



**APPALACHIAN COUNCIL OF GOVERNMENTS  
BY-LAWS COMMITTEE MEETING  
Tuesday, December 4, 2020 – 9:30 AM  
Zoom Meeting**

<https://zoom.us/j/97262357185?pwd=YUxVYTR0WFFidzA3MFExN1YxbjYwQT09>

**Password: 956426**

**Phone: (909) 205-6099**

**AGENDA**

1. Call to Order
2. Consideration of Amendments to the Appalachian Council of Governments By-Laws
  - A. Section IV-1: Regional Members
  - B. Section IV-2: Terms and Methods of Appointment – Regional Members

**Action Item**
3. Other Business
4. Adjourn

## **By-Laws Committee Staff Report**

### **Agenda Item 2: Consideration of Amendments to the Appalachian Council of Governments By-Laws**

#### **Background and Analysis**

The Appalachian Council of Governments is designated as a Local Development District (LDD) by the federal Appalachian Regional Commission and is designated as an Economic Development District (EDD) by the US Economic Development Administration. These designations make entities in the region eligible for federal grant funding and technical assistance through a variety of ARC and EDA programs. Both agencies have membership requirements for the agency's board of directors. A recent review indicates that the membership composition included in ACOG's current By-Laws are slightly out of compliance with Appalachian Regional Commission regulations. Minor amendments to the By-Laws are proposed to bring the document into compliance. The By-Laws Committee will meet on Tuesday, December 1<sup>st</sup> to discuss language to address this issue.

The challenge is with Article IV – Section 1 of the By-Laws, which covers membership. The section has a clause stating;

#### **Regional Members**

**Council membership may consist of up to two (2) people who can provide a regional perspective, guidance, and leadership to the Council. These members shall have previously served as members of the Appalachian Council of Governments Board of Directors.**

Article IV – Section 2 establishes terms and a method of appointment for regional members.

**Regional members shall serve terms of one year, beginning in January. These members shall be nominated by the Council of Governments Board Chair and shall be approved by a majority vote of members present at a Council of Governments Board of Directors meeting. Regional members may be nominated and approved at any time during the year; however, their term of office shall terminate on December 31<sup>st</sup> unless they are re-appointed. Regional members may be approved for an unlimited number of consecutive terms.**

The issue is that, depending on which counties the regional members are from, it could result with membership being out of balance with the composition requirements of the ARC. The most straightforward solution is to allow a regional member from every county.

Proposed language to make that change is provided on the next page.

### **Regional Members**

**Regional council membership may consist of up to one (1) person from each county, for a total of six (6) members, who can provide a regional perspective, guidance, and leadership to the Council. These members shall have previously served as members of the Appalachian Council of Governments Board of Directors.**

**Regional members shall serve terms of one (1) year, beginning in January. At the December meeting of each year, the ACOG Board of Directors delegation from each county shall have the opportunity to nominate a regional member from the county. The Chair of the Board of Directors shall have the option to either accept or reject the nomination. Upon acceptance, the person shall be appointed to a one year term beginning January 1<sup>st</sup>.**

**If a Regional Member position is vacant at any time during the year, the ACOG Board of Directors delegation from the county in which the vacancy is located may nominate a regional member at any meeting. If approved by the Chair of the Board of Directors, the member's term shall run through December 31<sup>st</sup> of that year.**

The draft language would not require a county delegation to the ACOG Board to nominate a regional member but would make the opportunity available to do so. In addition to solving the compliance issue, the amended language would also expand the number of veteran board members who can continue to provide service to the agency.

### **Recommendation**

The staff recommendation is to approve the draft amended language as presented above.