

**Ordinance #15-22 / December 1, 2015**

**CITY OF BURLINGTON  
AN ORDINANCE AMENDING ORDINANCE CREATING AND  
ESTABLISHING THE PUBLIC TRANSIT ADVISORY COMMISSION**

**WHEREAS**, the City Council of the City of Burlington (hereinafter, “Council” or “City Council”) found that creation of an affordable public transit system operating on a fixed route is in the best interest of the citizens and residents of the City of Burlington and surrounding urban areas and that, as the lead agency in the Burlington area Metropolitan Planning Organization, the City of Burlington took the necessary actions required to implement such service; and

**WHEREAS**, to facilitate the creation and operation of said service, the City Council deemed it desirable to create a commission with the responsibilities and duties to advise the City Council on actions relating to the operation of the fixed route public transportation system (hereinafter, “Transit System” or “System”); and

**WHEREAS**, the City Council of the City of Burlington had previously created a public transit system advisory board at its October 7, 2014 meeting with the passage of An Ordinance Creating And Establishing The Public Transit Advisory Commission (hereafter “PTAC”) whereby the then elected governmental entities of the City of Burlington and the Town of Gibsonville were participating in the Transit System; and

**WHEREAS**, at the time of the passage of said ordinance, the advisory board consisted of members appointed by the governing bodies of the City of Burlington and the Town of Gibsonville, with the contingency for the potential expansion of said advisory board with the participation of the City of Mebane and the City of Graham; and

**WHEREAS**, since said October 7, 2014 passage of said Ordinance Creating And Establishing The Public Transit Advisory Commission, Alamance County has joined the System as a participating elected governmental entity, specifically to facilitate a bus route from the downtown Burlington transfer hub to the Alamance County Community College’s main campus located on Trollingwood Road in the Haw River/Graham vicinity (hereinafter, “main campus”); and

**WHEREAS**, said advisory Commission was initially created, and is now amended, pursuant to Section 3.41 of the Charter of the City of Burlington and the enabling provision of North Carolina General Statutes Section 160A-575 et seq.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, that Ordinance 14-31 be amended to read as follows:**

**Section 1. Creation.** There is hereby created a commission to be known as the Public Transit Advisory Commission, (hereinafter, “PTAC” or “Commission”).

**Section 2. Membership, Qualifications.**

- (a) Commission shall consist of seven (7) members, five (5) from the City of Burlington, one (1) from the Town of Gibsonville, and one (1) from Alamance County. Said members shall be appointed by the governing body of the participating elected governmental entity. Should additional governmental entities elect to join the System (the City of Graham, the City of Mebane, etc.) the Commission shall be expanded by one (1) member for each elected governmental entity joining the System.
- (b) The governing body of each participating governmental entity shall also each appoint one alternate to the Commission, with such alternate participating in the Commission meeting when the regularly appointed Commission member from that governmental entity is not present. When participating in the place of an absent member, alternates shall be counted for the purpose of establishing a quorum and shall have the same powers and authority as a regular Commission member.
- (c) All members of the Commission must reside within the jurisdiction of the participating governmental entity by which they were appointed.
- (d) The Burlington City Council shall make a good faith effort to include membership from diverse elements of its community on the Commission.
- (e) Should any participating governmental entity, other than the City of Burlington, elect to withdraw from the System, the Commission membership shall be retracted by one (1) position and that governmental entity’s position on the Commission, along with the corresponding alternate position, shall cease upon the effective date of the withdrawal.

**Section 3. Terms of Office.**

- (a) The term of office of Commission members and alternates shall be three (3) years.

- (b)(i) In making the initial Commission appointments, two (2) of the City of Burlington appointments shall be for two (2) year terms with the remaining three (3) appointments for three (3) year terms.
- (ii) Initial appointments by the other participating governmental entities shall be for three (3) year terms.
- (iii) Burlington's initial two (2) year term appointments shall commence upon the date of appointment and expire on June 30, 2017. All initial three (3) year term appointments for all participating governmental entities shall commence upon the date of appointment and expire on June 30, 2018.
- (iv) Thereafter, all terms shall be of three (3) years duration and shall commence on July 1 of the year of the appointment and shall expire on June 30, three (3) years hence.
- (v) Members shall be eligible to serve for not more than three (3) consecutive full terms. For purposes of this limitation, initial terms of whatever duration set out above shall be deemed full terms. Thereafter, anyone appointed to complete a vacancy on the Commission of greater than eighteen (18) months duration shall be deemed to have served a full term.
- (c) Should the participating governmental entity's representative to the Commission also be an elected official of the appointing governmental body, said Commission member's appointment to this Commission shall be deemed vacated by resignation upon his or her termination in the elected office. In turn, the governmental entity's governing body shall appoint an individual to complete said vacant term.

**Section 4. Vacancies.** Vacancies on the Commission due to death, removal or resignation shall be filled by the governing body of the appointing governmental entity. New appointees shall complete the unexpired term of the vacant position.

**Section 5. Duties.** The Commission shall have the following duties:

- (1) Advise the City Council and the city staff with regard to transit system policies and safety matters including routes, ridership policies, transit fares, accessibility modes, customer amenities and operating policies.
- (2) Receive input from the citizenry and the ridership of the system involving public transit issues and make appropriate recommendations to the City Council.

- (3) Recommend to the City Council rules and procedures governing public transit programs, equipment and facilities, regulatory guidelines, service improvements, hours of operation, and security.
- (4) Recommend marketing strategies for the promotion of public utilization of the transit system.
- (5) It is the intent of this ordinance that all matters affecting the governance and operation of the public transit system, including the annual budget thereof, shall first be considered by the Commission and recommendations thereon made to the City Council. Nothing contained herein shall prohibit the Council from acting without the Commission's recommendation when the Council deems it necessary.

**Section 6. Meetings.** The Commission shall hold meetings on a monthly or more often basis as required at times and place to be established by it. All meetings shall be open to the public; however, the commission members may meet in closed session under those circumstances permitted by North Carolina General Statutes Chapter 143. The Chairman, or in his absence the Vice Chairman, may call special meetings upon a forty-eight hour notice.

**Section 7. Quorum.** A majority of the regularly appointed Commission members, along with any alternates participating at that particular meeting, as defined in Section 2(a) and (b) above, shall be required for the Commission to take action.

**Section 8. Attendance.** The operation of the Commission requires active participation by all of the appointed members. Members who shall miss more than three (3) meetings in a twelve (12) month period, and which absences are not excused due to sickness, death in the family, other emergency or good cause shown, shall be subject to removal by the appointing governing body.

**Section 9. Compensation and Expenses.** Members shall receive no compensation for their service but shall be reimbursed for travel and subsistence and other expenses incurred in the performance of their duties, including attendance at training and professional meetings. Reimbursement shall be in accordance with existing City of Burlington policies.

**Section 10. Officers.** The Commissioners shall select from their membership a Chairman, a Vice-Chairman and a Secretary. Elections shall be held annually at the first meeting in July with the term of office being one year. The Chairman, or in his absence, the Vice-Chairman shall preside over all meetings of the Commission. Roberts Rules of Order, most recent edition, shall be followed to the extent possible in the conduct of meetings. At one regular meeting during each month, members of the public shall be

given the opportunity to address the Commission under rules to be established by the Commission.

That all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

The foregoing ordinance was seconded by Mayor Pro Tem Faucette, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Baltutis, Faucette, Ward, Butler and Hykes.