

FRANKLIN REGIONAL PLANNING BOARD

BY-LAWS

Adopted June 26, 1997; Amended December 6, 2001; Amended May 27, 2010; Amended September 25, 2014; Amended December 1, 2016.

PREAMBLE

As stated by the Franklin Council of Governments Legislation, Section 567 of Chapter 151 of the 1996 Acts of the General Court of Massachusetts, as amended, any and all regional planning activities or functions established pursuant to the provisions of Chapter 425 of the Acts of 1963 (the Act which establishes the Franklin County Commissioners as the Regional Planning Agency for Franklin County), as amended, and Sections 5, 5A, 5B, and 14 of Chapter 40B of the Laws of the Commonwealth (the Act which defines the actions of the Regional Planning Agency), or any subsequent provisions of the Laws of the Commonwealth with respect to regional planning, shall be the responsibility of the Franklin Regional Council of Governments under their Charter and subject to its provisions. The Franklin Regional Council of Governments and the Franklin Regional Planning Board may assume additional regional planning responsibilities granted by any subsequent provisions of state or federal legislation or regulations.

The Franklin Regional Council of Governments Executive Committee, the Franklin Regional Council of Governments and the Franklin Regional Planning Board shall jointly have and may exercise any and all authority for regional planning as may be authorized by current and future federal and state laws. The purpose and objectives of the Franklin Regional Council of Governments as the Regional Planning Agency shall be to balance economic development with the protection of natural and cultural resources which are the foundation of the region's rural character and heritage and to advocate at the state and federal level to ensure that programs, policies and funding are responsive to issues impacting the region.

ARTICLE I - PURPOSE

The purposes and objectives of the Franklin Regional Planning Board ("FRPB") shall be to promote sustainable economic development, to protect public health, safety and welfare, and to preserve the natural and cultural resources within the Franklin Regional Council of Governments Region, formerly Franklin County, in Massachusetts (the "Regional Planning District"), and to assist towns to further these purposes and objectives.

ARTICLE II - ORGANIZATION

(A) The Franklin Regional Planning Board (FRPB) shall consist of the following members:

- (1) the Chair of the Select Board of each town in the Franklin Regional Planning District or the Chair's designee who may be someone other than a member of the Board of Selectmen;
- (2) the Chair of the Planning Board of each town in the Franklin Regional Planning District or the Chair's designee who shall be a member of that town's Planning Board;
- (3) up to eighteen (18) persons residing within the Regional Planning District, as "Members At-Large" for the purpose of providing additional advice and guidance to the FRPB, with said persons broadly representative of business, labor, professional and social organizations, or interested in natural, cultural, historic or economic resources and other significant interests within the Regional Planning District; and
- (4) the Executive Committee of the Franklin Regional Council of Governments;

(B) The Franklin Regional Planning Board may, from time to time, appoint associate members who may take part in policy and technical discussions but who shall be non-voting.

ARTICLE III - POWERS AND DUTIES OF DISTRICT

(A) The Franklin Regional Planning Board acting directly, or through the FRPB Executive Committee thereof, shall have amongst its powers and duties the following:

- (1) to convene and conduct meetings on the resources, problems and needs of the Regional Planning District, and, on the basis of such meetings, to make recommendations for physical, social and economic improvements and for the protection of natural and cultural resources of the Regional Planning District. Such recommendations may be adopted and may be changed or added to from time to time by a majority vote of the FRPB and shall be a public record;
- (2) to cooperate with and to assist each town in the Regional Planning District to coordinate its land use planning and its economic development planning and implementation activities with the Regional Planning District so as to obtain maximum benefits for the Regional Planning District and for each town from such activities;
- (3) to cooperate with and to assist agencies of the state government and the national government in fulfilling the purposes and objectives of the Regional Planning District;

- (4) to consult with and make recommendations to the Franklin Regional Council of Governments Executive Committee and Council concerning the objectives, policies, programs, budget, administration or other items necessary for the preparation and implementation of studies, plans and proposals in furtherance of the purposes set forth above and as provided in the Franklin Council of Governments Legislation, Section 567 of Chapter 151 of the Acts of 1996, as amended, in Chapter 425 of the Acts of 1963, as amended, which establishes the Franklin County Commissioners as the Regional Planning Agency for the County and as provided in Sections 5, 5A, 5B, and 14 of Chapter 40B of the Laws of the Commonwealth, which defines the actions of a Regional Planning Agency, and as may be further provided by amendment or by any other subsequent provisions of state or federal law or regulations;
- (5) to recommend appropriate action by public and private organizations and agencies to implement the recommendations proposed by the FRPB;
- (6) to disseminate information relevant to the Regional Planning District, and to make such information available to public agencies and to private organizations and individuals engaged in activities which tend to implement the objectives and recommendations of the FRPB;
- (7) to approve or disapprove by majority vote, pursuant to Article IV.D., such plans for the development and redevelopment of the Regional Planning District or parts thereof, as may be laid before it pursuant to the requirements of any publicly aided program applicable to the Regional Planning District or to any part thereof;
- (8) to promote sustainable economic and industrial development of the Regional Planning District as authorized pursuant to Title IV, Part B of the Public Works and Economic Development Act of 1965, enacted by the United States Congress as Public Law 89-136, or current equivalent as amended, the Franklin Regional Planning Board shall oversee the development of and approve the Comprehensive Economic Development Strategy (CEDS) for the Franklin Regional Council of Governments Regional Planning District and assist with other economic development activities in support of the CEDS;
- (9) to sponsor conferences, institutes, seminars and training programs on behalf of the Regional Planning District and the towns therein for the purpose of developing the capabilities of FRPB members, planning staff, municipal officials and employees and development organizations to assist in preparing and implementing the plans and recommendations of the FRPB;
- (10) as authorized by the Federal Highway Act of 1962 or current equivalent as amended, and the Massachusetts Department of Transportation, the Franklin Regional Council of Governments region is responsible for regional planning and

orderly growth as the officially designated regional planning agency for Franklin County and as such is responsible for transportation planning and programming. A Franklin County Transportation Planning Organization (TPO) was established in 2006 and is generally categorized as a Metropolitan Planning Organization (MPO) and is responsible for the planning and programming of financial resources for a multi-modal transportation system for the Franklin Regional Council of Governments region. The TPO is made up of representatives from the Franklin Regional Council of Governments, the Franklin Regional Transit Authority, the Mayor of Greenfield and three Franklin County subregional appointments. The FRPB is the advisory board to the TPO to ensure that transportation decisions are considered within the context of comprehensive regional planning. The Franklin Regional Planning Board shall provide input to support that the transportation planning process in the Franklin Regional Council of Governments region is comprehensive, continuing and cooperative (3C) and shall review and provide input on the Unified Work Program and Transportation Improvement Program for the region; and

- (11) to conduct any functions or purposes which are consistent with Articles I and III of these By-laws.

ARTICLE IV - OFFICERS, COMMITTEES, MEETINGS, RULES OF PROCEDURES, AND TERMS OF OFFICE

(A) OFFICERS

The FRPB shall elect annually by and from its members a Chair, a First Vice-chair, a Second Vice-chair, a Clerk, and other officers if it so desires, each of whom shall hold his/her office until his/her successor is elected and qualified. In addition, the FRPB will elect from among the members of the FRPB Executive Committee, a representative to the Council and the Executive Committee of the Franklin Regional Council of Governments. The annual election will be in the month of June, unless otherwise determined. An officer-elect will take possession of his/her office immediately upon the election becoming final.

Upon a vacancy in the office of Chair, the First Vice-chair shall assume the office of the Chair and the Second Vice-chair shall assume the office of First Vice-chair and each shall serve in said capacity until the next annual election. Upon vacancy of the office of either Vice-chair or the Clerk, or upon the vacancy of the representative to the Council and Executive Committee of the Franklin Regional Council of Governments, the FRPB Executive Committee shall sit as a nominating committee within two weeks and shall propose a nominee or nominees to the full Franklin Regional Planning Board for action at the next regularly scheduled meeting. In the event of a vacancy of the Chair, First Vice-chair and Second Vice-chair, the Executive Committee shall sit as a nominating committee and shall propose nominees to the FRPB at the next meeting called to order and presided over by the Clerk until the election of a new Chair and Vice-chairs. Elected nominees shall hold said office until the next annual election.

The FRPB Executive Committee may, by majority vote, endorse the Unified Work Program, Transportation Improvement Program (TIP) or an amendment to the TIP, or make recommendations to the TPO on behalf of the FRPB in the event that the meeting schedule of the full FRPB does not allow for a timely review and vote prior to the meeting of the TPO. Actions taken by the FRPB Executive Committee on behalf of the FRPB will be reported at the next FRPB meeting.

The Clerk shall review minutes of FRPB meetings for accuracy and shall recommend such minutes for adoption by the FRPB with amendments as required.

(B) COMMITTEES

There shall be a FRPB executive committee ("FRPB Executive Committee") elected annually consisting of (1) the officers of the FRPB, who shall serve as the officers of the Executive Committee, and (2) five FRPB members, nominated from among the Select Board members, town Planning Board members, and Members At-Large, and elected by a majority vote of the FRPB. Such nominations shall be made by a three person "Nominating Committee" appointed by the FRPB Executive Committee and comprised of existing FRPB members.

Action taken by the FRPB Executive Committee shall be in the name of and on behalf of the FRPB. The Executive Committee shall be responsible for the performance of such duties as may be assigned by the FRPB.

The FRPB Executive Committee may establish such technical advisory committees as may be needed to assist the staff of the Franklin Regional Council of Governments in planning and developing the programs and projects of the FRPB. The chair, commissioner or head of any state, municipal body, or public authority operating within the Regional Planning District, if permitted by its trust indentures to do so, may delegate one or more well-qualified representatives from his agency to serve on any of the said technical advisory committees upon the request of the Executive Committee.

(C) MEETINGS

The FRPB shall meet on the fourth Thursday of September, March, May and June and a combined meeting in November/December. The combined November/December meeting shall be held on the first Thursday in November. The January meeting shall be held on the third or fourth Thursday in January and will be scheduled to avoid a conflict with the FRCOG Council meeting. There are no regularly scheduled FRPB meetings in July and August. There are no FRPB meetings in October, February, or April unless needed as an alternate date for a cancelled FRPB meeting due to inclement weather. In addition, the FRPB shall meet at such other times as the FRPB Executive Committee shall determine or upon the written petition of twelve (12) FRPB members.

(D) RULES OF PROCEDURES

The FRPB shall utilize the procedures contained herein for its activities and the activities of the FRPB Executive Committee, and shall keep a record of its meetings, transactions, resolutions, findings and determinations, all of which shall be a public record. If no other procedures are specified herein, the FRPB shall follow the most recent edition of Robert's Rules of Order.

(1) QUORUM

The minimum number of members required to be present for business to be transacted shall be twelve (12) members of the Franklin Regional Planning Board.

(2) AMENDMENT OF BY-LAWS

These By-laws may be amended at any meeting of the FRPB by a two-thirds (2/3) majority, where at least a quorum of members are present and voting, and provided that a copy of the proposed amendment has been sent to all members at least 14 calendar days in advance of said meeting.

(3) VOTING

Each member of the Franklin Regional Planning Board shall have one vote which may be an "aye" vote or a "no" vote, unless the member abstains from voting.

(E) TERMS OF OFFICE

Each FRPB member shall serve a term of three years. In the case of vacancies, new appointments shall be made in accordance with the provisions of the Franklin Regional Planning Board By-laws contained herein.

Potential Members At-Large shall be nominated by a three person "Nominating Committee" appointed by the FRPB Executive Committee and comprised of existing FRPB members. By action of a majority vote by the FRPB, up to one-third (1/3) shall annually be elected for a term of three (3) years. Upon the expiration of the term of a Member At-Large, such member may be re-elected or a successor shall be elected by a majority vote of members of the FRPB for a term of three (3) years. In the event of a vacancy, the FRPB shall elect a new Member At-Large to serve for the remainder of the unexpired term.

A Member At-Large vacancy shall be deemed to have occurred if the Member At-Large has notified the FRPB Executive Committee in writing of his/her resignation or if they have not attended any Franklin Regional Planning Board meetings during a 6 month period unless said member notifies the Chair in writing of his/her interest in continuing. For Planning Board or

Select Board members who resign or are not re-elected before their three year term expires, the town Planning Board or Select Board shall notify the FRPB of the new appointment to fill out the term.

ARTICLE V - COOPERATION AND MUTUAL EXCHANGE OF DATA

There shall be a mutual exchange between the FRPB and all offices, boards, commissions, departments of each political subdivision of the Commonwealth within the Regional Planning District, of data records, and information within the knowledge and control pertaining to the Regional Planning District or the parts thereof, which may be required for the preparation of such plans, investigations and recommendations made pursuant to Article III of these By-laws; provided, however, that no such public authority shall be required to expend any funds for such purposes or to exchange or distribute proprietary information without proper compensation or authority.