

Interlocal Agreement Between the City of Durham and Durham County Creating a Durham City-County Appearance Commission

Section 1, Creation and Purpose

The Durham City Council and the Durham County Board of Commissioners (each a "Governing Body" and collectively, the "Governing Bodies") hereby establish the Durham City-County Appearance Commission in accordance with NCGS 160D-304. The Mission of this Commission is to cultivate visual appeal and recognize the benefits of good design that enhance quality of life in Durham City and County ("Mission").

Section 2, Powers and Duties

Consistent with NCGS 160D-960, the Durham City-County Appearance Commission shall have the following powers and duties:

- A. To initiate, propose and assist in the implementation of programs in Durham City and County to further the Mission.
- B. To cooperate with individuals, agencies and organizations, public and private, whose plans, activities and programs bear upon the appearance of Durham City and County.
- C. To provide leadership and guidance in matters of area or community design and appearance, including environmental design principles.
- D. To make studies of the visual characteristics and problems, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design.
- E. To prepare both general and specific recommendations for the improved appearance of Durham City and County. Such recommendations may include the entire jurisdiction or parts of the jurisdiction and may set forth desirable standards and goals for the aesthetic enhancement of Durham City and County.
- F. To respond to any requests from the Governing Bodies, public agencies, private entities, developers or Planning Staff to review proposals for buildings, facilities or projects located within Durham City and County. Requests by a Governing Body shall be totally within the discretion of such Governing Body.
- G. To make recommendations regarding the adoption or amendment of ordinances that will serve to enhance the appearance of Durham City and County.
- H. To direct public attention toward issues and situations that may affect the appearance of Durham City and County.
- I. To promote public interest in and an understanding of any recommendations, studies or plans related to the Mission through distribution of any relevant materials.

- J. To conduct open meetings and educational sessions, to advance the cause of an improved appearance for Durham City and County.
- K. To establish a process to recognize the achievements and contributions to the community related to appearance and design.

Section 3, Membership

- A. **Appointments.** The commission shall consist of eleven (11) members with six (6) to be appointed by the Durham County Board of Commissioners and five (5) to be appointed by the Durham City Council. Members shall reside within the jurisdiction of the appointing authority. Attempts shall also be made to ensure that the appointments represent a cross section of the City or County.

All members shall have equal rights regardless of whether the matters at issue are located inside or outside the City's corporate limits.

- B. **Qualifications.** All members of the Commission shall have a demonstrated interest, competence, or knowledge in community aesthetics, and a majority of the members shall have expertise in a design field such as architecture, landscape architecture, city planning, horticulture, urban design, real estate, or a related field. Any remaining seats shall be filled by members who may not have the background of the members representing specific professional areas above. Members shall also meet those general qualifications specified by the appointing body, which are requirements for all individuals serving on a governmental board or commission.
- C. **Recommendations.** Submitted applications for vacant seats shall be provided to the Commission prior to formal consideration by the appropriate Governing Body. The Commission may choose to review the applications and make a non-binding recommendation to the appropriate Governing Body. Any recommendation shall follow the rules of the Commission's by-laws and be provided to the appropriate Clerk's office within a mutually agreed-upon, reasonable timeframe.

Additionally, the Joint City-County Planning Committee may recommend to the Governing Bodies individuals for appointment to the Appearance Commission to ensure that State mandated qualifications are met.

- D. **Tenure.** Members shall serve three (3) year terms and may be reappointed based upon the criteria of the appointing body.

Members may continue to serve until their successors have been appointed. Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointed authority as they occur for the period of time of the unexpired term.

- E. **Compensation.** Members may be reimbursed for expenses. Members may serve with compensation subject to the stipend program of the City Clerk and or County Clerk offices stipend program as applicable.

Section 4, Organization and Meetings

- A. The Commission shall elect a Chairperson and shall create and fill other offices as it may find necessary.
- B. The Commission shall adopt rules of procedure.
- C. The Commission shall meet at least six (6) times per year.
- D. The Commission shall no later than April 15 of each year submit to the Governing Bodies, a written report of its activities, a statement of its expenditures to date for the current fiscal year, and its requested budget for the next fiscal year.
- E. The Commission shall have a designated liaison from each governing body.

Section 5, Receipt and Expenditure of Funds

The Commission may receive contributions or grants from private agencies, foundations, organizations, individuals, the State or federal government or any other source, in addition to any sums appropriated for its use by Durham City or County. The Commission may accept and disburse these funds for any purpose within the scope of its authority. All sums appropriated by the City and County to further the work and purposes of the Commission are deemed to be for a public purpose. Expenditure of funds shall be administered in accordance with the requirements of the Municipal and County Fiscal Control Acts.

Section 6, Support

The City-County Planning Department shall provide staff for the Appearance Commission as specified in the annual Planning Department Work Plan approved by the City and County. Staff shall be responsible for preparing notices and agendas for the Commission's meetings and keeping the record of the Commission meetings, including records of members' attendance. The Commission's budget, if any, shall be established as part of the Durham City-County Planning Department budget each fiscal year, in accordance with the agreement between the two jurisdictions on Department expenditures.

Section 7, Term of This Agreement

This Agreement shall be effective upon approval by both Governing Bodies. Unless terminated sooner as provided for in Section 8, below, this Agreement shall be effective on for a term of five (5) years, and shall expire at 12:01 AM, January 1, 2028. This Agreement may be terminated by either party; provided that such party has given the other party six (6) months

prior notice of its intention to terminate. The termination shall become effective on January 1 of the calendar year following the timely notice of termination.

Section 8. Amendments

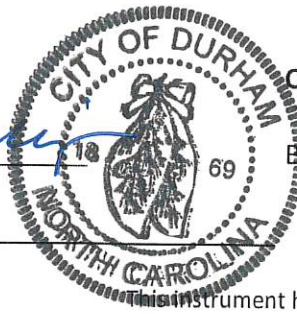
This Agreement may be amended at any time upon mutual written agreement of the City and County. The City Council and County Commissioners shall be the final authority in approving all amendments.

IN WITNESS WHEREOF, the parties have authorized this Agreement to be executed and attested by their undersigned officers, to be effective from and after the date first above written.

Attest:

City Clerk

Diana Lynn Scales



City of Durham:

By:

Ward S. Page

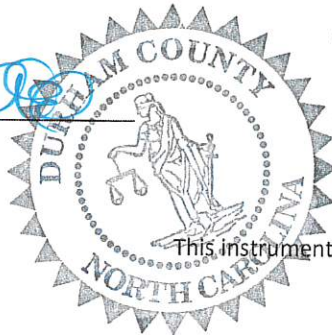
This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Sheilah Sawcette
Finance Officer

Attest:

County Clerk

[Signature]



County of Durham:

By:

[Signature]

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

This document has been reviewed by the County Attorney and is approved as to its form. This _____ day of _____, 20____.

Alana Anderson

ELECTRONIC ROUTING APPROVAL FORM
FOR CONTRACTS TO BE EXECUTED WITH INK AND PAPER
(THIS IS NOT A CONTRACT DOCUMENT)

ONBASE CONTRACTING NO: 19839

CONTRACT NAME: Durham City-County Appearance
Commission Interlocal Agreement Renewal

The following electronic signatures are required for authorization
of final ink pen signatures for hard-copy original contracts:

ATTEST^{Attest:}

By:

Diana Lynn Schreiber
Diana Lynn Schreiber
City Clerk -- Durham, NC



CITY OF DURHAM

By:

Wanda S. Page

Wanda S. Page
City Manager

preaudit certificate, if applicable

This instrument has been pre-audited in the manner required by the
Local Government Budget and Fiscal Control Act.

Sheilah Faucette

Finance Officer - Sheilah Faucette