

**RULES OF PROCEDURE OF THE
MULTIMODAL TRANSPORTATION COMMISSION**

ARTICLE I

NAME AND CREATION

Section 1. The name of the entity shall be the Multimodal Transportation 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

Subject to such limitations as may be imposed by State law or by Ordinance of the City, the Commission is created to assist the City in furthering, advancing and promoting a broad comprehensive and integrative transportation system that incorporates multimodal concepts, including but not limited to transit, bicycle and pedestrian facilities, greenways, complete streets and highways.

ARTICLE III

MEMBERSHIP

Section 1. *Composition:* Membership on the Commission shall be governed by Ordinance No. ~~43144190~~, adopted by the Asheville City Council on ~~May 1~~ June 24, 2014. The Commission shall consist of nine (9) voting members and three (3) ex-officio non-voting members, all of whom shall be residents of the City of Asheville as follows: ~~The nine voting members shall include 3 members from the Greenway Committee, 3 members from the Transit Committee and 3 members from the Bicycle and Pedestrian Taskforce. The three non-voting members shall include a member of the Sustainability Advisory Committee on Energy and the Environment, a member of the Planning and Zoning Commission, and a member of the Neighborhood Advisory Committee.~~

(1) Two voting members representing transit interests;

(2) Two voting members representing greenway interests;

(3) Two voting members representing bicycle/pedestrian interests;

(4) Three at-large members;

(5) One ex-officio non-voting member of the Planning & Zoning Commission;

(6) One ex-officio non-voting member of the Sustainability Advisory Committee on Energy & the Environment; and

(7) One ex-officio non-voting member of the Neighborhood Advisory Committee.

Section 2. *Removal:* Members of the Commission may be removed at the discretion of the City Council.

Comment [kw1]: Revised to be consistent with Ordinance No. 4314

Section 3. *Attendance:* The failure of any Commission member to attend 75 percent or more of the meetings of the Commission held during a 12-month period, unless, excused, may be grounds for removal.

Section 4. *Term of office:* Members of the Commission shall be appointed for three year terms. Membership shall be staggered to the end that the terms of all members shall not expire at the same time. Members may serve up to two consecutive terms.

ARTICLE IV

OFFICERS AND DUTIES

Section 1. *Chair:* The Commission shall have a Chair, who shall be elected by a majority vote of the voting membership of the Commission from among its members. The term of office shall be for one (1) year, or until the successor is duly elected, beginning on January 1st of each year. The Chair shall be eligible for reelection. The Chair may appoint any committees deemed necessary to investigate any matter before the Commission.

Section 2. *Vice Chair:* The Commission shall have a Vice-Chair who shall be elected by the Commission from among its members in the same manner and for the same term as the Chair and shall be eligible for reelection. The Vice-Chair shall serve as Chair in the absence of the Chair, and when serving as Chair shall have the same powers and duties of the Chair.

Section 3. *Secretary:* The Assistant City Manager or his or her designee will serve as Secretary to the Commission. The Secretary will (1) keep all records; (2) conduct all correspondence of the Commission; (3) arrange for all required public notices to be given; and (4) take minutes at each Commission meeting which shall be kept in a permanent volume, for such duration as may be required by the North Carolina Municipal Records and Disposition Act. 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.

ARTICLE V

MEETINGS

Section 1. *Number of Meetings:* There shall be at least 9 regular meetings of the Commission each year.

Section 2. *Regular Meetings:* At the beginning of each year, the Secretary, in conjunction with the members of the Commission, shall adopt a schedule of meetings and set a regular meeting place for the year. The Commission may amend the schedule of meetings as deemed necessary.

Section 3. *Procedure:* Unless otherwise provided for by these Rules, Roberts Rules of Order will govern all points of order and procedure.

Section 4. *Agenda:* The Chair in consultation with the Secretary shall set the Agenda for each meeting.

Section 5. *Conduct of Meetings:* The order of business for meetings shall be as follows:

- a. The Chair shall preside over all meetings.
- b. The Chair of each appointed Committee may be called upon to present a report.
- c. The Chair may direct Committees to gather additional data, perform additional research or form subcommittees before voting on a report.
- d. The Commission led by the Chair shall vote on what action to take, if any, on all reports given.

Section 6. *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 meeting(s) shall be given by the Secretary to each member of the Commission and the local press.

Section 7. *Emergency Meetings:* The Chair, the Secretary, or any two voting members of the Commission may at any time call an emergency Commission meeting by signing a written notice stating the time and place of the meeting and the subject(s) to be considered. The notice shall be delivered to the Chair and each Commission member 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 meetings 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.

ARTICLE VI

QUORUM

Section 1. A simple majority of voting members of the Commission, excluding vacancies, shall constitute a quorum.

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

ARTICLE VII

VOTING

Section 1. *Requirement:* All voting members are entitled to one vote, including the Chair. All voting members including the Chair must vote on all matters brought before the Commission unless excused by the remaining members according to law.

Section 2. *Exceptions:* 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.

Section 3. *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.

Section 4. *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.

ARTICLE VIII

APPOINTMENT OF COMMITTEES

Section 1. *Authority:* Pursuant to Ordinance No. 4190, the Commission is authorized to establish and appoint committees including a Transit Committee and a Greenway Committee.

Section 2. *Standing Committees:* The former Transit Commission and the former Greenway Commission shall be established as standing committees of this Commission, and shall be deemed to be in existence as of July 1, 2013. Commission members who derived their seats on the Commission from a standing committee must remain members of their respective standing committee to be entitled to a voting seat on the Commission. If a commission member's term on the standing committee expires before his or her term on the commission, then the term on the standing committee will be extended to coincide with the member's Commission term.

~~All members appointed by City Council to these two former commissions will automatically be members of the respective standing committees, and except as set forth below, their terms shall be as they existed prior to July 1, 2013.~~

Commission members appointed by Council that represent transit interests shall be automatically appointed to the Transit Committee. Commission members appointed by Council that represent greenway interests shall be automatically appointed to the Greenway Committee.

Membership of the standing committees shall be as follows:

- a. The Transit Committee shall have no fewer than 7 and no more than 11 members.
- b. The Greenway Committee shall have no fewer than 7 and no more than 11 members.

Section 3. *Appointments to committees:*

- (a) Annually, or more often as needed, the Commission will review the terms of the membership of the standing committees along with other committee established by the Commission. When there are or will be vacancies within the next three (3) months, the Commission will direct the chair of the relevant committee to advertise the vacancies and accept applications using the City of Asheville form for Boards and Commissions, adapted as necessary for the committee.

Comment [kw2]: Moved this section from below since this applies to some members of the MMTC still

Comment [kw3]:

Option 1: Provided however that this cap shall not apply when a member of the Commission is automatically appointed to the Transit Committee and the Transit Committee consists of 11 members at the time of the appointment.

Option 2: delete or increase cap.

Comment [kw4]: Option 1: Provided however that this cap shall not apply when a member of the Commission is automatically appointed to the Greenway Committee and the Greenway Committee consists of 11 members at the time of the appointment.

Option 2: delete or increase cap.

- (b) The committee will review applications received and make recommendations of one or more candidates for consideration by the Commission. Provided that the recommendations of the committee are received at least five days before a Commission meeting, the Commission shall vote on the candidates at its next meeting.
- (c) Each voting member of the Commission shall have as many votes as the number of seats to be filled and may only use one vote per candidate, per committee. The successful candidate(s) must receive a majority vote from the voting members of the Commission, excluding vacant seats.

Section 4. *Selection considerations:* In selecting members to committees, the Commission will strive for a balanced membership, including representation from transit and greenway users; economic, geographic, racial, ethnic, and gender diversity; and diversity of skills and interests that may be valuable to the committee and Commission.

ARTICLE IX

PUBLIC ADDRESS TO THE COMMISSION

Section 1. *Agenda:* The Commission will include on every agenda a public comment period at the beginning and at the end of the meetings.

Section 2. *Time Limit:* Any person addressing the Commission shall be limited to a three-minute presentation. Any group of three (3) or more individuals, not including the speaker, 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.

Section 3. *Prior to a Vote:* 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.

Section 4. *Requests to be on Agenda:* Any individual or group who wishes to address the Commission may make a written request to the Secretary to be on the agenda. The Chair and the Secretary will determine, based upon completeness of the request and the other necessary business of the Commission, whether the matter will be placed on the agenda.

ARTICLE X

CONFLICT OF INTEREST

No Commission member shall take part in the hearing, consideration or determination of any case in which the member is personally or financially interested.

ARTICLE XI

AMENDMENTS

These Rules may be amended by a three-fourths affirmative vote of the members of the Commission; provided, however, all amendments must be presented in writing at a regular meeting preceding the meeting at which the vote is taken.

These Rules are adopted this _____ day of _____, 2016.

Paul Fetherston, Secretary

Bruce Emory, Chair