

# MISSOURI TRAILS ADVISORY BOARD

## Bylaws for the Board's Operations

Adopted November 13, 2021

The Missouri Trails Advisory Board (MTAB) was established in 1993 to fulfill the open project selection requirements of the Recreational Trails Program (RTP). RTP is a Federal-aid assistance program authorized by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), codified in 1998 at title 23 U.S.C. 206, and retained in section 206 in subsequent surface transportation authorization. Funds are made available to states who do not opt out annually, and is administered in cooperation with the Federal Highway Administration (FHWA).

The purpose of the RTP program is to provide funding for motorized and non-motorized trail maintenance and development. Title 23 U.S.C., Section 206 requires states to establish an advisory committee representing both motorized and non-motorized users. In Missouri, the Missouri Department of Natural Resources administers the program through its Division of State Parks (Section 640.010 RSMo transferred the State Interagency Council for Outdoor Recreation to the department of natural resources by type II transfer). In accordance with section 206 and 258.010 and 258.060 RSMo, MTAB advises the Department on project selection using grant application scoring criteria.

To carry out these duties, the MTAB hereby adopts the following bylaws:

### Article I: Board Structure

#### Section 1. MTAB members

The MTAB shall consist of nine voting persons, to be appointed by the Department Director or designee. A representative from the FHWA and the Division of State Parks are ex officio members of the board. The membership of the MTAB shall serve without compensation, other than expenses allowable as outlined in the Missouri State Travel Regulations (1 CSR 10-11.010 through 1 CSR 10-11.030). New board members are appointed based upon experience with trail use and trail construction, community involvement, trail user group participation, ability to represent other trail users, ability to devote adequate time to the duties, Americans with Disabilities Act knowledge, and experience.

Board members represent each of the following trail user interests and may be active members and volunteers with the groups they represent: Pedestrian, Equestrian, Off-Highway Motorcycling, All-Terrain Vehicle/Utility Task Vehicle Riding, Bicycling, Mountain Bicycling, Accessibility, Water Trail and General Trail Use. Each member shall serve for a term of three years from the date of appointment and may serve two consecutive terms.

## Section 2. MTAB Responsibilities

Board responsibilities include representing trail users in Missouri, providing advice to the Division of State Parks in developing grant selection criteria, reviewing Recreational Trail Program grant applications and making grant funding recommendations. The board may also be asked to advise on program policy issues, and other duties from time to time. The board members may choose to become active in other trail causes at their discretion, subject to conflict of interest considerations.

## Section 3. Board Structure

Officers of the MTAB shall be a Chair, Vice-chair, and Secretary. They shall be elected annually, typically at the last meeting of the calendar year by a majority of the MTAB members present. The officers' terms shall be for one year or until their successors in office are duly elected. Newly elected officers' terms shall begin at the adjournment of the meeting at which they are elected.

- A. The Chair shall preside at regular and special meetings of the MTAB. The Chair shall appoint special subcommittees as may be necessary and shall serve as an ex officio member of each subcommittee.
- B. The Vice Chair shall assume the duties of the Chair when the Chair cannot be present to conduct regular meetings of the MTAB, or if the Chair finds it necessary to abstain from participation in a matter.
- C. The Secretary shall assume the duties of the Chair whenever the Chair or Vice Chair cannot be present to conduct regular meetings of the MTAB, or if there is a conflict of interest as stated above.

## Section 4. Open Communication

Board members will strive to understand balanced viewpoints on significant issues. Members will be aware that hearing views from just one source (such as department staff, industry, or trail groups) may not adequately represent the entire issue.

Members of the public may address correspondence, written or electronic, to council members or Division of State Parks. Board members receiving written or electronic correspondence pertinent to MTAB business will provide a copy to the board chair and the Section Chief of the Grants Management Section (GMS) at Division of State Parks for dissemination, including all board members and the custodian of records. Individual board members should not respond to nor invoke the board name as evidence of individual authority in any matters.

If a board member publicly takes or expresses a position on a specific issue, or to a party that later comes before the board, the board member will recuse themselves on the record from any discussion, deliberation, or decision making on the issue to avoid a conflict of interest.

## Article II: Board Meetings and Procedures

### Section 1. Meetings

The board typically meets two (2) times per year, but is only required to meet at least one (1) time during each calendar year, at a time and place determined by the GMS in consultation with the MTAB members. Meeting dates for each meeting are voted upon at the prior meeting.

The board may hold special meetings as necessary to conduct board business. Special meetings may be called by the Chair or upon the request of a quorum of the MTAB or GMS staff.

Meetings shall be publicly noticed at least 24 hours in advance of the start of the meeting excluding weekends and holidays; and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and provide notice of the means for public participation. Meeting minutes shall note any remote attendance.

The board may conduct business in closed session for lawful purposes.

### Section 2. Procedures

The work of the board will be conducted with respect and courtesy toward the staff, interested parties, and the public. Decision-making will reflect independence and impartiality. To bolster impartiality, comments should be presented in the framework of the project evaluation criteria, and any comments or queries not related to the grant application or evaluation criteria will be deferred until after a board determination has been rendered.

The procedure at all meetings mentioned in these bylaws shall be governed by Robert's Rules of Order Parliamentary Procedures at a Glance. Members of the public shall be afforded the opportunity to comment on agenda items at the time they are addressed, subject to such time limits as may be communicated.

#### A. Quorum

A quorum shall be a majority of members appointed. A quorum must be in attendance (in person, remote or a combination) for grant applications to be recommended for funding. If there is no quorum, members may conduct a working meeting but shall not vote to recommend grant projects for funding.

- B. **Voice Vote**  
Action shall normally be taken by voice vote upon proper motion when a quorum is present. In the event there are nay votes, each nay vote shall be recorded by member's last name in the meeting minutes. A majority vote signifies approval.
- C. **Written Ballot**  
The Chair shall comply with the request of any member for a written vote in any single action. The Chair shall receive and tabulate the ballots and announce the results.
- D. **Grant Scoring Procedures and Application Process**  
All grant applications shall be scored fairly and impartially in accordance with the grant scoring criteria outlined in the Open Project Selection Process for that grant cycle. Each year that RTP funding is available, the GMS will host an Open Project Selection Process. Prior to opening the grant round, GMS staff will present the Open Project Selection Process to the board and ask if the board recommends any changes to the process. Any recommendations of the board will be considered by GMS. The GMS will open the grant round and host a grant application workshop to ensure that all applicants understand how to fill out the application form. The GMS will also assist applicants with questions and offer courtesy reviews of applications when possible. Once the grant round closes, the GMS will prepare the applications for review by the MTAB. A copy of each eligible grant application and a scoring sheet for each project will be provided to the board. Each board member will individually complete the scoring sheet based on the scoring criteria established in the grant application process. To ensure fairness and impartiality, board members shall not prepare or assist in the preparation of any RTP grant application while on the board and for one year after leaving the board. Any application inquiries received by the board shall be directed to the GMS.
- E. **Grant Recommendations for Funding**  
After scoring each application, all board members will send their scoring sheets to GMS staff. GMS staff will tally the scores and prepare a funding recommendation spreadsheet for discussion at the next board meeting. Collectively, the board will meet to discuss the merits of each application recommended for funding based on the scoring criteria established by the Open Project Selection Process. The board will vote on which projects to recommend for funding at the meeting.
- F. **Participation in Recreation Trails Program Funded Projects**  
Board members should work to deliberately avoid actual or potential conflicts of interest related to grant-making with public funds at the individual and organizational level by being transparent and accountable. A conflict of interest may exist even if no unethical, improper or illegal act results from it.

Conflicts can arise that are actual, potential or perceived, or represent a conflict of public duty and private recreational interests. Private interests may be direct or indirect, and financial or non-financial. If personal values are likely to impact the ability to remain impartial these can also lead to conflict of interests. At a minimum, potential conflicts should be disclosed at the earliest opportunity, and can be addressed with the most

certainty by recusal from decision-making. Examples of an unfair competitive advantage requiring recusal include but are not limited to 1) situations where a Board member has reviewed or drafted all or part of an applicant's proposal; and 2) the likelihood of consulting fees or other compensation to be paid from grant funds to the Board member, affiliated organization or a family member. Many other circumstances can create the appearance of being partial. In any circumstance you have a question, discussing the matter on the record before proceeding is appropriate.

- G. **Public Participation**  
The public will be given an opportunity to speak at each board meeting.
- H. **Training**  
Board members shall strive to understand the role they represent through annual training, as outlined in Exhibit A.
- I. **Amendment**  
Bylaws may be amended by a 2/3 supporting vote of members present with a proper motion.

### Article III: Records and Information

Materials that are provided to board members for any meeting will also be made available to the public, unless protected by law.

- A. **Agenda**  
In the preparation of the agenda the GMS staff shall consult with the board. All MTAB members, GMS staff, and public shall have access to the agenda.

Requests to be placed on the agenda for matters other than grant application review and scoring must be received by the GMS at least two (2) weeks in advance of the meeting to which access is sought. A forty-eight (48) hour notice prior to the meeting will be required for an exceptional circumstance and will be granted at the discretion of the MTAB Chair and the GMS Section Chief. Access to that particular meeting cannot be guaranteed as a rule; however, the MTAB will attend to public concerns within its jurisdiction.

Agendas will be posted physically and online in accordance with Missouri law and Department procedure. A draft of the agenda will be made available at least three weeks in advance of the meeting.

- B. **Minutes**  
The GMS will maintain minutes of board meetings. Draft minutes shall become final upon approval at a subsequent board meeting.

Section 3. Records

The custodian of records for board matters shall make records available to the public in accordance with the law and Department procedures.

Article IV: Support Personnel

Section 1. Division of State Parks, Grants Management Section

The GMS supports the business of the board. These duties shall include scheduling board meetings, posting meeting notices, advertising and filling vacancies, taking meeting minutes, and providing the board with copies of the Open Project Selection Process and grant applications to review and score. Staff shall provide board members with materials supporting the conflict of interest provisions at Article V, and shall collect a conflict of interest statement from each member on an annual basis.

The GMS is the custodian of records for the board. The custodian shall be copied on all ingoing and outgoing communication related to board business, from and to staff and board members, including personal email accounts. The official email address of the custodian is [mspgrants@dnr.mo.gov](mailto:mspgrants@dnr.mo.gov).

Section 2. Legal Support

Legal counsel to the Department of Natural Resources provides advice and guidance to the Division of State Parks, Grants, Recreation, and Interpretation Program, Grants Management Section, as necessary.

Article V – Conflict of Interest

The Federal Highway Administration requires of its programs, the State of Missouri requires of its appointees, and the Department of Natural Resources requires of its employees, that conflicts of interest, real and apparent, be avoided. The integrity and objectivity of review board outcomes relies on avoiding conflicts of interest in decision-making. Board members are expected to be objective in their advice and decisions and may not benefit directly or indirectly from a decision in which they participate, either financially or through personal gain.

No member of the MTAB shall participate in reviewing, discussing, or voting on any matter pending before the MTAB if there is a conflict of interest, real or apparent.

Board members are appointees of the State of Missouri and must comply with Revised Statutes of the State of Missouri 105.452. This Missouri law prohibits use or disclosure of confidential information for personal gain, or favorably acting on a matter specifically designed to provide

personal benefit, including benefit to certain family members. A copy is provided as Exhibit B and shall be provided to each board member.

MTAB members, in order to protect themselves and the MTAB from allegations of conflict of interest, shall take individual responsibility for identifying potential conflicts and entering them into the written record of the MTAB's proceedings. In addition, the GMS requires board members to submit an annual conflict of interest statement to the GMS Section Chief during the last meeting of the calendar year. If a board member is found in conflict after the fact the MTAB Chair will notify the Division of State Parks Director (as the appointing authority) and the GMS Section Chief in writing of the conflict of interest.

Employees of the Department of Natural Resources must comply with the Department's conflict of interest policy, including GMS staff supporting board business. The policy prohibits staff from participating in the selection, award or administration of any contract supported by state or federal funds if a conflict of interest exists and includes a staff member's immediate family or spouse. In addition, Executive Order 18-10 emphasizes the Missouri Governor's commitment that all executive branch agencies and employees maintain the highest ethical standards. Anyone involved in supporting or conducting board business who has a conflict of interest with respect to any matter under MTAB consideration shall absent himself or herself from the meeting during the review, discussion, and decision pertaining to that subject.

## Exhibit A

### Training for Board Members

Premise: Comprehensive knowledge and understanding of the board's responsibilities and roles, as well as of the substantive laws and regulations governing the Recreational Trails Program, is key to competent and consistent performance of board members.

#### 1. New Commissioner Information

Upon appointment, each new commission/board member shall receive orientation from their respective commission/board and, at a minimum, a packet containing copies of the following:

- a. MTAB By-laws for the Board's Operation.
- b. A copy of Robert's Rules of Order at a Glance.
- c. The most recent Open Project Selection Process for the Recreational Trails Program, links to grant application workshop, and administrative workshop.
- d. A copy of 23 U.S.C. 206
- e. Information regarding the Sunshine Law.
- f. The code of conduct form and conflict of interest statute.

#### 2. Training (offered once a year)

A grant application workshop will be held annually by the GMS to assist all grant applicants in preparing their RTP Applications. This workshop will be held virtually and recorded. All board members shall watch the application workshop prior to scoring grant applications.

Exhibit B

**RSMo 105.452. Prohibited acts by elected and appointed public officials and employees. —**

1. No elected or appointed official or employee of the state or any political subdivision thereof shall:

- (1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or
- (2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;
- (3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;
- (4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, “**special monetary benefit**” means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of Section 13 of Article VII of the Missouri Constitution; or
- (5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

2. No elected or appointed official or employee of any political subdivision shall offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision.