

Resolution Endorsing "The Articles of Agreement" of the District 4
Council of Governments and Authorizing Membership Therein

A RESOLUTION ENDORSING "THE ARTICLES OF AGREEMENT" OF THE DISTRICT 4 COUNCIL OF GOVERNMENTS, AS AMENDED, JUNE 26, 1975, NOVEMBER 24-25, 1975, FEBRUARY 18, 1977, (PREVIOUSLY APPROVED) AND FEBRUARY 20, 1981 AND AUTHORIZING MEMBERSHIP THEREIN


THE City of Albany RESOLVES AS FOLLOWS:

WHEREAS, the City of Albany desires to cooperate with other local governments in Lincoln, Linn and Benton Counties in a voluntary council of governments and receive the benefits that may be derived from such participation; and,

WHEREAS, the City Council of the City of Albany, Oregon, has considered the provision of the attached "Articles of Agreement" and agreed to the provisions contained therein;


NOW, THEREFORE, BE IT RESOLVED, that the City of Albany hereby approves and endorses the "Articles of Agreement" of the Oregon District 4 Council of Governments, as amended, and agrees to membership in the organization.

ADOPTED this 22nd day of April, 1981.



Mayor

ATTEST:



City Recorder

ARTICLES OF AGREEMENT
OREGON DISTRICT 4 COUNCIL OF GOVERNMENTS

Article I. Name

The name of this organization shall be: Oregon District 4 Council of Governments.

Article II. Authorization

The authorization for the establishment of this organization is set forth in state enabling legislation (ORS 190.003 to 190.110) and by agreement among its members, as indicated by adoption of a resolution endorsing the agreement and authorizing membership in Oregon District 4 Council of Governments.

Article III. Purpose

(A) The purposes of the Oregon District 4 Council of Governments shall be:

1. To provide a forum for identifying, discussing and solving area-wide problems;
2. To coordinate planning and development activities among the various municipalities in District 4 in such a manner as to maximize the benefits to be derived and to discourage duplication in planning and development programs, thereby promoting the most efficient use of each tax dollar;
3. To prepare and adopt area-wide comprehensive plans as needed for the orderly development of Lincoln, Linn, and Benton counties;
4. To make district-wide planning and development more effective by involving elected officials directly into the recommendation-forming and decision-making phases of the planning process;
5. To provide clearinghouse review of all projects requesting federal or state financial assistance;
6. To perform other functions that are deemed necessary for the physical, social and economic well-being of the citizens of Oregon District 4.

(B) Among the functions and duties which the organization may perform in order to carry out these purposes are:

1. Initiate, conduct, or cause to be conducted planning studies of area-wide or regional significance.
2. Prepare and adopt area-wide and regional comprehensive plans, programs, or policies.

Article III. (Continued)

(B) Continued.

3. Prepare, adopt, and recommend policies and programs to alleviate area-wide problems or improve the effectiveness, efficiency, and responsiveness of local governments and other organizations in the area.
4. Prepare, on request, studies, plans, policies, resolutions, ordinances, and similar items, for local governments and other agencies for their consideration.
5. Provide technical assistance and advice, and review and evaluate studies, plans, policies, and ordinances, on request, for local governments and other agencies.
6. Assist local governments in intergovernmental coordination activities in order to facilitate the resolution of problems or the achievement of opportunities.
7. Perform other services similar to the above which are consistent with the purposes of this agreement.

Article IV. Membership

- (A) Each member unit of government shall be entitled to one representative selected by and from members of its elected governing body.
- (B) The following units of local government shall be eligible for membership in the Oregon District 4 Council of Governments:
 1. Linn County, Benton County, and Lincoln County.
 2. All incorporated cities situated within Linn County, Benton County, and Lincoln County.
 3. The Lincoln County School District.
 4. The Linn-Benton Intermediate Education District, or, as an alternative, one representative of school districts in Linn and Benton Counties.
 5. One representative for the special purpose districts in Lincoln County.
 6. One representative for the special purpose districts in Benton County.
 7. One representative for the special purpose districts in Linn County.
 8. Ten representatives from the District Overall Economic Development Program Committee. (These representatives shall be appointed by the Council of Governments Executive Board from the membership of the District OEDP Committee with at least three representatives from each of Lincoln, Linn and Benton Counties.)

Article IV. (Continued)

- (C) 1. An eligible unit of local government may become a member of the Oregon District 4 Council of Governments by adopting a resolution endorsing the Articles of Agreement of the Oregon District 4 Council of Governments and forwarding a certified copy of the resolution to the Secretary. Such unit of local government may maintain its membership by budgeting and paying amounts that may be required in accordance with the Council's budget.
- (D) Alternate Representatives: An alternate representative shall be designated to represent each member agency. Alternates shall possess the same qualifications as representatives and shall represent his agency in the absence of the representative.
- (E) Terms of Office: Representatives and alternate representatives shall be appointed to serve a term of two years. Terms of office shall begin on the second Monday in January of an odd-numbered year and shall expire on the Sunday preceding the second Monday in January two years later. Representatives and alternates may be reappointed without limitation as to number of terms.
- (F) Notice of Appointment: Notice of appointment of representatives shall be sent to the Secretary on or before the second Monday in January of each odd-numbered year by the Chief Executive of each member agency, or new member agencies within 30 days after becoming a member.
- (G) Vacancies: The office of a representative or an alternate shall be deemed vacant at such time as the incumbent cannot meet the required qualification for his elective position. Vacancies shall be filled by the appointing authority within a reasonable time.
- (H) Termination of Membership in the Council: Membership in the Council may be terminated by notice to the Council at least 60 days prior to the beginning of the fiscal year. Membership shall be terminated upon non-payment of the members' budgeted contribution on or before January 31 of the appropriate year.

Article V. Officers

- (A) The officers of the Oregon District 4 Council of Governments shall consist of a Chairman, Vice-Chairman and Secretary-Treasurer.
- (B) The Chairman shall be elected from the duly qualified representatives constituting the Council and shall serve a one-year term. He may be re-elected, but may not serve more than three (3) consecutive terms. The Chairman shall preside at all meetings at which he is present, shall appoint committees to assist in fulfilling the work of the Council, shall call special meetings of the Council with the concurrence of two additional representatives, and shall sign all approved records of the Council. He may be removed from office by a vote of one more than a simple majority of the Council representatives.

Article V. (Continued)

- (C) The Vice-Chairman shall be elected in the same manner as the Chairman. He may be re-elected, but may not serve more than three (3) consecutive terms of office. The Vice-Chairman shall assume the duties of the Office of Chairman in the absence of the Chairman. He may be removed from office by a vote of one more than a simple majority of the Council representatives.
- (D) The Secretary-Treasurer need not be an elected official or a representative to the Council. He shall serve an indefinite term of office at the pleasure of the Council. He may be removed from office by a vote of a simple majority of the Council representatives. He shall serve as secretary, be custodian of the records and funds, maintain financial accounts, and perform other duties as required.
- (E) A vacancy in the office of Chairman of the Council shall be filled by the Vice-Chairman for the unexpired term. In such event, a new Vice-Chairman shall be elected, as provided in these Articles of Agreement at the next regular or special meeting of the Council and he shall serve the balance of the term of that office.
- (F) The Chairman and Vice-Chairman shall not be residents from the same county.

Article VI. Election of Officers

- (A) An annual organizational meeting shall be held by the Council no later than June 30th of each year.
- (B) Nominations shall be made from the floor at the annual organizational meeting and the election of officers as specified in Article V shall follow thereafter.
- (C) A candidate receiving a simple majority vote of those members present at the annual organizational meeting shall be declared elected and shall serve a one-year term of office or until his successor takes office. A regular term of office shall commence July 1.
- (D) Vacancies in office shall be filled as soon as possible by regular election procedure in accordance with Article V, Section E.

Article VII. Meetings

- (A) The Council shall meet at least twice a year, in February and June. At least two (2) weeks notice shall be given to the membership for a regular meeting. Regular meetings shall be held in Lincoln, Linn and Benton Counties on a rotating basis.
- (B) Additional meetings may be called by the Chairman with the concurrence of two (2) additional members, or by a majority of the full membership of the Board. At least five (5) days notice shall be given to the membership for a special meeting.

Article VII. (Continued)

- (C) A quorum shall consist of a simple majority of the representatives of the Council.
- (D) Unless otherwise specified, Roberts Rules of Order shall govern the proceedings at the meetings of the Council.

Article VIII. Subdistricts

- (A) Due to the geographic vastness of Oregon District 4 and the Coast Mountain Range providing a barrier to easy travel to and from meetings, a Linn-Benton Subdistrict and Lincoln County Subdistrict are hereby established. The Lincoln County Subdistrict shall be comprised of those member governments located within Lincoln County, and the Linn-Benton Subdistrict shall consist of those member governments located within Linn and Benton Counties. Membership of Subdistricts is limited to those COG members listed in Article IV (B) 1,2,3,4,5,6, and 7.
- (B) The subdistricts shall meet monthly, or as deemed necessary, to discuss or transact business peculiar to their own subdistrict.
- (C) The subdistricts' purpose shall be the same as those listed in Article III.
- (D) Each subdistrict shall establish its own rules for membership and the conduct of business providing these rules are consistent with this agreement.

Article IX. Voting

- (A) Each representative, or, in his absence, his alternate, shall be entitled to one vote on matters before the Council. The Chairman may cast only one vote. If he has already voted as a representative, he may not vote again to make or break a tie;
- (B) Except as otherwise provided in these Articles of Agreement, a simple majority of the members present and voting shall be sufficient to decide a question before the Council.

Article X. Executive Board

- (A) A six-member Executive Board is hereby established. Executive Board membership shall be established on the following bases:
 - 1. Membership shall include the Council Chairman and Vice-Chairman.
 - 2. One representative from each county government.
 - 3. One representative from a city government situated within each county.
- (B) City representatives to the Executive Board, when not the Council Chairman or Vice-Chairman, shall be chosen by the caucus of Council representatives living within the county.

Article X. (Continued)

- (C) The purpose of the Executive Board shall be to carry on the day-to-day operation of the Council and to act for the Council upon matters which have been recommended to them by the subdistricts. Day-to-day Council operations shall include approval of bills; approval of contracts, agreements, and grants; employment of staff or consultants as authorized by the Council; and similar matters.
- (D) Regular Executive Board meetings shall be held on the fourth Tuesday of the month. Special meetings may be called as deemed necessary by the Chairman or by any two members of the Board.
- (E) A quorum shall consist of four (4) members.

Article XI Finance

- (A) Revenues of the Council shall be from member contributions, grants, gifts, donations, fees or other payments received for purposes consistent with its functions. Receipts shall be received by the Secretary-Treasurer who shall deposit and account therefore as provided in this agreement.
- (B) Expenditures shall be to accomplish the purposes of the Council, including the work and supplies necessary therefore and may include payments to member governments in reimbursement for staff services provided by request of the Council.
- (C) The fiscal year of the Council shall begin July 1 and end June 30 of each year.
- (D) Not later than February 28 of each year, the Council shall determine whether financial contributions from its member governments will be requested for the ensuing year. If it is determined to make a request the member agencies for contributions to finance its activities during the fiscal year ensuing, direction shall be given to the Secretary-Treasurer to prepare a detailed budget. The budget shall provide a financial plan for the accomplishments of programs adopted by the Council, including estimates of revenues and expenditures and indicating the amounts required from each member agency. The budget shall be adopted by the Council.
- (E) Member agencies shall include an appropriation request in their budgets for an amount equal to the request of the Council. On or before June 30, each agency shall advise the Secretary-Treasurer of the Council of their action regarding the requested contribution. Remittance of the contribution from the member agency to the Council shall be made as soon as is practicable, but in no case not later than January 31 of the appropriate year.
- (F) Any member government may serve as the fiscal agent for the Council whereupon the Executive Board shall establish procedures for authorizing the fiscal agent to disburse funds.

Article IX. (Continued)

- (G) Oregon District 4 Council of Governments is also authorized to function as its own fiscal agent, and to establish the necessary financial, purchasing, personnel, and other policies necessary to perform as fiscal agent.
- (H) Each year, OD4COG financial records shall be audited in accordance with state law, appropriate federal program guidelines, and generally accepted auditing standards.

Article XII. Powers

- (A) In carrying out its functions, the Oregon District 4 Council of Governments may:
 - 1. Enter into agreements with the United States, the State of Oregon, public or private agencies or corporations, and individuals for the purpose of obtaining financial aid or other participation in carrying out the objectives, programs, and purposes of the Council;
 - 2. Own or lease equipment and other property in its own name;
 - 3. Adopt a budget indicating the receipts and expenditures of the Council and establish the amount of financial participation by each member government;
 - 4. Seek and accept grants, gifts, loans, and donations in the name of the Council, a member government or member governments, or other public or quasi-public agencies;
 - 5. Make, adopt, and amend bylaws consistent with this Agreement;
 - 6. Employ staff, retain consultants, or obtain the personal services of individuals or employees of other agencies;
 - 7. Establish advisory committees; and
 - 8. Take such other actions as are necessary to enable the Council to carry out those functions and duties which are consistent with this agreement and state law.

Article XIII. Standing Committee

The Executive Board shall appoint a District Overall Economic Development Program Committee consisting of at least 30 members with at least ten members from each of Lincoln, Benton and Linn Counties. The Board shall consider the Economic Development Administration, US Department of Commerce, requirements and guidelines when making appointments to this Standing Committee.

Article XIV. Staff

Oregon District 4 Council of Governments may appoint an Executive Director who shall administer the business of the Council. Under the guidelines of the approved budget, the Executive Director shall employ such professional, technical and clerical staff as needed to carry out the work of the Council.

Article XV. Amendments

Amendments to the agreement may be made at any meeting of the Council providing the following procedure has been followed: The proposed amendment together with the article to be amended and the reasons for the amendment shall be presented to the Secretary and the Chairman in sufficient quantity to supply each representative with a copy not less than 15 days prior to the meeting at which the amendment is proposed to be adopted. The Secretary shall immediately dispatch a copy of the proposal to each representative. An amendment to the agreement will require approval by a vote equal to one vote greater than a simple majority of the Council representatives and ratification by each member agency.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in the names of the respective member agencies by resolution adopted by the governing bodies, signed by the Chief Executive, as appropriate, duly attested to by the respective clerk, recorder or secretary with the corporate seals of said member governments being duly attached thereto.