

# Danville Urbanized Area Metropolitan Planning Organization

## Adoption of Bylaws

### Resolution 92-9

At a meeting of the Danville Urbanized Area Metropolitan Planning Organization (MPO) held on May 14, 1992, the following Resolution was adopted:

**WHEREAS**, the Danville MPO conducts business as a transportation planning agency established under the laws of the United States and the Commonwealth of Virginia; and


**WHEREAS**, actions and activities will in the future require official codification and adoption of Bylaws; and

**WHEREAS**, the Danville MPO requires basic rules and guidelines to generally govern its conduct of its business and affairs, as well as, specifying and setting in writing its responsibilities, purposes, authorities, and powers;

**NOW THEREFORE BE IT RESOLVED** that the Danville Urbanized Area Metropolitan Planning Organization hereby adopts an official set of Bylaws

### Certification

The undersigned duly qualified and acting as Chairman of the Danville Urbanized Area Metropolitan Planning Organization certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Board of the Danville Urbanized Area Metropolitan Planning Organization held on May 14, 1992.

Signed   
Printed Robert Dale Hyler  
Title Chairman  
Date May 14, 1992

# **BYLAWS**

## of the Danville Urbanized Area Metropolitan Planning Organization

### **Section 1.0 Authority, Purposes, and Powers of the MPO**

#### **1.1 Authority**

The Danville MPO received authority as a transportation planning body through the effectuation of a designation process. The Danville MPO was designated an MPO on July 27, 1983 by the Commonwealth of Virginia's Office of the Governor in accordance with Volume 4, Chapter 4, Section 2 of the Federal Aid Highway Manual and 23 CFR Section 450.106 (f) and pursuant to the authority in Paragraph 2.1039.1 and 2.1-51.22-24 of the Code of Virginia (1950), as amended.

#### **1.2 Purposes**

The Danville MPO shall be the policy decision-making and comprehensive planning body for the purpose of carrying out the continuing, cooperative and comprehensive transportation planning and programming process, known as the "3-C" Process, as defined in Section 134 of Title 23 U.S.C.; Sections 3, 4(a), 5, and 8 of the Urban Mass Transportation Act of 1964(49 U.S.C., Section 1602, 1603(a), 1604, and 1607); 23 CFR, Chapter 1, Part 450; 49 CFR, Chapter VI, Part 613; and in accord with the Constitution and Statutes of the Commonwealth of Virginia.

Unless amended by governing federal, state regulations, the Danville MPO shall at a minimum:

- a) Develop a Unified Transportation Planning Work Program on an annual basis.
- b) Develop a Transportation Improvement Program with an Annual Element on an annual basis.
- c) Participate in development of, review of, and approval of the Danville Area Transportation Study plan, in coordination with the Virginia Department of Transportation.
- d) Participate in revision and approval of the Study Area for the Danville MPO defined by a cordon boundary and review and approval of changes to the Urbanized Area boundary, in coordination with the

Virginia Department of Transportation, U.S. Department of ..  
Transportation, and appropriate other agencies.

e) Perform appropriate project reviews and make recommendations as appropriate.

### **1.3 Powers**

a)The Danville MPO may make application for and accept, disburse and administer, for itself or for member governmental subdivisions so requesting, loans and grants of money or materials or property at any time from the United States of America or the Commonwealth of Virginia, or any agency or instrumentality thereof, or from any private or charitable source pursuant to compliance with the laws of the United States and Commonwealth of Virginia.

b)The Danville MPO may make and enter into contracts and agreements, as its may determine, are necessary or incidental to the performance of its duties and to the execution of the authority and purposes cited herein.

c)The Danville MPO may expend funds as may be considered by it to be advisable or necessary in the performance of its duties and functions, as appropriate to and in respect to the laws of the United States and the Commonwealth of Virginia, and their agencies and instrumentalities.

d)The Danville MPO may employ engineers, attorneys, planners, and other such professional experts and consultants and such general and clerical employees as may be deemed necessary, and to prescribe their powers and duties and fix their compensation.

e)The Danville MPO may have seal and official letterhead and may alter these at pleasure.

f)The Danville MPO may designate an administrative staff, called an Administrative Agent, and may alter this designation at pleasure.

g)The Danville MPO Administrative Agent shall be the Executive Director of the West Piedmont Planning District Commission until changed by vote of the Danville MPO Policy Board.

## **Section 2.0 Official Name of the Organization**

The official name of the organization shall be the Danville Urbanized Area Metropolitan Planning Organization for legal documents. The Danville MPO or Danville Metropolitan Planning Organization may be used as general reference. It is also understood that "Danville" may include portions of Pittsylvania County.

## **Section 3.0 Danville MPO Policy Board Membership**

The Danville MPO shall have as its governing body a Policy Board which shall be composed of voting members, non-voting members and alternates:

### **The Voting Members of the Policy Board shall be:**

- a) Three members of the Pittsylvania County Board of Supervisors, with electoral areas with portions within or immediately adjacent to the Danville MPO Study Area.
- b) Two members of Danville City Council
- c) City Manager of the City of Danville
- d) One representative from the Virginia Department of Transportation

### **The Non-voting members of the Policy Board of the Danville MPO shall be:**

- a) one member from the Federal Highway Administration
- b) one member from the Federal Transit Administration, formerly Urban Mass Transportation Administration
- c) one representative of the West Piedmont Planning District Commission
- d) the Danville City Engineer or other person specified by the City

Other non-voting members of the Danville MPO may be added as agreed upon by a majority vote of the Policy Board meeting in a quorum.

### **3.3 Alternate Voting Members**

Alternate Members of the Policy Board may be provided by the governing bodies or legal representative of the City of Danville, County of Pittsylvania, and the Virginia Department of Transportation; these alternates should serve in the absence of the regular representative. An alternate may vote only in absence of the regular member they represent. There should be no more than two alternates named for each voting/non-voting member enumerated above. Names of alternates shall be made known to the Chairman of the MPO and the Administrative Agent who keeps the membership list.

### **3.4 Provisions for Citizen At Large Membership**

The Danville MPO Policy Board, with a majority vote, may add Citizen At Large members to the Policy Board who will be full voting members; an equal number of Citizen At Large members must reside in the two local governmental subdivisions being represented on the Policy Board. Basic criteria for selection to be considered is that these members should be representative of one or a combination of the following groups: a racial minority, women, the elderly, the disabled/handicapped; consideration should also be given to membership by transportation providers from the private sector, once some representative members of the first groups are provided. No more than four Citizen At Large representatives can be provided membership on the Policy Board.

### **3.5 Attendance.**

The Chairman and/or the Administrative Agent may make contact with a locality's chief elected official if a regular voting member of that locality fails to attend meetings and request inquiry as to whether said member desires continued service.

## **Section 4.0 Geographic Areas of Responsibility**

The Danville MPO shall have specific transportation planning authority over: a) the Danville Urbanized Area; b) the Danville Transportation Study Area. The Danville Urbanized Area is that geographic area that is defined through the cooperative efforts of the Bureau of the Census, the U.S. Department of Transportation, and the Virginia Department of Transportation. The Danville MPO Policy Board must approve of the boundaries of the Urbanized Area and Transportation Study Area. The Transportation Study Area, normally an area more extensive than the Urbanized Area, is the area in which Federal Highway Administration and Federal Transit Administration funds for planning may be expended by the Danville MPO; these funds cannot be expended on planning projects outside this area. In respect to the Urbanized Area, all federal aid projects within this area must be included on the Danville MPO's Transportation Improvement Program (TIP), before federal funds may be received.

## **Section 5.0 Terms of Office**

### **5.1 Local Government Voting Members**

MPO members who are appointed by local governing bodies and are also members of the local governing body shall serve coincident with their elected terms of office or for their period of appointment by that local governing body or such shorter term as their governing body shall determine.

### **5.2 Local Government Appointed, Voting Members, not Members of Local Government Bodies**

MPO members who are appointed by the local governing bodies, but who are not members of the local governing body, will serve for two years from the date of appointment, unless replaced with a new member during that period or resignation takes place. A member may be reappointed for consecutive 2 year terms.

### **5.3 Members Not Appointed by Local Governments**

MPO members appointed by the West Piedmont Planning District Commission, the Virginia Department of Transportation, the Federal Highway Administration, the Federal Transit Administration, and other agencies shall serve continuously at the pleasure of their respective appointing bodies or legally empowered official.

## **Section 6.0 Voting on the Policy Board**

### **6.1 Vote per Member**

Each MPO member with voting rights shall have one equal vote in all matters brought before the MPO Policy Board.

### **6.2 Recordation of Vote**

The Administrative Agent or person designated by the chairman or the acting chairman shall record the affirmative and negative votes as well as members who cite abstention from voting.

### **6.3 Quorum**

A quorum is constituted when there are four regular voting members or alternate voting members present, based on the current, seven vote Policy Board. In the event that additional voting members are authorized by a vote of the Board, once the new, additional members are appointed, the Policy Board shall order a change to the quorum for the Board's meetings.

### **6.4 Other Voting Arrangements**

The Chairman may arrange for a mail-in vote, himself or through the Administrative Agent or person designated by the Chairman, under the special circumstance where there are two or less action items that must be addressed by the Policy Board. The vote must be responded to by the regular voting membership, on a written form, and in a certain time period. Sufficient response by mail-in vote must be received such that the number of responses would equal or exceed the number of votes available to constitute a quorum at a regular meeting.

In the event a quorum vote is not attained, the Chairman or Administrative Agent shall contact voting members individually to obtain their votes in order to resolve the issue and final vote tally. Hand delivery is permitted. Voting members are encouraged to confer with other members of the Policy Board or the Administrative Agent. The Chairman must certify the vote or delegate this certification to the Administrative Agent.

In unusual circumstances for an emergency item, a call-in vote may be allowed by the Chairman.

## **Section 7.0 Officers**

### **7.1 Officers Required**

Two officers of the Policy Board shall be appointed by the Board and shall consist of a Chairman and a Vice Chairman.

## **7.2 Terms of Office**

The term of office shall be one year or until a successor is elected by the Board.

## **7.3 Qualifications**

These officers shall be an elected representative of a member local governing body.

## **7.4 Rotation of Officers**

The Office of Chairman and Vice Chairman shall rotate between membership from the two local governing bodies, for example, whereby the Chairman shall be on Danville City Council and the Vice Chairman shall be on the Pittsylvania County Board of Supervisors during one year's normal term, then the next election shall be set so that the origin of officers elected will reverse for the following year's term.

## **7.5 Term Year Basis**

Terms of office shall be based on calendar years.

## **7.6 Time of Election**

Elections shall be held at the first meeting following January 1 of each year; election shall not be held until voting members of both Danville and Pittsylvania County are present at a meeting.

## **7.7 Vacancies**

If a vacancy arises, then a new officer shall be elected at the next convened meeting, with the new officer serving the unexpired year term.

## **7.8 Chairman's Duties**

The Chairman shall have the recognized and inherent duties and powers of the office of Chairman; shall preside over all meetings of the MPO; shall be eligible to vote on all issues regardless of a tie vote; shall appoint all committees, project management teams, and other appropriate sub-bodies of the Policy Board; shall have the authority to delegate any routine function to a member of the MPO staff/Administrative Agent; and shall perform such other functions as from time to time may be assigned by the Policy Board.

## **7.9 Vice Chairman's Duties**

The Vice Chairman shall, in the absence, inability, or unavailability of the Chairman, perform all the duties and exercise all the powers of the Chairman and such other duties assigned by the Policy Board.

## **7.10 Temporary Chairman Provisions**

At any given meeting when the Chairman and the Vice Chairman are both absent, the first order of business at the meeting shall be the election of a temporary Chairman for that meeting and who can execute documents derived from that meeting's agenda.

### **7.11 Removal from Office**

Removal from office may be accomplished through an officer's local governing body (or chief elected official) who was responsible for making the original appointment taking action to remove the officer from membership on the Policy Board.

## **Section 8.0 Fiscal Issues, Legal Counsel, and Staff Support**

### **8.1 Staffing and Legal Counsel**

The Policy Board may be assisted in staff function by the planning or administrative staff of the County, the City, the City and County combined, or any other agency so designated by the Policy Board, with assistance and coordination with the Virginia Department of Transportation.

Current staff is provided through the West Piedmont Planning District Commission with its Executive Director serving the Policy Board as Administrative Agent. The legal counsel for the Policy Board is legal counsel for the West Piedmont Planning District Commission, unless directed otherwise; said legal counsel may confer with member local government counselors as need arises or with counselors of the United States or Commonwealth of Virginia.

### **8.2 Fiscal Program/Plan**

The MPO shall prepare an annual Unified Transportation Planning Work Program which sets out the allocation of funds to the Danville MPO or other appropriate transportation planning agencies within the MPO area; typical funds set out in the Program are local matches from the member local governments, matches from the Commonwealth of Virginia, and funds from the Federal Highway Administration (PL planning funds) and Federal Transit Administration (Section 8 Planning and Technical Studies), as examples.

### **8.3 Financial Recordkeeping**

Financial Records of the Danville MPO shall be maintained by the Administrative Agent's staff or other MPO staff at the direction of the Policy Board, and in coordination with the Virginia Department of Transportation.

### **8.4 Fiscal Year Term Basis**

The normal fiscal year for the Danville MPO shall be July 1 to June 30.

### **8.5 Liability of Policy Board Membership**

Liability of individual MPO members, acting as members of the MPO, shall be that as specified under the Code of Virginia and the United States.



## **Section 9.0 Committees/Project Management Team**

### **9.1 Standing Committees**

The Chairman of the MPO may appoint a standing project management team, also serving as a technical committee, to assist in developing scopes of work, request for proposals, selecting contractors, reviewing projects in progress, and advising the Policy Board, and generally assisting the Administrative Agent in its duties. Membership shall be from both local governing body's staffs, the Virginia Department of Transportation, and other public or private entities as the Chairman deems desirable.

### **9.2 Specialized Committees**

The Chairman may also appoint special committees from time to time for the effective implementation of MPO purposes.

## **Section 10.0 Meetings**

### **10.1 Setting Meetings**

The Administrative Agent or MPO staff shall consult with the Chairman for setting meeting time and place and agenda for an MPO meeting of the Policy Board. The Chairman may delegate responsibility for called special committee meetings or Project Management Team meetings to the Administrative Agent or MPO staff.

### **10.2 Schedule of Meetings**

Meetings are held on an as needed basis; frequency shall generally be quarterly. The 1st, 2nd, or 3rd Thursday of a month are typical meeting days. Location of meetings shall generally be at the Danville Municipal Building, but may be rotated to locations in Pittsylvania County.

### **10.3 Public Hearings, Meetings**

The Policy Board may conduct public hearings as will be in the public interest with the rules governing the notice for these hearings being in compliance with laws applicable to local governing bodies of the Commonwealth of Virginia. Where there is necessity and benefit to a member local governing body, the Administrative Agent, in consultation with the Chairman and with his approval, may call for and advertise for a public hearing or public meeting, in the name of the Danville MPO Policy Board; the Administrative Agent shall report comments from the meeting or hearing to the Policy Board at its next called meeting, if an MPO meeting is not convened for said meeting or hearing.

### **10.4 Open Meetings**

Meetings of the MPO shall be open to the public. The MPO may however hold executive sessions in accordance with the provisions of the Virginia Freedom of Information Act.

### **10.5 Information on Meetings**

Appropriate agencies, organizations, private entities, public instrumentalities, and the public shall be informed of meetings through the issuance of agendas to the local media. Where required by federal agencies and the Virginia Department of Transportation, the MPO will send notices directly to specified recipients to inform them of MPO meetings, public hearings, and public meetings.

### **10.6 Minutes Recordation**

The Administrative Agent or MPO staff shall be responsible for the recordation of minutes of MPO meetings, public meetings, public hearings, meetings of committees. Their assistance is also expected in preparing agendas and meeting packages and distribution to recipients. Minutes are prepared following a meeting and mailed out to MPO Policy Board members and appropriate other recipients prior to the next meeting.

### **10.7 Major Actions Recorded in Resolutions**

Meeting Actions are normally recorded in the form of resolutions in addition to minutes when involving fiscal or broad policy matters. These resolutions are signed by the Chairman, Vice Chairman, or Acting Chairman at the meeting at which the adoptive action takes place or immediately following such meeting. The Administrative Agent or MPO staff normally prepares these resolutions prior to the MPO Policy Board Meeting.

## **Section 11.0 Amendments to Bylaws**

### **11.1 Procedures**


Any proposed amendment to these Bylaws shall be presented in writing to the members of the MPO Policy Board and acted on at a convened MPO meeting. A member of the Policy Board offering amendments to the Bylaws outside of a discussion at a convened meeting shall consult with and inform the Chairman of this intent before these Amendments are sent to the MPO Policy Board. Amendments being offered should be mailed out a week prior to the next meeting. The amendments may be adopted by a majority vote of the MPO Policy Board.

## Section 12.0 Effective Date of Bylaws

These Bylaws, and any amendment thereto, shall become effective immediately upon adoption by the MPO.

Adopted this 14th of the month of May in the year 1992.

Name  
Printed  
Officer  
Date

  
Robert Dale Hyler  
Chairman  
May 14, 1992