

# **Broadwater County Planning Board By-Laws**

## **ARTICLE I - NAME**

### **Section 1. Name**

The official name of the organization is “The Broadwater County Planning Board”.

## **ARTICLE II - OFFICIAL SEAT**

### **Section 1. Official Seat**

The official seat of the planning board is in the county courthouse of Townsend, Montana. Meetings will be held in the Broadwater County Flynn Building except for occasions when the Board, by a majority vote of those present at any regular or special meeting otherwise direct.

## **ARTICLE III - OFFICERS**

### **Section 1. Officers**

The elective officers of the planning board include of a Chairperson and Vice-Chairperson.

### **Section 2. Nomination and Election of Officers**

Nomination of elective officers will be made from the floor at the annual election meeting which will be held on the first regular meeting of each year. The election will follow immediately thereafter. Officers may be nominated from among the appointed board members only. A nominee receiving a majority vote of those present at the election will be deemed elected.

### **Section 3: Terms of Officers**

The elective officers take office at the first regular meeting in January and serve for a term of one year.

### **Section 4. Vacancies in Offices**

Vacancies in elective offices will be filled immediately by regular election procedure for the unexpired portion of the term.

## Section 5. Duties of Officers

### (a) Chairperson

The chairperson will preside at all meetings and public hearings of the planning board and will call special meetings when he or she deems them necessary or is required to do so. The chairperson shall appoint all committees. The board will ratify the expenditure of the planning board funds and the chairperson will sign the minutes of the planning board meetings and all official papers and plans involving the authority of the planning board with are transmitted to the county commission. The chairperson may discuss all matters before the planning board and make motions on all voting thereon. He/she will perform all the duties normally conferred by parliamentary usage on such officers and will perform such other duties as may be ordered by the planning board except as otherwise provided in these by-laws, in other planning board resolutions, or in county ordinances, or state law

### (b) Vice Chairperson

The vice chairperson will assume the duties and powers of the Chairperson in his or her absence. If the chairperson and vice-chairperson are both absent, the remaining planning board members may elect a temporary chairperson by a majority vote of those present at a regular or special meeting. This person will assume the duties and powers of the chairperson and vice chairperson for that meeting.

### (c) Planning Board Secretary

The secretary will keep the minutes of all regular and special meetings of the planning board. Such minutes will be approved by the planning board. He or she will also keep the minutes of planning board committee meetings when requested to do so. The secretary will give notice of all regular and special meetings to the planning board members, prepare the agenda of regular and special meetings, serve proper and legal notice of all public hearings, and draft and sign the routine correspondence of the planning board. The secretary will maintain a file of all studies, plans, reports, recommendations and official records of the planning board and perform such other duties that are normally carried out by a secretary and as the planning board may direct.

## Section 6. Public Hearing

- (a) Call to order by Chairperson
- (b) Pledge of Allegiance
- (c) Planner read Staff Report into the record
- (d) Public Hearing & Comments opened by presiding member
- (e) Proponent comments
- (f) Opponent comments
- (g) Other interested party's comments
- (h) Written communications
- (i) Public Hearing closed by presiding member
- (j) Adjourn

## Section 7. Regular Meetings

- (a) Call to order by Chairperson
- (b) Pledge of Allegiance
- (c) Public comment on items not on the agenda
- (d) Approval of minutes of preceding meeting
- (e) Old Business
- (f) New Business
- (g) Reports from planning board member and committees
- (h) Comments from the floor (related to comprehensive planning only)
- (i) Set next meeting date and time
- (j) Adjourn

## Section 8. Working Meeting

- (a) Call to order by Chairperson
- (b) Pledge of Allegiance
- (c) Open discussion by the board as it relates to the topic at hand
- (d) Adjourn

## Section 9. Public Hearing Procedure

- (a) Public hearing opened.
- (b) The county planner presents a report which describes the key technical points of the application and the proposal's relationship to the comprehensive plan, other plans and the local government's land use regulations. The planner or assigned committee chairperson adds any related or background information. Board members are permitted to ask any relevant questions relating to the application, to the Chairperson or planner.
- (c) Proponents in audience given opportunity to speak in favor of application. Information submitted should be factual, relevant and not merely duplicative of previous presentations. A reasonable time will be allowed each speaker. Each person speaking must give name, and spell it for the record.
- (d) Opponents in audience given opportunity to speak against applicants. Information submitted should be factual, relevant and not merely duplicative of previous presentations. A reasonable time will be allowed each speaker. Each person speaking must give name, and spell it for the record.
- (e) Other interested parties allowed to comment briefly or make inquiries. Planner presents technical analysis, planning considerations and basic policy, cites possible alternatives and makes recommendations.

- (f) Brief rebuttal for proponents and opponents heard separately and consecutively, with presentation limited to their spokesperson.
- (g) Public hearing closed. Board members voice other significant considerations; pose any relevant questions through the Chairperson. The Chairperson interrogates proper parties for answers.

#### Section 10. Quorum

Three (3) members of the planning board will constitute a quorum for the transaction of business and the taking of official action. A quorum will constitute a majority of the total membership of the planning board. The total membership of the planning board is five (5) members.

#### Section 11. Motions

Motions will be restated by the Chairperson before a vote is taken. The name of the members making and seconding a motion will be recorded in the minutes of the meeting.

#### Section 12. Voting

Any action taken by a quorum of the planning board members at any regular or special meeting of the planning board will be deemed and taken as the action of the board. All matters requiring a public hearing before the planning board and all matters referred to the planning board by the county commissioners will be by roll call vote and the vote of each member shall be recorded in the minutes of the meeting.

#### Section 13. Staff Reports

On all matters considered by the planning board, any report and recommendations of the planning staff of a board committee must be presented to the board and recorded in the minutes of the meeting.

#### Section 14. Parliamentary Procedure

Parliamentary procedure in the planning board meetings will be governed by Roberts Rules of Order, Revised, unless specifically otherwise provided in these by-laws, in the other planning board resolutions, in county (or city) ordinances or in the State of Montana Planning Enabling Act (Sections 76-101 *et seq*, MCA).

## **ARTICLE IV - MEETINGS**

### **Section 1. Regular Meetings: Time and Place**

Regular meetings will be held at least quarterly on the second Tuesday of each month in The Flynn Building located at 416 Broadway Street in Townsend, MT.

Any change in the hour, date and place of regular meetings will be give wide publicity for the convenience of persons having business before the board.

### **Section 2. Recessed Meetings**

Any regular meeting may be recessed to a definite time and place by a majority vote of the planning board members present at the meeting.

### **Section 3. Special Meetings**

Special meetings may be called by the Chairperson, and must be called upon the written request of any two (2) members of the planning board.

### **Section 4. Notice of Meetings**

The secretary will give written notice of all regular and special meeting to the members of the planning board. Notice of all regular meetings will be posted at least three days (72 hours) prior to the meeting. Notice of all special meetings will be posted at least two days (48 hours) prior to the meeting. The notice must state the time and place of the meeting and will be accompanied by an agenda of the matters to be considered by the planning board at such meeting.

Petitions and communications from the audience and matters brought to the meeting by the planner and board members, which are not on the agenda for the meeting, may be received, but not discussed at the meeting. No discussion or official action may be taken on any matter at a planning board meeting which is not included on the agenda for such meeting or which has been added to the agenda after it has been sent to the planning board members.

### **Section 5. Public Nature of Meeting and Records**

All regular and special meetings, hearings, records and accounts shall be open to the public.

## **ARTICLE V - COMMITTEES**

### **Section 1. Establishment of Committees**

The planning board may establish such standing or special committees it deems advisable and assign to each committee specific duties or functions. Each standing committee will consist of two (2) members. No standing or special committee may commit the planning board to the endorsement of any plan or program.

## Section 2. Appointment and Terms of Committee Members

The Chairperson shall appoint the members of each standing or special committee and name the president of each committee.

## Section 3. Committee Vacancies

Vacancies on committees will be filled immediately by the Chairperson for the unexpired portion of the term.

## Section 4. Meeting of Committees

All committees will meet at the call of the committee president, provided that the Chairperson of the planning board may, with adequate notice, call a special meeting of any committee at any time.

The secretary will issue notice of committee meetings at the request of a committee president or the planning board Chairperson.

## Section 5. Quorum

A majority of the members appointed constitutes a quorum of all committees. The affirmative vote of a majority of the committee membership is required for the adoption of a matter before the committee.

# **ARTICLE VI - AMENDMENTS**

## Section 1. Amendments

These by-laws may be amended at any regular meeting by the affirmative vote of four (4) members of the planning board.