

# **Hampton Roads Transportation Accountability Commission Bylaws Committee Meeting**

**Friday, October 17, 2014  
1:00 PM**

The Regional Board Room, 723 Woodlake Drive, Chesapeake, Virginia

## **AGENDA**

1. Call to Order
2. Public Comment Period
3. Review Submitted Public Comments from the July 2, 2014 HRTAC Meeting
4. Review comments received from HRTAC members
5. Next Meeting
6. Adjournment

# **Hampton Roads Transportation Accountability Commission Bylaws**

## **HRTP and VBTA Proposals**

### **Recommendations offered by the Hampton Roads TEA Party (HRTP) and the Virginia Beach Taxpayer's Alliance (VBTA):**

- Overall – seek gender neutral language:

Throughout the Bylaws please change all references to “Chairman” to read “Chair” and references to “Vice Chairman” to read “Vice Chair”.

- Overall – ensure the new commission is a place that welcomes citizen participation *on each agenda item and each resolution*. This includes following the example of the TPO to include the Chair of the citizen’s advisory committee as a non-voting Commission member.
- Overall - ensure the Commission is structured to make better use of our local governments when making regional decisions. This includes the concept of *Directed Voting* based upon the vote of each local governing body.
- Overall - ensure the will of the residents is determined at the ballot box to provide guidance to the new commission (i.e. use of referenda) in regard to the massive multi-billion dollar projects and long term Public Private Partnerships that will be considered and that will significantly impact our local transportation system and economy.
- Overall- ensure a great powering sharing between larger localities and smaller localities. Rotate the Chair each year between less populated member localities and larger populated member localities.
- Overall – prove a means for our local governments to have veto power over the continuations of the employment and compensation package of the Commission’s Executive Director. Our local history has provided us with a valuable lesson based upon past behavior of one of the Executive Directors of the MPO/TPO. Provide for a region-wide vote of confidence each 4 years.

### **Article II**

#### **A. Commission Members**

Please add:

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8. The Chair of the Citizen Advisory Committee shall serve as a non-voting member.

### **ARTICLE III**

**B. Terms of Office.** Officers of the Commission shall be elected at the annual organizational meeting of the Commission, serve for a term of one (1) year, unless removed prior to completion of their term by the Commission, or until a successor is elected. Other than the Chair and Vice Chair, all officers shall be eligible for re-election. The Vice Chair shall assume the duties of the Chair after the Chair has completed a one (1) year term. If the Chair is from a county and city having a population greater than 100,000 then the Vice Chair shall only be selected from those counties and cities having a population less than 100,000. Each county and city having their chief elected officer elected to serve as a Chair or Vice Chair shall be ineligible to serve as Chair or Vice Chair for a minimum of six (6) years.

**H. Quorum.** A majority of the Commission, which majority shall include at least a majority of the chief elected officers of the counties and cities embraced by the Commission and those present shall represent a minimum of two-thirds of the population of the fourteen (14) counties and cities within Planning District 23. The Secretary shall read the total population represented by those members present prior to the Chair declaring a quorum exists. At least one representative from the House of Delegates and one member of the Senate shall be present for a quorum to exist. In addition to the requirement for one representative from the House of Delegates and one member of the Senate being present at the meeting, only the number of chief elected officers of the counties and cities embraced by the Commission shall be counted for the purposes of determining if sufficient representation exists for a Quorum.

**J. Decisions of the Commission.** The Commission shall act in one of the following ways:

**1. Resolution.** The Commission shall act upon all properly issued resolutions. Resolutions shall be in writing and a copy of any proposed resolution shall be provided to all Members of the Commission before the resolutions is proposed for adoption. Prior to voting to adoption a resolution, each resolution shall be placed on the corresponding City Council or Board of Supervisor agenda of the Commission members who are chief elected officers of the counties and cities within Planning District 23. Each local governing body shall vote on each resolution. The majority vote of each local governing body shall become a directed vote for that local governing body's chief elected officer serving on the Commission. A resolution may not be adopted until all member governing bodies within Planning District 23 have voted on the proposed Commission resolution.

**K. Voting.**

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1. Prior to the Commission voting on any Project that establishes a new toll, a referendum shall have passed with a majority vote of the total number of votes cast within all fourteen (14) counties and cities within Planning District 23.
2. All increases in tolls shall be voted upon by the Commission prior to the increase being authorized. All Public-Private Partnerships shall include this provision. Prior to the Commission voting to increase a toll, a referendum shall have passed with a majority vote of the total number of votes cast within all fourteen (14) counties and cities within Planning District 23. All increases in toll charged shall be limited to one (1) increase each twelve (12) months since the previous toll rate was enacted.

Note: renumber the remaining sections currently numbered 1 – 4.

### **Old “1. Votes:”**

Please insert following “Votes shall be taken only upon motions made and seconded”, the follow:

excluding the motion to make a friendly amendment.

Prior to the Commission voting to select the Executive Director, to approve the compensation package for the Executive Director, approve any proposed Project, approve any Issuance of Debt (to include all bond debt), and approve any matter involving Tolls and the rate charged for tolls, or, to authorize any proposed Public-Private Partnership, the proposed motion or agenda item shall be placed on the agenda of the corresponding City Council or Board of Supervisor of voting members for the Commission members who are chief elected officers of the counties and cities within Planning District 23. Each local governing body shall vote on each Commission matter placed on their agenda. The majority vote of each local governing body shall become a directed vote for each local governing body's chief elected officer serving on the Commission. A resolution may not be adopted until all member governing bodies within Planning District 23 have voted on the proposed Commission resolution. A “directed vote” is understood to mean that the voting Commission member shall vote in accordance with the simple majority vote of their local governing body.

### **Old “2. Methods of Voting:”**

All voting shall be taken by roll call vote. Prior to the Chair ruling on the passage or failure of the vote, the Secretary shall report aloud to the Commission and to those in attendance at the meeting, the calculated total weighted value in favor, against, and abstained, for each vote.

**M. Agenda.** Please add the follow:

# **Hampton Roads Transportation Accountability Commission Bylaws**

## **HRTP and VBTA Proposals**

Any resident living within fourteen (14) counties and cities within Planning District 23 shall have the right to submit their agenda items to the Chair and the Chair may either add submitted Agenda Items to the next meeting Agenda , or, at the Chair's discretion, read each submitted agenda item to the Commission at the beginning of the meeting. The Commission shall then vote on each submitted agenda item and those submitted Agenda Items that pass shall be added to the Agenda for the next Regular meeting.

Any resident living within fourteen (14) counties and cities within Planning District 23 shall have the right to speak up to five (5) minutes on any agenda item, or proposed resolution. A representative from an organization seeking to speak on Commission business shall be granted ten (10) minutes to address the Commission. The Chair shall ask the public if they desire to speak on any agenda item, prior to the Commission voting, or tabling, any agenda item. Prior to commencing each meeting, If any resident living within fourteen (14) counties and cities within Planning District 23 wishes to remove an item from the Consent Agenda, they may make their request known to the Secretary and the Item shall be removed from the Consent Agenda, and placed back on the Agenda for deliberation and action.

**N. Minutes.** Please add a requirement that Draft Minutes are posted on a public website maintained by the Commission within 48 hours of the completion of the corresponding meeting. Excluding Closed Sessions in accordance with Article IV, section O, all Commission meeting transactions, minutes, contracts, and videos shall be made available to the public on the Commission's website within seven (7) days following the meeting.

### **P. Order in Conduct of Business.**

*Change section 1 to require that any resident living within fourteen (14) counties and cities within Planning District 23 shall have the right to speak on any agenda item, resolution, or motion for up to five (5) minutes. The Chair shall poll the public and shall permit speakers on each agenda item, resolution, or motion.*

**2. Recognition.** The Chair shall poll the public present prior to taking final action upon each Agenda Item, resolution, or motion before the Commission. The Chair shall recognize each public speaker who is granted up to five (5) minutes to address the Commission. Public speakers shall be a resident living within fourteen (14) counties and cities within Planning District 23.

### **Q. Decorum.**

Please remove the following from section 2:

Groups or a person in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Chair.

## **ARTICLE IV**

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## **H RTP and VBTA Proposals**

Sections A and B. Please add a requirement that all meetings shall be held within one the fourteen (14) counties and cities within Planning District 23.

### **ARTICLE V**

Please add a **section D** that creates a Citizen Advisory Committee. Please fashion this committee similar to the CTAC of the HR TPO. Please stipulate that the members of the Citizen Advisory Committee are selected annually, by lottery, based upon applying to serve on the Citizen Advisory Committee. Specify that the Chair of the Citizen Advisory Committee shall be selected by the Citizen Advisory Committee. Please add the Chair of the Citizen Advisory Committee as a non-voting member of the Commission.

### **ARTICLE VI**

- A. **Executive Director.** The selection of the Executive Director and related compensation package shall require each of the local governing bodies within the fourteen (14) counties and cities within Planning District 23 to vote on the proposed Executive Director and related compensation. Two-thirds of the fourteen (14) counties and cities within Planning District 23 shall have voted in support of the proposed Executive Director and corresponding compensation prior to the Commission voting to employ or contract with an Executive Director. Once selected, every four (4) years, each of the local governing bodies within the fourteen (14) counties and cities within Planning District 23 shall vote to reaffirm continuing with the employment or contract with the current Executive Director. If two-thirds of the local governing bodies from the fourteen (14) counties and cities within Planning District 23 do not accept continuing employment or a contractual relationship with current Executive Director, the Commission shall recommend a different Executive Director for approval by Two-thirds of the fourteen (14) counties and cities within Planning District 23.

## Hampton Roads Transportation Accountability Commission

### Taxpayers requested changes to Bylaws

1. Accountability: Before endorsing any project, each locality that falls under the HTAC is required to hold a public hearing and vote. The localities representation will then take the binding vote results back to the Commission as a matter of public record. The representative will be bound to follow the vote of that locality's municipal body.
2. Oversight: All projects shall be subjected to each locality's independent auditor who works directly for that elected body. This requirement is in addition to the Virginia Auditor of Public Accounts, which is designed to perform annual audits of HTAC.

In addition, all financial records and transaction by HTAC must be uploaded to their web site and accessible to the general public.

3. Transparency: All HTAC meeting notices and agendas must be published two (2) weeks in advance of the meetings on their website.

In addition, meeting notices must be sent to all media outlets, community and service organizations. All HTAC transactions, minutes, contracts, and video tapes must be posted on the HTAC web site within seven (7) days following meetings.

The General Public is given the opportunity to speak up to five (5) minutes on each agenda item and a representative from an organization be given up to ten (10) minutes.

Any increase in any existing toll or the creation of any new toll requires passage by a binding regional referendum.