

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

The **County of Franklin** and the non-MPO municipality therein: **Louisburg**; the **County of Granville** and the non-MPO municipalities therein: **Butner, Oxford, Stem, and Stovall**; the **County of Person** and the municipality therein: **Roxboro**; the **County of Vance** and the municipalities therein: **Henderson, Kittrell, and Middleburg**; the **County of Warren** and the municipalities therein: **Macon, Norlina, and Warrenton**; and the **North Carolina Department of Transportation**.

WITNESSETH

Whereas, on November 15, 2001, the State of North Carolina chartered the Kerr-Tar Rural Transportation Planning Organization; and,

Whereas, the Parties listed above entered into a Memorandum of Understanding on August 20, 2001, amended on May 24, 2005, which created the Kerr-Tar Rural Planning Organization (hereinafter, "RPO"); and,

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

Now, therefore, the following Amended Memorandum of Understanding is made on this the 2nd day of June, 2010.

Section 1. It is hereby agreed, that the County of Franklin and the non-MPO municipality therein: Louisburg; the County of Granville and the non-MPO municipalities therein: Butner, Oxford, Stem, and Stovall; the County of Person and the municipality therein: Roxboro; the County of Vance and the municipalities therein: Henderson, Kittrell, and Middleburg; the County of Warren and the municipalities therein: Macon, Norlina, and Warrenton; and the North Carolina Department of Transportation intend to establish and participate in an RPO created for the general purposes and responsibilities outlined in the following:

1. Develop long-range local and regional multi-modal transportation plans in cooperation with the NCDOT.
2. Provide a forum for public participation in the regional transportation planning process.
3. Develop and prioritize suggestions for transportation projects that the RPO believes should be included in the State Transportation Improvement Program (STIP).
4. Provide transportation-related information to local governments and other interested organizations and persons.
5. Conduct transportation-related studies and surveys for local governments and other interested entities/organizations.
6. Undertake mutually agreed upon transportation related tasks to enhance transportation system coordination, development, efficiency, and safety.

Section 2. It is hereby further agreed that transportation plans and programs and land use policies and programs for the RPO will be coordinated by the Kerr-Tar Regional Council of Governments, an agency selected on behalf of participating local governments and the NCDOT, to be the administrative entity and to serve as the lead local planning agency for coordinating transportation planning in the five-county planning area. The RPO hereby authorizes the Kerr-Tar Regional Council of Governments to be the recipient of any funds appropriated to the RPO by NCDOT pursuant to North Carolina General Statute 136-213(c). Additionally, the RPO authorizes the Kerr-Tar Regional Council of Governments to be the recipient and administrator of any other funds obtained by the RPO.

Section 3. Establishment of Transportation Advisory Committee (TAC). An TAC is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the RPO. The TAC shall have the responsibility for keeping the local elected governing 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 local elected governing boards and the NCDOT; and to help ensure meaningful public participation in the rural transportation planning process.

1. The TAC will be responsible for carrying out the following:
 - A. Establishment of goals, priorities, and objectives for the rural transportation planning process.
 - B. Endorsement and review of changes to adopted transportation plans within the RPO.

- 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 RPO.
 - D. Endorsement, review, and approval of transportation improvement projects that support and enhance both regional and local transportation in the five-county RPO.
2. The membership of the TAC shall consist of the following:
- A. One Commissioner representing Franklin County and one municipal elected official from the RPO member municipality therein.
 - B. One Commissioner representing Granville County and one municipal elected official from one RPO member municipality therein.
 - C. One Commissioner representing Person County and one municipal elected official from the RPO member municipality therein.
 - D. One Commissioner representing Vance County and one municipal elected official from one RPO member municipality therein.
 - E. One Commissioner representing Warren County and one municipal elected official from one RPO member municipality therein.
 - F. One member from the North Carolina Board of Transportation representing Division 5.
3. The Commissioner representing each county on the TAC shall be appointed every four years by the Board of County Commissioners of each County in regular session. The municipal member representing each county on the TAC shall be elected every four years by a majority vote of the Mayors of the RPO member municipalities in the county. All terms of appointment to the TAC shall be for four years. Reappointment is possible. One alternate may be designated for each member.
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 and municipality.
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 active voting members of the TAC. The

membership of a county or municipality 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. Vacant seats on the TAC shall result in a member's designation as an in-active member. Attendance at future meetings will reinstate the member.

6. 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 shall elect a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.
7. In the event a county is no longer a member of the RPO, municipal representation for that county is also lost. Municipalities cannot be a member of the TAC without the county being a member of the RPO.
8. The Kerr-Tar Regional Council of Governments will provide staff to the TAC.

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

1. The TCC shall be responsible for development, review, and recommendation for approval of the Planning Work Program (PWP) for the RPO, the State Transportation Improvement Program (STIP) requests, and revisions to the STIP.
2. Membership of the TCC 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. Initially, the membership shall include, but may not be limited to, the following:
 - a. The County Manager, Assistant County Manager, or County Planner from each of the 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 member municipality in the RPO planning area, or his/her designated staff representative
 - c. The Executive Director from the Economic Development Commission in each RPO member county, or his/her designated staff representative
 - d. NCDOT Division Engineer serving Highway Division 5, or his/her designated staff representative

- e. Manager, Transportation Planning Branch, NCDOT, or his/her designated staff representative
 - f. Regional Traffic Engineer, Division of Highways, Traffic Engineering Branch, North Carolina Department of Transportation
 - g. Director KARTS, or his/her designated staff representative
 - h. Director PATS, or his/her designated staff representative
 - i. Planning Director, Kerr-Tar Regional Council of Governments, or his/her designated staff representative
 - j. Executive Director, Kerr-Tar Regional Council of Governments, or his/her designated staff representative
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 three consecutive RPO meetings will be designated as a vacant non-active 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 at least 51% of the active voting members of the TCC. The TCC shall meet when it is deemed necessary, appropriate and advisable. The TCC will be staffed by the Kerr-Tar Regional Council of Governments. The TCC shall by majority vote of the membership elect one member to serve as a Chairman with the responsibility for coordinating the committee's activities. 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.

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 planning work program.

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. 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 8. 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, as per the date adopted by the following local governments of the Kerr-Tar RPO. 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 1st 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.

Section 10. 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 ____ day of _____, 2010

AGREED UPON BY:

Chairman, Franklin County Commission

Mayor, City of Louisburg

Chairman, Granville County Commission

Mayor, Town of Butner

Mayor, City of Oxford

Mayor, Town of Stem

Mayor, Town of Stovall

Chairman, Person County Commission

Mayor, City of Roxboro

Chair, Vance County Commission

Mayor, City of Henderson

Mayor, Town of Middleburg

Mayor, Town of Kittrell

Chairman, Warren County Commission

Mayor, Town of Macon

Mayor, Town of Norlina

Mayor, Town of Warrenton

Secretary, NCDOT

Executive Director, Kerr-Tar COG

Witness:

Michael Ciriello
Planning Director, Kerr-Tar COG

Approved as executed:

Assistant Attorney General