

**City of Durham and County of Durham
Interlocal Cooperation Agreement to Reauthorize
The Durham Bicycle and Pedestrian Advisory Commission**

Section I. Creation and Purpose

This is an Interlocal Cooperation Agreement between the CITY OF DURHAM, North Carolina (hereinafter "City") and the COUNTY OF DURHAM, North Carolina (hereinafter "County") to reauthorize the Durham Bicycle and Pedestrian Advisory Commission (hereinafter "Commission"). The purpose of this Commission is to improve conditions for walking and bicycling in Durham City and County.

Section II. Policy

- A. The City and County hereby find and declare that interlocal cooperation on bicycle and pedestrian issues is a necessity and that such cooperation provides a mechanism for communications between the City and County on bicycle and pedestrian policies and standards. The City and County therefore deem it to be in the public interest to reauthorize an advisory commission that will provide them comprehensive advice on various questions related to bicycle and pedestrian issues.
- B. The purpose of this Agreement is to reauthorize the advisory commission to which reference is made in Section II.A.

The term of this Agreement shall be from December 1, 2009 to November 30, 2013. This Agreement shall be reviewed by the Governing Bodies at least once every four (4) years.

Section III. Authority and Purpose.

- A. **Authority**
Pursuant to the authority granted in NCGS 160A-146 and 153A-76, the City and County hereby reauthorize an advisory board which is named the **Durham Bicycle and Pedestrian Advisory Commission.**
- B. **Purpose and Duties**
The primary purpose of the Commission shall be to provide advice to the City Council (hereinafter "Council") and the Board of County Commissioners (hereinafter "Board") on questions relating to bicycle and pedestrian issues.

In order to provide health, recreation and transportation benefits to the City and County, the Commission shall study and promote the following: the full integration of bicycling and walking into community transportation policies and practices; incentives for increasing bicycling and walking; best practices in bicycling and walking facilities development; bicycle and pedestrian programs designed for children and seniors; bicycle touring as economic development for the community; safety programs for bicycle and walking; physical and mental health benefits of walking and bicycling; and funding for bicycle and pedestrian programs and facilities.

The topics prescribed in this section shall be construed to facilitate the Commission's advisory responsibilities. The Commission may, if it chooses, consider any and all topics related to bicycle and pedestrian concerns in Durham County and the City of Durham.

The Commission shall have the following duties:

1. To advise the City and County on bicycle and pedestrian issues;
2. To educate and inform the public and local officials on bicycle and pedestrian issues;
3. To perform special studies and projects as requested by the City and/or County on bicycle and pedestrian questions, including reviewing development plans and site plans which may have significant impact on bicycle and pedestrian transportation;
4. To facilitate citizen participation in local governments' consideration of matters involving bicycle and pedestrian questions;
5. To study changes in laws, regulations, and best practices concerning bicycle and pedestrian issues and to advise the City and County with respect to such changes;
6. To promote intergovernmental and public/private cooperation and coordination on bicycle and pedestrian matters;
7. To advise the public and the City and County on matters affecting the relationship between bicycle and pedestrian transportation and parks, schools, transit stops, and other major facilities;
8. To perform other such duties as may be assigned to it by the City and/or County; and
9. To adopt Rules of Procedure, consistent with the Agreement, for the orderly dispatch of its business.

C. Limitation

The Commission is an advisory body only and shall have no authority or responsibility to enforce regulations, rules, ordinances, or laws.

Section IV. Membership

A. Composition

1. The Commission shall consist of seventeen (17) voting members, two (2) non-voting liaisons, and seven (7) non-voting ex officio members. The Council shall have seven (7) appointments and the Board shall have seven (7) appointments to the Commission. They shall consider recommendations for appointment from the Joint City-County Planning Committee (JCCPC); however, neither the Council nor the Board is bound to follow any recommendation for appointment which the JCCPC may make.

To be eligible for appointment and to remain a member, a candidate shall be a resident of the jurisdiction of the governing board making the appointment and shall be and remain current in payment of his/her property taxes to the City and County. Employees of the City and County shall not be eligible for appointment to the Commission. A voting member of the Commission may be removed at any time, with or without cause, by the governing board which made the appointment.

2. The seventeen (17) voting members of the Commission shall be composed of individuals representing constituencies which have an interest and an expertise in bicycle and pedestrian issues; their appointment shall be divided among appointing authorities as follows:

City Council (6) Bicycle Commuting
 Urban Trails and Greenways
 University students/University Facilities
 Transportation Planning Policy
 Recreation/ Recreation Business
 Inter-Neighborhood Council

County
Commissioners (6) Youth/Children Advocacy
 Senior Advocacy
 Education
 Bicycle Club/Organization
 Health/Physical Fitness
 Business/Economic Development

In the event that the pool of applicants representative of the identified categories is insufficient to fill any one of the categories, then the City and/or County may appoint individuals who have demonstrated

expertise and/or experience in that category. If after filling a position in a particular category in that manner, the pool of applicants is still insufficient to fill the categories allotted to them, then the City and/or County may each fill any remaining positions with at-large citizen appointments to the Commission.

In addition, five (5) voting members shall be liaisons and shall be appointed as follows:

- a. One member, either a student or staff person, from North Carolina Central University, appointed by the Council.
 - b. One member, either a student or staff person, from Duke University, appointed by the Board.
 - c. The Chair of the Recreation Advisory Commission, or his/her designee.
 - d. The Chair of the Durham Open Space and Trails Commission, or his/her designee.
 - e. The Chair of the Durham Planning Commission, or his/her designee.
3. Two (2) non-voting members shall be liaisons and shall be appointed as follows:
- a. One member from the Durham Board of County Commissioners, appointed by the Board.
 - b. One member from the Durham City Council, appointed by the Mayor.

These members shall have no vote and shall not be counted in determining a quorum.

4. Persons serving in the following positions shall serve as ex officio members of the Commission:
- a. The Director of the City-County Planning Department, or his/her designee
 - b. The Director of the City Department of Parks and Recreation, or his/her designee
 - c. The Director of the City Public Works Department, or his/her designee
 - d. The Durham Public Schools Superintendent, or his/her designee

- e. The Director of the Public Health Department, or his/her designee
- f. The Chief of the City Police Department, or his/her designee
- g. The Durham County Sheriff, or his/her designee

These members shall have no vote and shall not be counted in determining a quorum.

B. Terms

Council and Board appointed members shall serve three (3) year terms and may be reappointed for a second term. Liaison members that are appointed as representatives from other boards or commissions will have appointments that coincide with their terms of office on their respective boards.

Members may continue to serve until their successors have been appointed. Vacancies occurring for reasons other than expiration of terms shall be filled by the appointing authority as they occur for the period of time of the unexpired term. Appointees filling an unexpired term are eligible for appointment for two (2) additional full terms.

Section V. Organization and Meetings.

A. Officers

The Commission shall elect a Chair and a Vice-Chair and shall create and fill other offices as it may find necessary.

B. Rules of Procedure

The Commission shall adopt rules of procedure for the orderly conduct of its business

C. Meetings

The Commission shall meet at least six (6) times per year and shall establish a regularly scheduled meeting time. All meetings shall be subject to the North Carolina Open Meetings Law, NCGS 143-318.10. Notice of such meetings shall be given as required by law.

D. Minutes

The Commission shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and its resolutions, findings, recommendations, and other actions.

E. Quorum and Voting

A quorum shall consist of a majority of the voting members of the Commission. All actions shall be decided by a majority vote of the voting members in attendance, a quorum being present.

F. Committees

The Commission may establish such committees as it deems necessary for the conduct of the business of the Commission. These committees may include additional citizens as associate members. The Chair of the committee shall be a member of the Commission.

G. Attendance

It is expected that members appointed to the Commission will regularly attend its meetings. The Commission shall establish within its by-laws what constitutes an excused absence. A member may forfeit the remainder of his/her term and may be replaced if he/she has three (3) unexcused absences from regular Commission meetings within a one-year time period. When the Commission finds that a member has become disqualified for membership, the Chair shall notify the appointing authority so that a new member may be appointed for the remainder of the unexpired term.

H. Ethics

All Commission members are subject to the Durham County Code of Ethics.

I. Annual Report

The Commission shall prepare an annual report of its activities and submit it to the Council and the Board. The report shall include a comprehensive review of the Commission's activities, problems and actions of the Commission, plans for the up-coming year, attendance records of Commission members, and any budget requests or recommendations.

Section VI. Staff and Budget

A. Staff Support

The City Public Works Department, Transportation Division, shall provide staff, within its capabilities, for the Bicycle and Pedestrian Advisory Commission. Staff shall be responsible for preparing notices and agendas for the Commission's meetings and keeping the record of the Commission's meetings, including a record of the members' attendance. The City Manager annually shall submit a Budget request to the County Manager requesting that the County fund a portion of the staff costs incurred by the City to support the Commission.

B. Receipt and Expenditure of Funds

The Commission may receive contributions from private agencies, foundations, organizations, individuals, the State or federal government, or any other source, in addition to funds appropriated for its use by Durham City or County. Funds received shall be placed in a City account for support of the Commission, its activities, and programs or projects recommended for support by the Commission. All sums appropriated by the City and/or County to further the work of the Commission are deemed to be for a public purpose. Expenditure of funds shall be administered in accordance with the requirements of the applicable Municipal or County Fiscal Control Act.

Section VII. Amendment

This Agreement may be amended at any time upon mutual written agreement of the City and County. Approval of at least two-thirds (2/3) of the members of the Commission shall be required for any recommendation by the Commission for amendments to this Agreement. The Council and the Board shall be the final authority in approving all amendments.

Section VIII. Termination

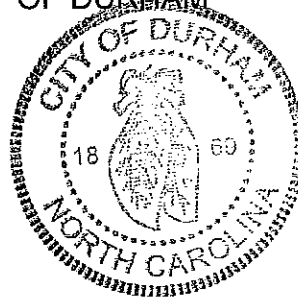
Either the City or the County may terminate this Agreement by giving written notice of such termination to the other party at least ninety (90) days prior to the expected date of termination.

IN WITNESS WHEREOF, the parties have authorized this Agreement to be executed and attested by their undersigned officers, to be effective from and after the date above.

CITY OF DURHAM

BY *Thomas Boyfield*
City Manager

Attest: *J. Ann Greay*
City Clerk



DURHAM COUNTY

BY *Michael M. Ryan*

Attest: - *Michelle P. Kirk*
County Clerk

This document has been reviewed by the County Attorney and approved as to its form. This 12 day of February, 200.

BY *Carol Hall*