

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, AUGUST 17, 2009 11:30 A.M.
ADMINISTRATION CONFERENCE ROOM
2ND FLOOR CITY HALL
250 N. 5TH STREET**

1. **Review of Colorado Water Congress (CWC)** [*Attach W-1*](#)
2. **Review of FEMA Funding Board** [*Attach W-2*](#)
3. **Review of Parking Management Advisory Group (PMAG)** [*Attach W-3*](#)
4. **Review of Chamber Governmental Affairs (Legislative) Committee** [*Attach W-4*](#)
5. **Review of Club 20** [*Attach W-5*](#)
6. **Report from Legislative Committee on the Median Ordinance**
7. **Adjourn**

CWC

Colorado Water Congress

Established:

Colorado Water Congress's formal organization took place July 17, 1958, in Durango, Colorado. This was a new approach in the State of Colorado to the solution of its water problems.

Mission/Purpose:

The mission of the Colorado Water Congress (CWC) is to provide leadership on key water resource issues and to be the principal voice of Colorado's water community.

Purpose

In support of this mission, the CWC:

- Provides a forum where the water users strive to reach consensus on water issues
- Advocates positions on water policy
- Provides education and information on water issues affecting Colorado
- Promotes a broad base of membership

Functions

The non-profit Colorado Water Congress is dedicated to:

- Successful promotion of policy that supports high-quality, sustainable water supplies through protection of water rights, conservation, planning, management and infrastructure investment.
- Thoughtful and equitable development and administration of water laws, regulations, and compacts.
- Fair representation of every watershed in Colorado and every type of beneficial water use.
- Clear communication of relevant, accurate, and timely information.
- Active engagement of their members through education, collaboration, and networking.

Membership/Terms:

General members may apply and must be approved by the Management and Budget Committee with the concurrence of the Board of Directors. See Section 5 of the bylaws for an explanation of how a member is entitled to vote.

The Board of Directors are composed of 26 members selected from geographic divisions from which 12 members of the Board of Directors shall be elected to represent agriculture and other interests, one director, except two directors in the case of the Denver SMSA division to be elected by the membership in each of the divisions in the State as follows:

1. Colorado River Watershed (but excluding areas covered by other geographic divisions)
2. White and Yampa Watersheds
3. North Platte and Laramie River Watersheds
4. Gunnison River Watershed
5. San Juan, Dolores, and San Miguel Watersheds
6. Rio Grande Watershed, including the closed basin of the San Luis Valley
7. Arkansas River Watershed
8. Lower South Platte Watershed (downstream of the Weld-Morgan County Line) and High Plains
9. Upper South Platte Watershed (City and County of Denver excluded)
10. City and County of Denver
11. Two directors from the Denver Standard Metropolitan Statistical Area (City and County of Denver & Upper South Platte Watershed excluded); and furthermore, that one such director shall represent Adams, Arapahoe and Douglas Counties, and that the second director shall represent Boulder, Clear Creek, Gilpin, and Jefferson Counties.

Each director shall serve for a two-year term. Directors for the geographic divisions shall be elected in the odd numbered years and directors from all other divisions shall be elected in the even numbered years.

Meetings:

Meetings of the Board of Directors are held at least quarterly and at such time and place, within or without the State of Colorado, as may be designated in the call for such meeting, at any time on call of the President, the Executive Director, or any three members of the Board of Directors.

Other information:

2009 Policies Statement is included with the Articles of Organization.

RESTATED BY-LAWS
OF
COLORADO WATER CONGRESS

ARTICLE I
MEMBERSHIP

Section 1. General. Subject to disapproval by the Board of Directors, annual membership in the Colorado Water Congress, individual or sustaining, is open to any individual or entity interested in the objects of, and in participating in the programs of the Colorado Water Congress who shall make application for such membership, pledging to support, subscribe to, and be governed by the Articles of Incorporation of the Colorado Water Congress and these by-laws.

Section 2. Application for Membership. Application for membership shall be accompanied by the payment of dues or fees for the fiscal year for which application is made in the amounts required for the class of membership sought, and shall be made on a form to be approved by the Board of Directors which shall include the following:

1. Name of applicant.
2. Address of applicant.

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3. Position or employment of applicant and affiliation, if any, with water user organization or entity.
4. Residence of applicant (in case of sustaining membership applications, this shall be the office or principal place of business of applicant).
5. A statement that the applicant is interested in the objects of the Colorado Water Congress and that applicant pledges to support, subscribe to, and be governed by the Articles of Incorporation of the Congress and its by-laws.
6. The date the application is executed.
7. Election by the applicant of a Division if other than geographical. Such election shall remain in force until the member elects in writing another Division.

Section 3. Action on Membership. All membership applications, together with payment for dues or fees shall be filed with the Executive Director who shall submit such applications to the Management and Budget Committee for action at its meeting next following their receipt; provided, however, that said application may be subject to disapproval of the Board of Directors within ninety days following the date of its filing with the

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Management and Budget Committee.

Section 4. Renewal of Membership. Membership in the Colorado Water Congress may be renewed annually by the applicable membership dues or fees. Failure to make timely payment shall constitute grounds for termination of membership which automatically occur if delayed payment thereof shall not have been made within ninety days after the mailing notice of termination as the Board of Directors may order. Thereafter, reinstatement of membership in the Congress can occur only by application therefor as for a new member.

Section 5. Sustaining Memberships.

A. Sustaining membership shall be made available to any person or entity interested in the well-being and development of Colorado's water resources. Fees for such membership shall be fixed by the Board of Directors. The membership fee may be committed to the payment of dues or sponsored memberships for such individuals who are associated with it and are designated. Each sustaining member shall be entitled to twenty votes, or the number resulting from the division of the sustaining member's membership fee by the current fee for individual

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membership, whichever number is less.

- B. Votes of a sustaining member shall be cast through duly authorized members sponsored by the sustaining member. Each sponsored member shall be eligible to vote in and represent only one division which shall be the geographic division in which the sustaining member has residence, unless that sponsored member designates in writing a division other than geographic. The sponsored member so designating shall then be eligible to vote in and to represent the designated division. The sponsored member shall be entitled to cast the number of votes authorized by the sustaining member except that the sum of votes cast by a sustaining member's sponsored members shall not exceed the entitlement under part A above.

Section 6. Individual Membership Dues. The dues of individual members shall be as established by the Board of Directors.

Section 7. Individual Membership. Each individual member of the Colorado Water Congress shall be entitled to vote in and represent only one division which shall be the geographic division of his or her residence unless that member designated it writing a division other than geographic.

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Section 8. Designation. In the case of designation by a member to a division other than geographic, said member must be qualified for the division so designated. In the event of challenge to a division designation, the nominating committee shall have sole authority in deciding the appropriateness of the designation.

Section 9. NWRA Membership Fees. The amount of National Water Resources Association Membership fees determined by the Board of Directors of the National Water Resources Association to be due from the Colorado members of that association, to the extent approved by the Colorado Water Congress Board of Directors, shall be collected by the Congress and forwarded to that association. Such fees shall be apportioned by the Board of Directors among those members of the Congress who participate in the activities of the National Water Resources Association on the basis of such formula as may be determined by the Board of Directors of that association, or, in the absence of such a formula, in a manner determined by the Board of Directors of the Colorado Water Congress to fairly distribute the cost of such membership fees in relation to the scope of participation by, and resulting benefits to such members.

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ARTICLE II

FISCAL REGULATIONS

Section 1. Fiscal Year. The fiscal year of the Congress shall be the calendar year.

Section 2. Budget. The Management and Budget Committee shall meet at least once per month at the office of the Water Congress with the Executive Director. The committee shall be responsible (1) for preparation of an annual budget to be presented to the Board of Directors for adoption, and (2) for the management of all financial affairs of the Congress within the annually adopted budget and on a month-to-month basis. No disbursement of Congress funds may be made unless there shall remain a sufficient balance in the budget to cover the proposed disbursement. the budget may be amended by the Board of Directors at any time prior to and during the fiscal year for which it shall have been adopted.

Section 3. Disbursement of Funds. All funds of the Congress shall be deposited by the Treasurer or Executive Director, at the direction of the

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Management and Budget Committee, in a federally insured commercial bank or a federally insured savings and loan association or both; provided, however, the Management and Budget Committee may direct that a portion of Water Congress funds be invested in money market funds and/or certificates. Funds may be disbursed only on the signature of the Executive Director and Treasurer, or, in the case of their inability to act, on the signature of the President of the Water Congress.

Section 4. Vouchers. No funds shall be disbursed by the Executive Director, except on the authority or prenumbered vouchers approved by the Management and Budget Committee and signed by the Chairman or Treasurer thereof.

Section 5. Indemnification. The Board of Directors may at its discretion, make provision for indemnification of the officers, directors, employees and agents of the Congress to the full extent authorized by law.

Section 6. Audit. Within 90 days following the end of each fiscal year the Board of Directors shall provide for a review of the financial accounts and records of the Congress by an independent CPA or by a review committee composed of three individual members who are not members of the Management

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and Budget Committee.

ARTICLE III

ELECTIVE OFFICERS

Section 1. General. The elective officers of the Congress shall be those designated in Article VI, Section 1 of the Restated Articles of Incorporation.

Section 2. Election and Term of Office. The elective officers of the Congress shall be elected at a meeting of the new Board of Directors during or within one week following the annual meeting. They shall each serve a term of one year and until their successors shall have been elected.

Section 3. President. The President of the Congress shall perform all of the duties required of him by the Articles of Incorporation and during any unfilled vacancy in the office of Executive Director shall perform all of the duties of the Executive Director. In addition, the President shall temporarily fill any vacancy in the office of the Colorado Director of the National Water Resources Association which may occur during any interval

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between the annual conventions of the Colorado water Congress by reason of the death, resignation, or inability of the duly elected Colorado Director of the National Water Resources Association to act during such interval.

Section 4. Vice-President. The Vice-President shall perform the duties of the President in the absence of the President and shall temporarily act as the President during any vacancy in the office of the President, pending the filling of such vacancy in the manner provided by the Articles of Incorporation. The Vice-President shall succeed to the office of President unless unwilling or unable to serve.

Section 5. Secretary. The Secretary shall keep the minutes of the meetings of the membership and of the Board of Directors. He shall be custodian of the seal of the Congress and shall affix the seal to all documents when authorized by the Board. He shall keep at the office of the Congress, a record containing the names and addresses of all members in good standing, and in general perform all duties incident to the office of the Secretary as well as those duties incident to the office of Secretary of the Colorado caucus of the National Water Resources Association.

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Section 6. Treasurer. The Treasurer shall be the principal financial officer of the Congress, having the care and custody of all funds, securities, or evidences of indebtedness of the Congress which he shall deposit in accordance with the directions of the Board of Directors and the requirements of these by-laws. He shall perform all other duties incident to the office of the Treasurer and , upon request of the Board of Directors, shall make such report to it as it may require at any time.

Section 7. Colorado Director of National Water Resources Association. The Colorado Director of the National Water Resources Association or his alternate shall discharge the duties of the position as required by the Articles of Incorporation and By-laws of the National Water Resources Association, Inc. In the absence of the President or Vice-President, he shall preside over meetings of the Colorado caucus of the National Water Resources Association and shall be the Colorado delegate to any annual or special meeting of the membership of the National Water Resources Association.

Section 8. Colorado Member of National Water Resources Association Resolutions Committee. The Colorado Member of the National Water Resources

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Association Resolutions Committee shall serve on said committee and perform the duties required of him by the By-laws of the National Water Resources Association, Inc., and by the rules of said committee. He shall attend, as an ex officio member, the meetings of the Board of Directors as may be called to consider resolutions to be proposed to the membership of the Congress.

Section 9. Colorado Alternate Members of the Resolutions Committee of the National Water Resources Association. The Colorado first alternate member of the Resolutions Committee of the National Water Resources Association shall participate in the deliberations of that Resolutions Committee according to the rules of said committee. He shall also attend, as an ex officio member, the meetings of the Board of Directors of the Colorado Water Congress, as may be called to consider resolutions to be proposed to the membership of the Congress. He shall, in the absence of the Resolutions Committee member, perform his duties, and shall temporarily fill any vacancy in the office of the Resolutions Committee member which may occur during any interval between the annual conventions of the Colorado Water Congress by reason of the death, resignation, or inability

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of the Colorado member of said committee to act during such interval. The Colorado second alternate member shall perform the functions of the first alternate member whenever the first alternate is unable to perform the duties described above.

ARTICLE IV

BOARD OF DIRECTORS MEETINGS

Regular meetings of the Board of Directors shall be held at least four times a year. Such meetings shall when possible, be held inn connection with meetings of the Colorado Water Conservation Board at such time and place as may be specified in the notice of such meeting to be given by the Executive Director. Such meetings may be held within or without the State of Colorado.

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ARTICLE V

OFFICE, AGENT

Section 1. Office. The principal office of the Congress shall be located in the Denver SMSA, at such location as the Board of Directors may designate from time to time.

Section 2. Registered Office. The registered office of the corporation as required by the Colorado Nonprofit Corporation Act as it may be amended shall be the principal office of the Congress as it may, from time to time, be designated by the Board of Directors.

Section 3. Registered Agent. The registered agent of the Congress shall be the Executive Director.

ARTICLE VI

AMENDMENTS

These by-laws may be amended or repealed in the same manner as any other

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action of the Congress and subject to the same limitations; provided, however, that any such action shall require a 70 percent majority of the entire Board voting in person or by written proxy to a person present from within that member's division.

ARTICLE VII

MISCELLANEOUS

Section 1. Waivers of Notice. Whenever notice is required by law, by the Articles of Incorporation or by the by-laws, a waiver thereof in writing signed by a Director or other person entitled to said notice, whether before, at, or after the time stated therein, or his appearance at such meeting in person or by proxy, shall be the equivalent to such notice.

Section 2. Corporate Seal. The corporate seal of the corporation shall be circular in form and shall contain the name of the corporation, and the words "Corporate Seal, Colorado."

Section 3. Special Projects. Special projects which promote the aims and

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purposes of the Colorado Water Congress may be approved by the Board of Directors. Approval for such projects by the Board may include, but are not limited to, requirements and conditions regarding funding, participation in the project effort, the establishment of committees to carry out the effort, access to the information and work-product which is developed, and the hiring and payment of personnel and consultants.

Restated By-Laws of the Colorado Water Congress, as amended December 2, 1983.

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FEMA Funding Board

FEMA Funding Board

Established:

The first mention of the FEMA Funding Board was board assignments in 1999. There is no description other than it meets quarterly.

Mission/Purpose:

I have searched for information on this board and so has the legal department. The conclusion is that this board was created for one of two possible reasons: for emergency preparedness or it is the board now called the Emergency Food and Shelter Board.

The first is for FEMA's Public Assistance in the event of a disaster. Currently there is no requirement for a board. Information on that is attached in the form of email correspondence.

The second possibility is the board now called Emergency Food and Shelter Board. This is a FEMA funded board that was created in 1983 to supplement and expand the work of local social service agencies, both nonprofit and governmental, in an effort to help people with economic (not disaster related) emergencies. Information on that board is also attached. United Way administers this board.

Membership/Terms:

Agencies that provide food and shelter are represented on the board and legislation includes the board must also include a homeless or formerly homeless representative. Steve Smith from GIS is currently representing the City on this board.

Meetings:

Meetings are twice a year.

Other information:

Until we can get further clarity on this board, it has not been included in the binder.

Attachments:

Email from FEMA

Organizational Documents from Emergency Food and Shelter Board

Stephanie Tuin - FW: City of Grand Junction, Colorado FEMA Funding Board

From: <janice.sosebee@dhs.gov>
To: <maryb@ci.grandjct.co.us>
Date: 7/17/09 11:32 AM
Subject: FW: City of Grand Junction, Colorado FEMA Funding Board

Dear Ms. Bacus:

Thank you for your e-mail dated July 10, 2009, to the Federal Emergency Management Agency (FEMA) inquiring about the need to set up a funding board as part of a disaster preparedness plan.

FEMA's Public Assistance (PA) Grant Program provides assistance to State, Tribal, local governments and certain Private Nonprofit organizations, to help communities quickly respond to and recover from major disasters or emergencies declared by the President.

If, in the event of a disaster declared by the President, the City of Grand Junction were to be an eligible PA applicant, the following would apply at that time (not before):

- Applicants would attend a State sponsored Applicant Briefing to receive information about the Public Assistance Program and State requirements.
- Applicants would complete and submit to the State a Request for Public Assistance (Request) form. Applicants may submit the Request forms at the Briefing, or submit them to the State within 30 days of the disaster designation.
- Upon receipt of the Request form from the State, FEMA would assign a Public Assistance Coordinator to work with each applicant throughout the disaster recovery period.
- The State assigns an Applicant Liaison to help the applicant.
- The Public Assistance Coordinator meets with each applicant to discuss eligibility requirements and project formulation (Kickoff meeting).
- Applicants may prepare Project Worksheets for small projects if they have the resources to do so. Otherwise, FEMA and the State personnel do the preparation.
- Applicants would contact the Public Assistance Coordinator prior to initiating repairs to facilities with Special Consideration issues (for example, environmental concerns or historic preservation).
- Applicants would document all damage and costs--with pictures, written descriptions and financial records.

There is not a FEMA requirement for a "board" per se.

For more information on the steps listed above, you may wish to review the "Roles and Responsibilities" page on the FEMA.gov Web site at <http://www.fema.gov/government/grant/pa/roles.shtm>.

The Complete Public Assistance Policy Reference Manual is also on our Web site at <http://www.fema.gov/government/grant/pa/9500toc.shtm>.

I hope this information is helpful and wish you the best.

Sincerely,
Janice Sosebee
FEMA Disaster Assistance Directorate

From: Mary Lynn Bacus [mailto:maryb@ci.grandjct.co.us]
Sent: Friday, July 10, 2009 12:22 PM
To: FEMA-Correspondence-Unit,
Subject: City of Grand Junction, Colorado FEMA Funding Board

Hello,

I am a paralegal in the City Attorney's Office for the City of Grand Junction, Colorado.

We would like to know: Does FEMA require a local or state government to set up a "FEMA Funding Board" to act as a "conduit" or contact with FEMA in case funding is granted to that local government for disaster assistance or disaster preparedness?

We have a "FEMA Funding Board" which has been on our list of City Council member appointments for years but to everyone's knowledge, this Board has never met and there is no documentation to show or support the set up of this Board. We'd like to know if this is a requirement of FEMA?

Please advise and thank you for your help!

Mary Lynn Bacus
Paralegal, City Attorney's Office
City of Grand Junction
Phone: 970-244-1505
Fax: 970-244-1456

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PREAMBLE

The Emergency Food and Shelter Program (EFSP) was created in 1983 to supplement and expand the work of local social service agencies, both nonprofit and governmental, in an effort to help people with **economic** (not disaster-related [i.e., fire victims, floods, tornadoes, etc.]) emergencies. The EFSP funding is open to all organizations helping hungry and homeless people. EFSP funds must be used to supplement feeding, sheltering (including transitional sheltering) and rent/mortgage and utility assistance efforts only.

EFSP is governed by a National Board that selects jurisdictions for funding. Local Boards are convened in those qualifying jurisdictions to determine the highest need and best use of funds and to select Local Recipient Organizations (LROs) that will provide emergency food and shelter services. Each year, needs are to be assessed in an effort to adapt to particular community needs.

HISTORY

The Emergency Food and Shelter Program was established on March 24, 1983, with the signing of the "Jobs Stimulus Bill," Public Law 98-8. That legislation created a National Board, chaired by the Federal Emergency Management Agency (FEMA) that consisted of representatives of the American Red Cross, Catholic Charities USA, National Council of the Churches of Christ in the U.S.A., The Salvation Army, United Jewish Communities, and United Way of America.

The EFSP was authorized under the Stewart B. McKinney Homeless Assistance Act (P.L. 100-77 signed into law on July 24, 1987, since renamed the McKinney-Vento Homeless Assistance Act and subsequently reauthorized under P.L. 100-628, signed into law on November 7, 1988). Since 1983 the EFSP will have distributed \$3.107 billion to over 12,000 human service agencies in more than 2,500 communities across the country.

The original authorizing legislation (PL 100-77) specifically calls for "sensitivity to the transition from temporary shelter to permanent homes and attention to the specialized needs of homeless individuals with mental and physical disabilities and illness and to facilitate access for homeless individuals to other sources of services and benefits."

Also in accordance with the legislation, the National Board encourages Local Boards to place special emphasis on identification of and assistance to the elderly, families with children, Native Americans and veterans. In addition, the authorization as revised (PL 102-550) in 1992 requires that a homeless or formerly homeless person serve on decision making boards.

LOCAL BOARD'S RESPONSIBILITIES

Each award phase is new; therefore the Local Board is a new entity in every phase. The convener of the Local Board **must** ask each National Board agency to designate or re-designate a representative every program year. Other invited agencies must also designate or re-designate a representative each year. Each agency represented on the Local Board should have an alternate from their agency to attend meetings when the designated board member is unable to attend. If there is more than one representative from an agency/organization present, only one vote is allowed for the agency/organization. To ensure funding, the Local Board chair or staff must complete and return all required forms to the National Board by the specified deadline (Local Board Plan, including LRO pages with designation of dollar amounts [whole dollars only of \$500 or more] awarded, Local Board Certification Form, Local Board Roster, and Certification Regarding Lobbying Forms as needed).

The National Board assigns each jurisdiction an ID number under this program as well as numbers for each LRO either new in this phase or previously funded. **When contacting the National Board for assistance regarding this program, please reference your Local Board's ID and LRO numbers.**

Composition/ Roster

Each jurisdiction designated by the National Board to receive funds will constitute a Local Board. Local representatives of the National Board member agencies (see page iv for those organizations) **must** be invited to serve on the Local Board. **An agency's own governing board cannot replace or act as the Local Board.**

The highest ranking county government official or his/her designee will replace the National Board's FEMA member.

National Board affiliates

Each Local Board will provide a roster of members with their plan. The roster must reflect status of National Board member agencies (i.e., name of agency with complete contact person and address information of the agency invited; noting invited but did not participate or that the particular National Board agency does not serve the jurisdiction).

If the convener of the Local Board is unsure of the appropriate National Board affiliate to invite, they should check the National Board members' agency web site. In jurisdictions where affiliates of National Board agencies do not exist, other appropriate groups and individuals **must** be invited to sit on the Local Board. For example, if there is no Catholic Charities, a comparable Roman Catholic group or a priest could serve. In the case of United Jewish Communities (UJC),

if no local Jewish Federation exists in a given jurisdiction, each Local Board must first check with UJC to identify local UJC-affiliated Jewish organizations to serve. You may call the United Jewish Communities at (202) 785-5900. If none are available, then a comparable group or synagogue representative may be asked to serve. The National Council of Churches (NCCC) is a Protestant and Christian Orthodox group and could be represented by a member communion of the NCCC or a local ecumenical or interfaith organization including community ministries.

It is not a requirement for either a mandated National Board member agency or other agencies to have a physical site in a jurisdiction in order to be on the Local Board. Any agency providing services to a jurisdiction may be invited to participate on the Local Board and National Board member agencies serving a jurisdiction **must** be invited.

**Local Board
Membership & Voting**

Agencies are represented on Local Boards and each agency is entitled to one vote. Each agency must name a representative to the Local Board although other individuals may also attend meetings. When voting, only the official representative (or designated alternate) may vote on behalf of the organization.

In jurisdictions where multiple organizations exist, the organization still only gets one vote and the agencies must work together and vote as one. For example, United Way of County - North and United Way of County - South are considered to be one organization - United Way. United Way gets one vote. Additionally, no United Way may vote on any United Way award. The same would be true for multiple units of The Salvation Army, Community Action Agency, etc.

**Participation by
homeless, formerly
homeless, or
homeless advocate**

Legislation requires all Local Boards to include in their membership a homeless or formerly homeless person. Local Boards **must** seek recommendations from LROs for an appropriate representative.

Local Boards who are unable to secure a homeless or formerly homeless representative **must** have a past recipient of food or shelter services or a homeless advocate on their Local Board.

**Native American
participation**

Legislation requires that if a jurisdiction is located within or encompasses a Federally recognized Native American reservation, the Local Board **must** invite a Native American representative to serve on the Local Board. In addition, legislation requires that if there is a

Native American population in a jurisdiction, they must be invited to serve.

Local Board expansion

The designated members of the Local Board are encouraged to expand their membership by inviting participation from minority populations and other private nonprofit organizations and government organizations. In addition, all geographic areas within the jurisdiction should be represented. Local Boards may want to expand to broaden community input from other national nonprofit organizations (e.g., Second Harvest, Community Action, Volunteers of America) as well as those providing emergency food and shelter services (e.g., food pantries, soup kitchens, domestic violence shelters). In designing the EFSP, Congress created a unique public-private partnership that brings the voluntary sector and the government together to address critical human needs in the areas of hunger and homelessness. When expanding, Local Boards should carefully cultivate this public-private partnership

Participation of special emphasis groups

In expanding, Local Boards **must** involve organizations that advocate for or provide services to the special emphasis groups identified in the legislation (e.g., elderly, families with children, veterans, and mentally and physically disabled).

Election of Chair

The members of the Local Board **must** elect a chair each award phase. The Local Board chair is not an honorary position. Local Boards may also designate staff and/or a contact person for their jurisdiction. Care **must** be taken to select individuals who are both accessible and knowledgeable about the program

Notification of changes in contacts/addresses

Local Boards **must** notify the National Board **in writing** of changes in Local Board chair, staff contact, or LRO contacts, including complete addresses, phone number, fax numbers and e-mail addresses. This information may be submitted via the EFSP web site www.efsp.unitedway.org.

Local Board participation

Local Board membership is not honorary. If a member cannot regularly attend meetings, that member must be replaced by the member's designated agency. If a member must be absent from a meeting, the member's organization should designate an alternate.

Convening the Board

If a locality has not previously received funding and is now designated as being in high need, the National Board has designated the local United Way to constitute and convene a Local Board.

In the event there is no local United Way, or the United Way does not convene the board, a representative from one of the National Board organizations will convene the initial meeting of the Local Board.

Reconvening the Board

If a jurisdiction has previously received funds, the National Board will contact the Local Board Chair or contact from the previous phase regarding funding. If the previous Local Board chair/contact fails to convene the Local Board for the new award, the process noted above will be followed.

If the previous phase's Local Board has failed to comply with National Board guidelines, the National Board will work to find another Local Board convener.

Local Board meetings

The National Board requires Local Boards to select one of the following options for meetings:

A. Quarterly meetings

We encourage Local Boards to meet quarterly to monitor the program and ensure LROs are implementing the program according to guidelines.

B. Semiannual meetings

Local Boards meeting twice a year must also monitor the program and ensure that LROs are implementing the program according to guidelines.

Local Boards electing to hold meetings semiannually must submit copies of their meeting minutes with the jurisdiction's final report. Failure to return this information may result in the delay of any future funding to your jurisdiction.

Meetings may be conducted via conference calls.

Quorum requirement

A quorum of members must be present for the meeting to be official and to take any action. (Quorum: According to Webster's New Collegiate Dictionary. The majority of officers or members of a body that when duly assembled is legally competent to transact business.) If there is more than one representative from an agency/organization present, only one vote is allowed for the agency/organization. Meeting minutes must be voted on and approved by the Local Board at the next

meeting. Meeting minutes must also be available to the National Board, Federal authorities, and the public upon request.

Meeting minutes

Meeting minutes must include the following: names of members attending; members absent; notation of participation of homeless or formerly homeless member; the date, time and location of the meeting; approval of previous Local Board meeting minutes; agenda action items (votes taken [i.e., election of chair, allocation of funds, reallocation]); date, time and location of next meeting; and meeting adjournment.

Board Plan Deadline

The National Board will provide Local Boards with a specific deadline for the submission of the board plan with award materials. (The board plan may be submitted via the "LB and LRO Information" section of the EFSP web site [www.efsp.unitedway.org] using the instructions provided.) The deadline is approximately 25 working days after award notification. **Local Boards not meeting the specified deadline risk the loss of these funds.**

Advertising

Local Boards must publicly advertise in the print media and promote the program to give any agency capable of providing emergency food and shelter services an opportunity to apply for funds. **Advertising must take place prior to the Local Board's allocation of funds.** Failure to advertise properly will delay processing of the jurisdiction's board plan and subsequent payment of funds. Local Boards must allow **at least five business days after publication of the advertisement** for interested agencies to apply for funding. The Local Board should retain a copy of the public advertisement in their records. **It is important that the Local Board places the advertisement in the most widely available local print media forum for a jurisdiction since any agency providing or capable of providing emergency food and shelter services must have the opportunity to apply for funding.** Failure to advertise according to the National Board's requirements will result in a delay in processing the Local Board plan.

See Annex 5 (page 61-62) for advertising requirements and a sample advertisement. See Annex 6 (page 63-64) for application elements.

Local Boards do not have to re-advertise fund availability for supplemental allocations within the same phase.

Disaster Recovery Plan

Local Boards should have a disaster recovery plan that ensures continuity of services under EFSP and records retention. Each Local

Board is required to retain EFSP records for a period of three years. Records that should be retained include copies of decision-making minutes, Local Board Plans, Local Board and LRO Final Reports with documentation as appropriate, second payment request forms, reallocation forms, LRO funding applications, and administrative expense documentation (canceled checks and vendor invoices). Additionally, Local Boards should retain other pertinent information for their jurisdiction that provides background and history of their operations. Local Boards are encouraged to visit the Department of Homeland Security website for business continuity at www.ready.gov/business/index.html/

Reference Item 5 (page 28) and Annex 2 (pages 51-52).

Selection of LROs

Any agency regardless of services offered or populations served must be given equal opportunity to apply for funding. All applicant agencies must meet the requirements on the LRO Certification Form in order to receive funds

Local Boards must have a written application process and consider all private voluntary and public agency applicants. In selecting an agency to receive funds, the Local Board must consider the demonstrated ability of that agency to provide food and/or shelter assistance. Local Boards must also consider needs, resources, and gaps in services in the selection of LROs. **Local Boards may not discriminate in the selection of LROs. Local Board members must strive to use consistent criteria, sound judgment, and fairness in their approach. Local Board membership must have no relationship to funding and is not a guarantee of funding. Local Board members must abstain from voting on award applications for their own agency.**

The Local Board must select agencies that have the staff and capacity to take on the added responsibility of this program. Local Boards must select fully operational agencies to receive funds to supplement and expand eligible on-going services and must not fund agencies in anticipation of a needed service (i.e., fire victims, floods, tornadoes, etc.) nor for singular or special celebratory/holiday events. Local Boards should not select agencies for funding due to budget shortfalls or for cuts in other funding sources. Agencies must have a program in the category for which they are seeking funding. Local Boards need to look annually at the resources available in the community, the

am. red cross
not eligible ?

emergency food and shelter needs of the community, and focus the dollars to address these needs. Prior years' funding decisions must have no bearing on the selection of agencies. (If an agency has been previously funded it does not guarantee future funding.

See Annex 6 (pages 63-64) for Standard Application Elements and a Sample Application.

**Funding of LROs
serving special
emphasis groups**

Any agency, including those on Native American reservations, is eligible to receive EFSP funding if they meet LRO requirements. Additionally, Local Boards must consider the needs of agencies serving the special emphasis groups (e.g., elderly, families with children, Native Americans, veterans, and mentally and physically disabled) in their selection of LROs.

The minimum grant per LRO is \$500, unless only receiving administrative funding. Only whole dollar amounts may be allocated. **Local Boards should be prepared to justify an allocation of one-third or more of their total allocation to a single LRO.**

Any LRO that will receive \$100,000 or more in EFSP funds is required to submit: 1) a certification that EFSP funds will not be used for lobbying activities and 2) a disclosure of lobbying activities (if applicable). LROs must submit these items prior to award payment. See Annex 11 (page 71) for Lobbying Certification Form.

The Local Board Chair or staff must secure and retain signed LRO certification forms from each LRO certifying that program guidelines have been read and understood, and that the LROs will comply with cost eligibility and reporting requirements. Refer to Annex 8 (page 67). If after reading the LRO Certification Form, the agency determines that it cannot abide by the EFSP guidelines, they must notify the Local Board immediately and not incur any costs or charge any expenses against this grant.

**Coordination of
service**

The Local Board **must** establish a system to ensure that no duplication of payment occurs within the expenditure categories of rent/mortgage assistance or utility assistance.

Client eligibility

The EFSP is a needs based program, for which clients must qualify.

Local Boards may determine client eligibility for EFSP or use established LRO eligibility. Any criteria used must provide for assistance to needy individuals without discrimination (age, race, sex,

religion, national origin, disability, economic status or sexual orientation), sensitivity to the transition from temporary shelter to permanent homes and attention to the specialized needs of homeless individuals with mental and physical disabilities and illness and to facilitate access for homeless individuals to other sources of services and benefits. In providing assistance under the EFSP, verification of proof of citizenship or qualified alien status of any applicant for assistance is not required.

A separate needs test for assistance under EFSP may be developed and used by LROs, but must first be approved by the Local Board. The Local Board must inform LROs of eligibility criteria.

Notification of changes in contacts/ addresses

Local Boards must notify the National Board in writing of changes in Local Board chair, staff contact, or LRO contacts, including complete addresses, phone numbers fax numbers and e-mail addresses. This information may be submitted via the EFSP web site: www.efsp.unitedway.org.

Combining Local Boards

If a Local Board determines that they can better utilize their resources by merging with neighboring Local Boards, they may do so. The head of government or his/her designee for each jurisdiction must sit on the merged board, along with agency representatives from each jurisdiction. Voting and decision making must be limited to only those Local Board members either providing services to the jurisdiction under consideration or representing the jurisdiction. The merged Local Board must ensure that the award amount designated for each civil jurisdiction is used to provide assistance to individuals within that jurisdiction.

Technical assistance

Local Boards must read, understand and be familiar with guidelines and provide technical assistance to LROs. Questions that cannot be answered by Local Boards must be referred to the National Board staff. Any matter of interpretation must be referred to the National Board staff. When contacting the National Board, please reference your Local Board ID number and LRO numbers.

Appeals process

Local Boards **must** establish a written appeals process to address participation or funding and to hear and resolve appeals made by funded LROs or non-funded agencies. **Local Boards must handle appeals promptly.**

Local decision making is an operating principle of this emergency

effort. If the Local Board cannot handle an appeal locally, the case should be referred in writing to the National Board, including details on action that has been taken. Only when there is significant question of misapplication of guidelines, fraud or other abuse on the part of the Local Board will the National Board consider action. **Report cases involving fraud or other misuse of Federal funds to the U.S. Department of Homeland Security/FEMA, Office of Inspector General, Washington, DC 20528 in writing or by telephone at (800) 323-8603. For more details, see pages 17.**

Local resource coordination

The chair of the Local Board or his/her designated staff will be the central coordination point of contact between the National Board and the LROs selected to receive EFSP funds. Additionally, the Local Board, if requested by the National Board, should nominate an appropriate feeding organization to receive surplus food from Department of Defense commissaries.

Monitoring of LROs

Local Boards are responsible for monitoring LROs in their use of EFSP funds. Each Local Board must establish a process for monitoring LROs including ensuring that LROs have read and understand the manual, the review of required reports and documentation.

Local Boards must ensure that LROs expending \$500,000 or more in Federal funds, comply with the Office of Management and Budget Circular A-133 Item 7 (page 29).

Local Boards **cannot** change National Board cost eligibility, approve expenditures outside of the National Board's guidelines, or approve changes in documentation requirements without National Board permission.

As part of LRO monitoring, Local Boards must investigate complaints made by individuals seeking services under this program. At times, the National Board may request Local Board assistance in investigating client complaints. Local Boards must investigate if requested and report to the National Board.

Interim report

The interim report of expenditures is due to the National Board as part of each LRO's second payment request. The deadline for LROs to submit the interim report/second payment request form to their Local Board is July 15, 2008. Local Boards must submit the interim report/second payment request to the National Board by July 31, 2008. This form will be sent to each LRO along with the first payment notice

or check to a new LRO. This form may also be accessed from the "LB and LRO Information" section of the EFSP web site (www.efsp.unitedway.org) once an LRO has received their first payment.

Final report

Local Boards must submit a final report (accompanied by financial documentation for specified LROs) within 45 days after the end of the jurisdiction's spending period. The National Board will provide forms and instructions for all required reports. Local Boards may request other reports from LROs (e.g., monthly or quarterly updates).

Reallocation of funds

The Local Board must reallocate funds during the spending period whenever it determines that the original allocation plan does not reflect the actual need for services or if an LRO cannot effectively utilize the full award. Local Boards must reallocate funds if an LRO makes ineligible expenditures or uses funds for items that have clearly not been approved by the Local Board. Local Boards must also reallocate funds as a result of gross negligence, inadequate use of funds, failure to use funds for purposes intended and any other violation of National Board guidelines or the Local Board plan. LROs must comply with Local Boards' reallocation decisions.

Local Boards must reallocate funds held for LROs with unresolved compliance exceptions by July 31, 2008 or the National Board may reclaim the funds. **If an LRO has not previously been funded in the current phase, it may not be funded after May 31, 2008.**

The Local Board may approve the reallocation of funds between LROs and must inform the National Board in writing (on the appropriate forms). The Local Board may also return funds to the National Board for issuance to another LRO or request reallocation of funds held by the National Board (e.g., second payments). All reallocation of funds should be completed by July 31, 2008. See Annex 10 (page 70) for the reallocation form.

Reallocation to new agencies

If the Local Board wishes to reallocate funds to an agency that was not approved on the original board plan, the Local Board must make a written request for approval to the National Board. The National Board must approve an agency prior to receipt of funds. **If an LRO has not previously been funded in the current phase, it may not be funded after May 31, 2008.**

Local Boards may reallocate funds from one service to another (e.g.,

from food to shelter) without National Board approval if the transfer is within an individual LRO. Local Boards may not reallocate funds to an LRO with known compliance problems.

**Reporting fraud, theft
and criminal activity**

Should anyone have reason to suspect that EFSP funds are being used for purposes contrary to the law and guidelines governing this program, the National Board staff must be notified immediately. A detailed follow-up letter of actions taken should be forwarded as soon as possible to Emergency Food & Shelter Program, 701 N. Fairfax Street, Suite 310, Alexandria, VA, 22314.

The National Board requires that the OIG be contacted immediately when fraud, theft, or other criminal activity is suspected in connection with the use of EFSP funds, or the operation of a facility receiving EFSP funds. This notification can be made by calling the OIG (800) 323-8603, or in writing to: DHS/Office of Inspector General, Attention Hotline, Office of Investigation, 245 Murray Drive, SW, Building 410 Stop 2600, Washington, DC, 20528. Email: dhs.oighotline@dhs.gov.

Persons contacting the OIG should include as much information as possible to support the allegation and preferably furnish his/her name and telephone number so that the Special Agents assigned to that office may follow-up. Federal Law protects the confidentiality of any communication made with the OIG.

A person wishing to remain totally anonymous should make a follow-up phone call to the OIG within 30 days from the date of the original contact so that any follow-up questions may be asked. Follow-up calls should be made to (800) 323-8603 during normal business hours, Eastern Standard Time (charges may be reversed). The caller should advise that he/she is making a follow-up call regarding a prior anonymous complaint.

The OIG will appropriately notify both local law enforcement authorities and the National Board concerning the substance of the allegations and the results of the investigation. The person reporting the allegation should also contact local law enforcement authorities.

End-of-program

After close of program, Local Boards **must** review the accuracy of **all** LRO reports and documentation (page 49) Required Documentation). The Local Board then sends reports for all LROs and documentation for specified LROs to the National Board as requested by the due date indicated on the final reports. In the event expenditures violate the eligible costs under this program, the Local Board must require

reimbursement from the LROs to the National Board.

Record retention

Local Boards must remain in operation until all program and compliance requirements of the National Board have been satisfied. Local Boards (and LROs) must retain their records related to the program for three years from the end-of-program date. See Annex 2 (pages 51-52).

Spending period extension

Each jurisdiction will be granted the option to extend its spending period by one, two or three months. This extension applies to the entire jurisdiction. Should the jurisdiction receive a grant in the next phase, that phase's spending period will begin the day after the chosen end date. If a Local Board does not request an extension, the spending period will end September 30, 2008. The other options for the spending period to end are October 31, 2008; November 30, 2008; or December 31, 2008. **The spending period must be selected at the beginning of the phase when submitting the Local Board Plan.** The spending period is then noted on each Local Board and LRO payment letter.

Waivers and changes

Local Boards may receive requests from applicant agencies or for changes in the plans they approved for LROs. Local Boards may fund such requests or may allow such changes if the requested items are eligible costs under this program. Requests that do not adhere to the approved cost eligibility section of this manual may not be approved by the Local Board. If there is any doubt on the part of the Local Board as to cost eligibility, contact the National Board staff for clarification.

The National Board will consider requests submitted **in writing** for waivers to the approved cost eligibility that meets the intent of the EFSP. The request for any waivers from the Local Board must be made **before** any LRO makes the expenditures and must clearly state the need for the waivers, approximate costs, timelines, or any other pertinent information necessary for the National Board to make their decision.

Local Boards may also receive requests from LROs for waivers of the agency responsibility or documentation requirements outlined in this manual. Local Boards **may not approve** such requests or alter the program or documentation requirements in any way. LROs are required to comply with all agency responsibility and documentation requirements as stated in this manual and agencies that cannot comply with the requirements should not be selected for funding by the Local

Board, including those agencies funded through a fiscal agent or fiscal conduit. In rare circumstances, the National Board will hear waivers from Local Boards on behalf of LROs who have not complied with agency responsibility and documentation requirements.

The National Board will only accept waivers for consideration from Local Boards in support of an agency's request. Waivers will not be accepted from individual agencies.

The National Board does not consider waivers for cash payments or EFT enrollment.

Local Boards may not grant waivers to the National Board's guidelines including cost eligibility.

Local Boards may not change the National Board's documentation requirements. Only the National Board may grant waivers.

**Administrative
allowance**

The Local Board may elect to use, for its own administrative cost, all or any portion of the 2% allowance. Like all EFSP expenditures, the administrative expenses must be documented with appropriate costs for the administration of the EFSP.

The Local Board may elect to apply the administrative allowance toward advertising expense if necessary. Any of the administrative allowance not spent must be put back into program funds for additional services.

PMAG

Parking Management Advisory Group

Established:

April, 2005

Mission/Purpose: This advisory group advises the City on the administration, management and regulation of parking in the downtown area. This group helped pull together all the various aspects of the downtown parking garage.

The purposes, goals and recommendations of the PMAG, subject to continuing approval by the City, shall be:

- i) to establish the day-to-day management and operation of the parking garage, including but not limited to rate setting, leasing, the provision of maintenance (via contract or other suitable arrangement) and enforcement ("Management Practices");
- ii) implementation of the Management Practices by means that include but are not limited to the installation and use of an automated, state of the art controller and integrated garage status message board(s) to allow active management and reservation of available parking;
- iii) the first priority for use of unused, private parking shall be for evening and weekend events sponsored or promoted by the DDA, the City and/or the Downtown Partnership. Parking shall be arranged/made available on a first come, first served basis;
- iv) the making of recommendations on the management and expenditure of the accumulated Parking Fund resources;
- v) the allocation and location of paid and unpaid (metered and signed) parking in the boundaries of the DDA;
- vi) the highest purpose of the PMAG will be to manage the parking system so that the parking garage as well as existing and yet to be developed on street parking is utilized to the maximum extent as provided by the Parking System Business Plan which is attached hereto and incorporated by this reference as if fully set forth.

Membership/Terms:

A City Council representative, the DDA Executive Director, DDA board members, and City engineering and parking staff. There are no terms specified.

Meetings:

As needed.

Attachments:

Parking System Memorandum of Agreement – created PMAG
There are no bylaws.

The Grand Junction Downtown Development Authority
And
The City of Grand Junction

Parking System Memorandum of Agreement

Recitals.

- A. The Grand Junction Downtown Development Authority (“DDA”) is a political subdivision that exists pursuant to § 31-25-801, *et seq.*, C.R.S. The DDA was formed in 1977 to promote economic redevelopment and other activities as defined by law in Grand Junction’s historic downtown.
- B. In early 2005 the DDA and the City of Grand Junction (“City”) agreed to construct and operate a parking garage in downtown. The parking garage will be funded by the Tax Increment Capital Fund (“TIF”) managed by the DDA and the City’s Parking Fund. The DDA has been interested in constructing a parking garage for a number of years and has planned for and budgeted expenditure of the TIF for that purpose.
- C. Because both the City and the DDA are concerned about the vitality of the downtown, including the availability of accessible, convenient parking, the DDA and the City have come together to construct a parking garage for the benefit of downtown and the entire City. Because the parking garage will be only one variable in the operation and management of downtown parking, the DDA and the City have developed and agreed on a plan for the operation and management of parking in downtown. This Memorandum of Understanding acknowledges that agreement and includes specific business and financial planning elements for the use of the Parking Fund and management of the parking system in downtown.
- D. The City and the DDA have a rich history of participation in cooperative projects for the betterment of downtown; this parking system management agreement is yet another example of that cooperation. While the resulting relationship is not legally a partnership, the cooperative efforts of the DDA and the City can and by this agreement shall be viewed as a joint venture for the betterment of the City.

NOW THEREFORE, the Board of Directors of the Grand Junction Downtown Development Authority and the City Council of the City of Grand Junction state their understandings, commitments and agreements all as follows:

2. The purposes of this Memorandum of Agreement are to create:
 - (a) a framework for the collaboration, teamwork and cooperation that is essential to the acquisition of land and funding for construction of a downtown parking structure which will be used by and for the benefit of citizens and visitors to the City; and
 - (b) an understanding for the timing, the amount and the relative interests of the DDA and the City in the ongoing operation, maintenance and future of the parking garage and management of the parking system in downtown.
3. To further these purposes, the City and the DDA agree to reasonably cooperate,

communicate and collaborate so that the following mutual objectives can be met. The parties understand and agree that additional approvals, documents and actions will be necessary to implement these objectives and agree to do the same. The mutual objectives of the parties are:

- (a) the construction of a 3 story (ground floor plus two elevated levels) parking garage. The top floor shall be covered. The parking garage shall be "cast in place construction" and shall contain no less than 324 spaces; up to 160 of those spaces may be sold, leased or otherwise conveyed to private interests, subject to additional provisions of this agreement.
- (b) The City and the DDA shall work to cooperatively design and plan for the aesthetic and architectural design of the parking garage;
- (c) the City agrees to manage construction of the parking garage. The City will attempt to complete the construction by October 1, 2006. The City may consider input about the construction from the DDA but shall not be bound to act on the same.
- (d) Condominiumization of the garage will occur as soon after construction as regulatory approvals allow. If spaces are sold, leased or otherwise conveyed to private interests, that sale, lease or conveyance shall be subject to covenants, conditions and restrictions and/or condominium declarations (collectively "Restrictions").
- (e) The City's and any purchasers' interests will be reflected in the condominium Restrictions. The Restrictions will include terms that apportion (on a proportionate share of ownership base) the annual maintenance cost of the garage. In addition the Restrictions will establish common and general elements and will address other aspects of operation and maintenance.
- (f) The City will manage the construction project by providing construction management and engineering oversight by a Colorado licensed professional engineer in good standing. The construction management and engineering review and oversight shall be in accordance with the construction plans, generally accepted engineering practices and if applicable, the standards set by the City.
- (g) The City, by and through its project management personnel, shall be responsible for the means and methods of construction and shall direct the work. The DDA may observe, monitor and examine construction means and methods but final construction decisions are the responsibility of and will be made by the City.
- (h) The City will make available for inspection by the DDA, at the DDA's request, all solicitations, bids and/or correspondence between the City and the project contractor(s), professional service providers and/or agents.
- (i) The DDA has acquired the majority of the land necessary for the

construction of the parking garage by expending TIF funds. The land is described as follows:

Lots 1 through 5 and the west 13.3 feet of Lot 6 in Block 103 in the City of Grand Junction

Also known by street and number as 130 North 4th Street, tax schedule number 2945-143-16-019; and

The East 11.7 feet of Lot 6 and all of Lots 7 and 8 in Block 103 in the City of Grand Junction

Also known by street and number as 441 Rood Avenue, tax schedule number 2945-143-16-021; and

All of lots 9, 10, 11 and 12 in Block 103 in the City of Grand Junction, Also known by street and number as 451 Rood Avenue, tax schedule number 2945-143-16-948,

All in Mesa County, Colorado.

The value of that land, based on the purchase price, is \$1,480,000. In addition to the land described in this agreement, the TIF will pay up to \$411,333.00 for Site Work which includes but is not limited to demolition, environmental remediation, utility movement and reconstruction and the closing of curb cut(s). If the cost of any and all required site work exceeds that cost, the City has agreed to contribute the difference. Furthermore, because of the parties' mutual interests in the parking garage, the City has agreed to cooperate and assist the DDA, at no cost, with engineering and/or project management of the Site Work.

- (j) the City has agreed to acquire the Dalby-Wendland and Snap Photo properties. The DDA will pay the cost thereof (not to exceed \$500,800).
- (k) the site plan and plat of the property shall be prepared such that two areas of land approximately 50' (east-west dimension) X 125' (north-south dimension) on the Southeast corner of 4th Street and Rood Avenue and Southwest corner of 5th Street and Rood Avenue ("Corners" or "the Corners") shall be separately platted. Once platted those lots or tracts shall belong, and be conveyed by the City to the DDA at no cost to the DDA. The Corners may be developed and/or sold as determined by the DDA in its sole discretion. Proceeds from the sale of the Corners, in whole or in part shall belong without claim by the City, to the DDA. The City and the DDA shall work to cooperatively plan for and integrate the Corners into the aesthetic and architectural design of the parking garage;
- (l) until such time as the Corners are platted and conveyed to the DDA, the DDA shall be the landlord of the Snap Photo building and as such shall be entitled to any and all rent generated therefrom. Furthermore, the DDA shall be entitled to the rent from the Valley Office and Commercial Federal buildings and/or parking area(s), until such time as the buildings are demolished;

- (m) at such time as the Corner(s) are sold, the proceeds therefrom shall be paid to the TIF capital fund;
- (n) the City has agreed to fund through the Parking Fund the balance of the cost of construction. The City and the DDA agree that the carrying cost for the project shall not exceed the annualized percentage rate of return that the City receives on its investment portfolio. The City may solicit proposals for the sale, lease or other conveyance of up to 160 spaces to help defray the cost to the Parking Fund of the construction.
- (o) construction of the parking garage shall commence as soon as possible once the site has been delivered, cleared and all necessary approvals have been made or received. During construction the City will provide at no cost 23 parking spaces to the tenants of the Dalby-Wendland building. The allocation of those spaces shall be made by the DDA working in cooperation with the owner of the Dalby-Wendland building.
- (p) the City and the DDA shall form a parking management advisory group (“PMAG”) for the purpose of advising the City on the administration, management and regulation of parking in downtown. The purposes, goals and recommendations of the PMAG, subject to continuing approval by the City, shall be:
 - i) to establish the day-to-day management and operation of the parking garage, including but not limited to rate setting, leasing, the provision of maintenance (via contract or other suitable arrangement) and enforcement (“Management Practices”);
 - ii) implementation of the Management Practices by means that include but are not limited to the installation and use of an automated, state of the art controller and integrated garage status message board(s) to allow active management and reservation of available parking;
 - iii) the first priority for use of unused, private parking shall be for evening and weekend events sponsored or promoted by the DDA, the City and/or the Downtown Partnership. Parking shall be arranged/made available on a first come, first served basis;
 - iv) the making of recommendations on the management and expenditure of the accumulated Parking Fund resources;
 - v) the allocation and location of paid and unpaid (metered and signed) parking in the boundaries of the DDA;
 - vi) the highest purpose of the PMAG will be to manage the parking system so that the parking garage as well as existing and yet to be developed on street parking is utilized to the maximum extent as provided by the Parking System Business

Plan which is attached hereto and incorporated by this reference as if fully set forth.

Harry Griff, Chairman
Grand Junction Downtown Development Authority

Date: _____

Bruce Hill, President of the City Council
City of Grand Junction

Date: _____

Chamber Governmental Affairs Committee

Established:

In 1989.

Mission/Purpose:

Governmental Affairs lobbies governmental and legislative issues affecting Chamber members and the business climate in Grand Junction. The committee meets regularly with lawmakers and conducts live state and federal legislative videoconferences during the legislative session. In addition to developing governmental and public policy for the Chamber Board, the Governmental Affairs Committee advises the Board with recommendations on specific issues.

Membership/Terms:

Open to Chamber members. Only one vote per entity.

Meetings:

Bi-weekly when the legislature in session and monthly in the “off season”.

Other information:

The Chamber has a number of guidelines for the use of the Governmental Affairs Committee. They are updated annually. To review these guidelines follow this link on the Chamber’s web. http://www.gjchamber.org/govaffairs/legislative_updates.asp

Attachments:

This is a standing committee and does not have by-laws.

Club 20

CLUB 20

Established:

Founded in 1953 by Western Slope business leaders, CLUB 20 was originally organized for the purpose of getting rural roads paved. At the time, the State of Colorado had been spending only 10 percent of its highway funds west of the Continental Divide, even though more than half the roads were there. With each community lobbying for its own roads, small towns were simply drowning each other out. It finally became clear that only by agreeing on a single priority list could all the counties be heard. And the process worked. Within a few years, the State was spending 37 percent of its highway funds west of the divide, and by the end of the 1950s finally had paved most of the major highways on the West Slope.

Mission/Purpose:

“CLUB 20 exists to promote and protect Western Colorado.”

Purpose

The purpose of CLUB 20 shall be:

- Section 1. To formulate, through careful analysis, plans and progress for the development, improvement and general welfare of the Western Colorado community; to promote, develop, protect and improve, through coordinated action, all resources, in order to support a strong economy and responsible stewardship of the environment for a stable community throughout the Western Slope.
- Section 2. To influence the outcome of public policies for the betterment of the CLUB 20 region.

Functions

To accomplish its purpose, CLUB 20 shall carry out its work through a representative and democratic structure and process as defined by the board of directors, and in accordance with the following principles:

- Section 1. CLUB 20 will strive to provide a forum for balanced and informed dialogue in the spirit of cooperation, seeking to understand all relevant perspectives, and with the goal of building consensus solutions which benefit the Western Slope community.
- Section 2. In its discussions, CLUB 20 will respect both the will of the majority and the opinions of the minority.
- Section 3. Recognizing that the Western Slope is constantly changing, CLUB 20 will strive to be proactive in shaping that change for the greater good of Western Colorado.
- Section 4. CLUB 20 will be non-partisan in all its deliberations and decisions.

Membership/Terms:

The Board of Directors consist of one director for each county west of the Continental Divide, one director for Lake County, one director for Jackson County, one director from the Southern Ute Tribe and one director from the Ute Mountain Ute Tribes.

The members elected serve two-year staggered terms.

Meetings:

The board of directors meet at least annually. The time and place for board meetings are determined by the Executive Committee.

Other information:

The engines that drive CLUB 20 are the standing committees. Most Western Slope policy on key issues originates within one of the several committees, each with broad geographic representation. These committees include Agriculture, Business Affairs, Energy, Health Care, Higher Education, Natural Resources, Public Lands, Telecommunications, Tourism, Transportation and Water.

The group's membership is broader and more diverse than at any time in history, and still growing each year. The CLUB 20 leadership is convinced that, by working together to achieve a stronger voice, the Western Slope can help shape the destiny of Colorado and the West, and continue to serve as the "Voice of the Western Slope".

Attachments:

By-Laws



A coalition of individuals, businesses, Indian tribes and local governments in Colorado's western 22 counties.

CLUB 20 Mission: *"CLUB 20 exists to promote and protect Western Colorado."*
(adopted by the Executive Committee, 7/8/04)

CLUB 20 BYLAWS

**As adopted and amended
by the
CLUB 20 BOARD OF DIRECTORS**

Last Amended September 9, 2006

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DEFINITIONS

1. Chair: Unless otherwise noted, “Chair” hereinafter refers to the Chairman of the Board or Chairperson of the Board. Similarly, “Chair-Elect” hereinafter refers to the Chairman-Elect of the Board or Chairperson-Elect of the Board.

ARTICLE I - MEMBERSHIP

1. Eligibility for Membership: Membership in CLUB 20 shall be available to all those persons, organizations, tribes or entities located in or supporting the interests of Western Colorado and the purposes of CLUB 20 as defined in the Articles of Incorporation.
2. Voting Rights: Organizations, tribes or entities who are members shall identify those individuals who are authorized to represent such organization, tribe or entity. Each membership shall be entitled to one vote on matters of CLUB 20 business.
3. Dues Structure: Membership shall be conditioned upon payment of dues as determined and prescribed by the Board of Directors from time to time.

ARTICLE II - BOARD OF DIRECTORS

1. General Powers: The property and affairs of CLUB 20 shall be conducted and managed by the Board of Directors; in addition to the powers expressly conferred upon it by these Bylaws, the Board of Directors may exercise all such other powers as are not expressly reserved unto the members of the organization by statute or by the Articles of Incorporation or by these Bylaws. The Board of Directors shall be responsible for adopting and maintaining all policy statements for CLUB 20.
2. Composition and Tenure of the Board: The Board of Directors shall consist of one director for each county west of the Continental Divide, one director for Lake County, one director for Jackson County, one director from the Southern Ute Tribe and one director from the Ute Mountain Ute Tribes. The members elected shall serve two-year staggered terms as outlined in Section 3.
3. Manner of Election: Directors from each Ute Indian Tribe shall be chosen by the Tribe. Directors from each county shall be elected by the members in each county at a caucus held in said county prior to the Annual Meeting. During odd-numbered years, directors for the following counties will be elected and installed: Archuleta, Dolores, Garfield, Gunnison, Jackson, La Plata, Moffat, Montrose, Pitkin, Routt and San Miguel. During even-numbered years, directors from the following counties will be elected and installed: Delta, Eagle, Grand, Hinsdale, Lake, Mesa, Montezuma, Ouray, Rio Blanco, San Juan and Summit. CLUB 20 shall call such caucus meetings and invite in writing all members in said county, and such caucus shall be attended by the Executive Director and/or at least one officer. At such caucus all members who have been members for at least the prior 90-day period are entitled to vote on a director for that county. Up to two alternate directors may also be elected in the same manner for each county. Members are encouraged to elect directors and alternates keeping in mind the

participation of public and private sectors, and the participation of the different communities of that county. Members who are unable to attend their County Caucus meeting may appoint another current member from that county to act as their proxy. Such appointment must be in writing, must state the name of the person appointed as proxy, and identify the specific caucus for which the appointment is made. No member may act as proxy for more than two other members at any one caucus.

4. Appointment of Emergency Replacement Directors: In the event that neither the voting director nor either alternate can attend a particular board meeting, the voting director and alternate director(s) may appoint an emergency replacement director for that specific meeting. The voting director and alternate director(s) must all agree to and sign a written notice of such appointment and submit such notice to the Executive Director. The emergency replacement director must hold a membership in CLUB 20 and have done so for at least the previous six months. The emergency replacement director may only vote at the upcoming meeting which has been specified in the written notice.
5. Qualification of Directors: No person may be elected as a director or alternate director unless he or she holds a membership in CLUB 20 and has done so for at least the previous six months.
6. Removal and Replacement of Directors: When a vacancy occurs in the Board of Directors, the members in that county shall reconvene their County Caucus and elect a new member to fill the vacancy. If any Director or Alternate Director misses more than two consecutive Board meetings, the Chair of the Board, after consulting with the other Board members from that County, may declare the position vacant. A director may be removed by the members within that county based on the following procedure:
 - 1) A member within the county must submit in writing such request for a special caucus stating the reason for the request, and including supporting signatures of 30% of the paid CLUB 20 members within that county or, in the event that there are fewer than 10 members within the county, at least half of the members.
 - 2) Such requests shall only be granted by the Chair if, at the time of the original caucus, fewer than half of the current CLUB 20 members in such county participated in that caucus.
7. Voting and Participation at Board Meetings: Each County and Tribe in CLUB 20 shall be entitled to one vote through its director. A Director may split or pro-rate his vote if different members in that county have opposing views. Board members should strive to represent the collective interests of their respective constituency who elected them and not solely their individual perspectives. Only board members, their alternates, Executive Committee members, and invited guests at the approval of the Chair may present at and participate in the meetings of the board. The Chair shall be a voting member of the Board; however, other members of the Executive Committee shall not be voting members of the board unless they are also chosen as directors or alternates by their own county. Unless otherwise stated, board meetings are open to the membership and public to observe.
8. Frequency and Location of Board Meetings: The board of directors shall meet at least annually. The time and place for board meetings shall be determined by the Executive Committee and may be held in conjunction with meetings of the general membership.
9. Quorum: Thirteen (13) counties and tribes shall constitute a quorum for the transaction of

business at general or special meetings of the board of directors and the act of a majority of the members present at such meeting shall be the act of the Board. In the absence of a quorum, a majority of the members present may, without notice other than announcement at the meeting, continue the meeting from time to time until a quorum is present to transact business at any general meeting. If any director who is present when a quorum is called thereafter leaves the meeting, such absence shall not cause the loss of a quorum but once a meeting is adjourned, it shall not again be called to order unless a quorum is present.

10. Special Meetings of the Board: Special meetings of the Board of Directors may be held whenever called by the Chair of the Board or by thirteen (13) members of the Board at such time and place as shall be designated in the notice thereof. Notice of such meeting shall be given personally or mailed to each member of the Board at least ten (10) days before the day on which said meeting is to be held. A member of the Board may waive such notice in writing before, at, after or by presence at and participation in the meeting.

ARTICLE III – OFFICERS & EXECUTIVE COMMITTEE

A. Elected Officers

1. Designation: The elected officers of CLUB 20 shall be a Chair of the Board, a Chair-elect, one Regional Vice Chair for each of the State Planning-Management Districts on the Western Slope (Regions 9, 10, 11 and 12), a Secretary and a Treasurer. (For the purposes of this section, Lake County shall be considered part of Region 12.) The Chair of the Board and other officers shall be elected by the members of the Board of Directors at the annual meeting of the organization. The Chair shall be a voting member of the Executive Committee. Regional Vice Chairs shall be chosen at a caucus of directors and alternate directors from counties which are within that Planning Management District. Such Caucus shall be held every other year at the annual meeting of the Board of Directors. No votes by proxy shall be allowed.
2. Nominations: Nominations for Chair of the Board, Chair-elect, Secretary and Treasurer shall be made by an "Officers Nominating Committee" made up of the Immediate Past Chair of the Board, the current Chair, the Chair-Elect and one representative from each State Planning Management District on the Western Slope (Regions 9, 10, 11 and 12) chosen at the same caucus at which the Regional Vice Chair for that district is chosen. The person chosen as Regional Vice Chair shall not be eligible to be chosen to serve on the Officers' Nominating Committee. Any Director may nominate any member for any of such offices at the Annual Board meeting at which the election occurs.
3. Tenure: Each officer so elected shall serve for a period of two (2) years until the successor shall be elected or appointed.
4. Resignation, Removal and Vacancies: Any officer may resign at any time by giving written notice thereof to the Board of Directors or to the Chair of the Board. Such resignation shall take effect on the date specified therein and no acceptance of the same shall be necessary. If any office becomes vacant for any reason, the vacancy may be filled by the Board of Directors. An officer appointed to fill a vacancy shall be appointed for the unexpired term of his predecessor in office.

5. Chair of the Board: The Chair of the Board shall be the chief executive officer of the Organization, shall preside at all meetings of the members, of the Board of Directors, and of the Executive Committee and shall have general and active management of the affairs of the Organization. He shall see that all orders and resolutions of the Board are carried into effect and in general shall perform all duties as may, from time to time, be assigned to him by the Board.
6. Chair-elect: In the absence or disability of the Chair of the Board, the Chair-elect shall perform all of the duties of the Chair.
7. Regional Vice Chairs: In the absence or inability of the Chair and Chair-elect, a Regional Vice Chair as designated by the Board of Directors, shall have all the powers and perform all of the duties of the Chair. If no Regional Vice Chair is named, one shall be appointed by the Executive Committee. When a Regional Vice Chair is unable to attend an Executive Committee Meeting, he shall appoint a Director from his District who shall have full authority to act in the name of the Regional Vice-Chair. In those situations where a Regional Vice-Chair is unable to obtain a Director from his own District to represent him at an Executive Committee meeting, he may request the Chair to appoint a Director from any other District with full voting power for that Regional Vice Chair.
8. Secretary: The Secretary shall review and sign the official minutes from meetings of CLUB 20 for distribution to the Board of Directors and perform any other duties usually pertaining to such office.
9. Treasurer: The Treasurer shall make periodical financial reports to the Board of Directors, including any audits of the books of CLUB 20, and perform any other duties usually pertaining to such office.
10. Salaries: No elected officer shall receive any compensation for services rendered to CLUB 20.

B. Appointed Officers

1. Designation: The Executive Director and any other appointed officers shall be appointed by the Chair of the Board, with the approval of the Board of Directors, under conditions of duties, terms and compensation as may be decided by the Board.
2. Executive Director: The Executive Director, subject to the direction of the Chair and of the Board, shall be chief administrative officer of CLUB 20, perform all administrative duties, attend the meetings of the organization and of the Board and as far as possible, attend all meetings of the committees of the organization, supervise all publications of the organization, cause a proper system of accounts to be kept of all moneys received and disbursed by the organization, make an accounting thereof to the Board at each regular meeting, and perform such other duties as shall be assigned to him by the Chair, the Board or the Executive Committee. He shall give such bond as may be required by the Board. The Executive Director, or such other appointed officer as the Executive Director shall designate, shall be ex-officio Secretary of all the Committees of CLUB 20.

C. Executive Committee:

1. Composition: The Executive Committee shall consist of the Chair of the Board, Chair-elect, the

four Regional Vice Chairs, the Secretary, the Treasurer, the immediate past Chair, the Membership Chair if one exists and any additional members appointed by the Chair, not to exceed, four (4), after consultation with the Board of Directors. A majority of the Executive Committee shall constitute a quorum.

2. General Powers: During the intervals between the meetings of the Board of Directors, and subject to such limitations as may be prescribed by the Board, the Executive Committee shall have and may exercise all of the authority of the Board in the management of CLUB 20. The Executive Committee shall keep regular minutes and mail copies thereof promptly after each meeting to all Board members.

ARTICLE IV - MEETINGS

1. Rules of Order: Meetings of CLUB 20 shall be conducted in general accordance with Roberts Rules of Order. Any member may present ideas and plans for the progressive development of western Colorado. Only matters of general interest to western Colorado shall be considered.
2. Meetings of the Membership: Meetings of CLUB 20 shall be held at least annually following the close of the fiscal year. The time and place for meetings shall be determined by the Executive Committee and may be alternated among the communities in western Colorado. Members shall be responsible for their own expenses in attending meetings.
3. Informal Actions: Any action required or allowed to be taken at a meeting of the Board of Directors, or of the Executive Committee, may be taken without a meeting (if adequate notice is given and a majority approve) if a consent signed by all, setting forth the action to be taken, shall be given by a majority of the members of the Board of Directors or of the Executive Committee, as the case may be, and all members of the Board of Directors or Executive Committee have been given notice thereof. The Chair or Executive Director may expedite action by polling the Directors or Executive Committee members as the case may be, to obtain such consent.

ARTICLE V - COMMITTEES

1. Standing Committees: The Chair of the Board shall, with the approval of the Board of Directors, create policy committees as s/he may deem appropriate to serve the interests of the organization. The committees shall be responsible for forwarding to the Board of Directors for their consideration such recommended organizational policy statements as they deem appropriate. Committee decisions constitute only a recommendation to the Board of Directors, not corporate policy. No resolution or policy statement may be considered by the Board unless Directors have had copies at least 10 days prior to a Board meeting, except by special approval of the Executive Committee.
2. Subcommittees: The Chair of the Board may, in consultation with the Committee Chairs, make subcommittees within existing committees to facilitate the work of each committee. Policy recommendations from such subcommittees must be approved by their parent committee before being considered by the Board of Directors.
3. Committee Leadership: The Chair of the Board shall be solely responsible for appointing all

Committee and Subcommittee Chairs. These Chairs shall serve at the pleasure of the Chair of the Board and their term shall end when his/her term ends.

4. Other Leadership Entities: The Chair of the Board may also create additional volunteer leadership entities (i.e. Task Forces, Advisory Panels, Working Groups, etc.) and make appointments to same to facilitate the work of the sub/committees. Attendance at the meetings of such entities may be closed to the general public at the discretion of the Chair and with the approval of the Executive Committee. Recommendations from such entities, if generated, must be approved by an appropriate committee open to all members before being considered by the Board of Directors.
5. Frequency of Meetings: The meetings of each Committee or Subcommittee shall be held upon call of its Chair. All current CLUB 20 members in attendance may vote on matters of Committee or subcommittee business.
6. Committee Reports: No Subcommittee, or member of a Subcommittee or Chair of a Subcommittee, shall have the authority to issue reports of such Committee publicly or to state the position of the Subcommittee on any subject without the prior approval of the Board or the Executive Committee.

ARTICLE VI - DELEGATION OF AUTHORITY

1. Execution of Contracts: The Board of Directors, except as in these Bylaws otherwise provided, may authorize any officer or officers, or agent of CLUB 20 to enter into any contract or execute and deliver any instrument in the name and on, behalf of the organization, and such authority may be general or confined to specific instances; and, unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind CLUB 20 by any contract or engagement or to render it responsible, financially or otherwise for any purpose or to any amount.
2. Loans: No loans shall be contracted on behalf of CLUB 20 and no negotiable papers shall be issued in its name, unless authorized by the Board of Directors. When so authorized any officer or agent of CLUB 20 may effect loans and advances at any time for the organization from any bank, trust company or other institution or from any firm, organization or individual, and for such loans and advances, may make, execute and deliver promissory notes or other evidences of indebtedness of the organization; and when authorized as aforesaid, as security for the payment of any and all loans, advances, indebtedness, and liabilities of the organization may mortgage, pledge or otherwise transfer said property. Such authority may be general or confined to specific instances.
3. Checks, Notes and Conveyances of Property: All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness, and conveyances of real or personal property issued in the name of CLUB 20 shall be signed by such person or persons and in such manner as shall, from time to time, be determined by resolution of the Board of Directors,

ARTICLE VII - MISCELLANEOUS

1. Seal: The seal of CLUB 20 shall be such form as shall be approved by the Board of Directors.
2. Fiscal Year: The fiscal year of CLUB 20 shall begin at January 1 at 12:01 a.m.
3. Indemnification of Officers and Directors: CLUB 20 shall indemnify each Director or officer of the organization and any of its subsidiaries, now or hereafter a Director or officer, his heirs, executors and administrators, against all costs, expenses and liabilities, including settlements approved by the Board of Directors, reasonably incurred or imposed upon him in connection with or resulting from any action, suit or proceeding or the settlement or compromise thereof, prior to final adjudication, to which he is, or may be, made a party by reason of his being, or having been, a Director or officer of the organization, or any of its subsidiaries, except in relation to matter, as to which he is finally adjudged in such action, suit or proceeding to have been derelict in the performance of his duty as such Director or officer. The right of indemnification herein provided shall not be exclusive of other rights to which such officer or Director may be entitled as a matter of law.
4. Deposits: All funds of CLUB 20 shall be deposited to the credit of the organization under such conditions and in such banks, trust companies or other depositories as the Board of Directors may designate or as may be designated by any officer or officers or agent or agents of CLUB 20 to whom such power may, as from time to time, be delegated by the Board of Directors, and for the purposes of such deposit any person or persons to whom such power is so delegated may endorse, assign and deliver, checks, drafts, and other orders for the payment of money which are payable to the order of the organization.

ARTICLE VIII - AMENDMENTS

1. Approval: The Bylaws of CLUB 20 may be amended by a two-thirds majority vote of the Board of Directors at any general meeting, provided the proposed amendment be made available to any members requesting same at the organization's office.
2. Advance Notice: Notice that a Bylaw amendment is being proposed shall be made in the notice of the general meeting at least fourteen (14) days prior to said meeting.