

BYLAWS
OF THE
NORTHEAST OHIO FOUR COUNTY REGIONAL
PLANNING AND DEVELOPMENT ORGANIZATION

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PREAMBLE

The Northeast Ohio Four County Regional Planning and Development Organization hereafter referred to as NEFCO, is hereby created as an agency established among its members pursuant to Section 167.01-08 of the Ohio Revised Code. The Agency is organized as a voluntary organization of local government political subdivisions in Portage, Stark, Summit and Wayne Counties to foster a cooperative effort in regional planning, programming, and the implementing of regional plans and programs. The Agency is also organized as a forum for the discussion and study of common problems of a regional nature, and for the development of policy and action and recommendations relating therefore.

TABLE OF CONTENTS

	<u>Page</u>
Article I. - Objectives, Powers and Duties	1
A. Objectives	1
B. Powers and Duties.....	1
Article II. - Membership	1
A. Eligibility	1
B. Evidence of Membership	2
C. Withdrawal.....	2
Article III. - General Policy Board	3
A. Representation	3
B. Selection of Representatives	4
C. Terms of Appointments	5
D. Alternates	5
E. Vacancy	5
F. Voting.....	5
G. Meetings.....	6
H. Quorum.....	6
Article IV. - Functions	6
Article V. - Officers and Their Duties	9
Article VI. - Executive Director and Staff	10
Article VII. - Committees.....	10
Article VIII. - Finances	11
A. Fiscal Year.....	11
B. Formula of Financial Participation.....	11
C. Payment of County Contribution.....	12
D. Failure of a County to Pay its Contribution	12
E. Annual Audit	12
Article IX. - Amendments.....	13
A. Restrictions	13
Article X. - Interest of Members of NEFCO and Others	13

ARTICLE I. - Objectives, Powers and Duties

A. Objectives

1. Strengthen the capacity and capability of local officials to deal with common problems.
2. Assure local elected officials the key role in the development of regional plans, policies and programs.
3. Develop a framework for state-local partnership and coordination, and develop intra regional coordination.
4. Enable state and local officials to influence the development and administration of federal programs.

B. Powers and Duties

The Northeast Ohio Four County Regional Planning and Development Organization shall have all the powers and duties now or hereafter granted or prescribed for Regional Councils of Governments by the Ohio Revised Code or revision thereof. (see Appendix O.R.C. 167.03)

ARTICLE II. - Membership

A. Eligibility

1. Every local general purpose government within the counties of Portage, Stark, Summit and Wayne including all counties, cities, villages and townships are eligible for membership in NEFCO. The withdrawal of a member county shall not affect the membership in NEFCO of any local city, village, and/or township situated in that county. Membership of any of the foregoing local units shall be freely granted to new applicants and dues shall be assessed in a manner consistent with the fashion that like entities have been charged. Each new member shall be granted a ½ vote. This can be changed to a full (1) vote when said member agrees to pay dues equal to the amount paid by the smallest (by population) governmental unit maintaining 1 vote. All members with a ½ vote shall be Associate Members.
2. Associate Members shall be defined as those cities, villages and/or townships which maintain a population of equal to or greater than 5,000 and shall be entitled to all of the rights and privileges of a member including all access to NEFCO services (except for Clean Water Plan a.k.a. 208 amendments) and resources consistent with the purpose, goals and mission statement for said organization. Dues shall be based on the member's current population (most recent decennial Census). Local governments who

wish to become Associate Members and who are unable to meet the population threshold (5,000) shall pay dues based on their current population and be granted full access to NEFCO planning resources (except for Clean Water Plan a.k.a. 208 amendments) without a vote as a member of the Board.

3. All public special purpose districts and authorities within the geographic area of NEFCO whose program activities and facilities have a significant impact beyond the boundary of more than one local general purpose government shall be eligible for membership, subject to the approval of the General Policy Board. In granting approval the Board shall set a dues amount for the aforementioned districts and authorities.

B. Evidence of Membership

1. Membership of a local general purpose government in NEFCO shall be contingent upon the adoption of the Resolution of Cooperation by a formal resolution by the governing body of the local general purpose government.
2. Membership of a special purpose district or authority in NEFCO shall be contingent upon the Resolution of Cooperation by a formal resolution by the governing body of the special purpose district or authority and the subsequent finding by the General Policy Board that said public special purpose district or authority, consistent with the conditions of Article II, A, 2, is entitled to membership.

C. Withdrawal

Any county, municipal corporation, township, special district, school district or other political subdivision which has become a member of NEFCO may withdraw by formal action of its governing board and delivering a certified copy thereof to the Secretary of NEFCO twelve calendar months prior to the actual date of withdrawal, and said withdrawal date shall be twelve calendar months after receipt by the Secretary of NEFCO of the withdrawal notice from the withdrawing member.

Such notice of withdrawal shall not relieve the withdrawing party of its obligation to contribute its share of the financial obligation to the extent that such obligation exists for the twelve months period to the actual withdrawal date.

ARTICLE III. - General Policy Board

The governing body of NEFCO shall be the General Policy Board which shall be organized and shall be responsible for its functions as hereinafter set forth:

A. Representation

1. Each county would have the following representation for the first 100,000 population, or fraction thereof:

- a. Four basic representatives

One County Commissioner and/or the County Executive or his designee
in any charter form of County Government

One Township Trustee

One Municipal Appointment who represents a municipality under 100,000 population. In the event a county has no municipality with a population over 100,000, this municipal appointment shall represent the largest municipality under 100,000 population.

One General Appointment

- b. An additional three representatives for each additional 100,000 population or major portion (50,001) thereof.
2. Each municipality of 100,000 shall have four representatives and shall have three additional representatives for each additional 100,000 population or major portion (50,001) thereof.
3. The population of each of the four counties and for all of the cities within the four counties shall be as determined by the Federal Census of Population of 2010 which results in the following population determinations and the resulting number of representatives for each of the four counties further subdivided as in the case of the City of Akron and as follows:

County	Population	Percent	Representatives	Percent
Portage	161,419	13.5	7	16.7
Kent	(28,904)	(2.4)	(1)	(2.3)
Stark	375,586	31.5	13	30.90
Canton	(73,007)	(6.1)	(1)	(2.4)
Summit	541,781	45.4	16	38.1
Akron	(199,110)	(16.7)	(7)	(16.7)
Wayne	114,520	9.6	4	9.50
Wooster	(26,119)	(2.2)	(1)	(2.4)
Citizens Council	-0-	-0-	2	4.8
	1,193,306	100.0	42	100.0

4. When the results of annual population estimates by the NEFCO staff or latest Federal Census of Population have been completed and certified, the modifications, if any, shall be made consistent with the formula as set forth in Article III, A. 1., (a) and (b) herein and shall become effective with the first calendar year thereafter.

B. Selection of Representatives

1. Each Board of County Commissioners and/or County Executive or his designee shall, with the exception of the representatives allocated to municipalities exceeding 100,000 persons, and the representatives of the largest municipality under 100,000 persons, in a county where there are no municipalities with population of over 100,000 persons, appoint the representatives for its county consistent with provisions of Article III, A. 1. (a) herein.
2. The Mayor of any city exceeding 100,000 persons shall appoint the representatives allocated to that city.
3. The Chief Executive Officer and/or Legislative Authority of the largest city under 100,000 persons in a county that contains no city over 100,000 persons, shall appoint the representative allocated to that city.
4. The appointing authorities shall coordinate their appointments to make certain that at least two-thirds of the representatives are local elected officials. To the extent that not all of the representatives are local elected officials, the appointing authorities herein named shall coordinate their appointments to provide for participation by public and private sector groups including business, labor, industry, agriculture, citizen organizations, low income and consumer protection organizations.

5. Two seats on the Policy Board shall be reserved for the Citizens Council, Chairman and Vice Chairman.

C. Terms of Appointments

1. All appointments shall be for a term of one (1) year effective the first day of January except for the original appointments which shall be effective when made and terminate on December 31 of the year of appointment.
2. The Citizen Council's Chairman and Vice Chairman shall serve for the term of their offices.

D. Alternates

Each representative may designate, by written authorization, an alternate who shall have full voting privileges and shall represent in all ways the unit of local government in the absence of the regular appointed member. Said written authorization shall be for each meeting or a period of time the alternate is to be utilized.

E. Vacancy

Each elected official previously appointed as a representative shall cease to be such representative immediately upon ceasing for any reason to hold the elected office which he was occupying at the time of his appointment as representative.

Any alternate member of the above named representative shall also immediately be disqualified and cease to be such alternate if either the representative whom he represent as an alternate ceases to be an elected official for any reason or if the alternate ceases to be a member of the legislative body, agency, employee or elected official of the jurisdiction with which he was associated at the time of his designation as an alternate.

Where such a vacancy is created by any of the above described conditions, the appointing authority shall appoint a new representative to fill the unexpired term for which the vacancy exists.

F. Voting

Each representative shall be entitled to one vote in the deliberations of the General Policy Board. Unless otherwise specified, voting in the General Policy Board on any questions for passage will require an affirmative simple majority of those present and voting. Voting in General Policy Board meetings may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of an official representative present, or at the discretion of the presiding officer.

G. Meetings

1. The General Policy Board shall hold a regular meeting monthly or special meeting upon call of its Chairman or by any five members of the General Policy Board.
2. The time, date, and location of regular meetings of the General Policy Board shall be determined by the membership. Written notice and agenda of the regular meetings of the General Policy Board, together with all Resolutions to be considered by the General Policy Board at said regularly scheduled meetings, shall be transmitted to the representatives at least seven (7) days prior to each meeting. Those resolutions which are not transmitted to the representatives at least seven (7) days prior to each meeting shall require a two-thirds (2/3) vote of the participants at said meeting for passage. This provision shall govern all NEFCO Resolutions except Intergovernmental Review Resolutions which shall not be required to be transmitted in the aforementioned fashion and shall be voted upon by the representatives of Summit County, and either passed or defeated in accordance with the provisions of Robert's Rules of Order.
3. Written notice of a special meeting of the General Policy board shall be mailed to all representatives at least seven (7) days prior to such special meeting and said notice shall set forth the subject matter of the special meeting. Only those matters specified in the notice may be considered and voted upon at such special meeting.
4. At all meetings of the General Policy Board, Robert's Rules of Order shall prevail.

H. Quorum

A quorum shall consist of fifteen representatives or their alternates.

ARTICLE IV. - Functions

The functions of the General Policy Board should include the following:

1. Elect its officers as provided in Article V.
2. Shall have staff capability, including a full-time Executive Director and staff qualified by education and experience, to direct and manage the agency's work program.
3. Shall engage in the following basic functions at the Region level:

- a) Transportation Planning - Highways, mass transit, rail and air general planning, policy formation and priorities for local implementation to enhance the movement of people and goods in the four-county area.
 - b) Land Use Planning - Generalized planning and policy formulation for development of land guidelines for local implementation to provide maximum efficiency in the provision of land supporting services.
 - c) Environmental Planning - Generalized policy development, planning and priorities for water, sanitary and storm sewers, wastewater treatment, air quality, solid waste disposal and water quality for regional and local implementation to maximize local participation in environmental decisions.
 - d) Open space - Park and open space preservation, acquisition and development generalized planning, policy formation and recommendations for local implementation to conserve and preserve land for the benefit of the citizens in the four-county area.
 - e) Project Notification and Review for counties for which a separate area clearinghouse has not been designated -- Intergovernmental Review process as required by federal and state guidelines for intergovernmental review of programs and projects funded in part by federal resources.
 - f) Population Forecasting - Development of an ongoing service of forecasting population for use by local, state and federal governments, agencies and groups.
 - g) Economic Planning - Generalized planning, policy formulation and recommendations for local implementation for economic development of the region.
 - h) Citizen Involvement - Development of an ongoing process of citizens participation and input to assure access to the planning process at all stages of its development.
 - i) Housing planning - Development of housing recommendations for meeting the region's housing needs of lower income families and individuals.
4. May engage in the following future functions as assigned by appropriate state and federal agencies and approved by the General Policy Board:
- a) Human Resource Development Planning
 - b) Manpower Planning

- c) Law Enforcement Planning
 - d) Health Planning
5. Shall coordinate the activities of the County Regional Planning Commissions who would perform the following basic functions:
 - a) Subdivision Regulations - Administration of the local regulations for the development of land and its supporting services to assure minimum basic standards for living.
 - b) Zoning - General review and recommendations for the zoning of land to be implemented by the respective local officials.
 - c) Sewer and Water - Recommendations for extensions, costs, repair and development of specific water and sewer lines for implementation by local officials.
 - d) Parks and Open Space - Detailed site planning and recommendations for land acquisition for implementation by local officials.
 - e) County Development - Planning for the orderly development of land in the counties including recommendations for transportation, open space, economic development, environmental needs and land utilities.
 - f) Information Resources - Providing an outlet for physical, social and economic information that is useful to local development for residences, business and industry.
 - g) Special Direct Services - Providing a variety of specialized studies and services to local areas on an "as needed" basis through a contractual agreement for direct payment for the services.
 6. Shall prepare annually a summary report describing the agency's programs and activities.
 7. Shall prepare and annually update a three-to-five year Overall Work Program including annual work program and budget. Said annual work program shall provide for the review, coordination and integration of the work program of all other federal and state-funded planning agencies and programs.
 8. Shall provide for meaningful citizen participation and involvement in all aspects of the planning process so as to represent the interests and needs of the various racial and economic groups within the four-county region.

9. Shall prepare and adopt annually a written document specifying compliance with Title VII of the Civil Rights Act of 1964, as amended, and other appropriate federal and state statutes, court decisions, etc.
10. Shall establish and maintain the mechanisms for a continuing process of review and comment upon all programs and projects covered by federal and state review and comment requirements, including the system of operating procedures necessary for compliance with the Project Notification and Review System requirements as established by federal and state governments. Said mechanisms shall be established and maintained only for those member units of local government for which an area clearinghouse other than NEFCO has not been designated by the State of Ohio.

ARTICLE V. - OFFICERS AND THEIR DUTIES

1. At the organizational meeting of NEFCO, the representatives of the General Policy Board shall elect a Chairman, a First Vice Chairman, a Second Vice Chairman, a Secretary and a Treasurer to serve as officials for the General Policy Board for the remainder of the calendar year of the organization as well as the next succeeding calendar year.
2. Thereafter, the officers for each succeeding calendar year shall be elected at the regular monthly meeting held in December and the officers so elected shall commence their terms of one year on the following first day of January.
3. The Executive Director of NEFCO may serve as Secretary, but without a vote on matters coming before the General Policy Board.
4. The Treasurer, together with the Executive Director, shall be responsible for all receipts and disbursements of NEFCO. They shall be responsible for the collection of funds from the participating counties as set forth in Article VIII herein.
5. The Secretary shall be responsible for the recording of all minutes of meetings, all correspondence, all mailing of minutes and notices of the meetings and safekeeping of records and other documents of NEFCO.
6. The Chairman of NEFCO shall be the titular head of the Northeast Ohio Four County Regional Planning and Development Organization and shall conduct all meetings of the General Policy Board.
7. The Vice Chairman shall acquaint himself with the duties of the Chairman and in the absence of the Chairman, the First Vice Chairman shall assume all responsibility charged to the Chairman. In the absence of the First Vice

Chairman, the Second Vice Chairman shall assume all responsibility charged to the Chairman.

ARTICLE VI. - EXECUTIVE DIRECTOR AND STAFF

The General Policy Board shall authorize the employment of an Executive Director and such other persons as may be necessary to perform the work of the General Policy Board within the limits of the budget.

1. The Executive Director shall be appointed by the General Policy Board for such term or at its pleasure as shall by resolution be approved.
2. The Executive Director shall be the Chief Administrative Officer of NEFCO. The powers and duties of the Executive Director are:
 - a) To annually prepare and present a proposed budget.
 - b) Together with the Treasurer to disburse funds and to control the approved budget.
 - c) To recommend the appointment and employment of all staff employees of NEFCO.
 - d) To provide the necessary staff for all meetings and activities of the Board and its committees.
 - e) To provide an annual report of NEFCO and staff activities for the Board.
 - f) To perform such other duties as the General Policy Board shall direct. When there are questions of priority of work the Executive Director shall be guided by the General Policy Board.
3. The general staff offices and the offices of the Executive Director shall be maintained within the four-county region with supporting staff offices being maintained in the County Seats of the member counties.

ARTICLE VII. - COMMITTEES

The Chairman, with the approval of the General Policy Board, may appoint committees for whatever purpose deemed necessary.

Each committee shall include a member or members of the General Policy Board and such other persons as may be appointed by the Board. All such committees shall be responsible to the Board and shall report to the Board on a regular basis.

ARTICLE VIII. - FINANCES

A. Fiscal Year

1. The fiscal year for NEFCO shall be the state and federal fiscal year from July 1 to June 30.

B. Formula of Financial Participation

1. Each county, by its Board of Commissioners and/or County Executive or his designee, shall pay its share of the expenses of NEFCO based on the formula of financial participation as follows:

$$\begin{array}{rclcl} \text{Total Number of} & & \text{Total} & & \\ \text{Population from County} & & \text{Appropriations} & \text{County's} & \\ & \text{X} & \text{Necessary for} & \text{Share} & \\ & & \text{Fiscal Year} & & \\ \text{Total Number of} & & & & \\ \text{Population of NEFCO} & & & & \end{array}$$

Individual county's required financial participation will be based on the last Federal Census and subsequent annual population estimates prepared by the NEFCO staff. At no time will the county's share of the annual NEFCO appropriation exceed thirty (30) cents per capita (\$.30 x county population = maximum assessment). In addition, each county shall provide a competent full-time staff person to perform NEFCO functions in each of the respective counties. This would not preclude any member county of NEFCO from entering into a special planning contract for NEFCO services.

2. The Treasurer together with the Executive Director shall prepare a preliminary budget which shall include estimates of both expenditures and receipts and submit the same for preliminary review to the General Policy Board at its regular monthly meeting in May.
3. The final budget and annual work program shall be approved by the General Policy Board at its regular monthly meeting held in June and upon its adoption each of the four counties shall be advised of its required contribution to the succeeding fiscal year based on the budget.
4. In order to assist county and local government members in preparation of their own appropriations and budgets, the Treasurer together with the Executive Director shall prepare an estimated budget based fiscal year by May of each year.

5. The sums so appropriated and all other NEFCO funds shall be deposited in a depository of the General Policy Board's choice and shall be utilized and paid out as determined by the General Policy Board.

C. Payment of County Contribution

1. Each county shall pay its contribution to NEFCO in full no later than December 1 of the fiscal year and at least fifty (50) percent of each county contribution must be paid to NEFCO by August 1 of the fiscal year.
2. Each county shall be free to negotiate with each local general purpose government within its county for contributions toward payment of the county contributions under the provisions of this Article.
3. The largest municipality under 100,000 population in a county that contains no cities over 100,000 population, and wishes to exercise the right of appointment in accordance with Article III, Section A. 1, (a) and B. 3, shall be assessed by county for the city's proportionate share of the total dues of the county based on the population and at the per capita rate of dues in effect in that year.
4. If the county's largest city withdraws from NEFCO after having followed the withdrawal requirements listed in Article II.C., the dues to be paid by the city's county will be based upon the balance of the county's population (latest decennial census) not including the largest city, and at the per capita rate of dues in effect that year.

D. Failure of a County to Pay Its Contribution

1. In the event a member county fails to pay its contribution as determined under the provisions of this article they shall forfeit their right to vote on the General Policy Board. Such voting right shall be reconstituted upon payment in full of its contribution.

E. Annual Audit

The Treasurer together with the Executive Director shall cause an annual audit of the financial affairs of the agency to be made by a cognizant governmental member or a certified public accountant at the end of each fiscal year. The audit report shall be made available to all participating members of the agency.

ARTICLE IX. - AMENDMENTS

A. Restrictions

1. The formula for representatives as set forth in Article III and the formula for financial participation as set forth in Article VIII shall not be modified by amendment unless and until said amendment has been approved by two-thirds (2/3) of the following political subdivisions, to wit: Portage, Stark, Summit and Wayne Counties and the Cities of Akron and Canton, and comprising at least seventy-five (75) percent of the total population of the region.
2. Any other amendment to these bylaws not consistent with Article IX, A. 1, may be proposed by any representative to the General Policy Board. Such proposed amendment must be filed at the regular monthly meeting and thereafter tabled until the next regular monthly meeting and during which time the proposed Article will be forwarded immediately to all representatives. At the next succeeding regular monthly meeting, the proposed amendment shall be voted upon. A two-thirds (2/3) majority vote of those members present and voting shall be necessary to pass the amendment which shall then become effective in 30 days.
3. Effective date: These bylaws shall be presented and voted upon for adoption by the General Policy Board at its organizational meeting. Upon adoption they shall become effective immediately.

ARTICLE X. – INTEREST OF MEMBERS OF NEFCO AND OTHERS (Effective March 18, 2015)

No officer, member of the Board, or employee of NEFCO, in accordance with the requisite provisions of Ohio law, shall participate in any decision relating to the operations of NEFCO, which affects his or her personal interest or the interest of any corporation, partnership, association, or other entity in which he or she is directly or indirectly interested, or have any personal or financial interest, direct or indirect, in the work to be performed by NEFCO in the administration of grants and otherwise. Furthermore, in accordance with ORC § 117.103(B)(1), no employee, officer and/or member of NEFCO shall maintain any interest in any public contract in which NEFCO is a party and shall not benefit from either membership on the Board, serving as an officer and/or as an employee of NEFCO as a result of any NEFCO contracts which are being administered by said organization pursuant to law.

Chapter 167: REGIONAL COUNCILS OF GOVERNMENTS

167.01 Regional councils of government.

That governing bodies of any two or more counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may enter into an agreement with each other, or with the governing bodies of any counties, municipal corporations, townships, special districts, school districts or other political subdivisions of any other state to the extent that laws of such other state permit, for establishment of a regional council consisting of such political subdivisions.

Effective Date: 11-17-1967

167.02 Membership.

(A) Membership in the regional council shall be the counties, municipal corporations, townships, special districts, school districts, and other political subdivisions entering into the agreement establishing the council or admitted to membership subsequently pursuant to the agreement establishing the council or the bylaws of the council. Representation on the council may be in the manner as provided in the agreement establishing the council.

(B) If the agreement establishing the council does not set forth the manner for determining representation on the council such representation shall consist of one representative from each county, municipal corporation, township, special district, school district, or other political subdivision entering into the agreement, or subsequently admitted to membership in the council. The representative from each member county, municipal corporation, township, special district, school district, or other political subdivision shall be elected chief executive thereof, or, if such county, municipal corporation, township, special district, school district, or other political subdivision does not have an elected chief executive, a member of its governing body chosen by such body to be its representative.

(C) The director of development shall assist the council in securing the cooperation of all appropriate agencies of the state or of the United States to aid in promoting the orderly growth and development of the area, solving the problems of local government, and discharging the responsibilities and duties of local government in the most efficient possible manner.

(D) Any county, municipal corporation, township, special district, school district, or other political subdivision which has become a member of the council may withdraw by formal action of its governing board and upon sixty days notice to council after such action, or in the manner provided in the agreement establishing the council, provided no such procedure relative to withdrawals in the agreement establishing the council shall require the political subdivision desiring to withdraw to retain its membership in the council for a period in excess of two years.

Effective Date: 11-13-1992

167.03 Powers.

(A) The council shall have the power to:

(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;

(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;

(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;

(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;

- (5) Operate a public safety answering point in accordance with Chapter 128. of the Revised Code;
- (6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.
- (B) The council may:
- (1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;
- (2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;
- (3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.
- (C) The council may, by appropriate action of the governing bodies of the members, perform such other functions and duties as are performed or capable of performance by the members and necessary or desirable for dealing with problems of mutual concern.
- (D) The authority granted to the council by this section or in any agreement by the members thereof shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 129th General Assembly File No. 166, HB 360, §1, eff. 12/20/2012.

Amended by 129th General Assembly File No. 64, HB 225, §1, eff. 3/22/2012.

Effective Date: 03-18-1969

167.04 Adoption of by-laws.

- (A) The regional council of governments shall adopt by-laws, by a majority vote of its members, designating the officers of the council and the method of their selection, creating a governing board that may act for the council as provided in the by-laws, and providing for the conduct of its business.
- (B) The by-laws of the regional council of governments shall provide for the appointment of a fiscal officer, who may hold any other office or employment with the council, and who shall receive, deposit, invest, and disburse the funds of the council in the manner authorized by the by-laws or action by the council.
- (C) The by-laws of a regional council of governments the members of which include, under sections 167.01 and 167.02 of the Revised Code, at least eight counties may include a provision authorizing member attendance and voting at council meetings either in person or by proxy.
- (D)
- (1) Within ten business days after forming a regional council of governments, the officers of the council shall notify the auditor of state of the regional council's formation and shall provide on a form prescribed by the auditor of state the information regarding the regional council that the auditor of state considers necessary.
- (2) As used in this division, "business day" means a day of the week, excluding Saturday, Sunday, or a legal holiday as defined in section 1.14 of the Revised Code.

Amended by 129th General Assembly File No. 127, HB 487, §101.01, eff. 6/11/2012.

Effective Date: 11-17-1967; 2007 HB119 09-29-2007

167.041 .

An educational service center serving as a fiscal agent for a regional council of governments may establish a program for the council in which the fiscal agent may enter into agreements with the governing body of one or more member governments to lend money to the member or members for the purpose of improving infrastructure within the territory of the member or members located within this state.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

167.05 Employing personnel.

The council may employ such staff and contract for the services of such consultants and experts, and may purchase or lease or otherwise provide for such supplies, materials, equipment, and facilities as it deems necessary and appropriate in the manner and under procedures established by the by-laws of the council.

Effective Date: 11-17-1967

167.06 Financing programs and operations.

(A) The governing bodies of the member governments may appropriate funds to meet the expenses of the council. Services of personnel, use of equipment, and office space, and other necessary services may be accepted from members as part of their financial support. The members of the council, or the state of Ohio, its departments, agencies, instrumentalities, or political subdivisions or any governmental unit may give to the council moneys, real property, personal property, or services. The council may establish schedules of dues to be paid by its voting members to aid the financing of the operations and programs of the council in the manner provided in the agreement establishing the council or in the by-laws of the council. The council may permit non-member political subdivisions to participate in any of its activities regardless of whether such political subdivisions have paid dues to the council.

(B) The council may accept funds, grants, gifts, and services from the government of the United States or its agencies, from this state or its departments, agencies, instrumentalities, or from political subdivisions or from any other governmental unit whether participating in the council or not, and from private and civic sources.

(C) A regional council of governments established to provide health care benefits to the member governments' employees and the employees' dependents may pool funds received from all the members of the council, including members from other states to the extent that the laws of such other states permit, for the payment of health care related claims and expenses.

(D) The council shall make an annual report of its activities to the member governments.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Effective Date: 11-17-1967

167.07 Membership not a public office.

Membership on the council and holding an office of the council does not constitute the holding of a public office or employment within the meaning of any section of the Revised Code. Membership on the council and holding an office of the council shall not constitute an interest, either direct or indirect, in a contract or expenditure of money by any municipal corporation, township, special district, school district, county, or other political subdivision. No member or officer of the council shall be disqualified from holding any public office or employment, nor shall such member or officer forfeit any such office or employment, by reason of his position as an officer or member of the council, notwithstanding any law to the contrary.

Effective Date: 11-17-1967

167.08 Contracts for service.

The appropriate officials, authorities, boards, or bodies of counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may contract with any council established pursuant to sections 167.01 to 167.07, inclusive, of the Revised Code to receive any service from such council or to provide any service to such council. Such contracts may also authorize the council to perform any function or render any service in behalf of such counties, municipal corporations, townships, special districts, school districts, or other political subdivisions, which such counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may perform or render.

Effective Date: 11-17-1967

167.081 Authority of regional council to contract on a per unit basis.

A regional council may enter into a contract that establishes a unit price for, and provides upon a per unit basis, materials, labor, services, overhead, profit, and associated expenses for the repair, enlargement, improvement, or demolition of a building or structure if the contract is awarded pursuant to a competitive bidding procedure of a county, municipal corporation, or township or a special district, school district, or other political subdivision that is a council member; a statewide consortium of which the council is a member; or a multistate consortium of which the council is a member.

A public notice requirement pertaining to the contract shall be considered as having been met if the public notice is given once a week for at least two consecutive weeks in a newspaper of general circulation within a county in this state in which the council has members and if the notice is posted on the council's internet web site for at least two consecutive weeks before the date specified for receiving bids.

A county, municipal corporation, or township and a special district, school district, or other political subdivision that is a council member may participate in a contract entered into under this section. Purchases under a contract entered into under this section are exempt from any competitive selection or bidding requirements otherwise required by law. A county, municipal corporation, or township or a special district, school district, or other political subdivision that is a member of the council is not entitled to participate in a contract entered into under this section if it has received bids for the same work under another contract, unless participation in a contract under this section will enable the member to obtain the same work, upon the same terms, conditions, and specifications, at a lower price.

Added by 129th General Assembly File No. 28, HB 153, §101.01, eff. 9/29/2011.

167.10 Qualifying council defined - general powers.

(A) As used in this section and sections 167.101 to 167.105 of the Revised Code:

(1) "Qualifying council" means a regional council established under section 167.01 of the Revised Code to which both of the following requirements apply:

(a) The council's membership is composed primarily of city, local, and exempted village school districts, or any combination of such districts;

(b) The council is an information technology center approved under section 3301.075 of the Revised Code.

(2) "Securities" means bonds, notes, or other evidence of obligation issued in temporary or permanent form, including book-entry securities.

(B) A qualifying council may acquire, construct, and otherwise improve real and personal property to be used by or for the benefit of the qualifying council or one or more of its members. The acquisition, construction, and improvement may be financed by cash, installment payments with or without a mortgage, lease-purchase agreements, leases with an option to purchase, or securities issued pursuant to section 167.101 of the Revised Code.

Effective Date: 2007 HB119 09-29-2007

167.101 Issuance of securities by qualifying council.

(A) A qualifying council may issue securities only for the purpose described in section 167.10 of the Revised Code. The securities may be secured only by the following:

(1) A pledge of and lien on the revenue of the qualifying council, or such lesser portion of the revenue as may be designated by the qualifying council, whether derived from agreements with its members and other persons or from its ownership or operation of any property, including available rates, charges, rents, interest subsidies, debt charges, grants, or payments by federal or state agencies, but excluding funds received pursuant to section 3301.075 of the Revised Code;

(2) Covenants of the qualifying council to maintain rentals, rates, and charges to produce revenue sufficient to do all of the following:

(a) Pay all the current expenses of the property financed with the proceeds of the securities;

(b) Pay the debt charges on the securities;

(c) Establish and maintain any contractually required special funds relating to the securities or the property acquired, constructed, or improved.

(B) The qualifying council may issue securities to fund or refund the securities issued pursuant to division (A) of this section. The qualifying council also may issue securities in anticipation of the proceeds of the securities issued pursuant to this section.

Effective Date: 2007 HB119 09-29-2007

167.102 Qualifying council securities as special obligations.

Securities issued under section 167.101 of the Revised Code are special obligation securities and are not general obligations of the state, the issuing qualifying council, the members of the issuing qualifying council, or any political subdivision of the state. Such securities shall not constitute debt for which the full faith and credit of the state, the issuing qualifying council, the members of the issuing qualifying council, or any political subdivision of the state may be pledged. The holder or owner of the securities shall have no right to have money raised by taxation by the state or any political subdivision of the state obligated or pledged, and money so raised shall not be obligated or pledged, for the payment of principal or interest or premium on such securities, and each security shall bear on its face a statement to that effect. Money received by the qualifying council pursuant to section 167.06 of the Revised Code shall not be considered money raised by taxation.

Effective Date: 2007 HB119 09-29-2007

167.103 Documents executed by qualifying council officers.

The officers authorized by a qualifying council issuing securities under section 167.101 of the Revised Code shall execute the necessary documents to provide for the pledge, protection, and disposition of the pledged revenues from which debt charges and any special fund deposits are to be paid. Those necessary documents include the issued securities, trust agreements, leases, and other financing documents.

Effective Date: 2007 HB119 09-29-2007

167.104 Maximum maturity of qualifying council securities.

The maximum maturity of securities issued under section 167.101 of the Revised Code shall be governed by section 133.20 of the Revised Code.

Effective Date: 2007 HB119 09-29-2007

167.105 Application of laws governing state-issued securities.

Except for sections 9.98 to 9.983 and 167.10 to 167.105 of the Revised Code, the securities issued under section 167.101 of the Revised Code shall not be subject to any other provision of the Revised Code governing the issuance of securities by the state, its agencies, or any political subdivision of the state.

Effective Date: 2007 HB119 09-29-2007