

**BYLAWS OF THE
ASHEVILLE TRANSIT COMMISSION**

ARTICLE I.

NAME AND CREATION

Section 1. The name of the public entity shall be the Asheville Transit Commission.

Section 2. The Commission shall be a public body with all meetings of the Commission subject to the open meetings laws of the State of North Carolina.

ARTICLE II.

PURPOSE

The purpose of the Commission is to study public transit in the City and as such, serve as an advisory body to the City's Public Transit Office.

ARTICLE III.

MEMBERSHIP

Section 1. The Commission shall consist of seven members, who are residents of the City and appointed by the Asheville City Council. Membership can only be increased or decreased by action of the Asheville City Council.

Section 2. Members shall serve at the pleasure of City Council with the term of office being 2 years or until the member's successor is duly appointed and qualified. Members are eligible for reappointment.

Section 3. Members shall not have any financial interest in a transit company doing or seeking to do business with the City.

ARTICLE IV

OFFICERS

Section 1. The Commission shall have a Chair and Vice Chair, who shall each be elected from the Commission's membership for a 1 year term beginning with January 1 of each calendar year.

Section 2. The Chair shall preside over all meetings and appoint all committees. It shall be the duty of the Chair to see that all committees function.

Section 3. In the absence of the Chair, the Vice Chair shall assume all duties, powers and responsibilities of the Chair.

ARTICLE V.

COMMITTEES

The Chair may provide for such special and standing committees as deemed appropriate.

ARTICLE VI.

MEETINGS

Section 1. There shall be at least one regular meeting of the Commission each quarter.

Section 2. The Chair or the Secretary may call special/emergency meeting of the Commission as deemed advisable.

ARTICLE VII.

QUORUM

Section 1. Four members of the Commission shall constitute a quorum sufficient to conduct the business of the Commission.

Section 2. Once a quorum is established, it shall not be destroyed by one of the members leaving.

ARTICLE VIII.

Voting

Section 1. All members are entitled to one vote including the Chair.

Section 2. No member of the Commission may vote on any matter whereby that member has a conflict of interest.

ARTICLE IX.
AMENDMENTS

These bylaws maybe amended by a three-fourths affirmative vote of the members of the Commission.

These Bylaws of the Asheville Transit Commission are adopted this _____ day of _____, 1999.

Secretary

Chair

**RULES OF PROCEDURE
FOR THE ASHEVILLE TRANSIT COMMISSION**

I. GENERAL

- A. The Asheville Transit Commission shall be governed by the terms of City of Asheville Ordinance No. 2587. Unless provided for by these rules, Roberts Rules of Order shall govern all points of order and procedure.

II. OFFICERS AND DUTIES

- A. *Chair.* The Chair shall be elected by a majority vote of the membership of the Commission from among its members. The term of office shall be for one (1) year, and until the successor is elected, beginning on January 1st of each year, and the Chair shall be eligible for reelection. The Chair shall appoint any committees found necessary to investigate any matter before the Commission.
- B. *Vice-Chair.* A Vice-Chair shall be elected by the Commission from among its members in the same manner and for the same term as the Chair. The Vice Chair shall serve as Chair in the absence of the Chair, and at such times shall have the same powers and duties as the Chair and shall be eligible for reelection.
- C. *Secretary.* The Director of the City of Asheville Transit Office/designee shall serve as Secretary to the Commission. The Secretary shall (i) keep all records; (ii) conduct all correspondence of the Commission; (iii) arrange for all required public notices to be given; and (iv) take minutes at each Commission meeting which shall be kept in a permanent volume. The minutes shall reflect all important facts pertaining to each meeting, every motion acted upon by the Commission, and all votes of members of the Commission upon any motion or upon the final determination of any question, indicating the names of members absent or failing to vote.

III. MEMBERS

- A. Membership on the Commission shall be governed by Ordinance No. 2587 adopted by the Asheville City Council on June 22, 1999.
- B. Members of the Commission may be removed for cause by the appointing authority.

- C. Faithful attendance at meetings of the Commission and conscientious performance of the duties required of members of the Commission shall be considered a prerequisite of continuing membership on the Commission.
- D. No Commission member shall take part in the hearing, consideration or determination of any case in which he is personally or financially interested.
- E. No Commission member shall vote on any matter whereby the member was not present.
- F. Violation of any rule of procedure by a Commission member will be cause for dismissal from the Commission.

IV. MEETINGS

- A. *Regular Meetings.* The Secretary shall schedule a regular meeting of the Commission on the third Wednesday of each month at 4:00 p.m. at the Transit Garage located on West Haywood Street; provided, however, that meetings may be held at some other convenient time and place in the City if directed by the Secretary in advance of the meeting.
- B. *Special Meetings.* Special meetings of the Commission may be called at any time by the Chair or Secretary. At least forty-eight (48) hours written or oral notice of the time and place of the special meetings(s) shall be given by the Secretary to each member of the Commission and the local press.
- C. *Emergency Meetings.* The Chair and the Secretary may at any time call an emergency Commission meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Chair and each Commission member or left at the member's usual dwelling place at least six hours before the meeting. Notice of the meeting shall be given to all media that has filed a written emergency meeting notice request with the City Clerk or the Secretary. This notice shall be given either by telephone or by the same method used to notify the Chair and Commission members, and shall be given at the expense of the party notified. Emergency meeting shall only be called because of generally unexpected circumstances that require immediate consideration by the Commission. Only business connected with the emergency may be considered at an emergency meeting.

D. Adjourned recessed meetings. A properly called regular, special or emergency meeting may be adjourned by a procedural motion made and adopted in accordance with Robert's Rules of Order. The motion shall state and time and place when the meeting will reconvene. No further notice need be given of an adjourned recessed session of an appropriately called regular, special, or emergency meeting.

E. Conduct of Meetings. The order of business for meetings shall be as follows:

1. The Chair shall preside over all meetings.
2. The Chair of each Committee shall be called upon to present a report.
3. The Director of the Transit Office shall give a report on the office of Transit affairs. Additionally, the Management Company shall give a report.
4. The Chair may direct Committees to gather additional data, perform additional research or form subcommittees before voting on a report.
5. The Commission led by the Chair shall vote on what action to take, if any, on all reports given.

V. PUBLIC ADDRESS TO THE COMMISSION

A. Citizens desiring to address the Commission shall be given the opportunity to do so as follows:

1. Any individual or group who wishes to address the Commission may make a request to be on the agenda to the Secretary. The Chair and the Secretary shall determine when preparing the agenda for the meeting whether the matter will be placed on the agenda.
2. The public shall be allowed to comment on matters under consideration by the Commission prior to a final vote on the matter by the Commission. Any person addressing the Commission shall be limited to a three minute presentation except that any group making a presentation to the Commission may have a single spokesperson who will be allowed ten minutes to address the Commission. The Commission will receive written information from any individuals or groups that cannot conclude their presentations within these time limitations.

VI.

A. VOTING.

1. Requirement. Every member present must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present for the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.
2. Roll Call. All votes of the Commission shall be conducted in such fashion as to allow the minutes to reflect the vote of each commission member. When a roll call vote is taken, the order of voting shall be alphabetical by last name of the Commission member except for the Chair, who shall vote last.
3. Majority. The concurring vote of a majority of the members present of the Commission shall be necessary to act on any matter before the Commission.

Read, approved and adopted by the Asheville Transit Commission on the _____ day of _____, 2000.

Secretary

Chair

Date

Date