

1                   **BAY-LAKE REGIONAL PLANNING**  
2                                   **COMMISSION**  
3                   **BYLAWS OF THE SHEBOYGAN**  
4                   **METROPOLITAN PLANNING ORGANIZATION**  
5                                   **(MPO)**  
6                   **POLICY ADVISORY COMMITTEE**

7  
8                   **RECOMMENDED FOR APPROVAL BY THE**  
9                   **SHEBOYGAN MPO TECHNICAL AND POLICY**  
10                   **ADVISORY COMMITTEES ON**  
11                                   **NOVEMBER 20, 2003**

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16                   **ADOPTED BY THE BAY-LAKE REGIONAL**  
17                   **PLANNING COMMISSION ON**  
18                                   **DECEMBER 12, 2003**

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**BAY-LAKE REGIONAL PLANNING COMMISSION  
 BYLAWS OF THE SHEBOYGAN METROPOLITAN PLANNING ORGANIZATION  
 (MPO)  
 POLICY ADVISORY COMMITTEE**

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51 **ARTICLE 1. AUTHORITY**

52 The Bay-Lake Regional Planning Commission (BLRPC) is the Metropolitan Planning  
 53 Organization (MPO) for the Sheboygan Metropolitan Planning Area under a Cooperative  
 54 Agreement for Continuing Transportation Planning for the Sheboygan Metropolitan Planning  
 55 Area between the State of Wisconsin Department of Transportation, the Bay-Lake Regional  
 56 Planning Commission and the Sheboygan Parking and Transit Utility Commission (Cooperative  
 57 Agreement). The Cooperative Agreement authorizes the MPO to appoint and maintain such  
 58 policy, citizen and/or technical advisory committees as deemed appropriate to effectively carry  
 59 out the comprehensive urban transportation planning process under the Cooperative Agreement.  
 60 In addition, section 66.0309 of the Wisconsin Statutes authorizes the BLRPC to appoint advisory  
 61 committees or councils. Under these authorities, the MPO hereby creates these bylaws for the  
 62 Sheboygan MPO Policy Advisory Committee.

63 **ARTICLE 2. NAME**

64 The name of this committee shall be the Policy Advisory Committee (**PAC**) of the Sheboygan  
 65 Metropolitan Planning Organization.

66 **ARTICLE 3. PURPOSE**

67 Section 3.01 To provide policy advice and to recommend appropriate courses of action to the  
 68 Bay-Lake Regional Planning Commission and BLRPC staff on current and emerging  
 69 transportation issues, goals, plans and programs for the Sheboygan Metropolitan Planning Area.  
 70 The advice and recommendations will address, at a minimum, the Transportation Improvements

71 Program, the Annual Unified Work Program (UWP), the Long-Range Transportation Plan and  
72 the analysis that demonstrates conformity of transportation program elements with the State  
73 Implementation Plan for Air Quality.

74 Section 3.02 To act as a forum for intergovernmental cooperation on transportation and  
75 transportation-related issues.

76 Section 3.03 To assist the general public in understanding the MPO planning process.

77 Section 3.04 To facilitate consistency of local plans prepared under section 66.1001 of the  
78 Wisconsin Statutes (Comprehensive Planning Law) and the plans prepared by the MPO.

79 Section 3.05 To ensure opportunities for early, meaningful and continuing involvement of local  
80 governmental units and transit operators in the development, review and evaluation of all  
81 transportation plans and programs.

## 82 **ARTICLE 4. INTERPRETATION**

83 Section 4.01 If any of the provisions of these bylaws conflict with the Cooperative Agreement,  
84 the Cooperative Agreement shall control.

85 Section 4.02 If any of the provisions of these bylaws conflict with the Wisconsin Statutes, the  
86 Statutes shall control.

## 87 **ARTICLE 5. WORDS AND PHRASES**

88 If the words and phrases defined herewith conflict with those used in 23 CFR Ch.1 Part 450 or  
89 with those in 23 U.S.C. 101(a), the definitions used in 23 CFR Ch.1 Part 450 or 23 U.S.C. 101(a)  
90 shall control.

91 **Adjusted Urbanized Area.** The adjusted urbanized area is the urbanized area enlarged to  
92 include developed area that may not meet the census population density requirement, but is  
93 urban-in-fact development. This is the boundary that FHWA and FTA use to determine the type  
94 of federal aid eligibility.

95 **Consultation** means that one party confers with another identified party and, prior to taking  
96 action(s), considers that party's views.

97 **Cooperation** means that the parties involved in carrying out the planning, programming and  
98 management systems processes work together to achieve a common goal or objective.

99 **Coordination** means the comparison of the transportation plans, programs and schedules of one  
100 agency with related plans, programs and schedules of other agencies or entities with legal  
101 standing, and adjustment of plans, programs and schedules to achieve general consistency.

102 **FHWA** means the US Department of Transportation, Federal Highway Administration.

103 **FTA** means the US Department of Transportation, Federal Transit Administration.

104 **Maintenance area** means any geographic region of the United States designated nonattainment  
105 pursuant to the Clean Air Act Amendments of 1990 (Section 102(e)), 42 U.S.C. 7410 et seq., and  
106 subsequently redesignated to attainment subject to the requirement to develop a maintenance  
107 plan under section 175A of the Clean Air Act as amended (CAA), 42 U.S.C. 7410 et seq.

108 **Major metropolitan transportation investment** means a highway or transit improvement of  
109 substantial cost that is expected to have a significant effect on capacity, traffic flow, level of  
110 service or mode share at the transportation corridor or subarea scale. Consultation among the  
111 MPO, State department of transportation, transit operator, the FHWA and the FTA may lead to  
112 the designation of other proposed improvements as major investments.

113 **Metropolitan planning area** means the geographic area in which the metropolitan  
114 transportation planning process required by 23 U.S.C. 134 and section 8 of the Federal Transit  
115 Act must be carried out. As such, this is the area that the TIP and the metropolitan transportation  
116 plan must cover.

117 **Metropolitan planning area boundary (MPAB)** is the geographic area in which the  
118 metropolitan transportation planning process must be carried out. The MPAB shall, at a  
119 minimum, cover the urbanized area (UZA) and the contiguous geographic area likely to become  
120 urbanized within the minimum twenty-year forecast period covered by the transportation plan.  
121 The boundary of this area is mutually determined and formally agreed to by the MPO and the  
122 Wisconsin Department of Transportation.

123 **Metropolitan planning organization (MPO)** means the forum for cooperative transportation  
124 decision making for the metropolitan planning area.

125 **Metropolitan transportation plan** means the official long-range intermodal transportation plan  
126 that is developed and adopted through the metropolitan transportation planning process for the  
127 metropolitan planning area.

128 **Nonattainment area** means any geographic region of the United States that the Environmental  
129 Protection Agency (EPA) has designated as being in violation of the National Ambient Air  
130 Quality Standard (NAAQS) for one or more of six monitored pollutants.

131 **Public Involvement Plan** means a plan that is adopted by the MPO that includes a proactive  
132 public involvement process that provides complete information, timely public notice, full public  
133 access to key decisions and supports early and continuing involvement of the public in  
134 developing plans and TIPs and that meets the requirements of the FHWA and the FTA.

135 **Regionally significant project** means a project (other than projects that may be grouped in the  
136 STIP/TIP pursuant to § 450.216 and § 450.324) that serves regional transportation needs (such as  
137 access to and from the area outside of the region, major activity centers in the region, major  
138 planned developments such as new retail malls, sports complexes, etc., or transportation  
139 terminals as well as most terminals themselves) and would normally be included in the modeling  
140 of a metropolitan planning area's transportation network, including, at a minimum, all principal  
141 arterial highways and all fixed guideway transit facilities that offer a significant alternative to  
142 regional highway travel.

143 **State Implementation Plan (SIP)** means the portion (or portions) of an applicable

144 implementation plan approved or promulgated, or the most recent revision thereof, under  
145 sections 110, 301(d) and 175A of the Clean Air Act (42 U.S.C. 7409, 7601, and 7505a).

146 **Statewide transportation improvement program (STIP)** means a staged, multiyear, statewide,  
147 intermodal program of transportation projects that is consistent with the statewide transportation  
148 plan and planning processes and metropolitan plans, TIPs and processes.

149 **Statewide transportation plan** means the official statewide, intermodal transportation plan that  
150 is developed by the Wisconsin Department of Transportation through the statewide  
151 transportation planning process.

152 **Surface Transportation Program-Urban (STP-U)** -The STP-U program allocates federal  
153 funds to complete a variety of improvements to federal aid eligible roads and streets in urban  
154 areas. The objective of the STP-U program is to improve federal aid eligible highways within  
155 urban areas. Projects must meet federal and state requirements. Communities are eligible for  
156 funding on streets and highways functionally classified as higher than “local.”

157 **Transit Development Program (TDP)** means a mid-range (3-5 year) transit development  
158 planning document, which shall include, but is not limited to, transit system policies and service  
159 demands, transit service modifications and extensions, transit fares and transit system capital  
160 facilities needs.

161 **Transportation improvement program (TIP)** means a staged, multiyear, intermodal program  
162 of transportation projects that is consistent with the metropolitan transportation plan.

163 **Urbanized Area (UZA)** is a statistical geographic entity defined by the U.S. Bureau of the  
164 Census, consisting of a central core and adjacent densely settled territory that together contain at  
165 least 50,000 people, generally with an overall population density of at least 1,000 persons per  
166 square mile. Within the transportation planning community, urbanized areas are typically  
167 referred to as UZAs.

## 168 **ARTICLE 6. RESPONSIBILITIES OF THE PAC**

### 169 **Section 6.01 Recommendations to the MPO**

170 (a) Make recommendations to the MPO concerning goals and objectives for the  
171 transportation planning process;

172 (b) Review and make recommendations to the MPO on the Transportation Improvement  
173 Program (TIP) for the Metropolitan Planning Area;

174 (c) Review and make recommendations to the MPO on the urban transportation planning  
175 work program;

176 (d) Review and make recommendations to the MPO on the metropolitan transportation plan  
177 for the Sheboygan metropolitan planning area;

178 (e) Review and make recommendations to the MPO on the Sheboygan Transit Development

179 Program (TDP), in cooperation with the Sheboygan Parking and Transit Utility  
180 Commission;

181 (f) Review and make recommendations to the MPO on all other major studies prepared by  
182 the MPO;

183 (g) Review and make recommendations to the MPO on changes to the Adjusted Urbanized  
184 Area Boundary and to the Metropolitan Planning Area Boundary;

185 (h) Review and make recommendations to the MPO on the MPO Public Involvement Plan;  
186 and

187 (i) Review and make recommendations to the MPO on the prioritization of Surface  
188 Transportation (STP) Urban Program projects that are within the Metropolitan Planning  
189 Area Boundary.

190 Section 6.02 All recommendations of the Policy Advisory Committee that are consistent with  
191 these bylaws shall be binding on the MPO, unless this section applies or unless a protest is filed  
192 with the MPO under section 9.05. Any recommendation of the Policy Advisory Committee that  
193 is inconsistent with these bylaws will not be binding on the MPO. Unless such recommendation  
194 is received in a timely fashion as to allow the MPO to take action in compliance with deadlines  
195 established by federal and state agencies, the MPO may take final action without it, consistent  
196 with the MPO public involvement plan.

## 197 **ARTICLE 7. MEMBERS**

### 198 Section 7.01 Composition and Representation

199 (a) Units of Government

200 The chief elected official of each unit of government located wholly or in part in the  
201 Sheboygan Metropolitan Planning Area boundary

202 (b) Chairperson of the Sheboygan Parking and Transit Utility Commission

203 (c) Wisconsin Department of Transportation, District 3, Director

204 (d) The Governor's discretionary appointee to BLRPC representing Sheboygan County shall  
205 serve as an ex-officio member.

206 (e) The Bay-Lake Regional Planning Commission MPO Transportation Planner shall serve  
207 as a non-voting member.

### 208 Section 7.02 Term of Membership

209 (a) Units of Government  
210 Chief elected officials will serve a term corresponding to their term of office, and this  
211 term will expire upon the member leaving such elected office.

212 (b) Chairperson of Sheboygan Parking and Transit Utility Commission  
213 The Chairperson will serve a term corresponding to his or her term of office, and this  
214 term will expire upon the member leaving such office.

215 (c) Wisconsin Department of Transportation, District 3, Director  
216 The Director will serve a term corresponding to his/her appointment as Director of  
217 WisDOT District 3.

218 Section 7.03 Absenteeism

219 Voting members (or their authorized alternate) not attending three (3) consecutive meetings will  
220 be considered non-voting members for the purpose of determining a quorum for any following  
221 meeting(s). A member's (or their authorized alternate's) voting privileges will be reinstated  
222 automatically upon the member's (or their authorized alternate's) attendance at two consecutive  
223 meetings of the PAC.

224 Section 7.04 Alternates

225 Each member may designate an alternate to represent the member in his or her absence. The  
226 alternate shall be entitled to the full privileges and responsibilities of the member represented.  
227 The member shall designate the alternate in writing to the BLRPC Executive Director prior to  
228 the meeting in which they are to serve as an alternate.

229 **ARTICLE 8. OFFICERS**

230 Section 8.01 Officers

231 Officers of the committee shall consist of a Chairperson and Vice-chairperson. Only voting  
232 members of the committee are eligible to be Chairperson or Vice-chairperson. Officers shall  
233 perform the duties prescribed by these bylaws.

234 Section 8.02 Selection of Officers

235 The Chairperson and Vice-chairperson shall be elected by the PAC every two years at an annual  
236 meeting of the PAC. Officers may be nominated from the floor. Election shall be by ballot with a  
237 majority vote electing the officers.

238 Section 8.03 Term of Office

239 Elected officers shall serve for a term of two (2) years in accordance with the time schedule  
240 identified in Section 8.02. Such officers shall hold office until they resign, are removed, are

241 otherwise disqualified to serve, or until their successors shall be elected, whichever occurs first,  
242 and their term of office shall begin at the close of the annual meeting at which they are elected.  
243 No member shall hold more than one office at a time and no member shall be eligible to serve  
244 more than two (2) consecutive terms in the same office.

245 Section 8.04 Vacancies

246 (a) A vacancy in any office shall be filled for the unexpired portion of the term. In the event  
247 of a vacancy in the office of Vice-chairperson, the Chairperson may temporarily appoint  
248 a new Vice-chairperson until such time as an individual is elected to fill the unexpired  
249 term.

250 (b) The election for Chairperson and Vice-chairperson shall be held at a regularly scheduled  
251 meeting within sixty (60) days after the vacancy occurs. The election shall follow the  
252 nominating/voting process established in Section 8.02.

253 (c) A member elected to fill an unexpired term of six (6) months or longer shall be  
254 considered to be filling a full term of office.

255 Section 8.05 Duties of the Chairperson

256 (a) Preside at all meetings of the Committee and shall be eligible to vote on all matters;

257 (b) Be responsible for the effective, efficient and timely conduct of the committee's  
258 meetings;

259 (c) Set meeting agenda in cooperation with the assigned BLRPC staff;

260 (d) Attend BLRPC meetings when possible and/or if requested by the BLRPC's Chairperson.

261 Section 8.06 Duties of the Vice-Chairperson

262 (a) In the absence of the Chairperson or in the event of his/her inability to act or if the office  
263 is vacant, the Vice-chairperson shall perform all duties of the Chairperson, and when so  
264 acting, shall have all the powers of and be subject to all restrictions of the Chairperson.

265 **ARTICLE 9. MEETINGS, VOTING, QUORUMS, AND PROTEST**

266 Section 9.01 Public Meetings

267 All meetings of the PAC and its subcommittees are open to the public. Citizens are welcome at  
268 meetings and may express their opinions at such times as designated by the agenda or when  
269 recognized by the Chairperson. All meeting agendas shall include an agenda item to give an  
270 opportunity for citizens to comment or to be heard on any matter pertinent to the metropolitan  
271 transportation planning process.

272 Section 9.02 Meetings

273 (a) Regular meetings of the committee shall be held, at a minimum, on a quarterly basis.  
274 Meeting notices and agendas are to be mailed no later than ten (10) days prior to the  
275 meeting date. Members may elect to have meeting notices and agendas sent by fax or e-  
276 mail.

277 (b) The first regular meeting following the spring general election shall be known as the  
278 annual meeting. At its annual meeting, the committee shall establish an anticipated  
279 schedule of meetings for the coming year.

280 (c) Special meetings of the committee may be called at the discretion of the Committee  
281 Chairperson in consultation with the BLRPC staff. Whenever possible, ten (10) days  
282 notice shall be given, but in no event shall the committee meet without at least one day  
283 (24 hour) notice for emergency situations only.

284 (d) Emergency meetings may be called by the Chairperson with a 24 hour notice.

285 (e) All meetings will be noticed in compliance with Wisconsin Statutes and with the MPO's  
286 written Public Involvement Plan.

287 Section 9.03 Voting

288 (a) The Chairperson and any member may call for a vote on any issue, provided that it is  
289 seconded and is within the purposes set forth in Article 3, and provided that the issue is  
290 on the agenda, as outlined in Section 9.02.

291 (b) Proxy voting and absentee voting are not permitted.

292 (c) Alternates not designated in accordance with Section 7.04 are not allowed to vote.

293 (d) A majority vote of the voting membership shall be sufficient for approval of matters with  
294 the exception that any voting PAC member may invoke weighted voting on any matter.  
295 The voting on all questions shall be by voice vote. Any member may ask for a roll call  
296 vote and the ayes and nays shall be entered into the minutes of such meeting. All  
297 weighted voting shall be by roll call.

298 Section 9.04 Weighted Voting

299 (a) The weighted votes for towns, villages and cities are determined as follows (See  
300 Appendix A):

301 i. Traditional Voting Structure of one vote per member: 25% of the weighted vote.

302 ii. Population of the unit of government within the metropolitan planning area divided  
303 by total population of the metropolitan planning area: 25% of the weighted vote.  
304 Population is determined by the latest decennial census.

305 iii. Total street and highway mileage of the unit of government within the metropolitan  
306 planning area divided by total street and highway mileage within the metropolitan  
307 planning area: 50% of the weighted vote. Total street and highway mileage consists  
308 of the mileage of local, collector, and arterial streets and highways.

309 (b) The following entities shall each have one vote:

310 i. Sheboygan County;

311 ii. The Sheboygan Parking and Transit Utility; and

312 iii. The Wisconsin Department of Transportation District 3 Office.

### 313 Section 9.05 Protests

314 (a) PAC members representing local units of government constituting 25 percent or more of  
315 the Metropolitan Planning Area population may file a protest with the BLRPC on any  
316 such matter voted on by the PAC, excluding entities set forth in subsection 9.04(b).

317 (b) Protests shall be conveyed orally at the meeting at which the aggrieved action was taken.  
318 These protests shall be followed up with written correspondence formalizing the protest,  
319 stating the specific issue or matter that is the subject of the protest. Written  
320 correspondence formalizing the protest must be filed with the BLRPC Chairperson within  
321 thirty (30) days of the action which is the subject of said protest.

322 (c) The BLRPC shall schedule a hearing within a reasonable period of time of receipt of such  
323 protest.

324 (d) The BLRPC shall stay any actions subject to the protest pending the final determination  
325 by the BLRPC.

326 (e) All actions of the BLRPC and PAC concerning protests must be consistent with the MPO  
327 Public Involvement Plan.

### 328 Section 9.06 Quorums

329 A quorum shall consist of at least 6 voting members who together represent a minimum of 51  
330 percent of the weighted vote.

### 331 Section 9.07 Secretarial Duties

332 The BLRPC will meet the secretarial needs of the committee and shall keep the bylaws as

333 amended, minutes of all meetings of the committee, a current membership list containing the  
334 names and addresses of all committee members and all other official documents of the  
335 committee. The MPO Transportation Planner, as a non-voting member, may call to order and  
336 preside at any meeting of the PAC in the absence of the Chairperson and Vice chairperson.

337 **ARTICLE 10. SUBCOMMITTEES**

338 Section 10.01 Subcommittees

339 When a need arises for a subcommittee, a written request that identifies the purpose, charge,  
340 objectives, relationships, membership, officers, requirement for minutes and term of the  
341 subcommittee will be submitted to the BLRPC for approval.

342 Section 10.02 Subcommittee Appointments

343 The subcommittee shall elect its own Chairperson from the subcommittee membership. If  
344 warranted, the subcommittee may request that experts from outside the subcommittee be  
345 appointed voting members of the subcommittee. Members of all subcommittees shall be  
346 approved by a majority vote of the full Policy Advisory Committee.

347 Section 10.03 Subcommittee Vacancies

348 Vacancies on any subcommittee may be filled for the unexpired portion of the term in the same  
349 manner as provided in the case of original appointments.

350 Section 10.04 Subcommittee Quorum

351 A simple majority of the members of a subcommittee shall constitute a quorum of such  
352 subcommittee and the action of a majority of the members at a meeting at which a quorum is  
353 present shall be the action of the subcommittee.

354 **ARTICLE 11. CONFLICTS OF INTEREST**

355 Section 11.01 Announcing Conflict

356 Whenever a committee or subcommittee member has cause to believe that a matter to be voted  
357 upon would involve him/her in a conflict of interest, he/she shall announce the conflict of  
358 interest and shall request a ruling by the committee.

359 Section 11.02 Abstention from Voting

360 No member or subcommittee member shall vote on any matter which would involve a conflict of  
361 interest.

362 **ARTICLE 12. AMENDMENT OF BYLAWS**

363 These PAC Bylaws may be amended by BLRPC in accordance with Article 8 of the bylaws of  
364 the BLRPC provided that the MPO PAC has submitted its recommendation on the proposed

365 amendments to the BLRPC.

366 **ARTICLE 13. SEVERABILITY**

367 Should any section or provision of these bylaws be declared by the courts to be unconstitutional  
368 or invalid, such decision shall not affect the validity of the bylaws as a whole, or any part  
369 thereof, other than the part so declared unconstitutional or invalid.

370 **ARTICLE 14. PARLIAMENTARY AUTHORITY**

371 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall  
372 govern the PAC in all cases to which they are applicable and in which they are not inconsistent  
373 with these bylaws and with any statutes applicable to the PAC.

374 **ARTICLE 15. EFFECTIVE DATE**

375 1. Any other rules or procedures of the PAC previously adopted that are in conflict with these  
376 bylaws are hereby repealed.

377 2. These bylaws shall be effective upon the date of adoption by the BLRPC.