Executive Committee, or any other committee of the TPA. In addition, the agency clerk shall prepare and make available a copy of said notice or the agenda package: for distribution on request to any interested person who pays the reasonable cost for a copy of said notice; to any person named in said notice; to members of the applicable board or committee; and to any class of individuals to whom action is directed. Meeting notices should be advertised on the TPA website at least seven (7) days prior to any non-emergency meeting. All notices to members shall be sent to the official address of the member delegate and alternate delegate at such current address on file with the agency clerk. Agenda packages may be sent via e-mail.
- D. The agency clerk shall be responsible for coordinating responses for all public records.
- E. The agency clerk, or a person having custody of public records, may designate another officer or employee of the TPA to permit the inspection and copying of public records, but the agency clerk or other person having custody of a public record, must disclose the identity of the designee to the person requesting to inspect or copy public records. Accord, §119.07(1)(b), F.S.
- F. Photographing public records shall be done under the supervision of the agency clerk, who may adopt and enforce reasonable rules governing the photographing of such records. Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the agency clerk, this is impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the agency clerk. Where provision of another room or place for photographing

is required, the expense of providing the same shall be paid by the person desiring to photograph the public record as provided by law. Accord, §119.07(3)(c) and (d), F.S.

- G. If the furnishing of a public record can be accomplished with little or no effort or cost to the TPA, the agency clerk is authorized to waive the collection of a fee for copying and providing the public record.
- H. The TPA shall prominently post the contact information for the agency's agency clerk and custodian of public records in the TPA's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website. The signage shall advise anyone requesting a public record to advise the agency clerk as custodian of public records of any request for a public record. See §119.12(2), F.S.

1.6 Agency Seal

The agency seal is hereby adopted. The seal shall consist of two concentric circles, one inside the other. In the center of the inner circle, the agency's logo shall be displayed, together with the words "OFFICAL SEAL" set forth. Between the inner and outer circles shall be the agency name "Palm Beach Transportation Planning Agency."

Section 2. TPA Governing Board

2.1 Membership

- A. Number of Governing Board Members - The number of Governing Board Members for the TPA shall be as determined by the Interlocal Agreement, as amended.
- B. Representatives - Each Governing Board Member shall designate a Representative and notify the TPA in writing of this designation. The qualifications of Representatives shall be as specified in the Interlocal Agreement.
- C. Alternates - Each Governing Board Member shall designate an Alternate(s) and notify the TPA in writing of this designation. The Alternate must meet the same qualifications as a Representative. An Alternate may serve as a Representative for the Governing Board Member during any meeting or portion of a meeting where that Governing Board Member's Representative is not in attendance.
- D. Term of Office - Representatives and Alternates shall serve until the TPA has been notified in writing of a new designation by the Governing Board Member or until their earlier death, resignation, disqualification, incapacity to serve, or removal in accordance with the law.

2.2 Officers

- A. Officers - The officers of the TPA shall consist of a Chair, a Vice Chair, and three at-large Representatives of the Governing Board. Together, the officers shall be referred to as the Executive Committee. Not more than two of the officers may be County Commissioners.

- B. Elections - The officers shall be elected annually at the last regularly scheduled meeting of the calendar year or earlier if desired by the TPA Governing Board. The newly elected officers shall take office on the first day of the following calendar year or earlier if desired by the TPA Governing Board. Additional elections may be held as necessary if an officer cannot carry out said officer's duties and complete the remainder of the appointed term.
- C. Officer Criteria - The Chair must have served on the TPA Governing Board as a Representative for a minimum of one year prior to taking office. All officers must have completed the MPOAC Institute training program for elected officials, attended a national Association of MPOs (AMPO) Conference, or received similar training. The training criteria can be waived by majority vote of the TPA Governing Board.
- D. Terms of Office - The term of office for officers shall be until their successors take office as provided in Section 2.2.B.
- E. Duties of the Chair - The Chair shall call and preside at TPA Governing Board meetings, set the order of business for each meeting, and sign official documents for the TPA. The Chair shall additionally approve the disbursement of funds for official business travel undertaken by TPA Governing Board members and other appointed officials, advisory committee members, interns, and other authorized officials, provided the travel was authorized in advance and the requestor sought advanced registration discount rates, the most economical and efficient means to/from the travel occasion and reasonably priced lodging accommodations. In the Chair's absence, the Vice Chair shall preside and complete all other duties of the Chair. In the absence of both the Chair and the Vice Chair, the Representatives present shall elect a Chair Pro-Tem to preside and complete all other duties of the Chair.

The Chair shall serve as the TPA's Southeast Florida Transportation Council (SEFTC) and Metropolitan Planning Organization Advisory Council (MPOAC) Delegate. The Vice Chair shall serve as the TPA's SEFTC and MPOAC Alternate Delegate.

In the event that the Chair is unable to carry out their duties for the remainder of the term, the Vice Chair shall automatically become Chair and a new Vice Chair shall be elected from the remaining Representatives, including the at-large members of the Executive Committee, for the remainder of the term.

- F. Duties of the Executive Committee – The Executive Committee shall:
 - 1. Meet annually to review and recommend updates to the TPA's Strategic Plan for consideration by the Governing Board;
 - 2. Meet as necessary to review and recommend content related to other TPA initiatives (e.g., the 561 Mobility Plan, the Vision Zero Action Plan, transportation surtax funding strategies, and other plans and strategies) for consideration by the Governing Board;
 - 3. Meet as necessary to review and recommend updates to TPA policies and procedures as requested by the Executive Director;
 - 4. Meet as necessary to participate in TPA procurement selection committees as requested by the Executive Director;

5. Meet as necessary to facilitate the process of hiring a new Executive Director, including but not limited to refining the job profile, evaluating candidates, recommending a candidate, negotiating an employment agreement for Board consideration, and recommending an interim director for Board consideration; and
 6. Undertake other tasks as may be assigned by the Governing Board.
- G. Agency clerk - The TPA Executive Director shall act as the Agency Clerk pursuant to Section 339.175(2)(e), F.S.

2.3 Meetings

- A. Regular Meetings - Meetings will be held on the third Thursday of each month, except as noted on the meeting calendar published to the public on the TPA website. The Chair may cancel regular meetings should there be insufficient business on the TPA's tentative agenda or a lack of anticipated quorum.
- B. Special Meetings - Special meetings may be called by the Chair with three (3) day notice. Whenever possible, at least seven (7) day notice shall be given.
- C. Workshops - Workshops may be called from time to time and shall not require a quorum; however, all workshops shall be noticed in the same manner as regular meetings of the TPA Governing Board. No official actions may be taken at a workshop.
- D. Attendance - Each Representative shall be expected to attend each regular meeting. It shall be the obligation of the Representative to provide at least 24-hours advance notice to the TPA when the Representative will not be attending a meeting. It shall be the obligation of a Representative to provide reasonable notice to the Alternate when the Representative will not be attending a meeting. An absence without advance notice or without having an Alternate in attendance will be considered unexcused.

When a Representative or Alternate for a Governing Board Member does not attend three (3) consecutive regular meetings, the TPA Executive Director will send a letter to the chief elected officer of the Governing Board Member indicating the number of absences and requesting reaffirmation or reappointment of the Governing Board Member's Representative.

- E. Agenda - The Executive Director, in consultation with the Chair, shall create a published list of items for decision (consent and action items), discussion (special presentations, reports, and information items), and receipt without discussion (administrative items) at a meeting. The agenda and any backup material for a TPA Governing Board meeting shall be published on the TPA website seven (7) days prior to the meeting or as early as practicable. Only when extenuating circumstances warrant, a Representative, Alternate, or the TPA Executive Director may propose an additional item or a modification to the agenda at the commencement of a given meeting, subject to approval by a majority of the Representatives/Alternates at the meeting; provided that consideration of such item(s) is consistent with the TPA's PPP noticing requirements.

TPA advisory committee requests to add an item to a TPA Governing Board meeting agenda or to furnish work product (*e.g.*, written report, video, *etc.*) of a specific topic to the TPA Governing Board shall first be approved by the committee in the manner and format in which the matter should be presented.

TPA RESOLUTION 2022-xx

A RESOLUTION OF THE PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) APPROVING AN AMENDMENT TO THE OPERATING PROCEDURES; MAKING FINDINGS; AMENDING SECTION 2.2 F. DUTIES OF THE EXECUTIVE COMMITTEE

WHEREAS, the Palm Beach MPO, doing business as the Palm Beach Transportation Planning Agency (TPA), a public agency created in accordance with and operating pursuant to 23 U.S.C. 134, 49 U.S.C. 5303, and Sections 163.01 and 339.175, Florida Statutes, is the designated and duly constituted body responsible for the urban transportation planning process for Palm Beach County; and

WHEREAS, pursuant to 23 CFR 450.300 through 450.326 and Sections 339.175(6) through (9), Florida Statutes, the TPA is required to develop and amend as appropriate, plans and programs including but not limited to a Long Range Transportation Plan (LRTP), Priority Project List, Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP); and

WHEREAS, the TPA has previously adopted by-laws regulating the conduct of its governing board and advisory committees; and

WHEREAS, the TPA now desires to amend its Operating Procedures to state the duties of the Executive Committee as follows:

1. Meet annually to review and recommend updates to the TPA's Strategic Plan for consideration by the Governing Board;
2. Meet as necessary to review and recommend content related to TPA initiatives, updates to TPA policies and procedures, and or participate in TPA procurement selection committees as requested by the Executive Director;
3. Meet annually to review the TPA Executive Director's performance, or as necessary to facilitate the process of hiring a new Executive Director; and
4. Undertake other tasks as may be assigned by the Governing Board. and;

WHEREAS, the TPA Governing Board finds the adoption of this amendment to be in furtherance of the public interest,

**NOW THEREFORE, BE IT RESOLVED BY THE PALM BEACH MPO, d/b/a PALM BEACH
TRANSPORTATION PLANNING AGENCY, THAT:**

SECTION 1. The foregoing recitals are hereby adopted and declared to be true and correct and are incorporated herein.

SECTION 2. The TPA Governing Board hereby:

1. Approves the amendment to the Palm Beach TPA Operating Procedures incorporated herein and attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 3. In the event that any term, provision, clause, sentence or section of this Resolution shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Resolution, and this Resolution shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 4. This Resolution shall take effect upon adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the motion passed. The Chair thereupon declared the Resolution duly adopted this ____ day of _____ 2022.

PALM BEACH METROPOLITAN PLANNING
ORGANIZATION, d/b/a PALM BEACH
TRANSPORTATION PLANNING AGENCY

By: _____
Mayor Chelsea Reed,
as its Chair

ATTEST:

(AGENCY SEAL)

Amanda Williams, TPA Agency Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Paul R. Gougelman, TPA General Counsel



PALM BEACH
Transportation
Planning Agency

Operating Procedures

Approved by TPA Board on December 15, 2022

Mayor Chelsea Reed, TPA Chair

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Section 1. General Information

1.1 Purpose

The Palm Beach Transportation Planning Agency (TPA) Operating Procedures facilitate efficient conduct by the TPA as it collaboratively plans, prioritizes, and funds a safe, efficient, connected, and multimodal transportation system for all of Palm Beach County.

1.2 Authority

The federal government, under the authority of Title 23 United States Code (USC) §134 and Title 49 USC §5303, requires each metropolitan area, as a condition for the receipt of federal capital or operating assistance, to designate a Metropolitan Planning Organization (MPO) to conduct a continuing, cooperative, and comprehensive transportation planning process that results in transportation plans and programs consistent with the comprehensively planned development of the metropolitan area. Pursuant to Titles 23 USC §134(d), 49 USC §5303, 23 CFR §450.310(b), and Section 339.175(2), Florida Statutes (F.S.), the Palm Beach MPO, d/b/a the Palm Beach TPA is designated by Interlocal Agreement to serve as the federally mandated MPO for that part of the Miami Urbanized Area Transportation Management Area (TMA) within Palm Beach County (PBC).

1.3 Definitions

The following terms when used in these Operating Procedures shall be defined as set forth below, unless the context of usage affirmatively dictates to the contrary:

- A. TPA - The Palm Beach Transportation Planning Agency (TPA), which serves as the Metropolitan Planning Organization (MPO) for that part of the Miami Urbanized Area Transportation Management Area (TMA) within Palm Beach County.
- B. Interlocal Agreement - The agreement executed by the Governor and units of general purpose local government representing at least 75 percent of the affected population in the Palm Beach County urbanized area which formally designates the TPA, as it may be amended from time to time.
- C. TPA Governing Board - The policy-making body for the TPA responsible for coordinating the cooperative decision-making process of the TPA's actions and taking required actions as the TPA.
- D. Governing Board Member - A unit of General Purpose Local Government or an agency that operates or administers a major mode of transportation with voting membership on the TPA pursuant to the most current Interlocal Agreement (and any amendment thereto) creating the TPA.
- E. Governing Board Representative - An elected official appointed by a Governing Board Member to exercise its voting membership on the TPA Governing Board.

- F. Governing Board Alternate - An elected official appointed by a Governing Board Member to exercise its voting membership on the TPA Governing Board in the event the Representative is not in attendance.
- G. TAC Member - A local government, airports, seaports, public transit agencies, the school superintendent or designee, and other entities as deemed appropriate by the TPA Governing Board.
- H. TAC Representative - An individual nominated by the TAC Member and appointed by the TPA Governing Board to represent the TAC Member at TAC meetings. If a TAC Member has a TAC Representative and TAC Alternate, these terms are used interchangeably.
- I. TAC Alternate - An individual nominated by the TAC Member and appointed by the TPA Governing Board to represent the TAC Member at TAC meetings in the event the TAC Representative is not in attendance.
- J. CAC Member - An individual nominated by a TPA Governing Board Member and appointed by the TPA Governing Board to represent the citizenry of Palm Beach County at CAC meetings.
- K. VZAC Member – A local government, law enforcement and fire rescues services, school district, health department, active transportation advocacy groups, or other entity as deemed appropriate by the TPA Governing Board.
- L. VZAC Representative - An individual nominated by the VZAC Member and appointed by the TPA Governing Board to represent the VZAC Member at VZAC meetings. If a VZAC Member has a Representative and Alternate, these terms are used interchangeably.
- M. VZAC Alternate - An individual nominated by the VZAC Member and appointed by the TPA Governing Board to represent the VZAC Member at VZAC meetings in the event the VZAC Representative is not in attendance.
- N. Quorum – A quorum of the TPA Board or any of its committees shall be constituted by a majority of Representatives (or Members, for the CAC). Only designated Representatives physically present shall count toward establishing a quorum unless the TPA is operating under Section 6. Emergency Powers.
- O. Robert's Rules of Order - Roberts Rules of Order, Newly Revised (10th Edition).
- P. Communications Media Technology - the electronic transmission of printed matter, telephone, audio, computer, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

1.4 Interpretations

If any provision of these Operating Procedures conflicts with the Interlocal Agreement that designates the TPA, the Interlocal Agreement shall control. Furthermore, all provisions contained in these Operating

Procedures shall be interpreted to be consistent with applicable state and federal law and the TPA's Public Participation Plan (PPP). In the event of a conflict, state or federal law shall control.

1.5 Agency Clerk

- A. The Executive Director shall appoint a designated member of the TPA staff to serve, ex officio, as the Agency Clerk. Alternatively, the Executive Director may appoint the executive director to serve, ex officio, as the agency clerk. The duties and responsibilities of the agency clerk shall be to: maintain the official seal of the agency; index and file agency resolutions, orders, operating procedures, and official agency records; send notices of workshops and meetings; transcribe minutes of the Governing Board and committee and subcommittee meetings and workshops; maintain and be the custodian of agency files and records; make certifications of true copies and actions; attest to the signatures of MPOAC officers; and perform such other duties as determined by the executive director. See §339.175(2)(e), F.S.
- B. Upon completion of the preparation of an agenda for a meeting of the Governing Board, or any committee or subcommittee, the agency clerk shall make available the agenda for the meeting for distribution on request by any interested person who pays the reasonable cost for a copy of said agenda; to any person named in said agenda; and to any class of individuals to whom intended action is directed.
- C. The agency clerk shall give written notice of said meeting by all applicable members and the general public prior to any meeting or workshop of the Governing Board, the Executive Committee, or any other committee of the TPA. In addition, the agency clerk shall prepare and make available a copy of said notice or the agenda package: for distribution on request to any interested person who pays the reasonable cost for a copy of said notice; to any person named in said notice; to members of the applicable board or committee; and to any class of individuals to whom action is directed. Meeting notices should be advertised on the TPA website at least seven (7) days prior to any non-emergency meeting. All notices to members shall be sent to the official address of the member delegate and alternate delegate at such current address on file with the agency clerk. Agenda packages may be sent via e-mail.
- D. The agency clerk shall be responsible for coordinating responses for all public records.
- E. The agency clerk, or a person having custody of public records, may designate another officer or employee of the TPA to permit the inspection and copying of public records, but the agency clerk or other person having custody of a public record, must disclose the identity of the designee to the person requesting to inspect or copy public records. Accord, §119.07(1)(b), F.S.
- F. Photographing public records shall be done under the supervision of the agency clerk, who may adopt and enforce reasonable rules governing the photographing of such records. Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the agency clerk, this is impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the agency clerk. Where provision of another room or place for photographing

is required, the expense of providing the same shall be paid by the person desiring to photograph the public record as provided by law. Accord, §119.07(3)(c) and (d), F.S.

- G. If the furnishing of a public record can be accomplished with little or no effort or cost to the TPA, the agency clerk is authorized to waive the collection of a fee for copying and providing the public record.
- H. The TPA shall prominently post the contact information for the agency's agency clerk and custodian of public records in the TPA's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website. The signage shall advise anyone requesting a public record to advise the agency clerk as custodian of public records of any request for a public record. See §119.12(2), F.S.

1.6 Agency Seal

The agency seal is hereby adopted. The seal shall consist of two concentric circles, one inside the other. In the center of the inner circle, the agency's logo shall be displayed, together with the words "OFFICAL SEAL" set forth. Between the inner and outer circles shall be the agency name "Palm Beach Transportation Planning Agency."

Section 2. TPA Governing Board

2.1 Membership

- A. Number of Governing Board Members - The number of Governing Board Members for the TPA shall be as determined by the Interlocal Agreement, as amended.
- B. Representatives - Each Governing Board Member shall designate a Representative and notify the TPA in writing of this designation. The qualifications of Representatives shall be as specified in the Interlocal Agreement.
- C. Alternates - Each Governing Board Member shall designate an Alternate(s) and notify the TPA in writing of this designation. The Alternate must meet the same qualifications as a Representative. An Alternate may serve as a Representative for the Governing Board Member during any meeting or portion of a meeting where that Governing Board Member's Representative is not in attendance.
- D. Term of Office - Representatives and Alternates shall serve until the TPA has been notified in writing of a new designation by the Governing Board Member or until their earlier death, resignation, disqualification, incapacity to serve, or removal in accordance with the law.

2.2 Officers

- A. Officers - The officers of the TPA shall consist of a Chair, a Vice Chair, and three at-large Representatives of the Governing Board. Together, the officers shall be referred to as the Executive Committee. Not more than two of the officers may be County Commissioners.

- B. Elections - The officers shall be elected annually at the last regularly scheduled meeting of the calendar year or earlier if desired by the TPA Governing Board. The newly elected officers shall take office on the first day of the following calendar year or earlier if desired by the TPA Governing Board. Additional elections may be held as necessary if an officer cannot carry out said officer's duties and complete the remainder of the appointed term.
- C. Officer Criteria - The Chair must have served on the TPA Governing Board as a Representative for a minimum of one year prior to taking office. All officers must have completed the MPOAC Institute training program for elected officials, attended a national Association of MPOs (AMPO) Conference, or received similar training. The training criteria can be waived by majority vote of the TPA Governing Board.
- D. Terms of Office - The term of office for officers shall be until their successors take office as provided in Section 2.2.B.
- E. Duties of the Chair - The Chair shall call and preside at TPA Governing Board meetings, set the order of business for each meeting, and sign official documents for the TPA. The Chair shall additionally approve the disbursement of funds for official business travel undertaken by TPA Governing Board members and other appointed officials, advisory committee members, interns, and other authorized officials, provided the travel was authorized in advance and the requestor sought advanced registration discount rates, the most economical and efficient means to/from the travel occasion and reasonably priced lodging accommodations. In the Chair's absence, the Vice Chair shall preside and complete all other duties of the Chair. In the absence of both the Chair and the Vice Chair, the Representatives present shall elect a Chair Pro-Tem to preside and complete all other duties of the Chair.

In the event that the Chair is unable to carry out their duties for the remainder of the term, the Vice Chair shall automatically become Chair and a new Vice Chair shall be elected from the remaining Representatives, including the at-large members of the Executive Committee, for the remainder of the term.

- F. Duties of the Executive Committee – The Executive Committee shall:
 - 1. Meet annually to review and recommend updates to the TPA's Strategic Plan for consideration by the Governing Board;
 - 2. Meet as necessary to review and recommend content related to TPA initiatives ~~(e.g., the 561 Mobility Plan, the Vision Zero Action Plan, transportation surtax funding strategies, and other plans and strategies)~~ for consideration by the Governing Board;
 - 3. ~~Meet as necessary to review and recommend~~ updates to TPA policies and procedures, ~~as requested by the Executive Director;~~ and or
 - 4. ~~Meet as necessary to~~ participate in TPA procurement selection committees as requested by the Executive Director;
 - 5. Meet annually to ~~review the TPA Executive Director's performance, or~~ as necessary to facilitate the process of hiring a new Executive Director, ~~including but not limited to refining the job profile, evaluating candidates, recommending a candidate, negotiating an employment agreement for Board consideration, and recommending an interim director for Board consideration;~~ and

6. Undertake other tasks as may be assigned by the Governing Board.
- G. Agency clerk - The TPA Executive Director shall act as the Agency Clerk pursuant to Section 339.175(2)(e), F.S.

2.3 Meetings

- A. Regular Meetings - Meetings will be held on the third Thursday of each month, except as noted on the meeting calendar published to the public on the TPA website. The Chair may cancel regular meetings should there be insufficient business on the TPA's tentative agenda or a lack of anticipated quorum.
- B. Special Meetings - Special meetings may be called by the Chair with three (3) day notice. Whenever possible, at least seven (7) day notice shall be given.
- C. Workshops - Workshops may be called from time to time and shall not require a quorum; however, all workshops shall be noticed in the same manner as regular meetings of the TPA Governing Board. No official actions may be taken at a workshop.
- D. Attendance - Each Representative shall be expected to attend each regular meeting. It shall be the obligation of the Representative to provide at least 24-hours advance notice to the TPA when the Representative will not be attending a meeting. It shall be the obligation of a Representative to provide reasonable notice to the Alternate when the Representative will not be attending a meeting. An absence without advance notice or without having an Alternate in attendance will be considered unexcused.

When a Representative or Alternate for a Governing Board Member does not attend three (3) consecutive regular meetings, the TPA Executive Director will send a letter to the chief elected officer of the Governing Board Member indicating the number of absences and requesting reaffirmation or reappointment of the Governing Board Member's Representative.

- E. Agenda - The Executive Director, in consultation with the Chair, shall create a published list of items for decision (consent and action items), discussion (special presentations, reports, and information items), and receipt without discussion (administrative items) at a meeting. The agenda and any backup material for a TPA Governing Board meeting shall be published on the TPA website seven (7) days prior to the meeting or as early as practicable. Only when extenuating circumstances warrant, a Representative, Alternate, or the TPA Executive Director may propose an additional item or a modification to the agenda at the commencement of a given meeting, subject to approval by a majority of the Representatives/Alternates at the meeting; provided that consideration of such item(s) is consistent with the TPA's PPP noticing requirements.

TPA advisory committee requests to add an item to a TPA Governing Board meeting agenda or to furnish work product (*e.g.*, written report, video, *etc.*) of a specific topic to the TPA Governing Board shall first be approved by the committee in the manner and format in which the matter should be presented.

Organizations wishing to make a presentation to the TPA Governing Board must contact the Executive Director at least ten (10) days prior to the meeting. The Executive Director shall consult with the Chair to determine if the presentation should take place during the public comment



MEMORANDUM

TO: Valerie Neilson, Executive Director

FROM: Paul Gougelman, TPA General Counsel

SUBJECT: School Board Representative on the Governing Board

DATE: October 24, 2022

ISSUE: You have asked whether a Member of the Palm Beach County School District, or the Superintendent, may be a Member of the TPA Governing Board.

SHORT ANSWER: The answer is “yes,” a Member of the Palm Beach County School District, or the Superintendent, may be a Member of the TPA Governing Board. This is permitted by Section 339.175(3)(a), Florida Statutes. To accomplish this the Governor would need to approve the change in membership, and the Interlocal Agreement creating the TPA would need to be amended. See §339.175(3), Fla.Stat.

ANALYSIS: Section 339.175(3)(a), Florida Statutes, provides who may serve as a voting member of an M.P.O. Governing Board. The statute provides that “[v]oting members shall be elected officials of general-purpose local governments, . . .” Although elected officials of a general-purpose local government, such as a county commission or city council, are typically voting members that one finds on an M.P.O. Governing Board, the statute also provides that

An M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term “elected officials of a general-purpose local government” excludes constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials.

(emphasis supplied).

The foregoing highlighted language is what permits seaport commissioners or aviation authority members to serve on an M.P.O. Governing Board. Given that a school district operates one of the largest forms of public transportation in the County, namely the school bus system, it would appear that there is statutory authority for an M.P.O. Governing Board to include as a voting member, a representative from a school district.

In fact, there are several M.P.O. governing boards which have school board representatives as a part of their apportioned membership. For example, the Broward MPO,¹ the Capital Regional TPA,² and the St. Lucie TPO,³ all have a member of their school boards serving as a voting delegate on their respective governing boards. The Lake-Sumter MPO⁴ and the River to Sea TPO⁵ each have school board representatives serving as ex officio non-voting advisors on their Governing Boards.

Thus, there is ample authority to permit a member of the Palm Beach County School Board to serve as either a voting delegate or an ex officio, non-voting advisor on the Palm Beach TPA Governing Board.

To accomplish this the TPA Governing Board would need to work through the FDOT and approach the Governor to ask for an increase in membership and a change in apportionment. Upon receiving the Governor's approval, the Interlocal Agreement that created the TPA would need to be amended to reflect the change in membership.

PRG/mb

¹ Torey Alston is a voting delegate and is an elected member of the Broward County School District.

² A voting delegate position is reserved for an elected member of the Leon County School District. The position is currently vacant.

³ Jack Kelly is a voting delegate and is an elected member of the St. Lucie County School District.

⁴ Mollie Cunningham is a non-voting advisor and is an elected member of the Lake County School District. Sally Moss is a non-voting advisor and is an elected member of the Sumter County School District.

⁵ Ruben Colon is a non-voting delegate and is an elected member of the Volusia County School District.