

# BYLAWS

## REGION 4 PLANNING AND DEVELOPMENT COUNCIL

### ARTICLE I

#### *NAME, GEOGRAPHIC LOCATION, PURPOSE AND RESPONSIBILITY*

#### 1:01 Name

This organization shall be known as the Region 4 Planning and Development Council (hereinafter referred to as the Council) duly established under Chapter 8, Article 25, of the Code of West Virginia.

#### 1:02 Geographic Location

- A. The Region for which this Council shall be created and maintained is all of Fayette, Greenbrier, Nicholas, Pocahontas and Webster Counties in the State of West Virginia.
- B. The office of this Council shall be located near the geographic center of the Region at a location approved by Council.

#### 1:03 Purpose of Council

The purpose of the Council shall be to plan comprehensively and conduct development activities in the aforesated Region, and to promote and protect, through the joint participation of citizens and elected officials, the social, economic, educational, environmental and general welfare of the citizens of this region.

#### 1:04 Responsibilities of the Council

The general responsibilities of the Council shall include but not be limited to:

- A. the establishment and maintenance of a viable, active organization for examining area potential.
- B. the provision for the efficient management of limited public revenues for promoting the orderly development of the Region.
- C. the development of the Regions' governmental social, economic, environmental and physical services.
- D. cooperation with any entity, private or public, whose interests are consistent with the purposes of this council.

- E. the development of such plans as may be necessary to effectuate these responsibilities and the acceptance of all other responsibilities, which are implied in Chapter 8, Article 25, of the Code of West Virginia.

## **ARTICLE II**

### *MEMBERSHIP OF THE COUNCIL*

#### 2:01 Council Membership

- A. All municipalities and all counties within the Region shall be represented on the Council.
  - 1. The county representative shall be the president of the county commission or a member of the county commission designated by him/her.
  - 2. The municipal representative shall be the mayor or an elected member of the governing body designated by the mayor, except wherein the plan of government of a municipality is Plan V – “Manager-Mayor Plan” as described in West Virginia Code §8-3-2, in which case the mayor may also designate the manager as the representative.
  - 3. The number serving by virtue of this subsection shall comprise not less than fifty-one (51%) percent of the total number of members.
  - 4. The term of office of the members of Council who serve by virtue of this subsection shall be concurrent with their terms of elected office. If the officials’ public term of office expires or vacated after the Annual Meeting, the vacancy on the Council shall be filled by the next duly elected official and renewed at the next Annual Meeting.
  - 5. In the event a member is disqualified because he/she no longer holds the public office for which he/she became qualified as a member and should that member be the Chairperson of the Council, then the Vice Chairperson of the Council shall then become temporary Chairperson of the Council until the next regular meeting at which time a new Chairperson shall be elected.

6. Persons serving by virtue of this subsection for either a county or municipal government, will be considered to be an “active member in good standing” providing their respective unit of government is current in payment of their local assessments.
- B. The principal community and regional interests shall be further represented by the appointment of additional members of the Council.
1. Regional council members serving by virtue of Section 2.01 subsection (A) of this section shall select additional members to serve on the Council to represent principal community or regional interests, including but not limited to: commerce, industry, labor, agriculture, education, health, and any such interests as may be required by federal law or regulations. The selection of such members shall also provide for reasonable representation of geographic, economic and ethnic groups without exclusion of significant minority groups. Members from the private sector shall include one (1) or more of the following: Executive Directors of Chambers of Commerce or representatives of institutions of post-secondary education, workforce development groups or labor groups. The number of members serving by virtue of this subsection shall not exceed forty-nine (49%) percent of the total members and shall not be less than thirty-five (35%) percent of the total number of members.
  2. Subsequent changes in the designation of representatives shall be determined by the Council.
  3. The term of office of members of the Council who serve by virtue of this subsection shall be two years with appointments taking place at the Annual Meeting on even calendar years.

COUNTY POPULATION	MAXIMUM PRIVATE SECTOR MEMBERS PER COUNTY
1 – 10,000	3
10,001 – 25,000	4
25,001 – 40,000	5
40,001 – over	6

A minimum of 1 private sector member from each county shall be maintained on the Council at all times.

## 2:02 Voting Rights of Council

Each person who meets the qualifications of a member as set forth in Article 2:01, shall be entitled to one vote on all matters brought before the Council. In order to submit a vote at a regularly scheduled Council meeting, the member must be present or in attendance by telephone/electronic media at the meeting at which a vote is taking place.

### **ARTICLE III**

#### *ADVISORY COMMITTEES*

## 3:01 Appointments to Advisory Committees

The council may appoint advisory committees of interested and affected citizens to assist in the review of plans, programs and other purposes of this article. Whenever a special advisory committee is required by a federal or state regional program or as necessary by a particular administrative need, the Council Chairman (see Article V) shall, with the approval of the Council Executive Committee (see Article V), appoint or recognize such committees as advisory groups to the Council. Where applicable or necessary, the appointees may come from localities outside the regional boundaries of the Council. Advisory Committee appointees should serve as necessary for a period not to exceed one (1) year.

### **ARTICLE IV**

#### *THE MEETINGS OF THE MEMBERSHIP*

## 4:01 Annual Council Meeting

The Annual Meeting of the Council shall be held in various localities within the Region as will be designated in the notice of said meeting. It shall take place on the third Wednesday of the month that begins the fiscal year, or at such other time as may be designated in the notice of said meeting.

The purpose of the Annual Council Meeting shall be the election of officers, the appointment of members from private sector and the arranging of other organizational and administrative affairs.

## 4:02 Special Council Meetings

Special Meetings of the full membership of the Council shall be held as necessary in addition to the Annual Council Meeting to satisfy pertinent Federal and State Agency requirements and to address special local planning and development concerns or initiatives. Special Council meetings shall be scheduled by the executive committee chairman. At least

seven days' notice of the meeting must be given the membership prior to any meeting. This notice may be communicated by mail, electronically, or by telephone and placed on the Region 4 website. Council members may attend Special Council meetings by telephone or video conference.

Not less than ten (10) members of the Council shall constitute a quorum for the transaction of business at any meeting of the members represented by either a Public Sector or Private Sector member or their designee, provided each county in the Region is represented by those in attendance.

#### 4:03 Council Meeting Announcements

Notice of the Annual Council meeting and Special Council meetings of the membership shall be placed on the Region's website and mailed or sent electronically to each member of the Council at the address that appears on that record, not less than seven days prior to the meeting. This notice shall be sent by the Council Secretary (see Article 7:03) Secretary's designee. Council members shall notify the Secretary or Secretary's designee of the mode of notification they prefer when they become a member.

All meetings of Council or Executive Committee shall be posted on the Region 4 website and the front door of the Region 4 Building.

### **ARTICLE V**

#### *COUNCIL OFFICERS*

#### 5:01 Election of Officers

Officers of the Council shall be elected by the membership at the odd numbered year Annual Meeting of the Council.

In the event that a public official holds a Council office and his/her term of public office expires or is vacated after the Annual Meeting the vacated office shall be filled at the next Quarterly Meeting and the duly elected replacement shall serve the unexpired term.

#### 5:02 Delineation of Officers

The members of the Council shall elect from the membership the following:

- |    |                         |    |           |
|----|-------------------------|----|-----------|
| a. | A Council Chairman      | c. | Secretary |
| b. | A Council Vice-Chairman | d. | Treasurer |

### 5:03 Terms of Office

All officers elected by membership of the Council at odd year Annual Meetings shall serve for two years. No officer shall hold the same office for more than two consecutive terms, but the acceptance of an unexpired term shall not be considered in this consecutive process. Officers serving when this provision is adopted will serve until the next election provided for by these bylaws.

### 5:04 Eligibility of Officers

Any person who meets the qualifications of a member, as set forth in Article 2:01, shall be entitled to hold any office on the Council.

### 5:05 Duties of Officers

1. The Council Chairman shall:
  - A. Serve as the Council's chief executive officer and preside at each Council Meeting.
  - B. Serve as the chief executive officer of the Executive Committee.
  
2. The Council Vice-Chairman shall:
  - A. Serve as the Council's chief executive officer in the absence of the Chairman.
  - B. Serve as the chief executive officer of the Executive Committee in the absence of the Chairman.

## **ARTICLE VI**

### *GENERAL POWERS AND DUTIES OF THE COUNCIL*

### 6:01 Powers and Duties Generally

Each regional council may:

- A. Continuously engage in comprehensive planning and development processes and prepare, and from time to time revise, amend, extend or add to a plan or plans for the development of the region consistent with any state comprehensive planning and development objectives and

reflecting plans and programs of the participating governmental units. Any such plan or plans shall be based on studies of governmental social, economic, environmental and physical conditions and trends, and shall aim at the coordinated development of the region in order to promote the general health, welfare, convenience and prosperity of its people. Such plan and plans, or parts thereof, shall be prepared by persons appropriately qualified under state statutes dealing with applicable profession or occupation. Such plan or plans shall be submitted for review to the appropriate agencies in accordance with the provisions of this article. The plan or plans shall embody the policy recommendations of the regional council, and may include but shall not be limited to: (1) A statement of goals, objectives, standards and principles sought to be expressed in the plan or plans to guide economic, social, environmental and human resource development; (2) recommendations for transportation networks in the region, including land, water and air transportation, and for communication facilities; (3) recommendations concerning the need for and proposed general location of public and private works and facilities, which by reason of their function, size, extend or for any other cause are if a regional, as distinguished from a purely local concern; and (4) recommendations for the long-range programming and financing of capital projects and facilities.

- B. Prepare and from time to time revise, amend, extend or add to a regional development program to implement the policies contained in the comprehensive development plan for the region. The program shall contain a listing of development projects and programs, priorities for the financing of these projects and programs and recommended methods for project and program financing.
- C. Prepare and recommend ordinances, rules and regulations, which would implement regional and local plans.
- D. Prepare and publish studies of the region's resources, both natural and human, with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, environment, health, education, welfare, public service, local governments and other matters which are relevant to regional planning.
- E. Collect, process and analyze the social and economic statistics for the region which are necessary to planning studies and make the results of such collection, processing and analysis available to the general public.
- F. Participate with other governmental agencies, educational institutions and private organizations in the coordination of the regional research

and educational activities described in subdivisions (D), (E), and (H) of this section.

- G. Cooperate with, and provide, upon request, planning and development agencies and counties within the region with planning and technical assistance and coordinate regional planning with the planning activities and plans of the state and of the municipalities and counties within the region, as well as, neighboring areas, including those in adjoining states and the programs of federal departments and agencies.
- H. Provide information to officials, departments, agencies and instrumentalities of the federal, state and local governments and to the public at large in order to foster public awareness and understanding of the objectives of the regional plans and functions of the regional and local planning and development councils, and to stimulate public interest and participation in the orderly, integrated development of the region.
- I. Apply for, accept and expend funds and grants provided for the purposes hereof by the government of the United States or its departments or agencies; by departments and agencies of the state or any other state; by any other agency, public or private; or from any individual whose interests are in harmony with the purposes hereof, including planning councils and commissions, all in accordance with any federal requirements and subject to any conditions or limitations of the constitution or laws of this state.
- J. Perform development on a regional basis as necessary to undertake, complete or accomplish the goals and purposes of comprehensive planning in the region by intergovernmental contract or joint enterprises, or both, with local governmental units or combinations of such units pursuant to Chapter 8, Article Twenty-Three, of the Code of West Virginia.
- K. Exercise powers jointly or in cooperation with agencies of political subdivision of the state of West Virginia or any other state, or with agencies of the United States, subject to constitutional and statutory provisions applicable to interjurisdictional agreements.
- L. Adopt bylaws and such other rules and regulations as may be necessary to effectuate the purposes of this article.
- M. Exercise all other powers and authority necessary and proper for the discharge of its duties.



## ARTICLE VII

### *EXECUTIVE COMMITTEE*

#### 7:01 Election of the Executive Committee

The Executive Committee shall be comprised of one representative from each county commission and one representative from the most populous municipality within each county in the region and such other members of the Council at large, as the aforesaid representatives may select, but such other members so selected shall not constitute more than forty-nine percent of the total membership of the Executive Committee.

#### 7:02 Regular Meetings of the Executive Committee

The regular meetings of the Executive Committee shall be held the third Wednesday of April, June, September and/or at such time and place as shall be determined by the Executive Committee Chairman.

#### 7:03 Special Meetings of the Executive Committee

Special meetings of the Executive Committee may be called by the Chairman of the Executive Committee upon twenty-four-hour notice to all members which notice shall state the purpose of such meeting.

#### 7:04 Meeting Announcements for the Executive Committee

Notice for the regular meetings of the Executive Committee shall be placed on the Region 4 website and emailed by the Executive Committee Secretary or the person designated by him/her. This notice shall be sent to each member of the Executive Committee at the address specified on the Council record not less than seven days prior to the meeting.

#### 7:05 The Quorum for the Executive Committee Meetings

The quorum for Executive Committee Meetings shall be constituted by the presence of the Chairperson or Vice Chairperson of the council and such other members present and by members attending by telephone or video conference.

#### 7:06 Officers of the Executive Committee

The officers of the Executive Committee shall be the same persons as the officers of the Council

7:07 Term of Office for Officers of the Executive Committee

The term of office for the officers of the Executive Committee shall be the same as the term of office of the officers of the Council.

7:08 The Executive Committee shall:

- A. Perform such administrative duties as are necessary to maintain an effective and viable Council.
- B. Be the motivating force on the Council, which initiates public information and education within the region and integrates the resources of other groups or individuals, either public or private whose interests are in harmony with the purposes of the Council.
- C. Exercise the power of review over all applications of governmental units or independent agencies within the region for loans or grants from the federal government or any of its agencies or the State of West Virginia or any of its agencies.
- D. Authorize all (if any) individual expenditures of the Council exceeding \$7,500 at their meetings

## **ARTICLE VIII**

### *THE EXECUTIVE DIRECTOR OF THE COUNCIL*

8:01 Selection and Appointment of the Executive Director

The Executive Committee, acting on behalf of the general membership of the Council, shall select and appoint a qualified person to serve as the Executive Director of the Council. He/she may reside either inside or outside the region, providing that he assumes residence in the region within 60 days of his/her appointment. The selection shall be made through the recommendations of a specially appointed subcommittee. The appointment of the Executive Director shall be ratified by the general membership at the next available Council meeting. The Director shall serve at the will and pleasure of the Council.

8:02 Functions and Responsibilities of the Executive Director

The Executive Director shall be the Administrative Office of the Council in carrying out the programs and projects called for in Article VI of these Bylaws.

In filling this mandate, the Executive Director shall:

- (a) appoint and remove all employees of the Council in accordance with the rules of the Council.
- (b) serve as Secretary Ex-Officio of the Council.
- (c) serve as Secretary Ex-Officio of the Executive Committee.
- (d) keep the general membership and the Executive Committee advised about the needs and affairs of the Council and to oversee the preparation of the Annual Report (see Article XI).
- (e) serve as the budget officer of the Council, and in that capacity shall be bonded.
- (f) serve in other functions as may be assigned to him/her from time to time by either the Executive Committee or Council.

## **ARTICLE IX**

### *CONTRACTS*

9:01 The Council may contract for services of consultants to perform planning, development, engineering, legal and other services of a professional, specialized or technical nature; and such consultants shall be persons appropriately qualified under state statutes dealing with the applicable profession or occupation. Each contract must have the expressed approval of the Council or the Executive Committee. Such contracts shall not be subject to any law related to public bidding, provided that every Council contract for the purchase of merchandise, materials or supplies, in the amount of five thousand dollars or more shall be let to the lowest responsible bidder after notice requested bids has been published as Class 1-0 legal advertisement in compliance with the provisions of Article 3, Chapter 50 of the West Virginia Code.

## **ARTICLE X**

### *BUDGET*

10:01 The fiscal year of the Council shall be from July 1 through June 30 of each year. The Council shall adopt an annual budget. This budget shall be adopted by the approval of a majority of the counties in the region and a majority of the municipalities participating in the Council. All contributions shall be fair and equitable and based on the population of each participating governmental unit as determined in the latest decennial census.

## **ARTICLE XI**

### *ANNUAL REPORT*

11:01 On or before July thirty-first of each year, the Council shall prepare an annual report. The Council shall submit copies of the report to the participating governmental units and to the Governor. The report shall include:

- (A) a consolidated statement of the Council's receipts and expenditures by category since the preceding reports.
- (B) a consolidated, detailed budget for the year in which the report is filed and the following year including an outline of its program for such period.
- (C) a description of any comprehensive plan adopted in whole or part for the region.
- (D) a summary of any study or development progress and the recommendations resulting therefrom.
- (E) a listing of all applications for federal grants or loans submitted by the governmental units within the region; together with the action taken by the Council in relation thereto.
- (F) a listing of plans of local government units submitted to the region and actions taken in relation thereto.
- (G) recommendations of the Council regarding federal and state programs, cooperation, funding and legislative needs.

## **ARTICLE XII**

### *AMENDMENTS*

12:01 These bylaws may be amended by the vote of a majority of the Council. Council shall be provided amendments for review a minimum of seven days prior to the meeting to which said amendments are being considered for adoption.