

BYLAWS
of the
DELAWARE POPULATION CONSORTIUM

As Adopted 10/1/86
And Amended 1/11/89
And Amended 1/28/92
And Amended 6/11/98
And Amended 11/13/01
And Amended 4/9/02
And Amended 9/26/19
And Amended 10/31/19

ARTICLE ONE**NAME, PLACE OF BUSINESS, AND PURPOSES**

Section 1. Name – The name of this consortium shall be “Delaware Population Consortium.” Hereafter referred to as the “Consortium.”

Section 2. Place of Business – The place of normal business of this Consortium shall be the offices of the person selected as Secretary of the Consortium pursuant to Article Three, Section 1, of these Bylaws, or other location as approved by common consent.

Section 3. Purposes – The purpose of the Consortium shall be to carry out the following responsibilities and duties.

- (a) Create a single set of population projections for the State of Delaware because it would be detrimental to have different entities developing competing sets of projections for their own purposes.
- (b) Create a single set of population projections with a long-term horizon of 30 years to be beneficial for long-term capital planning.
- (c) Use a single methodology that can be refined over time.
- (d) Establish a regular annual release date for the population projections of the Counties and communities greater than 20,000 persons to provide consistent and predictable information for entities that rely upon the projections.
- (e) Municipal projections are to be released within two weeks after the regular annual release date.
- (f) Conduct ongoing review of the population projections.
- (g) Create population projections that cover a consistent set of geographic areas including the State, each county, and each incorporated municipality.

Section 4. Universal Exclusive Source

- (a) All State agencies, counties, municipalities, and school districts must use the Consortium’s projections for planning and policy purposes. If a population estimate is not available for a given year, State agencies, counties, municipalities, and school districts must use either the most recent Consortium projections or the most recent population estimates prepared by the United State Census Bureau, whichever contains the higher population estimate.

Section 5. Appeals Process

- (a) Any member of the Consortium or Delaware local government may appeal the current year projections calculated for any geography for which projections are calculated by providing notice to the Secretary any time up to two weeks after the annual projections become official by vote of the Consortium;
- (b) Appellant must provide information to support proposed projection revisions any time up to two weeks after the annual projections become official;
- (c) Appeals shall be reviewed by the entity providing the projections (currently CADSR) and reported back to the Consortium within 30 days;
- (d) The full Consortium shall be convened to consider the Appeal and vote on adoption after hearing input from the entity providing the projections (currently CADSR). If the appeal is sustained and approved by the whole Delaware Population Consortium, the newly calculated projections become the “Official Projections”. If no appeal is filed, the annual projections originally voted upon remain the “Official Projections”.

ARTICLE TWO

MEMBERSHIP

Section 1. Voting membership

- a) The following representatives shall be entitled to have one voting member on the Consortium.
 - 1. A representative from the Office of State Planning Coordination, appointed by the State Planning Coordinator.
 - 2. A representative from the New Castle County Government, appointed by the County Executive.
 - 3. A representative from the Kent County Government, appointed by the County Administrator.
 - 4. A representative from the Sussex County Government, appointed by the County Administrator.
 - 5. Representatives from each of the federally-designated Metropolitan Planning Organizations (“MPO”) functioning in Delaware, appointed by the Executive Director of each MPO.
 - 6. Representatives from each incorporated municipality over 20,000 persons as determined by and during the decennial census, appointed by the Mayor or highest elected official in each jurisdiction.

7. A representative from the Department of Labor, appointed by the Secretary of the Department.
8. A representative from the Department of Education, appointed by the Secretary of the Department.
9. A representative from the Department of Transportation, appointed by the Secretary of Department.
10. A representative from the Department of Health and Social Services, appointed by the Secretary of the Department.
11. A representative from the Delaware State Housing Authority, appointed by the Director.
12. A representative from the Department of Safety and Homeland Security, appointed by the Secretary of the Department.
13. A representative from the Delaware League of Local Governments, appointed by the President of the Delaware League of Local Governments.
14. A representative from the Sussex County Association of Towns, appointed by the President of the Sussex County Association of Towns.

ARTICLE THREE

CONSORTIUM OFFICERS

Section 1. Selection and Title

- a) The officers of the Consortium shall be:
 1. Chair;
 2. Vice-Chair; and
 3. Secretary.
- b) During the first year of operation, both the Chair and Vice-Chair shall be elected by and from among the total membership of the Consortium. After the first year of operation, the Vice-Chair will automatically assume the Chair at the annual meeting and all subsequent elections will be for Secretary and Vice-Chair only. The term of office to which all officers are elected will be for one calendar year, beginning with the annual meeting at which they are elected and ending with the completion of the election of officers at the next annual meeting. A simple majority of all the membership present at the annual meeting shall constitute the total vote needed for election to office. In the

event the Office of the Chair should become vacant between the annual meetings, the Vice-Chair shall fill that position for the remainder of the unexpired term. The new Chair shall then appoint a temporary Vice-Chair until the next annual meeting when a new Vice-Chair will be elected. In the event the offices of Secretary or Vice-Chair should become vacant for any reason between the annual meetings, the Chair shall solicit nominations so that a new Secretary or Vice-Chair can be elected from the general membership at the next scheduled meeting. Any newly elected Vice-Chair elected under such circumstances shall assume the Chair at the next annual meeting.

- c) An individual may be elected to the above offices more than once.
- d) None of the above elected positions can be occupied by the same person or organization during any given year.

Section 2. Powers and Duties of Officers – The powers and duties of the Officers shall be as follows.

- a) Chair – The Chair shall preside at all meetings and solicit nominations. The Chair shall cause to be called regular and special meetings of the Consortium, in accordance with these Bylaws. The Chair shall perform such other duties as the Consortium from time to time, shall designate. Only the Chair will have the authorization to expend consortium funds.
- b) Vice-Chair – In the absence of the Chair, the Vice-Chair shall assume the status of the Chair. As referred to in Article Three, Section I, the Vice-Chair shall become Chair of the consortium if the Chair should resign. The Vice-Chair shall become Chair after the election at the annual meeting.
- c) Secretary – The Secretary shall keep or cause to be kept the minutes of the meetings of the Consortium, in an appropriate manner, and shall be custodian of the records. The Secretary shall keep or cause to be kept a record, alphabetically arranged, showing the names of all Consortium members, their addresses, their record of attendance, and other pertinent information. The Secretary shall maintain the financial records of the Consortium and perform such other duties as the Consortium, from time to time, shall designate.

ARTICLE FOUR

MEETINGS

- Section 1.* Public Notice and Involvement – It is the policy of this Consortium to encourage public interest and involvement in the performance of its designated duties. All Consortium meetings will be open to the public.
- (a) All meetings of the Consortium shall be posted in advance in accordance with Title 29, Chapter 100 provided however that Consortium meetings shall be posted at least 4 weeks in advance to allow local governments to discuss projections if necessary, with their councils.
 - (b) Notice of the Consortium meetings shall be sent to local governments (57 municipalities and 3 counties) at least 4 weeks in advance of the meetings.
 - (c) The Consortium draft forecasts shall be posted to the Office of State Planning and Coordination website for no less than 3 weeks prior to consideration by the Delaware Population Consortium for adoption.
 - (d) Each Consortium meeting shall include a public comment period where any interested party including units of local government may comment on draft Consortium forecasts.
- Section 2.* Regular Meetings of the Consortium – Regular meetings of the Consortium will be scheduled monthly between May and December each year. The Secretary shall serve personally, by mail, by e- mail, and/or on the State’s web-based meeting calendar, a written notice with agenda, in accordance with the regulations above.
- Section 3.* Special Meetings of the Consortium – Special meetings of the Consortium may be called by the Chair at their discretion, or upon written request to the Secretary of any three or more members of the Consortium. Upon receipt of request either from the Chair or membership, the Secretary shall serve personally, by mail, or by e-mail, a written notice of each special meeting to the total membership, stating the purpose for which it is called, place, time, etc., and addressed to each member at the address that appears or e-mail address in the records of the Consortium. The Secretary may, if the urgency of a special meeting warrants, notify each Consortium member by telephone, stating the purpose for which such a meeting is being called. In all cases, the Secretary will confirm such telephone notices in writing, either by mail or by e-mail to each Consortium member.
- Section 4.* Annual Meeting of the Consortium
- a) The annual meeting of the Consortium, for the election of officers, shall be held during the month of October each calendar year. The Secretary shall serve personally, by mail, or by e-mail, a written notice of each annual

meeting, addressed to each member at the address that appears in the records of the Consortium.

- b) The annual meeting will carry two standard agenda items:
 1. The election of the new Vice Chair and Secretary; and
 2. The presentation and review of statistical data and other relevant information concerning the Consortium's projections and forecasts.

Section 5. Quorum

- a) Quorum of the Consortium is a majority of the voting members.

Section 6. Conflict of Interest - A member who has a possible conflict of interest in any business before the Consortium shall so declare this possibility and refrain from voting. This is not intended to limit, in any way, such a member's involvement in the discussion of the matter. Questions concerning whether a situation constitutes a conflict of interest shall be decided by a majority vote of the members present.

Section 7. Attendance at Meetings

- a) Members must be present at meetings to vote
- b) Members who have been, or plan to be, absent from a meeting should advise the Secretary in writing or by e-mail as to the cause for their absence. If at all possible, any members who know in advance that they will miss a meeting should appoint a proxy to represent them at the meeting and notify the Secretary in writing or by e-mail of this action.
- c) General members who miss three consecutive meetings of the general consortium will be dropped from the Secretary's mailing list. A general member will be returned to the Secretary's mailing list upon their attendance at another scheduled meeting of the general consortium. The Chair shall petition the appropriate appointing official to replace any member who misses three consecutive meetings of the consortium.

ARTICLE FIVE

AMENDMENTS

Section 1. Amendments to the Bylaws – These Bylaws may be altered, amended, repealed or added to upon petition of three or more members of the consortium at any regular meeting or special meeting of the Consortium called for that purpose, providing that at least fifteen (15) days notice shall have been sent to each member by mail or by e-mail. Such notice shall describe, at least in general terms, the alterations,

amendments or changes which are proposed to be made to the Bylaws. Such changes shall become effective upon the affirmative vote of at least five (5) voting members of the Consortium.