

## MID-OHIO REGIONAL PLANNING COMMISSION

### ARTICLES OF AGREEMENT

#### ARTICLE I – MISSION & REGION

The Mid-Ohio Regional Planning Commission (hereinafter referred to as the COMMISSION) shall carry out the following mission:

- Improve the ability of local governments or other entities to deal with local or regional issues.
- Assist local governments in making best use of local tax dollars and other resources through planning, capital improvements programming, shared services and collaboration, policy advocacy, and management best practices.
- Increase the amount of federal and state funds flowing into the region for use in meeting needs recognized by local governments.
- Manage federal, state and in-house rules and regulations associated with grant programs and operation of local activities.

The region (hereinafter referred to as the REGION) for which the COMMISSION is created and shall be maintained, is the Central Ohio Regional Planning Area which shall include the geographic area of Franklin County and other local units of government that are cooperating in the work of the COMMISSION.

#### ARTICLE II – MEMBERSHIP OF THE COMMISSION

There shall be two general classes of membership on the COMMISSION, full membership with voting rights and associate membership without voting rights.

##### A. ELIGIBILITY

Any municipality, board of township trustees, or board of county commissioners representing a local unit of government which is within, contiguous to or near Franklin County, is eligible for a full membership with the COMMISSION.

Other units of local government (as enabled in O.R.C. 713.21) may become associate members upon such terms as may be agreed upon by the COMMISSION.

##### B. CONDITIONS

To acquire and retain full membership on the COMMISSION, a prospective participating organization must:

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*Amended October 18, 1979 by adoption of Resolution 40-79*

*Amended April 22, 1982 by adoption of Resolution 18-82*

*Amended November 16, 1989 by adoption of Resolution 33-89*

*Amended December 19, 1991 by adoption of Resolution 28-91*

*Amended September 19, 2013 by adoption of Resolution 21-13, effective January 1, 2014*

1. Formally enter into the Articles of Agreement of the COMMISSION by obtaining approval to join the COMMISSION from the prospective participating organization's legislative body including authorization to enter into the Articles of Agreement of the COMMISSION and submitting a copy of the approved authorizing legislation to the COMMISSION.
2. Pay the appropriate participation fees as set forth in Article IX of these Articles of Agreement.
3. Maintain or create, for local planning responsibilities, an appropriate planning organization such as a municipal planning commission or legislative authority where it serves as the municipal planning commission.

In the instance of a local unit of government, other than a municipality, township, or county, such conditions as may be established by the COMMISSION shall be satisfied.

#### C. REPRESENTATION

The COMMISSION supports diversity in all of its activities, consequently members are strongly encouraged to appoint representatives who can speak for diverse groups including disadvantaged, low income, and minority groups. Additionally, the COMMISSION can benefit from additional expertise such as housing, financial, planning, technology, energy, etc., and members are encouraged to consider appointment of representatives with such relevant expertise.

Further, in order for the COMMISSION to retain its role as a forum for central Ohio's local government leaders, each full member shall be represented by at least one elected or appointed official who has a high degree of decision-making authority.

Additional representation requirements shall be defined in the Bylaws of the COMMISSION.

#### D. TERM OF SERVICE

Representatives to the COMMISSION shall serve at the pleasure of their appointing authority.

#### E. VACANCIES

A vacancy on the COMMISSION shall be filled by the authority that appointed such representative in the first instance.

#### F. VOTING

Each full member representative to the COMMISSION shall be entitled to vote on all motions acted upon by the COMMISSION.

**G. ACCEPTANCE OF NEW MEMBERS**

A unit of local government which is eligible by virtue of the Ohio Revised Code and these Articles of Agreement for full membership and has fulfilled the conditions of Article II.B. of these Articles of Agreement, may apply for representation on the COMMISSION.

Upon acceptance by the COMMISSION as a full member, the unit of local government shall become a participating organization in cooperative association with the COMMISSION.

Units of local government eligible for associate membership shall be accepted as members in a manner as may be established by the COMMISSION.

**H. WITHDRAWAL OF MEMBERSHIP**

The legislative authority of any member may terminate its membership with the COMMISSION at any time by adopting a resolution to do so, delivering a certified copy thereof to the Secretary of the COMMISSION, and withdrawing its representatives from the COMMISSION. So far as active participation is concerned, such withdrawal shall be effective upon delivery, but shall not relieve the withdrawing party of its obligation to contribute its share of the cost for the year in which the withdrawal occurs. However, if any such member shall withdraw at any time within the last six months of the year in which it became a member, such withdrawing party shall contribute its share of the cost for the first six months of the year next ensuing. Any legislative authority or other unit of local government not contributing as provided by Article IX hereof may, by a determination of the COMMISSION, be deemed to have withdrawn.

If any member fails to meet the requirements set out in Article II.B., that member shall receive a notice of such failure from the COMMISSION. If after six months from the date of the notice the member continues to fail to meet the requirements set out in Article II.B., the member is deemed to be withdrawn, and a notice from the COMMISSION to that effect shall be forwarded to the former member.

**ARTICLE III – POWERS AND DUTIES OF THE COMMISSION**

The COMMISSION shall have all powers, duties and responsibilities pertaining to regional planning commissions, specified in Section 713.21 to 713.27 of the Ohio Revised Code and as otherwise permitted by federal, state or local law.

The COMMISSION shall provide planning and consultation services concerning local and regional problems and shall review and report its findings on state and federal grant applications when requested by members. The COMMISSION may also provide planning assistance for any member. The cost thereof shall be paid by such member in such a manner and amount as may be agreed on between the COMMISSION and the member.

Any such work so undertaken and completed by the COMMISSION shall be of an advisory or recommending nature which, may or may not be adopted by the member's planning organization. The fact that such planning organization refuses to adopt such work shall not relieve the member from the obligation to pay the amount specified under the contract.

The COMMISSION, after making a regional plan or any change, supplement or abolition thereof, shall certify a copy thereof to the planning commission of each municipality, to the township trustees, and the county commissioners of the REGION.

The planning commission of any municipality to which such a plan, change, supplement or abolition is certified may adopt the same, and it shall thereupon have the same force and effect within such municipality as is provided by law or charter for plans prepared and adopted by said planning commission. The boards of county commissioners may adopt said plan, change, supplement, or abolition so far as it related to non-municipal territory within their respective jurisdictions. When so adopted, said plan, change, supplement or abolition shall be certified to the COMMISSION and filed with the county recorder of affected counties as provided by law.

#### **ARTICLE IV – LOCAL PLANNING RESPONSIBILITIES**

Detailed planning within a single political jurisdiction is not the responsibility of the COMMISSION, but shall remain the responsibility of the planning organization or agency for that local unit of government.

If a county or only a part of a county becomes a member of the COMMISSION, a mutual agreement between the COMMISSION and the regional planning commission involved shall be required to determine how regional planning will be effectuated in that part of the county within the COMMISSION'S planning area. Regardless of the type, planning organizations of members may exercise the option of utilizing COMMISSION staff in lieu of maintaining their own permanent staff by entering into an appropriate agreement with the COMMISSION and paying the required costs agreed upon by the parties thereto.

#### **ARTICLE V – OFFICERS OF THE COMMISSION**

##### **A. OFFICERS**

1. Chair and Vice Chair

The chair and vice chair shall each be members of the COMMISSION and be elected by representatives of the COMMISSION at its annual meeting each year. Each shall hold office until the annual meeting next after his or her election and until his or her successor is elected and qualified. The duties of the chair shall include the appointment of standing, ad hoc, and other committees as authorized by Article VII of these Articles, unless other provisions for their appointment have been adopted. The chair may appoint such special committees or task forces as may be necessary from time to time in order to perform the duties set forth in the Articles of Agreement, or as the Commission may otherwise direct. The chair shall preside at all meetings of the COMMISSION. The vice chair shall serve as chair during any absence of the chair and shall assist the chair in performance of duties.

2. Secretary

The COMMISSION at its annual meeting each year shall elect a secretary. The secretary shall hold office until the annual meeting next after his or her election and until his or her successor is elected and qualified. It shall be the duty of the secretary to ensure a full record of the proceedings of the COMMISSION and of its committees is kept, and he or she shall perform such other duties as the COMMISSION may from time to time direct.

B. VACANCIES

Should the offices of chair, vice chair or secretary become vacant, the COMMISSION may at its next regular meeting receive nominations from the Nominating Committee as well as from the floor and elect a successor; however, such vacancy shall be filled within a period of five months. When a vacancy occurs, the COMMISSION shall appoint an interim officer at its next regular meeting. Such interim officer shall possess all the powers of a regular officer and shall serve until the position is filled by the COMMISSION.

**ARTICLE VI – EMPLOYEES**

The COMMISSION or its delegate may authorize the employment of a director, and such planners, engineers, accountants and others as may be necessary, and determine their compensation. Personnel shall not be under civil service but shall be eligible for and covered by the Ohio Public Employees Retirement System.

**ARTICLE VII – COMMITTEES OF THE COMMISSION**

The Bylaws adopted by the COMMISSION shall provide for the establishment of standing, ad hoc, and other committees, at least one of which shall oversee financial, administrative and personnel matters; a county planning area committee and subcommittee for each county without a county or regional planning commission; and a transportation policy committee.

The method of selection, term, name, duties and responsibilities of committees shall be provided in the Bylaws of the COMMISSION.

### **ARTICLE VIII – ELECTIONS**

#### **A. NOMINATING COMMITTEE**

There shall be established a Nominating Committee, the members of which shall be appointed by the chair of the COMMISSION and confirmed by the COMMISSION. Said Nominating Committee shall be composed of five (5) members of the COMMISSION, and not more than two (2) of these five shall be appointees from any one type of jurisdiction (i.e., counties, cities, villages, or townships) in order to provide for a broad perspective from among the governments represented on the COMMISSION as indicated in Article II.C. of these Articles. The Nominating Committee shall designate its chair from its members.

#### **B. NOMINATION FOR ELECTION**

At least twenty (20) days prior to the annual meeting, the chair shall appoint the Nominating Committee. Said Nominating Committee having been duly appointed and confirmed shall, at least ten (10) days prior to the annual meeting of the COMMISSION, report the names of the candidates so nominated to the secretary. The secretary shall advise each member of the COMMISSION, in writing, at least five (5) days prior to the annual meeting as to the nominees so selected. At the annual meeting, the chair of the Nominating Committee shall report the names so nominated. After this report is presented, nominations from the floor shall be invited. Such nominations must be seconded. The secretary then shall prepare ballots properly identifying the nominees, said ballots shall be distributed and tallied during the annual meeting by a temporary committee appointed for that purpose.

### **ARTICLE IX – FINANCIAL PROVISIONS**

The cost of maintaining the COMMISSION for regional planning purposes shall be apportioned in accordance with the Bylaws. Each member shall contribute annually according to the fee schedule adopted by the COMMISSION.

**ARTICLE X – AMENDMENT**

These Articles of Agreement may be amended by resolution adopted by the COMMISSION at any regular or special meeting and confirmed by a majority of the full members.

**ARTICLE XI – TIME OF TAKING EFFECT**

These Articles of Agreement shall take effect upon the adoption of the resolution of adoption of these Articles of Agreement by the COMMISSION at any of its regular or special meetings, and the confirmation by a majority of the members within one year thereafter.

**ARTICLE XII – TAX EXEMPT STATUS AND DISSOLUTION**

Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on, (a) by an organization exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), or (b) by an organization, contributions to which are deductible under Section 170(c) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Upon the dissolution of the organization, the Members of the COMMISSION shall, after paying or making provision for the payment of all of the liabilities of the organization, dispose of all of the assets of the organization in such manner so that they can be used exclusively for public purposes.