



**POLICY BOARD MEETING
DECEMBER 21, 2009
MINUTES**

The regular meeting of the MOTOR Policy Board was called to order at 5:00 p.m. on December 21, 2009 in the MOTOR Conference Room at the Wright Office Complex by Policy Board Chairman, Dr. Jimmy Goates.

Policy Board Members Present:

Dr. Jimmy Goates, Chairman, Councilman, City of Odessa
Robin Donnelly, Midland County Commissioner
Mike McAnally, District Engineer, TxDOT-Odessa District
Jerry Morales, Councilman, City of Midland

Policy Board Members Not Present:

Susan Redford, Vice-Chair, Ector County Judge

Others in Attendance:

Gary Law, Director TP&D, TxDOT-Odessa District
Bryan Raschke, Director of Operations, TxDOT-Odessa District
Sharon Oldaker, Engineering Specialist, TxDOT-Odessa District
Bill Hodge, GIS Division Manager, City of Midland
David Boutin, Director at Large, MOTRAN
Drew Crutcher, Founding Director, MOTRAN
James Beauchamp, President, MOTRAN
Melba E. Owens, MOTOR Executive Director
Stephanie Fuentes, MOTOR Senior Transportation Planner
Angela Wolf, MOTOR Administrative Planning Assistant

AGENDA ITEM

2. Announcements and Introductions

There were no announcements or introductions.

3. Approval of November 30 and December 10, 2009 Minutes.

A Motion was made by Robin Donnelly and seconded by Jerry Morales to accept and approve the minutes of the November 30 and December 10, 2009 Policy Board Meetings as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Mike McAnally Aye
Robin Donnelly Aye
Jerry Morales Aye

4. Public Comment Period

There were no comments from the public.

5. Finance Report

Angela Wolf, MPO Administrative Planning Assistant, gave the following report which reflected a total expenditure of \$23,261.21 for the month of October 2009 leaving us a program balance of \$506,972.79, and an actual current authorized balance of \$115,654.97. This is the first month of Fiscal Year 2010-2011.

We programmed \$530,234 for FY 2010-2011. We have only received two (2) Work Orders year to date. Work Order No. 1 was for \$97,651 (FTA 5303 Funds) and Work Order No. 2 was for \$41,265.18 (FHWA Planning Funds). Due to the fact that a new transportation bill has not been approved by Congress, we will continue to work under SAFETEA-LU and funds will be released to us in installments as the availability of funds are determined. This will likely continue until the new legislation is passed. TP & D in Austin is in the process of closing the books for FY 2009. As soon as they complete their year end reports, we should be notified of our unexpended carryover balance which we expect to be in the amount of \$223,327.37.

MOTOR is now 4% expended in authorized budget allocations. Individual task breakdowns were provided in each member's report.

Reference the 5304 Transit Planning Funds; we did not have any expenditure in this contract for the month of October 2009.

Ms. Owens informed the Board that the Pictometry contract has been submitted by the Pictometry legal staff and will be forwarded to Lee Ann Rimer to see that all of the recommended changes have been made. Ms. Owens can then proceed with execution of the contract.

MPO Staff Recommendation:

Recommend approval of the Financial Report as submitted.

A Motion was made by Jerry Morales and seconded by Robin Donnelly to approve the finance report as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Mike McAnally Aye
Robin Donnelly Aye
Jerry Morales Aye

6. Border Trade Advisory Committee Meeting Updates and MOTRAN Annual Report/Meeting Updates. James Beauchamp, President/MOTRAN Alliance made these presentations.

James Beauchamp, President, MOTRAN Alliance was present to give updates on the recent Border Trade Advisory Committee Meeting in San Antonio, as well as highlights from MOTRAN's 2009 Annual Report. A copy of the report was made available to everyone in attendance.

This was an informational/discussion item.

7. Approve an Amendment to the MOTOR MPO By-Laws to include Standards of Conduct/Ethics Policy for the MOTOR MPO Policy Board Members and the MOTOR MPO Staff Members. Ethical Standards Affidavits will be signed by each member of the Policy Board and MOTOR MPO Staff Members and will be attached to the amended By-Laws.

Ms. Owens gave the following report:

Senate Bill No. 585 requires that all MPO Policy Boards must adopt amended bylaws establishing an ethics policy for employees of the MPO and Policy Board Members to prevent a Policy Board Member or MPO employee from having a conflict of interest in business before the MPO. Ethical standards affidavits have been prepared for each Policy Board Member and for each MPO Staff Member. They will be signed and notarized, and made part of the MOTOR MPO Bylaws as an attachment. We have decided to also have the Technical Advisory Committee Members sign an affidavit. These, too, will be made part of the MOTOR MPO Bylaws.

MPO staff submitted all draft documents to Lee Ann Rimer, City of Odessa, City Attorney's Office for review. She has made recommendations which have been incorporated into the amended Bylaws and Affidavits that are attached for each member's review and approval.

MPO Staff Recommendation:

Recommend approval of the amended MOTOR MPO Bylaws as submitted, and that the Ethical Standards Affidavits be signed by each member of the Policy Board and each employee of the MPO to include the Technical Advisory Committee Members. We recommend that these executed affidavits be attached to the MOTOR MPO Bylaws under Attachment "A".

Dr. Goates stated that neither Policy Board Members nor TAC Members need to sign these Affidavits as each member already has a signed policy with their respective agencies. Dr. Goates suggested this Agenda Item be tabled until we can get more clarification from Lee Ann Rimer.

A Motion was made by Robin Donnelly and seconded by Jerry Morales to adopt the Ethics Policy as set out under Senate Bill 585. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Mike McAnally Aye
Robin Donnelly Aye
Jerry Morales Aye

8. MPO Staff Reports: (Including, but not limited to):

8a. Legislative Updates;

Several Legislative Updates were provided in each member's notebooks.

8b. ARRA Project Status;

Gary Law, TxDOT-Odessa gave an update on the ARRA project status. FM 307 plans have been turned in and have targeted an April letting.

8c. Executive Director will be attending the 5th Annual Transportation Forum in Austin on January 6-8, 2010.

Ms. Owens is still considering whether or not she will attend.

8d. Elms, Faris & Co. has provided the MPO with a list of information that will be needed to begin the MOTOR MPO audit. We are in the process of compiling the requested information;

The requested materials have been compiled and Elms Faris will begin the audit work in the morning.

8e. Proposal was submitted by Robert Wall, MOTOR MPO Mobility Manager, for the Coordinated Call. This proposal is for Consulting Services to conduct a needs analysis for the update of the Regionally Coordinated Transportation Plan in 2010. The amount requested is \$150,000.

Robert Wall submitted the proposal to PTN in Austin for the amount of \$150,000 for the technical analysis that will be needed for the plan update.

9. Project Reports

TxDOT-Odessa District – Project updates were in each member's packet.

City of Midland - none

County of Midland - none

City of Odessa - none

County of Ector – none

EZ Rider – none

Regional Service Plan – none

10. Conduct Executive Session concerning any and all subjects and for any and all purposes permitted by Chapter 551 of the Texas Government Code, including, but not limited to:

- a. **Texas Government Code Section 551.071 for the purpose of consulting with the Board's attorney;**

- b. Texas Government Code Section 551.072 to deliberate the purchase, lease or value of real property;
- c. Texas Government Code Section 551.074 to discuss personnel matters.

The Board went into Executive Session.

11. Take action concerning Executive Session matters.

No action was taken.

12. Adjourn.

Dr. Jimmy Goates made the Motion to adjourn the meeting. The motion was seconded by Robin Donnelly. The motion passed unanimously as follows:

Dr. Jimmy Goates	Aye
Mike McAnally	Aye
Robin Donnelly	Aye
Jerry Morales	Aye

The next scheduled Policy Board Meeting is Monday, January 18, 2010, in the MOTOR Conference Room at 5:00 p.m.

Minutes submitted and approved by:



Melba E. Owens, Executive Director