

SUBJECT: Allowing proxy vote for metropolitan planning organization board members

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Garza, Harper-Brown, Hill, Laney, Mercer
0 nays
2 absent — Hamric, Edwards

WITNESSES: None

BACKGROUND: Federal law requires a city with a population of more than 50,000 to designate a metropolitan planning organization (MPO) to develop transportation plans and programs that promote safe and efficient surface transportation systems. Each MPO is guided by a policy board comprising local elected officials, officials of local transportation agencies, and state officials.

Texas has 25 MPOs. Only a few (Austin, El Paso, San Antonio) have state legislators as policy board members. The bylaws of some MPOs allow a city or county official on the policy board to designate a proxy or alternate but do not allow a state legislator to do so.

DIGEST: HB 1883 would authorize the policy board of an MPO to allow a member to designate in writing a voting proxy to act on behalf of and under the supervision of the member. The proxy could vote to the extent authorized by the board member.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

SUPPORTERS SAY: HB 1883 would grant explicit authority for MPOs to allow state legislators and others who serve on MPO policy boards to appoint proxies to represent and vote for them in board matters. MPOs already may allow city and county officials to designate proxies or alternates from among their peers on the council or commissioners court, but state legislators do not have equivalent

peers elected from the same jurisdiction. HB 1883 would allow MPOs to grant similar proxy authority to all board members to avoid skewing representation of some constituents at the expense of others.

MPO policy boards often have close votes on important issues. When a state legislator is attending to legislative duties or otherwise absent, his or her constituents are not represented in MPO decisions. However, when a city or county official designates an alternate to vote in his or her absence, that official's constituents continue to be represented.

Especially during the legislative session, MPOs with state legislators on their boards may have difficulty reaching a quorum. This impedes efficient decision making for the MPO.

The bill is permissive and would not require any MPO to change its current bylaws on proxy voting.

**OPPONENTS
SAY:**

HB 1883 would not specify whom a MPO board member could appoint as a proxy, opening the possibility that a board member could appoint a staff person or other nonelected person. Mixing staff and elected officials, who are not peers, as voting members on a board would not represent good governance. Also, board members could overrely on proxies to the extent that members might attend board meetings in person less often.

Proxy voting as allowed by HB 1883 would sacrifice public policy goals of the state's open meetings law. The attorney general has noted in opinion letters that the open meetings act presumes that board members will be physically present at board meetings to enable each member to contribute to the board's discussion, be informed by the board's deliberation, and be observed by the public.

NOTES:

The companion bill, SB 1080 by Ogden, has been referred to the Senate Infrastructure Development and Security Committee.