

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 2.52, "BICYCLE
ADVISORY COMMISSION," OF THE MERCED
MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Chapter 2.52, "Bicycle Advisory Commission," of the Merced Municipal Code is hereby amended to read as follows:

**"Chapter 2.52
BICYCLE AND PEDESTRIAN ADVISORY
COMMISSION**

Section:

- 2.52.010 Purpose.**
- 2.52.020 Establishment.**
- 2.52.030 Terms.**
- 2.52.040 Meetings.**
- 2.52.050 Officials.**
- 2.52.060 Jurisdiction of the Commission.**

2.52.010 Purpose.

The purpose of the Bicycle and Pedestrian Advisory Commission is to serve as an advisory body to the City Council on matters having to do with bicycling, pedestrian activity, and other modes of active transportation within the City of Merced, as well as the mobility needs of the elderly and those with disabilities. It is the intent of the City Council to improve conditions for users of all active modes in the City of Merced, promote active transportation with the associated benefits of improved air quality, improved safety conditions for users of all modes, and health benefits, and to help

advise on matters of policy, programs, and bike routes for active transportation users of all ages. Active transportation includes any method of travel that is human-powered, including, but not limited to, walking, bicycling, skateboarding, and use of wheelchairs and other assistance devices.

2.52.020 Establishment.

- A. Pursuant to Section 700 of the Charter, there is hereby established a Bicycle and Pedestrian Advisory Commission which shall consist of seven (7) voting Members. At least two (2) voting Members of the Commission shall be from a recognized bicycle organization. All seven (7) voting Members must be qualified electors of the City of Merced. Six (6) Member shall each represent a different District of the City of Merced, with one (1) Member serving at-large.
- B. A majority of the voting Members of the Commission shall constitute a quorum.
- C. In accordance with Section 702 of the Charter, Members shall be appointed by at least four (4) affirmative votes of the City Council and subject to removal by motion of the City Council adopted by at least five (5) affirmative votes.
- D. The City Council may appoint an additional four (4) Members to sit on the Commission as ex-officio, non-voting Members. Said ex-officio, non-voting Members may be non-City residents who live within the City of Merced's sphere of influence or persons who represent a Merced-based school, persons who represent an organization specializing in the needs of individuals with disabilities or the elderly, or persons who otherwise demonstrate a strong concern for active transportation related issues within the City of Merced.

2.52.030 Terms.

A. In accordance with Section 702 of the Charter, the Bicycle and Pedestrian Advisory Commission Members shall serve for a term of four (4) years and until their respective successors are appointed and qualified.

B. Notwithstanding subsection A of Section 2.52.020 of this Code, the existing Members of the Bicycle Advisory Commission shall continue their appointed terms as Members of the Bicycle and Pedestrian Advisory Commission, regardless of the District of their residence. If the single Member serving at-large is insufficient to cover any overlapping Districts of residence, the overlapping Members shall, upon the first meeting following the enactment of this Ordinance, determine which Member is serving the District of their residence and which will serve as an at-large representative for a District without an existing representative until the end of their term.

2.52.040 Meetings.

Regular Bicycle and Pedestrian Advisory Commission meetings shall be held on the fourth Tuesday of every even numbered month during normal City business hours or as otherwise set by Resolution of the City Council. The meetings shall be conducted in accordance with Section 704 of the Charter.

2.52.050 Officials.

A. In accordance with Section 704 of the Charter, the Members of the Bicycle and Pedestrian Advisory Commission shall as soon as practical following the first day of July, organize by electing two (2) of the seven (7) voting Members to serve as Chair and Vice-Chair at the pleasure of the Commission.

B. Notwithstanding subsection A of this Section, the Members of the existing Bicycle Advisory Commission

currently serving as Chair and Vice-Chair shall be conferred their respective roles as part of the Bicycle and Pedestrian Advisory Commission upon the enactment of this Ordinance and shall retain those positions until the next annual election.

2.52.060 Jurisdiction of the Commission.

A. The Bicycle and Pedestrian Advisory Commission shall have the responsibilities as provided below:

1. Review and advise the City Council, as directed by the City Council or requested by the staff, on the design of capital improvement projects, street improvements, and parking facility projects as they relate to bicycling, pedestrian activity, or other active transportation issues.
2. Review and advise the City Council, as directed by the City Council or requested by the staff, on changes and updates to the Active Transportation and Safe-Routes-to-School Plan, General Plan, Municipal Code and other policy documents which relate to active transportation.
3. Promote any and all forms of active transportation as a viable form of transportation.
4. Assist in the development and dissemination of awareness and education materials for all forms of active transportation to the community.
5. Initiate requests to City staff from the community on issues of concern related to bicycling, pedestrian issues, and issues that relate to other forms of active transportation or the transportation needs of elderly individuals or those with disabilities.
6. Such other duties as the City Council may prescribe.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 20__, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 20__, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:



City Attorney

12/2/19

Date