

RE-DESIGNATION AGREEMENT FOR MPO CONSOLIDATION

The Parties to this Agreement (hereinafter referred to as “Signatories”) agree to the Re-designation of the existing Harlingen-San Benito Metropolitan Planning Organization, Brownsville Metropolitan Planning Organization, and Hidalgo County Metropolitan Planning Organization into a newly created Rio Grande Valley Metropolitan Planning Organizations (“the Valley MPO”) arising from the combination of the three existing Metropolitan Planning Organizations (sometimes referred to herein as “MPO(s)”) on the following terms and conditions:

1.Re-designation Agreement

A Re-designation Agreement is required by federal law to effectuate the consolidation of MPOs. In this case, the required parties (i.e., signatories) to the Re-designation Agreement must include: (1) the Governor (or designee), (2) City of McAllen, (3) City of Edinburg, (4) City of Mission, (5) City of Pharr, (6) City of Harlingen, (7) City of Brownsville, (8) Hidalgo County, and (9) Cameron County. The Re-designation Agreement cannot be amended without the consent of all of the signatories.

A. Identification of Valley MPO Boundary: The Valley MPO Boundary shall include all of the territory combined from the three (3) existing MPO boundaries.

B. Composition of Policy Board: There shall be an initial thirty-one (31)-**VOTE** Policy Board as set forth and structured as provided below. The signatories identified below to the Re-designation Agreement will be required to make any changes to the Re-designation agreement (i.e., changes cannot be made by simply amending the bylaws). The Policy Board structure shall be as follows:

- (i). The signatory cities are allocated board members as follows: Brownsville - 4, McAllen - 3, and Harlingen - 2, Edinburg - 2, Pharr - 2 and Mission - 2. All other cities over 50,000 population are allocated one board member.
- (ii). Cities with a population over fifty thousand (50,000) are allocated one or more **VOTES** on the Policy Board, along with the two counties and other transportation partners.
- (iii). Cities will be given membership on the Policy Board based on one (1) member once the city reaches fifty thousand (50,000) population in an official census (the federal threshold for the creation of an MPO) and one (1) additional **VOTE** for each additional fifty thousand (50,000) population “bracket” marker reached. By way of example, McAllen would be given three (3) **VOTES** to start, with an additional one (1) **VOTE** once the city population reaches one hundred and fifty thousand (150,000).
- (iv). Counties will be assigned **VOTES** as follows: Cameron County - five (5) **VOTES**; Hidalgo County - seven (7) **VOTES** Counties will add one (1) **VOTE** when population reaches five hundred thousand (500,000) population “bracket” marker, i.e., Cameron County will receive one additional **VOTE** at five hundred thousand (500,000); Hidalgo County will receive one additional **VOTE** at one million (1,000,000).

“Exhibit A”

(v). All population requirements will be determined based on the most recent U.S. Decennial Census. Policy board membership shall be “adjusted” following publication of each official decennial census. The total initial board membership will be a thirty-one members with (31) corresponding **WEIGHTED VOTES**.

(vi). Smaller cities are represented through the vote of the county in which it is located, through non-voting membership, or through the Technical Advisory Committee.

(vii). Additional Ex Officio members may be added. Ex Officio members do not vote or count for the purposes of a quorum.

(viii). For Cameron County, one of their allotted member positions must be an elected official or City Manager from the governing body of the next largest city in the county that is not otherwise represented on the Policy Board (currently San Benito).

Policy Board		
	2010 Population by City	Weighted Votes
Cameron County		5
Cameron County RMA		1
City of Brownsville	175,023	4
City of Harlingen	64,849	2
Hidalgo County		7
Hidalgo County RMA		1
City of McAllen	129,877	3
City of Edinburg	77,100	2
City of Mission	77,058	2
City of Pharr	70,400	2
TxDOT Pharr District		1
Valley METRO		1
Additional cities (N=number of cities that reach the 50,000 population threshold)		
Total		31

“Exhibit A”

C. All funding distributions and scenarios shall be in compliance with federal and state laws and regulations. Should funding distribution not be in compliance, funding shall be distributed by the MPO Policy Board in a manner consistent with this Resignation Agreement, MPO By-Laws and Federal and State Statutes and Regulations.

- (i) To provide for a balanced and equitable allocation of funds for projects throughout the region, the Valley MPO shall suballocate to each subregion described below funding amounts from the following funding sources as reflected in the most recently adopted Transportation Improvement Program (TIP) for the MPO:
 - Federal Apportionment suballocated to Urbanized Areas with Populations Greater than 200,000 (Currently Surface Transportation Block Grant funding designated in Fixing America's Surface Transportation Act or "FAST Act")
 - State Administered Metropolitan and Urban Area Corridor Project (Unified Transportation Program Category 2) funding distributed to metropolitan planning organizations.
- (ii) The suballocation of funding to each subregion, will be determined using the Category 2 Transportation Management Area funding formula as provided in the Texas Administrative Code Title 43, Part 1, Chapter 1, Subchapter D, Rule 16.154 or as amended hereafter by action of the Texas Transportation Commission. Any change to the suballocation of funding sources or suballocation funding formula must be approved by a majority of the transportation policy board members and a majority of the signatories from the affected sub-region.
- (iii) For the purpose of suballocations of funding, the following sub-regions are initially designated:
 - Brownsville Sub-Region will encompass the entirety of the Brownsville Census Designated Urbanized Area and align with the last Brownsville MPO boundary.
 - Harlingen Sub-Region will encompass the entirety of the Harlingen Census Designated Urbanized Area and align with the last Harlingen-San Benito MPO boundary.
 - Hidalgo County Sub-Region will encompass the entirety of the McAllen Census Designated Urbanized Area and align with the last Hidalgo County MPO boundary.

Maps of these boundaries are included as attachment A.

The boundaries of sub-regions will be automatically adjusted to include any changes in Census Designated Urbanized Areas. Any other changes in the boundaries of the sub-regions must be approved by the transportation policy board members and a majority of the signatories from the affected sub-region. The creation of any new sub-region by the addition of territory not originally included in the Valley MPO must be approved by a majority of transportation policy board members and the signatories.

“Exhibit A”

D. Initial Plan Updates: Subject to state and federal laws and fiscal constraint, to maintain consistency and continuity in the regional planning efforts to-date the existing planning documents of the previous MPOs are adopted, including the fiscally constrained TIPS, as a starting point for future updates, and prioritizing projects currently in the individual (TIPS) for consideration for inclusion in the combined Valley MPO TIP.

E. Designation of Fiscal Agent: The Lower Rio Grande Valley Development Council (LRGVDC) shall be designated to serve as the fiscal agent for the Valley MPO.

F. Amendments: Any changes to the Re-designation Agreement shall be enacted by a written amendment executed by all signatories.

2. Bylaws

The Transportation Policy Board shall adopt By-Laws which among other matters shall include the following provisions:

A. Appointment of Policy Board Members.

(i). Per federal law , the entities identified in the Re-designation Agreement to the Policy Board shall be local elected officials, City Managers, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, or appropriate officials of TxDOT.

(ii). With respect to the cities or counties represented on the Policy Board, members must be an elected member of the governing body or City Manager (i.e., the mayor, a member of the city council or city commission, the county judge, or a member of the county commissioners court).

(iii). With respect to cities or counties with more than one member, additional elected officials shall be designated by the governing body of the city or county.

(iv). For Cameron County, one of their allotted member positions must be an elected official or City Manager from the governing body of the next largest city in the county that is not otherwise represented on the Policy Board (currently San Benito).

(v). The rules for appointing alternate members will be outlined in the bylaws.

(vi). The Policy board shall appoint the Chair and Vice Chair who shall serve two (2) year terms with the Vice Chair assuming the role of Chair after the term concludes. Only elected officials may serve as Chair or Vice-Chair.

(vii). If the Chair resigns, the Vice Chair shall serve as Chair only until a new Chair is selected to serve for the remainder of the Chair’s term. The new Chair shall be selected from the same local government as the resigning Chair.

“Exhibit A”

B. Official Actions and Voting by the Policy Board.

(i). Quorum: Sixty-five percent (65%) of members of the Policy Board (excluding ex officio members) must be present to constitute a quorum. If sixty-five percent (65%) of members of the Policy Board is a partial number, said number shall be rounded up to the nearest whole number.

(ii). Official Action: A supermajority seventy-five percent (75%) of the quorum is sufficient to authorize Official Action of the Policy Board.

(iii). Amending the Bylaws: Bylaws may be amended by independent action of the Policy Board within the time limit set by the Policy Board for approval of the proposed amendment. Voting may be at a meeting or by written ballots delivered within the time limit set by the Policy Board to receive written ballots. The following is required to amend the bylaws: (a) a supermajority seventy-five percent (75%) of the full Policy Board (regardless of presence or quorum) must agree to adopt the amendment and (b) the supermajority voting to adopt the amendment must include all Policy Board members from Cameron county, Hidalgo county, McAllen, Harlingen, Brownsville, Edinburg, Mission, Pharr voting for the amendment. The bylaws may not be amended to change the composition of the Policy Board, sub-region boundaries or sub-region allocation. Any change to these items can be made only by amendment to the Re-designation Agreement requiring the agreement to all of the signatories thereto.

C. The Chair and Vice Chair will be from the entities that are the local government signatories to the Re-designation Agreement, being the Cities of McAllen, Harlingen, Brownsville, Edinburg, Mission, Pharr and Hidalgo and Cameron Counties. The Chair/Vice Chair will also be Policy Board members. The Chair and Vice Chair must come from different counties and rotate at the end of the two (2) year terms.

Signed and approved to be effective as of the date of the last signatory hereto.

Hidalgo County by: Date
Richard Cortez, County Judge

Cameron County by: Date
Eddie Trevino, Jr., County Judge

City of McAllen by: Date
James E. Darling, Mayor

City of Brownsville by: Date
Tony Martinez, Mayor

City of Edinburg: Date
Richard Molina, Mayor

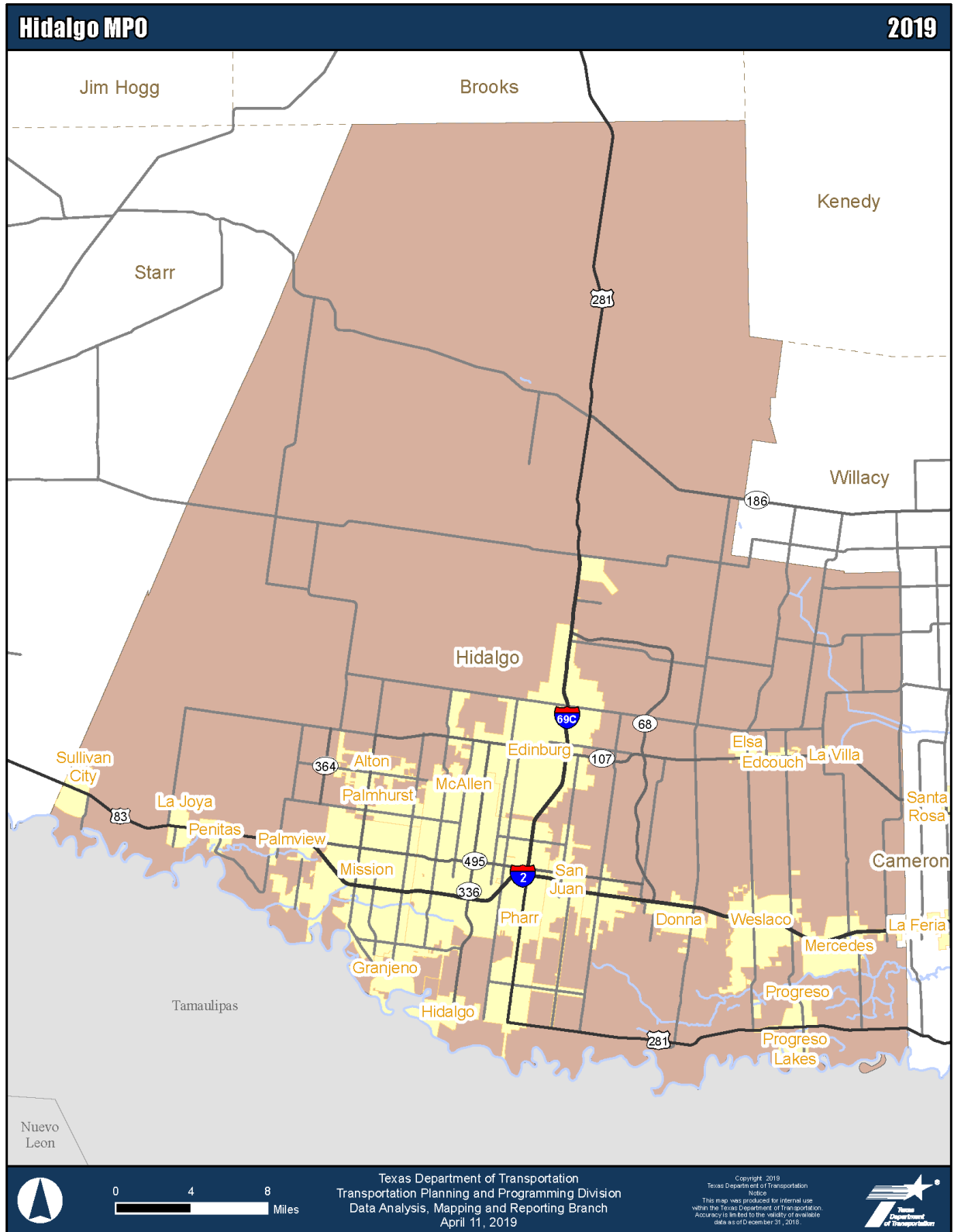
City of Harlingen by: Date
Christopher Boswell, Mayor

City of Pharr: Date
Dr. Ambrosio Hernandez, Mayor

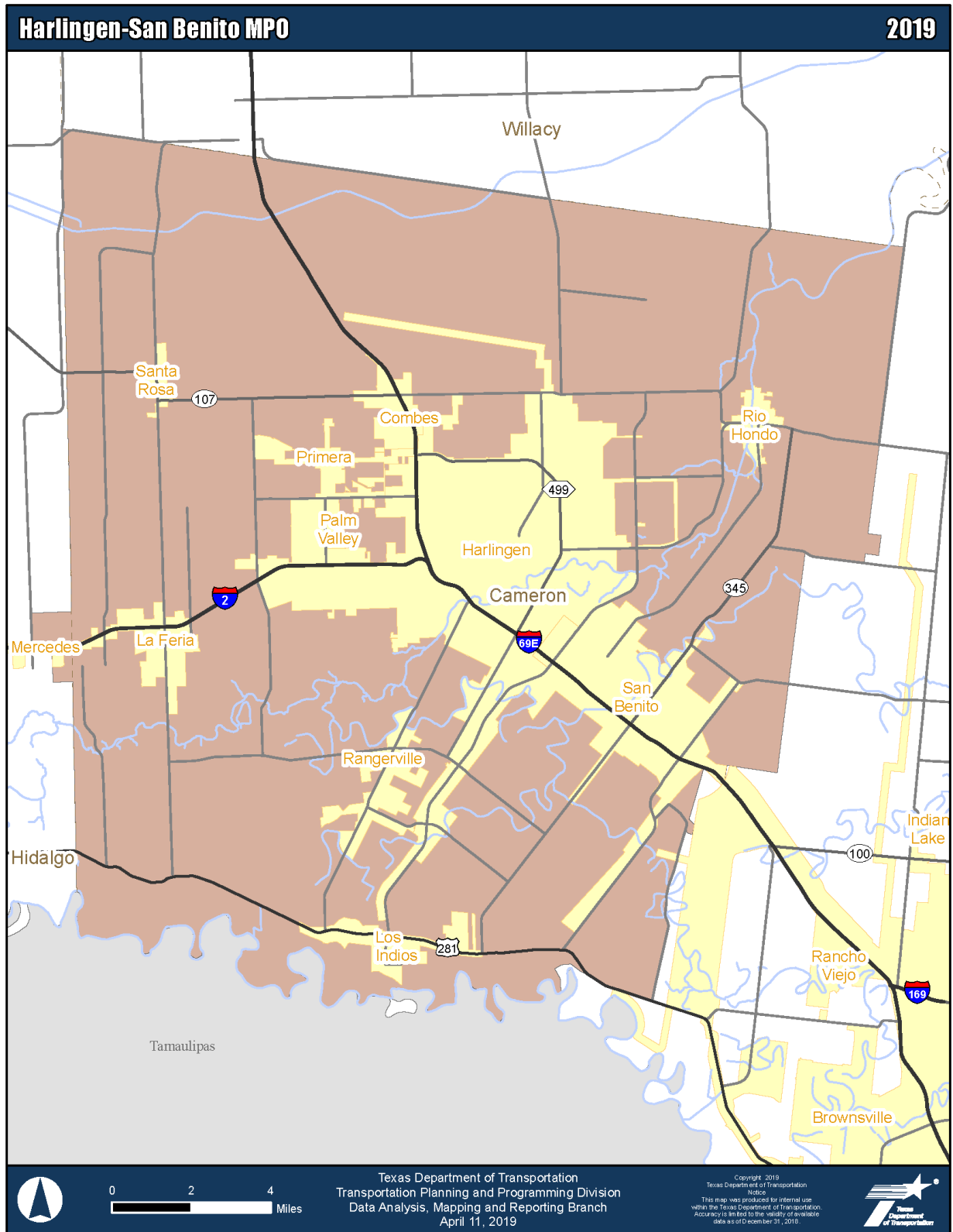
City of Mission by: Date
Dr. Armando O’Caña, Mayor

“Exhibit A”

Attachment A



“Exhibit A”



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