CENTRAL IOWA REGIONAL ASSOCIATION OF LOCAL GOVERNMENTS

CERTIFICATION

FILED NO. 2031
BOOK 30 PAGE 308
1973 DEC 26 PM 4:40
MARY E. WELTY
MADISON COUNTY RECORDER

Fee $ 30 50
15 pgs.
D. H.

STATE OF IOWA)
) SS
COUNTY OF POLK)

I, J. Terrance Smith, first being duly sworn, do upon my oath state and certify that I am the duly appointed and acting executive director and secretary of the Central Iowa Regional Association of Local Governments, that the attached Articles of Agreement, Central Iowa Regional Association of Local Governments, which become effective January 1, 1973, have been adopted by the following municipal corporations: Alleman, Altoona, Ames, Ankeny, Beaver, Bondurant, Boone, Boxholm, Cambridge, Clive, Cumming, Dawson, Des Moines, DeSoto, Dexter, Elkhart, Gilbert, Granger, Grimes, Husley, Johnston, Kelly, Kellogg, Knoxville, Lambs Grove, Linden, Luther, McCallsburg, Maxburg, Madrid, Melcher, Minburn, Mitchellville, New Virginia, Norfolk, Pella, Perry, Polk City, Prairie City, Runnells, St. Charles, Sheldahl, Slater, Story City, Urbandale, Waukee, West Des Moines, Windsor Heights and Woodward, and by the following Counties: Boone, Madison, Marion, Polk and Story, and that said Articles are being herewith filed and recorded pursuant to the provisions of Section 28 E.8, Code of Iowa, 1973.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20 day of December, 1973.

J. Terrance Smith
J. Terrance Smith

Subscribed and sworn to before me this 20 day of December, 1973.

JACK R. HALL
MY COMMISSION EXPIRES
SEPTEMBER 30, 1977

Jack R. Hall
NOTARY PUBLIC IN AND FOR STATE OF IOWA

IND. ✓
REC. ✓
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INDEXED ✓ ABSTRACTED ✓
FILED ✓ PROOF ✓
MAILED

CENTRAL IOWA REGIONAL ASSOCIATION OF LOCAL GOVERNMENTS

CERTIFICATION

STATE OF IOWA)
) SS
COUNTY OF POLK)

I, Joel B. Gunnells, first being duly sworn, do upon my oath state and certify that I was the duly elected Secretary of the Central Iowa Regional Planning Commission and am the acting secretary of the Central Iowa Regional Association of Local Governments, that the attached Articles of Agreement of the Central Iowa Regional Association of Local Governments was duly approved prior to January 1, 1973 by the Central Iowa Regional Planning Commission, that said Articles were duly approved prior to January 1, 1973 by the following municipal corporations: Altoona, Ames, Ankeny, Beaver, Bondurant, Boone, Boxholm, Clive, Cumming, Dawson, Des Moines, DeSoto, Dexter, Granger, Grimes, Huxley, Johnston, Kelley, Kellogg, Knoxville, Linden, Luther, McCallsburg, Madrid, Marysville, Melcher, Minburn, Mitchellville, New Virginia, Pella, Perry, Polk City, Prairie City, Runnells, St. Charles, Sheldahl, Slater, Story City, Urbandale, Waukee, West Des Moines, Windsor Heights and Woodward, and by the following Counties: Boone, Polk and Story; and that said Articles are being herewith filed and recorded pursuant to the provisions of Section 28E.8, Code of Iowa, 1971.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of January, 1973.

Joel B. Gunnells
Joel B. Gunnells

Subscribed and sworn to before me this 2nd day of January, 1973.

JACK R. HALL NOTARIAL SEAL IOWA

Jack R. Hall
Jack R. Hall, Notary Public in and for the State of Iowa.

INST. NO. 01345
POLK COUNTY, IOWA
FILED FOR RECORD
AT 10 A.M. JAN 10 1973 P.M.
KENNETH W. FENTON, RECORDER
Deputy

28 50

D. H.

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ARTICLES OF AGREEMENT

CENTRAL IOWA REGIONAL ASSOCIATION OF LOCAL GOVERNMENTS

ARTICLE I

The Association

The Central Iowa Regional Association of Local Governments (hereinafter referred to as "the Association") is hereby established and created as a voluntary organization of counties and municipal corporations in the Central Iowa region. All territory embraced within the counties of Boone, Dallas, Jasper, Madison, Marion, Polk, Story and Warren, State of Iowa, is hereby designated as the Central Iowa region. Upon the effective date of these Articles of Agreement, the Association shall assume all the rights, duties and obligations of the Central Iowa Regional Planning Commission.

ARTICLE II

Legal Status and Powers

The Association is organized pursuant to the provisions of Chapter 473A and Chapter 28E, Iowa Code, 1971, as amended, with the power to carry out the purposes hereinafter listed. Under the authority granted, the Association is hereby designated a regional planning commission and shall perform joint planning functions as required for its member governments. The Association may also be delegated the powers, privileges and authority which may be granted to a separate legal entity under Chapter 28E (Section 28E.4), Iowa Code, 1971, as amended, upon the formal request of any one or more member governments to undertake a special plan, perform services or

implement any plan or project for such governments, through either the Association or a subsidiary legal entity. Each such undertaking must be subject to a separate written agreement approved by the Association and by each member government participating in the undertaking which describes the scope and responsibilities of the service or plan, its financing requirements, the delegation of powers being granted the Association or the separate entity, and the time period covered thereby. The Association is also authorized, upon approval by the State of Iowa, as a review and comment agency for federal grants for which member governments have applied. Except as otherwise hereinafter provided, the powers of the Association shall be exercised by the representatives or, where appropriate, the alternate representatives, appointed by and from the member governments.

ARTICLE III

Purposes

The purposes of the Association are as follows:

1. To strengthen the individual capacities of local governments to deal with local problems.

2. To serve as a forum to identify, discuss, study, and bring into focus problems in the Central Iowa region.

3. To serve as a vehicle for the collection and exchange of information of interest to the member governments.

4. To provide a continuing organizational machinery to insure effective communication and coordination among governments and agencies.

5. To foster, develop, and review policies, plans, and priorities for growth in the Central Iowa region, development and conser-

vation, and to coordinate independent functional planning and operational agencies.

6. To facilitate agreements and cooperative action proposals among member governments for specific projects or other interrelated developmental needs and for the adoption of common policies and plans with respect to common problems.

7. To maintain liaison with members, governmental units, and groups or organizations.

8. To furnish general and technical aid to member governments, as they direct, to promote and accomplish Association approved agreements, policies, and plans.

9. To review and coordinate Federal, state, and local programs of importance to the Central Iowa region.

10. To serve as the comprehensive planning and review agency for the Central Iowa region, upon designation by the State of Iowa.

11. Upon request of any one or more member governments, to perform any function or implement any plan for such governments, either through the Association or a subsidiary legal entity. The financing of such function or plan shall be by the requesting member governments only and upon such terms and conditions as all of them and the Association may agree.

12. To cooperate with member governments in any other manner they direct.

ARTICLE IV

Membership-Voting Representation

1. Eligibility: Membership in the Association shall be open to each county, city and town within the Central Iowa region.

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2. Membership: To become a member in the Association a member government must adopt these Articles of Agreement creating this Association by resolution of its governing body. To retain membership in the Association each member government must comply with the requirements of the Association, including the payment of its pro rata share of the Association's annual financial support.

3. Representation:

a. The representative or representatives of each member government shall be a member of its governing body or other person, appointed by the Mayor or Chairman and approved by such governing body. Alternate representatives may be similarly appointed on a temporary or permanent basis, as a member government shall determine, in numbers not to exceed the number of representatives appointed by that member government. Persons appointed as alternates for representatives who are elected officials need not themselves be elected officials.

b. Each member government shall be entitled to one representative in the Association, plus either:

1) one additional representative for each 25,000 population or fraction thereof over the first 25,000, as shown by the most recent federal census; or, in the alternative,

2) such additional number of representatives, not to exceed one for each 25,000 population or fraction thereof over the first 25,000, similarly determined, as the governing body thereof shall establish by resolution and certify to the Association.

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The representation for each county member shall be determined upon the population of its unincorporated area.

c. All representatives who are elected officials of member governments shall serve during the time they hold office entitling them to such representative status, unless earlier terminated by resolution of the member government so represented for cause stated in writing and after public hearing. All representatives who are not elected officials of member governments shall serve for a period of three years, unless earlier terminated by resolution of the member government so represented for cause stated in writing and after public hearing. However, the initial terms of representatives not elected officials shall be for varying periods to assure overlapping of their terms with other such representatives of the same member government.

4. Voting:

a. A quorum of the Association shall be required for the conduct of its business.

b. In the ordinary conduct of the Association's business, each representative in the Association will have one vote, and the majority vote of those representatives present and voting shall decide such matters.

c. At any time on any question before the Association, any member government represented at that meeting may request a roll call vote, whereupon the decision on that question will be determined by according to each member government whose representative is present and voting a number equal to the population by most

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recent federal census for that member government, and that side of the question so compiling the highest total number shall prevail.

d. The manner in which the representatives of a member government shall vote their roll call vote shall be determined by its governing body, except that in the event all appointed representatives or, where applicable, their appointed alternates are not present, then only that proportion of the population of that member shall be counted in such vote which reflects the proportion of representatives or alternates present to the total number appointed by that member government.

5. Withdrawal and Readmission:

a. Withdrawal: A member government may withdraw from membership in the Association when its local governing body requests such withdrawal by resolution, forwarded in writing to the Association. In the event of withdrawal, such government shall not be relieved of its obligation to pay its share of the expenses of the Association for the year in which such withdrawal occurs; and provided further that if such withdrawal occurs during the last six months of the year, such government shall pay its share for the following year.

b. Readmission: Any member government which has withdrawn from the Association and applies for readmission shall pay any delinquent financial obligations owed to the Association prior to readmission.

6. Public Representation: It shall be the policy of the Association that at least two-thirds (2/3) of the total number of representatives appointed by the member governments shall be elected officials holding office or individuals directly responsible to

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elected officials holding office on the governing body of that government. In the event that that ratio is not met or exceeded by the initial appointments to the Association, then all member governments shall be notified that the initial appointments are void and of no effect. When reappointments shall result in the attainment of that ratio, then they and the remaining initial appointments shall be and become effective. If, thereafter, any appointment shall cause the ratio of elected officials to non-elected persons to drop below that standard, such appointment shall be held void and of no effect and appropriate reappointment shall be made by the member government.

ARTICLE V

Termination - Disposal of Property

The method to accomplish the partial or complete termination of the Association is by withdrawal of member governments as set forth above. In the event of partial termination, all property of the Association shall remain with the Association. In the event of complete termination, all property of the Association shall be distributed to the member governments at the time of such termination based upon the population of each governmental jurisdiction as shown by the most recent federal census, with the population of counties based upon the population of their unincorporated areas.

ARTICLE VI

Fiscal Affairs

1. Budget and Proration: A share of the annual operating budget adopted by the Association shall be prorated among the

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member governments based upon the population of each, as shown by the most recent federal census, and submitted to the member governments at least sixty days prior to the meeting at which such governments adopt their annual budgets. The prorated share for each member government shall be the same percentage of the whole budget as the population, so determined, of that member government. Payment of its prorated share shall be made to the Association on or before the first day of April of each year. Failure to so pay its share shall preclude a member from voting on matters before the Association. If such payment is not made before the end of the calendar year in which due, the member government shall be deemed to have withdrawn its membership in the Association. The minimum share for any member government shall be $100.

2. In the event the Association shall undertake a special plan, perform services, or implement any plan or project, pursuant to separate written agreement of and with one or more members, then the payments to the Association by those members shall be augmented in the amounts and in the manner so agreed upon and shall be deemed separate and apart from those members' shares of the annual operating budget of the Association. The prorated annual operating budget of the Association shall be calculated and determined separate and apart from the costs of any such plan, services, or project.

3. The Association may cooperate with, contract with, and accept and expend funds from federal, state, and local agencies, public or semi-public, private individuals, and corporations, in the conduct of its business.

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ARTICLE VII

Organization-Duties

1. Association-Duties: The duties of the Association are as follows:

a. To establish general policies and guidelines.

b. To cause its purposes to be implemented.

c. To elect the officers of the Association at the annual meeting by roll call vote.

d. To review and approve, revise, or disapprove, the actions of the Executive Committee taken between Association meetings.

e. To approve the annual operating budget, as well as planning programs to be undertaken by the Association's staff by roll call vote.

f. To approve each plan, service, or project to be implemented by the Association as set forth in the written agreement therefor approved by and submitted by the member governments in such service or plan.

g. To employ an Executive Director and legal counsel.

h. To adopt and amend bylaws by roll call vote.

2. The officers of the Association shall be a Chairman, Vice Chairman, Secretary, and Treasurer. The officers other than the secretary shall be elected from among the appointed representatives for terms of one year each at the annual meeting. The secretary shall be elected by and serve at the pleasure of the Association and need not be an appointed representative.

3. Executive Committee:

a. The Executive Committee shall consist of the Chairman, Vice Chairman, and Treasurer of the Association, plus two additional

representatives, each of whom shall be elected at the annual meeting to serve for one year. Each Executive Committee member shall be entitled to one vote. A quorum of the Executive Committee shall be required for the conduct of its business.

b. The duties of the Executive Committee are as follows:

1) To assure the ongoing conduct of the business affairs of the Association pursuant to authority specifically delegated by the Association.

2) To propose an annual budget and membership fee schedule to the Association.

3) To approve the employment and salaries of the necessary staff and employees hired by the Executive Director, within such staffing guidelines as the Association may from time to time determine.

4) To appoint special committees.

5) To undertake such other and further duties as may be delegated by the Association.

ARTICLE VIII

Meetings-Quorum

1. Notice of each meeting of the Association, including the agenda to be considered, shall be mailed to representatives at least six (6) days prior to such meetings. Notice of meetings of committees of the Association shall be given as each committee shall determine.

2. A quorum of the Association and of the Executive Committee shall consist of a majority of those voting and present.

ARTICLE IX

County Coordinating Committees

A County coordinating committee for each of the counties in the Central Iowa region may be formed by the representatives of the member governments in that county, for the purpose of studying and coordinating programs of particular interest to a county and making recommendations thereon to the Association. Each such committee shall consist of the representatives of that county and such advisory members as the committee membership may select.

ARTICLE X

Amendments

The terms and provisions of these Articles of Agreement may be amended by a two-thirds (2/3) roll call vote of the members of the Association at any regular or special meeting called upon notice given pursuant to Article VIII, and approved by resolution by a majority of the governing bodies of the member governments. If no action is taken for or against said amendment within sixty (60) days after its receipt by such government, it shall be deemed that such government has given its approval to such amendment.

ARTICLE XI

Separability

If any one or more of the provisions of these Articles of Agreement is declared unconstitutional or contrary to law, the validity of the remainder hereof shall not be affected thereby.

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ARTICLE XII

Effective Date

1. The effective date of these Articles of Agreement shall be January 1, 1973.

2. In the event that the governing bodies of a majority of the cooperating governmental units of Central Iowa Regional Planning Commission have not approved these Articles of Agreement in accordance with the procedure for amending the Articles of Agreement of the Commission on or before the effective date, then these Articles shall not become effective until the date such majority approval is received.

3. Upon such effective date, the existence of the Central Iowa Regional Planning Commission shall cease, and thereupon and thereafter all of the rights, privileges and immunities of said Commission and all debts due, all contracts of, and all and every other interest and asset of or belonging to or due said Commission shall be taken and deemed to be transferred and assigned to and vested in the Central Iowa Regional Association of Local Governments; provided, however, that the Association shall assume and be responsible thereafter for all contractual obligations of said Commission. However, any contract requiring the consent of the other contracting party to an assignment thereof shall not be deemed assigned or transferred hereunder until such consent is obtained, and the existence of said Commission shall continue for the purpose of any of said contracts until the consent to assignment is obtained or said contracts are fully performed, whichever shall first occur.

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If at any time the Central Iowa Regional Association of Local Governments shall consider or be advised that any further assignment or assurance in law is necessary or desirable to vest in said Association title to any property or rights of said Commission, the appropriate officers of said Commission in office immediately prior to the effective date hereof are fully authorized to, and shall, execute and deliver any and all proper assignments and assurances in law and do all things necessary or proper to thus vest such property or rights in the Association, and otherwise to carry out the provisions and purposes of these Articles of Agreement.

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