

NONCOMPETE AGREEMENT
Amended 2003

A RESOLUTION OF THE BOARD OF DIRECTORS AND MEMBERSHIP OF THE MISSOURI ASSOCIATION OF COUNCILS OF GOVERNMENT, INC. (A MISSOURI NON-PROFIT CORPORATION PURSUANT TO RSMo CHAPTER 335) ESTABLISHING POLICIES WITH RESPECT TO THE ISSUE OF TERRITORIAL INTEGRITY AND JOINT AND MUTUAL CONSULTATION AND AGREEMENT ON COOPERATIVE PROJECTS SPANNING THE BOUNDARIES OF SUB-STATE REGIONS IN MISSOURI

WHEREAS, The Missouri Association of Councils of Government, Inc. (MACOG) is the designated regional forum for Missouri's Regional Planning Commissions and Councils of Government formed pursuant to RSMo. Chapter 251 (the Missouri Community and Regional Development Act of 1966, as amended) and for Regional Planning Commissions and Regional Councils similarly, formed pursuant to RSMo. Chapter 70 (the Missouri Intergovernmental Cooperation Act) and, as such, is the proper organization to promote cooperative agreements between Missouri's Regional Planning Commission and Regional Councils, and;

WHEREAS, Missouri's Regional Planning Commissions are strictly defined by county boundaries and gubernatorial Executive Orders and are charged with the mission of delivering regional planning services to member units of local government within a defined serviceterritory, and;

WHEREAS, in the course of carrying out their work programs, Missouri's Regional Planning Commissions and Regional Councils may create or sponsor the formation of "subsidiary organizations" which organizations are formed for the purpose of carrying out programmatic functions, sponsoring federal or state programs, or for the purpose of expanding the Regional Planning Commissions' or Regional Councils' legal authorities which otherwise would not be available under RSMo Chapter 251 or RSMo Chapter 70, and;

WHEREAS, it is the desire of the membership of MACOG to promote a defined set of policies to provide a protocol for issues of transcending regional boundaries, including, but not limited to, provide a protocol for issues of transcending regional boundaries, including, but not limited to, jointly sponsored and executed projects, defining issues of inter-regional importance requiring cooperation, providing services across regional boundary lines, and restricting marketing activities of Regional Planning Commissions and Regional Councils and their subsidiary organizations outside the boundaries of their own defined territory;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That MACOG hereby establishes a policy that projects jointly sponsored by, and by and between, Regional Planning Commissions and Regional Councils or their affiliated or subsidiary organizations shall be the subject of a written agreement or contract defining such cooperative efforts as to scope, duration, and other matters of mutual interest to the parties.
2. That MACOG hereby discourages Regional Planning Commissions and Regional Councils, or their affiliated or subsidiary organizations, to carry out activities in regions outside of their boundaries without the express written consent of the Regional Planning Commission or Regional Council within which territory the proposed services or activities are to be carried out, except in the case of an inactive Regional Planning Commission or Regional Council, the active Regional Planning Commission or Regional Council providing services inside the territory of an inactive Regional Planning Commission or Regional Council shall so notify the MACOG chairperson as a courtesy and request written permission from the state agency overseeing Regional Planning Commissions and Regional Councils in Missouri, the Missouri Office of Administration, or its successor agency or department.

3. That the terms "affiliated organization" and "subsidiary organization" shall be generally and liberally construed to mean any legal entity, created under any state or federal statute, formed for the purpose of carrying out and fulfilling a program of work, which organization or entity is housed within, is provided staff by, or shares more than a majority of its membership or board members with a Regional Planning Commission or Regional Council as denoted above. Such affiliated or subsidiary organizations would include Solid Waste Districts formed pursuant to RSMo Chapter 260, Certified Development Companies as designated and licensed by the US Small Business Administration, Comprehensive Housing Development Organizations (CHDO's), Economic Development Districts as authorized by the U.S. Economic Development Administration, organizations providing business credit, (either by direct lending or by loan screening and credit analysis) non-profit corporations or for profit corporations sharing offices or staff with Regional Planning Commissions or Regional Councils, etc.
4. That this resolution shall not impact preceding written or oral arrangements made by Regional Planning Commissions or Regional Councils where work in areas outside of the Regional Planning Commission or Regional Council boundaries has previously been agreed to and service has actually been provided. In such instances, the Regional Planning Commission or Regional Council providing such service shall provide a letter to MACOG and the Missouri Office of Administration describing the work being undertaken, the geographic area being served, the date the work commenced, and the anticipated date of completion of the work being undertaken. The MACOG membership and the Missouri Office of Administration shall review such letters and respond to the providing Regional Planning Commissions or Regional Councils in writing expressing any concerns that either may have concerning the arrangement.
5. That this resolution shall be in full force and effect from and after the date of its passage.

PASSED, ADOPTED, and APPROVED this _____ day of _____, 20____, at a regular meeting of the Missouri Association of Councils of Government, Inc., at which meeting a quorum was present.

Chairman

ATTEST: (SEAL)

Secretary