

## Develop RPO MOU

### Description

The purpose of this procedure is to establish the steps necessary to draft or amend a Rural Planning Organization (RPO) Memorandum of Understanding (MOU) for assisting the Department in carrying out the Statewide Transportation Planning Program. TPB RPO Coordinators will use this procedure as a guide when drafting or updating MOUs.

### Responsibility

*The Local RPO Staff* - has the responsibility for performing this procedure.

*The TPB RPO Coordinator* – may either be taking the lead on drafting the new or amended MOU or may be serving in a review role with the RPO Staff taking the lead, depending on the need for the change and the specific agreement in that area.

The *TPB Senior RPO Coordinator* is responsible for coordinating the review with the Attorney General Office.

### Scheduling and Time Constraints

A new MOU is required when a new RPO is established or an amended MOU is required when a change is warranted. Since there is no regular update cycle for MOUs, they should be updated on an as needed basis. Examples of changes that may trigger an update include a change in the roles and responsibilities of MPO members; change in the LPA; change in the voting structure; change in the member jurisdictions of the RPO; or change in an adjacent Metropolitan Area Boundary (MAB). (See [Boundary Revisions](#) procedure)

### Procedure

Step	Action
1	Review the existing or sample MOU for basic content and format.
2	Prepare the new draft MOU or revise the existing MOU to incorporate needed changes. (This step may be done by the TPB RPO Coordinator or by the RPO Staff. If done by the RPO Staff, the TPB RPO Coordinator is responsible for coordinating NCDOT's review and providing feedback).
3	Review the new draft or amended MOU (in coordination with TPB RPO Coordinator and TPB Senior RPO Coordinator).
4	Provide the new draft or amended MOU to the TPB RPO Coordinator for NCDOT internal review and legal review by NCDOT's Attorney General. NCDOT's internal review includes the Regional Planning Group Supervisor, TPB Senior RPO Coordinator, TPB RPO Program Manager, and the Transportation Planning Branch Manager, and shall occur prior to review by the Attorney General staff. <b>Note:</b> The TPB Senior RPO Coordinator is responsible for coordinating the review with the Attorney General Staff.
5	The Local RPO Coordinator will obtain approval of the new or amended MOU by the RPO TCC and TAC.

6	<p>The Local RPO Staff will obtain signatures on the new or amended MOU from local government entities. Once the MOU is signed locally, the Local RPO Staff will forward the signed MOU to the TPB RPO Coordinator to obtain the signatures of the Secretary of Transportation and NCDOT's Attorney General. The TPB Senior RPO Coordinator will be responsible for obtaining the signature of the Secretary and the Attorney General.</p> <p><b>Note:</b> The MOU will be accepted by NCDOT only if each county and NCDOT sign and seal it on the same signature page. Municipalities and other interested parties can sign separate Statements of Adoption and attach it to the MOU.</p>
7	<p>Once signed by the Secretary and the Attorney General, the TPO RPO Coordinator will forward the signed copies to the Local RPO Staff for distribution. Each signatory agency to the MOU should receive an original copy.</p> <p><b>Note: Once the RPO MOU is developed/updated it si the responsibility of the RPO Staff to develop/update RPO Bylaws and provide a copy to the TPB RPO coordinator.</b></p>

### ***Policy, Regulatory, and Legal Requirements***

[Article 17, General Statue 136, sections 210 through 213.](#)

### ***Resources***

- [MOU Template 1 \(non-weighted voting\)](#)
- [MOU Template 2 \(weighted voting\)](#)
- [Interested Party Statement of Adoption](#)
- [RPO Manual](#)

### ***Background***

A Memorandum of Understanding is a document that establishes the specific framework on how each RPO operates, defining the roles and responsibilities of each member organization in relation to others with respect to issues over which multiple entities may have jurisdiction. The MOU describes the responsibilities of the RPO, and defines the membership and roles of the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC). It establishes the Lead Planning Agency (LPA), describes the LPA's duties as staff for the RPO, and sets forth various procedures related to assisting the Department in carrying out its statewide transportation planning program. The MOU is signed by each member county and NCDOT (the municipalities can sign the MOU by a Municipal Statement of Adoption), as well as the Secretary of Transportation. This procedure may be triggered by the following:

- a change in the RPO boundaries due to membership change;
- a change or clarification in law;
- a change in the Lead Planning Agency (LPA); or
- a termination of the existing MOU or Funding Agreement.

In order for the RPO to have legal standing and able to receive RPO planning funds, an MOU must be in place and signed by NCDOT and the member counties.

RPOs are required to have Bylaws that define how meetings will be conducted within the RPO as well as outlining the procedure for various RPO processes. A change to the bylaws typically necessary when some aspects of the bylaws need to be clarified that was not explicitly stated in the bylaws, conflicting laws, a change in the LPA, or an MOU change. In order for the Bylaws to have legal standing, the Bylaws must be adopted by the TAC and should be signed by the RPO Secretary and the TAC Chairman.

### **Record of Revision**

*The information contained in this procedure is deemed accurate and complete when posted. Content may change at any time without notice. We cannot guarantee the accuracy or completeness of printed copies. Please refer to the online procedure for the most current version.*

<b>Version</b>	<b>Section Affected</b>	<b>Description</b>	<b>Effective Date</b>
2	Procedures	Additional information added to procedure steps to clarify that the procedure applies to new or amended MOUs.	11/09/2009
2.1	Resources and Tools	Updated link to RPO Manual	6/24/10
3.0	Procedures	Changes to align with current MPO "Develop MOU for Transportation Planning." New Template format.	03/15/2013

### **Flowchart**