

CHARTER AND BYLAWS

CHARTER AGREEMENT OF THE MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

This Charter Agreement to organize a Planning District Commission made this 31st day of January, 1972, by and between the undersigned governmental subdivisions as authorized by the Virginia Area Development Act (Title 15.1, Chapter 34, Sections 15.1-1400, et seq., Code of Virginia (1950), as amended);

NOW THEREFORE, it is agreed that:

ARTICLE I

Name, Location, Authority, Purpose

- Section 1. The name of this organization shall be the Middle Peninsula Planning District Commission, hereinafter called the "COMMISSION."
- Section 2. The principal office of the COMMISSION shall be in Middlesex County, Virginia. The location of the principal office may be changed by the concurrence of three-fourths of the COMMISSION membership, provided that the clerk of the governing body of each member governmental subdivision has been notified of the contemplated relocation in writing at least thirty days before such meeting.
- Section 3. The COMMISSION shall be a public body corporate and politic with all the powers and duties granted to it by the Virginia Area Development Act.

Section 4. The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District by planning, and encouraging, and assisting governmental subdivisions to plan for the future.

ARTICLE II

Membership

Section 1. COMMISSION members shall be appointed by the respective governing bodies of those political subdivisions which are parties to this Charter Agreement provided, however, that at least a majority, but not substantially more than a majority, of the COMMISSION'S members shall be elected officials of the governmental subdivisions within the Planning District with each participating county, city, and town of more than 3,500 population having at least one representative and the other members being qualified voters and residents of the District who hold no office elected by the people.

Section 2. Each county which is a party to this Charter Agreement shall appoint three (3) members to the COMMISSION; two (2) of whom shall be elected officials of the county and one (1) of whom shall be a qualified voter and resident of the county. Each town which is a party to this Charter Agreement shall appoint one (1) member to the COMMISSION who shall be an elected official of the town.

Section 3. After December 31, 1996, in addition to the membership established in Section 2 above, the membership shall include three county administrators and one town manager representing

the member jurisdictions. The alphabetical order of the counties and towns shall determine the order of appointment of the local government administrator members. The initial members shall be appointed by Essex, Gloucester, and King and Queen Counties, and the Town of Tappahannock. Initially, the Essex County Administrator shall serve a term of one year, the Gloucester County Administrator shall serve a term of two years, and the King and Queen County Administrator shall serve a term of three years, and the Tappahannock Town Manager shall serve a term of three years. Thereafter, each local government administrator shall be appointed for a term of three years.

Section 4. Vacancies on the COMMISSION shall be filled for the unexpired term in the same manner as the original appointment was made.

Section 5. Any member of the COMMISSION shall be eligible for reappointment but may be removed for cause by the governing body which appointed him.

ARTICLE III

Terms of Office and Voting Rights

Section 1. The terms of office of COMMISSION members who are also elected officials shall be coincident with their elected terms of office or such shorter terms as their governing bodies shall determine. The terms of office of the citizen members shall be one year or until their successors are appointed. The terms of office for the county administrator and town manager members

shall be three years and coincident with the tenure of their local administrative appointment.

Section 2. Each member of the COMMISSION shall have one equal vote in all matters before the COMMISSION.

ARTICLE IV

Officers

Section 1. Officers of the COMMISSION shall consist of a Chairman, Vice-Chairman, and Treasurer who shall be elected by a majority of the membership of the COMMISSION and a Secretary who shall be appointed by the COMMISSION.

Section 2. The Chairman, Vice-Chairman, and Treasurer shall be elected for terms of one year or until their successors are elected.

Section 3. COMMISSION officers shall be eligible for reelection.

Section 4. The COMMISSION shall appoint an Executive Director who shall be an employee of the COMMISSION and shall serve at the pleasure of a majority of the membership.

ARTICLE V

Addition or Withdrawal of Members

Section 1. Any governmental subdivision within the Planning District Number Eighteen (PDC 18) which is not a party to this Charter Agreement at the effective date thereof may thereafter join the COMMISSION, provided that such governmental subdivision is eligible for membership and that it adopts and executes this Agreement.

Section 2. Any governmental subdivision may withdraw from the COMMISSION by submitting to the COMMISSION in writing, at least one hundred fifty days before the end of the COMMISSION'S then current fiscal year, a notice of intent to withdraw. Such withdrawal shall not become effective until the COMMISSION'S fiscal year has ended.

ARTICLE VI

Appointment of an Executive Committee and

Adoption of By-Laws

Section 1. The COMMISSION may designate an Executive Committee and delegate to it such powers as the COMMISSION may determine, provided that these powers are not inconsistent with provisions of the Virginia Area Development Act.

Section 2. The COMMISSION may adopt By-Laws and such other rules as it deems necessary to govern its operations.

ARTICLE VII

Meetings

Section 1. The COMMISSION shall hold regular meetings on a schedule which will be determined by the membership.

Section 2. Meetings of the COMMISSION shall be open to the public; however, the COMMISSION may hold executive meetings consistent with any requirements of the Code of Virginia.

ARTICLE VIII

Amendments

Section 1. This Charter Agreement may be amended, supplemented, or superseded only by concurring resolution from a three-fourths majority of the member jurisdictions. All proposed amendments shall be submitted to the COMMISSION for its review and comment.

ARTICLE IX

Date of Organization

Section 1. The organization of the Middle Peninsula Planning District Commission shall be effective on the 1st day of April, 1972, or at such time after this date when the Charter Agreement has been adopted and signed by that governmental subdivision whose population when added to the aggregate population of those who have already adopted and signed the Charter Agreement embraces the majority of the population within Planning District Number 18.

ADOPTED: April 1, 1972

July 1, 1990

November 20, 1996

BY-LAWS
OF THE
MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

ARTICLE I

Name

The name of this organization is the Middle Peninsula Planning District Commission, hereinafter referred to as the “Commission.” The Commission was established pursuant to the Virginia Area Development Act (Title 15.1, Chapter 34, Sections 15.1-1400, et seq., Code of Virginia (1950) as amended? And by joint resolutions of the governing bodies of its constituent member jurisdictions.

ARTICLE II

Definitions

- Section 1. “The Middle Peninsula Planning District” means the geographic section of Virginia which encompasses the Counties of Essex, Gloucester, King and Queen, King William, Mathews, and Middlesex.
- Section 2. “Year”, as it applies to the Commission, shall be the fiscal year, July 1 to June 30.
- Section 3. “Charter Agreement” means the agreement of the governing bodies which established this Commission.

ARTICLE III

Membership

- Section 1. A three-fourths majority of the full Commission shall be required to recommend to the appointing governing body the removal of a Commission member from office.

ARTICLE IV

Officers

Section 1. Elections of officers shall be held annually at the June meeting of the Commission. Officers will be assumed commencing the following July 1 and shall be held for the ensuing fiscal year. If for any reason any office becomes vacant during the year, an election to fill the office shall be held at the next regular meeting of the Commission at which a majority of the members are present and the new officer, so elected, shall then complete the unexpired term of the officer he succeeded.

Section 2. Powers and duties of the officers:

(a) Chairman: In addition to the well-recognized and inherent duties and powers of the office of Chairman, the Chairman shall sign all acts or orders necessary to carry out the will of the Commission. He shall have the authority to delegate any routine, ministerial function to a member or members of the staff. He shall preside over all meetings of the Commission except while he is addressing remarks to an issue before the Commission, if such remarks are not within the scope of authority inherent to a presiding officer. He shall be eligible to vote on all issues regardless of a tie vote. He is authorized to appoint standing and special committees and to appoint substitutes to serve on standing and special committees when any member of a committee is temporarily unable to serve. He shall also be authorized to countersign checks or drafts against the account of the Commission.

(b) Vice-Chairman: In the absence of the Chairman, the Vice-Chairman shall be the Acting Chairman. (If no officer of the Commission is present, a temporary Chairman shall be elected). The Vice-Chairman or Acting Chairman shall be vested with

authority to perform, in the absence of the Chairman, including those vested or delegated to the Chairman in the By-Laws and by any other action of the Commission.

- (c) Treasurer: The Treasurer shall be the disbursing officer for the Commission. He is authorized to countersign checks or drafts against the accounts of the Commission. He shall cause to be kept a record of money paid out and of receipts or vouchers to cover each expenditure. He shall be bonded in an amount sufficient to cover his responsibilities.

A brief financial report shall be made at each regular meeting of the Commission, and an audit and annual report shall be made as soon as possible after the end of the Commission's fiscal year.

- (d) Secretary: The Secretary shall keep a record of all resolutions, proceedings, and actions of the Commission and give notice of all meetings and perform such other duties as the Commission may direct. The Secretary may be paid staff of the Commission.

- (e) All checks drawn on the account of the Planning District Commission shall be signed by any two of the above officers. The prime countersigning officers shall be the Secretary and Treasurer. In the event the Secretary or Treasurer is unable to sign or cannot be contacted, the countersigning duties shall fall to one of the other officers.

Officers and the Director will have their signatures properly registered with the bank or banks which handle Commission accounts and shall be bonded for an appropriate amount.

ARTICLE V

Committees

- Section 1. The Commission may establish any and as many standing committees as it deems desirable. A motion to establish a standing committee shall receive a majority of votes of the members present after which the Chairman shall then designate how the members to the committee shall be appointed.
- Section 2. All policy committees shall be considered standing committees.
- Section 3. The Chairman may from time to time establish such special committees as he deems desirable for the effective promulgation of Commission affairs and shall appoint the members thereto.
- Section 4. One-half of the members of any committee shall constitute a quorum of the committee.

ARTICLE VI

Meetings

- Section 1. Regular meetings shall be held on the fourth Wednesday of each month. Special meetings may be called by the Chairman at his discretion or must be called by the Chairman on petition of one-third of the Commission members. Meetings shall be at the offices of the Commission unless otherwise designated by the Chairman. The Chairman will establish an alternate meeting date to substitute for conflicts caused by Christmas and/or other holidays.
- Section 2. Members of the Planning District Commission may be reimbursed for expenses incurred in Commission-related activities.
- Section 3. Commissioners representing four (4) or more counties of the Middle Peninsula shall be required in order to constitute a quorum.

Section 4. In making any recommendation, adopting any plan, or approving a proposal, action shall be taken by a majority vote of all members present. All votes, negative or affirmative, shall be recorded. No vote by any member of the Commission shall be construed as an official commitment of the agency or jurisdiction represented by the member.

Section 5. In addition to all public hearings required by law, the Commission may hold public hearings when it decides that a hearing will be in the public interest.

ARTICLE VII

Amendment of BY-LAWS

Any proposed amendment to these By-Laws shall be presented in writing to the members of the Commission at a regular Commission meeting. The amendment shall be tabled until the next regular Commission meeting at which a quorum is present, at which time action may be taken on the amendment.

ARTICLE VIII

Staff

There shall be an Executive Director, appointed by the Commission, and such staff the Executive Director deems desirable, subject to the Commission's authorizing creation of the positions requested by the Executive Director.

ARTICLE IX

Financial Obligations of Members

Section 1. Each county within the Middle Peninsula Planning District who is a member of the Commission shall contribute equal funds to the Commission. The amount shall be determined through the Commission's annual budgeting process.

Each town within the Middle Peninsula Planning District who is a member of the Commission shall contribute equal funds in an amount to be determined through the Commission's annual budgeting process.

The local contribution of each governmental subdivision is due on July 1 of the current fiscal year and shall be paid by each governmental subdivision prior to July 31 of the same year.

Section 2. An additional assessment may be made upon a governmental subdivision for specific, local and/or additional services which are requested by said governmental subdivision and which are not included in the Work Program adopted by the Commission. Such an assessment shall be agreed upon by and between the Commission and the appropriate governmental subdivision.

Section 3. The Commission may receive contributions from the Commonwealth of Virginia in accordance with Section 15.1-1412, Article 2, Title 15.1, Chapter 34, Code of Virginia, 1950, as amended.

Section 4. The Commission may make application for and accept loans and grants of money or materials or property at any time from any private or charitable source, or the United States of America, or the Commonwealth of Virginia, or any other agency or instrumentality thereof.

Section 4.1. The signing of contracts subsequent to formal endorsement by the Commission shall be the responsibility of the Chairman.

ARTICLE X

Parliamentary Procedure

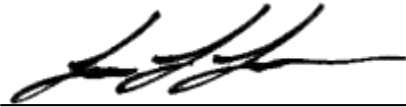
In all matters of parliamentary procedure not specifically covered by these By-Laws and the Charter Agreement, Robert's Rules of Order shall govern.

ARTICLE XI

Effective Date

These By-Laws shall become effective immediately upon adoption by the Commission.

ADOPTED: December 14, 2011



Secretary

Middle Peninsula Planning District
Commission



Chairman

Middle Peninsula Planning District
Commission