



## **CITIZEN'S ADVISORY COMMITTEE BYLAWS**

June 22, 2012

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## **SECTION I. CREATION, NAME AND AUTHORITY**

A committee of citizens, which shall be known as the Citizen's Advisory Committee (CAC), is hereby created at the direction of the Lee County Metropolitan Planning Organization (MPO), pursuant to Section 339.175 of the Florida Statutes and 23 CPR Part 450, Section 450.316 (b).

## **SECTION II. PURPOSE**

It shall be the purpose of the CAC to assist the MPO in conducting effective public information and participation programs, and to act as a representative panel for the purpose of advising the MPO of public opinion on policy issues to be considered by the MPO.

## **SECTION III. FUNCTIONS**

The functions of the CAC shall include:

1. Advising MPO staff on the development, refinement, and implementation of the *Public Involvement Plan*, including the planning of public information and involvement efforts during the development or amendment of the Long-Range Transportation Plan and the Transportation Improvement Program, and prior to soliciting proposals for funding of transportation enhancement activities.
2. Assisting the MPO in identifying transportation needs and issues, in formulating goals and objectives for the transportation planning process, and in setting priorities.
3. Providing opportunities for community organizations, special interest groups, and the general public to comment on alternatives and proposals under consideration by the MPO.
4. Advising and assisting MPO staff in maintaining a mailing list of organizations, interest groups, and news media and their spokespersons or contacts.

## **SECTION IV. RESPONSIBILITIES**

1. CAC members should seek out opportunities to discuss transportation issues with other residents of the communities they have been appointed to represent, so as to familiarize themselves with the range of public opinion among residents of diverse social and economic backgrounds.
2. CAC members should seek to reflect the general public sentiment of their communities, and not merely their own personal views, in the advice they give to the MPO.
3. The CAC shall monitor the implementation of the *Public Involvement Plan*, identify any problem areas, and make recommendations for improving its effectiveness.
4. The CAC shall address itself to those tasks assigned to it by the MPO through the Unified Planning Work Program or through special request.
5. The CAC shall consider any issue brought before it by the public, its members, MPO staff, or the MPO's participating entities. If, in its opinion, action or further study is required, the CAC shall so report to the MPO or ask the MPO staff to refer the matter to the TAC or the appropriate agency.
6. CAC members shall familiarize themselves with the transportation planning process, the status of existing plans and programs, the responsibilities of the various participating agencies and officials, applicable legal requirements, and community involvement techniques. Although a general familiarity with the transportation planning process will be necessary, members are not expected to become experts in the technical aspects of transportation planning.

## SECTION V. MEMBERSHIP

1. Each County Commissioner shall appoint two (2) members to the CAC from different communities within his or her district. Each of the other voting members of the MPO shall appoint one (1) member to the CAC who lives in his or her city. If a voting member is unable to find a volunteer to sit on the CAC that lives in his or her district the voting member may appoint someone who lives outside of their jurisdiction to represent their jurisdiction as long as the appointee lives in Lee County. The MPO shall also appoint a transportation handicapped member on an at-large basis and two other at-large members that will be filled with low income and/or minority members of the community. The appointments are subject to ratification by a majority of members of the MPO at a regular MPO meeting at which a quorum is present. Members of the CAC shall serve at the pleasure of the MPO members who appointed them, or their successors. (A notification letter will be sent to all elected officials that are new to the MPO Board regarding this process.) Due to the fact that each member of the CAC is appointed by a member of the MPO Board, the CAC Committee *does not* have alternate members.
2. The members of the Metropolitan Planning Organization Citizen's Advisory Committee shall be citizens and year-round residents of the city or county commission district which their appointers represent Lee County; or, in the case of the at-large, mobility handicapped member, of the Metropolitan Planning Organization's transportation study area. Members or their immediate family members (spouse, child, parent or sibling) shall not be declared candidates or elected officials of the Lee County Commission, municipalities in Lee County or Lee County Constitutional Officers. Members shall not be employees of any of the local governments represented on the MPO or of the state or federal departments of transportation. Should the status of any CAC member change in such a way as to disqualify him/her from membership under the terms of this paragraph, his/her membership shall automatically terminate. Those who thus become ineligible for CAC membership shall provide written notice to the MPO staff, the CAC Chairman and the MPO member responsible for appointing their replacements.
3. Each member of the CAC is expected to demonstrate his/her interest in the CAC's activities through active participation in CAC meetings and public information and community involvement efforts. Member's shall be granted an excused absence if they contact MPO Staff prior to the meeting via email or by phone with a follow up email as to why they were unable to attend the meeting. Excused absences are counted as a regular absence. However, MPO Staff will keep a record of excused and unexcused absences and present this record to the appointor/MPO Board if the member is in violation of the participation requirements. Should any member be absent from three (3) consecutive regular CAC meetings, or from four (4) out of six (6) consecutive regular CAC meetings within a twelve (12) month period, staff recommendation will be made to the MPO Board to remove this member for lack of participation, regardless if the absence was excused or unexcused. Member's attendance will be reviewed quarterly with the Committee and MPO Staff will review attendance monthly. MPO Staff will follow the following guidelines to help insure adequate participation for the CAC meetings:
  - When a CAC member misses two (2) consecutive CAC meetings, MPO Staff will prepare a letter to the member and let them know that if they miss another meeting they will be in violation of the CAC bylaws and the MPO Board may choose to remove the member from the CAC unless they request a leave of absence. The appointing MPO Board member will also be copied on the letter.
  - If a CAC member misses three (3) consecutive meetings or four (4) out of the last six (6) meetings then Staff will prepare a letter to the appointing MPO Board member to ask for a replacement member to be appointed due to lack of participation and the fact that their constituencies are not being represented at the meetings.
  - If a CAC member or a member of his/her immediate family becomes a declared candidate for the Lee County Commission, a municipality in Lee County or a Lee County Constitutional Officer, the CAC member will immediately be removed and MPO Staff will prepare a letter to the appointing MPO Board member to ask for a replacement member to be appointed

immediately. If a CAC member becomes employed by any of the local governments represented on the MPO or of the state or federal departments of transportation, the CAC member will immediately be removed and MPO Staff will prepare a letter to the appointing MPO Board member to ask for a replacement member to be appointed immediately.

4. Should a temporary circumstance prevent a member from participation, a leave of absence may be granted by the CAC for a period of no more than three (3) months. A CAC member should submit the request to the MPO Staff in writing and address it to the CAC Chairman. No more than two (2) leave of absences will be granted to a member, except in the situation of an eminent death or hospitalization of an immediate family member. All leave of absence requests will be forwarded to the appointer of the CAC member requesting the leave.
5. If, at any time, the MPO finds that any CAC member is not performing his or her duties or is impairing the ability of the CAC to meet its responsibilities under these bylaws, the MPO may, by majority vote, remove that member from the CAC.
6. All CAC members will be required to complete a CAC Application at time of nomination by an MPO Board member. Members of the public wishing to serve on the CAC shall submit a completed application which is available at the Lee MPO's office and can be requested by telephone at 239-330-2242 or by email at mmarion@leempo.com. Completed applications will be forwarded to the eligible elected official within the jurisdiction from which the individual resides for endorsement. Endorsed applications will be forwarded to the MPO Board for approval.

#### **SECTION VI. OFFICES, DUTIES AND TERMS OF OFFICE**

1. The first regularly scheduled CAC meeting of each calendar year shall be an organizational meeting for the purpose of electing the following officers:
  - a. Chairman
  - b. Vice Chairman.
2. Officers shall be elected by a majority of the MPO-ratified members of the CAC present and voting at the annual organizational meeting, provided a quorum is present.
3. Each Officer so elected shall serve for one (1) year or until he or she is re-elected or a successor is elected.
4. Newly elected CAC officers shall be declared installed following their election at the organizational meeting.
5. The Chairman shall preside at all meetings, call meetings, assign duties to members, appoint subcommittees, establish the agenda for meetings in consultation with the MPO staff, and act as a liaison with the MPO, its staff, government bodies, and other related committees.
6. The Vice Chairman shall, during the absence of the Chairman, have and exercise all of the duties and powers of the Chairman.
7. In the event of a vacancy in the office of Chairman, the Vice Chairman shall automatically assume the office of Chairman for the remainder of the unexpired term. In the event of a vacancy in the office of Vice Chairman, a new Vice Chairman shall be elected at the next meeting of the CAC to serve the remainder of the unexpired term.
8. In the event both Chairman and Vice Chairman expect to be absent from a CAC meeting, the Committee shall elect one of their attending members to chair the meeting.

#### **SECTION VII. SUBCOMMITTEES AND TASK FORCES**

1. The CAC may create subcommittees by majority vote of the members to perform specific tasks in furtherance of the duties assigned it by the MPO, or as necessary to deal with administrative and procedural matters. Members of subcommittees shall be appointed by the CAC Chairman.
2. At the request of the MPO, the Chairman shall appoint CAC members to serve on joint task forces with representatives of other organizations.

## SECTION VIII. MEETINGS

1. Meetings shall be scheduled by the MPO staff agency on a regular monthly basis, or as necessary to accomplish the tasks assigned the CAC by these bylaws, the Unified Planning Work Program, the *Public Involvement Plan*, or the MPO; or when requested by the MPO Chairman. The CAC shall meet at least once in any three (3) month period. Meetings shall be advertised a minimum of seven (7) calendar days prior to the meeting. An eight (8) days' notice should be given for the cancellation, rescheduling, or relocation of regular meetings. Special meetings may be called by the Chair, or, when two or more signatory agencies request such a meeting. A special meeting should have a minimum of three (3) days' notice, indicating the reason for the meeting and notifying all signatory agencies.
2. An agenda shall be prepared for each meeting by the MPO staff. At the conclusion of each meeting, the Chairman shall entertain suggestions from the membership for the next meeting's agenda.
3. A majority of the MPO-ratified members of the CAC shall constitute a quorum for the transaction of business. Vacant positions shall not be counted in determining the quorum requirement. Affirmative votes by a majority of the members present and voting at any meeting at which a quorum exists shall be necessary to adopt any measure.
4. Minutes shall be kept of all meetings, and summaries shall be made of all oral comments received from the public. Secretarial, duplication and mailing services will be provided to the CAC by the MPO staff.
5. Except as otherwise provided herein, *Robert's Rules of Order* shall be followed at all meetings.
6. The public attending a CAC meeting have the opportunity to address the Committee limiting their comments to three (3) minutes each, unless this is extended by the Chair. If the speaker is reading from as prepared text, a copy should be provided to the recording secretary. The speaker should state their name and should direct questions to the Chairman only.
7. When a CAC member abstains from a vote due to a conflict they must complete Form 8B which is included in Attachment A. CAC member conflict of interest and compliance issues are guided by Section 112.3143 of the Florida Statutes. A member of the CAC shall not vote present on an action item. All members must either vote in favor or against an item unless a conflict of interest is present.
8. Members must be physically present to participate in CAC meetings to ensure participation with other members and the public. Participation by phone or other technologies is not available at this time.

## SECTION IX. ADOPTION AND AMENDMENTS

1. The CAC will review these bylaws annually and update them as needed.
2. These bylaws may be amended by the affirmative votes of two-thirds of the members, provided a copy of the proposed amendment shall have been sent to every member at least eight (8) calendar days before it is voted upon.
3. These Bylaws supersede and replace any and all Bylaws adopted by the Citizen's Advisory Committee.
4. These Bylaws and any amendments to the Bylaws will become effective upon the endorsement of the Lee County MPO Board.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <span style="float: right;">COUNTY</span>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_\_:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

\_\_\_\_\_  
Date Filed

\_\_\_\_\_  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.