

ADDITIONAL CHANGES TO
TCPA By-Laws Amendments

DIRECTIONS FOR TOWNSHIP APPROVAL

Again, during your next Town Board meeting . . .

1. Read and discuss the following proposed amended by-laws in items VI and IX.
2. After reading and discussing the by-laws you should vote by rollcall and record each member's name and vote in the space below.
3. Please return this form to TCPA by or before the **Wednesday, September 11th, 2024**, TCPA Board meeting.

Yay ___ Nay ___ - NAME: _____

Yay ___ Nay ___ - NAME: _____

Yay ___ Nay ___ - NAME: _____

Yay ___ Nay ___ - NAME: _____

Yay ___ Nay ___ - NAME: _____

Board Members:

At the Wednesday, August 14th, 2024, TCPA Board meeting there was additional discussion concerning the amendment of the TCPA by-laws. A review by one member Township revealed two more items that needed to be changed.

In Article VI; item G., it states that Robert's Rules of Order should govern Association meetings. MATS encourages Townships to shy away from adopting Robert's Rules because of its inherent complexities and the potential for lawsuits if the rules aren't followed to the letter. (See article VI for the proposed change.)

Article IX talks about public hearings that may be held by the TCPA Board. It was decided that the TCPA Board would not hold public hearings because the TCPA Board does not make decisions of that nature. It was decided that ARTICLE IX should be struck in its entirety and that ARTICLE X should be moved up to article nine.

BY-LAWS FOR TOWNSHIP COOPERATION PLANNING ASSOCIATION

ARTICLE I. Name of Association

The name of this organization shall be Township Cooperative Planning Association. Hereafter known as the Association.

ARTICLE II. Authorization

The authorization for the establishment of this Association is set forth under Minn. stat.§§ (462.351 through 462.365) amendments and supplements thereto.

ARTICLE III. Membership

Association members shall consist of one representative of each member township, said representative, who meets the same citizenship criteria as an elected official, to be appointed by their respective township board. Members may be removed by their respective township board for cause, including failure to attend meetings, or failure of reasonable participation in Association affairs.

A. Eligibility

1. Any local unit of government who agrees to and signs the Joint Powers Agreement.
2. New members must be approved by a majority vote of a quorum of the membership of township representatives of the Association.

B. Voting

1. Each member Township shall receive one vote on all issues.

C. Types

1. Full members – Any member using the Association’s zoning administrative services, the charges for which are to be deposited in the joint powers accounts.
2. Associate members – Any member who’s charges for administrative services do not get deposited in the joint powers’ accounts. Associate members can participate in and vote at Association meetings except on motions pertaining and related to Association funds.

ARTICLE IV. Officers and Meetings

- A. The officers of the Association shall consist of a chairperson, vice chairperson and secretary, which together shall be considered the Executive Board.
- B. The chairperson shall preside at all meetings and hearings of the Association and shall have the duties normally conferred by parliamentary usage on such officers.
- C. The vice chairperson shall act for the chairperson in his/her absence.
- D. The secretary shall keep the minutes and records of the Association; and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the chairperson, provide notice of all meetings to Association members, arrange proper and legal notice of hearings, attend to correspondence of the Association and such other duties as are normally carried out by a secretary.

ARTICLE V. Election of Officers

- A. An annual organizational meeting shall be held on the first meeting of April of each year.
- B. Nominations shall be made by the Association at the annual organizational meeting, and election of the officers as specified in Article IV. A., shall follow immediately thereafter.
- C. A candidate receiving a majority vote of a quorum of the membership of township representatives of the Association shall be declared elected and shall serve for one year or until a successor takes office.
- D. Vacancies in office shall be filled immediately by regular election procedures of the Association members

ARTICLE VI. Meetings

- A. Meetings shall be held on the second Wednesday of each month at the Rochester Town Hall Building, 4111 11th Avenue SW, Rochester, MN, unless announced and advertised differently at discretion of the Chair.
- B. In the event of a conflict with holidays or other events, a majority vote of a quorum of the membership of township representatives of the Association may change the date of future meetings.
- C. A quorum shall consist of a simple majority of member township association representatives. Voting shall be by voice or by roll call. A record of the voting shall be kept as a part of the minutes.
- D. Special meetings may be called by the chairperson. It shall be the duty of the chairperson to call a special meeting when requested to do so by a majority of members of the Association.
- E. The secretary shall notify all members of the Association in writing not less than five days in advance of such special meeting.
- F. All meetings are public meetings unless allowed to be closed as provided by State Statute.
- G. Unless otherwise specified, **Robert's Rules of Order** shall govern the proceedings at meetings of the Association.
- G. Unless otherwise specified, **basic parliamentary procedure** shall govern the proceedings at meetings of the Association.

ARTICLE VII. Order of Business

- A. The order of business at regular meetings shall be:
 - 1. Roll call
 - 2. Reading of minutes of previous meeting
 - 3. Financial Report
 - 4. Public hearing, if scheduled
 - 5. Reports of officers and committees
 - 6. Old business
 - 7. New business
 - 8. Adjournment
- B. A motion from the Association must be made and passed in order to dispense with any item on the agenda.

ARTICLE VIII. Employees

- A. Within the limits imposed by the funds available for its use, the Association may employ such staff personnel and/or consultants as it sees fit to aid in its work. Appointments shall be made by a majority vote of a quorum of the membership of township representatives of the Association.

~~ARTICLE IX. Hearings~~

- ~~A. In addition to those required by law, the Association may hold public hearings when it decides that such hearings will be in the public interest.~~
- ~~B. Notice of the time and place of such hearing shall be published once in the official newspaper of the Association, at least 10 days before the day of the public hearing.~~
- ~~C. The matter before the Association shall be presented in summary by the Chairperson or by a member of the Commission designated by the Chairperson and parties in interest shall have the privilege of the floor.~~
- ~~D. No record or statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.~~
- ~~E. A record shall be kept of those speaking before the Association at such hearings.~~

It was determined that there was no reason for Article IX – Hearings – since the TCPA Board does not hold public hearings. Strike this section entirely and move ARTICLE X – Amendments up to article IX.

ARTICLE X. Amendments

These by-laws may only be amended by a majority vote, in person or by proxy, of all member Township elected Board Supervisors.

ARTICLE IX. Amendments

These by-laws may only be amended by a majority vote, in person or by proxy, of all member Township elected Board Supervisors.

Passed and adopted this _____ day of _____ 2024.

John Johnson, Chairman

Attest:

John Meyer, Secretary

DATED: August 15, 2024