NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

MEMORANDUM

TO: NOACA Board of Directors

FROM: Grace Gallucci, Executive Director

DATE: March 6, 2020


ACTION REQUESTED
The Board of Directors is asked to approve Clarifying Resolution 2019-041: Board Membership by Population, which amends the Code of Regulations to add clarifying language regarding Board membership. Recommended by the Governance committee at its February meeting.

BACKGROUND/JUSTIFICATION FOR CURRENT ACTION
In August 2019 the Governance committee recommended changes to Article IV of the NOACA Code of Regulations. On September 13, 2019 the Board of Directors passed Resolution 2019-041 executing those changes.

The amendment provided for automatic adjustment of representation based on each decennial Census, beginning with the release of the 2020 Census results. Only the automatic adjustment to Board membership occurring as a result of the decennial Census does not require further ratification under Article IX. Any other proposed amendment to Article IV will continue to require ratification by all five counties. The revised language of Section 4.2 does not conflict with Article IX of the Code of Regulations, but rather provides an ongoing methodology for the apportionment of Board seats based on population. Resolution 2019-041 also provided for a minimum of three Board seats for each of the five counties of Cuyahoga, Geauga, Lake, Lorain and Medina and raised the total number of voting Board seats by two to 46.

Resolution 2019-041 approved these changes subject to ratification by each of the five counties. The resolution was ratified by each of the five counties, including Geauga County. However, Geauga County ratified the resolution subject to the condition that language be amended to the Code of Regulations clarifying the intent that the changes to the Code of Regulations approved under Resolution 2019-041 are only for the apportionment under the decennial Census. That language is spelled out in the attached resolution and its appendix.

FINANCIAL IMPACT
There is no financial impact for this item.

CONCLUSION/NEXT STEPS
Upon Board approval, the Code of Regulations will be amended and thus satisfy the conditions of Geauga County.

GG/jg/3115b
RESOLUTION 2020-011:
(Clarifying Resolution 2019-041:
Board Membership by Population)

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain, Medina, and The City of Cleveland and the areawide water quality management agency for the same region; and

WHEREAS, prior to September 13, 2019, the NOACA Code of Regulations had not been amended since 2015, via Resolution 2015-024; and

WHEREAS, NOACA continued discussions relating to Board composition relative to proportional representation throughout 2015 and 2016, and again starting in May of 2019; and

WHEREAS, the NOACA Governance Committee recommended that the Code of Regulation’s intended Board representation, based on the population of the five counties of Cuyahoga, Geauga, Lake, Lorain and Medina, be accomplished by providing for automatic adjustment of representation at each decennial census using a formula included in the Code of Regulations, beginning with the publication of the results of the 2020 Decennial Census; and

WHEREAS, the NOACA Governance Committee also recommended a provision ensuring that each of the five counties of Cuyahoga, Geauga, Lake, Lorain and Medina be ensured a minimum of three seats on the Board, regardless of population, and further recommended increasing the number of voting members of the Board to 46, beginning with the publication of the results of the 2020 decennial census; and

WHEREAS, the NOACA Governance Committee also recommended the necessary Code of Regulations changes to effect these changes; and

WHEREAS, the NOACA Board of Directors effected these changes through adoption of Resolution 2019-041 on September 13, 2019, to amend Article IV of NOACA’s Code of Regulations regarding the apportionment of NOACA Board seats; and

WHEREAS, Resolution 2019-041 originally sought ratification by the five counties in the NOACA region prior to NOACA’s first scheduled meeting of the Board of Directors in January 2020, but this deadline was later extended to January 31, 2020, by Resolution 2019-061, adopted by the NOACA Board of Directors on December 13, 2019; and

WHEREAS, the NOACA Resolution 2019-041 states that apportionment of Board seats resulting from the decennial census shall be made by resolution of the Board of Directors and shall not require ratification by the five counties in the NOACA region; and

WHEREAS, NOACA Resolution 2019-041 does not change the other requirements of Article IX of the NOACA Code of Regulations whereby other matters relating to changes to Article IV regarding the Board of Directors require written approval (ratification) of each county of the NOACA region;

WHEREAS, NOACA Resolution 2019-041 was subsequently ratified by the Cuyahoga County Council on January 28, 2020; by the Lake County Board of Commissioners on October 31, 2019; by the
Lorain County Board of Commissioners on October 30, 2019; and by the Medina County Board of Commissioners on November 5, 2019; and

WHEREAS, NOACA Resolution 2019-041 was ratified by the Geauga County Board of Commissioners on January 23, 2020, subject to the condition that language provided to Geauga County to clarify the intent that the changes to the Code of Regulations approved under NOACA Resolution 2019-041 is only for the apportionment under the decennial census will be added to the Code of Regulations via amendment to the Code by July 31, 2020;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 46 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, Medina and The City of Cleveland that:

Section 1. The revised language in section 4.2 of the Code of Regulations, as adopted by NOACA’s Board of Directors on September 13, 2019, provides that the list of Board members included in that section will be adjusted automatically based on a formula to reflect changes in population as reported in each decennial census. Such formula will also ensure a minimum of three seats on the Board for each of NOACA’s member counties. By ratifying the methodology, no further ratification of updates to the list of board members resulting from the decennial census will be required, since such updates will be made pursuant to a ratified method of allocating board seats. Only the automatic adjustment to board membership occurring every ten years as a result of the decennial census does not then require further ratification under Article IX. Any other proposed amendment to Article IV will continue to require ratification by all five counties.

Section 2. The revised language of Section 4.2 does not conflict with Article IX of the Code of Regulations, but rather provides an ongoing methodology for the apportionment of Board seats based on population. Future adjustments to board representation based on this ratified methodology would, therefore, not require further ratification by the five member counties.

Section 3. The Code of Regulations is hereby amended to add Appendix III in the form attached hereto.

Section 4. The Executive Director is authorized to transmit certified copies of this resolution to the appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted on this 13th day of March 2020.

Secretary: [Signature]

Date Signed: March 13, 2020
APPENDIX III

The revised language in section 4.2 of the Code of Regulations of NOACA, as adopted by NOACA’s Board of Directors on September 13, 2019, provides that the list of Board members included in that section will be adjusted automatically based on a formula to reflect changes in population as reported in each decennial census. Such formula will also ensure a minimum of three seats on the Board for each of NOACA’s member counties. By ratifying the methodology, no further ratification of updates to the list of board members resulting from the decennial census will be required, since such updates will be made pursuant to a ratified method of allocating board seats. Only the automatic adjustment to board membership occurring every ten years as a result of the decennial census does not then require further ratification under Article IX. Any other proposed amendment to Article IV will continue to require ratification by all five counties.

The revised language of Section 4.2 does not conflict with Article IX of the Code of Regulations, but rather provides an ongoing methodology for the apportionment of board seats based on population. Future adjustments to board representation based on this ratified methodology would, therefore, not require further ratification by the five member counties.