

RESOLUTION No. 2022-10 ADOPTING THE ROCHESTER-OLMSTED
COUNCIL OF GOVERNMENTS ORGANIZATION AGREEMENT

WHEREAS, the members of the Rochester-Olmsted Council of Governments (ROCOG) Policy Board has been desirous of updating its Organization Agreement and Bylaws which have not been updated since 2006; and

WHEREAS, the ROCOG Policy Board appointed a Bylaw Committee to work with Olmsted County Planning staff to research, study and update the ROCOG Organization Agreement and Bylaws; and

WHEREAS, the Bylaw Committee met regularly with Planning staff over a nine-month period to update and revise the ROCOG Organization Agreement and Bylaws and the changes to the ROCOG Bylaws have been approved by the ROCOG Policy Board; and

WHEREAS, the proposed amendments to the Organization Agreement were also approved by the ROCOG Policy Board, but they also require approval by formal resolution by a simple majority of the governing boards of the governmental unit members of ROCOG within 90 days of receipt of notification from ROCOG Planning staff; and

NOW, THEREFORE BE IT RESOLVED, that the (Name of Government Jurisdiction) has reviewed the changes by the ROCOG Policy Board and does hereby approve the revised ROCOG Organizational Agreement. The revised Agreement shall become effective when a simple majority of the governing boards of the governmental unit members of ROCOG have approved it within 90 days of receipt of notification from ROCOG Planning staff.


Dated at Oronoco, Minnesota, this 19 day of May, 2022.

City of Oronoco



Mayor

ATTEST:



Jerilyn Horton, City Clerk



ROCHESTER-OLMSTED COUNCIL OF GOVERNMENTS

(ROCOG)

ORGANIZATIONAL AGREEMENT

APPROVED by ROCOG: October 27, 2021

TABLE OF CONTENTS

ORGANIZATION AGREEMENT

- SECTION I – Authorized Activities – page 4
- SECTION II – Organizational Structure and Board Meetings – page 6
- SECTION III – Finances – page 8
- SECTION IV – Membership and Termination – page 8
- SECTION V – Amendments to the Agreement – page 9

ROCHESTER-OLMSTED COUNCIL OF GOVERNMENTS

Representative	Governmental Unit
Mark Bransford	City of Rochester
Nick Campion	City of Rochester
Molly Dennis	City of Rochester
Kim Norton	City of Rochester
Shaun Palmer	City of Rochester
Jim Bier	Olmsted County
Ken Brown	Olmsted County
Mark Thein	Olmsted County
Mary Blair-Hoeft	City of Byron
Mike Hildenbrand	City of Pine Island
Bill Schimmel	City of Stewartville
Lenny Laures	Cascade Township
John Johnson	Haverhill Township
Jeffrey Kappers	Independent School District #535
Regina Mustafa	Community Representative
Gene Peters	Community Representative

[Rest of this page intentionally left blank]

ROCHESTER-OLMSTED COUNCIL OF GOVERNMENTS
AGREEMENT

(As Amended December 1, 1981)

(As Amended January 26, 2006)

(As Amended October 27, 2021)

This agreement, executed this ____ day of ____, 2022, by and between the undersigned governmental units all hereinafter called MEMBERS, each a government unit duly organized under the laws of the State of Minnesota, witnesseth:

WHEREAS, the respective members hereto, being desirous of joining together in an association to be known as the Rochester-Olmsted Council of Governments, hereinafter designated ROCOG, for the purpose hereinafter set out;

and

WHEREAS, Section 471.59 of Minnesota Statutes Annotated authorizes and empowers cities, townships, school districts and counties to enter into agreements for the joint or cooperative exercise of any power common to said cities, townships, school districts or counties;

and

WHEREAS, the members hereto, comprising the area of Olmsted County, Minnesota, and said county's environs, face a variety of problems resulting from metropolitan growth and development, and need to cooperatively plan with regard to metropolitan growth and the provision of public services to adequately cope with said metropolitan growth and development;

and

WHEREAS, efficient metropolitan planning depends on the inclusion of the whole area to be effective in organizing and accomplishing the well-being of the entire community;

and

WHEREAS, the individual members hereto are authorized by law to carry on municipal, township, school district and county planning activities.

NOW THEREFORE, by virtue of powers granted by law to each of the members hereto, and in consideration of accomplishing greater cooperation in guiding urban growth and development in the County of Olmsted, Minnesota, and its environs, it is mutually agreed, by and between the members hereto, as follows:

That the signatories hereto do hereby form the Rochester-Olmsted Council of Governments to be empowered and organized as hereinafter set out:

SECTION I – Authorized Activities

That said ROCOG shall be authorized to act and empowered therefore as follows:

1. Definitions:
 - a) MEMBERS – for purposes of this Agreement, are defined as the governmental units or jurisdictions that comprise the Rochester-Olmsted Council of Governments (ROCOG) and include the following: City of Rochester; Olmsted County; the smaller cities of Bryon, Chatfield, Dover, Eyota, Oronoco, Pine Island and Stewartville; the 18 Townships (represented by the Olmsted County Township Officers Association) within Olmsted County, and Independent School District #535.
 - b) REPRESENTATIVES – are defined as the designated appointees who serve on ROCOG by the individual governmental unit members. There are also two community representatives who reside within Olmsted County and represent the residents at large.
2. Upon the adoption, by the members hereto, of resolutions authorizing each of said members to execute and to participate in the activities hereinafter provided, and upon the execution of this agreement by said members, said ROCOG shall be authorized to carry out those comprehensive planning activities it deems to be of an areawide concern on a continuing basis.
 - a) To be deemed a matter of areawide concern, it must be found by said ROCOG that any activity it proposes to undertake by virtue of the

authorities herein granted, is a matter that is in the proper sphere of governmental planning, and/or is of concern to more than one governmental unit within its jurisdiction.

- b) Comprehensive planning activities of the ROCOG shall provide a basis for areawide functional planning and coordination of short-range functional programs. Such planning activities may include, but is not limited to, human and natural resources as well as economic, governmental and physical concerns of areawide interest. It may encompass elements for housing, employment, land use development, education, taxation, transportation, sewer and water facilities, open space and recreation, agricultural, business and economic development as well as other matters of areawide concern.
- c) The ROCOG shall aid, advise, review and comment on applications from local units of government for federal and state grants and aids which are deemed a matter of areawide concern. Such applications shall be reviewed for consistency with areawide comprehensive and functional planning.
- d) In the exercise of the powers herein granted the ROCOG shall not have the power nor shall it be authorized to act in any way as to directly usurp the governmental sovereignty of any of the members hereto.
- e) To accomplish the ends desired and to carry out its responsibilities said ROCOG shall have the following authority:
 - 1) To obtain personal services and to employ staff and/or retain consultant services.
 - 2) To apply for and accept contributions, grants, gifts, services, and other assistance from any other public or private source.
 - 3) To enter into contracts and subcontracts with any person, firm or corporation and with the federal, state or local government or any agency or political subdivision thereof, including but not limited to agreements for the joint and cooperative exercise of

- powers of the authority with any such subdivision or agency in the manner provided in Minnesota Statutes, Section 471.59
- 4) To investigate, consider, take action on, make findings, or make recommendations about any matter which shall be considered by said ROCOG to be of mutual concern within its jurisdiction.
3. The governmental unit members hereto shall be jointly and individually liable for the debts and obligations incurred by said ROCOG in the proper exercise of said powers herein granted.

SECTION II – Organizational Structure and Board Meetings

That said ROCOG shall be organized and proceed as follows:

1. The governmental units which are members hereto shall select voting representatives to represent them on said ROCOG, provided that every effort shall be made to maintain representation wherein at least $\frac{2}{3}$ of the representatives to the ROCOG shall be local elected officials, and if not, shall be designated representative(s) of the local elected officials.
2. Delegates to ROCOG shall be selected as follows:
 - a) The City of Rochester which is a member hereto shall, upon execution of this agreement, select five (5) voting representatives to serve on ROCOG
 - b) The County of Olmsted which is a member hereto shall, upon execution of this agreement, select three (3) voting representatives to serve on ROCOG.
 - c) The Cities of Byron, Chatfield, Dover, Eyota, Oronoco, Pine Island, and Stewartville shall upon execution of this agreement, collectively select three (3) voting representatives to represent them on ROCOG.
 - d) The Townships in Olmsted County desiring to be members of ROCOG shall select two (2) voting representatives to represent said townships on ROCOG through the Olmsted County Township Officers Association.

- e) Independent School District 535 (Rochester Public Schools) shall select one (1) voting representative to serve on ROCOG.
- f) The District Engineer of MnDOT District 6 may serve as an *ex officio* non-voting representative to ROCOG, whose attendance or absence will not affect determination of a quorum.
- g) The representatives to ROCOG shall select two (2) community representatives as voting members of ROCOG. Said community representatives shall be selected at their first meeting of the ROCOG. Community representatives shall be residents of Olmsted County and shall have been an Olmsted County resident for at least one (1) year prior to appointment. Representatives to the ROCOG shall be as follows:

Governmental Unit	Number of Representatives
City of Rochester	5
Olmsted County	3
Eighteen (18) Townships (to be appointed by the Olmsted County Township Officers Association)	2
Cities of Byron, Chatfield, Dover, Eyota, Oronoco, Pine Island and Stewartville	3
Independent School District #535	1
Community Representatives	2
MnDOT District 6 District Engineer, or designee (<i>ex-officio</i>)	(1)
Total	16

Each governmental unit’s representative(s) so appointed shall have one vote and must be in attendance at the meeting of the ROCOG in order to cast that vote. The use of substitutes or alternates to attend in the event of a representative’s absence shall not be allowed.

3. Upon the ratification of this agreement by the members of ROCOG, and not sooner than thirty (30) days nor later than sixty (60) days following the appointment of ROCOG representatives, the ROCOG representatives shall meet and select from their number, by a majority vote of the ROCOG representatives, a Chair and Vice-Chair,

which officers shall retain their voting rights as representatives. The Chair and Vice-Chair shall be rotated amongst the jurisdictional types in order to balance the leadership roles.

4. The Olmsted County Planning Director shall be responsible to provide staff assistance as provided in the annual work program, provide an orientation and/or educational session for new representatives, and serve as secretary to ROCOG.
5. The ROCOG shall, at its meeting closest to January of each year, determine the months in which regular meetings will be held. ROCOG Policy Board meetings have been determined to be held on the fourth Wednesday of the month, or as required for the conduct of official business, beginning at 12:00 noon, in Building 2122 of the Olmsted County Campus Complex. Said ROCOG shall hold at least four (4) meetings each year. The Chair, Executive Committee, or any four ROCOG representatives, acting jointly, shall be authorized to call a special meeting. The secretary shall give written notice prior to any regular or special meeting, setting out on said notice the time, place and purpose of said meeting.

SECTION III – Finances

The County of Olmsted shall pay expenses for the administration of the ROCOG, in such amounts as may be periodically approved and appropriated by the Olmsted County Board of Commissioners through the annual budget set for the Olmsted County Planning Department. The ROCOG may make special allocations for project costs.

All governmental unit members of ROCOG may each voluntarily appropriate money for the use of said ROCOG.

SECTION IV – Membership and Termination

Any governmental unit located in Olmsted County or partly located in Olmsted County authorized by law and not a member hereto, shall upon application to the ROCOG and upon execution of an appropriate resolution be authorized to join the ROCOG and upon admission shall be bound by the terms of this agreement. If said

new member jurisdiction is a Township in Olmsted County, it shall be represented by the two representatives representing the townships already serving on ROCOG. If said new member is a City in Olmsted County, it shall be represented by and shall have an equal voice in the collective appointment of the three representatives representing Byron, Chatfield, Dover, Eyota, Oronoco, Pine Island, and Stewartville.

Any City which is not entirely located in Olmsted County, being contiguous to Olmsted County, may upon application to the ROCOG and by adoption of an appropriate resolution by the then current members of ROCOG, join ROCOG and upon admission shall be bound by the terms of this agreement. Said City shall be represented by and shall have an equal vote in the collective appointment of the three representatives representing Byron, Chatfield, Dover, Eyota, Oronoco, Pine Island, and Stewartville.

The term of this agreement shall continue so long as the members hereto continue participating in the Rochester-Olmsted Council of Governments. This agreement and the Rochester-Olmsted Council of Governments shall be, however, subject to termination at any time by two-thirds ($\frac{2}{3}$) vote of all of the ROCOG voting representatives.

At the time this agreement is so terminated all the property owned by the ROCOG and all the surplus funds of the ROCOG shall be distributed to the County of Olmsted, Minnesota.

Any governmental unit member hereto may withdraw from this agreement by serving six (6) months written notice upon the other members hereto.

SECTION V – Amendments to the Agreement

This agreement may be altered, amended or added to provided:

1. That the proposed amendments are first recommended for approval by the ROCOG Board using the same procedure set forth in Article VIII of the ROCOG Bylaws.
2. Following ROCOG Board approval, the proposed amendments shall be subsequently approved by a resolution of a simple majority of the governing

boards of the governmental unit members of ROCOG within 90 (ninety) days of recommended approval by the ROCOG Board when they shall become final and binding on ROCOG.

[Rest of this page intentionally left blank]

IN WITNESS THEREOF, the undersigned governmental units, by appropriate resolution duly adopted, have caused these presents to be executed.

City of Rochester	By: _____
County of Olmsted	By: _____
City of Byron	By: _____
City of Chatfield	By: _____
City of Dover	By: _____
City of Eyota	By: _____
City of Oronoco	By:  _____
City of Pine Island	By: _____
City of Stewartville	By: _____
Olmsted County Township Officers Association*	By: _____
School District 535 (Rochester)	By: _____

[Rest of this page intentionally left blank]

* Previous agreement listed each township separately; Dover, Eyota, Farmington, and New Haven Town Boards have not signed the agreement. In practice, appointments have been made by the Township Officers Association, with one delegate representing rural areas and one representing suburban areas.



Memo

Date: March 31, 2022
To: Township Clerks and Small Cities Administrators
From: Ben Griffith, ROCOG Executive Director
Subject: **ROCOG Organizational Agreement Resolution Background**

In October 2020, the Rochester-Olmsted Council of Governments (ROCOG) adopted the 2045 Long Range Transportation Plan. Among the many needs identified, was the update of its Bylaws and Organizational Agreement, which had not been addressed since 2006. The Policy Board selected a "Bylaw Committee" from amongst themselves representing the various jurisdictional types to begin working with staff on the task. The Committee met monthly from January to September and on October 27, 2021, the ROCOG Policy Board adopted the Bylaws and recommended approval of the Organizational Agreement. The Organizational Agreement must be adopted by at least 51% of the individual ROCOG member jurisdictions within 90 days to become enacted.

Staff has created a draft Resolution for each jurisdiction to formally adopt the updated ROCOG Organizational Agreement.

Once adopted, please forward the executed Resolution to the Olmsted County Planning Department (pre-paid envelope included) where the adopted Resolutions will be compiled, the Organization Agreement updated to reflect its adoption, and then posted onto the ROCOG website.

If there any questions, please do not hesitate to contact the Olmsted County Planning Department at 507-328-7100.