

JOINT COOPERATIVE AGREEMENT

A Joint Cooperative Agreement between the boards of county commissioners, city councils of cities with 1,000 population or more, and Tribal Councils within the boundaries of the Third Planning and Development District, as designated by Executive Order of the Governor, “Executive Order Establishing the Multi-County Planning and Development Districts,” dated, December 4, 1970.

ARTICLE I

Section 1. Authority

The authority for boards of county commissioners to jointly plan and promote regional economic development is explicitly given under the provisions of the Title 11-2-1 to 11-2-35 SDCL 1967: specifically 11-2-4 to 11-2-8. The structure of this Joint Cooperative Agreement is outlined in Title 1-24-1 to 1-24-10 SDCL 1967, entitled the Joint Exercise of Governmental Powers Act of 1966.

Section 2. Duration of the Agreement

The Joint Agreement represents a voluntary association of counties, municipalities, and tribal councils to finance and promote regional planning and development. This agreement shall not become effective, or will terminate in future years, should less than six (6) counties agree by official resolution to finance the costs of the District planning staff.

Section 3. Governing Body

The Governing Body of the District shall be the Third District Planning and Development Committee.

ARTICLE II

Section 1. Fiscal Year

The fiscal year of the District shall begin on the first day of January and terminate on the thirty-first day of December.

ARTICLE III

Section 1. Members

The District Planning and Development Committee shall be composed of the following members:

- ◆ One county commissioner or a representative from each county selected by the board of county commissioners such that a minimum of three-fourths of the members appointed in this manner must be county commissioners;
- ◆ One mayor, city council member or appointed, from each city with a population of 1,000 or more according to the most recent decennial census selected by the city council;
- ◆ One representative from each Tribal Council selected by the Tribal Council; and
- ◆ With the majority of the membership being elected officials.

Section 2. Additional Members

The District Planning and Development Committee has the power to expand its own membership according to guidelines established by a majority vote of the Committee. They may also from time to time reduce the size of the Committee provided that none of those listed in Section I shall be removed without an amendment to the Joint Agreement.

Section 3. Terms

Those governmental units listed in Section I shall appoint one of their members for a term of one year to the District Planning and Development Committee. They may reappoint members at the end of the one-year term. They may also appoint new members to fill the unexpired terms of those who can no longer serve on the Committee for whatever reason.

ARTICLE IV - COMMITTEE OFFICERS

Section 1. Officers

The officers of the Committee shall be:

- ◆ A Chairman;
- ◆ Vice-Chairman;
- ◆ Secretary; and
- ◆ Treasurer

The above mentioned officers will be elected for two-year terms, with eligibility for reelection for a second term, but may not be elected for more than three terms of office without leaving office for a least one term. Any vacancy occurring in any office shall be filled by the Committee for the unexpired term. The Committee shall also elect for one-year terms, additional Committee Members to fill At-Large positions on the Executive Board. The Committee shall establish the number of at-large positions by a majority vote of the Committee. A minimum of two and maximum of five (5) at-large positions shall be part of the Executive Board.

A minimum of one (1) position, on the Executive Board, shall be filled by a minority representative.

Section 2. Duties of Officers--Chairman

The Chairman shall preside at all meetings of the Committee and shall have special duties as further prescribed in the Bylaws, and shall have the further authority to preside at any adjourned meeting or call and preside at any special meeting. Except as otherwise authorized by resolution of the Committee, the Chairman shall sign all report and instruments made by the Committee. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business affairs and policies of the Committee. He shall have general executive supervision of all the business of the District and shall perform such other duties as may be necessary to carry out the business of the Committee.

Section 3. Duties of Officers—Vice Chairman

The Vice-Chairman shall, in the absence of the Chairman or his inability to act, assume the duties of the Chairman.

Section 4. Duties of Officers---Secretary

The Secretary shall review and sign a record of all business transacted by the Committee. Investigating powers of the Committee shall be vested in the Secretary. At any time deemed necessary, all records and correspondence of the District office shall be made available to the Secretary for inspection and review. The Secretary shall file a report of such investigations with the District III Committee. The Secretary shall also perform such other duties in regard to records as the Committee may direct.

Section 5. Duties of Officers---Treasurer

The Treasurer shall sign all checks which disperse District funds and may review all vouchers, accounting, and financial records of the District as deemed necessary.

Section 6. Duties of Officers---Executive Board

The Executive Board shall consist of the Chairman, Vice-Chairman, Secretary, Treasurer, and between two (2) and five (5) At-Large Committee members.

It shall be the responsibility of the Executive Board to oversee, review, and implement decisions pertaining to the management of the District III office and staff.

The Executive Board shall approve all District staff reassignments from one job classifications to another and staff promotions in grade as provided for in the District III Personnel Manual.

The Executive Board shall advise and counsel the District Director on District III policy, financing, and personnel matters. However, any decisions or recommendations made by the Executive Board which would have an impact on any unit of local government served by District III must be approved by the District III Committee.

ARTICLE V - MEETINGS

Section 1. Regular Meetings

The Committee shall establish a schedule of regular meetings at such a place and time within the District as it may designate.

Section 2. Meetings---Special

Upon the written request of 10 percent of the members of the Committee, or when he deems it expedient, the Chairman shall call a special meeting of the Committee for the purpose of transacting any business designated in the call. The call for such special meeting shall be delivered to each member or may be mailed to each member at such address, as he shall have

previously designated, not later than five (5) days before the meeting. At such special meeting, no business shall be considered other than is designated in the call.

Section 3. Quorum

A majority of members of the Committee shall constitute a quorum for the purpose of conducting business, but a smaller number may adjourn from time to time until a quorum is obtained. However, it shall be assumed that a quorum existed at any meeting unless the questions of quorum was raised at that meeting. When a quorum is presented, a majority of those present will decide all issues presented.

Section 4. Voting

Voting shall be by voice and shall not be recorded by yeas and nays unless requested by a member of the Committee. Members of the Committee can give voting proxies to their personal representatives if they are unable to attend the meetings.

Section 5. Rules--Action of the Committee

The rules contained in the last revised edition of *Robert's "Rules of Order"* as published by the Scott-Forman Publishing Company shall apply in all meetings of the Committee to the extent that such rules are not in conflict with these Bylaws. In the conduct of all business by the Committee, the following is set forth in these Bylaws as a guiding principle.

- ◆ It is the basic objective of this Committee to unite all beliefs and interest in the fulfillment of sound program for the development of this District.
- ◆ This objective can only be obtained by the use of the best techniques of group thinking and by minimizing any elements of force in the action of the group.
- ◆ It is the guiding policy of this Committee that in all of its groups activity, every reasonable effort shall be made to attain the closest possible approach to unanimous consent.

ARTICLE VI - SUB-COMMITTEES

Section 1. General

The Chairman shall appoint such sub-committees as may be needed to advance the interest of the Committee and to carry on its work. In order to provide liaison and communication, at least one member of the District Committee shall serve on each sub-committee. The Chairman of each sub-committee shall serve as an ex-officio member of the District Committee. One member per sub-committee will be enforced, allowing no more than 24 sub-committees.

Section 2. Sub-Committee Reports

Sub-committees may submit their findings and recommendations in writing to the District Committee, who may take official action thereon. No finding or recommendation of any sub-committee shall be reported or published until approved by the District Committee.

Section 3. Existing Boards and/or Commissions

Existing District-wide boards and/or commissions, established pursuant to Federal planning requirements, will be asked to serve as sub-committees to the District Committee.

Section 4. Dismissal of Sub-Committee

Should any sub-committee created by the District fail to discharge the duties assigned to it with reasonable promptitude, it may be discharged by the District Committee or Chairman.

Section 5. Vacancies on Sub-Committee

Vacancies on sub-committees created by the District shall be filled by the Chairman.

ARTICLE VII

Section 1. - Objectives and Purposes

The objective and purposes of the district Committee shall be:

1. To initiate and guide area-wide planning within the District;
2. To supervise the District staff in carrying out both comprehensive and specific planning and rural development activities; and
3. To accomplish a coordinated, adjusted, efficient and comprehensive Model Rural Development of the District.

These shall be carried out without discrimination in regard to race, color or creed.

ARTICLE VIII - POWERS AND LIMITATIONS

Section 1. - Powers of the District Committee

1. To prepare broad modular planning units for development of the District, including but not limited to population, economy, governmental services, utilities, education, housing, transportation, recreation, health, natural resources,

manpower, law enforcement, social services, poverty and economic development.

2. To assist individual counties and municipalities in the District to participate more effectively in State and Federal grant-in-aid programs.
3. To review and make recommendations on projects which will affect the development of the District, in accordance with the various plans and programs of the District.
4. To recommend projects which will enhance the development of all resources to be carried out through existing governmental units or through a combination of these as applicable under State laws.
5. To compile, prepare, publish and disseminate information about the various resources of the District and sub-areas.
6. To promote and assist in the creation of public and semi-public non-profit organizations as needed, for carrying out specific projects and programs initiated under Federal and State laws.
7. To cooperate and coordinate its activities with local and state planning agencies and other Districts and with Federal agencies responsible for planning and developing and implementing plans for development.
8. To analyze existing Federal and State grant-in-aid programs in an effort to pinpoint the handicaps rural areas suffer in competition with large urban areas for these grant monies.
9. To prepare District-wide packages of projects, developed in relation to District developmental plans for submission to various Federal agencies for funding.
10. To provide direct assistance to counties, municipalities, tribal councils, agencies and individuals within the District, or to participate directly, in the creation and implementation of development activities or projects for the benefit of the district, or specific areas within the district, and to provide direct technical and supervisory assistance for carrying out specific projects and programs, and to enter into any necessary contract or obtain any available grant for said purposes.

Section 2. - Limitation on Powers

In the carrying out of its purposes, powers and function, the Committee, its members, and the District staff shall remain within these guidelines or limitations:

1. All plans shall be advisory only.
2. No zoning ordinances or subdivision standards regulating land use may be enacted by the District Committee.

3. The Committee is to have no authority that would supplant or in any way interfere with or supersede the planning and development authority granted cities and counties under other applicable State statutes.
4. Plans are to reflect goals and objectives for harmonious development of the District.
5. Plans prepared by or for the Committee shall be transmitted to all governmental bodies that are members of the District. It will be for these governmental bodies to adopt them as their own for purposes of planning and development.
6. No power of eminent domain is to be exercised.
7. The Committee cannot engage in construction projects.
8. The Committee cannot regulate the agricultural or other use of the land.

ARTICLE IX - DISTRICT STAFF

Section 1. - District Director

The District Committee shall have the authority to name, employ and terminate a District Director (hereinafter referred to as the Director) and fix his compensation.

Section 2. - Other Employees

The Director shall name, select, control and release such other staff members as may be necessary, prescribe their duties, authority and responsibilities and fix their compensation.

Section 3. - Responsibilities of the District Director

It shall be the responsibility of the Director to:

1. Keep the members of the Committee informed of the activities of the District staff.
2. Establish liaison and work closely and cooperatively with the State of South Dakota and its organs, Federal agencies, the other public, semi-public and private organizations having similar purposes as this Committee.
3. Develop methods and procedures for accomplishing the objectives and purposes of the Committee that are consistent with the powers and limitations of the Committee.
4. Closely examine Federal programs and their operations with a view towards improving their effectiveness in rural areas.

5. Along with the chairman, be an ex-officio member of all sub-committees.
6. Be responsible for the financial records and books of account for the District. He shall report on the financial condition of the District at the request of the Chairman. An annual audit of the District's financial books shall be made and distributed to the Committee.
7. Make reports and suggestions, other than those required, to the District Committee or the Chairman as he deems necessary and proper.

ARTICLE X

Section 1. - Financing

The District Planning and Development Committee shall determine the amount of local matching money that will be requested from the boards of county commissioners for each fiscal year of the District operations. This amount will be determined after the District Director presents his proposed budget to the Committee listing possible sources of Federal and State funds available on a matching basis to operate the District during each specific fiscal year. The pro-rating of the local matching monies shall be the responsibility of the District Committee.

ARTICLE XI

Section 1. - Amendments To The Agreement

This Agreement may be amended by a majority vote of the membership present of the Committee, at any regular or special meeting of the Committee, provided that such amendment be stated in writing in the call for the meeting at which the amendment or amendments are to be considered. Notice of such meeting shall be mailed to all members at least five (5) days prior to the meeting.

Upon approval of the amendment by the Committee, the amendment will be submitted to all boards of county commissioners, city councils, and tribal councils, party to this agreement, for their approval by official resolution. All boards of county commissioners currently funding the District must approve the amendment.

ARTICLE XII

Section 1. - Termination of the District Agreement

In the event that the Joint Agreement financing the District staff be terminated due to lack of support by the boards of county commissioners with the District, all equipment and supplies owned by the District staff shall be sold by sealed bids to local units of government within

the district's boundaries. The Chairman, Vice-Chairman and Secretary of the District Committee shall oversee the advertisement, receiving of the bids and opening of the bids. Money received from the sale of District staff equipment and supplies will be divided equally among those boards of county commissioners that financed the District operations since it inception, or within the last three fiscal years, whichever period is shortest.

ARTICLE XIII

Section 1. - Effective Date

This Joint Cooperative Agreement shall take effect and be in full force immediately upon its adoption by official resolution of six (6) of the boards of county commissioners located within the boundaries of the Third Planning and Development District. The agreement shall continue in force during each fiscal year that it receives funding from at least six (6) boards of county commissioners.

ARTICLE XIV

Section 1. - Adoption

Adopted on the _____ day of _____.

BY:

Chairman or Mayor

ATTEST:

County or City Auditor