

CHAPTER 54-40.1 REGIONAL PLANNING COUNCILS

54-40.1-01. Legislative findings and purpose.

The legislative assembly finds that the citizens of the state have a fundamental interest in the orderly development of the state and its resources. This finding recognizes the fact that the mobility of the population, changes in economic forces, and governmental mandates within and without the state present problems that cannot always be met by individual counties or cities and that local government planning and development efforts can be strengthened when aided by studies, planning, and implementation of both a statewide and regional character.

The legislative assembly further finds that the state has a positive interest in the establishment, preparation, and maintenance of a long-term, continuing, comprehensive planning and development process for the physical, social, and economic development of the state and each of its regions to serve as a guide for activities of state and local governmental units.

It is the purpose of this chapter to establish a consistent, comprehensive statewide policy for planning, economic development, program operations, coordination, and related cooperative activities of state and local governmental units and to enhance the ability of and opportunity for local governmental units to resolve issues and problems transcending their individual boundaries. In furtherance of this purpose, the legislative assembly finds that the governor is required to assure orderly and harmonious coordination of state and local plans and programs with federal, state, and regional planning and programming.

54-40.1-02. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "City" means any city incorporated under the laws of this state.
2. "Governing body" means the city council or the board of city commissioners or the board of county commissioners.
3. "Industry" includes agriculture and business.
4. "Member-at-large" means a person who represents the general citizenry of the county.
5. "Minority group" means any identifiable group of people, regardless of numerical size, whose members are denied or limited in employment, education, or training opportunities because of sex, race, creed, color, religion, national origin, or low income.
6. "Organized local development corporation" means any group organized for the purpose of promoting economic development which has filed for incorporation as such with the secretary of state.
7. "Region" means the area delineated by executive order of the governor.
8. "Regional comprehensive plan" means a long-range guide for the economic, physical, and social development of a region which identifies regional goals, objectives, and opportunities and embodies the policies of the regional council.
9. "Regional council" means the council for comprehensive planning and development established in each region pursuant to this chapter.
10. "Units of general local government" means cities, counties, and organized townships.

54-40.1-03. Regional council - Membership.

1. Total membership on a regional council must be determined by the participating units of general local government, subject to the following minimum criteria of membership:
 - a. A majority of the full regional council membership must be composed of existing elected city officials and county commissioners. Selection of these members must be by their respective governing bodies.
 - b. One member of the regional council may represent identifiable and organized minority groups existing in the region. Selection of the member may be made by the minority groups upon invitation from the regional council.

- c. One soil conservation district supervisor from each county must be appointed to the regional council to represent the agricultural and natural resource interests of the region. The appointment of the soil conservation district supervisor must be made by the respective boards of soil conservation districts. If any county contains more than one soil conservation district, either in whole or in part, the concerned boards shall meet and jointly agree upon a single appointment to the regional council.
 - d. One or more members of the regional council, selected by the local development corporations, shall represent the organized local development corporations existing in the region.
 - e. The chairman of the regional employment training council or the chairman's designee must be appointed to the regional council.
 - f. An alternate must be selected for each regular member of the regional council in the same manner as the regular member is selected. The alternate member is to serve on the regional council when the regular member is absent and shall enjoy the same responsibilities and privileges as a regular member enjoys.
2. The term of office of each member of the regional council must be as determined by the regional council and specified in its agreements, rules, or procedures. However, if a person is a member of the regional council as the result of being a member of the governing body of a city or a county, that person's term on the regional council expires at the same time that person's term of public office expires and another person must be appointed to the regional council in the same manner as the selection was made for the member whose term expires.
 3. Special or standing committees may be appointed to assist and advise the regional council. Members of special or standing committees must be appointed by the regional council. Membership on special or standing committees is not limited to the members of the regional council.
 4. The regional council may elect an executive board from the members of the regional council. The executive board shall perform the administrative duties prescribed in the agreements, rules, or procedures of the regional council.
 5. The regional council shall determine the rate at which expenses of regional council members and members of any special or standing committees must be paid for expenses incurred in attending meetings of the regional council and the committees and in the performance of their official duties, but the amounts may not exceed the amounts provided by law for state officers.

54-40.1-04. Regional council - Powers and duties.

A regional council shall:

1. Adopt agreements, rules, or procedures as may be necessary to effectuate planning and development in the region.
2. Coordinate planning and development within the region for all matters of regional concern as determined by the regional council, including land use, social and economic planning, economic development, transportation, health, environmental quality, water and sewerage, solid waste, flood relief, parks and open spaces, hospitals, and public buildings.
3. Participate with other public agencies and private organizations in regard to research for planning activities relevant to the region.
4. For the purpose of coordination, work with state departments, agencies, and institutions in reviewing and commenting on all plans and federal aid applications as to their impact on the region.
5. Develop guidelines for the coordination of land use plans and ordinances within the region.
6. Prepare a regional comprehensive plan and upon the preparation of such a plan or any phase, amendment, revision, extension, addition, functional part, or part thereof, file such plan, phase, functional part, amendment, revision, extension, addition, or part

thereof with the office, all local planning agencies within the region, and other planning agencies in adjoining areas.

7. Develop an annual budget for operations during a fiscal year.
8. Receive and expend federal, state, and local funds, and contract for services with units of general local government and private individuals and organizations, consistent with the scope and objectives of planning and development functions.
9. Upon availability of funds, hire an executive director who must be given full control over the staff of the regional council. The executive director shall act as a liaison between the regional council and the staff of the regional council and shall advise and assist the regional council in the selection of staff.
10. Provide technical assistance for primary sector business development by leveraging local funds to assist in product development, product testing, business plan development, feasibility studies, gaining patent protection, legal services, market strategy development, and other needs to stimulate business development.
11. Host business outreach forums to stimulate entrepreneurship and interchange with potential investment and forums on other matters of importance to the local area.
12. Upon request, facilitate the financing of local economic development activities, such as interest buydown programs and local revolving loan fund programs, without regard to the fiscal source.
13. Act as a regional development corporation as provided by the individual regional council's bylaws.
14. Have authority to purchase, own, and manage real property for the purpose of the business incubator and regional council administrative functions.

54-40.1-05. Reports.

Each regional council shall prepare an annual report within one hundred twenty days after the end of each fiscal year. The regional council shall submit copies of the report to the participating units of general local government, to the governor or the governor's designee, and to members of the legislative assembly in each region. To the extent practicable, the report must include projects completed or in progress and sources of funding.

54-40.1-06. Dissolution of regional council.

A regional council may be dissolved as prescribed in the agreements, rules, or procedures of the regional council. Upon dissolution, all properties of the regional council will be converted to cash or evaluated as to worth and divided among participating units of general local government in proportion to the amount of their financial participation.