

# Warren County Board of Supervisors

## RESOLUTION NO. 440 OF 2018

**RESOLUTION INTRODUCED BY SUPERVISORS MCDEVITT, BEATY, LEGGETT, BRAYMER, STROUGH, HOGAN, MAGOWAN, SIMPSON AND WILD**

**APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE FIVE COUNTIES OF CLINTON, ESSEX, HAMILTON, WARREN AND WASHINGTON AND THE LAKE CHAMPLAIN-LAKE GEORGE REGIONAL PLANNING BOARD**

WHEREAS, the Lake Champlain-Lake George Regional Planning Board (“LCLGRP”) was established in accordance with resolutions passed by the Counties of Warren, Washington, Essex, Clinton and Hamilton in 1967, as may have been amended, as a Regional Planning Board pursuant to New York General Municipal Law (“GML”) Article 12-B, Section 239-h, and

WHEREAS, the five counties have, as required by GML, adopted amended bylaws as proposed by and passed by the Lake Champlain-Lake George Regional Planning Board of Directors of July 25, 2018, and

WHEREAS, pursuant to GML Section 239-h, the counties must adopt a Memorandum of Agreement spelling out the duties and responsibilities of all parties and the financial contribution required by the member counties, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the Memorandum of Agreement between the five member counties of Warren, Washington, Essex, Clinton and Hamilton and the Lake Champlain Lake George Regional Planning Board as per the attached “Schedule A”.

MEMORANDUM OF AGREEMENT

BETWEEN THE FIVE COUNTIES OF CLINTON, ESSEX, HAMILTON,  
WARREN AND WASHINGTON

AND THE

LAKE CHAMPLAIN – LAKE GEORGE REGIONAL PLANNING BOARD

OCTOBER, 2018

---

WHEREAS, the Lake Champlain-Lake George Regional Planning Board (“LCLGRP”) was established in accordance with resolutions passed by counties of Warren, Washington, Essex, Clinton and Hamilton (the “Counties”) in 1967, as may have been amended, as a Regional Planning Board pursuant to New York General Municipal Law (“GML”) Article 12-B, Section 239-h; and

WHEREAS, the five counties have, as required by GML, adopted amended bylaws as proposed by and passed by the Lake Champlain Lake George Regional Planning Board of Directors on July 25 2018, and

WHEREAS, pursuant to General Municipal Law 239-h the counties must adopt a Memorandum of Agreement spelling out the duties and responsibilities of all parties and the financial contributions required by the member counties; It is

THEREFORE, DULY RESOLVED that the LCLGRP hereby adopts the following Memorandum of Agreement:

ARTICLE 1

**DUTIES**

The duties of the LCLGRP shall be as follows:

1. Provide access to information on domestic assistance programs including searches on public and private funding sources for specific development projects,
2. Develop a Comprehensive Economic Development Strategy which maintains the Region’s federal funding eligibility from EDA,
3. Prepare grant and loan applications on behalf of municipalities to secure development, planning and water quality improvement project funds from such agencies as the US Commerce Department, US Rural Development Administration, Natural Resource Conservation Service, NYS Urban Development Corporation, NYS Department of Environmental Conservation, NYS Environmental Facilities Corporation, and NYS Department of State. Grantsmanship services offered through the Board have helped local governments acquire millions in funding for the creation of industrial parks, energy and telecommunications projects, and water, sewer and transportation infrastructure upgrades,
4. Operate a small business Revolving Loan Fund to provide funding at below market rate for qualifying small businesses for fixed asset and working capital needs,

**RESOLUTION NO. 440 OF 2018**

**PAGE 3 OF 5**

5. Work as the designated Local Development District for management of Northern Borders Regional Commission funding, which brings federal infrastructure improvement and telecommunications funding into the region,
6. Prepare regional watershed management planning documents on community revitalization and water quality and natural resource improvement projects,
7. Assist municipalities with work required under federal and state permits, such as the New York State Municipal Separate Sewer System (MS4) Program,
8. Provide technical assistance to municipalities, non-profit organizations and citizens groups for an array of water quality related issues,
9. Host technical trainings for local engineers, landscape architects, municipal code enforcement officers, highway department personnel and municipal planning and zoning board members,
10. Act as the federal clearinghouse for multi-jurisdictional land use planning and community development projects,
11. Publish priority issue documents and undertake special studies in response to issues of local importance,
12. Host agency for the Glens Falls/Adirondack Transportation Council, which is a Metropolitan Planning Organization created by the NYS Governor in 1982. The three core products of the metropolitan planning process are; the 20-year Long Range Plan that articulates regional goals, objectives and priorities for regional transportation system maintenance and improvements; the Transportation Improvement Program, which is a five-year roster of planned federal investments in capital projects for roads; and the Unified Planning Work Group that develops a one to two year list of planning and programming activities. Key emphasis areas are capital planning, rehabilitation and reconstruction for transportation corridors, traffic counts, travel demand modeling, pavement scoring, safety assessments and infrastructure vulnerability assessments.

**ARTICLE 2**

**REPORTS**

1. Annual Report. The LCLGRP shall make an annual report of its activities to the Member County legislative bodies on or before June 30th of each year.
2. Independent Audit. To insure the fiscal, organizational and programmatic accountability of the LCLGRP, there shall be an annual independent audit which will be provided as part of the Annual Report.
3. Other Reports and Plans. The preparation and adoption of other reports and plans by the LCLGRP shall be as prescribed in the State General Municipal Law, Article 12-B, Section 239-h.

**ARTICLE 3**

**FINANCING AND ADMINISTRATIVE SERVICES**

1. The fiscal year of the LCLGRP shall be the calendar year.
2. The LCLGRP, with the assistance of the Executive Director, shall prepare and adopt a

**RESOLUTION NO. 440 OF 2018**

**PAGE 4 OF 5**

proposed annual operating budget, showing proposed expenses and revenues, to carry out the responsibilities set out in this agreement. The operating budget shall consist of the following components:

- a. An administrative budget, with expenditures broken down by objects of expense;
  - b. A project budget, showing a separate budget for each project;
  - c. A contingency budget for use in funding unanticipated costs;
  - d. A salary schedule in support of the appropriation for personal services.
3. The LCLGRP's proposed budget shall be submitted to the Board of Directors, and shall subsequently be submitted to each member county's Budget Officer by July 1st of each year. The proposed budget shall include a notice to each member county indicating its share of the proposed budget. The County Budget Officers shall review and provide recommendations on the proposed budget no later than July 15th. The proposed budget may be amended and resubmitted to the legislative bodies of each member county by July 31st. Each legislative body shall review and consider the proposed budget and shall, prior to August 31st, either adopt the proposed budget or an advisory report suggesting modifications to the proposed budget. Upon consideration of the actions of the legislative bodies of each member county, the LCLGRP shall then adopt a budget no later than September 30th of each year. The adopted budget shall be forwarded to each member county and shall include a notice indicating each member county's share of the adopted budget.
  4. The contribution by each member county named as Clinton, Essex, Hamilton, Warren, and Washington Counties shall be based on a calculation using the population of each county as of the last full census and the total equalized taxable property value of each county as of the previous year (hereinafter "proportionate share"). Population shall account for 50% of the calculation and the total equalized taxable property value will constitute the other 50%. Each 50% share shall be prorated by the percentage the county is of the total of population and assessed value. An example of the calculation will be provided as an attachment.
  5. This Agreement shall be deemed executory only to the extent member counties appropriate their proportionate share. To the extent member counties appropriate money for this Agreement each year, each member county shall transfer its proportionate share no later than March 31<sup>st</sup> of each year, upon receipt of a verified voucher from the LCLGRP.
  6. The LCLGRP will depend solely upon authorized payments received from Member Counties, in their proportionate shares, plus any local, federal, state or private grants for contract work performed. Any monies for special projects which require a local share coming from the Member Counties in advance of the commencement of a project shall be requested from Member Counties in their proportionate shares. Such projects shall not commence until the local funds are committed.
  7. No expenditures in excess of the LCLGRP's authorized annual budget, adopted pursuant to this Article, shall be made without the written resolution of the Board of Directors setting forth the purposes and amount of such additional expenditures, as well as each member county's share of such expenditures. This resolution shall be submitted to the legislative bodies of each member county at least two weeks prior to its consideration at a meeting of the LCLGRP.
  8. The LCLGRP shall be an independent fiscal entity.

**ARTICLE 4**

**SUSPENSION**

In the event that one or more of the Member Counties fails to appropriate or transfer its proportionate share of the Board's operating funds to the LCLGRP by March 31 of the LCLGRP's current fiscal year, and such failure continues thirty days after notice from the LCLGRP, such County shall be deemed to be suspended from the LCLGRP and written notice to that effect shall be sent to all other Counties. During the period of suspension, such County's representative members shall not be entitled to vote at LCLGRP or Committee meetings, and no items of business relating solely to such suspended County, including requests for review and recommendations concerning Federal or State participation in planning or projects within such suspended County, shall be voted upon or passed by the LCLGRP. Any period of suspension hereunder shall be terminated and such County restored to full membership upon receipt of payment of its delinquent share.

**ARTICLE 5**

**BY LAWS, RULES AND REGULATIONS**

The LCLGRP may adopt, amend and rescind such written By-laws, Rules and Regulations, consistent with this Agreement, which it deems necessary and appropriate to the carrying out of its duties and responsibilities hereunder and governing its meeting procedures and other day-to-day operations of the LCLGRP. All amended by-laws must be approved by the member counties legislative body as required by New York State General Municipal Law §239-h.

**ARTICLE 6**

**ADOPTION AND AMENDMENT PROCESS**

This agreement was adopted by approving resolutions of the Member Counties and may only be amended by the same process. Any change or amendment of this Agreement must be approved by each Member Counties legislative body.