

RESOLUTION

ADOPTING THE REVISED ARTICLES OF AGREEMENT

OF THE BI-STATE REGIONAL COMMISSION

WHEREAS, local general purpose units of government in the regional area defined by the five counties of Muscatine and Scott in Iowa and Henry, Mercer, and Rock Island in Illinois may establish a regional planning commission by virtue of the powers granted to them by Chapters 28E, 28H, and 28I Code of Iowa, 2012, and Chapter 50, Act 15/0.01 et seq., and Chapter 55, ILCS 5/5-14001 et seq., Illinois Compiled Statutes; and

WHEREAS, the Articles of Agreement of the Bi-State Regional Commission do contain the provisions necessary to establish said regional planning commission; and

WHEREAS, the Articles of Agreement are being amended to change Article IV, Section 2.8.a., b., and c. from January 1 small member government representation to February 1 for Iowa and June 1 for Illinois appointments to match the timing of municipal elections in each state. Also change Article VII, Section 1 from eleven to up to eleven member Executive Committee members, and change from five counties to all member counties will have representation. Article VII, Section 9 is deleted as the expenditure threshold for Commission approval is covered in the By-Laws. Article IV, Section 1.1.d., Section 1.2.d., Section 3.3.a., and Article VII, Section 1 language was changed for appointments from minority interests as defined by EDA to diverse interest as EDA no longer defines this in our grant; and

WHEREAS, the Articles of Agreement of the Bi-State Regional Commission do contain the provisions necessary to establish said regional planning commission; and

WHEREAS, the _____ previously approved membership in the Commission;
(City, State)

NOW, THEREFORE, BE IT RESOLVED THAT THE _____
(City, State)

by this Resolution does hereby adopt the "Articles of Agreement of the Bi-State Regional Commission" as amended on January 23, 2013 and thereby continue membership in the Commission:

Passed and adopted this _____ day of _____, 2013 by

(Name of Council or Board)



Signature of Chief Elected Official

Attest: _____
Signature of Administrator or Clerk

ARTICLES OF AGREEMENT
OF THE
BI-STATE REGIONAL COMMISSION
f/k/a BI-STATE METROPOLITAN PLANNING COMMISSION

By virtue of this Agreement made and entered into by the County Boards and municipalities in a geographic area defined by the five counties of Henry, Mercer, and Rock Island in Illinois and Muscatine and Scott in Iowa, the Bi-State Regional Commission is hereby organized to include county and municipal membership and additional representatives and designated as the regional planning commission for the counties and municipalities located in the geographic area described above.

ARTICLE I
TITLE, NAME, AND LOCATION

- Section 1. This Agreement shall be referred to as the “Articles of Agreement of the Bi-State Regional Commission.”
- Section 2. The name of the regional planning commission shall be the “Bi-State Regional Commission.”
- Section 3. The Bi-State Regional Commission region shall consist of all territory in Henry County, Mercer County, and Rock Island County Illinois, and Muscatine County and Scott County, Iowa.

ARTICLE II
AUTHORITY

- Section 1. The County Boards, city councils, and village boards enter into this Agreement and designate the Bi-State Regional Commission as the regional planning commission of the region by virtue of the powers granted to them by Chapter 50, Act 15/0.01 et seq. and Chapter 55, ILCS 5/5-14001 et seq.; Illinois Compiled Statutes, ~~1992~~ **2012**; and Chapters 28E, 28H and 28I Code of Iowa, ~~1997~~ **2012**.

ARTICLE III PURPOSES AND RESPONSIBILITIES

The purposes and responsibilities of the Bi-State Regional Commission shall be:

- Section 1. To serve as a mutual forum to identify, discuss, study, and bring into focus regional challenges and opportunities.
- Section 2. To serve as a vehicle for the collection and exchange of information of regional interest.
- Section 3. To provide a continuing organizational machinery to insure effective communication and coordination among governments and agencies.
- Section 4. To foster, develop, and review policies, plans, and priorities for regional growth, development, and conservation.
- Section 5. To facilitate agreements and cooperative action proposals among governments for specific projects or other interrelated developmental needs and for the adoption of common policies and plans with respect to common regional challenges.
- Section 6. To maintain liaison with governmental units, groups, or organizations and to serve as regional spokespersons for local government.
- Section 7. To furnish general and technical aid to area local governments as they direct, and to promote and accomplish approved agreements, policies and plans.
- Section 8. To review and coordinate federal, state, and local programs of regional importance.
- Section 9. To perform other duties and responsibilities now or hereafter consistent with the purposes of the Commission and provided for by law.

ARTICLE IV REPRESENTATION

The Bi-State Regional Commission shall consist of a minimum of thirty-six (36) representatives. Representation shall be from the financially contributing member governments and additional representatives from the specified program areas, designated constituencies, and ~~minority~~diverse interests representation. The representation shall be constituted as follows:

Section 1. County Representatives

Section 1.1. Rock Island County

- 1.1.a. The Chairperson of the Rock Island County Board is designated as a representative on the Commission, the term to be coterminous with the elective office.
- 1.1.b. One (1) member of the County Board appointed by Rock Island County shall also serve as a representative on the Commission, the term to be determined by the appointing political subdivision.
- 1.1.c. One (1) representative, who shall be an elected official, shall be appointed by the Chairperson of the Rock Island County Board, subject to the approval of the Rock Island County Board. The term shall be determined by the appointing political subdivision. The term of the representative so appointed shall commence on January 1.
- 1.1.d. The remaining representative shall be appointed by the Chairperson of the Rock Island County Board, subject to approval of the Rock Island County Board and shall be and shall represent the ~~minority~~diverse interests of the region. ~~The meaning of the term "minority" as used in this section shall be as defined now and in the future by the Economic Development Administration of the U.S. Department of Commerce.~~ The representative shall be appointed for three (3) years or until a successor is duly appointed and qualified. The term of the representative so appointed shall commence on January 1.

Section 1.2. Scott County

- 1.2.a. The Chairperson of the Scott County Board of Supervisors is designated as a representative on the Commission, the term to be coterminous with the elective office.
- 1.2.b. One (1) member of the County Board of Supervisors appointed by Scott County shall also serve as a representative on the Commission, the term to be determined by the appointing political subdivision.
- 1.2.c. One (1) representative who shall be an elected official, shall be appointed by the Chairperson of the Scott County Board of Supervisors, subject to the approval of the Scott County Board of Supervisors. The term shall be determined by the appointing political subdivision. The term of the representative so appointed shall commence on January 1.
- 1.2.d. The remaining representative shall be appointed by the Chairperson of the Scott County Board of Supervisors, subject to the approval of the Scott County Board of Supervisors and shall be and shall represent the ~~minority~~diverse interests of the region. ~~The meaning of the term "minority" as used in this section shall be as defined now and in the future by the Economic Development Administration of the U.S. Department of Commerce.~~ The representative shall be appointed for three (3) years or until a successor is duly appointed and qualified. The term of the representative so appointed shall commence on January 1.

Section 1.3. Henry County

- 1.3.a. The Chairperson of the Henry County Board is designated as a representative on the Commission, the term to be coterminous with the elective office.
- 1.3.b. One (1) member of the County Board appointed by Henry County shall also serve as a representative on the Commission, the term to be determined by the appointing political subdivision.
- 1.3.c. The remaining one (1) representative, who shall be an elected official, shall be appointed by the Chairperson of the Henry County Board, subject to the approval of the Henry County Board. The term shall be determined by the

appointing political subdivision. The term of the representative so appointed shall commence on January 1.

Section 1.4. Muscatine County

- 1.4.a. The Chairperson of the Muscatine County Board of Supervisors is designated as a representative on the Commission, the term to be coterminous with the elective office.
- 1.4.b. One (1) member of the County Board of Supervisors appointed by Muscatine County shall also serve as a representative on the Commission, the term to be determined by the appointing political subdivision.

Section 1.5. Mercer County

- 1.5.a. The Chairperson of the Mercer County Board is designated as a representative on the Commission, the term to be coterminous with the elective office.

Section 2. Municipal Representatives

Section 2.1. Davenport

- 2.1.a. The Mayor of the City of Davenport is designated as a representative on the Commission, the term to be coterminous with the elective office.
- 2.1.b. Two (2) Davenport City Aldermen appointed by the City of Davenport shall also serve as representatives on the Commission, their terms to be determined by the appointing political subdivision.
- 2.1.c. The remaining one (1) representative, who may be a citizen at-large or an elected official, shall be appointed by the Mayor of the City of Davenport, subject to the approval of the Davenport City Council. If the representative is a citizen at-large, the appointment shall be for three (3) years or until a successor is duly appointed and qualified. If the representative is an elected official, the term shall be determined by the appointing political subdivision. The term of the representative so appointed shall commence on January 1.

Section 2.2. Moline

- 2.2.a. The Mayor of the City of Moline is designated as a representative on the Commission, the term to be coterminous with the elective office.
- 2.2.b. One (1) Moline City Alderman appointed by the City of Moline shall also serve as a representative on the Commission, the term to be determined by the appointing political subdivision.

Section 2.3. Rock Island

- 2.3.a. The Mayor of the City of Rock Island is designated as a representative on the Commission, the term to be coterminous with the elective office.
- 2.3.b. One (1) Rock Island City Councilman appointed by the City of Rock Island shall also serve as a representative on the Commission, the term to be determined by the appointing political subdivision.

Section 2.4. Bettendorf

- 2.4.a. The Mayor of the City of Bettendorf is designated as a representative on the Commission, the term to be coterminous with the elective office.

Section 2.5. East Moline

- 2.5.a. The Mayor of the City of East Moline is designated as a representative on the Commission, the term to be coterminous with the elective office.

Section 2.6. Kewanee

- 2.6.a. The Mayor of the City of Kewanee is designated as a representative on the Commission, the term to be coterminous with the elective office.

Section 2.7. Muscatine

- 2.7.a. The Mayor of the City of Muscatine is designated as a representative on the Commission, the term to be coterminous with the elective office.

Section 2.8. Representatives of Municipalities under 10,000 Population

- 2.8.a. One (1) mayor of a member municipality in Rock Island County shall be selected by a caucus of member mayors from Rock Island County to be designated as a representative on the Commission. In addition, the caucus shall

select a member mayor to serve as a designated alternate. The term of the representative and designated alternate so selected shall be for one (1) year and shall commence on ~~January 1~~ **June 1**.

2.8.b. One (1) mayor of a member municipality in Henry or Mercer County shall be selected by a caucus of member mayors from Henry and Mercer Counties to be designated as a representative on the Commission. In addition, the caucus shall select a member mayor to serve as a designated alternate. The term of the representative and designated alternate so selected shall be for one (1) year and shall commence on ~~January 1~~ **June 1**.

2.8.c. One (1) mayor of a member municipality in Scott or Muscatine County shall be selected by a caucus of member mayors from Scott and Muscatine Counties to be designated as a representative on the Commission. In addition, the caucus shall select a member mayor to serve as a designated alternate. The term of the representative and designated alternate so selected shall be for one (1) year and shall commence on ~~January 1~~ **February 1**.

Section 3. Additional Representatives

Section 3.1. Program Representatives

3.1.a. The following three (3) representatives shall also serve on the Commission, the appointment to be made by the Chairperson of the Commission with the consent of the full Commission. At least one representative shall reside in each state. The terms of the representatives so appointed shall commence on January 1. Members when first appointed shall serve terms as follows: one member - one year; one member - two years; and one member - three years; thereafter, as the term of the first appointed member expires, their successors shall be appointed for a term of three years. Vacancies shall be filled by appointment for unexpired terms only.

1. One (1) representative of the Bi-State Revolving Loan Fund Board.
2. One (1) representative of the Quad Cities Riverfront Council.
3. One (1) representative of ~~the Quad Cities Housing Bureau or~~ an areawide housing group.

Section 3.2. Designated Constituencies

3.2.a. The following three (3) representatives shall also serve on the Commission, the appointments to be made by the Chairpersons of the Scott and Rock Island County Boards after consultation with each other. The representatives shall be appointed for three (3) years or until a successor is duly appointed and qualified. The terms of the representatives so appointed shall commence on January 1.

1. One (1) representative of business
2. One (1) representative of labor
3. One (1) representative of social services

Section 3.3. ~~Minority~~Diversity Representative

3.3.a. There shall be one (1) additional representative on the Commission. This representative shall be and shall represent the ~~minority~~diverse interests of the region. ~~The meaning of the term "minority" as used in this section shall be as defined now and in the future by the Economic Development Administration of the U.S. Department of Commerce.~~ This representative shall be appointed by the Chairperson of the Bi-State Regional Commission after seeking the advice of the various ~~minority~~diversity organizations in the region. The representative shall be appointed for three (3) years or until a successor is duly appointed and qualified. The term of the representative so appointed shall commence on January 1.

Section 4. Chief elected officials may designate an alternate.

Section 5. Vacancies occurring other than through the expiration of terms shall be filled for the balance of the unexpired term in the same manner as the original appointment.

Section 6. All representatives identified in this Article, including the Chairperson and alternates serving on behalf of chief elected officials, shall have the right to vote on all matters before the Commission.

ARTICLE V OFFICERS

Section 1. Each year the Commission shall elect from its members a Chairperson, Vice-Chairperson, Secretary, and Treasurer. The term of these officers shall be for one (1) year with eligibility for reelection to a second term. The officers shall be elected officials. No more than one (1) officer shall be selected from each jurisdiction, and no more than two (2) officers shall be selected from the same state.

Section 2. The Officers shall have duties and responsibilities as the By-Laws shall provide.

ARTICLE VI MEETINGS

Section 1. All meetings of the Commission as a whole shall be open to the public.

Section 2. The Commission shall meet regularly as provided for in the By-Laws. Four (4) meetings a year shall be considered as a minimum.

Section 3. The Executive Committee meetings may coincide at appropriate times with the regular meetings of the Commission as a whole.

Section 4. A majority of the Commission shall constitute a quorum for the transaction of business at any meeting.

ARTICLE VII COMMISSION COMMITTEES

Section 1. In the interest of effective and efficient functioning of the Commission, there shall be an up to eleven (11) member Executive Committee consisting of ~~five (5)~~ all member counties and five (5) municipal representatives, and one (1) ~~minority~~ diverse interests representative. The county and municipal representatives shall include the four (4) officers of the Commission. There shall be one representative from each member county board, and each state shall have at least two (2) municipal elected officials. A majority of the Executive Committee shall constitute a quorum. The Executive Committee shall have the duties and responsibilities as the By-Laws shall provide.

- Section 2. There shall be a Finance and Personnel Committee to oversee the fiscal and personnel matters of the Commission. The Committee shall be composed of nine (9) members, appointed by the Commission Chair~~man~~person, and shall have the duties and responsibilities as the By-Laws shall provide. A majority of the Committee shall constitute a quorum.
- Section 3. In the interest of effective and efficient functioning of the Commission, delegated authority groups may be established from time to time by the Commission to expedite the functioning of business and activities of specific work areas. The Commission ~~may~~may establish specific guidelines or limits within which the delegated authority group must perform its functions.

ARTICLE VIII FISCAL AFFAIRS

- Section 1. The Commission shall establish an annual operating budget. The operating budget shall include estimated income and expenditures for a fiscal year. The Commission shall establish assessments, proportionally based upon population with a minimum base, against the Members in such amounts as will, in the aggregate, supplement the federal, state and other local funds identified in the Commission's budget income. Such budget shall be submitted to the counties and municipalities which shall participate financially in the programs of the Commission.
- Section 2. The Commission shall not obligate the Members for the payment of any indebtedness in excess of that budgeted for repayment out of current revenues within one fiscal year after it is incurred, unless the Commission shall first submit to the Members, at an annual or specially called meeting thereof, a proposal to incur such indebtedness, and unless the same shall be approved by a majority of the representatives of Members present.
- Section 3. The Commission shall have authority to provide such information and reports as may be necessary to secure financial aid.
- Section 4. The Commission shall deposit funds appropriated by the separate county and municipal boards and any monies received as gifts, donations, or grants in a banking institution or

institutions designated by the Commission or the Executive Committee, to be available for expenditure by checks upon such monies to be drawn only upon vouchers signed as authorized by the By-Laws.

Section 5. The Commission shall have authority to accept, receive, and expend funds, grants, and services from the Federal Government or its agencies, and instrumentalities of state and local governments.

Section 6. The Commission shall have authority to accept, receive, and expend funds, grants, and services from private persons or organizations, including businesses or nonprofit corporations.

Section 7. The Commission shall have authority to contract with respect to any funds, grants, or services from whatever source derived, within the limits of its budget.

Section 8. The Commission may authorize the members or employees of the Commission to attend conferences or meetings or institutes or hearings upon pending legislation, or to engage in other activities, as official representatives of the Commission, and shall have authority to pay, within the limits of the budget, the reasonable traveling expenses of such representative.

~~Section 9. No expenditure for traveling expense nor any other expenditures for single items or to a single firm or individual in an amount of \$500.00 or more shall be made unless the expenditure has been approved by a majority vote of the Commission at a regular or special meeting.~~

ARTICLE IX STAFF

Section 1. The Commission shall appoint an Executive Director who shall be the administrative officer of the Commission responsible for its records and for carrying out the policies and programs of the Commission in accordance with the Articles of Agreement and By-Laws and the policies of the Commission.

Section 2. The Executive Director shall have the authority to employ, assign, supervise, and release all employees and staff of the Commission with the framework of general limitations approved by the Commission.

ARTICLE X BY-LAWS

Section 1. The Commission shall adopt By-Laws, including rules for the transaction of business, and shall keep a complete record of its findings, resolutions, transactions, and determinations. These shall be a matter of public record.

ARTICLE XI SEPARABILITY

Section 1. 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 of these Articles of Agreement shall not be affected thereby.

ARTICLE XII MEMBERSHIP ADOPTION, EFFECTIVE DATE AND AMENDMENT

Section 1. Any county, city, or village within the regional area defined by the five counties of Scott and Muscatine in Iowa and Rock Island, Henry and Mercer in Illinois may become a member of the Bi-State Regional Commission by virtue of adopting a resolution to do so. Said resolutions agreeing to the provisions of these Articles of Agreement shall be delivered to the Commission for the purpose of enrollment and are attached and made a part hereto.

Section 2. This Agreement shall become effective upon approval of the Members and proper filing and recording as prescribed in the Illinois Revised Statutes and Code of Iowa cited in Article II and shall remain in effect thereafter unless terminated according to the provisions of Article XIII, Section 5.

Section 3. Amendments to these Articles of Agreement shall become effective upon resolution by the member governments.

ARTICLE XIII TERMINATION

- Section 1. Any party to this Agreement may withdraw from the Agreement by giving a written notice to the Commission at least one hundred twenty (120) days in advance of the date of withdrawal.
- Section 2. Termination from this Agreement shall not relieve the withdrawing party of the obligation to pay its share of any operating expenses for the fiscal year in which such withdrawal occurs.
- Section 3. Termination from this Agreement shall not relieve the withdrawing party of the obligation to pay its full share of any current expenditures which have been approved by the Board, consistent with this Agreement and the By-Laws, before the termination of such party.
- Section 4. Termination from this Agreement shall not relieve the withdrawing party of any liability which may have accrued to the parties of this Agreement prior to the termination of such party.
- Section 5. Notwithstanding the withdrawal of one (1) or more parties, this Agreement and the Board established hereunder shall continue among the remaining parties. However, in the event that all but one (1) party withdraws, the Agreement shall terminate automatically.
- Section 6. In the event the Commission is terminated, the material benefits realized from the liquidation of any and all of its assets shall be divided among the participating counties and municipalities on a pro rata share after any and all claims against the Commission have been satisfied. The pro rata share to which each county and municipality is entitled shall be calculated as the percentage of the net liquidation proceeds based on the percentage of the total general support funds the county or municipality has provided to the Commission since its inception on January 1, 1974 compared to the sum of all general support funds provided by all participating counties and municipalities.