

**BY-LAWS AND RULES OF PROCEDURE  
OF THE  
ERIE REGIONAL PLANNING COMMISSION**

**PREAMBLE**

By virtue of the adoption of a Resolution of Cooperation by the Board of County Commissioners of Erie County, Ohio, and by the Planning Commission of municipalities within Erie County, Ohio, there has been created a Regional Planning Commission vested with powers given to Regional Planning Commissions under the laws of the State of Ohio, particularly Revised Code 713.21 et seq. Subject to the provisions of all applicable statutes and in order to carry out the duties and functions of the Regional Planning Commission vested in it by virtue of the Resolution of Cooperation and the statutes of the state of Ohio, it hereby is determined to be necessary and desirable that the following By-Laws be adopted:

**SECTION I – NAME**

The name of the Commission shall be the “Erie Regional Planning Commission” hereinafter referred to as “Commission.”

**SECTION II – REGION**

The region for which the Commission shall be created and maintained is all of Erie County, Ohio, any adjoining counties of part thereof and municipalities located in any of said areas and any counties or parts thereof and municipalities which become adjoining by virtue of expansion of the area through cooperation between municipalities and counties.

**SECTION III – MEMBERSHIP**

The Commission shall consist of the following voting members:

**A. COUNTY COMMISSIONERS**

The members of the Board of Erie County Commissioners, each of whom shall serve during his/her tenure of office.

**B. MUNICIPAL MEMBERS**

A representative of each of the municipal corporations cooperating in the maintenance of said Commission, which representative shall be designated by the Planning Commission or legislative body of said municipal corporation, for such terms as such Planning Commission or legislative body may elect; except that cooperating cities of over 15,000 population according to the latest Federal Census shall be entitled to a representative for each 15,000 population or part thereof. No cooperating municipality shall be entitled to more than three (3) municipal members. Such members hereafter shall be referred to as "Municipal Members." Each cooperating municipal corporation also shall designate an alternate for each municipal member, who hereafter shall be referred to as "Alternate Municipal Member."

**C. TOWNSHIP MEMBERS**

A representative of each of the townships cooperating in the maintenance of said Commission, which representative shall be designated by Trustees of said cooperating township for such term as Trustees may elect. Such members hereafter shall be referred to as "Township Members." Each cooperating township also shall designate an alternate for each Township member, who hereafter shall be referred to as "Alternate Township Member." The Alternate Township Member shall represent the township in the event the regular Township Member is absent from any meeting of the Commission. In case of such absence, the Alternate Township Member shall have the rights and privileges of the Township Member.

**D. VILLAGE MEMBERSHIP**

A representative of each of the villages cooperating in the maintenance of said Commission, which representative shall be designated by the Council of said cooperating Village for such term as Council may elect. Such members hereafter shall be referred to as "Village Members." Each cooperating village also shall designate an alternate for each Village Member who hereafter shall be referred to as "Alternate Village Member." The Alternate Village Member shall represent the village in the event the regular Village Member is absent from any meeting of the Commission. In case of such absence, the alternate Village Member shall have the rights and privileges of the Village Member.

**E. NON-VOTING MEMBERS**

The other members of the Regional Planning Commission are non-voting members and will be part of the Technical Advisory Committee, hereafter known as "TAC." The TAC shall meet prior to the Regional Planning Commission meeting, as scheduled by the Director. These members shall represent the following areas:

- |                      |                          |
|----------------------|--------------------------|
| Agriculture          | Banking & Finance        |
| Education            | Industry                 |
| Labor                | Soil & Water             |
| Public Utilities     | County Engineer          |
| Retail Merchandising | County Sanitary Engineer |
| Builder              | Ag. Extension Agent      |
| Health Department    |                          |

**F. VACANCIES AND DISMISSALS – MANNER OF RE-APPOINTMENT**

If any member of the Commission is absent for three (3) consecutive meetings, without having been excused, he/she shall be considered to have resigned and shall not be counted thereafter in the numerical requirements of a quorum. If any member is so dismissed for non-attendance, the Secretary shall notify the participating body of their member's dismissal and request a reappointment of a new member. Any vacancy occurring among the Municipal, Township, Village or alternate members, shall be filled for the unexpired term in the same manner in which the said member was designated or chosen originally.

**SECTION IV – POWERS AND DUTIES OF THE COMMISSION**

**A. REGIONAL PLAN**

The Commission shall have the power and duty to make plans and maps of the region showing the Commission's recommendations and systems of transportation, highways, park and recreational facilities, water supply, sewerage and sewage disposal, garbage disposal, civic centers and other public improvements which affect the development of the region as a whole, or more than one affect the development of the region as a whole, or more than one political subdivision within the region and which do not begin and terminate within the boundaries of any single municipality.

Said plans or maps 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 except at a regular or special meeting of the Commission.

**B. COMMUNITY ASSISTANCE**

Said Commission or any cooperating member may undertake the study, planning, mapping and other report upon public improvements, or the use of land within the boundaries of such political subdivision. Any study, planning, mapping or other report so undertaken shall be advisory only and subject to adoption by such political subdivision. The only cost to be incurred by the political subdivision would be for material and reproduction costs.

**C. OTHER POWERS**

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

**SECTION V – OFFICERS AND COMMITTEES OF COMMISSION**

**A. OFFICERS**

1. Executive Officers

The Executive Officers of the Commission shall be its President and First Vice-President, each of whom shall be elected by the Commission at its first regular meeting in each year and who shall take office at the first regular meeting in April of the same year and who shall hold office until the first regular meeting of April in the succeeding year. The President and Vice-President shall be members of the Commission and not serve consecutively for more than two (2) terms.

2. Other Officers

The Commission may appoint or elect such other officers as it shall deem necessary, who shall have such authority and shall perform such duties as from time to time shall be assigned by the Commission or the Executive Committee. The Executive Committee shall appoint a Secretary who may, but need not be, a member of the Commission.

3. Nominations

On or before December 1<sup>st</sup> in each year, the President shall appoint a "Nominating Committee" of five (5) members of the Commission, which Committee shall prepare a list of one (1) or more nominations for each officer, selected from among the members of the Commission for its officers. The County Commissioners, Municipal Members, Township Members and Village Members shall each be represented on said Committee. Such list of nominees shall be mailed to each member of the Commission at least seven (7) days prior to the first regular meeting of the Commission in the following year. Additional nominations may be made from the floor by any member of the Commission at the Annual Meeting. Election shall be by ballot and tally shall be made by the Nominating Committee.

4. Vacancy

If any executive office shall become vacant by reason of death, resignation, disqualification or any other cause, the Commission shall elect a successor to hold office for the unexpired term in respect to which such vacancy occurred or was created. Such vacancy shall be filled at a regular meeting by nominations from the Commission Members present and by receiving the most votes cast.

5. (a) Duties of the President

The President shall preside at all meetings of the Commission and the Executive Committee and except to the extent hereinafter otherwise provided, sign all written contracts and obligations of the Commission. He/she shall be, ex-officio, a member of all standing committees and shall perform all the duties as may from time to time be required or requested of him by the Commission or the Executive Committee.

(b) Duties of the Vice-President

The Vice-President shall perform all the duties of the President in case of his/her absence or disability and such other and further duties as may from time to time be required or requested of them by the Commission or the Executive Committee.

In case the Vice-President and President are absent or unable to perform their duties, the Executive Committee shall appoint a President Pro-Tempore.

(c) Duties of the Secretary

The Secretary shall keep or supervise the keeping of attendance records and of the minutes of all meetings of the Commission or Executive Committee in books provided for that purpose and shall perform such other duties as may be required or requested by the Commission or the Executive Committee. Also, the Secretary shall notify political subdivisions of deficiencies in attendance.

**B. COMMITTEES**

1. Executive Committee

(a) Membership

There shall be an Executive Committee of the Regional Planning Commission consisting of the President, First Vice-President and a County Commissioner. A township member, village member and municipal member will be appointed by the President.

(b) Term of Service

Each member of the Executive Committee shall serve until the next regular or special meeting following the election of officers of the Commission or until his/her successor is chosen and qualified; provided, however, that in the event of a vacancy occurs in such Committee by resignation, disqualification or otherwise, it shall be filled by appointment by the President, subject to confirmation by the Commission, of a qualified person for the unexpired term of his/her predecessor.

(c) Powers of Executive Committee

All of the powers and duties of the Regional Planning Commission, except as otherwise provided in the Statutes of the State of Ohio, or in the terms of these By-Laws, shall be possessed and may be exercised by the Executive Committee, but always subject to review by the Commission as a whole as hereinafter provided.

(d) Adoption of Plans

Upon the adoption by the Executive Committee of any map or plan of the kind and character described in Section 713.23 et seq. of the Ohio Revised Code, (affecting the Region or County as a whole) of any change, supplement or abolition thereof, the Commission shall cause a copy thereof to be sent by mail or delivered personally to each member of the Regional Planning Commission and a written record to be made of each such mailing or delivery. Any member of the Commission may, within then (10) days after the mailing or delivery of his/her copy, serve written demand on the President of the Commission for a special meeting of the Commission to review such map, plan, change, supplement or abolition, in which case, the President shall call such special Commission meeting to be held not more than fifteen (15) days after the receipt of such demand. At such special meeting such map, plan, change, supplement or abolition may be modified or disapproved by the vote of the majority of the members present and constituting a quorum or by unanimous vote of those present and who constitute not less than a majority of a quorum as hereinafter provided in paragraph (c) of Section VI, but if not so modified or disapproved, it shall stand as the action of the Commission.

(e) Dismissal, Reason For

If any member of the Executive Committee appointed by the President is absent for three (3) consecutive regular or special meetings, without having been excused, that member shall be considered to have resigned and shall not be counted thereafter in the numerical requirements of a quorum, unless and until a successor has been appointed by the President and said appointment confirmed.

2. Committees

All committees of the Commission shall be appointed by the President and report to the regular Commission members of their findings as needed. Upon request by any participating unit of government, representation shall be granted.

## **SECTION VI—MEETING OF THE COMMISSION AND ITS COMMITTEES**

### **A. MEETINGS OF THE COMMISSION**

#### 1. Regular Meetings

The Commission shall hold regular monthly meetings in each calendar year. However, in the event there is not sufficient business or applications are not filed in a timely manner, the President may cancel such meeting. In any event, the Commission shall hold no less than four (4) regular meetings in each calendar year. Such meetings are to be conducted according to parliamentary procedure, as set forth in the most recent edition of *Robert's Rules of Order* or as otherwise set forth herein.

#### 2. Special Meetings

Special meetings may be called by the President or any three (3) members, for any purpose of the Commission and shall be called for the purpose of review in the manner above, provided in Section V, Article B, Part 1 (d).

#### 3. Notification

The Secretary of the Commission shall mail or deliver written notice of each regular or special meeting to each member of the Commission not more than ten (10) days, nor less than seven (7) days before such meeting. Notices of any special meeting shall state the purpose for which such meeting is called.

#### 4. Procedures

(a) The Commission will hold regular monthly meetings on the fourth Thursday. All applications should be submitted twenty-one (21) days prior to this meeting and will be date-stamped when received. The Technical Advisory Committee (TAC) will meet the Friday before the regularly scheduled planning meeting. The TAC will submit written comment for their meeting.

(b) If one of the conditions for the submittal is not met, the applicant will be advised of such and have the option of withdrawing his application from the agenda.



**B. MEETINGS OF THE EXECUTIVE COMMITTEE**

The Executive Committee shall provide by rule for its regular and special meetings. Such meetings are to be conducted according to parliamentary procedure, as set forth in the most recent edition *Robert's Rules of Order* or as otherwise set forth herein.

**C. QUORUM**

At any meeting of the Commission or Executive Committee, a quorum shall consist of a simple majority of eligible members present.

**SECTION VII – FINANCIAL PROVISIONS**

**A. APPORTIONMENT OF COSTS**

The cost of maintaining the Commission shall be apportioned in the following manner:

1. Each village and township cooperating herein shall contribute in each calendar year, sixty cents (.60) per capita of its population, according to the latest Federal Census, but subject to review and adjustment, if necessary, by the Budget & Finance Committee at each five (5) year interval, but not less than one hundred dollars (\$100.00) in each calendar year. Each municipal member shall contribute in each calendar year thirty cents (.30) per capita of its population. In the event that a municipality or village is a part of a township, the township shall make payment for the area outside of the unincorporated area. Such contribution shall be paid in January of each year.
2. The Commission may accept, receive and expend funds, grants and services from the Federal Government or its agencies, from departments, agencies and instrumentalities of state or local government or from civil sources and contract with respect thereto and provide such information and reports as may be necessary to secure such financial aid.
3. The remainder of such cost shall be paid by the Boards of County Commissioners of the cooperating counties as follows:
  - (a) The Board of County Commissioners of Erie County will provide professional planning and economic development services as per the agreement between the County and the Commission.

- (b) Any other cooperating county, municipality, village or township, will provide at least sixty cents (.60) per capita determined as in Section 1 above of the participating political subdivisions in each calendar year for such purpose, payable in January of each year.

**B. APPROPRIATIONS**

The Commission shall, at its regular January meeting in each year, make appropriates for that year, which appropriations may be modified or supplemented from time to time during the year, but shall at no time, exceed the total amount received or due from authorized sources.

**C. EXPENDITURES AND DISBURSEMENTS**

1. Manners

All disbursements of the Commission shall be by voucher drawn on the Auditor of Erie County.

2. Major Expenditures and Disbursements

All expenditures, disbursements or commitments or contracts for expenditures or disbursements, when in excess of five-hundred dollars (\$500.00), shall be authorized by the Commission.

3. Minor Expenditures and Disbursements

Expenditures, disbursements or commitments or contracts for expenditures or disbursements, in an amount of five hundred dollars (\$500.00) or less, shall be authorized by the Director, or in his/her absence by his/her Assistant, of the President, or in his absence by the Vice-President, provided that no one shall approve payments to himself.

**SECTION VIII – CERTIFICATION AND ADOPTION OF PLAN**

**A. CERTIFICATION TO LOCAL COMMUNITIES**

The Commission, after making the regional plan, or any change, supplement or abolition thereof, shall certify a copy thereof to the City or Village Planning Commission of each municipality of the region, each township Board of Trustees and to the Board of County Commissioners of each of the cooperating counties.

**B. ADOPTION BY LOCAL COMMUNITIES – EFFECT**

The Planning Commission of any municipality to which such plan, change, supplement or abolition is certified, may adopt the same and it shall thereupon have the same force and effect within such municipality as is provided by law or charter for plans prepared and adopted by said Planning Commission. The County Commissioners of each county may adopt said plan, change, supplement or abolition so far as it relates to non-municipal territory within their jurisdiction.

**C. EFFECT IN COMMUNITIES NOT ADOPTING**

Said plan, change, supplement or abolition shall be of no effect, in any municipality unless so adopted by is Planning Commission, nor in any non-municipal territory unless so adopted by the County Commissioners of each county.

**D. FILING WITH COUNTY RECORDER**

When so adopted, said plan, change, supplement or abolition shall be certified to the Commission and filed with the County Recorder of each county, as provided by law.

**SECTION IX – COMMUNITY PLANNING SERVICES**

**A. MEMBERSHIP PRIVILEGES**

Any member city, village, township or county shall, without additional contribution, be entitled to the following:

1. Representation and participation by representatives of its own choosing, in discussions and decisions regarding planning of regional or local interest at all meetings of the Commission.
2. Representation on special committees authorized or appointed to study special problems, wherein the area involved includes some part or all of the territory of such municipal member.
3. A review and report regarding any preliminary plan of a subdivision of a limited area, as determined by the Director, filed with the municipality in which a subdivision is proposed.
4. Consultation by local planning officers with staff members of the Commission on planning issues.
5. Community assistance, as detailed in Section IV (B).

6. The attendance by a staff member of the Commission, upon request and as determined by the Director, at meetings of the municipal planning commission or legislative body, to render advice and assistance on specific local planning matters.
7. The use of the library of the Commission.

**B. AGREEMENT FOR COMMUNITY PLANNING SERVICES**

The Director hereby is authorized to undertake for the Commission of any municipality which is a member of the Commission or the Planning or Zoning Commission of any other political subdivision of the cooperating counties, in addition to the services mentioned in Article A of this Section, the study, planning and mapping of, or reporting upon public boundaries of such municipality or other political subdivision, which affect the development of the region as a whole, or which do not begin or terminate within such municipality or other political subdivision, the cost thereof to be in accordance with these By-Laws or in accordance with any special agreement authorized or approved by the Executive Committee.

**C. REPORTS ON PROGRESS ON COMMUNITY PLANNING**

At each regular meeting of the Commission, the director shall cause a report or reports to be presented on community planning then in progress or under consideration.

**SECTION X – PERSONNEL**

The Board of County Commissioners shall provide a Director and Administrative Assistant on a contract basis.

**A. DIRECTOR**

1. Qualifications

The minimum qualifications shall be as follows or their equivalent:

- (a) A Masters Degree from a recognized institution in Engineering, Planning, Architecture, Landscape Architecture or related fields together with at least three (3) years of experience in the field of planning, or
- (b) A Bachelors Degree from a recognized institution in Engineering, Planning, Architecture, Landscape Architecture or related fields together with a minimum of five (5) years of planning experience, two of which have been in a supervisory capacity.

2. Duties

The Director shall have charge of and manage the active business operations of the Commission; shall supervise and control the work to be done by its employees and sign all reports and recommendations of the Commission, under the direction of the Commission or the Executive Committee and shall keep active accounts of all property passing through his/her hands and shall do and perform all other duties incidental to his office and such other duties as may from time to time be assigned to or requested of him/her by the Commission, the Executive Committee or the Executive Officers.

3. Dual Offices

The Director may be elected as Secretary of the Commission.

**SECTION XI – INCLUSION OF STATUTES AND SEVERANCE CLAUSE**

- A. All applicable statues of the State of Ohio are included in these By-Laws and Rules of Procedure and made a part thereof.
- B. The invalidity of any section or provision of the Resolution of Cooperation or By-Laws and rules of Procedure shall not invalidate any other section or portion thereof.

**SECTION XII – WITHDRAWL**

The Planning Commission of any cooperating municipality, or the Board of County Commissioners of any cooperating county, may withdraw their cooperation hereunder at any time by adopting a resolution so to do and delivering a certified copy thereof to the Secretary of the Commission. In the case of cooperating municipalities, such resolution must be approved by the legislative body of said municipality. Such withdrawal shall be effective upon delivery, but shall not relieve the withdrawing party of its obligation to contribute its share of the cost for the year in which the withdrawal occurs, nor shall it withdraw for the year the party's territory from the Region.

**SECTION XIII – AMENDMENT**

These By-Laws may be amended from time to time only in accordance with the following procedure:

- A. A resolution shall be proposed by five (5) members of the Commission or a recommendation by the By-Laws Committee setting forth the proposed amendment at least fifteen (15) days in advance of the next regular meeting of the Commission.
- B. The Secretary shall thereafter, but not less than seven (7) days prior to the next regular meeting of the Commission, forward to each member of the Commission a copy of such proposed amendment, together with a notice that it will be the subject of action at the next regular meeting of the Commission.
- C. Such proposed amendment shall be presented at the next regular meeting of the Commission and be considered as moved and seconded for adoption. Such amendment shall be deemed adopted upon receiving the affirmative vote of a majority of the members of the Commission.
- D. Sections XII and VII, in addition to steps A, B, C and D of this Section may be amended only after the proposed amendment has been approved by the Boards of County Commissioners of the region and a majority of the participating municipalities, such action to be completed within six (6) months of the date of the approval of the proposed amendment by the Boards of County Commissioners of the cooperating counties.

**SECTION XIV – RESOLUTION OF COOPERATION**

The following Resolution of Cooperation hereby is made a part of the By-Laws:

Resolution No. \_\_\_\_\_ by Mr./Ms. \_\_\_\_\_. To provide for cooperation with the County Commissioners of Erie County, Ohio, the County Commissioners of any cooperating County and the Planning Commissions of municipalities in the region as defined in the By-Laws, in the maintenance and operation of the Commission.

BE IT RESOLVED BY \_\_\_\_\_ (name of cooperating body) of \_\_\_\_\_ (county, city, township or village) County, Ohio.

**SECTION I – MEMBERSHIP**

That said \_\_\_\_\_ (name of cooperating body) hereby does pledge its cooperation with the County Commissioners of Erie County, Ohio and the County Commissioners of any cooperating counties and such municipalities and townships in said Erie County, adjoining counties or other counties as may from time to time similarly cooperate in the maintenance and operation of the Commission.

**SECTION II – GENERAL RULES AND PROCEDURE AND OPERATION**

In compliance with and as a part of this Resolution, the \_\_\_\_\_ of (county, city, township or village) also agrees to maintain its membership in said Commission in compliance with the general terms of the Commission's adopted By-Laws and Rules of Procedure.

**SECTION III – TIME OF TAKING EFFECT**

These terms of cooperation shall take effect immediately upon their adoption and certification by the Board of County Commissioners or by the legislative body of said County, City, Village or Township. The Secretary of the Commission shall upon receipt of a copy of the duly adopted and certified resolution, thereafter, include said County, City, Village or Township as a full member in the Commission with all privileges and rights thereto.

*(For Cities, Villages or Townships)*

**Adopted:** \_\_\_\_\_ (Date) PLANNING COMMISSION OF THE CITY,  
VILLAGE OR TOWNSHIP OF \_\_\_\_\_ IN \_\_\_\_\_  
COUNTY, OHIO.

**Approved:** \_\_\_\_\_ (Date) COUNCIL OR TRUSTEES OF THE CITY,  
VILLAGE OR TOWNSHIP OF \_\_\_\_\_ IN \_\_\_\_\_  
COUNTY, OHIO.

\_\_\_\_\_  
(President of Council, Mayor or Chairman of Trustees)

**Attest:**

I, \_\_\_\_\_ Clerk of the (city, village or township) of  
\_\_\_\_\_ County, State of Ohio, hereby do certify that the  
foregoing Resolution No. \_\_\_\_\_ was duly and regularly adopted  
by the Council or Trustees of \_\_\_\_\_, Ohio, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_\_.

(Signed) \_\_\_\_\_  
(Clerk)

*(For Counties)*

**Adopted:** \_\_\_\_\_ (Date) BOARD OF COUNTY COMMISSIONERS  
\_\_\_\_\_ COUNTY, OHIO.

**Attest:**

I, \_\_\_\_\_ Clerk of the Board of County Commissioners  
of \_\_\_\_\_ County, State of Ohio, hereby do certify that the  
foregoing Resolution No. \_\_\_\_\_ was duly and regularly adopted on  
the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

(Signed) \_\_\_\_\_  
Clerk of Board