



February 20, 2018

AGENDA ITEM 6 A

CRTPA BOARD WEIGHTED VOTING

TYPE OF ITEM: Action

STATEMENT OF ISSUE

At the January 16, 2018 CRTPA Board meeting, members requested an agenda item to consider eliminating the weighted voting currently in use by the Board. Staff has provided the history of the weighted vote as well as considerations before any final decision is made.

HISTORY AND ANALYSIS

The potential removal of the weighted voting currently used by the CRTPA Board includes several considerations for Board members. This section of the agenda will address:

- The History of MPO Expansion and Weighted Voting of Membership
- The use of “voting points”
- Florida Statute Requirements
- One Member-to One Vote Structure

MPO Expansion and Weighted Voting of Membership

Since the establishment of the Tallahassee/Leon County MPO in 1977 several membership additions and expansions have occurred. There are a couple points to make prior to describing the MPO expansions, including:

1. While the number of voting members may vary, Tallahassee and Leon County have always been equal partners in terms of total points that each organization represented whether it was the Tallahassee/Leon County MPO or the CRTPA.
2. All the expansions of the MPO that have occurred from 1977 to 2008 met Florida Statute 339.175 (Metropolitan Planning Organization) requirements.

The details of these expansions are provided below.

Tallahassee/Leon County Metropolitan Planning Organization (MPO)

On February 8, 1977, the City of Tallahassee and Leon County executed an interlocal agreement establishing the Tallahassee-Leon County Metropolitan Planning Organization (MPO) to carry out a continuing, coordinated, and comprehensive transportation planning process. At that time, the City Commission and County Board had five (5) members each, so the voting did not have any weighting that occurred, each member had a single vote.

Leon County BOCC Expansion

The first time the Board was expanded was to reflect the expansion of the Leon County Board of County Commissioners (Leon County BOCC) from five (5) to seven (7) members. To reflect this change, and keep the voting equal, the Board went to a weighted vote. Each Leon County member had one vote with a weight of five (5) points, 35 in total, while each City member had a vote with a weight of seven (7) points, 35 in total. Therefore, the maximum potential points were 70 for any item brought to the Board.

Leon County School Board Expansion

The second time the Board expanded was to incorporate the Leon County School Board into the MPO process. This expansion occurred in 1998. In terms of voting and weighting points, the City of Tallahassee and Leon County maintained the same structure of one (1) vote – seven (7) points for the City and one (1) vote – five (5) points for the County. The Board provided one (1) vote with a weight of (1) to the Leon County School Board. Therefore, the maximum potential points were 71 for any item brought to the Board.

Tallahassee/Leon County MPO Expansion to CRTPA

The third expansion of the MPO was initiated on October 13, 2003 when the Board approved membership include portions of Gadsden County and portions of Wakulla County. To reflect this expansion, the Board approved a voting scenario based on the populations that each member represented. This scenario is shown below.

Member	Votes	Points
Havana	1	1
Midway	1	1
Quincy	1	2
Gadsden County	1	5
Wakulla County	1	6
Leon County School Board	1	1
Tallahassee	5	42
Leon County	7	42
Totals Points		100

The points for this scenario, based on population, reflect the 2000 Census data. When this expansion occurred, the CRTPA included four (4) members from Gadsden County and one (1) member from Wakulla County. The new membership changed the Tallahassee/Leon County points from the previous 100 to 84. Again, with equal representation amongst city and county members, each was provided 42 points, which were divided by the members on the Board.

It should be noted that Tallahassee and Leon County have the capabilities to reduce the number of members, which would increase the number of points to the remaining Tallahassee or Leon County members. In this instance, both opted to keep the entirety of their respective commissions on the CRTPA Board. In total, the CRTPA had 18 members.

2008 Expansion to Metropolitan Statistical Area (MSA)

Florida Statute 339.175 (2)(c) allows for the expansion of an MPO’s borders to encompass the entire Metropolitan Statistical Area or MSA. The MSA, known as the Tallahassee MSA, includes Gadsden County, Jefferson County, Leon County and Wakulla County. The reasons for this expansion included better regional coordination amongst the counties and the recognition that more than half of the workers in Gadsden, Jefferson and Wakulla Counties travel to Leon County for their jobs. Additionally, it provided the region with a stronger and unified voice in transportation decisions.

However, the expansion to the MSA included some tough decisions about the CRTPA Board membership. First, the size of the Board could quickly become overwhelming if each incorporated municipality and the county had representation. Therefore, Gadsden County was provided two (2) votes, one (1) for the six incorporated municipalities and one (1) for the county. Jefferson County was provided one (1) vote that represented both the county and Monticello. Wakulla County was also provided a vote to represent the county, Sopchoppy and St. Marks. These changes are reflected below:

Member	Votes	Points
Gadsden County Cities	1	5
Gadsden County	1	8
Jefferson County	1	4
Wakulla County	1	8
Leon County School Board	1	1
Tallahassee	3	37
Leon County	3	37
Totals Points		100

The points for two of the members changed from the 2000 Census to the 2010 Census data. Gadsden County was reduced by one (1) point and Wakulla County was increased by one (1) point. All others remained the same. The biggest change that occurred more recently on the Board was the City of Tallahassee and Leon County both reducing the number of voting members from five (5) and seven (7) to three (3) and three (3), respectively.

Voting Points

The use of the CRTPA’s voting points are used for several functions, including:

Quorum

Originally, when the MPO was exclusively the Tallahassee/Leon County MPO, the quorum for a meeting had to be the majority of city and county commissioners in attendance. Therefore, the minimum number of members could be six (6), based on the original MPO, and seven (7) based on the expansion of the MPO due to the Leon County BOCC expansion. The introduction of Leon County School Board members did not change the quorum requirements. These boards did not require the weighted vote for a quorum.

However, the expansion to the CRTPA in 2003 and again in 2008 uses the weighted vote to determine the quorum. Currently, the points associated with each member are totaled to determine when the Board meeting can begin based on the points associated with each member and not the individual member. For example, the total number of points for members outside of Leon County and the City of Tallahassee totals 25 and requires that at least two (2) City or county members (12.33 points for each member, or 24.66 points for two), and the LCSB member (one point) be present for the meeting to have a quorum. This is just one example, but it is possible to have a quorum with less than half of the members present.

Therefore, as Board membership ebbs and flows during the meeting, staff is constantly checking the points to ensure that a quorum is present.

Board Voting

The main function of having voting points is to ensure there is no “tie” to any vote that the Board makes. Since 2003, there has only been one (1) vote that required the use of the voting points to determine if a motion failed or passed.

Florida Statute Requirements

Since there is a Florida House of Representative Bill currently being considered staff wanted to provide a little background comparison on that as well. Only the proposed changes that would potentially affect the CRTPA have been included below.

Current F.S. Chapter 339.175 Metropolitan Planning Organization Requirements

There are several Florida Statutes that help guide MPO membership and voting, including the following:

F.S. 339.175 (3) Voting Membership

The language under 339.175 (3)(a) states:

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations....

Currently, the CRTPA is comprised of eleven (11) members and well within the Florida Statute guidelines.

(a).... County commission members shall compose not less than one-third of the M.P.O. membership...

Currently, county commissioners constitute 55% of the CRTPA Board.

House Bill 575 (HB 575)

This proposed legislation, if implemented by the Florida Legislature, would change several paragraphs in Florida Statute 339.175, relating to the number of MPO Board members, the constitution of commission members, and the removal of the weighted voting structure that several MPO's utilize. It should be noted HB 575 has not progressed through any additional committees since its approval in Local, Federal and Veterans Affairs on January 10. The companion bill SB 1516, has yet to be heard in committee.

Voting Membership

Changes to F.S. 339.175 on voting membership are proposed as:

....(a) 1. The voting membership of an M.P.O. designated in an urbanized area with a population of 500,000 or fewer shall consist of at least 5 but not more than 11 ~~25~~ apportioned members, with the exact number determined on an equitable geographic-population ratio basis..

The CRTPA has eleven (11) members, and therefore meets the proposed change.

County Commission Membership

Changes to F.S. 339.175 on county commission membership are proposed as:

....(a) 3. In accordance with 23 U.S.C. s. 134, the Governor may also allow M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area which do not have members on the M.P.O. ~~With the exception of instances in which all of the county commissioners in a single county M.P.O. are members of the M.P.O. governing board,~~ County commissioners shall compose at least one-third of the M.P.O. governing board membership; however, the entire county commission may not be members of the M.P.O. governing board...

The CRTPA does not have the entirety of any county commission as voting members.

Weighted Voting

Changes to F.S. 339.175 on weighted voting are proposed as:

...An M.P.O. may not adopt a weighted voting structure....

The CRTPA does have a weighted voting structure that is based on the population that each member represents. This structure has been in place since the expansion from the MPO to the CRTPA occurred in 2003. At the time, CRTPA Board did not want to move to a "1 to 1" without Leon County and the City of Tallahassee maintaining their majority voting position. Staff felt that the best way to accommodate this was to move towards a weighted representative vote.

The proposed language changes to the F.S. 339.175 through HB 575 only affect the CRTPA on the removal of weighted voting. The CRTPA is not the only MPO that relies on weighted voting. North Florida TPO (Jacksonville), River to the Sea TPO (Volusia), Pasco County MPO, and Heartland MPO (South-Central Florida) have weighted voting on their respective Boards.

One Member - One Vote Structure

If the CRTPA Board so chooses to move to a one member – one vote structure, it can be accomplished using the current eleven (11) members (shown below). Based on this structure, the option for the City of Tallahassee and Leon County to change their respective number members would need to be eliminated.

CRTPA Board Member	Votes
Gadsden County Cities	1
Gadsden County	1
Jefferson County	1
Wakulla County	1
Leon County School Board	1
Tallahassee	3
Leon County	3
Total Votes	11

Should the Board choose to eliminate weighted voting, two things will need to occur:

1. Update the CRTPA Interlocal Agreement to eliminate references to weighted voting.

Since each member government is a party to the interlocal agreement, this would be the most time-consuming portion of the process since the update would be contingent on review by 12 attorneys and placing the agreement on 12 different meeting agendas. FDOT is a party to the agreement as well. Estimated time to complete: 6 - 9 months.

2. Update the CRTPA Bylaws to eliminate references to weighted voting.

The Bylaw update could be accomplished in one meeting upon completing the update of the Interlocal Agreement.

NEXT STEPS

Options for the CRTPA Board to consider, at this point, include:

1. Direct staff to initiate the process of updating the Interlocal Agreement to change from a weighted vote to a one member – one vote structure regardless of any proposed changes to F.S. 339.175.
2. Wait to see if HB 575 is passed and then make modifications based on any changes to F.S. 339.175.
3. Maintain the current structure. If the legislation does not pass, the CRTPA Board meets all current F.S. 339.175 provisions.