

MID-OHIO REGIONAL PLANNING COMMISSION

ARTICLES OF AGREEMENT

Amended October 18, 1979
Amended July 22, 1982
Amended November 16, 1989
Amended December 19, 1991

I

MISSION & REGION

The Mid-Ohio Regional Planning Commission, (hereinafter referred to as the COMMISSION), shall carry out the following mission: 1) Increase the ability of local governments or other entities to deal with local or regional issues, 2) Assist local governments in making best use of local tax dollars and other resources through planning, capital improvements programming and management techniques, 3) Increase the amount of federal and state funds flowing into the region for use in meeting needs recognized by local governments, and 4) Decrease federal, state and in-house red tape and excessive controls 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.

II

MEMBERSHIP OF THE COMMISSION

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 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:

1. Formally enter into the Articles of Agreement of the COMMISSION.
2. Pay the appropriate participation fees as set forth in Section IX, Paragraph A 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.
4. In the instance of a local unit of government, other than a municipality, township, or county, such additional conditions as may be established by the COMMISSION shall be satisfied.

C. REPRESENTATION

The COMMISSION shall at all times include one or more persons from disadvantaged low income and minority groups. Representatives to the COMMISSION must be selected as follows:

1. **Municipal Members**

Municipal representatives shall be appointed by the Mayor, Chief Executive Officer, Council President serving as Mayor, or legislative body, except for those selected by the Columbus Development Commission.

a. City of Columbus

Three (3) resident citizens of Columbus shall be selected by the Mayor and confirmed by the City Council to serve as "Members At Large." Three (3) representatives of the Columbus Development Commission shall be selected by that Commission.

b. Cities (except Columbus)

Each city, except Columbus, shall appoint two representatives, one of whom shall be an elected official.

c. Villages

Each village shall appoint one representative.

2. Township Members

a. Franklin County

Two (2) elected official representatives shall be selected by the county's Township Trustees Association, or equivalent organization representing all Township Trustees.

b. Participating counties other than Franklin

The board of county commissioners shall determine whether townships shall be directly represented. If townships are to be represented, the county's Township Trustees Association (or equivalent organization representing all townships in that county) shall select two (2) elected official representatives.

c. Non-participating county

1. Having one participating township - One (1) elected official representative shall be selected by the Trustees of that single township.
2. Having more than one participating township - Two (2) elected official representatives shall be selected by all of the Boards of Trustees of the participating townships within the county.

3. County Members

a. Franklin County

The three (3) members of the board of county commissioners will serve on the COMMISSION during their tenure in office.

The county engineer will serve on the COMMISSION during his/her tenure in office.

The board of county commissioners shall appoint one (1) representative for each population increment of 100,000 (or part thereof) of the total county population. At least one of the appointments shall be from disadvantaged low income and minority groups. All representatives so appointed shall serve as "Members At Large."

b. Counties other than Franklin

The number of representatives shall be determined based on a formula consisting of the nearby county's population divided by Franklin County population per representative and rounded up or down based on whether or not the increment is greater or less than one half member.

The board of county commissioners shall determine how the number of representatives shall be apportioned between county, municipal and township governments.

4. Population Determination

Representation based on population is determined by the latest Federal census when available, or the latest estimate by the COMMISSION for annual population determination.

5. Associate Members

Associate members shall have such representation as may be established by the COMMISSION.

D. TERMS

Except as otherwise indicated, representatives to the COMMISSION shall serve for terms of three years each. Terms shall be staggered by annual increments for those representatives of member governments which have more than one representative on the COMMISSION with an equal number of appointments being made each year insofar as possible.

E. VACANCIES

A vacancy on the COMMISSION shall be filled for the unexpired term by the authority which appointed such representative in the first instance. An appointed representative is directly responsible to the appointing authority and shall continue to serve until a successor has been designated and qualified.

F. VOTING

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

G. ADDITIONS

A political subdivision or other unit of local government which is eligible by virtue of the Ohio Revised Code and these Articles of Agreement, may make application to the COMMISSION for representation on the COMMISSION. Upon acceptance by the COMMISSION and the execution of an agreement between the two parties, the political subdivision shall become a participating organization in cooperative association with the COMMISSION.

H. WITHDRAWALS

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.

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, including any other section of the Ohio Revised Code.

The COMMISSION shall provide planning and consultation services concerning local 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.

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.

V

OFFICERS OF THE COMMISSION

A. OFFICERS

1. Chairman and Vice Chairman

The Chairman and Vice Chairman 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 Chairman shall include the appointment of the following committees, namely: Administrative, Local Government, Nominating, Technical, Citizen or other committees as authorized by Article VII of these Articles. The Chairman 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 Chairman shall preside at all meetings of the COMMISSION. The Vice Chairman shall serve as Chairman during any absence of the Chairman and shall assist the Chairman 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 keep a full record of the proceedings of the COMMISSION and of its committees, and he or she shall perform such other duties as the COMMISSION may from time to time direct.

B. VACANCIES

Should the offices of Chairman, Vice Chairman 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.

VI

EMPLOYEES

The COMMISSION may authorize the employment of a director, and such planners, engineers, accountants and others as may be necessary, and fix their compensation. Personnel shall be employed by the director with confirmation by the Administrative Committee and shall not be under civil service but shall be eligible for and covered by the Ohio Public Employees Retirement System.

VII

COMMITTEES OF THE COMMISSION

The Rules 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 Rules of the COMMISSION.

VIII

ELECTIONS

A. NOMINATING COMMITTEE

There shall be established a Nominating Committee, the members of which shall be appointed by the Chairman 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 a member of any one representative group on the COMMISSION as indicated in Article II, Section C of these Articles. The Nominating Committee shall designate its Chairman from its members.

B. NOMINATION FOR ELECTION

At least twenty (20) days prior to the annual meeting, the Chairman 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 Chairman 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.

IX

FINANCIAL PROVISIONS

A. APPORTIONMENT OF COSTS

The cost of maintaining the COMMISSION for regional planning purposes shall be apportioned in the following manner. Each year the COMMISSION shall adopt a fee schedule in July to be used in assessing members for the upcoming calendar year. Every five years, beginning in December 1991, the COMMISSION shall establish a five-year fee schedule which it shall not exceed when adopting fees for each upcoming year.

Each participating municipality, participating county and member township shall contribute annually according to the fee schedule adopted by the COMMISSION. When per-capita fees are used, each member township shall contribute based on the population in the unincorporated area of the township and the contribution of each participating county shall be based on the population of the unincorporated areas of the county or portion thereof participating in the COMMISSION.

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The contribution for the first year of membership shall be paid during the month following the execution of an agreement between the member and the COMMISSION, and shall amount to that part of the appropriate annual participation cost pro-rated on the basis of the balance of the time remaining in that calendar year.

In addition, in every calendar year commencing in 1981, each participating municipality shall contribute not more than 7 cents per capita of its population; every participating township shall contribute not more than 7 cents per capita of the population in the unincorporated area of the township; and each county shall contribute not more than 7 cents per capita of the population in the unincorporated area of the county or portion thereof participating in the COMMISSION. The funds so contributed shall be set aside in a separate fund to amortize lease payments on the building or buildings housing the COMMISSION'S offices and shall be used for no other purpose. In the event that the COMMISSION decides that further capital improvements are needed after this lease is paid out, the seven cents will continue to be committed to such purpose. If they are not needed, then these contributions shall cease.

Associate members shall contribute at the rate and in the manner as may be established at the time they become a participant.

When per-capita fees are used in assessing annual member fees, all current year population figures for municipalities, townships and counties shall be based on the latest Federal Census when available, or an estimate thereof made by the COMMISSION.

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.

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 the Franklin County Board of County Commissioners and a majority of the members within three months thereafter.

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.