



**AGENDA OF THE  
ABILENE METROPOLITAN PLANNING ORGANIZATION (MPO)  
TRANSPORTATION POLICY BOARD**

11:00 a.m., Tuesday, September 1, 2020  
Conducted Via Zoom

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**Councilman Shane Price, *City of Abilene*** (MPO Chairman)  
**Judge Downing Bolls, *Taylor County*** (MPO Vice-Chairman)  
**Mr. Carl Johnson, *TxDOT District Engineer***  
**Judge Dale Spurgin, *Jones County***  
**Mayor Anthony Williams, *City of Abilene***

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1. Call to Order.  
*Public comment on any item on the agenda.*
2. Receive a Report, Hold a Discussion, and Take Action on the MPO Budget, Job Descriptions, and Staffing.
3. Hold a Discussion, and Take any Action on the MPO's Organization Structure within the City of Abilene.
4. Opportunity for members of the Public to make comments on MPO issues.
5. Opportunity for Board Members, Technical Advisory Committee Members, or MPO Staff to recommend topics for future discussion or action.
6. Adjournment.

**EXECUTIVE SESSION**

**The Abilene Metropolitan Planning Organization Transportation Policy Board reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any item on the agenda as authorized by Texas Government Code Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about real property) 551.073 (Deliberations about gifts and donations), 551.074 (Personnel matters), and 551.076 (Deliberations about security devices). After discussion in executive session, any action or vote will be taken in public.**

**CERTIFICATION**

I hereby certify that the above notice of the meeting was posted on the bulletin boards of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ (a.m./p.m.)

\_\_\_\_\_

**NOTICE**

*In compliance with the Americans with Disabilities Act, the Abilene MPO will provide for reasonable accommodations for persons attending this meeting. To better serve you, requests should be received 48 hours prior to the meeting. Please contact the Abilene MPO at (325) 437-9999.*

**NOTICE REGARDING PUBLIC PARTICIPATION**

Governor Greg Abbott has granted a temporary suspension of certain rules to allow for telephone or video conference public meetings in an effort to reduce in-person meetings that assemble large groups of people, due to the COVID-19 (coronavirus) public health emergency.

In an effort to reduce the spread of the virus, this meeting of the MPO Policy Board will be closed to in person attendance by the public. **Individuals will be able to address the Members via telephone conference call. The number to call is 877-853-5257 and the meeting ID is 5138730228. As a courtesy, please keep your phone muted unless you would like to speak on an item.**

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Board for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Board during the Public Comments portion of the meeting or when the item is considered by the Board.

The agenda packet can be viewed online here as soon as it is available:  
<https://abilenempo.org/meetings.html>

1. Call to Order.

*Public comment on any item on the agenda.*

2. **Receive a Report, Hold a Discussion, and Take Action on the MPO Budget, Job Descriptions, and Staffing.**

**Abilene MPO Policy Board Meeting  
September 1, 2020  
Supplemental Agenda Information**

**2. Receive a Report, Hold a Discussion, and Take Action on the MPO Budget, Job Descriptions, and Staffing.**

**Background**

In August of 2010, the MPO underwent a management review by the Texas Transportation Institute in cooperation with the Texas Department of Transportation. This review established the necessity of having three staff positions for the Abilene MPO based on workload and funding. Thus, the MPO has historically maintained three full-time staff to handle the day to day functions of the MPO: an Executive Director, a Transportation Planner, and a Planning Technician. The third position (Technician) has been vacant since April of 2016 due to funding constraints.

**Current Situation**

The MPO has been operating with one staff member (Executive Director) since May 2, 2020 due to a hiring freeze related to COVID-19. Currently there are two positions open: the Transportation Planner I/II/III and a part-time Office Assistant. With the increase in the workload due to the new requirement of performance measures, the establishment of a travel demand model along with maintenance, the increase in projects due to the increase in funding availability, need for increased public participation, and many other factors have necessitated that these two open positions be filled.

At the February 18, 2020 PB meeting the Board indicated support for a part-time Assistant (a full time Technician was not budgetary feasible) so this was advertised and subsequently pulled due to COVID-19. The Transportation Planner position was advertised starting on July 9, 2020. Applications have been received, interviews conducted, and the MPO is ready to offer the position to a candidate.

**Recommendation from the Technical Advisory Committee (TAC)**

N/A

**Action Requested**

1. Any action deemed appropriate.

		w/o carryover	Spent	carryover next	(over)/under annual funding
	<b>Fiscal Year 2015</b>				
MPO PL 112 funds	\$176,905.47				
MPO FTA 5303	\$52,536.00	\$229,441.47			
Carryover	\$181,514.86				
<b>TOTAL</b>	<b>\$410,956.33</b>		<b>\$249,650.99</b>	<b>\$161,305.34</b>	<b>(\$20,209.52)</b>
				\$0.00	
	<b>Fiscal Year 2016</b>				
MPO PL 112 funds	\$170,800.00				
MPO FTA 5303	\$52,258.00	\$223,058.00			
Carryover	\$161,305.34				
<b>TOTAL</b>	<b>\$384,363.34</b>		<b>\$212,405.80</b>	<b>\$171,957.54</b>	<b>\$10,652.20</b>
				\$0.00	
	<b>Fiscal Year 2017</b>				
MPO PL 112 funds	\$181,686.00				
MPO FTA 5303	\$53,007.00	\$234,693.00			
Carryover	\$171,957.54				
<b>TOTAL</b>	<b>\$406,650.54</b>		<b>\$204,735.67</b>	<b>\$201,914.87</b>	<b>\$29,957.33</b>
				\$0.00	
	<b>Fiscal Year 2018</b>				
MPO PL 112 funds	\$184,317.00				
MPO FTA 5303	\$54,137.89	\$238,454.89			
Carryover	\$201,914.87				
<b>TOTAL</b>	<b>\$440,369.76</b>		<b>\$212,612.24</b>	<b>\$227,757.52</b>	<b>\$25,842.65</b>
				\$0.00	
	<b>Fiscal Year 2019</b>				
MPO PL 112 funds	\$182,451.00				
MPO FTA 5303	\$55,233.00	\$237,684.00			
Carryover	\$227,757.52				
<b>TOTAL</b>	<b>\$465,441.52</b>		<b>\$272,062.95</b>	<b>\$193,378.57</b>	<b>(\$34,378.95)</b>
				\$0.00	
	<b>Fiscal Year 2020</b>				
MPO PL 112 funds	\$207,669.45				
MPO FTA 5303	\$56,997.71	\$264,667.16			
Carryover	\$193,378.57				
<b>TOTAL</b>	<b>\$458,045.73</b>		<b>\$232,428.05</b>	<b>\$225,617.68</b>	<b>\$32,239.11</b>

end of June 2020



- Safety Sensitive
- Security Sensitive
- CDL Required

*We work together to build and maintain a community of the highest quality for present and future generations.*

**Abilene Metropolitan Planning Organization**

<b>City Title:</b> Office Assistant III - PT	<b>Grade Range:</b> 215
<b>Functional Title:</b> Transportation Planning (MPO) Office Assistant	<b>FLSA:</b> Non-exempt

**GENERAL DESCRIPTION**

Under general supervision, to perform a variety of responsible clerical, administrative, and bookkeeping duties in support of assigned department including: type instructional and financial reports, forms, and letters; process documents associated with City and regulatory agencies compliance; issue check requests; maintain office administrative records including accounts payable and receivable; process technical documents; perform all tasks as directed; and provide exceptional customer service to the public.

**SUPERVISION EXERCISED**

This position exercises no supervision.

**IMPORTANT AND ESSENTIAL DUTIES**

1. Coordinates and prepares for meetings including the preparation of agenda packets, posting public meetings, and the creation and maintenance of associated records including meeting minutes.
2. Oversees the creation of internal and external communication material for internal and public distribution. Includes creation, coordination, editing, publishing, and distribution of newsletters and other public outreach materials and social media outlets.
3. Performs research and compiles data/reports for planning purposes and to ensure compliance with applicable local, state and federal laws, regulations, and ordinances.
4. Prepares exhibits, statistical data, and support information for conferences and meetings.

5. Manages department files and records; compiles information from records to prepare reports. Maintains records retention schedule accordingly. Maintains equipment inventory list.
6. Prepares check request, purchase orders, and vouchers to pay department expenses. Maintains office supplies.
7. Assists and coordinates the maintenance of the website contents.
8. Greets visitors by phone and in person and ascertains the nature of their business, provides assistance and/or referral, explains policies and procedures.
9. Schedules appointments and maintains the division staff's calendar, assists with the scheduling and arranging of meetings including travel details, facilities, lodging, and a variety of other related details.
10. Operate all types of office machines including phone, fax machine, copier, and computer terminals.

#### **OTHER JOB RELATED DUTIES**

Perform other job related duties and responsibilities as assigned.

#### **KNOWLEDGE, SKILLS, AND ABILITIES**

##### **Knowledge of:**

Fluent English, spelling, punctuation, and basic arithmetic.

Office equipment and software, including Word, Excel, and Google Suite, filing systems and procedures.

Office practices and procedures including proper public contact and telephone etiquette.

##### **Skill to:**

Operate office equipment including computer equipment and type at a speed necessary for successful job performance.

Be organized and customer service-oriented.



Produce publications, newsletters, and social media content.

**Ability to:**

Organize work effectively and use time management skills.

Communicate effectively both orally and in writing with emphasis on writing skills, including proofreading, editing, and reading/writing for technical content.

Maintain records and files.

Prepare reports.

Interpret local, state, and federal laws and legislation as needed to perform job.

Work independently in the absence of specific instructions.

Understand and carry out directions.

Establish and maintain cooperative working relationships with those contacted in the course of work, both internally and externally.

Follow and embrace the City of Abilene Core Values – Respect, Integrity, Service Above Self, and Excellence in All We Do.

**Experience and Training Guidelines:**

Any combination equivalent to experience and training to provide the required knowledge, skills, and abilities may be qualifying. Knowledge, skills, and abilities may be obtained through:

**Experience:**

Two (2) years of general clerical experience is required.

English-Spanish bilingual is preferred.

**Education/Training:**

A high school diploma or GED is required.

**License or Certificate:**

A valid Texas Driver's License is required, the ability to obtain within ten (10) days of hire, or a military waiver is required.

**Special Requirements:**

Essential duties require the following physical skills and work environment:

Ability to work in a standard office environment.

Physical demands are sedentary in nature with prolonged sitting.

Work includes entering data into a computer terminal, PC, or other keyboard device requiring continuous and repetitive arm-hand-eye movement.

Must be able to walk, stand, reach and bend.

With or without accommodation, ability to lift up to 20 pounds.

## **City of Abilene Core Values**

### **Respect**

- *Demonstrating through our actions that we hold ourselves and our citizens in high enough regard to do what we say we will do, in the timeframe we commit to.*
- *Recognizing that everyone has dignity and deserves helpful, courteous, and prompt attention.*
- *Consistently doing what is necessary, expected, and required, and when able to do so, exceeding expectations.*

### **Integrity**

- *Possessing an unwavering commitment to doing the right things right.*
- *Consistently adhering to high professional and ethical standards.*
- *Keeping commitments to our citizens, co-workers, and others.*

### **Service Above Self**

- *Being open and approachable to council members, citizens, and our fellow employees at all times.*
- *Treating our customers like we would like to be treated.*
- *Fostering a servant's heart in ourselves and each other by conscientiously doing what is best for the community in all cases.*
- *Passionately committed to serving others.*
- *Helping to make our citizens' lives better.*
- *Finding ways to say yes.*

### **Excellence in All We Do**

- *Delivering on promises made, taking personal responsibility for achieving community-minded goals.*
- *Leading by example, recognizing the importance of working together to meet everyone's needs, treating everyone with dignity, courtesy, and respect.*
- *Sharing resources and information freely.*
- *Communicating regularly and honestly with council members, citizens, and employees.*
- *Having a can-do attitude.*

**DOCUMENTATION OF ESSENTIAL DUTIES**

1. SME
2. SWE
3. MDE
4. OON
5. SDE
6. SWE
7. MWN
8. MDE
9. OON
10. SDE

**Codes**

<b>First Letter TIME SPENT</b>	<b>Second Letter FREQUENCY</b>	<b>Third Letter SUPERVISOR REVIEW</b>
<b>S</b> = Significant <b>M</b> = Moderate <b>O</b> = Occasional	<b>D</b> = Daily <b>W</b> = Weekly <b>M</b> = Monthly <b>O</b> = Occasional <b>Y</b> = Yearly <b>A</b> = Annually	<b>E</b> = Essential - Major focus of job/position  <b>N</b> = Non-essential - Minor (can be easily assigned to another position)



**CITY OF ABILENE**  
invites applications for the position of:

## **Transportation Planner I, II, III**

**SALARY:** \$45,012.00 - \$65,556.00 Annually

**OPENING DATE:** 07/09/20

**CLOSING DATE:** Continuous

**DESCRIPTION:**

**OPEN UNTIL FILLED**

**PAY RATE Depending On Experience + Qualifications**

Under immediate supervision (Planner I) or general supervision (Planner II/III) to perform a variety of professional transportation planning work including preparing long-range comprehensive/transportation plans, sub-area studies, short-range transportation improvement programs, urban and regional transit planning, annual work programs, and other pertinent transportation documents, policies, and programs.

**SUPERVISION EXERCISED**

**Transportation Planner I** – This position exercises no supervision.

**Transportation Planner II / III** - May exercise technical and functional supervision over lower level staff.

**EXAMPLES OF DUTIES:**

Monitors and ensures project selection, scope, and funding are accurate for highway and transit projects in the Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and Statewide Transportation Improvement Program (STIP).

Collects, maintains, analyzes, and prepares data/maps using Geographic Information Systems (GIS) tools. Uses GIS tools to code travel demand forecasting networks and various other maps.

Assists in preparing, revising, and administering the planning and special studies sections contained in the Unified Planning Work Program (UPWP). Provides revisions as relevant to portions of the adopted UPWP, and prepares amendments for consideration.

Assists with the planning, development, and management of strategic planning efforts related to transit issues. Assists with the selection and development of transit-related projects in the Abilene metropolitan area.

Assists in carrying out the short and long-range plans and projects in the Abilene MPO Metropolitan Planning Area.

Builds and maintains strong working relationships between the urban transit agency, Texas Department of Transportation (TxDOT) and other transportation funding entities, including the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA).

Conducts research and analysis of information and adherence to current federal legislation, TxDOT & Federal Highway Administration (FHWA) requirements.

Assists with monitoring and ensuring information regarding Abilene MPO programs, (UPWP, MTP, TIP, and STIP) is accurate and maintained on the Abilene MPO website and distributed externally and internally.

Prepares correspondence, reports, studies and makes presentations regarding program/project activities; assists in researching and preparing appropriate response for technical assistance requests.

Assists with planning, coordinating, and conducting the community involvement portion of the public participation plan to maintain regulatory requirements and respond to public needs.

Assists in reviewing and monitoring plans and related documents to ensure compliance with applicable state or federal requirements and conformance to acceptable professional standards.

Develops informational materials to keep the public informed about the planning progress of the MPO.

#### **Transportation Planner II**

Assists in the development of highway and transit forecasts for local and regional transportation alternatives analysis.

Develops planning documents and interprets/develops data analysis.

Answers inquiries and disseminates information upon request to other agencies, consultants and the public. Manages phone inquiries by providing general information or referring callers to the appropriate individual and resources.

#### **Transportation Planner III**

Assists with Budget preparation.

Assists in the preparation of agendas, memorandums, and official correspondence of the Abilene MPO.

Monitors assigned projects and provide feedback regarding their impact; analyzes needs/changes/enhancements and makes recommendations.

#### **OTHER JOB RELATED DUTIES**

Perform other job related duties and responsibilities as assigned.

Assists with monitoring funds through application, contract review/approval, procuring equipment, and billing and reporting.

#### **TYPICAL QUALIFICATIONS:**

##### **Knowledge of:**

Applicable federal and state transportation legislation.

Demographics and modeling principles and practices.

Metropolitan transportation planning process and transportation funding programs.

Policy development methodologies and procedures.

Working knowledge of ESRI Geographic Information Systems (GIS) software is required.

Working knowledge of TransCAD Transportation Planning software is desired.

##### **Skill to:**

Planning methods, techniques, and strategies.

Research, evaluate, and interpret complex information. Analyze, prepare, and organize technical/statistical reports and documents.

Maintain effective working relationships with individuals and groups.

Prioritize and organize work assignments.

Theoretical and/or working knowledge of travel demand forecasting process.

##### **Ability to:**

Take initiative to perform other duties to maintain Abilene MPO operations.

Perform drafting and graphics work.

Create and present technical presentations to small and large groups.

Detail oriented, highly organized, and ability to multi-task.

Use basic office equipment and operate a PC to use a variety of planning, plotting and mapping software packages including TransCAD, ArcGIS, Adobe Acrobat, and the Microsoft Office Suite.

Problem solve by researching, suggesting appropriate alternatives, and implementing solutions.

Strong verbal and written communication skills. Interpret and effectively communicate written and verbal information including rules, regulations, policies, and procedures.

Establish and maintain cooperative working relationships with those contacted in the course of work, both internally and externally.

Follow and embrace the City of Abilene Core Values – Respect, Integrity, Service Above Self, and Excellence in All We Do.

Lead and manage a team in a manner that accomplishes the Division's mission and treats team members with dignity, courtesy, and respect.

#### **Transportation Planner II / III**

In addition to the above,

#### **Ability to:**

Supervise and direct small groups as well as act as lead worker when required.

Train subordinate personnel.

#### **Transportation Planner III**

In addition to the above,

#### **Knowledge of:**

Budgeting methodology and procedures.

#### **Experience and Training Guidelines:**

Any combination equivalent to experience and training to provide the required knowledge, skills, and abilities may be qualifying. Knowledge, skills, and abilities may be obtained through:

#### **Experience:**

##### **Transportation Planner I**

One (1) year experience in related field of transportation planning and/or urban planning and development is preferred.

##### **Transportation Planner II**

Two (2) years of related experience in the field of municipal transportation planning, urban/metropolitan planning, and/or regional planning/development are required. Previous experience in transportation planning within an MPO, COG, local governments, state, or federal agencies involved in metropolitan transportation planning preferred.

##### **Transportation Planner III**

Four (4) years of related experience in the field of municipal transportation planning, urban/metropolitan planning, and/or regional planning/development are required. Previous experience in transportation planning within an MPO, COG, local governments, state, or federal agencies involved in metropolitan transportation planning required.

#### **Education/Training:**

Bachelor or graduate degree in urban/regional/transportation planning or civil engineering

is preferred.

**License or Certificate:**

A valid Texas driver's license; the ability to obtain one, or a military waiver is required.

**Special Requirements:**

Essential duties require the following physical skills and work environment:

With or without accommodation, ability to lift up to 50 pounds.

Ability to sit, stand, walk, kneel, crouch, stoop, squat, and twist.

Exposure to outdoors.

Ability to travel to different sites.

**SUPPLEMENTAL INFORMATION:**

***City of Abilene Core Values***

**Respect**

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- *Communicating regularly and honestly with council members, citizens, and employees.*
- *Having a can-do attitude.*

The City of Abilene is an Equal Opportunity Employer and we use E-Verify.

APPLICATIONS MAY BE FILED ONLINE AT:  
<http://www.cityofabilene.jobs>

Position #4055 12328 07/09/20 L2960  
 TRANSPORTATION PLANNER I, II, III  
 CC

P.O. Box 60  
 Abilene, TX 79604  
 325-676-6347  
 325-676-6392

[employment@abilenetx.gov](mailto:employment@abilenetx.gov)

**Transportation Planner I, II, III Supplemental Questionnaire**

- \* 1. Do you have working knowledge of ESRI Geographic Information Systems (GIS) software?
- YES  
 NO
- \* 2. Do you have a valid Texas Driver's License, the ability to obtain one, or a military waiver?
- YES  
 NO



- \* 3. What is your experience with Geographic Information Systems GIS, particularly in ESRI and TransCAD?
- \* 4. Describe your experience and involvement in multi-modal planning, including transit and bike/pedestrian.
- \* 5. Describe your ideal work environment, including what you look for in a supervisor and co-workers.
- \* 6. What, if any, experience do you have working with the Transportation Improvement Program (TIP)? How would you coordinate with appropriate staff on this?
- \* 7. What have you done on your current job that has demonstrated a high level of initiative?
- \* 8. Describe your experience with travel demand models, highway/transit forecasts, and the use of census/demographic data.
  
- \* Required Question

3. Hold a Discussion, and Take any Action on the MPO's Organization Structure within the City of Abilene.

**Abilene MPO Policy Board Meeting  
September 1, 2020  
Supplemental Agenda Information**

**3. Hold a Discussion, and Take any Action on the MPO's Organization Structure within the City of Abilene.**

**Background**

On August 7<sup>th</sup> the City of Abilene initiated discussion on how the MPO structure fits within the City. This item is to discuss how to streamline processes and ensure that the relationship is viable for both.

**Current Situation**

This was discussed at the August 25, 2020 PB meeting and staff was asked to bring it back at this meeting. More information to be provided at the meeting.

**Recommendation from the Technical Advisory Committee (TAC)**

N/A.

**Action Requested**

1. Any action deemed appropriate.

STATE OF TEXAS

COUNTY OF TAYLOR

**CORRECTED AMENDED MEMORANDUM OF UNDERSTANDING DEFINING  
ROLES AND RESPONSIBILITIES OF THE CITY OF ABILENE AND THE  
ABILENE METROPOLITAN PLANNING ORGANIZATION**

This Corrected Amended Memorandum Of Understanding (MOU) is entered into, by and between the, City of Abilene, hereinafter referred to as the "City", a political subdivision of the State of Texas and the designated Metropolitan Planning Organization (MPO), and the Abilene Metropolitan Planning Organization's Transportation Policy Board, hereinafter called the "Board", acting as the legislative body of the MPO in the Abilene urbanized area as authorized by Title 23 U.S.C. Section 134.

**WITNESSETH**

WHEREAS, Title 23 U.S.C. Section 134 and Title 49 U.S.C. Section 5303, MPO Planning, requires that Metropolitan Planning Organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, Title 23 U.S.C. 104(f) authorizes Metropolitan Planning (PL) Funds and 49 USC Section 5301 et seq. authorizes funds to be made available to Metropolitan Planning Organizations designated by the Governor to support the urban transportation planning process; and,

WHEREAS, the Governor of the State of Texas has designated the City as the MPO to perform fiscal, administrative and technical functions; and

WHEREAS, the Board requests that the City act as the financial disbursing agent for all MPO funds; and

WHEREAS, the City, has determined it is in the public interest to assist the MPO in securing and managing funds for transportation planning purposes in the urbanized area:

NOW, THEREFORE, the parties hereby agree as follows:

**ARTICLE I. PURPOSE**

The purpose of this MOU is to define the fiscal, personnel, and property management roles and responsibilities between the Board and the City, acting as the MPO. A called meeting of the Board may be convened, at the discretion of the Chairman, to consider any

matter contemplated by this MOU and to coordinate any recommendation for action with the City.

## **ARTICLE 2. TERM**

The term of this Agreement begins upon the effective date and shall automatically be renewed each year unless terminated as herein provided.

## **ARTICLE 3. DESCRIPTION OF SERVICES**

The City, as the MPO, agrees to provide fiscal, administrative and technical functions and act as the financial disbursing agent of MPO. Additionally, the City, as MPO, will provide personnel management assistance to the Board by acting as the employer of record. The City, as the MPO, will manage all its property and equipment in accordance with 49 CFR Part 18.

## **ARTICLE 4. FISCAL MANAGEMENT & DISBURSEMENT**

The City, as the fiscal agent for the MPO, is responsible for providing fiscal, human resource and staff support services to the MPO. The fiscal management and disbursement responsibilities for the term of this MOU are as follows:

1. The City will provide financial management, accounting and purchasing services to the Board.
2. The City shall maintain one or more separate accounts under the supervision of the Director of Finance for the City. The Director of Finance, in carrying out the requirements of this Agreement, is responsible only in the capacity of a trust officer for the funds involved. The Director of Finance shall use generally accepted accounting procedures to satisfy his duties pursuant to this Agreement. The City shall pay all invoices on a timely basis as the MPO. The City shall receive all reimbursements for said funds through invoices submitted to the Texas Department of Transportation
3. All reimbursement warrants issued to the City by the State of Texas or any federal, city, or local agency for work performed by any agency or consultant under contract to the MPO shall be properly endorsed and deposited in the account.
4. The authorization of disbursements of funds to agencies or consultants under contract to the MPO will be made by the Board in the amounts specified by the MPO, so long as the MPO budget has sufficient funds to accommodate all payment requests. The City is under no obligation to process payment authorizations unless sufficient funds for such purposes are present in the MPO budget.

5. All authorizations for reimbursements from the State of Texas or any federal, city or local agency, shall be processed by the City Finance Department and submitted to the Texas Department of Transportation.
6. The Board assumes responsibility for the legal and proper expenditures of all Federal Highway Act Section 112 monies (PL), and the Federal Transit Administration Section 5303 (MPO Planning) and 5307 (Urbanized Transit Planning) monies by the MPO. All monies are budgeted and expended according to the latest approved Unified Planning Work Program.

#### **ARTICLE 5. PERSONNEL MANAGEMENT**

The City, as the fiscal agent for the MPO is responsible for providing fiscal, human resource and staff support services to the MPO and Board. The personnel management responsibilities for the term of this MOU are as follows:

1. The City will provide human resources services to the MPO and will serve as the employer of record for those employees receiving work product direction solely from the MPO Policy Board (MPO Employees).
2. All MPO Employees shall be considered City employees for the purposes of payroll disbursement and all fringe benefits, including retirement, medical and life insurance, vacations, sick leave, holidays, and any other benefits normally extended to the City employees. Costs incurred by the City for these benefits will be reimbursed by the MPO.
3. Both the Board and the City agree that the City of Abilene Policies and Procedures Manual will govern the responsibilities and actions of the parties to this MOU, including all MPO Employees, and the City of Abilene Policies and Procedures Manual is hereby adopted to that extent. The Chair of the Board and the MPO Executive Director shall be provided a copy of the City's Policies and Procedures Manual, hereinafter called MPO Policies and Procedures Manual.
4. The hiring, supervision, performance evaluation and termination of the MPO Executive Director shall be the sole responsibility of the Board, except where otherwise delegated herein to the City. The responsibility and authority for disciplinary action shall be as follows:
  - a. The City, acting as the MPO, fiscal agent, and employer of record, shall have the sole authority and responsibility for disciplinary action, including termination, arising from a violation of the MPO's Policies and Procedures Manual unrelated to work product. The City shall notify the Chairman of the Board prior to initiating any disciplinary action.



## **ARTICLE 7. ADMINISTRATIVE SUPPORT**

The City, as the fiscal agent for the MPO is responsible for providing fiscal, human resource and staff support services to the MPO. The administrative support responsibilities for the term of this MOU are as follows:

1. The City will provide legal assistance, communications utilities, technology support, and other administrative support services to the MPO.
2. The City will be reimbursed for indirect costs as determined by the City of Abilene Indirect Cost Allocation Plan.

## **ARTICLE 8. PROPERTY MANAGEMENT**

The MPO will maintain a written property management procedure pursuant to 49 CFR Part 18.32. Any proceeds from the disposition of surplus equipment will be deposited in the MPO account.

## **ARTICLE 9. TERMINATION AND AMENDMENTS**

1. Either party may terminate this MOU in whole or in part hereto whenever such termination is found to be in the best interest of either party. Termination shall be effected by the conveyance of a written notification thereof to the other party at least ninety (90) days in advance of the effective date of the termination.
2. Either party can request an amendment to this MOU by giving thirty (30) days written notice. The amendment becomes effective only by the approval and signature of both parties.
3. In the event of termination, all costs incurred through the date of termination will be paid within thirty (30) days of request for reimbursement or payments.
4. All notices pursuant to this MOU shall be deemed given when, either delivered in person or deposited in the United States mail, postage prepaid, certified mail, return receipt requested addressed to the appropriate party at the following addresses:

If to the City:

The City Manager  
City of Abilene  
P.O. Box 60  
Abilene, Texas 79604



If to the Transportation Policy Board:

Abilene Transportation Policy Board  
C/O Abilene Metropolitan Planning  
Organization Executive Director  
402 Cypress Street,  
Suite 519  
Abilene, TX 79601

#### **ARTICLE 10. NON-DISCRIMINATION**

It is mutually agreed that all parties hereto shall be bound by the provisions of Title 49, Code of Federal Regulations, Part 21, which were promulgated to effectuate the provisions of Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, part 710.45(b), and Executive Order 11246 titled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations (41 CFR Part 60).

#### **ARTICLE 11. GOVERNING LAW**

The laws of the State of Texas shall govern this MOU and all obligations hereunder of the parties are performable in Abilene, Texas. Venue for any legal proceeding is Taylor County, Texas.

#### **ARTICLE 12. NON-ASSIGNMENT**

This MOU shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives successors and assigns. Neither the City nor the Transportation Policy Board shall assign any duty of this Agreement, excepting those already identified herein, without written consent of the other.

#### **ARTICLE 13. SEVERABILITY**

Should any provisions of this MOU for any reasons be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

#### **ARTICLE 14. ENTIRETY OF AGREEMENT**

This is the entire agreement between the parties and no modification of this MOU shall be of any force or effect, unless it is in writing signed by both parties. NO OFFICIAL, EMPLOYEE, AGENT OR REPRESENTATIVE OF THE CITY OR THE BOARD HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED, TO AMEND THIS MOU, EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE CITY OF ABILENE CITY COUNCIL OR THE BOARD.

**ARTICLE 15. EFFECTIVE DATE**

Effective on August 13, 2015. This Corrected Amended Memorandum of Understanding corrects and replaces the executed Amended Memorandum of Understanding of same effective date.

**CITY OF ABILENE  
MPO**

**MPO TRANSPORTATION POLICY  
BOARD**


  
Robert Hanna, City Manager

  
Norm Archibald, Chairman

**ATTEST:**

  
Danette Dunlap, City Secretary

**APPROVED:**

  
Stanley E. Smith, City Attorney

4. Opportunity for members of the Public to make comments on MPO issues.

5. Opportunity for Board Members, Technical Advisory Committee Members, or MPO Staff to recommend topics for future discussion or action.

## 6. Adjournment.