



## **BY-LAWS**

### **NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION TECHNICAL ADVISORY COMMITTEE (TAC)**

#### **Article I – Name of Committee**

The name of this organization shall be the New Bern Area Metropolitan Planning Organization Transportation Advisory Committee, hereinafter referred to as the “TAC”.

#### **Article II – Authorization**

The authorization for establishment of the New Bern Area MPO and the accompanying Committees is set forth in Section 134, Title 23 of the United States Code which was enacted by Congress in 1962 for all urban areas having populations greater than 50,000.

#### **Article III – Objectives**

As outlined in the Memorandum of Understanding dated March, 2013, the purpose of the TAC shall be:

1. To serve as a forum for cooperative transportation planning decision making for the New Bern Area MPO;
2. To keep policy boards informed of the status and requirements of the transportation planning process;
3. Assist in the dissemination and clarification of the decisions, inclinations and policies of the police boards and to ensure meaningful citizen participation in the transportation planning process;

4. To review and approve documents relating to the continuing transportation planning process including, but not limited to, the Planning Work Program, Transportation Improvement Program, Metropolitan area Boundary, revisions to the Metropolitan Transportation Plan, planning public participation and documentation reports of the MPO.

#### **Article IV – Membership**

Membership and voting structure of the TAC are established in the MOU approved in March, 2013.

Designated alternates may vote on all matters coming before the TAC only if the regular member is not in attendance.

#### **Article V – Officers**

##### **Section 1.** Officers Defined:

The officers of the TAC shall consist of a Chairperson and a Vice Chairperson elected by the members of the Committee.

##### **Section 2.** Duties:

The Chairperson shall be responsible for calling and presiding at meetings and appointing committees. In the absence of the Chairperson, the Vice-Chairperson shall preside and carry out all other duties of the Chairperson.

##### **Section 3.** Elections

Officers for the TAC shall be elected every year from the voting members at the first meeting of the calendar year, after which they newly-elected Chairperson and Vice-Chairperson shall take office.

Nominations for Chairperson and Vice-Chairperson be made from the floor, provided that the nominator has approval from the nominee. Upon motion and second that nominations be closed, the current Chairperson will then call for a vote on the nominees. The successful candidate will need to receive a majority of the votes cast.

#### **Article VI – Meetings**

Notices for all meetings of the TAC shall be disseminated in accordance with latest adopted Public Involvement Plan.

##### **Section 1.** Regular Meetings:

The TAC may adopt a regular schedule of meetings.

##### **Section 2.** Special Meetings:

Special meetings may be called by the Chairperson or at the request of a majority of the members.

**Section 3.**      **Electronic Meetings:**

Any Board meeting may be conducted solely by one or more means of remote communication through which all of the Members may participate with each other during the meeting, if the number of Members participating in the meeting would be sufficient to constitute a quorum. Participation in a meeting by that means constitutes presence in person at the meeting.

**Section 4.**      **Quorum:**

A quorum is required for the transaction of all business, including conducting meetings, participation in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of fifty-one percent (51%) of the voting members of the TAC, excluding those who are considered inactive in accordance with Section 4 below.

**Section 5.**      **Attendance:**

If a TAC member does not attend or does not send his or her designated alternate to two (2) consecutive meetings of the TAC, the member will be considered inactive. Following the designation as inactive, if the member or his or her alternate is not in attendance at a subsequent TAC meeting, he or she will not be counted for quorum purposes. The member will be automatically reinstated and counted for quorum purposes by attending or sending his or her designated alternate to a TAC meeting.

**Section 6.**      **Agenda:**

The agenda is the list of consideration for discussion at a meeting. Items on the agenda originate as a carryover from previous TAC meetings or are placed on the agenda prior to its distribution by any member of the TAC, by request from any jurisdiction party to the Memorandum of Understanding or by request of the Chairperson of the TAC, or by MPO staff. Additional items may be placed on the regular agenda prior to the approval of the agenda at the request of MPO staff or any voting member of the TAC.

**Section 7.**      **Voting Procedures:**

The Chairperson and any member may call for a vote on any issue, provided that it is seconded and within the purposes set forth in Article III. The Chairperson is permitted to vote but any persons serving in strictly an advisory capacity and those designated as non-voting members are not permitted to vote. Designated alternate members may only vote in the absence of a regular member. If a regular member is in attendance, the designated alternate member may not vote on matters. Except for amendments to By-Laws, an affirmative vote equal to a majority of the members of the TAC present and not excused from voting on the issue shall be required to approve any issue. A failure to vote by a member who is present at 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.

Notwithstanding the foregoing, when there is a vote upon a motion relating to any transportation project which does not involve a road that carries a U.S. or N.C. route designation and the project is totally contained within a single municipality's corporate

limits or extraterritorial jurisdictional area (or in the case of the county, in its zoning jurisdiction), a vote on a motion relating to such project shall not be considered approved in the event the voting member of the municipality/ETJ or the county within which the project is totally contained votes against the motion.

Section 8. Meeting Administration

The meetings of the TAC shall be administered with general adherence to *Roberts Rules of Order Newly Revised, 11<sup>th</sup> ed.* (as amended).

**Article VII – Amendments to By-Laws**

Amendments to the By-Laws of the TAC shall require the affirmative vote of at least seventy-five percent (75%) of the committee membership provided, however, that written notice of the proposed amendment has been sent to each TAC member at least 14 days prior to the meeting at which the amendment is to be considered and provided the amendment does not conflict with the intent of the most current Memorandum of Understanding governing the transportation planning process. The Memorandum of Understanding shall carry precedence over the By-Laws of the TAC in the event of any conflict.

**Adoption**

These By-Laws were adopted at a regularly scheduled meeting of the New Bern Area Transportation Advisory Committee held on the 23<sup>rd</sup> day of May, 2013.

These By-Laws were amended to add electronic meeting verbiage and approved at a regularly scheduled meeting of the New Bern Area Transportation Advisory Committee held on the 11<sup>th</sup> day of June, 2020.

  
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John Kirkland, Chair

  
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Jeff Ruggieri, Secretary