

# **Rules of Operation and Procedure of the Rocky Fork-Blacklick Accord Implementation Panel (known as the “Bylaws”)**

The Rocky Fork – Blacklick Accord Implementation Panel, hereinafter referred to as the Implementation Panel or Panel, being established in January 1997 through the adoption of the Rocky Fork – Blacklick Accord, adopts these rules and regulations to govern its proceedings.

## ***Article I. Statement of Purpose***

The Implementation Panel was formed in 1997 via the Rocky Fork – Blacklick Accord as a voluntary advisory body to serve the public interest by execution and administration of the principles and standards outlined in the Rocky Fork – Blacklick Accord. The Implementation Panel was updated to include representatives of the unincorporated area of Plain Township in 2008.

The purpose of the Implementation Panel is to evaluate applications for the rezoning of land within the Accord area and provide recommendations to the planning body of the impacted political jurisdiction as to the compliance of the rezoning proposal with the tenants of the Rocky Fork Blacklick Accord Plan. Variances, land plans, permits and the like are not required to be submitted to the Accord Panel. While under no obligation to do so, nothing herein prohibits a Party from submitting other land use related requests or initiatives to the Accord Panel for review and recommendation. The Panel makes its recommendations to the Columbus Development Commission, New Albany Planning Commission or the Plain Township Zoning Commission.

The Implementation Panel will have all the powers, authority and duties granted to it by the legislative bodies of Plain Township, the City of Columbus and City of New Albany to the extent that they are not in conflict with the applicable charters, codes and regulations of the respective entities.

## ***Article II. Members, Officers, and Staff***

Section 1. In accordance with the March 22, 2012 amendment to the Rocky Fork-Blacklick Accord the Implementation Panel shall be composed of nine (9) members consisting of three (3) representatives appointed by the City of Columbus, three (3) representatives appointed by the City of New Albany, and three (3) representatives appointed by Plain Township.

Section 2. The first term of each member newly appointed by each party under the process outlined in the March 22, 2012 amendment to the Rocky Fork-Blacklick Accord shall commence on March 22, 2012 (or as soon after that as each party is able to

effectuate such appointment) and end December 31, 2014. The next term shall commence January 1, 2015 and end December 31, 2017, with successive three year terms following thereafter. The regular term for a panel member shall be three years, beginning at the date of their official appointment. No member shall serve more than four consecutive terms.

Section 3. Upon expiration of a member's term, such member may continue to serve until a successor is appointed.

Section 4. A person appointed to fill a vacated seat on the panel shall serve as a member for the remainder of the unexpired term.

Section 5. Each June, or the first meeting thereafter, the Implementation Panel shall designate three of its members as cooperative chairpersons at a regular meeting. The three co-chairs shall be from each entity, one from the City of New Albany, one from the City of Columbus and one from the township. Such officers shall be entitled to vote and shall hold office for one year. Officers will be eligible to succeed themselves.

Section 6. Should an office of cooperative chairmanship become vacant, the Panel shall elect a successor from its membership within the next two meetings. The Panel may elect an interim officer, if necessary.

Section 7. Staff of all three jurisdictions shall serve as secretaries to the Implementation Panel.

### ***Article III. Duties of Officers and Staff***

Section 1. It shall be the duty of the chairpersons to:

- ◆ Call meetings to order and conduct them.
- ◆ Recognize persons who are entitled to speak.
- ◆ State and put to a vote any question that legitimately comes before the Panel and announce the result.
- ◆ Expedite business in every way compatible with the rights of members, staff and the public in a fair and impartial manner.
- ◆ Appoint a member to those bodies created by either jurisdiction as warranted, when asked to provide a representative.

Section 2. It shall be the duty of the staff to:

- ◆ Facilitate and coordinate communication with the Panel regarding meetings and Panel business.
- ◆ Post meeting agendas.
- ◆ Prepare an agenda for each meeting.
- ◆ Call the roll for attendance and voting purposes.

- ◆ Report on any applications or proposals pending before the Panel.
- ◆ Provide information of compliance or non-compliance with the Accord of proposed rezonings.
- ◆ Prepare and maintain records of the Implementation Panel.
- ◆ In the absence of the chairpersons, call the meeting to order and preside until the immediate election of a chair pro tempore.

#### **Article IV. Meetings**

Section 1. The Implementation Panel shall schedule meetings on a monthly basis as needed to hear applications for rezonings in the Rocky Fork-Blacklick Accord planning area.

Section 2. Regularly scheduled meetings will be held on the third Thursday of each month. Meetings will be held when there is business to be discussed by the Implementation Panel. Typically, meetings are held at 4:00 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, unless otherwise specified. A notice of such meeting will be displayed at the city/village/township hall of each jurisdiction and in the Columbus City Bulletin.

Section 3. All meetings shall be conducted in general conformity with Robert's Rules of Order, except as otherwise provided in these operating procedures. A quorum shall consist of five (5) members of the Panel which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance and entitled to vote shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. An abstention does not count as a vote. However, when voting on Records of Proceedings, an abstention does count as a vote. When a quorum is not present or able to attend, staff may cancel the meeting.

Section 4. All meetings of the Implementation Panel shall be open to the public. All formal actions shall be taken in open meetings.

Section 5. The chairpersons may limit the number of persons who may speak regarding any agenda item to not fewer than three persons for and three persons against such item and may limit the amount of time each may speak to three minutes per person or, in the alternative, may limit the total amount of time for support of an agenda item to nine minutes and the total amount of time for opposition to an agenda item to nine minutes. The spokesperson for a commission, neighborhood association or civic group, if any, which represents the subject area shall have first opportunity to speak following the applicant's presentation and staff's report. Subsequent speakers may indicate concurrence with or opposition to previous statements and bring up new, non-repetitive information.

Section 6. A record to the Implementation Panel's proceedings shall be maintained by the staff for each jurisdiction.

Section 7. A given chairperson representing a jurisdiction with an application on the agenda will lead the meeting with preference given to action over conceptual review. If multiple reviews, lead chair may defer to a representing jurisdiction chair to lead the discussion on that review.

#### **Article V. Implementation Panel Actions**

Section 1. The Implementation Panel shall make recommendations to the Columbus Development Commission, the New Albany Planning Commission or the Plain Township Zoning Commission, whichever entity has jurisdiction over the application that has been filed, for passage by a roll call vote to approve or conditionally approve an application or policy matter. Failure of such a motion to receive an affirmative vote of a majority of those members voting shall indicate disapproval and result in recommendation against passage. Reasons for disapproval shall be indicated by the Panel. Unless the Panel specifies otherwise, the staff report to the appropriate commission shall constitute such a statement and shall reflect conditions for approval or reasons for disapproval. In Columbus, the planning staff shall issue a record of action to the Building Services Division who, in turn, submits the report to the Columbus Development Commission.

Section 2. The Implementation Panel may table an agenda item at any time with the applicant's consent. No application shall remain tabled for three (3) months without action by the Panel unless at the request of the applicant.

Section 3. The Implementation Panel, in the absence of the applicant or the applicant's representative at the meeting for which the subject application is scheduled, may hear, withdraw, or table such an application at its option.

Section 4. Any application previously approved, not significantly modified and generally compliant with the Rocky Fork-Blacklick Accord approval, thereafter, shall not be reconsidered by the Panel unless it is referred back to the Panel by the Columbus Development Commission or Columbus City Council, the New Albany Planning Commission or New Albany City Council or the Plain Township Zoning Commission or Plain Township Board of Trustees.

Any amendment to an application proposed at a Rocky Fork – Blacklick Accord Implementation Panel meeting without prior staff review may, at the request of staff, be tabled with or without the applicant's consent and referred to staff for review. In such a case, the application will be placed on the agenda of the next monthly meeting.

Section 5. Panel members will avoid a conflict of interest or even a perception of a conflict of interest. If there are questions regarding conflicts of interest that need resolution, panel members should advise their staff representative of the question or potential conflict. The staff member shall consult the legal counsel of their appointing authority for a legal opinion.

If a member believes they may have a conflict of interest they should disclose it prior to the meeting to that meeting's presiding chairperson, remain silent during the deliberation, and refrain from voting. Otherwise, the panel member must recuse him or herself and may leave the room during the deliberation and vote.

The Rocky Fork-Blacklick Accord Implementation Panel is committed to being above reproach. At no time shall Panel members participate in ex-parte contact with parties who have matters pending before the Panel. Should a Panel member inadvertently participate in ex parte contact, he or she shall notify the chairperson of said contact and recuse themselves from discussion and voting on the matter before the Panel.

Section 6. Order of business for meetings should be set out in the agenda as follows:

- ◆ Roll call
- ◆ Action on Record of Proceedings
- ◆ Unfinished business:
  - staff report
  - presentation by applicant
  - public comment
  - panel discussion
  - action
- ◆ New Business:
  - staff report
  - presentation by applicant
  - public comment
  - panel discussion
  - action
- ◆ Adjournment

Section 7. The Record of Proceedings will be emailed, faxed, delivered or mailed to each panel member a minimum of one week before the next regularly scheduled panel meeting. The Record of Proceedings will be modified and/or finalized and approved during a regular meeting of the panel.

Section 8. If there is a difference of opinion between staff and the applicant regarding a motion, it will be the responsibility of the Panel at its next regularly scheduled meeting to clarify the motion.

## **Article VI. Attendance**

Section 1. The chairpersons shall encourage regular and timely attendance by each Panel member. Except in case of an unforeseen emergency, each Panel member is responsible for attending each meeting or notifying the staff of his or her inability to attend.

Section 2. The Implementation Panel may request that the Mayor/Council/Trustees revoke the appointment of any member who fails to attend seventy-five percent (75%) of all scheduled meetings per year or who fails to attend any two meetings without notifying the staff of the member's inability to attend.

Section 3. If a vacancy occurs, the appointing authority(ies) of the political jurisdiction(s) which has/have appointment responsibility will appoint an eligible individual to the remainder of the unexpired term.

**Article VII. Certification**

Section 1. Immediately upon adoption, these operating procedures shall be certified by the staff and attested to by the chairpersons and a signed copy thereof shall be submitted to the appropriate person or filed by the staff of each jurisdiction.

Adopted this 15th day of February 2001.  
Updated this 16 day of August 2007.  
Updated this 18<sup>th</sup> day of September 2008.  
Updated this 17<sup>th</sup> day of July 2014.

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Chairperson

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Chairperson

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Chairperson

revised 5/29/07 lr, mm, rr  
revised 9/2008  
revised 2/2014  
revised 7/2014  
revised 8/2021  
amended 7/2023