

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

**Tracking Number:** 5.

**Date of Request:** March 7, 2008

**Date Request Received:** March 7, 2008

**Board Meeting Date Requested:** March 17, 2008

**Board Meeting Date Assigned:** March 17, 2008

**Short Title:** Cape Fear Area Rural Planning Organization Revised Memorandum Of Understanding: Don Eggert, Transportation Planner, Cape Fear Council Of Governments.

**Request Status:**  
 Request is proceeding to Board of Commissioners  
 More information is needed – see attached  
 Request on hold – no further information needed  
 Other:

**Background:** The NC Department of Transportation has asked the Cape Fear Area Rural Transportation Organization and its member local governments to consider the adoption of an updated Memorandum of Understanding (MOU). The original MOU was signed in 2001.

*(Administrative Use Only)*

**Specific Action Requested:** Review and accept the revised Memorandum.

## CONTRACT TYPE

Requested by: Don Eggert  
Department: Cape Fear Council Of Government  
Title:  
Contact Phone: 910-395-4553  
Contact Fax:

Renewal  
 For Service(s)  
 Intergovernmental – County as Grantee  
 Federal Grantor  
 State Grantor  
 Grantor  
 County as Grantor  
 County Funds  
 Other Funds:  
 Revision  
 For Equipment

**PURCHASING** Budgeted Item:  Yes  No  
Date Rec'd:  Reviewed and Approved  
 Comments on Reverse

Date Sent:

Signed:

**ATTORNEY**  Reviewed and Approved  
Date Rec'd:  Legal Problem(s)  
 Comments on Reverse

Date Sent:

Signed:

**FINANCE** Sufficient Funds  Available  
Date Rec'd:  Not Available  
 Budget Amendment Necessary  
 Budgeted Amendment is Attached  
 Comments on Reverse

Date Sent:

Signed:

**CLERK** Signature(s) Required:  
 Board Chairman/County Manager  
 Other:

Date Rec'd Approved by Board:  Yes  No  
At meeting on



CAPE FEAR  
COUNCIL OF GOVERNMENTS

Serving  
Local  
Government in:

**Brunswick  
County**  
Bald Head Island  
Belville  
Boiling Spring Lakes  
Bolivia  
Calabash  
Carolina Shores  
Holden Beach  
Leland  
Navassa  
Northwest  
Oak Island  
Ocean Isle Beach  
Sandy Creek  
Shalotte  
Southport  
St. James  
Sunset Beach

**Columbus  
County**  
Bolton  
Brunswick  
Cerro Gordo  
Chadbourn  
Fair Bluff  
Lake Waccamaw  
Sandyfield  
Tabor City  
Whiteville

**New Hanover  
County**  
Carolina Beach  
Kure Beach  
Wilmington  
Wrightsville Beach

**Pender  
County**  
Atkinson  
Burgaw  
Surf City  
Topsail Beach

PROGRESS  
THROUGH  
COOPERATION

## MEMORANDUM

DT: March 3, 2008

TO: Mr. David Williams, Chairman  
Pender County Board of Commissioners

FR: Don Eggert, Transportation Planner  
Cape Fear Council of Governments

RE: **Cape Fear Area Rural Planning Organization  
Revised Memorandum of Understanding**

The North Carolina Department of Transportation (NCDOT) has asked the Cape Fear Area Rural Transportation Organization (RPO) and its member local governments to consider the adoption of an updated Memorandum of Understanding (MOU). Pender County and the other RPO members in Brunswick and Columbus Counties signed an MOU in 2001. The MOU has been updated after review by NCDOT staff and the attorney general's staff.

Commissioners Tate and Brown are members of the RPO's Rural Transportation Advisory Committee (RTAC).

Other than minor editorial changes the principal differences are:

- 1.) Declaring an RTAC seat vacant if the member misses three consecutive meetings and not counting that person toward a quorum. Attendance at future meetings will reinstate the member;
- 2.) Clarifying the definition of a quorum (attendance by at least 51% of the committee members); and
- 3.) Requiring municipalities to adopt the revised MOU not less than 90 days after the county in which the municipality is located adopts the MOU or wait until the following July 1<sup>st</sup> to join.

Pender County municipal members of the RPO are Topsail Beach, Surf City, Burgaw and St. Helena. There are twenty-seven local government members of the RPO in the three counties.

I am attaching a copy of the MOU as adopted by the RTAC at their October 12, 2007 meeting. After your board adopts it I will then be appearing before the member municipal local governments in Pender County to ask them for their consideration.

I would like to appear before the Board at your ~~February 18<sup>th</sup>~~ <sup>March 17<sup>th</sup></sup> meeting to present the MOU and to also briefly update them on RPO and transportation planning activities in Pender County and southeastern North Carolina.

Your consideration of this request is appreciated.

C: Glenda Pridgen, Assistant Clerk  
Tyler Bray, NCDOT

**MEMORANDUM OF UNDERSTANDING  
FOR  
COOPERATIVE, COMPREHENSIVE AND CONTINUING  
TRANSPORTATION PLANNING AND THE ESTABLISHMENT  
OF A RURAL TRANSPORTATION PLANNING ORGANIZATION  
FOR**

The **County of Brunswick** and the participating municipalities therein; the **County of Columbus** and the participating municipalities therein; the **County of Pender** and the participating municipalities therein; and the **North Carolina Department of Transportation**.

**WITNESSETH**

**Whereas**, section 135 of Title 23, United States Code, declares that it is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State efficiently and effectively; and,

**Whereas**, North Carolina General Statute 136-18 was amended by the North Carolina General Assembly by ratification of Senate Bill 1195 on July 6, 2000, and this same bill was signed by the Governor on July 14, 2000, and subsequently Chaptered, and which Chaptered statute provides for the establishment of Rural Transportation Planning Organizations (RPOs), similar in concept to Metropolitan Planning Organizations (MPOs), which provide transportation planning in North Carolina's urban areas; and,

**Whereas**, the establishment of a Rural Transportation Planning Organization (RPO), similar in concept to the urban Metropolitan Transportation Planning Organizations (MPOs) would provide rural areas the opportunity to work in partnership with the North Carolina Department of Transportation toward development of sound, short and long-range transportation planning for rural areas; and,

**Whereas**, the establishment of a Rural Transportation Planning Organization for the three county Region O Rural Transportation Planning area would assist the North Carolina Department of Transportation in complying with the provisions of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA 21), enacted June 9, 1998, relative to the participation of local officials and the public in the transportation planning process; and,

**Whereas**, it is the desire of these local governments and agencies to establish a continuing, comprehensive, cooperative transportation planning process with the establishment of a Rural Transportation Planning Organization for the three county Region O Rural Transportation Planning Area.

**Now, therefore**, the following memorandum of understanding is made.

**Section 1.** It is hereby agreed, that the County of Brunswick, the County of Columbus, the County of Pender, and the North Carolina Department of Transportation intend to establish and participate in a Rural Transportation Planning Organization created for the general purposes and responsibilities

outlined below:

1. To develop long-range local and regional multi-modal transportation plans in cooperation with the area 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, which 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 will be coordinated by the Region O Council of Governments, 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 transportation planning in the four county planning area.

**Section 3.** Establishment of Rural Transportation Advisory Committee (RTAC). A Rural Transportation Advisory Committee (RTAC) is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the Rural Transportation Planning Organization (RPO). The Rural Transportation Advisory Committee (RTAC) shall have the responsibility of keeping the policy boards informed of the status and requirements of the transportation planning process; to assist in the dissemination and clarification of the decisions, inclinations, and policies of the policy boards; and to help 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 rural transportation planning process.
  - B. Review and recommend changes to adopted Transportation Plans for the Rural Transportation Planning Organization.
  - C. Review and recommend a work program for transportation planning which

defines

work tasks and responsibilities for the various agencies participating in the Rural Transportation Planning Organization (RPO).

- D. Review and recommend transportation improvement projects that support and enhance intra-county transportation within the three county Rural Transportation Planning Organization (RPO).
2. The membership of the Rural Transportation Advisory Committee shall consist of the following:
    - A. Two County Commissioners representing the County of Brunswick. Two municipal elected officials elected by a caucus of the Mayors of those Brunswick County municipalities outside the MPO who join in this agreement by signing this MOU.
    - B. Two County Commissioners representing the County of Columbus. Two municipal elected officials elected by a caucus of the Mayors of those Columbus County municipalities who join in this agreement by signing this MOU.
    - C. Two County Commissioners representing the County of Pender. Two municipal elected officials elected by a caucus of the Mayors of those Towns in Pender County who join in this agreement by signing this MOU.
    - D. A member of the Board of Transportation as determined by the by Board members from Divisions 3 and 6,
  3. The County Commissioner representing each County on the RTAC shall be elected every two (2) years by the Board of County Commissioners of each County in regular session. The municipal RTAC representatives shall be elected every two (2) years by a caucus of the Mayors of those Towns that join this agreement by signing the MOU. The term of office for all seats on the RTAC is two years. Re-appointment is possible.
  4. To facilitate staggered terms and thereby promote continuity, the initial appointments of the municipal and county representatives shall be split, with one being elected for one (1) year, and the other being elected for two (2) years. All subsequent appointments shall be for two (2) years.
  5. The Rural Transportation Advisory Committee (RTAC) will meet as often as it is deemed necessary, appropriate and advisable. On the basis of majority vote of its membership, the Rural Transportation Advisory Committee may appoint a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.

6. The Transportation Planner of the Region O Council of Governments will serve as staff to the RTAC.
7. An RTAC membership roster will be compiled and updated 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 three consecutive RTAC meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member. When adopted by all member counties this requirement shall include those meetings prior to the MOU's adoption.
8. A quorum is required for the transaction of all business, including conducting meetings or hearing, 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.

**Section 4.** Establishment of Rural Transportation Coordinating Committee (RTCC). A Rural Transportation 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 (RTAC) regarding any necessary actions relating to the continuing transportation planning process.

1. The RTCC shall be responsible for development, review, and recommendation for approval of the rural transportation planning work program for the RPO, the Transportation Improvement Program, and revisions to the Transportation Improvement Program.
2. Membership of the RTCC) shall include technical representatives from all local and state governmental agencies directly related to and concerned with the transportation planning process for the RPO planning area. Membership shall include, but may not be limited to, the following:
  - A. County Manager (or his/her designee) from each of the three counties of the RPO planning area.
  - B. The Chief Administrative Official (or his/her designee) from each municipality in the Region O, RPO planning area; with two municipalities represented on the RTCC's Executive Committee;
  - C. Executive Director and Transportation Planner, Region O Council of Governments.
  - D. Division Engineer 3rd Division of Highways, North Carolina Department of

- Transportation, or his/her designated representative.
- E. Division Engineer, 6th Division of Highways, North Carolina Department of Transportation, or his/her designated representative.
  - F. Manager, Transportation Planning Branch, North Carolina Department of Transportation, or his/her designated representative.
  - G. Area Traffic Engineer, Division of Highways, Traffic Engineering Branch, North Carolina Department of Transportation for both Divisions 3 & 6
  - H. Transportation providers for elderly & disabled passengers in the member counties
  - I. A representative of the Military Ocean Terminal Sunny Point (MOTSU)
  - J. A representative of the North Carolina State Ports Authority
3. The Rural Transportation Coordinating Committee (RTCC) shall meet when it is deemed necessary, appropriate and advisable. The RTCC will be staffed by the Region O Transportation Planner who will act as a Chairperson with the responsibility for coordinating the committee(s) activities. Membership of the RTCC may be altered on the basis of a majority vote of its membership and approval of the Rural Transportation Advisory Committee 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 work program.

**Section 6.** 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 to the date of termination.

**Section 7.** In witness whereof, the parties of the Memorandum of Understanding have been authorized by appropriate and proper resolutions, and /or legislative authority to sign this Memorandum of Understanding, which becomes effective as of the last day signed. The following pages comprise the signature pages from each party to this Memorandum.

**Section 8.** 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 July 1<sup>st</sup> of each year.

**Section 9 This** Amended Memorandum of Understanding supersedes and replaces any prior memorandum(s) of understanding between the Parties regarding the RPO.

County of Pender, North Carolina

This Memorandum of Understanding is signed this 18<sup>TH</sup> day of February, 2008

By: \_\_\_\_\_  
Chairman  
Pender County Board of Commissioners

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