

JOINT POWERS AGREEMENT BETWEEN KOOCHICHING, LAKE AND ST. LOUIS COUNTIES

THIS AGREEMENT, (Hereinafter "Agreement") made and entered into this 20th day of August 2021, by and between Koochiching County, Lake County and St. Louis County, (together referred to as the "Counties"), each party being a political subdivision of the State of Minnesota.

WHEREAS, Minnesota Statutes 471.59, Joint Exercise of Powers, authorizes the Counties to enter in this Agreement with each other for the purpose set forth herein; and

WHEREAS, there is a need to collaboratively seek federal, state and other available funding and financial assistance to plan, develop, manage and construct a regional ATV trail system within the Counties; and


WHEREAS, there is further need to develop a Master Plan and coordinate such planning and design efforts for this trail system with a wide variety of non-profit Clubs and Associations.

NOW, THEREFORE, the Counties agree as follows:

1. **PURPOSE** – The Counties desire to coordinate and collaborate on the development and maintenance of a regional ATV system. This agreement will govern the application for, solicitation of, and administration of funds received for the purpose of planning, grant writing, lobbying, engineering, conservation, environmental studies and the development, management and construction of ATV trails within the Counties.
2. **ORGANIZATION** –
 - a) The Counties shall agree to create the Northeast Regional ATV Trail Board (hereinafter "Board"), also known as the Northeast Regional ATV Trail Joint Powers Board, to facilitate this Agreement. The Board shall be composed of four (4) members. The membership shall include: two (2) St. Louis County Commissioners to be appointed by the St. Louis County Board, one (1) Koochiching County Commissioner to be appointed by the Koochiching County Board, and one (1) Lake County Commissioner to be appointed by the Lake County Board. The appointed members shall serve at the pleasure of their appointing authority for the duration of their respective appointments.
 - b) **ALTERNATES** – Each party may appoint one (1) alternate to the Board.
 - c) **VOTING** – Each member of the Board shall have one vote. Any alternates appointed by a party will have no vote except when seated in the absence of a member.
 - d) **MEETINGS** – The Board shall meet as needed. A quorum shall constitute three (3) members in attendance.
 - e) **ADMINISTRATION** – Matter of the business of the Board shall be handled by the Board members, and limited support may be provided by the offices of the Koochiching County Coordinator, St. Louis County Administrator and Lake County Administrator, upon request.
 - f) **ADVISORY BOARD** – The Board may establish an advisory board, sub-committee or working committee consisting of Board members, staff, ATV club representatives, MnDNR, US Forest Service or other interested parties for any purpose identified by the Board.
3. **FISCAL AGENT** – The St. Louis County Auditor will be the fiscal agent for the Board and shall accept and disburse funds on behalf of the Board and shall perform all accounting and bookkeeping activities as required by the Board. St. Louis County will be eligible to bill the Board and be reimbursed for the actual time spent providing this service.

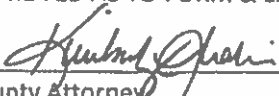
4. **LEGAL SERVICES** – The St. Louis County Attorney will provide legal services, as necessary and as requested, for the Board. St. Louis County will be eligible to bill the Board and be reimbursed for the actual time spent providing this service.
5. **FUNDING** – The disbursement and appropriation of funds obtained as a result of efforts made pursuant to this Agreement will be determined by the Board. Each County will be assessed its share of planning, operational, lobbying and other general costs and activities based on the following cost splits: 70% to St. Louis County, 15 % to Koochiching County and 15% to Lake County. It is understood that individual trail project costs for design, R/W, environmental, construction, construction administration and engineering will be dealt with separately on a project by project basis and determined on geographic location of the project. Whether or not counties participate in funding trail project costs will be left up to the individual counties.
6. **AUTHORITIES** – The Board is authorized to contract for services, including, but not limited to, lobbying, planning and design, and engineering services. The Board has the authority to apply for, accept, determine and prioritize the disbursement of funds.
7. **OFFICERS** – The officers of the Board shall consist of a chairperson, vice chairperson, and secretary. The officers shall be selected by a majority vote of the Board at its first meeting and annually thereafter at the Board’s first meeting of each year.
8. **AMENDMENTS** – Any request to amend this Agreement shall be presented in writing to each of the Counties and will require approval by each County in order to take effect.
9. **TERMINATION** – This Agreement may be terminated by any party upon 30 days’ notice in writing to the County Board Chair of the other parties. At the termination of this Agreement, any funds remaining, after all obligations incurred under this Agreement have been paid, shall be returned to the Counties on a population-based pro-rata basis unless by the terms of any agreement or grantor they must be disbursed in any other manner.

ST. LOUIS COUNTY

By: 
Chair
Date: 8-19-21


By: Nancy Nilson
County Auditor
Date: 8/19/21

APPROVED AS TO FORM & EXECUTION

By: 
Asst. County Attorney
Date: 08/20/2021
Damion No. 2021-014560

LAKE COUNTY

By: 
Chair Attest: Frances Buchanan
Date: August 5, 2021 Clerk of the Board

By: 
County Auditor
Date: 8-10-21

APPROVED AS TO FORM & EXECUTION

By: 
County Attorney
Date: 8/10/21

KOOCHICHING COUNTY

By: Joan Johnson
Chair
Date: 08/03/2021

By: [Signature]
County Auditor
Date: 8/5/21

APPROVED AS TO FORM & EXECUTION

By: [Signature]
County Attorney
Date: 8/4/21



*Resolution
of the
Board of County Commissioners
St. Louis County, Minnesota
Adopted on: June 8, 2021 Resolution No. 21-363
Offered by Commissioner: Nelson*

Motorized Trail Joint Powers Board with Lake County and Koochiching County

WHEREAS, The St. Louis County Board of Commissioners adopted the St. Louis County All-Terrain Vehicle Ordinance, titled "The Management and Permitting of All-Terrain Vehicles within the Public Right-of-Way of Roads Under the County's Jurisdiction", and further identified as St. Louis County Ordinance Number 64; and

WHEREAS, The St. Louis County Board adopted Resolution No. 20-236 on May 5, 2020, authorizing county officials to enter discussions with officials from Lake County and Koochiching County on the development of a motorized trail joint powers board that is represented by Koochiching County, Lake County and St. Louis County; and

WHEREAS, There has been significant expansion and increased interest in motorized recreation within St. Louis County with most of this activity focused on the development of new all-terrain vehicle trails; and

WHEREAS, This rapid expansion of the development of all-terrain vehicle trails has led to disorganization amongst items such as prioritization of all-terrain vehicle trail development projects, pursuit of state and federal funding, and long term trail infrastructure maintenance responsibilities; and

WHEREAS, This experience has led to the recognition of an immediate need to better manage and coordinate efforts related to the development and ownership of motorized trails; and

WHEREAS, One method to better manage and coordinate efforts would be to develop a joint powers board that would be similar to the Regional Railroad Authority and could focus on the critical functions of planning, funding, construction, and management and maintenance; and

WHEREAS, The regional motorized recreational activity is generally focused within the counties of Koochiching, Lake and St. Louis; and

WHEREAS, Representatives of these counties have met and agreed that a collaborative approach to trail development is appropriate.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes a Joint Powers Agreement between the counties of Koochiching, Lake and St. Louis for planning, funding, construction, and management and maintenance of regional motorized trails.

RESOLVED FURTHER, That appropriate County Officials are hereby authorized to negotiate and execute such Agreement.

Commissioner Nelson moved the adoption of the Resolution and it was declared adopted upon the following vote:
Yeas – Commissioners Jewell, Boyle, Grimm, McDonald, Musolf, Nelson and Chair Jugovich – 7
Nays – None

STATE OF MINNESOTA
Office of County Auditor, ss.
County of St. Louis

I, NANCY NILSEN, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 8th day of June, A.D. 2021, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 8th day of June, A.D., 2021.

NANCY NILSEN, COUNTY AUDITOR

By

Clerk of the County Board/Deputy Auditor



Board of Commissioners

Lake County Service Center

616 Third Avenue

Two Harbors, MN 55616

Phone: 218-834-8320 Fax: 218-834-8360

Website: www.co.lake.mn.us

First District – Peter R. Walsh

Second District – Derrick (Rick) L. Goutermont

Third District – Richard (Rick) C. Hogenson

Fourth District – Jeremy M. Hurd

Fifth District – Rich Sve

RESOLUTION NO. 21060803.14

RESOLUTION APPROVING A JOINT POWERS AGREEMENT FOR DEVELOPMENT AND MAINTENANCE OF A REGIONAL ATV TRAIL SYSTEM

IT IS RESOLVED that the Lake County Board of Commissioners approves the Joint Powers Agreement (JPA) between Koochiching, Lake and St. Louis Counties for the development and maintenance of a regional ATV trail system.

ADOPTED: June 8, 2021

Commissioner Walsh moved the approval of the foregoing resolution and the same was declared adopted upon roll call vote of all members present. Ayes: Walsh, Goutermont, Hogenson, Hurd. Nays: None. Absent: Sve

STATE OF MINNESOTA }
County of Lake } ss.
Office of Clerk of the Board }

I, Laurel D. Buchanan, Clerk of the Lake County Board of Commissioners, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 8th day of June, 2021, and the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF MY OFFICE
at Two Harbors, Minnesota, this 4th day of August,
2021.


Laurel D. Buchanan, Clerk of the Board

Laurel D. Buchanan
Clerk of the Board of Commissioners
laurel.buchanan@co.lake.mn.us

2021/05-11 Motion by Adee, seconded by Murray to approve a Joint Powers Agreement between Koochiching, Lake and St. Louis Counties for the purpose of seeking federal, state and other available funding and financial assistance to plan, develop, manage and construct a regional ATV trail system within the Counties and further to develop a Master Plan and coordinate such planning and design efforts for this trail system with a wide variety of nonprofit Clubs and Associations, subject to review by the County Attorney. Voting yes: Sjoblom, Skoe, Adee, Pavleck, Murray. Motion carried.

NORTHEASTERN REGIONAL ATV CLUB CONTACT INFORMATION (UPDATED 11.4.21)

<u>ORGANIZATION</u>	<u>MAILING ADDRESS</u>	<u>PHONE</u>	<u>CONTACT/EMAIL/WEBSITE</u>
ATV Association of Minnesota	PO Box 300 Stacy, MN 55079	218-235-0382	Ron Potter (Chair) rgpotter109@gmail.com http://www.atvam.org/
Ridge Runners Snowmobile/ATV Club	P.O. Box 222 Northome, MN 56661	218-897-5764	Jack White fwhite77@live.com http://www.northomeridgerunners.com
Finland Snowmobile/ATV Club	P.O. Box 513 Finland, MN 55603	612-282-9935	Sandy Gunnink finlandsnowmobileandatvclub@gmail.com http://www.finlandsnowmobileandatvclub.com
Silver Trail Riders Snowmobile & ATV Club	43 Garden Dr. Silver Bay, MN 55614	218-220-8189	ylatupa2@gmail.com
Babbitt Snowmobile/ATV Club	35 N. Dr. Babbitt, MN 55706	218-827-3504 or 218-235-0329	Dave Soular dcsoular@frontiernet.net
Northern Traxx ATV Club	P.O. Box 411 Chisholm, MN 55719	218-969-6789	Larry Folstad northerntraxxatvclub@yahoo.com http://www.northerntraxx.org
Prospector ATV Club	15 E Chapman St. Ely, MN 55731	218-343-2019	Nick Wognum elyecho@aol.com https://prospector.ridetrails.org/members/ https://www.prospectorsloop.com
Quad Cities ATV Club	P.O. Box 83 Virginia, MN 55792	218-780-4522	Dave Dincau quadcitiesatvclub@gmail.com https://www.quadcitiesatv.com
Ranger Snowmobile & ATV Club	P.O. Box 432 Hoyt Lakes, MN. 55750	218-290-1531	Roy Beauregard blackhawk@lakeconnections.net
Red Rock Riders ATV Club	301 Jessie St. Marble, MN 55764	218-969-2477	Jesse Radika redrockridersmn@gmail.com jradika@wildblue.net
Twin River Riders ATV Club	P.O. Box 107 Meadowlands, MN 55765	218-427-2773	thetwinriverriders@hotmail.com
Voyageur Country ATV Club	P.O. Box 414 Crane Lake, MN 55725	218-391-5108	Bruce Beste (Committee Vice Chair) brucebeste@outlook.com

CIO MEMBERS CONTACT LIST (Last Updated 9/10/21)

First Name	Last Name	Organization	Title	ATV Board Title	Street Address	City	State	Zip Code	E-mail
Paul	McDonald	St. Louis County	Commissioner-4th District	Board Chair	320 Miners Dr. E.	Ely	MN	55731	mcdonaldp@stlouiscountymn.gov
Mike	Jugovich	St. Louis County	Commissioner-7th District	Board Vice Chair	1810 12th Ave. E.	Hibbing	MN	55746	jugovichm@stlouiscountymn.gov
Keith	Nelson	St. Louis County	Commissioner-6th District	Alternate	300 S 5th Ave.	Virginia	MN	55792	nelsonk@stlouiscountymn.gov
Rick	Goutermont	Lake County	Commissioner-2nd District	Board Member	601 3rd Ave.	Two Harbors	MN	55616	rick.goutermont@co.lake.mn.us
Rick	Hogenson	Lake County	Commissioner-3rd District	Alternate	601 3rd Ave.	Two Harbors	MN	55616	rick.hogenson@co.lake.mn.us
Wade	Pavleck	Koochiching County	Commissioner-1st District	Board Member	P.O. Box 1253	International Falls	MN	56649	wade.pavleck@co.koochiching.mn.us
Terry	Murray	Koochiching County	Commissioner-3rd District	Alternate	707 16th Street E.	International Falls	MN	56649	Terry.Murray@co.koochiching.mn.us
Nate	Eide	Lake County	Land Commissioner	Ex-Officio Member	419 Airport Rd.	Two Harbors	MN	55616	nate.eide@co.lake.mn.us
Jason	DiPiazza	Lake County	Highway Engineer	Ex-Officio Member	1513 Hwy 2	Two Harbors	MN	55616	jason.dipiazza@co.lake.mn.us
Nathan	Heibel	Koochiching County	Land Commissioner	Ex-Officio Member	715 4th St.	International Falls	MN	56649	nathan.heibel@co.koochiching.mn.us
Dave	Reimer	Koochiching County	Engineer	Ex-Officio Member	715 4th St.	International Falls	MN	56649	dave.reimer@co.koochiching.mn.us
Julie	Marinucci	St. Louis County	Land & Minerals Director	Ex-Officio Member	7820 Hwy 135	Virginia	MN	55792	marinuccij@stlouiscountymn.gov
Jason	Meyer	St. Louis County	Land & Minerals Deputy Director	Ex-Officio Member	320 W. 2nd St. Suite 302	Duluth	MN	55802	meyerj@stlouiscountymn.gov
Andy	Hublely	Arrowhead Regional Development Commission	Planning Director	Ex-Officio Member	221 W. 1st St.	Duluth	MN	55802	ahublely@ardc.org
Carl	Skustad	USFS-Kawishiwi District	Forest Ranger's Office	Ex-Officio Member	1393 Hwy 169	Ely	MN	55731	
Ron	Potter	ATV Association of Minnesota	President	Ex-Officio Member					
Jason	Chopp	SEH, Inc.	JPB Administrative Support	Ex-Officio Member					jchopp@sehinc.com

Northeast Regional ATV Trail Board of Directors Bylaws

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The undersigned, being the governing body and board of directors of the Northeast Regional Trail Board, a joint powers board created under the provisions of Minnesota Statutes, §§471.59 in accordance with the power granted to it by the provisions of the Koochiching, Lake and St. Louis County Joint Powers Agreement, hereby adopt the following bylaws.

ARTICLE 1: PURPOSE

The purpose of the Northeast Regional ATV Trail Board (hereinafter referred to as Board) is set forth in a joint powers agreement executed by the Minnesota counties of Koochiching, Lake and St. Louis (hereinafter referred to as the "ATV Trail Joint Powers Agreement").

The purpose of these bylaws is to set forth the regulation of the affairs and manner of operation for the ATV Trail Joint Powers Board and the governance of its members. These bylaws should be read in conjunction with the ATV Trail Joint Powers Agreement.

ARTICLE 2: TERM OF BYLAWS

These bylaws shall become effective upon approval by the Board and shall continue in force and effect, with all subsequent amendments as provided in Article 10, for such time as the ATV Trail Joint Powers Agreement remains in effect.

ARTICLE 3: COMPOSITION & ORGANIZATION

Section 3.1 Board member appointments and recognition. After each member county appoints its representatives and one alternate as follows to serve on the Board, the Board shall recognize the new Joint Powers Board members as provided in Article 2a of the Joint Powers Agreement:

- Lake – One Representative and one alternate
- Koochiching – One Representative and one alternative
- St. Louis – Two Representatives and one alternative

Section 3.2 Committees As described in Section 2f of the Joint Powers Agreement the Board may also establish an advisory board consisting of board members, staff, ATV club representatives, MnDNR, US Forest Service or other interested parties. Other committees may also be established by a majority vote of the Joint Powers Board as provided for in this same section.

ARTICLE 4: OFFICERS

Section 4.1 Election of officers. The Board shall elect officers as set forth in section 7 of the ATV Trail Joint Powers Agreement, beginning at its first meeting.

Section 4.2 Term of office. The term of office shall end upon the close of the meeting at which the next chair or vice chair is elected.

Section 4.3 Single office. No board member may hold more than one office at a time.

Section 4.4 Chair duties and responsibilities. The chair's duties and responsibilities include the following:

- (a) Ensuring the integrity of the Board process by presiding over Board meetings and directing the preparation of the agenda for such meetings in a manner that:
 - (i) Ensures that the Board behaves consistent with its own rules and those legitimately imposed upon it from outside the organization;
 - (ii) Limits meeting decision-making or discussion to those issues that, according to the bylaws or other policies adopted by the Board, are clearly the responsibility of the Board to decide (and not the responsibility of the chief executive officer) or to monitor; and
 - (iii) Facilitates deliberation that is timely, orderly, fair, and thorough, but also efficient, limited in time, and kept to the point.
- (b) Except as otherwise provided in the Joint Powers Agreement, appointing board members to serve on committees established by the Board.
- (c) Representing the Board as its principal spokesperson.

The chair's duties and responsibilities do not include making decisions about policies established by the Board, nor supervising and directing any staff assisting the Board.

Section 4.5 Vice chair duties and responsibilities. Whenever the chair is unable to serve, the vice chair shall exercise the duties and responsibilities of the chair.

Section 4.6 Absence of chair and vice chair. In the absence of the chair and the vice chair of the Board, ~~the remaining Board members shall elect from among themselves a chair pro tem who shall perform the duties of chair for that meeting~~ a quorum cannot be met and the meeting must be rescheduled.

Section 4.7 Clerk. The Board shall identify a staff person who shall serve as the clerk to the Board.

ARTICLE 5: MEETINGS

Section 5.1 Open meetings. All meetings of the joint powers board, including its committees and subcommittees, shall be conducted in public, except where authorized or directed by federal or state law to close a meeting.

Section 5.2 Public speech during meetings. The Board shall determine the degree and method of soliciting public input on a topic-specific basis.

Section 5.3 Rules of public conduct during meetings The Board Chair has the discretion to permit public comment during Board meetings. Members of the public are expected to be

courteous, respectful, and conscientious during their comments.

Section 5.4 Regular meeting frequency. The Board shall meet at a frequency determined by the Board, but not less frequently than one time per calendar quarter.

Section 5.5 Scheduling of special meetings. Meetings of the Board may be called by the chair or upon request from at least two board members not from the same member county.

Section 5.6 Annual ~~meeting-of-report to member county boards.~~ At least annually, the Board shall have an annual report prepared and distributed to the three County Boards for informational purposes~~schedule a meeting of all county commissioners from the Member Counties.~~

Section 5.7 Notice of meetings. Notice of meetings of the Board, including its committees and subcommittees, shall include the meeting date, time, location, and purpose, and be made as follows:

- (a) **Regular meetings.** For regular meetings, a schedule shall be kept on the website of each member county and are encouraged to display this information on their meeting calendars, in whatever form they deem appropriate.
- (b) **Special, non-emergency meetings.** For special meetings that are not emergency meetings, but are (1) regular meetings held at a time or place different from that stated on its regular meeting schedule or (2) meetings not conducted as part of the normal routine but planned far enough in advance to be scheduled, notice shall be posted on the website of each member county and emailed, mailed, or delivered at least three days before the date of the meeting to parties that have filed a request for notice as referenced below.
- (c) **Emergency meetings.** For emergency meetings that are called because of circumstances that, in the judgment of the joint powers board chair requires immediate attention, a good faith effort shall be made by _____ to post notice of the meeting date, time, place, and purpose on the website of each county and by phone, email, or other means to the members and alternates, and any party that has filed to receive notice.
- (d) **Filing to receive notice.** Parties may file a request with the clerk of the joint powers board to receive notice of special meetings, including emergency meetings. Requests for notice of special meetings may expire annually and may need to be refiled. The clerk shall notify such parties of impending expiration and ability to refile a request at least 30 days prior to expiration.

(d)(e) **Compliance with the Open Meeting Law.** It is the intent of the Board to comply with the requirements of the Open Meeting Law, currently codified at Minn. Stat. Chapter 13D. Should any provision of these bylaws conflict with the Open Meeting Law as it may be amended from time to time, the provisions of the Open Meeting Law then in effect shall govern.

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Section 5.8 Cancellation of meetings. The chair may cancel regular meetings for good cause. Notice of such cancellation shall be provided as far in advance of the scheduled meeting as possible and in the same methods as meeting notice is provided.

Section 5.9 Method of meetings. Meetings of the Board shall be ordinarily held in person except as follows:

- (a) **Inclement weather exception.** The chair determines that inclement weather will result in the lack of a quorum. In such circumstances, the meeting may be held by videoconference in accord with Minnesota Statutes, § 13D.02.
- (b) **State of emergency exception.** The chair determines that an in-person meeting is not practical or prudent because of a health pandemic or because a state of emergency has been declared under Minnesota Statutes, Chapter 12. In such circumstances, the meeting may be held by videoconference in accord with Minnesota Statutes, § 13D.02, or, if that is not practical, by telephone or other electronic means in accord with Minnesota Statutes, §13 D.021.

Section 5.10 Regular meeting agendas. At least five days prior to a regular meeting of the Board, the clerk shall email the agenda to board members and alternate board members and post the agenda on the website of each member county. Unless otherwise determined when the agenda is approved, the order of business shall be:

- (a) Call to order
- (b) Roll call, introductions, and establishment of quorum
- (c) Agenda approval
- (d) Meeting minutes approval
- (e) Consent agenda
- (f) Action items and related informational items
- (g) Other discussion items, informational items, and reports
- (h) Other business
- (i) Adjourn

Section 5.11 Other meeting agendas. At least three days prior to a special meeting that is not an emergency meeting, the clerk shall email the agenda to Board members and alternate Board members and post on the website of each county. The business conducted at a special meeting shall be limited to those items specified in the agenda.

Section 5.12 Copies of board materials At least one copy of any printed materials related

to agenda items that the Board is considering that were distributed to all members of the Board at or before the meeting shall be available for public inspection while the Board considers the subject. The copy(ies) may be available in paper or electronic form, at the discretion of the clerk, but shall be provided in paper form to a member at the member's request.

Section 5.13 Quorum. A quorum for the conduct of all business by the Board shall consist of three Board members, including alternate Board members appearing in place of the regular Board members. When a Board member and their alternate are present at a regular meeting or special meeting, only the Board member is seated at the meeting table.

Section 5.14 Vote.

- (a) Upon the request of any Board member immediately preceding a vote by the Board, the chair shall repeat the motion, the name of the member who made the motion, and the name of the member who seconded the motion.
- (b) Any Board member may request to have their vote entered in the minutes.
- (c) When a Board member and their alternate are present at a regular or special meeting, only the Board member may cast votes and be recorded in proceedings.
- (d) A simple majority vote is required for all matters except for those identified in the ATV Trail Joint Powers Agreement, if any.
- (e) No proxy votes or absentee votes shall be allowed.

Section 5.15 Record of meetings. A record of the meetings of the Board, its committees and subcommittees, shall be made available to the public, upon approval by the relevant body, by publication on the website of each member county. The record shall, at a minimum, contain the following information:

- (a) The date, time, and location of the meetings.
- (b) The attendance and absence of each Board member.
- (c) The outcome of a vote on an action taken in a meeting that is required to be open, along with the name of the Board member who made the motion and the name of the Board member who seconded the motion.
- (d) The vote of each Board member on appropriations of money, except for payments on judgments, claims, and amounts fixed by statute.
- (e) The vote of a Board member who requests to have their individual vote entered into the minutes.
- (f) The abstention from a vote by a Board member and their reason for abstaining if one is given. Any Board member who is abstaining shall make that abstention known at the time of the vote.

ARTICLE 6: POWERS AND DUTIES OF JOINT POWERS BOARD

The powers and duties of the Board are set forth in the ATV Trail Joint Powers Agreement.

ARTICLE 7: BOARD MEMBER RESPONSIBILITIES

Section 7.1 Ethical and businesslike. Board members shall carry out their responsibilities in an ethical and businesslike manner.

Section 7.2 Authority. Board members shall support the legitimacy and authority of Board decisions, irrespective of the member's personal position on the issue.

Board members shall not attempt to exercise individual authority over the organization except as explicitly set forth in Board policies. Board members' interaction with staff must recognize the lack of authority in any individual Board member or group of Board members except as noted above.

Board members' interaction with the public, press or other entities must recognize the role of the Board-designated spokesperson. No Board member shall speak on behalf of the Board unless that person has been designated to speak on the issue and an official Board position has been voted upon. However, Board members may choose to speak as a representative of the organization to educate and promote the organization.

Section 7.3 Requesting agenda items. A Board member may recommend or request an item for Board discussion by submitting the item to the Board chair no later than six days before the Board meeting.

Section 7.4 Handling consent agenda. The Joint Powers Board will attend to consent agenda items as expeditiously as possible. If a Board member wishes to discuss a consent agenda item they must seek removal of the item from the consent agenda prior to approval of the meeting agenda.

Section 7.5 Governing characteristics. The Board shall govern with an emphasis on vision, long-term impact and outcomes, strategy, and pro-active leadership over administrative detail.

Section 7.7 Accountability. As stewards of the public trust and funding, the Board shall be accountable for the delivery of quality services with great results and shall avoid unethical or inappropriate conduct.

The Board shall enforce upon itself whatever discipline is necessary to govern with excellence, including attendance and preparation for meetings, establishment of policies that align with the governing characteristics, clarity and respect of roles, and ensuring the continuance of governance capability.

The Board shall regularly monitor its own process and performance and seek to continuously improve through orientation of new board members, Board member development, education, and robust input and deliberation.

ARTICLE 8: BOARD MEMBER ETHICS

Section 8.1 Discharge of duties in ethical manner. The effectiveness and credibility of the Board is dependent upon the proper discharge of duties in the public interest. Board members must assure that the independence of their judgment and actions, without any consideration for personal gain, is preserved; Board members shall serve all people fairly and equitably without regard to their personal or financial benefit.

Accordingly, at a minimum, Board members shall comply with the following ethics provisions.

Section 8.2 Use of confidential information. A Board member shall not use information gained as a Board member which is not generally made available to and/or is not known to the public, to directly or indirectly gain anything of value.

Section 8.3 Solicitation of, donation of, or receipt of anything of value. A Board member shall not solicit or receive anything of value from any person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the Board member's duties.

Section 8.4 Provision of anything of value and fair campaign practices. A Board member shall not give anything of value to potential voters in return for their votes, promises, or financial considerations which would be prohibited by the State Minnesota Fair Campaign Practices statute.

Section 8.5 Official action. A Board member shall not take an official action which will benefit any person or entity where such Board member would not otherwise have taken such action but for the Board member's family relationship, friendship, or business relationship with such person or entity.

Section 8.6 Financial interest. Where a Board member or a member of the Board member's immediate family has a financial interest in any matter being considered by the Board member, such interest, if known to the Board member, shall be disclosed by the Board member in writing to the clerk and chair or in a public declaration in a Board meeting. If the Board member has such a financial interest or if the minor child of a Board member has such a financial interest, the Board member shall be disqualified from further participation in the matter.

Section 8.7 Holding investments. A Board member shall not hold any investment which might compromise the performance of the Board member's duties without disclosure of said investment and self-disqualification from any particular action which might be compromised by such investment, except as permitted by statute, such as Minnesota Statutes, §471.88.

Section 8.8 Northeast Regional ATV funds, personnel, facilities, and property. A board member shall not use Northeast Regional ATV funds, personnel, facilities, or property such as vehicles, equipment, or supplies for personal convenience, personal political campaign activities, or personal profit except where such is available to the public generally, or where such is provided by specific Board policy in the conduct of official Board business.

Section 8.9 Special consideration. A board member shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Section 8.10 Expenses. Expenses for Board members will not be reimbursed by the Board. Board members will submit expenses back to their respective counties for reimbursement in accordance with their individual County Board policies.~~A Board member shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with Board policy.~~

Section 8.11 Compliance with law. A Board member shall comply with all local ordinances and State and Federal statutes including, but not limited to, the criminal code (except for petty misdemeanor or misdemeanor charges, Fair Campaign Practices Act, and laws governing the functioning and ethical conduct of counties and municipalities, their elected and appointed officials, and employees.

Section 8.12 Authority. A Board member shall not exceed his or her authority or ask others to do so.

ARTICLE 9: PARLIMENTARY AUTHORITY

Except where otherwise provided in state law or rules, the _____ Joint Powers Agreement, or these bylaws, *Robert's Rules of Order Newly Revised*, 11th Edition, shall govern the parliamentary process for meetings of the Joint Powers Boards and its committees.

ARTICLE 10: AMENDMENT OF BYLAWS

These bylaws may be amended at any regular meeting of the Board by an affirmative, unanimous vote of ~~a majority of~~ the Board members with all four board members in attendance, provided the amendment is not inconsistent with the ATV Trail Joint Powers Agreement. Proposed amendments shall be submitted to the Board 30 days prior to the meeting at which they will be considered, and the agenda for the meeting shall state that the amendment will be offered.