

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM**

SUBJECT: Athens in Motion Commission Bylaw Amendment

DATE: August 3, 2023

BUDGET INFORMATION:

REVENUES: N/A

EXPENSES: N/A

ANNUAL:

CAPITAL:

OTHER:

FUNDING SOURCE: N/A

COMMISSION ACTION REQUESTED ON: September 5, 2023

PURPOSE:

To request that Mayor and Commission:

- a. Approve the amended Athens in Motion Commission Bylaws, as shown in **Attachment #1**; and
- b. Authorize the Mayor and appropriate staff to execute all related documents.

HISTORY:

1. On August 2, 2016, Mayor and Commission (M&C) appointed a Bike/Pedestrian Master Plan Committee to assist staff with developing a Request for Proposals, consultant selection, and plan development for an updated Bicycle and Pedestrian Master Plan.
2. On March 7, 2017, M&C awarded a contract for the development of a Bicycle and Pedestrian Master Plan to Toole Design Group, LLC.
3. Between March 2017 and August 2018, Toole Design Group, the Bike/Pedestrian Master Plan Committee, and Transportation & Public Works (T&PW) staff worked to develop a Bicycle and Pedestrian Master Plan, branded Athens in Motion (AiM).
4. In August 2018, the Athens in Motion (AiM) User Group issued a Bicycle and Pedestrian Master Plan Final Report.

5. On October 2, 2018, M&C accepted the Athens in Motion Plan which included a recommendation to support the implementation of the Athens in Motion Plan as well as general advancement of and advocacy for active transportation.
6. On April 8, 2019, T&PW filled the position of Bicycle, Pedestrian, and Safety Coordinator. This position was charged with oversight of the Athens in Motion Plan.
7. On June 4, 2019, M&C adopted a resolution to create the Athens in Motion Commission (AiMC) to support the implementation of the Athens in Motion Plan, and approved the By-Laws of the Athens in Motion Commission.
8. On May 30, 2023, AiMC voted unanimously to revise Article 2.2 and Article 5 of their bylaws as seen in **Attachment #1**.

FACTS & ISSUES:

1. Amendments to the Athens in Motion Commission Bylaws include:
 - a. Article 2.2:
 - i. A simple majority of the AiMC shall constitute a quorum at any regular or special meeting of the AiMC, and no proxy vote shall be allowed...
 - b. Article 5:
 - i. These by-laws may be amended, altered, or repealed by at least a two-thirds (2/3) vote of the voting members by written ballot or at any regular meeting, with previous notice of such changes, or at any special meeting, provided notice is given of the proposed changes in the notice of such special meeting.
2. As a general principle, BACs typically develop and maintain their own bylaws as long as they are not in conflict with their authorizing legislation. The change in Article 5 will allow AiMC to make changes to their bylaws as necessary to respond to future issues without having to burden the M&C with those changes.
3. AiMC has experienced difficulty in achieving a quorum since going back to in-person meetings. AiMC typically meets monthly except during the month of December. This does not include any special called meetings.
 - a. Of the last 11 regularly scheduled meetings
 - i. 2 meetings did not have quorum and were cancelled
 - ii. 2 meetings did not have quorum but staff did provide updates
 - iii. 1 meeting had to be rescheduled to make quorum
4. ACCGov Staff have talked with the ACCGov Attorney's Office for guidance, and they approve of the proposed amendments.
5. These recommendations support the following ACCGov Strategic Plan Goal & Strategy:
 - Good Neighbors

- Safely Move Around Athens, Strategy A: *Improve, expand and maintain sidewalks, shared-use paths, and bike facilities to provide greater opportunities for residents to use active transportation safety*

OPTIONS:

1. Mayor and Commission:
 - a. Approve the amended bylaws of the Athens in Motion Commission, as shown in **Attachment #1**.
 - b. Authorize the Mayor and appropriate staff to execute all related documents.
2. Mayor and Commission do not approve the amended bylaws of the Athens in Motion Commission.
3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1a &b.

DEPARTMENT: Transportation & Public Works

Prepared by: Daniel Sizemore, Bike, Ped & Safety Coordinator



Stephen Bailey
Director

Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a &b



Manager

August 8, 2023

Date:

ATTACHMENTS:

Attachment #1: Amended By-Laws of the Athens in Motion Commission

BYLAWS OF THE ATHENS IN MOTION COMMISSION

ARTICLE ONE: Objectives and Purposes

1.1 Objectives of the Athens in Motion Commission ("AiMC") shall be adhered to strictly and shall be confirmed to the special pursuits and purposes herein and as outlined in the goals of the organization as presented to the Unified Government of Athens-Clarke County, Georgia ("Unified Government"), and to the University of Georgia.

1.2 The goals and purposes of the AiMC may be amended or altered only with expressed written consent of the Mayor and Commission of the Unified Government.

1.3 The AiMC shall be responsible for development, implementation, and modification of an Athens in Motion Plan for a safe and connected network of bicycle and pedestrian facilities throughout Athens-Clarke County, Georgia. Such plan shall also include guidelines for the implementation of the plan.

1.4 The AiMC is advisory in nature and is charged with the responsibility of recommending projects, policies, and initiatives to the Mayor and Commission.

1.5 Authority. The AiMC shall be authorized to:

- (1) Seek federal, state, private foundation, and grant funds to improve the safety and connectivity of bicyclists and pedestrians;
- (2) Conduct educational, safety and encouragement programs in support of active transportation;
- (3) Coordinate active transportation efforts to support other transportation-related activities including, but not exclusive to: Athens Transit, Oconee Rivers Greenway Commission, and Rails to Trails, Safe Routes to School; and
- (4) Recommend to the Mayor and Commission financial and/or other incentives to preserve, enhance, or further the purposes of the AiMC.

ARTICLE TWO: Membership and Terms

2.1 There shall be an Athens in Motion Commission which shall consist of nine (9) members appointed for five (5) year terms of office.

2.1.1 The Unified Government shall make an initial call for nominees for seven (7) positions on the AiMC. The Mayor and Commission will interview applicants and appoint these seven (7) members. Whenever a vacancy exists thereafter, applications for replacements will be solicited, and appointments made, by the Mayor and Commission as occurs with other Boards, Authorities, and Commissions ("BACs") to which the Mayor and Commission appoints members.

2.1.2 One (1) additional member shall be appointed initially by the President of the University of Georgia. Whenever a vacancy exists thereafter, the President of the University of Georgia shall appoint a replacement.

2.1.3 One (1) additional member shall be an active member of the Oconee Rivers Greenway Commission and be appointed by a majority vote of the Oconee Rivers Greenway Commission. Whenever a vacancy exists thereafter, the Oconee Rivers Greenway Commission shall select a replacement, whose name will be forwarded to the Mayor and Commission for acceptance or

rejection. If the nominee is rejected, the Oconee Rivers Greenway Commission shall nominate a different replacement until a candidate is approved by the Mayor and Commission.

2.1.4 Terms. The term of office of the appointed members of the AiMC shall be five (5) years or until their successors are appointed. *Terms expire on July 31 of the applicable year.* No one may serve on the AiMC more than two (2) full consecutive terms. In order to achieve staggered terms, initial appointments shall be: three members for three years, three members for four years, and three members for five years. Initial appointments to the staggered terms will be determined by a lottery.

2.2 ~~At least six (6) of the voting members~~ A simple majority of the AiMC shall constitute a quorum at any regular or special meeting of the AiMC, and no proxy vote shall be allowed. Voting members that must be absent for three (3) or more consecutive regular meetings should apply in advance to the chair for a leave of absence. Members on a leave of absence will not be counted as voting members.

2.3 Special meetings of the AiMC may be called by the chair at any time, with three days' notice, to conduct urgent business and may also be called at the written request of any two voting members of the AiMC. All such special meetings shall be announced in the official legal organ of Athens-Clarke County.

2.4 Any AiMC member may be removed, at any regular meeting, upon the recommendation of the chair, by a majority vote of the voting members, and with consent in writing of the appointing authority. Any AiMC member may also be removed for cause by the Mayor and Commission after a public hearing. All AiMC members are responsible for attending and participating in regular AiMC meetings to accomplish the work of the AiMC. Therefore, after three (3) consecutive, or five (5) of seven (7) consecutive absences by a Commission member without prior notification of the chair, the chair may recommend removal of that member to the voting members.

2.5 The AiMC shall meet a minimum of six (6) times per year, and no less frequently than once every two-month period. A scheduled time and place shall be designated by the Chair for regular meetings of the AiMC. All members shall be notified at least five (5) days in advance of any change in the time or location of these regular meetings. All meetings will be conducted in accordance with the Georgia Open Meetings Act.

ARTICLE THREE: Officers

3.1 The officers of the AiMC shall be: chair, vice chair, and secretary.

3.2 All officers shall be elected by a majority of the voting members at the annual meeting of the AiMC. Officers shall hold office for two (2) years following their election, or until such time as their successors are chosen. The AiMC, by a majority of the voting members may elect officers to fill vacancies that occur between annual meetings.

3.3 The chair shall be the chief administrative officer of the AiMC.

3.3.1 He/she shall be responsible for general supervision of the policies and activities of the AiMC.

3.3.2 He/she shall preside over AiMC meetings and shall serve as principal communications liaison between the AiMC, the governing authority of the Unified Government, and the leadership of the University of Georgia.

3.3.3 The chair shall conduct all meetings in accordance with Roberts Rules of Order, Tenth Edition, as revised. He/she shall have the authority to determine the need to call for a roll call vote when a voice vote is inconclusive.

3.4 The vice-chair shall perform such duties as are generally performed by vice-chair, and in the event of vacancy of the chair, or at his/her request, or at the direction of the AiMC, shall have the authority and perform the duties of the chair.

3.5 The secretary shall keep the minutes of the AiMC and have charge of the minute records. He/she shall be responsible for all correspondence of the AiMC, authenticating any documents or records of the AiMC, and shall perform such other duties and have such other powers as may be delegated by the chair or the AiMC. The secretary shall cause copies of all minutes, records, and correspondence to be deposited with the Clerk of Commission.

3.6 Assistants to the vice-chair and secretary may be appointed by, and shall have such duties as may be delegated by the chair or the AiMC.

ARTICLE FOUR: Annual Meeting and Reporting Procedures

4.1 An annual meeting of the AiMC shall be held each year and at a place to be determined by the chair and members of the AiMC.

4.2 Notice in writing of the annual meeting shall be sent to each member of the AiMC at least five (5) days prior to the date of the meeting and shall be published in the official legal organ of Athens-Clarke County at least three (3) days prior to the date of the meeting time.

4.3 An annual report of the AiMC's activities for the year shall be presented to the AiMC by the chair at the annual meeting, and shall be submitted in writing to each authority responsible for Commission appointments upon approval in text by a majority of the voting members.

4.4 A quorum at the annual meeting shall be defined in the same manner as at regular meetings as specified in section 2.2.

ARTICLE FIVE: Amendments

5.1 These by-laws may be amended, altered, or repealed by at least a two-thirds (2/3) vote of the voting members by written ballot or at any regular meeting, with previous notice of such changes, or at any special meeting, provided notice is given of the proposed changes in the notice of such special meeting. ~~Any such amendment, alteration, or repeal shall be approved by the Mayor and Commission prior to its effect.~~