



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 51

**Agenda Date:** October 31, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Resolution to Terminate AAMPO Continuing Phase Agreement

**SUMMARY:**

A Resolution supporting the termination of the Alamo Area Metropolitan Planning Organization (AAMPO) Continuing Phase Agreement between the Texas Department of Transportation, City of San Antonio, Bexar County and VIA Metropolitan Transit. and authorizing the City Manager to sign a letter to the AAMPO agreeing to terminate the agreement.

**BACKGROUND INFORMATION:**

The Transportation Policy Board (TPB) Executive Committee met in July 2024 and at the meeting, the TPB approved a Resolution to Terminate the Continuing Phase Agreement. Based on this action, the TPB at their August 26, 2024 meeting, considered the following based on Executive Committee recommendations:

- Expand the AAMPO Study Area (boundary) to include the remainder of Kendall County and a portion of Medina County (and the City of Lytle); and
- Add four new members to the TPB voting membership
  1. Kendall County Representative

2. Medina County Representative
  3. Additional Bexar County Representative
  4. Additional City of San Antonio Representative.
- Remove the VIA ATD Board position. Membership will now be 24 members.
  - Update the Bylaws to reflect the proposed changes.

The Board considered and approved these actions. Signatory agencies (including COSA) are in the process of considering the full repeal (termination) of the agreement.

Membership is currently outlined in two documents:

1. AAMPO's Bylaws

- Amended by a two-thirds vote of the board at any meeting where a quorum is present.
- Requires 10-day review prior to vote; normally, changes follow the two-step process (information one month, action the next month.)

2. The Continuing Phase Agreement – went into effect when MPO was created in 1978.

- Used to stand-up to MPOs early in the process - only a few remain in Texas.
- Four signatories: Bexar County, the City of San Antonio, TxDOT, and VIA.
- Revised three times since its inception; most recently during the 2010 (2014) AAMPO boundary expansion.
- Like Bylaws, the document outlines the organization's purpose, voting membership, and the Director's responsibilities.
- To amend or terminate the Agreement, all four signatories must agree to that process, which was reasonable when the organization was established and when it was an MPO primarily located in Bexar County.
- The organization has evolved and transformed significantly since its inception because of population growth and regional transportation infrastructure needs that will continue in the future.
- Under the AAMPO's resolution dated July 22, 2024, the AAMPO's board composition decisions should be left to itself, in line with federal regulations, which consequently already require the inclusions of the City of San Antonio and Bexar County, departments of transportation and transit providers, among others, ensuring that all four signatory entities will always be involved.

**ISSUE:**

This resolution supports the termination of the Alamo Area Metropolitan Planning Organization (AAMPO) Continuing Phase Agreement Modifications and authorizes the City Manager to sign a letter to the AAMPO agreeing to the termination of the agreement.

Although the bylaws and Continuing Phase Agreement concern the same subject matter, the key consideration is that the City would not have the same power under the bylaws as under the agreement. The agreement falls under contract law. The bylaws are parliamentary. If the City

agrees to terminate the agreement, it relinquishes its legal rights under the contract. Its remaining option is the parliamentary modification of the bylaws.

**ALTERNATIVES:**

Alternatively, the City Council could choose not to approve the resolution. However, all four signatories must agree to amend or terminate the Agreement. Not approving this resolution will delay the AAMPO's progress on its current boundary expansion and AAMPO Board approved modifications regarding the removal and additions to voting membership of the Transportation Policy Board (TPB) Executive Committee.

**FISCAL IMPACT:**

There is no fiscal impact associated with approval of this resolution.

**RECOMMENDATION:**

Staff recommends approval of a resolution supporting the termination of the Alamo Area Metropolitan Planning Organization (AAMPO) Continuing Phase Agreement Modifications authorizing the City Manager to sign a letter to the AAMPO agreeing to the termination of the agreement.