

# **REQUEST FOR BOARD ACTION**

## **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** October 7, 2013

**SUBJECT:** Transportation Advisory Committee Bylaws Amendments

**PRESENTER:** Matthew Cable, AICP, Transportation Planner

**ATTACHMENTS:** 1. Draft Transportation Advisory Committee Bylaws

### **SUMMARY OF REQUEST:**

The Board of Commissioners last approved amended bylaws for the Henderson County Transportation Advisory Committee (TAC) in 2009. Current TAC bylaws include a reference to the day and times of meetings which have since been changed by the TAC. The TAC, prompted by the inconsistency between the bylaws' indicated meeting schedule and the actual meeting schedule, determined it an appropriate time to review its bylaws. During its review the TAC also suggested language be added related to establishing rules of meeting conduct. The TAC bylaws (attached with the proposed changes shown) include additional nonsubstantive amendments to correct grammatical errors and simplify bylaws language.

### **BOARD ACTION REQUESTED:**

The TAC and Planning Staff recommend approval of the attached bylaws.

### **Suggested Motion:**

I move the Board approve the Transportation Advisory Committee Bylaws as presented.

## AMENDED BYLAWS AND RULES OF PROCEDURE FOR THE TRANSPORTATION ADVISORY COMMITTEE

I. **CHARTER.** On the 17<sup>th</sup> day of February, 2000 the Henderson County Board of Commissioners approved the charter for the Transportation Advisory Committee (hereinafter referred to as the “Committee”) and subsequently approved an amendment to that charter on February 4, 2008, and appointed members to the Committee. The terms of the ~~recently~~ amended February 4, 2008 charter shall govern the activities of the Committee, and to the extent that these bylaws conflict with the charter, the terms of the charter shall control.

II. **PURPOSE.** The purpose of the Committee is to advise the Board of Commissioners on matters related to transportation within Henderson County. The Committee should assess the transportation needs of the County and suggest methods to address these issues. The Committee should work with the NCDOT Division and District Offices, as well as the Planning Department on such projects as long range planning, specific project planning, major and minor street/road improvement projects, road and bridge safety, and alternative transportation.

### III. MEETINGS.

A. **Meetings to be Open.** It is the public policy of North Carolina and Henderson County that the hearings, deliberations, and actions of this Committee be conducted openly. Except as allowed by NCGS 143-318.11 each meeting of the Committee shall be open to the public and any person is entitled to attend such a meeting. The Committee may allow time on the agenda for citizens to be heard at meetings regarding specific issues within the time constraints that shall be set by the Chair. However, the public’s right to attend such meeting does not necessarily entitle the public to participate in the meeting.

B. **Regular Meetings.** The Committee shall hold meetings according to a schedule which shall be determined at the last meeting of the ~~annual-calendar~~ year. The schedule shall be posted on the County’s website. Meetings shall be held ~~on Thursdays at 3:00 pm~~ at a regular time and day as selected by the Committee and in compliance with other provisions regulating notice of meetings. Meetings shall be held in the King Street Meeting Room of the Henderson County Administration Building located at 100 North King Street in Hendersonville, North Carolina. The schedule of the regular meetings of the Committee shall be kept on file with the Secretary of the Committee and shall be filed with the Clerk to the Henderson County Board of Commissioners. The Committee shall have the authority to change the schedule of regular meetings, and/or to change the date of a particular regularly scheduled meeting without the necessity of approval of the Board of Commissioners. If the Committee changes the schedule of regular meetings, the Secretary shall forward a copy of the new schedule to the Clerk to the Board of Commissioners at least seven (7) days prior to the first meeting held pursuant to the new schedule. If a

particular regularly schedule meeting is changed, the secretary shall comply with the notice provisions of paragraph D below (Special Meetings).

- C. **Special Meetings.** The Chair of the Committee or the majority of the members of the Committee may at any time call a special meeting of the Committee by signing a notice setting the time and place of the meeting and the subjects to be considered. Such notice must be posted on the bulletin board located in the front lobby of the Henderson County Courthouse, posted on the bulletin board for the County Administration Building, mailed or delivered to each newspaper, wire service, radio station and television station which has filed a written request for notice with the Secretary, mailed or delivered to any entity or person that has requested to be on the Committee's sunshine list as prescribed by law, and delivered to all members of the Committee, all to occur at least 48 hours before the meeting. Only the business that is specified in the notice of the meeting may be transacted during a special meeting unless all members (not simply a quorum) are present and consent to the addition of other matters, or those members absent have filed a waiver with the Secretary to the Committee.
- D. **Presiding Officer.** The presiding officer of each meeting of the Committee shall be the Chair of the Committee. In situations where the Chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the Vice-Chair shall preside. In the event that neither the Chair nor the Vice-Chair is available, the members of the Committee, by affirmative vote of the majority may appoint an acting Chair who shall have all powers of the Chair while acting as presiding officer.
- E. **Meeting Conduct. Meetings will be conducted according to Small Government Rules of Procedure.**

**IV. MEMBERSHIP.** The Committee shall consist of a total of 11 members, including one (1) MPO ~~Transportation Advisory Committee Board~~ representatives from ~~the Henderson County municipalities: (1) City of Hendersonville, (2) Town of Fletcher, (3) Town of Laurel Park, (4) Town of Mills River, and (5) Village of Flat Rock;~~ two MPO ~~TAC Board~~ representatives from Henderson County, and four at-large members, or other elected representatives from local governments. County and municipal staff may serve as alternate members to vote in the absence of the regular member from that local government. The municipalities may appoint one staff person to serve as ex-officio members to increase communication. The County Planning Director, or his designee, shall serve as an ex-officio member to serve as the county staff representative. At-large members shall serve two year appointments. Positions 1 and 2 shall initially be appointed for 1 year and two years thereafter. Positions 3 and 4 shall be appointed for a two year term and two years thereafter. Vacancies occurring on the Committee shall be filled by the Henderson County Board of Commissioners for the applicable unexpired term.

**V. DUTIES.** Duties of the Committee will be as assigned by the Henderson County Board of Commissioners.

**VI. SELECTION OF THE CHAIR AND VICE CHAIR.** The Chair shall be selected by the Board of Commissioners if so desired. The Chair may also be elected by the Committee. The Vice Chair shall be elected by a majority vote of the Committee.

**VII. POWERS AND DUTIES OF THE CHAIR AND VICE-CHAIR** The Chair shall preside at all meetings of the Committee but shall also have the right to engage in discussion and vote on any matter before the Committee unless otherwise excused. The Chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The Vice-Chair shall have all powers and perform all the duties of the Chair in his or her absence.

**VIII. DUTIES OF THE SECRETARY.** The staff person assigned to the Committee shall serve as the Secretary of the Committee and shall perform the following: ~~The Secretary shall~~ (1) ensure that all meetings of the Committee are properly noticed as outlined above; ~~.-The Secretary shall~~ (2) maintain the sunshine list which is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Committee. ~~The Secretary shall;~~ (3) take and record all actions of the Committee and draft minutes of the meetings accordingly. ~~The Secretary shall also;~~ (4) forward a copy of the minutes as they are approved to the Clerk to the Board of Commissioners. ~~The Secretary shall also be responsible for;~~ (5) maintaining an accurate list of members of the Committee, submitting to the Clerk to the Henderson County Board of Commissioners a monthly attendance report for its members and notifying said Clerk of any resignations of any of its members, or any other change in membership of the Committee.

**IX. ATTENDANCE.** All members of the Committee are expected to attend the regular and/or special meetings of the Committee. Any member not able to attend must notify the Secretary in advance of the meeting. Any member who fails to regularly attend the meetings of the Committee may be subject to consideration for removal from the Committee by the Henderson County Board of Commissioners.

**X. REPORTS.** The Committee shall make a report to the Henderson County Board of Commissioners and the Local Government Committee for Cooperative Action (LGCCA) at least annually. The Committee shall make reports to the Board of Commissioners and LGCCA as needed or as requested.

**XI. ACTION BY THE COMMITTEE.**

- A. **Quorum.** A two thirds majority of the members shall constitute a quorum. No action of the Committee may be taken at any meeting where less than a quorum is present. Once a quorum is established, it will not be defeated if members leave.
- B. **Motions.** Action of the Committee may be taken upon a motion made by any member, including the Chair, without the need for a second. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after the discussion of the motion by the members.

**XII. VOTING.**

- A. **Duty to Vote.** It is the duty of each member, including the Chair, to vote unless otherwise excused. The Committee may excuse members from voting on any matter involving their own financial interest or official conduct or when a member has indicated an inability to be impartial in any quasi-judicial matter before the Committee.
- B. **Abstentions.** Should a member fail to vote on any matter before the Committee, without having been excused from such vote, such abstention will count as an affirmative vote.

**XIII. MINUTES.** Minutes shall be kept of all meetings of the Committee. The Secretary of the Committee shall present such minutes to the Committee for approval. Minutes of the meetings of the Committee shall be public records. The Secretary shall be responsible for sending a copy of all approved minutes to the Clerk for the Board of Commissioners.

**XIV. AMENDMENTS.** The Committee may amend these by-laws by action of the Committee provided however, those amendments shall not be effective until they are approved by the Henderson County Board of Commissioner. The Secretary shall be responsible for sending a copy of all approved minutes to the Clerk for the Board of Commissioners.

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**Jim Crafton**  
**Transportation Advisory Committee Chair**

**APPROVED BY THE HENDERSON COUNTY BOARD  
OF COMMISSIONERS ON THE**

\_\_\_\_\_ **DAY OF** \_\_\_\_\_, **2013**

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**Charlie Messer, Chairman**