

(Resolution authorizing membership in the Linn-Benton Association of Governments)

WHEREAS, the City of Albany desires to join with other local governments in Linn and Benton Counties in creation of an association of governments and to secure the benefits of participation in such an association; and

WHEREAS, the City Council of the City of Albany, Oregon has considered the provisions of the "AGREEMENT ESTABLISHING THE LINN-BENTON ASSOCIATION OF GOVERNMENTS," a copy of which is attached to this Resolution, and agrees to such provisions;


THEREFORE BE IT RESOLVED, that the City of Albany hereby approves the "AGREEMENTS ESTABLISHING THE LINN-BENTON ASSOCIATION OF GOVERNMENTS" and agrees to become a member of the Linn-Benton Association of Governments.

DATED this 12th day of April, 1967.



Mayor

ATTEST:



City Recorder

AGREEMENT ESTABLISHING THE LINN-BENTON ASSOCIATION OF GOVERNMENTS

WHEREAS, the complexities of urban and rural society are demanding the increased attention of the people of the geographical area included within the boundaries of Benton and Linn Counties, primarily because of urban growth; and

WHEREAS, urban growth, if it occurs in an uncontrolled or confused manner can result in problems involving health, safety, education, economics, transportation, recreation, aesthetics, culture and convenience, and

WHEREAS, such problems can be avoided or solved through the cooperative efforts of local governments having jurisdiction in areas where urban growth is taking place; and

WHEREAS, ORS 190,010 to 190,110 authorizes local governments to make agreements for the joint performance of governmental functions, and

WHEREAS, the parties to this agreement have adopted resolutions indicating their desire to enter into this agreement;

IT IS AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

Section 1. Establishment of Association. There is established the Linn-Benton Association of Governments, hereinafter referred to as the Association.

Section 2 Membership. (a) Benton County, Linn County, and any city in Benton or Linn County having a population of 2,500 or more may become members of the Association by adopting resolutions as provided in Section 9 of this agreement and may maintain their membership by budgeting and paying amounts that may be requested as contributions in accordance with the annual Association budget.

(b) Each member government shall be entitled to one representative to the Association, selected by and from the members of the elective governing body of each member government. In addition, the county courts of Linn and Benton Counties shall jointly appoint one representative-at-large, who shall be a member of the elective governing body of a city under 2,500 population or of a special district in Linn County or Benton County, and who shall represent all such cities and special districts in the Association.

(c) One alternate, who may vote in the absence of the representative, may be designated by each member, and by the county courts as to the representative-at-large.

(d) Representatives to the Association shall be selected annually, for each fiscal year, and may be selected to serve two or more consecutive terms. Notice of the annual selection of representatives shall be sent to the Secretary-Treasurer on or before July 1 of each year.

Section 3. Voting. (a) Each representative shall be entitled to one vote in the Association.

(b) Except as otherwise provided in this agreement, a simple majority of the members present and voting shall be sufficient to act on any question.

(c) A duly appointed member of the elected governing body of any city under 2,500 population or of a special district may cast the vote of the representative-at-large when the question is whether a project proposed by his city or district is consistent with the area-wide comprehensive plans adopted by the Association.

(d) All actions of the Association shall be advisory in nature.

Section 4. Officers. The representatives to the Association shall, annually in July of each year, elect from their own number a President and a Vice President. They shall also appoint a Secretary-Treasurer, who need not be an elective official or a representative to the Association. Such officers shall perform the duties ordinarily expected of such positions and such other duties as may be prescribed in the by-laws or by the Association.

Section 5. Staff. Work of a professional, technical or clerical nature required to carry out the functions of the Association shall be performed, to the extent practicable, by staff personnel regularly employed by one or more members of the Association. However, the Association may by a vote equal to one greater than a simple majority of its representatives elect to employ its own staff or to employ one or more consultants.

Section 6. Functions. The Association shall have the following functions:

(a) Prepare and adopt area-wide comprehensive plans for the physical development of the urban area within Linn & Benton Counties;

(b) Review the plans and planning activities of local governments of Linn and Benton Counties and from time to time make recommendations which will result in the coordination of such plans and planning activities in conformity to area-wide comprehensive plans;

(c) Conduct studies of the governmental programs and public facilities provided by local governments in Linn and Benton Counties, develop proposals whereby two or more local governments might achieve greater efficiency or effectiveness in the provision of such programs or facilities by voluntary joint or other cooperative action, recommend adoption of such proposals to the local governments affected, and provide assistance in implementing such proposals; and

(d) Perform other functions which are necessary and proper to the purposes of the Association.

Section 7. Powers. In carrying out its functions, the Association may:

(a) When authorized as provided in Section 5 of this agreement, appoint and fix the compensation of professional, technical, clerical and other personnel, such personnel to serve at the pleasure of the Association;

(b) Appoint advisory committees consisting of elective or appointive officials and employees of any local government in Linn or Benton Counties, or of private citizens, to assist in carrying out the work of the Association;

(c) Enter into contracts with the United States, the State of Oregon, units of local government in the State of Oregon, or private firms and individuals for the conduct of planning studies or for other work necessary to carry out the functions of the Association; and

(d) Adopt by-laws to provide procedure for the conduct of Association business.

Section 8. Finance. (a) Revenues of the Association shall be from member contributions, grants, gifts, donations, fees, or other payments received for purposes consistent with its functions. Expenditures shall be for the purpose of carrying out the functions of the Association, and may include payments to member governments in reimbursement for staff services provided to the Association.

(b) The fiscal year of the Association shall be from July 1 to June 30.

(c) Prior to the time each year when the member governments adopt their respective budgets, the Association shall determine whether financial contributions from its members will be necessary during the subsequent fiscal year. If it determines that contributions are necessary, it shall prepare a proposed budget describing the estimated expenditures and revenues for the year, and listing the amount of contribution to be requested from each member. The contributions shall, so far as practicable, be in proportion to the benefits each member government will receive from the work of the Association.

(d) Member governments shall include the amount requested in their own respective budgets for that year and on or before June 30 shall notify the Association of their actions on the Association's request for contributions.

(e) The Association may provide in its by-laws for the time and manner of making payment of contributions to the Association.

(f) The Association may request the financial officer of one of its member governments to act as fiscal agent for the Association, and to establish a separate account in the name of the Association to receive money for the Association and to make its disbursements. The fiscal agent shall make payments of the Association's expenses upon vouchers signed by the Chairman and the Secretary-Treasurer.

Section 9. Duration. (a) This agreement shall first become effective upon adoption of resolutions approving the agreement and agreeing to become members of the Association by Linn County, Benton County, any city over 2,500 population in Linn County and any city over 2,500 population in Benton County. Copies of such resolutions shall be forwarded to the County Judge of Benton County who, upon determining that the requirements of this subsection have been met, shall convene the first meeting of the Association. Resolutions required by this section are incorporated into and made a part of this agreement.

(b) Membership in the Association may be terminated by notice to the Association at least 60 days prior to the beginning of any fiscal year,

and shall be terminated upon non-payment of the member's budgeted contribution on or before December 31 of any year.

Section 10. Amendments. Amendments to this agreement may be made at any regular meeting of the Association when approved by a vote equal to one greater than a simple majority of the Association representatives; provided, however, that written notice containing the text of any proposed amendment shall have been provided to each representative at least ten days prior to the meeting at which an amendment is proposed to be adopted.