

ARTICLES OF ASSOCIATION
OF THE
BEAR LAKE REGIONAL COMMISSION

PREAMBLE

Recognizing that the waters of Bear Lake and other resources of the region are threatened with deterioration, which may endanger the natural beauty and economic productivity of the region, and that by virtue of the special conditions of the natural ecology, development pattern, population distribution and recreational opportunities of the region, solutions to specific problems do not lend themselves to any single level or jurisdiction of government. Therefore, effective action requires the coordinated application of federal, state and local resources in order that total government action can be focused on a geographic area which equals that of the problems involved.

It is further found and declared that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an area wide governing body to promote orderly planning and development, to encourage effective environmental controls, and to perform other essential functions, as enumerated in these Articles.

ARTICLE I – NAME

The name of the organization established by these Articles of Association shall be the Bear Lake Regional Commission, hereinafter referred to as “The Commission”, or “Regional Commission”, which shall be a voluntary organization of governments created as a separate legal entity.

ARTICLE II – BOUNDARIES

The initial boundaries of the Commission shall be conterminous with, and include the adjacent counties of Rich County, in the State of Utah, and Bear Lake County in the State of Idaho.

ARTICLE III –PURPOSES

It shall be the purpose of this organization to:

- A. Serve as a common forum to identify, discuss, study and bring to resolution, regional problems and opportunities.
- B. Serve as a vehicle for the collection and exchange of information and data of a regional interest.
- C. Provide a continuing organizational means to insure maximum communication and coordination among governments and agencies.

- D. Coordinate the planning efforts of the several members and various levels of government to the end that an overall comprehensive plan for the region shall be developed.
- E. Study regional and governmental problems of mutual interest and concern, and, facilitate agreements and cooperative action proposals among member governments for specific projects or other interrelated developmental services.
- F. Maintain liaison with members, other governmental units, and groups or organizations, and serve as regional spokesman for member local governments.
- G. Furnish general and technical aid to member local governments, as they direct, promote, and accomplish Commission approved agreements, policies, and plans.
- H. Serve as a reviewing and policy-making body with respect to projects and proposals, of both public agencies and private organizations.

ARTICLE IV – ORGANIZATION AND MEMBERSHIP

There is hereby created the Bear Lake Regional Commission. The Commission is organized as a multi-purpose “umbrella-type” organization with a governing body constituted as follows:

- A. *Local Government Representation shall be composed of two (2) County Commissioners, one from each county, appointed by the Chairman of the Board of County Commissioners; three (3) representatives from each incorporated city in Bear Lake County (Montpelier, Paris, and Georgetown), appointed by the Mayor; two (2) representatives, one from Garden City and one from Laketown, Utah, appointed by their Mayor; one (1) representative at large from the south end of Rich County (Randolph and Woodruff combined), appointed by the County Commissioners; one (1) representative the recreation user (Friends of Bear Lake, Bear Lake Watch, Love Bear Lake, and other interested parties combined, three names to be submitted by these groups for consideration by the Bear Lake Regional Commission Board; one (1) representative from irrigation interests residing within the Bear Lake Basin Area, three names to be submitted by irrigators from the Bear Lake and Bear River area to the Bear Lake Regional Commission Board for consideration; making a total of ten (10) Board Members. Members shall serve four year terms, staggered so that two members will be replaced or re-appointed each year, with exception of the Recreation User, and the Irrigation Interest, which will be assigned a two year term. Board member vacancy shall be filled by appointment for the remainder of the term. Three absentees without excuse is grounds for termination from the Board. (Amendment made and adopted by the Bear Lake Regional Board on February 5, 1997).*
- B. State Government Representation.

Since the Bear Lake Regional Commission will be responsible for making broad policy decisions, proper coordination with State government is necessary and desirable and will be accomplished by the appointment by the Governor of each State (2) designees from State Departments or agencies whose legislative responsibilities are most closely related and essential to implement the purposes of the Commission

Members of the governing body as appointed shall be non-voting and serve in an ex-officio capacity rendering technical assistance and advice.

- C. Additional ex-officio representation on the Commission may be appointed by members of the governing board as deemed appropriate to further the objectives and purposes of the Commission. Ex-Officio members may include, but are not limited to representatives of agencies of the Federal Government, State Legislatures, Multi-County Associations of Government, school districts, or any other public or private organization. Ex-Officio members shall not have voting privileges, but shall act in an advisory capacity to the Commission.
- D. An equal number of members shall be appointed from each state.

ARTICLE V – GENERAL FUNCTIONS AND POWERS OF THE COMMISSION

The functions and powers of the Commission shall include:

- A. Eligibility for Federal and State Programs.
The Commission is authorized to act as an agency to receive federal and state grants or loans on behalf of the member governments, for all planning and development programs and projects which are specifically intended to assist regional or area wide services and activities.
- B. Review Privileges.
All plans, programs, and proposals of federal, state, and local governments within the regional area, which may substantially affect, or may specifically apply, to the uses of land, water, air, open space, and other natural resources in the region, shall be reviewed by the Commission. Each large scale private proposal of residential, commercial, and recreational development, shall also be referred to the Commission for its review as to conformity with regional plans or programs.
If such plans, programs, or proposals are determined to be inconsistent with the plan for the region or in any other way is found to be detrimental to the orderly development of the region, the Commission shall within sixty (60) days after the submission of the plan, program or proposal, notice the parties involved of noncompliance with the regional plan, and attempt to obtain agreement with the Commission's regional plan.
- C. Planning.
The Commission shall have prepared and adopted a plan for the region. The regional plan shall set forth the needs, and goals of the region, and a

statement of the policies, and standards, of the regional plan. The regional plan shall include the following correlated elements:

- (1) A land use plan.
- (2) A transportation plan.
- (3) A conservation plan.
- (4) A recreation plan.
- (5) A public services and facilities plan.

Upon adoption of said plan, the Commission shall prepare and file an environmental impact statement outlining the impact of the plan's proposals upon the environment of its area.

The regional plan shall take into consideration and coordinate the plans, of any city or county planning commission in the region. The Commission shall establish representative technical committees as needed to assist in the preparation of such regional plan.

D. Contracts and Contractual Services.

The Commission may contract generally and enter into contract or agreement with the federal government, states, counties, or any municipal corporation and/or any other governmental agency for any purpose necessary or desirable for dealing with affairs of mutual concern, and/or contract for the provision of services with states, counties, and cities within its boundaries, and to accept all funds resulting therefrom.

E. Adoption of Uniform Ordinances and Standards.

The governing body shall have the power to recommend by resolution, any ordinances, rules, regulations or policies not inconsistent with state law which are necessary, appropriate, or incidental to effectuate the regional plan. The resolutions shall recommend general regional standards, including but not limited to the following: water purity, subdivision development, zoning solid waste disposal, sewage disposal, tree removal, shoreline development, mobile home parks, house relocation, outdoor recreation, harbors, piers, flood plain protection, soil and sedimentation control, air pollution, and watershed protection. Whenever possible without diminishing the effectiveness of the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in nature.

Any resolutions pertaining to ordinances, rules, regulations and policies adopted by the Commission shall be enforced by the respective states, counties, and cities in the region, except as otherwise delegated to the Commission by the respective states, counties or cities by contracts and agreements.

ARTICLE VI – PERSONNEL AND CONSULTANTS

The Commission shall determine the qualifications of, and it shall appoint and affix the salary of the Executive Director of the agency and shall employ such other staff and consultants as may be necessary to execute the powers and functions provided for under these Articles or in accordance with any intergovernmental contracts or agreements

that the Commission may be responsible for administering. The Executive Director shall perform all duties delegated to him by the Commission.

ARTICLE VII – FINANCE

A. Budget.

The Commission and its authorized activities may be financed by contributions from Federal, and State agencies, and by cash assessments made by states, counties and cities holding membership in the Commission, pursuant to applicable resolutions and/or regulations, and such bylaws as may be adopted by the Commission, provided, however, that services and facilities may be provided by such participating members in lieu of assessment. Expenditures shall be for the purpose of carrying out the functions of the Commission.

B. *Allocation of Costs.*

Each year upon adoption of the annual budget by the Commission, the funds in an amount sufficient to meet the required budget shall be assessed equally to Bear Lake and Rich Counties. However, each county's annual share of the total operating budget may be provided in whole or in part by contributions received from participating State agencies and municipalities also holding membership in the Commission via cash or in-kind services. It shall be the responsibility of each State/County and municipality holding membership in the Commission to mutually determine the portion of the total county assessment which each shall bear. The individual county assessment shall be equal for each County. Ex-Officio members shall be assessed an amount of study or project costs proposed to be expended in proportion to the benefit to be derived by said member as mutually agreed upon among participants. (Amended and adopted by the Bear Lake Regional Board March 26, 1992).

ARTICLE VIII – MANNER OF ACQUIRING, HOLDING, AND DISPOSING OF PERSONAL PROPERTY

The commission shall be empowered to acquire, hold, dispose of, and encumber real and personal property, in its own name, as deemed necessary to accomplish and carry out the purposes of the Commission as set forth in these Articles.

ARTICLE IX – DURATION, WITHDRAWAL, DISSOLUTION

A. Duration.

The duration of the Commission shall be perpetual, except as affected by the termination provisions provided hereinafter.

B. Withdrawal.

In event that any State, County or municipality which is a member of the Commission chooses to withdraw from membership, written notice must be made to the Commission thirty (30) days prior to the effective date of

withdrawal. Any assessment monies paid by the withdrawing member will be retained by the Commission.

C. Dissolution.

The Commission can only be dissolved, and the Articles under which it is organized terminated, by the vote of three-fourths of the voting members of the Commission at a special meeting called for the purpose of discussing such dissolution, for which at least ninety (90) days written notice has been given to all voting members and the constituent local municipalities within the region. Upon termination of these Articles and dissolution of the Commission, any and all property and assets held at that time in the name of the Commission shall be liquidated and disposed of by the officers of the Commission. All funds remaining in the account, after satisfying any outstanding debts, shall be returned to the participating members along with assessment monies held by the Commission on a basis identical to the method of assessment.

Any charges fixed by the Commission by contracting agreement to finance services furnished by the Commission to any state, county or municipality, shall be discontinued, and such funds shall be divided among participating units according to the proportion of fees levied by the Commission.

ARTICLE X – STATUTORY AUTHORITY

The Bear Lake Regional Commission shall be an agency established by the Joint Powers Agreement among members, pursuant to Title 11, Chapter 13, Utah Code Annotated 1953, as amended and Joint Action by Public Agencies, Title 67-2326, Chapter 38, Idaho Code, 1970.

ARTICLE XI – BYLAWS

The Commission shall adopt bylaws to provide the internal administration, procedures, and practices of the Commission and to carry out the purposes and objective set forth in these Articles.

ARTICLE XII – AMENDMENTS

These Articles may be amended, repealed, or added to at regular or special meetings of the Commission, provided that written notice shall have been sent to each member which notice shall state the amendments and changes which are proposed to be made. Proposed amendments shall be considered to have passed if two-thirds (2/3) of the members vote is affirmative.

AMENDMENTS

February 5, 1997:

Amendment to Articles of Association approved at the meeting of the Bear Lake Regional Commission:

ARTICLE IV – ORGANIZATION AND MEMBERSHIP

- A. Local government representation shall be composed of two (2) County Commissioners, one from each county, appointed by the Chairman of the Board of County Commissioners; three (3) representatives from each incorporated city in Bear Lake County (Montpelier, Paris, and Georgetown), appointed by the Mayor; two (2) representatives, one from Garden city and one from Laketown, Utah appointed by their Mayor; one (1) representative at large from the south end of Rich County (Randolph and Woodruff combined), appointed by the County Commissioners; one (1) representative of the recreation user (Friends of Bear Lake, Bear Lake Watch, Love Bear Lake, and other interested parties combined), three names to be submitted by these groups for consideration by the Bear Lake Regional Commission Board; one (1) representative from irrigation interests residing within the Bear Lake Basin Area, three names to be submitted by irrigators from the Bear Lake and Bear River area to the Bear Lake Regional Commission Board for consideration; making a total of ten (10) Board Members. Members shall serve four year terms, staggered so that two members will be replaced or re-appointed each year, with exception of the Recreation User, and the Irrigation Interest, which will be assigned a two year term. Board member vacancies shall be filled by appointment for the remainder of the term. Three absentees without excuse is grounds for termination from the Board.

April 3, 1996:

The following amendment was made to the Bear Lake Regional Commission Articles of Association to read as follows:

ARTICLE IV – ORGANIZATION AND MEMBERSHIP

- A. Local government representation shall be composed of two (2) County Commissioners, one from each county, appointed by the Chairman of the Board of County Commissioners; three (3) representative from each incorporated city in Bear Lake County (Montpelier, Paris, and Georgetown), appointed by the Mayor; two representatives, one from Garden City and one from Laketown, Utah appointed by their Mayor; one (1) representative at large from the south end of Rich County (Randolph and Woodruff combined), appointed by the County Commissioners; one (1) representative of the recreation user (Friends of Bear Lake, Bear Lake

Watch, Love Bear Lake, and other interested parties combined, and appointed by these groups; making a total nine (9) Board Members. Members shall serve four year terms, staggered so that two members will be replaced or re-appointed each year, with exception of the Recreation User, which will be assigned a two year term. Board member vacancies shall be filled by appointment for the remainder of the term. Three absentees without excuse is grounds for termination from the Board.

March 26, 1992:

The following amendment was made to the Bear Lake Regional commission Articles of Association to read as follows:

ARTICLE IV – ORANIZATION AND MEMBERSHIP

- A. Local Government Representation shall be composed of two (2) County Commissioners, one from each county, appointed by the Chairman of the Board of County Commissioners; three (3) representatives from each incorporated city in Bear Lake County with over five hundred (500) population (Montpelier, Paris, and Georgetown), appointed by the Mayor; two (2) representatives, one from Garden City and one from Laketown, Utah, appointed by their Town Council; one (1) representative at large from the south end of Rich County (Randolph and Woodruff combined), appointed by the County Commissioners; one (1) representative of the “Friends of Bear Lake”, appointed by the president; making a total of nine (9) Board Members. Members shall serve four year terms, staggered so that two members will be replaced or re-appointed each year, with exception of the Friends of Bear Lake, which will be assigned a four year term and will be replaced every four years. Board member vacancy shall be filled by appointment for the remainder of the term. Three absentees without excuse is grounds for termination from the Board.
- D. An equal number of members shall be appointed from each state.

ARTICLE VI – FINANCE

- B. Allocation of Costs.
Each year upon adoption of the annual budget by the Commission, the funds in an amount sufficient to meet the required budget shall be assessed equally to Bear Lake and Rich Counties. However, each county’s annual share of the total operating budget may be provided in whole or in part by contributions received from participating State agencies and municipalities also holding membership in the Commission via cash or in-kind services. It shall be the responsibility of each State/County and municipality holding membership in the Commission to mutually determine the portion of the total county assessment which each shall bear. The individual county assessment shall be equal for each County. Ex Officio members

shall be assessed an amount of study or project costs proposed to be expended in proportion to the benefit to be derived by said member as mutually agreed upon among participants.

APPROVED AS TO FORM
ATTORNEY GENERAL

By [Signature]

APPROVED AS TO FORM
ATTORNEY GENERAL

By W. Anthony Park

A. STATES

[Signature]
State of Utah

[Signature]
State of Idaho

B. COUNTIES

[Signature]
RICH

[Signature]
BEAR LAKE

C. CITIES

[Signature]
RANDOLPH

[Signature]
BLOOMINGTON

[Signature]
GARDEN CITY

[Signature]
GEORGETOWN

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WOODRUFF

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MONTPELIER

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LAKETOWN

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PARIS

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FERRISVILLE

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ST. CHARLES