

By-Laws

Delaware County Regional Planning Commission

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**The Delaware County
Regional Planning Commission
BY-LAWS**

PREAMBLE

The Delaware County Regional Planning Commission was first created in October 1960 through membership and participation from the County Commissioners, townships and municipalities to formulate and promote the execution of a comprehensive plan for the region. A Comprehensive Plan was adopted in 1964 by the Regional Planning Commission, the municipalities, and townships, citizens, and ex-officio members for adoption as a part of the Comprehensive Master Plan for Delaware County.

The Delaware County Comprehensive Water and Sewage Development Plan was adopted by twelve members of the Planning Commission and County Commissioners in 1969. On October 31, 1973, the Commission adopted a Policy Plan for Delaware County (1970-1990) which updated the 1964 Comprehensive Master Plan. This was in cooperation with the Regional Planning Commission, the Delaware County Land Use Update Committee, Surveys Unlimited, Mid-Ohio Regional Planning Commission and the Ohio Department of Economic and Community Development. In 1975, a study was taken by the Regional Planning Commission to assess the impact upon land uses within Delaware County's newly completed Alum Creek Reservoir. An update of this study funded by the County Commissioners was presented by the Mid-Ohio Regional Planning Commission and adopted in 1984 pertaining to I-71 between State Route 161 and U.S. 36 / State Route 37.

The Southern Delaware County Thoroughfare Plan was adopted in January 1988. This Thoroughfare Plan was updated in 2001 in conjunction with the County Engineer's office. In 1997, the Regional Planning Commission began working with individual townships and municipalities to create individual Comprehensive Plans that would work together as an update to the county-wide plan. By 2008, the staff had completed work with seventeen jurisdictions. In 2004 the Commission worked with members of the Sanitary Engineer's office, the Delaware General Health District, County Commissioners and community representatives to create a Sewer Facilities Update which was adopted by the Commissioners in 2005. The Commission has regularly updated the county's Subdivision Regulations with input from county offices and a broad range of stakeholders, with the most recent changes adopted in 2007.

In order to carry out the duties and functions of the Delaware County Regional Planning Commission vested in it by its Resolution of Organization and the statues of the State of Ohio, the following By-Laws were originally adopted and have been amended according to the Ohio Revised Code, Section 713.

**Article I
REGION**

Section 1. The Region for which the Regional Planning Commission shall be created and maintained is all of Delaware County exclusive of the territory within the limits of any municipality having a Planning Commission.

Section 2. Upon establishment of a Planning Commission in any such municipalities, the territory of a said municipality may become part of the Region.

**Article II
MEMBERSHIP OF THE COMMISSION**

Section 1. The Regional Planning Commission shall consist of the following members:

- a) The members of the board of the County Commissioners of Delaware County and the County Engineer of Delaware County each of whom shall serve during his tenure in office.
- b) A representative of each of the Municipal Corporations cooperating in the funding of said Regional Planning Commission shall be designated by said Municipal Planning Commission or by the Municipal Council, subject to approval by the Mayor of the appropriate office for such term as the municipality may elect. The municipality shall be represented by one person and one vote with the exception of the City of Delaware which shall be represented by two persons and two votes. Such members shall hereinafter be referred to as "Municipal Members" of the Delaware County Regional Planning Commission.
- c) Each Township participating in the funding of the Regional Planning Commission may have a member appointed from such Township to membership on the Planning Commission. The Township representative shall be appointed by the Township Trustees of each Township for a term of three years each, commencing on March 1st. Thereafter, such members shall be referred to as "Township Members."
- d) The Commissioner of the Delaware General Health District or the Commissioner's representative as designated and appointed by the Delaware General Health District. Such members shall serve for a term of three years commencing on March 1st.
- e) The County Sanitary Engineer's Office shall be represented. The County Building Department Office shall be represented. These persons shall serve for a three-year term commencing March 1st.
- f) Alternate members for each township, municipal and county agency member may be appointed in the same fashion as the regular members and shall be reported to the Secretary of the Regional Planning Commission. Any alternate person may attend in place of the regular member and shall identify themselves when the regular member's name is called during the roll call of a meeting. The alternate has the right to enter discussion and vote only when the regular member is absent.

Section 2. Associate Regional Planning Commission Memberships are open to all county school districts, utilities and other quasi-governmental organizations, which wish to contract for specialized services.

- a) This membership is a non-voting position.

Section 3. The appointive agency shall be so notified of any member, other than those specified in Section 2 above, who misses three consecutive meetings. Any vacancy thus created or any vacancy occurring from death, voluntary resignations, or other cause shall be filled for the unexpired term in the same manner in which the said member was originally designated or appointed.

Article III FUNDING

Section 1. The funding of the Regional Planning Commission shall be as follows: Each municipal or township member shall contribute funds annually, based upon a per capita of their total population. The per capita amount shall be determined annually.

The Board of County Commissioners shall contribute funds annually, based upon the total combined population of the municipal and township members area. Such funding shall be calculated using the same per capita amount set for municipal and township members. The Board of County Commissioners shall also furnish as a contribution, office space and utilities for the Regional Planning Commission.

Section 2. The Regional Planning Commission staff will prepare population projections in conjunction with the preparation of the succeeding years budget. The population projection formula will be based on the most current data available with the most recent U.S. Census data being the base line and a yearly update of building permits being added minus any annexations to equal the population estimate for which membership fees will be based.

The determination of the population and the per capita fee for the upcoming year shall be approved by the Regional Planning Commission membership in November of every year. Special provision is made for the adoption of the population number for the determination of the FY91 budget membership fees upon the approval of the Regional Planning Commission in February, 1991.

Section 3. Additional funding for special capital projects may be implemented by a surcharge to the dues when approved from time to time by 51% of the Regional Planning Commission.

Section 4. Associate membership fees will be set yearly by the Regional Planning Commission.

Section 5. Voting privileges will be suspended for any member who has not met their financial obligations by the 15th of April of every calendar year. Payment must be made prior to voting rights being reinstated. The Regional Planning Commission will send out a second notice for payment 30 days prior to the April 15th deadline.

For municipalities partially located within Delaware County, the annual membership fee will be set at a minimum of \$1,000.00 or the per capita fee as determined by Section 1, whichever is greater. If a surcharge is in place at the time of inclusion, the Commission will determine the terms and the amount of the said fee.

Section 6. A majority vote of a quorum of members present at a properly noticed meeting of the Commission shall be required to authorize and approve the purchase, lease with the option to purchase, or receive as a gift, or the sale, lease or other disposition thereof, property and buildings

within which the Commission is to be housed and carries out its responsibilities. Upon the approval of the Commission, the Executive Director, or the Chairman of the Commission, or such other person as the Commission may, from time to time designate, shall be authorized to negotiate and consummate any such purchase, lease, sale or transaction and to execute and deliver such contracts, leases, deeds, options, affidavits, transfer instruments, closing statements and any other such documents as they may deem necessary or desirable in connection therewith.

Upon the termination of the Commission by dissolution or otherwise, 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 Commission in such manner so that they can be used for a public purpose within the geographic region of the Commission. Unless otherwise determined by the Commission at the time of termination, the net proceeds shall be distributed among the then current dues paying County, Municipal and Township members of DCRPC who are in good standing at the time of distribution in such proportion as determined by multiplying the total net proceeds times the percentage obtained by dividing each such dues paying member's most recent annual dues (i.e. numerator) by the total amount of the current year's DCRPC dues collected (i.e. denominator). In no event shall any distribution be made to any private individual or an entity which does not otherwise qualify as a political subdivision of the State of Ohio and all such distributions shall be used exclusively for public purposes.

Article IV POWERS AND DUTIES OF THE COMMISSION

Section 1. The Regional Planning Commission shall have the following powers and duties as set forth in Section 713.23, Ohio Revised Code as amended:

The regional or county planning commission may make studies, maps, plans, recommendations and reports concerning the physical, environmental, social, economic, and governmental characteristics, functions, service, and other aspects of the region or county respectively. The Commission may make such studies, maps, plans, recommendations, and other reports as to areas outside the region or county concerning the physical, environmental, social, economic, and governmental characteristics, functions, services and other aspects which affect the development and welfare of the region or county respectively, as a whole or as more than one political unit within the region or county.

b) The duties of the planning commission include but are not limited to:

1. Preparing plans, including studies, maps, recommendations, and reports on:

- a. Regional goals, objectives, needs, standards, priorities, and policies to realize such goals and objectives;
- b. Economic and social conditions;
- c. The general pattern and intensity of land use and open space;
- d. The general land, water, and air transportation systems, and utility and communication systems;
- e. General locations and extent of public and private works, facilities, and services;

- f. General locations and extent of areas for conservation and development of natural resources and the control of the environment;
 - g. Long-range programming and financing of capital projects and facilities.
2. Promoting understanding of and recommending administrative and regulatory measures to implement the plans of the region;
 3. Collecting, processing, and analyzing social and economic data, undertaking continuing studies of natural and human resources, coordinating such research with other government agencies, educational institutions, and private organizations;
 4. Contracting with and providing planning assistance to other units of local government, councils of governments, planning commissions, and joint planning councils; coordinating the planning with neighboring planning areas; cooperating with the state and federal governments in coordinating planning activities and programs in the region;
 5. Reviewing, evaluating, and making comments and recommendations on proposed and amended comprehensive land use, open space, transportation, and public facilities plans, projects and implementing measures of local units of government; making recommendations to achieve compatibility in the region;
 6. Reviewing, evaluating and making comments and recommendations on the planning, programming, location, financing, and scheduling of public facility projects within the region affecting the development of the area;
 7. Undertaking other studies, planning, programming, conducting experimental or demonstration projects found necessary in the development of plans for the region or county, and coordinating work and exercising all other powers necessary and proper for discharging its duties.

Section 2. Certified copies of the County Plan as completed and adopted by the Regional Planning Commission shall be supplied by said Commission to the Board of County Commissioners and to the Planning Commissions of each municipal corporation within Delaware County and Township Trustees.

Section 3. A copy of the County Plan, as prepared by the Regional Planning Commission and as adopted and certified by the Board of County Commissioners, shall be deposited by the Secretary of said Regional Planning Commission in the offices of the Delaware County Recorder as provided by Section 713.27 Ohio Revised Code.

Section 4. Said plans and maps referred to in Section 1 hereof, may be changed, supplemented, or abolished from time to time at the discretion of the Commission, but no plans or maps shall be adopted, changed, supplemented or abolished without a public hearing thereon.

Section 5. Before approving or recommending the approval of any subdivision plat or zoning change within the Region, the Commission shall determine whether any such plat or zoning change is or will be affected by, or in conflict with, any highway plan within the region or county as provided by Section 5511.01 Ohio Revised Code.

Section 6. The Regional Planning Commission may undertake for the Planning Commission of any cooperating member at the request of such member, the study, planning, mapping and other reports

upon public improvements or the use of land within the boundaries of such member the cost thereof to be paid by such member in such manner and amount as may be agreed on between the Regional Planning Commission and legislative authority of such member.

Section 7. The Commission may make agreements with other agencies, public or private, for the temporary or joint use of staff employees, and may contract for professional or consultant services for or from other governmental and private agencies and persons. In no case however, shall the Regional Planning Commission undertake or engage in the designing or drafting plans for any building or other structure for such member.

Section 8. The Delaware County Regional Planning Commission may by agreement join with other regional or county planning commissions to create a joint planning council after approval by at least a majority of the legislative authorities of the members participating in the Commission and by the participating board or Board of County Commissioners as provided for by Section 713.231, Ohio Revised Code.

Section 9. Said Regional Planning Commission shall have all other powers and duties now or hereafter provided by law for Regional Planning Commissions.

Article V OFFICERS OF THE COMMISSION

Section 1. There shall be a Chairperson, Vice-Chairperson, and a Second Vice-Chairperson, according to Article V, Section 2, and a Secretary according to Article VII, Section 3, (i). Officers must be qualified voting members of the Commission as designated by their agency, township, or municipality as defined in Article II, Section 1.

Section 2. The Chairperson of the Regional Planning Commission shall appoint a nominating committee of three qualified voting members of the Commission, at least one month before the regular March meeting for the purpose of presenting the nominations of the four members. Other nominations may be placed on the floor by any qualified voting member of the Commission. The fifth member is selected by the Board of County Commissioners. These newly elected officers shall begin serving at the next regularly scheduled Executive Committee meeting. These newly elected officers shall serve until March of the next year.

Section 3. The newly elected Executive Committee members shall organize their positions at the next regularly scheduled Executive Committee meeting. Positions to be determined are the Chairperson, Vice-Chairperson, Second Vice-Chairperson, and Member-at-Large. Consideration may be given to the advancement of Officers from Second-Chairperson to Vice-Chairperson and Vice-Chairperson to Chairperson.

Section 4. The Chairperson shall be the Executive Head of the Commission and the Executive Committee and shall perform such duties as may be delegated to them by the Commission.

Section 5. The Officers shall perform such duties as may be delegated to them by the Commission.

- a) The Vice-Chairperson or the Second Vice-Chairperson shall, in the absence, death, or resignation of the Chairperson, assume the duties of the Chairperson. Other officers shall advance to fill any open position (Second Vice-Chairperson becomes First Vice-Chairperson, Member-at-Large becomes Second Vice Chairperson).

- b) Due to the resignation or inability to serve by the First or Second Vice-Chairperson, or Member-At-Large, the Chairperson of the Regional Planning Commission shall appoint a nominating committee of three (3) qualified voting members of the Commission and they in turn shall present the nominations during a regular monthly meeting. Nominations may be placed on the floor by any other qualified voting member.
- c) Officers may reorganize their positions at the next regularly scheduled Executive Committee meeting after any vacancies have been filled.

Section 6. The Secretary is appointed according to Article VII, Section 3 (i). The Secretary shall keep a full and accurate record of the proceedings of the Commission and of its committees and shall perform such other duties as required by the Commission.

Article VI EMPLOYEES OF THE COMMISSION

Section 1. The Regional Planning Commission may employ an Executive Director, engineers, other professional services, and such other employees as are necessary for the performance of its functions as provided by Section 713.21, 713.33, and 713.23, Ohio Revised Code.

Section 2. The Executive Director shall have charge of and manage the active business operations of the Commission; shall superintend and control the work to be done by its employees; shall sign all reports and recommendations of the Commission or Executive Committee under the direction of the Commission; shall prepare budget and census reports based upon current U.S. Census and other available current population data as defined in Article III, Section 2 for approval; shall keep active accounts of all property and present a physical annual inventory to the Executive Committee; and shall do and perform all other duties as may from time to time be assigned to or requested of the Executive Director by the Commission or the Executive Committee Officers.

Section 3. Duties of the Assistant Director and Staff – The Assistant Director and staff members shall perform such duties as assigned by the Executive Director of the Regional Planning Commission or the Executive Committee in the absence of the Executive Director.

Section 4. Appointment of Staff Personnel – All other employees shall be appointed by the Executive Director and they shall be, in his/her best judgment, the best qualified applicant for the position.

Section 5. Compensation – The staff of the DCRPC shall be compensated in an amount approved in the annual budget according to the recommendation of the Executive Director with the concurrence of the Executive Committee. The Executive Director shall be compensated in an amount recommended by the Executive Committee and approved by the full DCRPC.

Article VII BOARDS AND COMMITTEES OF THE COMMISSION

Section 1. The Regional Planning Commission may establish such committees with such powers, as it finds necessary to carry on its work, including an Executive Committee. All Committees shall report their findings in writing to the Commission for a final decision. The Regional Planning

Commission may not delegate to a committee the authority to make decisions on behalf of the Commission.

Section 2. The Executive Committee of the Delaware County Regional Planning Commission shall be its Chairperson, Vice-Chairperson, and Second Vice-Chairperson; one member of the County Commissioners, selected by the Board of County Commissioners; and one qualified voting member of the Commission nominated and elected by the Regional Planning Commission. Preference should be given to any past Chairperson. The total membership shall always consist of five (5) members, except as herein provided. If any member should withdraw from the Executive Committee, he or she shall be replaced by proper nominations to the Regional Planning Commission, and duly elected by qualified voters of the Commission, except if the Chairperson withdraws within six months or less of the next March meeting, the Vice-Chairperson shall assume the duties of the Chairperson as acting Chairperson until the next March meeting.

Section 3. Duties of the Executive Committee

- a) **Expenditures and Disbursements** – The Executive Committee of the Regional Planning Commission shall review all invoices, payrolls, requisitions, budgets and grants by the state or federal government, and shall prepare a financial report for every meeting of the Commission, and shall prepare an annual financial report for distribution to the membership, and shall prepare a proposed budget for the succeeding year to be approved at the November meeting of the Commission.
- b) **Minor Expenditures** – All expenditures, commitments or contracts for expenditures or disbursements up to \$500.00 shall be authorized by the Executive Director or in his/her absence by the Assistant Director. All expenditures, commitments, or contracts for expenditures or disbursements between \$500.01 and \$1,000.00 shall be authorized in writing by the Executive Director, or in his/her absence by the Assistant Director, and the Chairperson or Vice-Chairperson of the Executive Committee of the Commission.
- c) **Major Expenditures** – All expenditures, commitments or contracts for expenditures or disbursements in excess of \$1,000.00 shall be approved by a majority of the Executive Committee and then presented to the Regional Planning Commission for their approval.
- d) **Legal Counsel** – The Executive Committee may recommend an independent legal counsel to the Regional Planning Commission for approval.
- e) **Evaluation** – The Executive Committee shall conduct a written evaluation of the Executive Director of the Regional Planning Commission at least once a year prior to the first pay period of the budget year and report to the full commission. Any recommendations regarding salary adjustments must be acted on by the full commission.

The Executive Director of the Regional Planning Commission shall evaluate all other employees of the Commission at least once a year in writing and report to the Executive Committee.

- f) **Cost of Living** – Cost of living adjustments unless specifically given an (as of) date will be deemed effective the first pay period of the budget year.
- g) **Executive Committee Meeting** – The Executive Committee of the Regional Planning Commission may meet with the Executive Director of the Commission and/or staff of the Commission at least seven days prior to a regular or called meeting of the Regional Planning

Commission, either the Chairperson or the Executive Director or both may call a meeting for any purpose pertaining to the business of the Regional Planning Commission.

- h) **Appointment of the Executive Director** – The Executive Committee of the Regional Planning Commission shall interview the person(s) who have made application for the position of Executive Director of the Regional Planning Commission and recommend to the Regional Planning Commission, to their best judgment, the best qualified applicant for the position of Executive Director of the Regional Planning Commission.
- i) **Appointment of Secretary** – The Secretary of the Regional Planning Commission meeting shall be a member of the staff, appointed by the Executive Director of the Regional Planning Commission.

Section 4. Advisory Committee – The purpose of the Advisory Committee shall be to provide expertise to the Regional Planning Commission and the Executive Committee when needed. The members of the Advisory Committee shall be recommended by the Executive Committee to the Regional Planning Commission for appointment for temporary terms on special projects. The members of said committee may attend any or all regular, or special meetings of the Commission as their interest in the work of the Commission may dictate. The Advisory Committee shall be a non-voting position.

Article VIII MEETINGS OF THE COMMISSION

Section 1. The Regional Planning Commission shall hold a regular monthly meeting unless there is not enough business to justify such a meeting. Election of officers shall occur during the regular March meeting according to Article V, Section 2. Special meetings may be called by the Executive Director, Chairperson, or any three qualified members of the Commission for any type of business pertaining to the Commission.

Section 2. The Regional Planning Commission shall by rule, establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings.

Article IX QUORUM

Section 1. At any meeting of the Commission, a Quorum shall consist of a majority of all members thereof, but a lesser number may, however adjourn the meeting from time to time.

Section 2. A qualified voting member shall be defined as a member with voting privileges as defined in Article III, Section 5.

Section 3. A quorum of all committees of the Regional Planning Commission shall be a simple majority of the appointed committee members.

Article X
AMENDMENTS

Section 1. The By-Laws of the Regional Planning Commission may be amended from time to time only in accordance with the following procedures:

- a) Before (a) proposed amendment(s) may be considered by the Regional Planning Commission, one of the following must take place: The Regional Planning Commission Executive Committee may approve, then recommend adoption of the amendment(s) with or without changes, to the Regional Planning Commission, or a petition for the amendment(s) signed by at least five (5) legal voting members of the said Commission, shall be delivered to the Secretary of the Commission at least fifteen (15) days prior to the next regular or special meeting of the Commission.
- b) The Secretary shall forward to each member of the Commission a copy of the proposed amendment(s) with a notice that the proposed amendment(s) shall be presented to the Commission for action at the next regular or special meeting. Such notice shall be delivered not less than five (5) days before said meeting.
- c) In case a proposed amendment to the By-Laws is introduced to the Commission for the first time without proper procedure, [Article X, Section 1 (a) and (b)], then it shall be necessary to withdraw any motions and present it at the next regular meeting, after the proper procedures have been followed.
- d) The Chairperson of the Commission may appoint a By-Law Review Committee at any time for the purpose of reviewing the By-Laws and report to said Commission on the status of the By-Laws of said Commission.
- e) An affirmative vote of two-thirds (2/3) of those present at a regular Commission meeting consisting of a quorum of the total qualified voting members shall be necessary for approval of said amendment.