§ 239-h. Regional planning councils. 1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by regional planning councils.

(b) Regional planning councils serve as an increasingly important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(c) Through comprehensive planning and special studies, regional planning councils provide focus on opportunities and issues best handled on a broad geographic scale.

(d) The development of a regional comprehensive plan can foster cooperation among governmental agencies in the planning and implementation of capital projects. Similarly, regional comprehensive plans can promote intermunicipal cooperation in the provision of public services.

(e) Citizen participation is essential to the design and implementation of a regional comprehensive plan.

(f) The great diversity of resources and conditions that exist within and among regions requires consideration of such factors by regional planning councils.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which regional planning councils can perform their powers and duties.

2. Definitions. For the purposes of this section and section two hundred thirty-nine-i of this article the term "municipality" shall mean any city, town, village or county.

3. Establishment of regional planning council. (a) Creation. Any municipal legislative body may collaborate with the legislative body of a contiguous municipal legislative body to create a regional planning council under this article. The legislative bodies of the municipalities participating in the regional planning council shall adopt by resolution an agreement setting forth the terms and conditions of such collaboration. The regional planning council shall be considered an

agency of a political subdivision or municipality for purposes of sections one hundred three, one hundred four and article eighteen of this chapter, articles six and seven of the public officers law, and for the purposes of eligibility for federal and/or state grants.

(b) Membership. Membership and officers on such council shall be selected in a manner to be determined by the collaborating legislative bodies. In making such appointments, the collaborating legislative bodies shall include members from a broad cross section of interests within the region. Consideration should also be given to securing representation by population size, geographic location and type of municipality. The terms of membership as well as the filling of vacancies on such council shall be determined by the collaborating legislative bodies. The collaborating legislative bodies may also jointly provide for the appointment of individuals to serve as ex-officio members of the regional planning council. Said ex-officio members or their designees may participate in the deliberations of the council, but shall not have voting privileges.

(c) Membership of elected or appointed officials. No person shall be precluded from serving as a member of a regional planning council as appointed by a collaborating municipal legislative body pursuant to this section, because such member is an elected or appointed official of such municipality. A member of a regional planning council shall excuse himself or herself from any deliberation or vote relating to a matter or proposal before such regional planning council which is or has been the subject of a proposal, application or vote before the municipal board of which he or she is a member.

(d) Training and attendance requirements. As a condition of appointment to the regional planning council, the collaborating legislative bodies may establish training, continuing education and meeting attendance requirements for such members.

(e) Member reimbursement. The members of such regional planning council shall receive no salary or compensation for their services as members of such council, but may be reimbursed for authorized, actual and necessary travel and expenditures.

(f) Removal of members. The legislative body of each collaborating municipality may remove any regional planning council member which said municipal legislative body has appointed for cause and may provide by

resolution for removal of any such regional planning council member for non-compliance with minimum requirements relating to meeting attendance and training as established by the collaborating legislative bodies by resolution.

(g) By-laws. The regional planning council shall adopt by-laws governing its operation which shall be approved by the collaborating legislative bodies and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(h) Appropriation; expenses. Collaborating legislative bodies may, in their discretion, appropriate and raise by taxation, money for the expenses of the regional planning council; such bodies shall not be charged with any expense incurred by the regional planning council except pursuant to such appropriation. The legislative body of each collaborating municipality is authorized to provide for the payment of the moneys so appropriated for the expenses of such council to an officer of the council designated in the council by-laws to receive such moneys, provided that before any such money shall be paid to such officer, such officer shall have executed an official undertaking conditioned for the faithful performance of duties in the manner provided in section four hundred three of the county law and provided that such undertaking shall have been approved by the legislative body of each municipality. The regional planning council shall have the power and authority to employ staff, consultants and other experts and to pay for their services, and to provide for such other expenses as may be necessary and proper.

(i) Authority to receive and expend funds. In furtherance of the purposes of this section, the regional planning council may receive and expend public and private funds and grants from non-public foundations, agencies, corporations, and private entities and may apply for and accept grants from the federal government or the state government and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with such reasonable conditions and requirements as may be imposed thereon.

4. Regional planning council powers and duties. (a) The regional planning council shall have such of the following powers as shall be

provided in the agreement among the collaborating municipalites:

(i) conduct surveys, studies and research programs which address regional needs and improve community services;

(ii) distribute information resulting from such surveys, studies and programs;

(iii) prepare a regional comprehensive plan and any amendments thereto pursuant to section two hundred thirty-nine-i of this article;

(iv) consult and cooperate with appropriate state, municipal and public or private agencies in matters affecting the region, including, but not limited to the general protection, enhancement, quality of life, growth and development of the region;

(v) assist with transportation planning in areas of the region not served by metropolitan planning organizations created pursuant to section fifteen-a of the transportation law; and

(vi) conduct reviews of certain classes of planning and zoning actions by a city, town or village pursuant to sections two hundred thirty-nine-l and two hundred thirty-nine-m of this article, and review certain subdivision plats pursuant to section two hundred thirty-nine-n of this article.

(b) A regional planning council shall not undertake any capital construction project, including but not limited to the design, acquisition, construction, improvement, reconstruction or rehabilitation of any capital asset, whether in the nature of real or personal property.

5. Annual report and audit. Every regional planning council shall submit an annual report to the collaborating legislative bodies and to the department of audit and control which report shall include a summary of council activities, including planning and technical services and grant and loan programs, a summary of the financial status of the council, including the annual budget as well as any federal, state and local funding and private sector financial assistance, and a summary of planned future activities as well as topics that are required in the by-laws of the regional planning council. Every regional planning council shall engage a certified public accountant to complete an annual financial audit and audit of the internal control structure of the regional planning council, a copy of which shall be included in the

annual report.

6. Voting requirements. Every motion or resolution of a regional planning council shall require for its adoption the affirmative vote of a majority of all the members of the regional planning council.