

AGENDA ITEM # VI.

FIVE COUNTY ASSOCIATION OF GOVERNMENTS

BYLAWS

These Bylaws are established to define the functions, duties and responsibilities of the various branches, officers, offices and organizations within the Five County Association of Governments.

ARTICLE I

STEERING COMMITTEE

Section 1 - Name

There shall be established a permanent committee within the Five County Association of Governments to be known as the Steering Committee.

Section 2 - Origin

This committee is provided for in the Articles of Association of the Five County Association of Governments.

Section 3 - Purpose

The Steering Committee shall act as both the executive and legislative branch of the Association.

Section 4 - Responsibilities

The responsibilities of the Steering Committee is established in the Articles of Association of the Five County Association of Governments.

Section 5 - Membership

The Mayor or Town President representing each county shall be chosen in the following manner. During the Association of Governments' first year of operation, the respective county commissions shall determine who the representative from their towns and cities shall be. In the following years the cities and towns in each county shall determine who their representative shall be. Should the cities and towns within a particular county fail to choose a representative, the county commission shall choose the city and town representative.

Section 6 - Organization

The procedure for electing the officers of the Steering Committee is established in the Articles of Association of the Five County Association of Governments.

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Section 7 - Duties of Officers

The Chairman of the Steering Committee shall be the principal executive officer of the Association. He shall preside at all meetings of the Steering Committee and at all general meetings of the Association. He shall have general supervision of the affairs of the Association at the discretion of the Steering Committee and shall perform other duties as may be assigned to him by the Steering Committee.

The Vice-Chairman shall have all the powers and perform all the duties of the Chairman when serving in his absence. The Vice-Chairman shall have such other duties as may be assigned to him either by the Chairman or the Steering Committee.

The Executive Director shall supervise the financial affairs of the Association under the direction of the Steering Committee. He shall present a financial statement of receipts and expenditures on a quarterly basis or at the request of the Chairman. He shall receive and receipt all monies due or payable to the Association and shall deposit all such monies in such depositories as shall be selected by the Steering Committee. He shall be responsible for distributing all monies payable and shall co-sign such payments, together with such other officers of the Association as may be designated by the Steering Committee to that purpose. He shall perform such other duties as may be assigned to him by the Steering Committee and shall submit financial accounts for an annual audit upon the change of Executive Director.

Section 8 - Meetings

The first Friday of each month is designated as the regular meeting date of the Steering Committee unless otherwise designated by the Steering Committee. The meeting location shall be designated by the Steering Committee. An agenda shall be mailed out prior to each meeting. A special meeting may be called by the Chairman or at the request of at least eight (8) members of the Steering Committee.

An agenda shall be prepared by the Executive Director for each meeting of the Steering Committee. Items to be included in each agenda shall first be cleared by the Chairman or through the Steering Committee.

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ARTICLE II

EXECUTIVE DIRECTOR

Section 1 - Name

There shall be established an officer within the Five County Association of Governments to be known as the Executive Director.

Section 2 - Origin

This officer is provided for in the Articles of Association of the Five County Association of Governments.

Section 3 - Purpose

The Executive Director shall act as the principal administrative officer of the Association under the direction of the Steering Committee.

Section 4 - Responsibilities

The responsibilities of the Executive Director are established in the Articles of Association of the Five County Association of Governments.

Section 5 - Appointment and Removal

The Executive Director shall be appointed and removed by the Steering Committee. Any compensation to the Executive Director shall be determined by the Steering Committee.

ARTICLE III

STANDING COMMITTEES

Section 1 - Name

There shall be established eight (8) permanent committees within the Five County Association of Governments to be known as Standing Committees on Development Services, Education, Natural Resources, Transportation, Law Enforcement Planning, Manpower Planning, Health and Social Services, and Local Affairs.

Section 2 - Origin

These committees are provided for in the Articles of Association of the Five County Association of Governments.

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Section 3 - Purpose

These committees shall serve as specialized planning, reviewing, advisory, and policy bodies for the Steering Committee of the Five County Association of Governments.

Section 4 - Responsibilities

The Standing Committees shall perform those responsibilities as prescribed by the Steering Committee.

Section 5 - Membership

The membership of the Standing Committees is established in the Articles of Association of the Five County Association of Governments.

Section 6 - Officers

There shall be a Chairman and Vice-Chairman of each Standing Committee. The method of selection is established in the Articles of Association of the Five County Association of Governments.

Section 7 - Duties of Officers

The Chairman of each Standing Committee shall preside at all meetings of the Standing Committee. The Vice-Chairman shall preside in the Chairman's absence.

Section 8 - Meetings

Each Standing Committee shall determine where and when its meetings shall be held, with the exception that when called by the Steering Committee, the Steering Committee shall determine where and when the meeting shall be. A quorum at all Standing Committee meetings shall consist of a majority of the total committee members. A majority vote of the total Standing Committee membership is necessary to carry any question.

ARTICLE IV

CENTRAL STAFF

Section 1 - Name

There may be established an administrative, research, and planning staff within the Five County Association of Governments to be known as the Central Staff.

Section 2 - Origin

This organization is provided for in the Articles of Association of the Five County Association of Governments.

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Section 3 - Purpose

The Central Staff shall act as the administrative, research and planning staff for all branches, committees, and subcommittees of the Association.

Section 4 - Responsibilities

The Central Staff shall perform under the coordination and direction of the Executive Director all such duties and responsibilities as may be assigned by the Steering Committee. The Central Staff shall perform its activities for and be directly responsible to the Executive Director of the Association.

Section 5 - Organization

The Executive Director shall act as the principal administrative officer of the Central Staff. From time to time the Steering Committee may authorize the Executive Director to hire such additional staff, subject to approval, as the Committee shall deem necessary to carry on the activities of the Association. The Executive Director may organize the Central Staff into such departments or groupings as he may consider necessary to efficiently perform the activities of the Association.

ARTICLE V

FINANCES

Section 1 - Annual Budget

The Executive Director of the Association of Governments shall prepare a proposed annual budget for the consideration of the Steering Committee in their August meeting. After analyzing the proposed budget and making any corrections or revisions that it may find necessary, the Steering Committee shall adopt a final annual budget on or before its October meeting.

The annual budget shall include an itemized listing of all projects, programs, research studies, and activities together with a list of all sources of funding and an assessment schedule.

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Section 2 - Assessments

After adoption of the annual budget, the Steering Committee shall recommend to each county within the Association the amount of the budget that constitutes their assessment for the year. Assessments shall be levied on member counties on the basis of population as determined by the most recent census, assessed valuation, and retail sales, and shall be for funding projects, programs, research studies, and activities involving more than one local unit of government. Special assessments shall be levied on a member local unit of government in the event that it wishes to contract with the Association to provide a special service to that unit of government alone.

Section 3 - Annual Audit

If an Association annual budget is funded, the Steering Committee shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Steering Committee shall direct the Executive Director to employ a certified public accountant that shall have been approved by the Committee for such audit. The audit report shall be made available to each of the member local units of government and to the general public.

Section 4 - Fiscal Year

The fiscal year of the Association shall commence on January 1, and shall end on December 31.

ARTICLE VI

ADOPTION AND AMENDMENTS OF THESE BYLAWS

Section 1 - Majority Vote for Adoption

These Bylaws may be adopted by a majority vote of the Steering Committee.

Section 2 - Majority Vote for Amendment

These Bylaws may be amended by a majority vote of the Steering Committee.

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ARTICLES OF ASSOCIATION FOR
FIVE COUNTY
ASSOCIATION OF GOVERNMENTS
(REGION V)

PREAMBLE

We, the representatives of local governments in the respective counties of Beaver, Garfield, Iron, Kane and Washington, conclude: that problems of growth and development often transcend the boundary lines of existing local governmental units; that intergovernmental cooperation on a regional basis is an effective means of pooling the resources of local government to approach such problems; and that multi-county planning activities available under various laws of the United States should be conducted and administered in a coordinated manner.

Therefore, we the representatives of local government of Beaver, Garfield, Iron, Kane, and Washington counties in the State of Utah, hereby join together in a voluntary organization to be known as the Five County Association of Governments (Region V), for the purpose of meeting at regular intervals to discuss and study areawide problems of common interest and concern, and to develop policy and action recommendations for ratification and implementation by member governments in the area served by the region.

The voluntary inter-county association which is hereby formed is a vehicle for closer cooperation and is not a new layer of government nor is it a supergovernment. As a voluntary organization of local governments, the members seek to establish a framework for effective execution and coordination of programs to meet the common needs of the citizens of the region.

Our goal is to serve as a multi-purpose organization utilizing our combined total resources, to provide a more effective means for planning and development of the physical, economic, and human resources of the region.

I. PURPOSE

The Five County Association of Governments (Region V) hereinafter referred to as "The Association," shall be a voluntary organization of Governments to facilitate intergovernmental cooperation and to ensure the orderly and harmonious coordination of federal, state, and local programs for the solution of mutual problems of the region. The purposes of this organization are:

- A. To provide a common forum to identify, discuss, study, and resolve areawide problems.
- B. To achieve advantages of cooperative action which cannot be achieved individually and to make the most effective use of local leadership and staff resources.
- C. To provide local input into state programs which are undergoing increasing decentralization on a regional basis.

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- D. To serve as a multi-purpose "umbrella-type" organization to engage and carry out planning and development programs with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, local governments and any other matters which are relevant to the Association's purposes.
- E. To maintain liaison with members, governmental units and groups or organizations, and to serve as regional spokesman for local governments.
- F. To perform such other functions as may be deemed appropriate.
- G. Power to Contract. The Association shall have authority to act in its own name, to sue and where appropriate under Utah Code Annotated 1953, Repl. Vol. 7A, 63-30-1 et seq., to be sued, to make and enter into and enforce by court action all manner and kinds of contracts, agreements, and obligations by or with any person or persons, corporation or corporations, or any government or government agency not inconsistent with law for the purposes stated in these Articles including coordinating, administering and operating programs.

II. FUNCTIONS

The functions of the Association shall include:

A. Administration and Coordination of Programs

The Association is authorized to act as the parent organizational unit for the coordination, administration or operation of common programs of mutual interest and development programs which may have multi-county or regional level designation. The Association is the authorized agency to receive federal grants for all planning and development programs which may have multi-county or regional level designation. In regard to these functions, the Association may establish boards, committees, commissions, councils, or similar sub-unit governing bodies as may be required to meet organizational and procedural requirements of various federal programs or programs of its own creation. The composition of any of these sub-units of the Association shall be determined by the Steering Committee of this Association. Such bodies when appointed or otherwise selected, shall, as far as practical, serve as advisory groups to the Association.

B. Planning

The Association shall prepare and amend areawide plans for the physical, economic, and social resources of the region, and conduct studies and research on matters of regional concern. Such plans shall serve to foster the development and review of policies and priorities for regional growth and for coordinating intergovernmental affairs within the region.

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C. Review of Federal and State Aid Programs.

The Association shall be eligible to serve as the official clearinghouse agency for the purpose of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968, acting on behalf of, and under the recommendations of the members of the Association. The Association shall review and coordinate federal, state and local applications to the United States of America for loans and grants from all units of government operating within the region. Review procedures shall be developed in accordance with Bureau of the Budget Circular A-95, "Evaluation, Review, and Coordination of Federal Assistance Programs and Projects".

D. Services to Local Governments

The Association may furnish general and technical aid to local units of government within the region, to provide them with services and technical assistance in the conduct of planning and development activities.

E. Joint-Powers Authorization

The Association may, by appropriate action of the member government, exercise such other powers as are exercised or capable of exercise by the member governments and necessary or desirable for dealing with problems of mutual concern. Authorization may include joint financing, scheduling, and development of public facility projects with interjurisdictional significance or involve direct public services functions.

F. Assessments

The Steering Committee shall have the authority to levy assessments on member counties for funds to operate the Association. The participating units of government within each county shall determine their proportionate share of the assessment.

III. DEFINITIONS

A. "Association"

The Association as used in these Articles means the Inter-County Association of Governments or Cooperative body of city, county, and school district governments as established by these Articles.

B. Regional Problem

A regional problem is one that meets the following criteria:

1. That problem which is common to two or more counties, the solution of which cannot be achieved by governmental agencies acting independently of each other, or which cannot be achieved separately as economically as when acting cooperatively.
2. A solution is required by consideration of public health, safety, or welfare.

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C. Official Representative

Official representative as used in these Articles means the mayor, town president, or members of the governing body of member cities and towns from each county; the chairman or members of the Board of County Commissioners of each county; and the President or members of the Board of Education of every county in the region.

D. Region

Region means a geographic area composed of groupings of counties designated and established for carrying out the purposes of these Articles.

E. Ex Officio Members

Ex officio members of the Steering Committee of the Association as used in these Articles means those members who have a voice in regards to the functions of the Committee, but no vote.

IV. MEMBERSHIP AND REPRESENTATION

A. Steering Committee

The policy body for the Five County Association of Governments shall be known as the Steering Committee. The membership of the Steering Committee shall consist of:

1. The Chairman of each County Commission.
2. A Mayor or Town President from each County.
3. The Chairman of each County School Board.
4. A Representative from Southern Utah State College, a Representative from Dixie College, and all State Senators and State Representatives whose districts extend into the Five County area shall serve on the Steering Committee as ex officio members. Any member of the Steering Committee may select an alternate.

B. Terms of Office

Steering Committee members shall serve for terms of one (1) year or until their successors have been duly elected.

C. Officers

There shall be a Chairman and a Vice-Chairman who shall serve as Chairman in the former's absence. The position of Chairman shall rotate on an annual basis in the following manner: Iron County, Beaver County, Garfield County, Kane County, Washington County. Each county delegation shall determine who their Chairman shall be. If the county responsible to provide the Chairmanship of the Association for any specific year is unable to carry out the responsibility, the Chairmanship may be passed to the next county in sequence if approved by a majority vote of the total membership of the Steering Committee. In the event that the Chairman is unable to serve a full term in office, his county delegation shall choose a new Chairman to fill the unexpired term. Terms of office shall begin as of the first Association meeting in February of each year.

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V. DUTIES OF THE STEERING COMMITTEE

A. Voting

Each member of the Steering Committee shall have one (1) vote. A majority vote of the total committee membership is necessary to carry any question.

B. Quorum

A quorum of the Steering Committee shall consist of a majority of the total voting members.

C. Meetings

The Steering Committee shall be required to meet monthly or upon the call of its Chairman. The Steering Committee shall convene in a general meeting to be attended by all constituent elective officials from every county which is a member of the Five County Association of Governments (Region V) at least once every quarter. The purposes of the general meetings shall be to:

1. Submit a full report on current activities of the Association.
2. Report on budget and financial transactions since the previous general meeting.

D. Responsibilities

The responsibilities of the Steering Committee are:

1. To adopt and amend these Articles of Association.
2. To propose, initiate, approve, or carry out any studies, policies or other Association matters.
3. To prepare and evaluate policies, plans, and programs, and adopt a consistent set for consideration by all public and private agencies within the region responsible for implementing programs.
4. To serve in a review capacity to assure that all federal, state and local development projects are consistent with adopted areawide plans and programs.
5. To apply and receive state and federal grants for regional purposes.
6. To allocate components of the Regional Work Program among the Association's staff, staffs of other public agencies, and private consultants.
7. To establish representative technical advisory committees as needed to assist in the preparation of plans, programs, and project reviews.
8. Initiate, advise, and aid in the establishment of cooperative arrangements, including interlocal agreements, among local governments in the region.
9. To render advice and technical assistance on request of member governments in regard to local government problems having regional impact.

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10. To appoint, fix salary of, and remove the Executive Director.
11. To review actions of the Executive Director and the Staff.
12. To perform other activities as the Steering Committee may decide.

VI. STANDING COMMITTEES

A. Functional Areas

There shall be eight (8) Standing Committees representing the functional areas of Development Services, Education, Natural Resources, Transportation, Manpower Planning, Law Enforcement Planning, Health & Social Services, and Local Affairs. Additional Standing Committees and Subcommittees to the Standing Committees may be created by a majority vote of the total vote of the Steering Committee.

B. Membership

The Steering Committee shall choose the membership of each Standing Committee subject to the following limitations:

1. Each Standing Committee shall be composed of elective officials, professionals in the field and from related government agencies, and clientele of the related government agencies.
2. There need not be equal county representation on each Standing Committee, however, no county shall have more than three (3) representatives on each Committee.

C. Officers

Each Standing Committee shall designate a Chairman and Vice-Chairman subject to the approval of the Steering Committee.

D. Meetings

The Standing Committees shall meet as often as the respective members consider it necessary, or, upon call of the Steering Committee. When necessary, the Standing Committees may coordinate their meeting time and location with that of the Steering Committee.

E. Duties

The Standing Committees shall perform those duties as prescribed by the Steering Committee.

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VII. STAFF AND STAFF SERVICES

A. Central Staff

The Association may provide basic administrative, research, and planning services for all regional planning services for all regional planning activities hereafter undertaken. The Association may contract to obtain or perform services with state agencies, non-profit regional groups, councils of government, general units of local government and sub-district organizations as the result of federal programs. The staff shall perform its activities for and be directly responsible to the Steering Committee of the Association.

B. Executive Director

1. The Executive Director shall be appointed and removed by the Steering Committee.
2. Responsibilities of the Executive Director shall include:
 - a. Coordinating and directing all staff and consultant services as may be provided through the Association.
 - b. Recommending to the Steering Committee all staff appointments, advancements, and other employment policies.
 - c. Preparing and administering an annual approved work program and budget, and supervising the financial affairs of the Association under the direction of the Steering Committee.
 - d. In addition to the above designated duties, the Executive Director shall perform all other duties delegated to him by the Steering Committee.

C. Other Staff

The Staff of the Association shall be appointed and removed by the Steering Committee - taking into consideration the recommendations of the Executive Director.

VIII. STATUTORY AUTHORITY

The Five County Association of Governments (Region V) shall be an agency established by the joint powers agreement among the members, pursuant to Title II, Chapter 13, Utah Code Annotated 1953, as amended.

IX. DURATION, WITHDRAWAL

A. Duration

The duration of the Five County Association of Governments (Region V) shall be perpetual.

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B. Withdrawal

Any county, municipality, or school board which is a member of the Association may withdraw from membership upon thirty (30) days written notice to the Steering Committee, prior to the effective date of withdrawal. Any assessment monies paid by the withdrawing member shall be retained by the Association.

C. Dissolution of Funds and Properties

Upon dissolution of the Association the properties and funds of the Association shall be divided among the participating governmental units, on the basis on which they contributed during the last year.

X. AMENDMENTS

These Articles may be amended, repealed, or added to at regular or special meetings of the Steering Committee, provided that written notice shall state the amendments and changes which are proposed to be made. Proposed amendments shall be considered to have passed if two-thirds of the total members' vote is affirmative.

XI. EFFECTIVE DATE

These Articles of Association shall go into effect immediately upon the effective date of the agreement.

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IN WITNESS WHEREOF, we attach our signatures on this 3rd day
of August, 1973.

<u>Fred Harris</u> FRED HARRIS, Beaver County Commission	<u>Aug. 3 1973</u> Date
<u>Elmer Paice</u> ELMER PAICE, Mayor of Beaver	_____ Date
<u>Karl Truman</u> KARL TRUMAN, Beaver County School Board	_____ Date
<u>James F. Yardley</u> JAMES F. YARDLEY, Garfield County Commission	<u>8/3/73</u> Date
<u>Kay Heywood</u> KAY HEYWOOD, Mayor, Panguitch	<u>Aug. 3, 1973</u> Date
<u>Ivan Willis</u> IVAN WILLIS, Garfield County School Board	<u>10-5-73</u> Date
<u>Keith Smith</u> KEITH SMITH, Iron County Commission	<u>Aug. 3 1973</u> Date
<u>Loren Whetten</u> LOREN WHETTEN, Mayor, Cedar City	<u>aug 3, 1973</u> Date
<u>Ken Knight</u> KEN KNIGHT, Iron County School Board	<u>3 Aug 73</u> Date
<u>Merrill R. MacDonald</u> MERRILL R. MacDONALD, Kane County Commission	<u>8/3/73</u> Date
<u>Dee Porter</u> DEE PORTER, Town President, Glendale	<u>Aug 3 73</u> Date
<u>Jack H. Maxwell</u> JACK H. MAXWELL, Kane County School Board	<u>Aug 3/73</u> Date
<u>Truman Bowler</u> TRUMAN BOWLER, Washington County Commission	<u>Aug 3/73</u> Date
<u>Marion H. Bowler</u> MARION BOWLER, Mayor, St. George	_____ Date
<u>Grant Clove</u> GRANT CLOVE, Washington County School Board	<u>Aug 3, 1973</u> Date

APPROVED AS TO FORM
VERNO L. ROMNEY
Attorney General

By [Signature]