

Durham Bicycle and Pedestrian Advisory Commission

By-Laws

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Text in the by-laws in **bold type** is part of the Interlocal Agreement and not subject to amendment by the Commission.

Adopted by the Bicycle and Pedestrian Advisory Commission on 02/21/2023

Durham Bicycle and Pedestrian Advisory Commission

By-Laws

Section 1: Introduction

1.1 Purpose of the By-laws

The purpose of these by-laws is to establish procedures for organizing the business of the Durham Bicycle and Pedestrian Advisory Commission, hereafter referred to as the Commission, in executing its duties and responsibilities.

1.2 General Rules

The Commission's By-Laws shall be consistent with the Interlocal Agreement governing the Commission which has been approved by the Governing Bodies. For procedures not covered by these rules, the Commission shall follow the rules contained in the current edition of Robert's Rules of Order, Revised.

Section 2: Responsibilities and Goals of the Commission

2.1 Purpose

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;
9. To promote transportation equity and reduce disparities of traditionally underserved populations in accessing pedestrian and bicycle facilities and programs; and
10. To adopt Rules of Procedure, consistent with the Agreement, for the orderly dispatch of its business.

Section 3: Membership of the Commission

3.1 Commission Composition

1. The Commission shall consist of eighteen (18) voting members, two (2) non-voting liaisons, and seven (7) non-voting ex officio members. The Council shall have nine (9) appointments and the Board shall have nine (9) appointments to the Commission. They shall consider recommendations for appointment from the Joint City-County Planning Committee (JCCPC) and the Commission; however, neither the Council nor the Board is bound to follow any recommendation for appointment which the JCCPC or the Commission 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 eighteen (18) 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 – Nine (9) Appointments

- Recreation / Urban Trails and Greenways
- Transportation Planning Policy
- Walking/Running/Pedestrian Community for Marginalized Groups
- Public Transit / Paratransit
- North Carolina Central University (student or staff person)
- Youth Representative
- Three (3) At-large

Board of County Commissioners – Nine (9) Appointments

- Youth/Children Advocacy
- Senior Advocacy
- Disabilities Advocacy
- Bicycle Community
- Duke University (student or staff person)
- Youth Representative
- Three (3) At-large

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.

3. Two (2) non-voting members shall be liaisons and shall be appointed as follows:
 - One member from the Durham Board of County Commissioners, appointed by the Board.

- **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 Director of the City Transportation Department, or his/her designee**
- e. **The Transportation Manager of Durham County, or his/her designee**
- f. **The Durham Public Schools Superintendent, or his/her designee**
- g. **The Director of the Public Health Department, or his/her designee**
- h. **The Chief of the City Police Department, or his/her designee**
- i. **The Durham County Sheriff, or his/her designee**

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

3.2 Terms of Office

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.

3.3 Removal of Members.

A member of the Commission may be removed by the body that appointed that member for any of the following reasons:

- a. Violation of the attendance, ethics, or conflict of interest provisions of the Interlocal Agreement.
- b. Moving out of Durham County or out of the City of Durham.
- c. Non-payment of taxes.
- d. Any reason deemed sufficient by the body or official that appointed the member.

Section 4: Officers

The Commission shall elect a Chair and a Vice-Chair and shall create and fill other offices as it may find necessary. No member may serve as Chair for more than two (2) consecutive one (1) year terms. Officers shall serve one (1) year terms commencing on January 1 following their election.

4.1 Chair

The Commission Chair shall preside at all meetings and shall sign all documents relative to action taken by the Commission.

4.2 Vice-Chair

In the absence of the Chair, the Vice-Chair shall exercise the powers and perform the duties of the Chair. The Vice-Chair shall succeed the Chair in the event of a vacancy in that office.

4.3 Secretary

The Secretary shall be responsible for recording minutes of all meetings of the Commission. The Secretary may act as recorder or gain consent of another member to so act. The Secretary shall keep the By-laws and other Commission records in order.

4.4 Vacancy

If the appointment of the Vice Chair or Secretary should be terminated, a replacement shall be elected from the membership at the next regularly scheduled meeting following the announcement of termination.

Section 5: Meetings

5.1 Regular 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.

5.2 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

5.3 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. If a quorum is present and the early departure of a member results in the lack of a quorum, the member should notify the Chair of the need to depart early before the meeting starts.

5.4 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.

5.5 Excused and Unexcused Absences

A member who will be unable to attend a regular meeting of the Commission must contact the Chair or the planning staff at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent. Earlier notification is encouraged. The Commission will be notified of the absence and

reason at the beginning of the meeting. Members who give less than 24 hours notice will be considered unexcused, with the exception of emergencies or sudden illnesses. (Twenty-four hour notification is important to allow the staff/Chair of the Commission to know whether a quorum will be present in sufficient time to cancel the meeting if necessary.)

When a member has had a total of three absences within a one year time period, (including excused or unexcused), the Secretary shall notify the Commission of that fact, and the Commission may review the attendance record of the member, and take appropriate action. Appropriate action may include notifying the body that appointed the member of his or her attendance record.

5.6 Conduct of Business

All Commission members are subject to the Code of Ethics for Appointed and Elected Officials of Durham County, and the City of Durham Code of Ethics.

5.7 Conflicts of Interest

Commission members hold their positions for the benefit of the public. Conflicts of interest can arise in situations in which a Commission Member's duty to act in the public interest conflicts with a potential desire to advance his or her own interest. Several types of conflict of interest can affect impartiality. They include financial conflicts, conflicts by associations with those affected by a decision, and personal bias. As a general rule, Commission members shall refrain from taking part in actions that might reasonably call into question the impartiality and fairness of those decisions. The intent is to limit advocacy, pressure, or undue influence where a conflict exists, not to prevent persons from providing useful information.

In order to avoid potential conflicts of interest, Commission members shall declare at the beginning of a discussion, any potential conflict of interest as defined below.

A. Financial Conflicts

No Commission member shall take part in any discussion, consideration, determination or vote, other than to provide information, concerning a property in which the Commission member or a close relative (spouse, sibling, child or parent):

1. Is the applicant before the Commission;
2. Owns property within 600 feet of the subject property; or
3. Has a financial interest in the subject property or improvements to be undertaken thereon.

B. Conflicts by Association

Whether reviewing, commenting or awarding funding, public perception of fairness of the Commission's decisions is important. Citizen confidence in these decisions may be affected not only in situations of actual conflict, but also in situations that have the appearance of impropriety. Therefore, no Commission member shall take part in any discussion, consideration, determination or vote, other than to provide information, concerning issues in which a personal or business associate or employer of the Commission member:

1. Is the applicant before the Commission;
2. Owns property within 600 feet of the subject property; or
3. Has a financial interest in the subject property or improvements to be undertaken thereon.

In situations that involve a non-profit or private organization for which a Commission member is an officer or board member, the member shall be required to publicly disclose that association and shall not take part in any discussion, consideration, determination or vote concerning said situation, other than to provide information.

Section 6: 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 a committee shall be a member of the Commission.

6.1 Nominating Committee

The Chair shall appoint Nominating Committee of Commission members prior to the year-end meeting to prepare a slate of officers to serve the Commission for the following year. The Chair may also appoint a Nominating Committee on an as-needed basis to review and make recommendations regarding BPAC Commission appointments.

6.2 Other Committees

The Commission may create such Standing or *ad hoc* committees as it may deem necessary to promote the objectives and carry on the work of the Commission. Commission members are encouraged to serve on at least one Committee so that the member becomes more knowledgeable about the work of the Commission.

There is no cap on the number of members on each committee; Commission members can attend any Committee meeting in which they have an interest whether or not the member is actually on the Committee. Each Committee shall have at least one member from the Commission and may include additional citizens as Associate Committee Members. The Chair of a Committee shall be a Commission member. Committee Chairs shall be appointed by the Chair of the Commission at opportune Commission meetings.

6.3 Committee Attendance and Voting

Committee attendance is strongly encouraged and records of attendance will be kept. Committee members who will be unable to attend a Committee meeting should notify the Chair or staff of that Committee as soon as possible. The Committee Chair will be responsible for summary notes and attendance records. The major work projects will be done at Committee level and conflicting ideas should be resolved so that a clear recommendation can be made to the Commission.

A Committee quorum for votes and bringing forth recommendations to the full Commission shall consist of a majority of Committee members, including Associate Committee Members.

6.4 Associate Committee Members

The Commission recognizes the valuable input and expertise that additional volunteers can bring to the mission and work of the Commission. To encourage greater involvement, additional citizens may serve on Committees of the Commission as Associate Committee Members. The Committee Chair shall notify the Commission of the names of Associate Committee members.

Section 7: Amendments

These By-Laws may be amended by the Commission at any meeting at which a quorum is present, by a majority of those members present, provided that the notice of the proposed amendment shall be given to each member of the Commission at least ten days prior to said meeting.

Any amendments must be consistent with the Interlocal Agreement forming the Commission which has been approved by the Governing Bodies.