

**Amended  
Memorandum of Understanding  
For  
Cooperative, Comprehensive and Continuing  
Transportation Planning  
and the Establishment of a  
Rural Transportation Planning Organization  
For**

The County of Buncombe and the participating municipalities therein; the County of Haywood and the participating municipalities therein; the County of Madison and the participating municipalities therein; the County of Transylvania and the participating municipalities therein; and the North Carolina Department of Transportation (NCDOT) (hereinafter collectively, “the Parties”.

**Witnesseth**

**Whereas**, on January 15, 2003, the Parties entered into a Memorandum of Understanding which created the Land-of-Sky Rural Transportation Planning Organization (hereinafter, “RPO”); and

**Whereas**, and the RPO provides rural areas the opportunity to work in partnership with the NCDOT toward development of sound, short and long-range transportation planning for rural areas; and

**Whereas**, and the Parties have agreed to amend the original Memorandum of Understanding

**Now, therefore**, the following Amended Memorandum of Understanding is made on this 19 day of Jan, 2008. 9

**Section 1.** It is hereby agreed, that the County of Buncombe and the participating municipalities therein; the County of Haywood and the participating municipalities therein; the County of Madison and the participating municipalities therein; the County of Transylvania and the participating municipalities therein and the NCDOT intend to establish and participate in a RPO created for the general purposes and responsibilities outlined in the following:

1. To develop long-range local and regional multi-modal transportation plans in cooperation with the French Broad River MPO and the North Carolina Department of Transportation;

2. To provide a forum for public participation in the rural transportation planning process;
3. To develop and prioritize suggestions for transportation projects that the Rural Transportation Planning Organization believes should be included in the State Transportation Improvement Program;
4. To provide transportation-related information to local governments and other interested organizations and persons;
5. To conduct transportation related studies and surveys for local governments and other interested entities/organizations;
6. To undertake mutually agreed upon transportation related tasks to enhance transportation system development, coordination and efficiency.

**Section 2.** It is hereby further agreed that transportation plans and programs and land use policies and programs for the Rural Transportation Planning Organization (RPO) will be coordinated by the Land-of-Sky Regional Council, an agency selected on behalf of participating local governments and the North Carolina Department of Transportation, to be the administrative entity and to serve as the lead local planning agency for coordinating rural transportation planning in the four county planning area. The RPO hereby authorizes Land-of-Sky Regional Council to be the recipient of any funds appropriated to the RPO by the North Carolina Department of Transportation pursuant to North Carolina General Statute 136-213(c). The Land-of-Sky Regional Council will develop annual budgets, and will maintain qualified staff for the RPO, subject to the review of the Rural Transportation Advisory Committee (see Section 3).

**Section 3.** Establishment of Rural Transportation Advisory Committee (TAC). A Rural Transportation Advisory Committee (TAC) is hereby established with the responsibility for serving as a forum for cooperative transportation planning and decision making for the Rural Transportation Planning Organization (RPO). The Rural Transportation Advisory Committee (TAC) shall have the responsibility of keeping the local elected governing boards of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the local elected governing boards and the NCDOT; and helping ensure meaningful public participation in the rural transportation planning process.

1. The Rural Transportation Advisory Committee will be responsible for carrying out the following:
  - A. Establishment of goals, priorities, and objectives for the transportation planning process;

- B. Endorsement and review of changes to adopted Transportation Plans for the Rural Transportation Planning Organization;
  - C. Endorsement, review, and approval of a Planning Work Program (PWP) for transportation planning which defines work tasks and responsibilities for the various agencies participating in the Rural Transportation Planning Organization (RPO);
  - D. Endorsement, review and approval of transportation improvement projects which support and enhance both regional and local transportation within the Rural Transportation Planning Organization (RPO).
2. The membership of the Rural Transportation Advisory Committee shall consist of the following:
- A. One County Commissioner representing the County of Buncombe; and one municipal elected official to represent any participating municipal governments;
  - B. One County Commissioner representing the County of Haywood, and one municipal elected official to represent any participating municipal governments;
  - C. One County Commissioner representing the County of Madison, and one municipal elected official to represent any participating municipal governments;
  - D. One County Commissioner representing the County of Transylvania, and one municipal elected official to represent any participating municipal governments;
  - E. One member from the North Carolina Board of Transportation representing Division 13 or 14.
3. The County Commissioners representing each County on the TAC shall be selected every one years by the Board of County Commissioners of each County in regular session. The municipal member representing the participating municipal governments from each County on the TAC shall be selected every one years from among all eligible municipalities during a caucus. All terms of appointment to the TAC shall be for one year. Reappointment is possible. One alternate may be designated for each TAC member providing they meet the same criteria as the original appointee.
4. An RPO TAC membership roster will be compiled, and updated at least annually, listing each attendee and alternate, if applicable, for each member county or municipality. The members of a county or municipality member who fails to send the appointee or alternate to two consecutive RPO meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member.
5. A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the TAC, plus as many additional members as may be required to ensure that 51% of

possible votes are present. The TAC will meet as often as it is deemed necessary, appropriate, and advisable. On the basis of majority vote of its membership, the TAC may elect a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.

6. The Executive Director of Land-of-Sky Regional Council will provide staff to the TAC.

**Section 4.** Establishment of the Rural Technical Coordinating Committee (TCC). A Rural Technical Coordinating Committee shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the Rural Transportation Planning Organization (RPO) and the responsibility for making recommendations to the respective local, state, and federal governmental agencies and the Rural Transportation Advisory Committee (TAC) regarding any necessary actions relating to the continuing transportation planning process.

1. The TCC shall be responsible for development, review, and recommendation for approval of the PWP for the RPO, the Transportation Improvement Program requests, and revisions to the Transportation Improvement Program.
2. Membership of the Rural Transportation Coordinating Committee (TCC) shall include technical representatives from all local and state government agencies directly related to and concerned with the transportation planning process for the RPO planning area. Initially, the membership shall include, but may not be limited to, the following:
  - A. The Manager, Assistant Manager, Planner, Clerk, or Engineer from each of the four counties of the RPO planning area or his/her designated staff representative.
  - B. The Chief Administrative Official, City Planner, City Engineer, or City Clerk from each municipality in the RPO planning area that is a member of the RPO, or his/her designated representative.
  - C. All Division Engineer(s) for the RPO planning area, serving the Division of Highways, North Carolina Department of Transportation, or his/her designated representative.
  - D. Manager, Transportation Planning Branch, North Carolina Department of Transportation, or his/her designated representative.
  - E. Regional Traffic Engineer, Division of Highways, Traffic Engineering Branch, North Carolina Department of Transportation, or his/her designated representative.

F. A Transportation Planner for the French Broad River Metropolitan Planning Organization (FBRMPO) (as advisory, non-voting).

3. Membership of the TCC may be altered on the basis of a majority vote of its membership and approval of the TAC of the RPO. One alternate may be designated for each member providing they meet the same criteria as the original appointee. Membership may be further defined in the duly adopted bylaws. An RPO TCC membership roster will be compiled, and updated at least annually, listing each attendee and alternate, if applicable, for each member county or municipality. The membership of a county or municipality member who fails to send the appointee or alternate to two consecutive RPO meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member.
4. A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the TCC, plus as many additional members as required to ensure that 51% of possible votes are present. The TCC shall meet when it is deemed necessary, appropriate and advisable. The TCC will be staffed by Land-of-Sky Regional Council staff. The TCC shall by majority vote of its membership elect one member to serve as a Chairman with the responsibility for coordinating the committee's activities. Membership of the Rural Transportation Coordinating Committee may be altered on the basis of a majority vote of its membership and approval of the TAC of the RPO.

**Section 5.** It is further agreed that all participating agencies will assist in the rural transportation planning process by providing planning assistance (where possible), data, and inventories in accordance with the approved PWP.

**Section 6.** Each county and its RPO member jurisdictions shall have the support of the RPO staff in developing local transportation projects and priorities. Each member agrees to coordinate its transportation plans with those of other RPO members. Additionally, by consensus, the RPO may identify projects of a regional nature for development and presentation to NCDOT for consideration.

**Section 7.** Each member of both the Rural Transportation Advisory Committee and the Rural Transportation Coordinating Committee shall normally have one (1) vote in the deliberations of the TAC and TCC except when a weighted vote is called. A weighted vote may be called by any member. In weighted voting procedures, each person entitled to vote shall have one (1) vote, except each county member shall cast two (2) votes.

**Section 8.** Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 90 days written notice to the other parties prior to the date of termination.

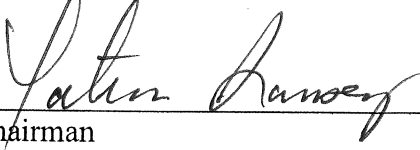
**Section 9.** Municipalities desiring to join the RPO following the signing of this Memorandum of Understanding must do so no later than 90 days after the date given below in Section 10, by submitting a fully-executed Municipal Statement of Adoption. Any municipality desiring to join the RPO after the initial 90-day period must notify the lead planning agency and the other members of the RPO in writing of its intent to join, and provide each with a copy of a fully-executed Municipal Statement of Adoption. New memberships will become effective on July 1<sup>st</sup> of each year.

**Section 10.** This Amended Memorandum of Understanding supersedes and replaces any prior memorandum(s) of understanding between the Parties regarding the RPO.

**Section 11.** In witness whereof, the parties have been authorized by appropriate and proper resolutions, and /or legislative authority to sign this Amended Memorandum of Understanding, this the 19 day of Jan, 2008. 9

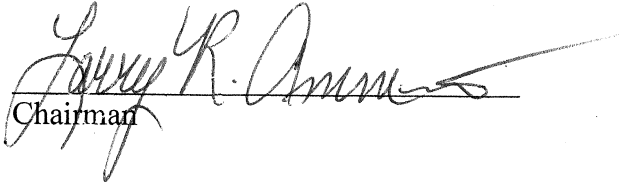
BY:

COUNTY OF BUNCOMBE

  
Chairman

  
Clerk to the Board

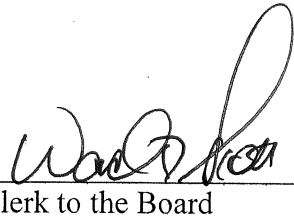
COUNTY OF HAYWOOD

  
Chairman

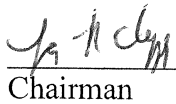
  
Clerk to the Board

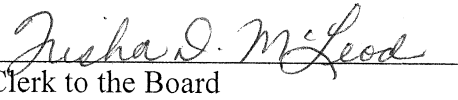
COUNTY OF MADISON

  
Chairman

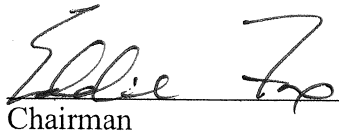
  
Clerk to the Board

COUNTY OF TRANSYLVANIA

  
Chairman

  
Clerk to the Board

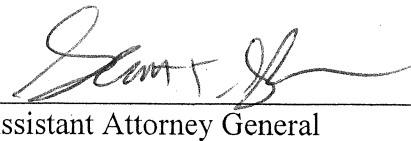
LAND-OF-SKY REGIONAL COUNCIL (LPA)

  
Chairman

  
Executive Director

NCDOT


  
Secretary of Transportation

Approved as to form of execution  
  
Assistant Attorney General

**MUNICIPAL STATEMENT OF ADOPTION  
OF THE  
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING  
THE RURAL PLANNING ORGANIZATION FOR  
BUNCOMBE, HAYWOOD, MADISON, AND TRANSYLVANIA COUNTIES**

The Amended Memorandum of Understanding for cooperative, comprehensive, and continuing transportation planning and the establishment of a Rural Transportation Planning Organization for the Counties of Buncombe, Haywood, Madison, and Transylvania Counties and the participating municipalities in each county is hereby adopted by the Town Council/Board of Alderman, this 2nd day of February, 2009.

  
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Mayor, John L. Chandler

  
\_\_\_\_\_  
Clerk to the Board, Richard Morgan



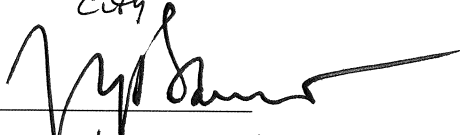
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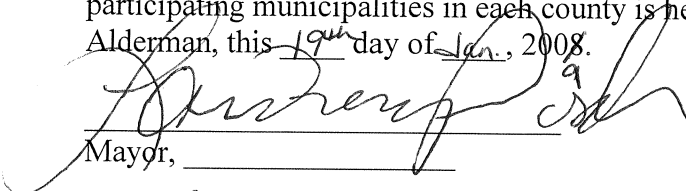
Glenda W. Sansosti

Glenda W. Sansosti,  
Clerk to the Board *City Clerk*

Mayor,   
Jimmy Harris Mayor

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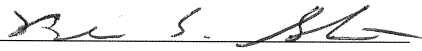
The Amended Memorandum of Understanding for cooperative, comprehensive, and continuing transportation planning and the establishment of a Rural Transportation Planning Organization for the Counties of Buncombe, Haywood, Madison, and Transylvania Counties and the participating municipalities in each county is hereby adopted by the Town Council/Board of Alderman, this 19<sup>th</sup> day of Jan., 2008.

  
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Mayor, \_\_\_\_\_

Michelle Massey  
Clerk to the Board

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THE RURAL PLANNING ORGANIZATION FOR  
BUNCOMBE, HAYWOOD, MADISON, AND TRANSYLVANIA COUNTIES**

The Amended Memorandum of Understanding for cooperative, comprehensive, and continuing transportation planning and the establishment of a Rural Transportation Planning Organization for the Counties of Buncombe, Haywood, Madison, and Transylvania Counties and the participating municipalities in each county is hereby adopted by the Town Council/Board of Alderman, this 12<sup>th</sup> day of January, 2009.

  
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Mayor

  
\_\_\_\_\_  
Clerk to the Board