

**BYLAWS
FOR THE
BROOKE - HANCOCK - JEFFERSON
METROPOLITAN PLANNING COMMISSION**

**ARTICLE I
NAME OF COMMISSION**

The name of this organization shall be the Brooke-Hancock-Jefferson Metropolitan Planning Commission, hereinafter referred to as the "Commission".

**ARTICLE II
AUTHORIZATION, AND FUNDING**

- Section 1. The authorization for the establishment of this Commission is set forth under Chapter 8, Article 26 of the West Virginia Code, as re-codified, and Section 713.30 through Section 713.34 of the Ohio Revised Code; and established by Joint Resolution adopted by the Governing Bodies of Brooke County and Hancock County in West Virginia and Jefferson County in Ohio, establishing the Brooke - Hancock - Jefferson (BHJ) Metropolitan Planning Commission in the metropolitan area.
- Section 2. Membership and Funding shall be as specified in the Joint Resolution and Articles of Agreement establishing this Commission.

**ARTICLE III
OBJECTIVES AND POLICY**

The general objectives and policies of the Commission shall be as prescribed in West Virginia State Code, as re-codified, Chapter 8, Article 26, Section 4, and the Ohio Revised Code, Section 713.33, and further described as follows:

- A. To provide and maintain, as a united area-wide body, plans and programs for the orderly, convenient and attractive development of the BHJ region.
- B. To affect and maintain sound public policies in residential, commercial, industrial, recreational, cultural and other land utilization activities.
- C. To expand efforts at all levels of government for the planning and implementation of transportation routes and facilities to expedite the Continuing Transportation Planning Program and to improve both the internal and external circulation patterns and accessibility.
- D. To coordinate and develop plans and/or policy on utilities, air pollution, water pollution and conservation.
- E. To further inter-governmental and private agency cooperation in the region, and to

maintain a library of planning reports and studies; past, current and projected information on the economic, social and physical characteristics of the region; and area-wide mapping and development control ordinances adopted or prepared for the three counties or any included municipalities, for public use.

- F. To express metropolitan development policy in the preparation and maintenance of a long-range comprehensive plan, and other reports to serve the region and all its municipalities as a development policy guide. Such plans and reports shall be coordinated with officially adopted municipal plans and ordinances.
- G. To represent the metropolitan area in matters pertaining to federal and state fund applications, reviews for public projects and to provide the public with current information on such funding programs pertaining to the area.

ARTICLE IV
MEMBERSHIP

Section 1. Type of Membership of the Commission shall be voting members (automatic and appointed) and non-voting (agency) representatives.

Six weeks prior to the end of the calendar year, members receive a mailing asking for their respective membership contribution and appointments. Contributions are calculated on a per capita basis as set forth in West Virginia Code 08, Article 25. The rate is set each fiscal year, as adopted in the Overall Work Program and Budget by a vote of the Transportation Study Policy Committee.

Names, addresses and representation of all appointed members shall be assembled by respective governing bodies and transmitted to the Chair of the BHJ Commission within a forty-five (45) day period, following notification letters from BHJ.

The Chair of the BHJ shall notify all appointed members of the date, time and place of the organizational meeting at least five (5) days prior to the meeting and include a complete roster of all members' names, addresses and phone numbers.

Membership appointment shall be for two (2) years, with the possibility of reappointment.

A. Automatic members shall consist of the following VOTING members:

	<ul style="list-style-type: none">• County Commissioners (9) – 3 from each county• Planning Director or Planning Commission appointment from each county• Mayors of incorporated municipalities• Planning Director or Planning Commission member• Steel Valley Regional Transit Authority Manager• Weirton Transit Corporation Manager• City of Steubenville Engineer• Jefferson County Engineer• Technical Advisory Committee Chair
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	<ul style="list-style-type: none"> • City/County/Village Managers and Administrators • Director of Business Development Corporation of the Northern Panhandle • Director of Jefferson County Port Authority
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Chairship changes in the above planning commissions will result in the automatic replacement of representative membership on the BHJ Commission.

- B. Appointed members shall serve as VOTING MEMBERS for a two (2) year term, and are as follows:

	<p>Council Members Two (2) from Steubenville and one (1) each from Toronto, Mingo and Wintersville</p> <p>Two (2) from Weirton and one (1) each from Chester, Follansbee, Wellsburg, New Cumberland and any other incorporated WV community</p> <p>Community Interest Representatives Six (6) from Jefferson County with three (3) to be appointed by the City of Steubenville and three (3) to be appointed by the Jefferson County Commissioners</p> <p>Three (3) each from Brooke and Hancock Counties, with two (2) to be appointed by the City of Weirton designating one (1) from each county. The remaining four (4) appointments are to be made by the County Commissioners with each county selecting two (2).</p>
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- C. NON- VOTING agency membership on the Commission shall include but not be limited to the following:

	<p>FHWA, Ohio Division FHWA, WV Division Ohio Department of Transportation West Virginia Department of Transportation West Virginia Development Office Representative of US Economic Development Administration Appalachian Regional Commission</p>
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- 1.) The Executive Committee may, at its discretion, appoint emeritus Commission members onto the Commission as non-voting members.
- D. Alternate representatives for automatic members may be appointed by each automatic member. Such alternate appointments shall be comparable to the original representative.

If an appointed member cannot fulfill his or her responsibility to the Commission

and the appointing body, he shall so notify the Commission and appointing body so that another member can be appointed.

- E. The responsible political jurisdiction appointing community interest representatives shall coordinate their appointments with other appointing jurisdictions so that a cross section of the community interests are represented.

Section 2. Appointed members shall be selected on the basis of their ability to deal with complicated problems of special development and analysis in a comprehensive manner and the ability to relate the solution of these problems to the role of the local governmental jurisdictions which are ultimately responsible for the solution.

Appointed members, and particularly community interest representatives, should represent a cross section of the community, such as business, labor, industry, land development, low income, housing, education, recreation, transportation, health, government and environmental concerns.

ARTICLE V OFFICERS

Section 1. The officers of the Commission shall consist of a Chair, Vice Chair, Secretary and Treasurer. The Commission may appoint other officers as required.

Section 2. The Chair shall preside at all Commission meetings and hearings and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3. The Vice-Chair shall act for the Chair in his or her absence.

Section 4. The Chair shall alternate by state annually, unless the state who is to assume office according to normal rotation agrees otherwise.

Section 5. The Secretary shall supervise the keeping of the minutes and records of the Commission. With the assistance of the staff, the Secretary shall prepare the agenda of regular and special meetings under the direction of the Chair, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings and attend to such other duties as are normally carried out by a Secretary. Notices and minutes of regular meetings shall be sent to all Commission members. The Executive Committee members will receive notices and minutes of the Executive Committee meetings. All representatives of political bodies financially supporting BHJ will receive notices and minutes of Executive Committee meetings and quarterly financial statements.

Section 6. All officers are automatically members of the Executive Committee, where they were also serve in their respective officer roles.

Section 7. The Commission shall hire a staff which shall include an Executive Director (See Article VIII, Section 5) and professional, technical and clerical staff as required to carry out the objectives and policy of these articles and within its budgetary limits.

ARTICLE VI
ELECTION OF OFFICERS

- Section 1. An annual organization meeting shall be held at the first full Transportation Study Policy Committee meeting of the year.
- Section 2. Nominations for officers specified in Article IV, Section 2 shall be made by a Nomination Committee consisting of three (3) members: one (1) member from each county, as appointed by the Chair two (2) months prior to each annual organization meeting. The Nomination Committee shall present their report to the Chair three (3) weeks before the organization meeting. The report shall be read at the annual organization meeting (first meeting of the new year) and at that time nominations shall be accepted from the floor. Election of the officers specified in Article IV of these Bylaws shall be held at the annual organization meeting.
- Section 3. The nominee for each office receiving a majority vote of the entire membership of the Commission present shall be declared elected and shall serve for two (2) year or until his or her successor shall take office.
- Section 4. Vacancies in office shall be fulfilled at the first regular meeting after such vacancy occurs by the regular election procedure contained in this article.

ARTICLE VI
MEETINGS

- Section 1. Regular meetings shall be set by the Full Commission with no less than four (4) meetings per year.
- Section 2. A quorum of the Transportation Study Policy Commission for the transaction of business shall consist of at least six members; provided, however, that there are at least three voting members present from both West Virginia and Ohio. Once a quorum is constituted, a simple majority of voting members is required to approve an item of the Board's business. A tie vote results in no action. Voting shall ordinarily be by roll call, aye or nay, a show of hands or by ballot as directed by the Chair. Any member may request a roll call vote on any issue before the Commission, and the Secretary shall in this event keep a record of such vote as part of the minutes.
- Section 3. Special meetings may be called by the Chair. It shall be the duty of the Chair to call a special meeting when requested to do so by a quorum of fifteen (15) members of the Commission. All members of the Commission shall be notified in writing not less than five (5) days in advance of such special meeting.
- Section 4. All meetings or portions of meetings of the BHJ Commission shall be open to the general public; however, the Commission may meet in Executive Session for discussion purposes only.
- Section 5. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of the Commission.

Section 6. The Commission shall maintain a Transportation Standing Committee which shall be known as the BHJ Transportation Study Policy Committee, which includes all members of the Commission. The Transportation Study Policy Committee is assisted by the Technical Advisory Committee. The Chair may appoint committees for specific purposes as necessary.

ARTICLE VII
ORDER OF BUSINESS

Section 1. The general order of business at regular meetings shall be:

- a. Attendance roll call
- b. Action on minutes of previous meeting
- c. Communications
- d. Reports of officers and committees
- e. Staff reports
- f. Old business
- g. New business
- h. Adjournment

Section 2. A motion from the floor must be made and passed to dispense with any item on the agenda.

ARTICLE IX
ADMINISTRATION

The Commission shall administer its own finances, personnel and operational affairs and establish an Executive Committee for this purpose.

The organization and duties of the Executive Committee are described as follows:

Section 1. Executive Committee Membership

a. Members of the Executive Committee shall be:

Voting Members

- (1) Commission Chair
- (2) Commission Vice-Chair
- (3) Commission Treasurer
- (4) Commission Secretary
- (5) Three (3) County Commissioners (one from each County)
- (6) Six (6) members to be appointed by the Chair:
 - Three (3) from Jefferson County
 - Two (2) from Hancock County
 - One (1) from Brooke County

- (7) One (1) from the City of Steubenville
- (8) One (1) from the City of Weirton
- (9) Immediate Past Chair

- b. If any individual(s) in Article IX, Section 1 a (1)-(4) meets one of the eligible criteria in Article IX, Section 1 a (6), then the number of appointments in Article IX, Section 1 (6) will be reduced by that number.
- c. Executive Committee members shall be appointed no later than the first Committee meeting following the Transportation Study Committee's first meeting of the calendar year.

Section 2. Executive Committee Officers

- d. Officers of the Executive Committee shall consist of the Chair, Vice-Chair, Secretary and Treasurer of the Transportation Study Policy Committee.
- e. The Chair shall preside at all meetings. The Vice-Chair shall act for the Chair in his or her or her absence.
- f. The Executive Committee Secretary shall supervise the recording of minutes and records of the Executive Committee. Members shall be notified of meetings and a proposed agenda for the meeting shall be included.
- g. The Treasurer shall supervise and approve detailed records of income and expenditures incurred by the Commission; such records shall be audited annually or more often by an independent auditor. The Treasurer shall present a monthly Treasurer's Report for approval by the Executive Committee.
- h. The Chair, Treasurer, Executive Director and necessary staff shall be covered by directors and officers liability insurance at the Commission's expense. The amount shall be determined annually by the Executive Committee.

Section 3. Executive Committee Meetings

- a. There shall be a minimum of four meetings per year to be determined at the January meeting of the Full Commission. Notice of changes in meeting date or time shall be made five (5) days in advance of the regular scheduled meeting date.
- b. A quorum of the Executive Committee for the transaction of business shall consist of at least three members. Once a quorum is constituted, a simple majority of voting members is required to approve an item of the Board's business. A tie vote results in no action.

Section 4. Executive Committee Order of Business

The order of business at the regular meetings shall be:

- a. Roll Call
- b. Action on minutes of the previous meeting
- c. Treasurer's report and action thereon
- d. Accounts payable
- e. Executive Director's report
- f. Old business
- g. New business
- h. Adjournment

A motion from the floor must be made and passed in order to dispense with any item on the agenda.

Section 5. Duties of the Executive Committee

- a. The primary duty of the Executive Committee shall be to administer the personnel and fiscal matters of the Commission subject to the approved annual budget adopted by the Commission.
- b. The Executive Committee shall approve and submit as required a budget which has been presented by the Executive Director.
- c. The Executive Committee shall recommend to the Commission for approval the annual budget for administration, planning and related activities.
- d. The Executive Committee shall approve a monthly Treasurer's report and approve the payment of all bills incurred by the Commission staff or duly authorized Commission member during the previous month.
- e. The Executive Committee shall act on matters pertaining to Commission staff as follows:
 - 1. Recommend for Commission approval hiring of personnel for the position of Executive Director of the Commission. The Executive Director shall be a trained and experienced planner with proven administrative ability.
 - 2. Recommend for Commission approval, by a 2/3 vote of the full Commission voting membership, the dismissal of an Executive Director for reasons of inability of actions not in keeping with the position of responsibility that should be maintained by the Executive Director.
 - 3. Act upon recommendations by the Executive Director for the hiring and dismissing of personnel, determining salary levels, adjustments and other personnel matters involving the Commission staff.
 - 4. Part-time staff may be hired at the discretion of the Executive Director with the approval of the Executive Committee Chair, or, in his or her absence, the Vice-Chair.
 - 5. Determine fringe benefits for Commission staff employees.

- f. The Executive Committee shall recommend to the Commission policy decisions for adoption.
- g. The Executive Committee shall approve anticipated purchases over an amount specified by resolution for general office and project expenditures by the Executive Director during a one month period before the expenditures shall be reimbursed.
- h. The Executive Committee shall approve contracts and agreements for services needed in the course of the planning programs before the services or contracts may be finalized.

Section 6.

A Technical Advisory Committee (TAC) shall be formed to serve an advisory role to the Transportation Study Policy Committee. The Director will determine which items or issues will go to the TAC for review. The TAC can also can initiate issues and make recommendation to the Transportation Study Policy Committee.

a. Membership:

The Transportation Policy Committee may appoint other such members whose broad technical knowledge and experience in transportation planning or related field would enhance the transportation planning process.

Membership shall consist of one designated representative, unless otherwise noted, from the organizations listed below, appointed by the chief executive of the organization:

Voting

- Ohio Department of Transportation (ODOT), District 11 –voting
- West Virginia Department of Transportation (WVDOT), Central Office - voting
- Steel Valley Regional Transit Authority (SVRTA) - voting
- Weirton Transit Corporation (WTC) - voting
- City of Steubenville City Engineer - voting
- Jefferson County Engineer - voting
- City of Weirton Planning or Public Works - voting
- Local Government Representative from each county commission appointed by Brooke & Hancock counties - voting
- Administrator or designated representative from the three largest incorporated areas (excluding the City of Steubenville) by population in Jefferson County - voting
- Human Services Transportation Provider - voting
- Jefferson County Port Authority or Representative - voting
- West Virginia Public Port Authority or Representative - voting
- BDC of the Northern Panhandle or Representative - voting
- Jefferson County Regional Planning Commission Representative - voting
- Jefferson Township Association - voting
- Rail Road Representative - voting
- Aviation Representation -voting

Trucking Representative - voting
Bicycle Representative – voting

Non-voting
Federal Highway Administration (FHWA), Ohio Division – nonvoting
Federal Highway Administration (FHWA), West Virginia Division – nonvoting

b. Technical Advisory Committee Officers

The officers shall consist of a chair and vice chair. The chair and vice chair of the shall be elected at a meeting at the beginning of the calendar year. Term of office shall start at the first meeting of the new year and shall be for one year and/or until a successor is elected and takes office.

c. Technical Advisory Meetings

1. A regular Technical Advisory Committee meeting shall be held immediately prior to the regularly scheduled Full Commission meetings.
2. A quorum of the TAC for the transaction of business shall consist of at least three members. Once a quorum is constituted, a simple majority of voting members is required to approve an item of the Board's business. A tie vote results in no action.
3. In cooperation with the Study Director's Office, the Chair of the TAC shall prepare the agenda and notify all members and interested parties of such meeting.

d. In no case shall the Chair or any member of the Technical Advisory Committee (with the exception of the Director) make public the decisions and recommendations of the TAC. All such releases of information shall be by the Chair of the Transportation Study Policy Committee and/or the Executive Director.

ARTICLE X FINANCIAL OBLIGATIONS

Section 1. The final financial responsibility of maintaining the Commission shall rest with the counties of Brooke, Hancock and Jefferson on a per capita basis for their respective legally or administratively recognized bounded areas.

However, it is the intent of these Articles that all incorporated municipalities in the region shall share in the financial responsibility of the Commission on a pro rata per capita basis, with the counties assuming responsibility for the remaining population outside of incorporated municipalities.

Section 2. The most recent decennial U.S. Census shall be used as a basis for calculating pro rata per capita costs until subsequent U.S. Census enumerations are officially published.

ARTICLE XI TERMINATION

Section 1. If by a 2/3 majority vote of full voting membership, the Commission elects to disband and cease operations and thereby judge that Metropolitan Planning is not a valid role in the metropolitan area, the following shall apply:

- a. All contracts and performance obligations shall be fulfilled before disbanding.
- b. The Commission shall have determined that it exhausted all possible sources of funds, gifts and grants to sustain its operation as a Metropolitan Planning Commission.
- c. After a deciding vote to disband, all accounts payable shall be paid; all debts and other financial obligations be met. All purchased equipment shall be sold or auctioned as prescribed by law applicable to the Commission.
- d. All remaining Commission staff employees shall receive at the time of the disbanding vote two months terminal pay at their current rate.
- e. All remaining funds shall be returned to the sponsoring governing bodies on a per capita basis, similar to the manner contributions were made.
- f. The Commission Chair shall certify that all contractual and performance obligations have been met. The Treasurer and an independent auditor shall certify that all financial obligations of the Commission have been met and refund of remaining contributions made to the governing bodies.

ARTICLE XII AMENDMENTS

These bylaws may be amended as needed by recommendation of the Executive Committee and a majority vote of the Transportation Study Commission.

ARTICLE XIII EFFECTIVE DATE

These revised Articles of the Joint Resolution and Articles of Agreement shall become effective on the date adopted by the governing bodies which financially support the Commission.