

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2016-54
HOUSE BILL 464

AN ACT TO ADJUST THE COMPOSITION OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES, TO PROVIDE THAT ALL MEMBERS OF THE BOARD OF TRUSTEES SHALL BE VOTING MEMBERS, TO AUTHORIZE REGIONAL TRANSPORTATION AUTHORITIES TO HIRE A CHIEF ADMINISTRATIVE OFFICER, AND TO CLARIFY THE VOTING PROCESS BY MEMBERS OF THE BOARD OF TRUSTEES OF REGIONAL TRANSPORTATION AUTHORITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-635 reads as rewritten:

"§ 160A-635. Membership; officers; compensation.

(a) The governing body of an authority is the Board of Trustees. The Board of Trustees shall consist of:

...

(2) ~~Two~~ At least two, but not more than three, members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members. ~~Transportation.~~ Members appointed under this subdivision shall be (i) division members from a highway division or highway divisions located wholly or partially within the territorial jurisdiction of the Authority, (ii) at-large members who represent or have an expertise in mass transit and reside within the territorial jurisdiction of the Authority, or (iii) a combination of division members and at-large members meeting the requirements set forth in this subdivision.

...

(c) Service on the Board of Trustees may be in addition to any other office which a person is entitled to hold. Each ~~voting~~ member of the Board of Trustees may hold elective public office as defined by G.S. 128-1.1(d).

...

(e) The Board of Trustees shall annually elect from its membership a Chairperson, ~~and~~ a Vice-Chairperson, ~~and shall annually elect~~ a Secretary, and a Treasurer.

...."

SECTION 2. G.S. 160A-636 reads as rewritten:

"§ 160A-636. ~~Voting.~~ Voting; action by the Board of Trustees.

(a) Quorum. – A majority of the ~~members~~ membership of the Board of Trustees Trustees, excluding vacant seats, shall constitute a quorum for the transaction of business. Except as provided by G.S. 160A-635(a)(2), each member shall have one vote. quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under any other provision of law.

(b) Action. – An affirmative vote equal to a majority of all the members of the Board of Trustees not excused from voting on the question in issue shall be required to authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the Authority."

SECTION 3. G.S. 160A-639 reads as rewritten:

"§ 160A-639. General powers of the Authority.



The general powers of the Authority shall include any or all of the following:

- (1) To sue and be ~~sued~~; sued.
- (2) To have a ~~seal~~; seal.
- (3) To make rules and regulations, not inconsistent with this Chapter, for its organization and internal ~~management~~; management.
- (4) To employ ~~persons deemed necessary~~ a chief administrative officer to carry out the functions and duties ~~assigned to them by of the Authority and to Authority.~~ The Board of Trustees shall fix their compensation, the compensation of the chief administrative officer and any employees hired by the chief administrative officer pursuant to G.S. 160A-639.1, within the limit of available funds; funds.
- (5) With the approval of the unit of local government's chief administrative official, to use officers, employees, agents, and facilities of the unit of local government for such purposes and upon such terms as may be mutually ~~agreeable~~; agreeable.
- (6) To retain and employ counsel, auditors, engineers, and private consultants on an annual salary, contract basis, or otherwise for rendering professional or technical services and ~~advice~~; advice.
- (7) To acquire, lease as lessee with or without option to purchase, hold, own, and use any franchise, property, real or personal, tangible or intangible, or any interest therein, and to sell, lease as lessor with or without option to purchase, transfer (or dispose thereof) whenever the same is no longer required for purposes of the Authority, or exchange same for other property or rights which are useful for the Authority's purposes, including but not necessarily limited to parking ~~facilities~~; facilities.
- (8) To acquire by gift, purchase, lease as lessee with or without option to purchase or otherwise to construct, improve, maintain, repair, operate, or administer any component parts of a public transportation system or to contract for the maintenance, operation or administration thereof, or to lease as lessor the same for maintenance, operation, or administration by private parties, including, but not necessarily limited to, parking ~~facilities~~; facilities.
- (9) To make or enter into contracts, agreements, deeds, leases with or without option to purchase, conveyances or other instruments, including contracts and agreements with the United States, the State of North Carolina, and units of local ~~government~~; government.
- (9a) To purchase or finance real or personal property in the manner provided for cities and counties under ~~G.S. 160A-20~~; G.S. 160A-20.
- (10) To surrender to the State of North Carolina any property no longer required by the ~~Authority~~; Authority.
- (11) To develop and make data, plans, information, surveys and studies of public transportation facilities within the territorial jurisdiction of the Authority and to prepare and make recommendations in regard ~~thereto~~; thereto.
- (12) To enter in a reasonable manner lands, waters, or premises for the purpose of making surveys, soundings, drillings, and examinations whereby such entry shall not be deemed a trespass except that the Authority shall be liable for any actual and consequential damages resulting from such ~~entries~~; entries.
- (13) To develop and carry out demonstration ~~projects~~; projects.
- (14) To make, enter into, and perform contracts with private parties, and public transportation companies with respect to the management and operation of public passenger ~~transportation~~; transportation.
- (15) To make, enter into, and perform contracts with any public utility, railroad or transportation company for the joint use of property or rights, for the establishment of through routes, joint fares, or transfer of ~~passengers~~; passengers.
- (16) To make, enter into, and perform agreements with governmental entities for payments to the Authority for the transportation of persons for whom the governmental entities desire ~~transportation~~; transportation.
- (17) With the consent of the unit of local government which would otherwise have jurisdiction to exercise the powers enumerated in this subdivision: to

issue certificates of public convenience and necessity; and to grant franchises and enter into franchise agreements, and in all respects to regulate the operation of buses, taxicabs, and other methods of public passenger transportation which originate and terminate within the territorial jurisdiction of the Authority as fully as the unit of local government is now or hereafter empowered to do within the territorial jurisdiction of the unit of local ~~government;~~government.

- (18) To operate public transportation systems and to enter into and perform contracts to operate public transportation services and facilities, and to own or lease property, facilities and equipment necessary or convenient therefor, and to rent, lease or otherwise sell the right to do so to any person, public or private; further, to obtain grants, loans, and assistance from the United States, the State of North Carolina, any public body, or any private source whatsoever, but may not operate or contract for the operation of public transportation systems outside the territorial jurisdiction of the Authority except as provided by subdivision (20) of this ~~section;~~section.
- (19) To enter into and perform contracts and agreements with other public transportation authorities, regional public transportation authorities, or units of local government pursuant to the provisions of G.S. 160A-460 through G.S. 160A-464 (Part 1 of Article 20 of Chapter 160A of the General Statutes); further to enter into contracts and agreements with private transportation companies, but this subdivision does not authorize the operation of, or contracting for the operation of, service of a public transportation system outside the service area of the ~~Authority;~~Authority.
- (20) To operate public transportation systems extending service into any political subdivision of the State of North Carolina unless a particular unit of local government operating its own public transportation system or franchising the operation of a public transportation system by majority vote of its governing board, shall deny consent, but such service may not extend more than 10 miles outside of the territorial jurisdiction of the authority, except that vanpool and carpool service shall not be subject to that mileage ~~limitation;~~limitation.
- (21) Except as restricted by covenants in bonds, notes, or equipment trust certificates, to set in its sole discretion rates, fees, and charges for use of its public transportation ~~system;~~system.
- (22) To do all things necessary or convenient to carry out its purpose and to exercise the powers granted to the ~~Authority;~~Authority.
- (23) To facilitate the coordination of transportation plans in the service area and the activities of the member Metropolitan Planning ~~Organizations;~~Organizations.
- (24) To maintain databases for the projection of future travel demands in the ~~region;~~region.
- (25) To provide and operate regional ridesharing and vanpool ~~operations;~~operations.
- (26) To provide and operate regional transportation services for the elderly and ~~handicapped;~~handicapped.
- (27) To provide other transportation related services, including air quality monitoring and analysis, as determined by the Board of ~~Trustees;~~Trustees.
- (28) To issue bonds or other obligations of the Authority as provided by law and apply the proceeds thereof to the financing of any public transportation system or any part thereof and to refund, whether or not in advance of maturity or the earliest redemption date, any such bonds or other ~~obligations;~~and obligations.
- (29) To contract for, or to provide and maintain, with respect to the facilities and property owned, leased with or without option to purchase, operated or under the control of the Authority, and within the territory thereof, a security force to protect persons and property, dispense unlawful or dangerous assemblages and assemblages which obstruct full and free passage, control pedestrian and vehicular traffic, and otherwise preserve and protect the

public peace, health, and safety; for these purposes a member of such force shall be a peace officer and, as such, shall have authority equivalent to the authority of a police officer of the city or county in which said member of such force is discharging such duties."

SECTION 4. Article 27 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-639.1. Duties of the chief administrative officer; appointment of clerk.

(a) Duties. – The chief administrative officer employed by the Authority in accordance with G.S. 160A-639 shall be responsible to the Board of Trustees for administering all matters placed in his or her charge by the Board of Trustees and shall have all of the following powers and duties:

- (1) To hire, appoint, suspend, or remove any employee of the Authority, provided that nothing in this subdivision shall be construed as superseding or altering any other provision of law governing the suspension or removal of an employee of the Authority.
- (2) To direct and supervise all employees of the Authority and the administration of all departments, offices, and agencies of the Authority, subject to the general direction and control of the Board of Trustees and except as otherwise provided by law.
- (3) To attend all meetings of the Board of Trustees and recommend any measures he or she deems expedient.
- (4) To see that all laws of the State are faithfully executed.
- (5) To prepare and submit the annual budget and capital program to the Board of Trustees.
- (6) To annually submit to the Board of Trustees and make available to the public a complete report on the finances and administrative activities of the Authority as of the end of the fiscal year.
- (7) To make any other reports that the Board of Trustees may require concerning the operations of the Authority.
- (8) To perform any other duties that may be required or authorized by the Board of Trustees.

(b) Clerk. – In addition to the duties set forth in subsection (a) of this section, the chief administrative officer shall designate an employee of the Authority as clerk, whose duties shall include all of the following:

- (1) Provide notice of meetings of the Board of Trustees.
- (2) Keep a journal of the proceedings of the Board of Trustees.
- (3) Be the custodian of all Authority records.
- (4) Perform any other duties that may be required by law or the Board of Trustees."

SECTION 5. This act becomes effective August 1, 2016, and applies to contracts entered into and other actions taken by Regional Transportation Authorities on or after that date.

In the General Assembly read three times and ratified this the 22nd day of June, 2016.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 9:19 a.m. this 30th day of June, 2016