

# **CITY/COUNTY PLANNING BOARD**

## **BYLAWS**

**City of Sidney  
Town of Fairview  
Richland County, Montana**

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## **ARTICLE I – NAME**

### **Section 1. Name**

The official name of this Board is the “*City/County Planning Board*” (hereinafter referred to as the Board).

## **ARTICLE II - OFFICIAL SEAT**

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

The official seat of the Board is located in Sidney, Montana. Regular meetings shall be held there except for occasions when the Board, by a majority vote of those appointed members in attendance at any regular meeting, directs otherwise.

## **ARTICLE III – DEFINITION OF TERMS**

1. BOARD: The City/County Planning Board.
2. GROWTH POLICY: As defined by Section 76-1-601, Montana Code Annotated
3. MEMBER (s): Those individuals so designated by the Board of Richland County Commission, City of Sidney City Council and Town of Fairview Town Council as the members of the Richland County, City of Sidney or Town of Fairview Planning Department or Planner Office.
4. MCA: Montana Code Annotated
5. PLANNING DEPARTMENT: The Richland County Planner Office or Planning Department, City of Sidney Planner or Planning Department or Town of Fairview Planner Office or Planning Department.
6. PLAT: As defined by Section 76-3-103, Montana Code Annotated
7. COUNTY COMMISSIONERS: The Board of County Commissioners of Richland County.

## **ARTICLE IV – AUTHORITY, PURPOSE, POWERS AND DUTIES**

### **Section 1. Authority**

The Board is authorized under *MCA Title 76, Chapter 1*.

### **Section 2. Purpose and Objectives**

The purpose of the Board of Richland County is to encourage local units of government to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds. In accomplishing this objective, the planning board shall serve in an advisory capacity to the established governing bodies and officials in Richland County.

### Section 3. Powers and Duties

The Board is responsible for developing land use planning and policy documents that affect all of Richland County including the City of Sidney, Montana, and the Town of Fairview, Montana. These documents are then presented to the respective governing bodies for review and adoption.

The Board is further segregated into two (2) “standing” committees representing the Sidney Jurisdictional Area and the Fairview Jurisdictional Area for the purposes of making recommendations on subdivision plats and development proposals within the respective jurisdictional areas. Subdivisions outside the jurisdictional areas may be referred to the Board for review and recommendation at the discretion of the County Commissioners.

The Board functions as a joint planning board for issues in each jurisdictional area. However, the Board functions as a consolidated board for issues in the County outside the two jurisdictional areas.

1. The duty of the board is to assure the promotion of public health, safety, morals, convenience, order, and the general welfare, and for the sake of efficiency and economy in the process of community.
2. The Board shall prepare and update the Growth Policy for the jurisdictional area, as defined in Section 76-1-601, MCA.
3. The board shall serve in an advisory capacity to the local governing body establishing the Board.
4. The Board may purpose policies for:
  - a. Review subdivision plats
  - b. Development of public ways, public places, public structures, and public and private utilities.
  - c. Laying out and development of public ways and services to platted and un-platted lands; and
  - d. Other public planning issues as deemed appropriate by the governing body.
5. The Board shall give advice to the governing bodies in all matters pertaining to the approval or disapproval of plats or subdivisions to be filed within the jurisdictional area of the Board. However, the governing body designate certain minor subdivision may be reviewed through “summary review” that may not necessitate Board review.
6. The Board shall perform other planning related functions, including but not limited to;
  - a. Prescribing uniform rules pertaining to hearings;
  - b. Adopting bylaws, which set forth the Board’s policies and procedures;
  - c. Recommending Annul work program; and
  - d. Keeping accurate and complete record of all proceedings.
7. The Board may recommend that the (Name of Jurisdiction) comment upon plans and planning related polices subject to review or adopted by local, state, or federal agencies.

## **ARTICLE V – JURISDICTIONAL AREA**

The jurisdiction area of the Board shall include all of Richland County (Exhibit A) and the City of Sidney-Planning Area (Exhibit B) and Town of Fairview-Planning Area (Exhibit C) refer to the attached jurisdictional area maps.

## **ARTICLE VI – MEMBERSHIP AND TERMS OF APPOINTMENT**

### **Section 1. Composition**

The Board was established pursuant to MCA, Title 76, Chapter 1.

The Board shall consist of citizen member and may include elected officials.

The membership of the Board shall be composed of thirteen (13) members.

Four (4) members are appointed by the County Commissioners, four (4) members are appointed by the City of Sidney, four (4) members are appointed by the Town of Fairview as specified in the interlocal agreement between the three governing bodies. One (1)-member shall be a member of the Board of Supervisors of the Richland County Conservation District. Temporary additional, temporary citizen members may be appointed by the County Commissioners for special projects as described in Article IV, Section 6 below.

A majority of the members of the Board constitutes a quorum (7 members). The affirmative vote of a majority of the Board in attendance is required for the adoption of a matter before the Board and jurisdictional committees as long as there is a quorum present.

### **Section 2. Qualifications**

The Board shall consist of thirteen members to be appointed as follows:

#### *1. Richland County Appointments to the Board*

The County Commissioners shall appoint four (4) members, according to the following:

- two official members who reside outside the city limits but within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners, who may in the discretion of the board of county commissioners be employed by or hold public office in the county;
- two citizen members who reside within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners;

2. *City of Sidney Appointments to the Board*

The City of Sidney and the Mayor shall appoint four (4) members according to the following:

- two official members who reside within the city limits to be appointed by the city council, who may in the discretion of the city council be employed by or hold public office in the city;
- two citizen members who reside within the city limits to be appointed by the mayor of the city;

3. *Town of Fairview Appointments to the Board*

The Town of Fairview and the Mayor shall appoint four (4) members according to the following:

- two official members who reside within the city limits to be appointed by the city council, who may in the discretion of the city council be employed by or hold public office in the city;
- two citizen members who reside within the city limits to be appointed by the mayor of the city;

4. *Richland County Conservation District Member*

One (1) member of the City/County Planning Board shall be a member of the Board of Supervisors of the Richland County Conservation District, according to the following:

- the ninth member to be appointed by the board of supervisors of a conservation district provided from the members or associate members of the board of supervisors, subject to approval of the members.
- if there is no member or associate member of the board of supervisors of a conservation district who is able or willing to serve on the city-county planning board. In that case, the ninth member of the city-county planning board must be selected by the eight officers and citizen members, with the consent and approval of the board of county commissioners and the city council.

Section 3. Additional Temporary Members

The County Commissioners may appoint other community members, at their discretion, to serve on the Board for a specified project such as developing or reviewing the growth policy or subdivision regulations or as part of reviewing a specific subdivision or development. These additional temporary appointees shall only vote on recommendations specific to their appointment. The terms of temporary appointments end when the specified project is completed.

#### Section 4. Sidney Jurisdictional Area “Standing” Committee Membership

The Sidney Jurisdictional Area “Standing” Committee shall consist of nine (9) members, consisting of the four (4) Board members appointed by the County Commissioners and the four (4) Board members appointed by the City of Sidney. One (1) member shall be the representative from the Richland County Conservation District.

This Committee shall review and provide recommendations on subdivisions located within the adopted Richland County/City of Sidney Jurisdictional Area to the City of Sidney or the County Commissioners, as appropriate.

The City of Sidney-Planning “Jurisdictional” Area is a mapped area adopted by the County Commissioners and the City Council of Sidney as the designated area that the Sidney Jurisdictional Area “Standing” Committee may review and give recommendations to the appropriate governing body. A copy of the map of the adopted jurisdictional area is on file at the Richland County Courthouse and the City Hall of Sidney, Montana.

All appointed Board members may review and provide input on all subdivisions located within the Sidney Jurisdictional Area; however, only the designated members of the Sidney Jurisdictional Area “Standing” Committee shall vote on the recommendations to the respective governing body.

Actions by the Sidney Jurisdictional Area “Standing” Committee shall require a double quorum: 1) a quorum of the Board (7 members); and 2) a quorum of the Jurisdictional Area “Standing” Committee (5 members).

#### Section 5. Fairview Jurisdictional Area “Standing” Committee Membership

The Fairview Jurisdictional Area “Standing” Committee shall consist of nine (9) voting members consisting of the four (4) Board Members appointed by the Town of Fairview, four (4) members of Board members appointed by the County Commissioners. One (1) member shall be the representative from the Richland County Conservation District.

This Committee will review and provide recommendations on subdivisions located within the adopted Richland County/Town of Fairview Jurisdictional Area to the Town of Fairview or the County Commissioners, as appropriate.

The Town of Fairview-Planning “Jurisdictional” Area is a mapped area adopted by the County Commissioners and the Town Council of Fairview as the designated area that the Fairview Jurisdictional Area. Committee may review and give recommendations to the appropriate governing body. A copy of the map of the adopted jurisdictional area is on file at the Richland County Courthouse and the Town Hall of Fairview, Montana.

All appointed Board members may review and provide input on all subdivisions located within the Fairview Jurisdictional Area; however, only the members of the Fairview Jurisdictional Area “Standing” Committee and the Conservation District representative shall vote on the recommendations to the respective governing body.

Actions by the Fairview Jurisdictional Area “Standing” Committee will require a double quorum: 1) a quorum of the Board (7 members); and 2) a quorum of the Jurisdictional Area “Standing” Committee (5 members).

Section 6. Referrals from outside Jurisdictional Areas by the Board of County Commissioners of Richland County

Land use related items such as major subdivisions located outside the two established jurisdictional areas may be occasionally referred to the Board at the discretion of the County Commissioners. Additional members may be appointed to the Board by the County Commissioners for that specific purpose. In this case, the Board functions as a consolidated board whereas all thirteen (13) standing members of Board and the additional members shall vote on the recommendations to the respective governing body.

Section 7. Terms of Appointments

Terms of office for the thirteen (13) appointed, members are two (2) years with the terms ending in alternate years. Terms are assigned by the respective governing bodies. Terms of additional appointments for special projects will terminate upon project completion. The term of the Conservation District representative on the Board corresponds to their term on the Richland County Board of Supervisors of the Richland County Conservation District.

Section 8. Member Absences

Any member not able to attend a regularly scheduled meeting shall notify the President of the Board by 4:00 p.m. on the day of the next scheduled regular business meeting, except in case of an emergency.

Absences can be excused for family or business travel, work related activities, natural disasters or other emergencies as long as the President are notified. Emergencies may be excused by the President after the fact upon notification by member. Notification of previously scheduled family or business travel can be made by email, fax, telephone or in person.

Section 9. Member Removal

The President shall send a written recommendation to the respective governing body with regard to the removal of any member who fails to attend three (3) regular business meetings in succession. The President shall send a written notice to the absentee board member of this recommendation. If a member is removed by this process the President shall send a written request to the respective governing body to appoint a qualified replacement for the vacancy.

Any appointee may be removed from office by a majority of the governing body of the governmental unit representing such appointee.

Members no longer willing or able to serve on the Board should notify the governing body that appointed them to that effect, and ask the governing body in writing to appoint a replacement.

Section 10. Member Vacancy

Vacancies occurring on the board of official members and by death or resignation of citizen members shall be filled for the unexpired term by the governing bodies or conservation district having appointed them.

**ARTICLE VII - OFFICERS**

Section 1. Officers

The Officers of the Board include a President, Vice-President, Sidney Jurisdictional Area “Standing” Committee Chair, Fairview Jurisdictional Area “Standing” Committee and Executive Secretary.

The Richland County Planning Department Director will serve as Executive Secretary of the Board for administrative purposes.

Section 2. Nomination and Election of Officers

The President, Vice-President and “Standing” Committee Chairs shall be elected by a majority of the Board members present and voting at the first scheduled meeting in January, or upon expiration of any term of a presiding officer.

Nomination of Elective Officers shall be made from the floor at the annual election meeting. 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

All officers shall serve a term of one (1) year. Any officer may serve for successive terms.

The Elective Officers shall take office at the end of the first regular meeting in January (the first Tuesday of the month).

Section 4. Vacancies in Offices

Vacancies in Elective Offices shall be filled immediately by regular election procedure for the unexpired portion of the term.

Section 5. Acting President in the Absence of the President and Vice-President

In the event that the President or Vice-President are not able to attend a meeting, and a quorum of the Board is present, an acting President shall be selected by the membership at the meeting for the purpose of conducting that meeting. This person will assume the duties and powers of the President and the Vice-President for that meeting.

## Section 6. Duties of Officers

### (a) President

The President shall preside at all meetings and public hearings of the Board and shall call special meetings when he or she deems them necessary or is required to do so.

The President shall certify the expenditure of Board funds and sign the minutes of Board meetings and all official papers and plans involving the authority of the Board which are to be transmitted through the Executive Secretary to the County Commissioners and the Sidney City Council and the Fairview Town Council.

The President may discuss all matters before the Board and make motions and vote on all recommendations or other matters before the Board. The President shall perform all the duties normally conferred by parliamentary usage on such officers and will perform such other duties as may be ordered by the Board except as otherwise provided in these by-laws, in other Board resolutions, or in County or City ordinances, or State law.

The President shall retain the voting rights on the Board Committees and shall be counted as a member for purposes of comprising a quorum, except unless the President is specifically a member of the jurisdictional area "standing" committee as stated in Article IV, Sections 7 or 8 in these bylaws, the President shall serve as an ex-officio member of both the Sidney Jurisdictional Area and the Fairview Jurisdictional Area Committees, but without the power to vote.

The President shall take the lead in the development and adoption of a growth policy for the Jurisdictional Areas/County and related ordinances and regulations.

### (b) Vice-President

The Vice-President shall assume the duties and powers of the President in his or her absence.

### (c) Executive Secretary

The Richland County Planning Department Director will serve as Executive Secretary of the Board for administrative purposes.

The County Planning Department Director may designate a member of his staff to perform any of the duties of the Executive Secretary under the Director's supervision.

The Executive Secretary duties may include:

1. Keep true and correct copies of the minutes of all regular, special meetings, jurisdictional and other committee meetings of the Board. Such minutes will be approved by the Board.

2. Give notice of all regular and special meetings to 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 Board.
3. Maintain a file of all studies, plans, reports, recommendations and official records of the Board and perform such other duties that are normally carried out by a Secretary and as the Board may direct.
4. Administering the affairs of the Board in accordance with adopted Board policies and policies.
5. Recommending policies, ordinances, or resolutions to be considered by the Board, which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth Policy.
6. Reporting, at the Board's request, the progress and status of any program or project for which the Board has responsibility, and changes in local, state, or federal guidelines, rules, regulations, or laws which may affect any of the Board's programs or status.
7. Preparing an annual report summarizing the Board's activities during the previous year and identifying programs and projects, if any, for the Board's consideration in the upcoming year.

(d) "Standing" Committee Chair

The Board has two "standing" committees. The Sidney Jurisdictional Area Committee shall be comprised of the members as stated in Article IV Sections 2 and 3. The Fairview Jurisdictional Area Committee shall be comprised of the members as stated in Article IV Sections 2 and 4.

The Committee Chairs for the Sidney Jurisdictional Area Committee and the Fairview Jurisdictional Area Committee shall be elected by a majority vote of each committee, respectively.

The Committee Chair shall preside at all meetings of the designated "standing" committee and shall call special meetings when he or she deems them necessary or is required to do so.

In the event, that Executive Secretary or other Planning Staff are not available, the Chair of each standing committee shall assign someone to take the minutes at each committee meetings. The Chair of each "standing" committee shall sign all official papers and plans involving the authority of their assigned committee which are to be transmitted through the Executive Secretary to the Richland County Board of County Commissioners and the respective City and Town Councils.

The Committee Chair may discuss all matters before the Board and make motions on all voting thereon. He or she shall perform all the duties normally conferred by parliamentary usage and will perform such other duties as may be ordered by the Board except as otherwise provided in these by-laws, in other Board resolutions, or in County or City ordinances, or State law.

Section 7. Removal of Officers

If the Board votes no confidence in an officer, a motion to remove said officer shall be brought before the Board at its next meeting. Should the motion pass, a new officer shall be elected to serve the remainder of the term of office.

**ARTICLE VIII – MEETINGS**

Section 1. Regular Meetings of the City/County Planning Board: Time and Place

A regular monthly business meeting for administrative, routine, and hearing-type matters shall be held on the 1<sup>st</sup> Tuesday and 3<sup>rd</sup> Tuesday of each month at 7:00 p.m. in the Richland County Extension Office Conference Room, located at 1499 North Central Avenue in Sidney, Montana, except as otherwise designated by a President/Vice-President or ‘Standing’ Committee Chair member.

Regular meetings of the Board and its committees are open to the public and testimony or correspondences may be received from any citizen at any public meeting. Regular and special meetings shall be recorded and all records shall be available for public inspection during normal business hours at the Richland County Planner Office.

A quorum (Article VI, Section 6 below) must be present to conduct the regular monthly business meeting. The affirmative vote of a majority of the membership in attendance is required for the adoption of a matter before the Board as long as there is a quorum present.

The Board shall hold at least one (1) regular business meeting in the months of January, April, July and October pursuant to MCA, 76-1-301.

Any change in the hour, date and place of the meetings as specified below in Article VI, Section 4 for the convenience of persons having business before the Board. When the regular meeting day falls on a legal holiday, the meeting will be on the following Tuesday or as otherwise designated by a majority vote of the Board.

Section 2. Recessed Meetings

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

Section 3. Special Meetings

Special meetings of the Board may be called by the President or Vice-President as needed. A special meeting may also be called if any seven (7) members of the Board request it in writing at least four (4) days in advance of the meeting.

Special meetings of the Sidney Jurisdictional Area ‘Standing’ Committee or by the Fairview Jurisdictional Area ‘Standing’ Committee may be called by the respective Committee Chair as needed, or may be called upon the written request signed by a quorum of the members of the particular Committee at least four (4) days in advance of the meeting.

Informational meetings and other special meetings to solicit public input on items such as the growth policy and subdivision regulations may also be conducted at the discretion of the Board, as needed.

#### Section 4. Notice of Meetings

The Executive Secretary shall post written public notice of all regular meetings of the Board and Jurisdictional Area “Standing” Committees at least four days (96 hours) prior to the meeting. Special meetings will be posted at least two days (48 hours) prior to the meeting. It should be noted that meetings concerning review of major subdivisions may require more lengthy notice periods as defined in the Subdivision Regulations and Montana state law.

A notice must state the time and place of the meeting, and shall be accompanied by an agenda of the matters to be considered by the Board/Committee at such meeting, and will be posted:

- At the Richland County Planning Office, 123 W. Main St., Sidney, Montana;
- At the City Hall of the City of Sidney, 115 2<sup>nd</sup> St. SE, Sidney, Montana;
- At the Fairview Town Hall, 317 S. Central Ave., Fairview, Montana.

The Executive Secretary shall fax and/or email the written notice to all newspapers published in Richland County of all regular and special meetings of the Board and Jurisdictional Area “Standing” Committees on the same day that meeting notices are posted

The Executive Secretary shall give written notice to all the members of the Board of all regular and special meetings of the Board, the Sidney Jurisdictional Area “Standing” Committee, and the Fairview Jurisdictional Area “Standing” Committee. Notice of all regular meetings of the Board or jurisdictional area committees shall be postmarked, faxed and/or emailed at least four days (96 hours) prior to the meeting. Notice of all special meetings will be postmarked, faxed and/or emailed at least two days (48 hours) prior to the meeting.

#### Section 5. Agendas

The Executive Secretary shall develop the specific meeting agendas in consultation with the President of the Board or jurisdictional committee chairpersons. The agenda of all regular meetings shall be closed four (4) days prior to the following meeting of the Board/Committee.

The agenda for a regular meeting will be closed at 5:00 p.m. on Wednesday, five days prior to the date of the Board meeting. No official action may be taken on any matter at a regular Board business meeting which is not included on the agenda for such meeting or which has been added to the agenda after it has been posted and sent to the Board members and the local media as specified in Article VI, Section 4 above.

The Planning Board President/Vice-President may cancel a Board meeting if there are no items on the agenda (excluding the approval of the board meeting minutes).

## Section 6. Public Nature of Meeting and Records

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

## Section 7. Quorums

### a. City/County Planning Board

Seven (7) members of the Board shall constitute a quorum for the transaction of business and the taking of official action.

### b. Jurisdictional Area “*Standing*” Committees

Five (5) members of the respective jurisdictional area “standing” committee shall constitute a quorum for the transaction of business and the taking of official action.

## Section 8. Order of Business - Regular Meetings for Administrative, Routine and Hearing-Type Matters

Meeting shall be held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesday of every Month, or as necessary.

- (a) Call to order by President
- (b) Roll Call
- (c) Approval of minutes of preceding regular meeting(s), special meetings and workshop meetings
- (d) Petitions and communications from audience
- (e) Public hearings (if none, state None)
- (f) Regular business/Action items (if none, state None)
- (g) Written communications to the Board (if none, state None)
- (h) Reports from Board members and Committees
- (i) Staff reports
- (j) Adjourn

## Section 9. Order of Business - Regular Meetings for Discussion of Matters Related to Special Issues

Open workshop meetings may be held as needed on the third (3<sup>rd</sup>) Tuesday of every Month, or other dates as necessary to address issues related to the development of a growth policy, subdivision regulations or other special project assigned to the Board.

- (a) Call to order by President
- (b) Roll call
- (c) Communications from audience (related to land use planning/regulatory issues only)
- (d) Discussions on land use issues in Richland County, City of Sidney, and Town of Fairview
- (e) Reports from Board members and Committees
- (f) Staff reports
- (g) Adjourn

## Section 10. Petitions and Communications to the City/County Planning Board

In the interest of giving fair and thoughtful consideration to all, petitions and communications from the audience and matters brought to the regular business meeting by the Planning Director and Board members, which are not on the agenda for the meeting, may be received, but not acted on at the meeting. Discussion is allowed only to place the item on a future agenda or refer it to the Planning Staff for additional research.

Input and comments concerning the topics under discussion are welcome from the public and government officials during scheduled workshop and special information meetings specifically held to solicit input for policy and regulation development. These items may be discussed by the Board without being on the agenda. These items may be placed on a future agenda or referred to the Planning Staff for additional research, but no formal action can be made on such discussion items at that meeting.

## Section 11. Providing Relevant Documents and Information for Meetings to City/County Planning Board

The Board requests that the Planning Directors for the City of Sidney, the Town of Fairview or their designee, and Richland County shall ensure that all relevant materials, documents, plat maps, and other information needed to enable the Board to discuss and make recommendations are provided (in the hands of) to the Board at least fourteen (14) days prior to the meeting at which the item will be presented and discussed.

## Section 12. Public Hearing Procedure

Public hearings shall be conducted as part of the regular administrative meetings as described in Section 1 of Article VI. These items must be on the posted agenda for that meeting. A quorum of the Board or respective jurisdictional area committee need not be present to conduct a hearing, unless there is an action item requiring a vote after the hearing.

The purpose of the public hearing is to obtain facts and relevant information that have not been previously disclosed and are part of the application/proposal process. The procedure for public hearing before the Board or jurisdictional committees shall be as follows:

(a) Presiding member presents the procedures to be used for the hearing. The Subdivision Administrator (as defined in the subdivision regulations) or other designee of the respective jurisdiction presents a summary of the staff report that addresses the criteria for local government review of subdivisions as identified in state law. The Subdivision Administrator reviews options of approval, approval with conditions, and denial, proposes conditions for approval as relevant, and makes recommendations to the Board.

(b) Public hearing opened by the presiding member.

(c) Proponents in audience including the applicant and his/her representatives shall be given an opportunity to speak in favor of the application. Information submitted should be factual, relevant and not merely duplicative of previous presentations. A reasonable time shall be allowed each speaker. Each person speaking must give name, address, and nature of interest in

matter before presenting their information.

(d) Opponents in audience shall be given an opportunity to speak against the application. Information submitted should be factual, relevant and not merely duplicative of previous presentations. A reasonable time shall be allowed each speaker as determined by the presiding member. Each person speaking must give name, address and nature of interest in the matter before presenting their information.

(e) Other interested parties shall be allowed to comment briefly or make inquiries. A reasonable time shall be allowed each speaker as determined by the presiding member. Each person speaking must give name, address and nature of interest in the matter before presenting their information.

(f) Public hearing closed by the President.

(g) Board/Committee discussion. Board members are permitted to address any relevant questions relating to the application, to the President, jurisdictional committee chairperson or staff. The presiding member shall entertain a motion on the Board's recommendation for the petition. The seconded motion may be amended following the Board's discussion.

A motion requires a quorum. This requires a double quorum, if the item is in a jurisdictional area: 1) a quorum of the Board, and 2) a quorum of the jurisdictional area committee. If the motion refers to an item in the County outside the jurisdictional areas, only a quorum of the whole Board is required.

Board members shall discuss the findings of the hearing. Members may raise potential special conditions for approval or other, significant considerations relevant to the petition.

At this time, members may pose any relevant questions through the presiding member, and the presiding member interrogates proper parties for answers.

In recommending approval, conditional approval or denial of a subdivision application and preliminary plats, the Board may consider, without limitation, the following (as applicable):

- i) the subdivision application and preliminary plat;
- ii) the environmental assessment;
- iii) the summary of probable impacts and proposed mitigation;
- iv) an officially adopted growth policy;
- v) information provided at public hearing(s);
- vi) subdivision administrator's staff report and recommendation; and
- vii) any additional information authorized by law.

(h) The original motion may be withdrawn and a new motion proposed, or the original motion may be amended to specify conditions for approval

(i) Vote on the motion on the floor to recommend approval, conditional approval or denial.

### Section 13. Motions

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

### Section 14. Voting

Any action taken by a quorum of the Board members at any regular or special meeting of the Board shall be deemed and taken as the action of the Board. All matters requiring a public hearing before the Board and all matters referred to the Board by the County Commissioners and/or City/Town Councils shall be by roll call vote and the vote of each member shall be recorded in the minutes of the meeting. The affirmative vote of a majority of the committee membership is required for the adoption of a matter before the Board.

All recommendations to the governing bodies shall be in the form of a resolution. In the case of major subdivisions, this shall be accompanied by a letter of the findings of the Board to the affected governing bodies.

Voting on motions before the Board by proxy (written or a person), email or phone is not permitted.

### Section 15. Staff Reports

On all matters considered by the Board, any report and recommendations of the Planning Staff or a Board Committee must be presented to the Board and recorded in the minutes of the meeting.

### Section 16. Parliamentary Procedure

Parliamentary procedure in Planning Board meetings shall be governed by Roberts Rules of Order, Revised, unless specifically otherwise provided in these By-Laws, in other Board resolutions, in County (or City) ordinances or in the State of Montana Planning Enabling Act (Sections 76-101 *et seq*, MCA).

## **ARTICLE IX - COMMITTEES**

### Section 1. Establishment of Special Committees

The Board may establish special committees (as needed for special projects or duties) it deems advisable and assign to each committee specific duties or functions. The Committee shall consist of three (3) members or at least one (1) Board member from each governing body appointee (a County, Sidney and Fairview appointees).

No special committees, individual Board member, or staff may commit the Board to the endorsement of any plan or program without Board approval, approved at a regular Board meeting.

### Section 2. Appointment and Terms of Other Committee Members

The President shall appoint the members of each special committee and name the Chair of each committee.

Section 3. Meetings of Committees

All committees shall meet at the call of the Committee Chair. The President of the Board may, with adequate notice, also call a special meeting of any committee at any time.

The Planning Director/Executive Secretary shall issue notice of committee meetings at the request of a Committee Chair or the Board President.

Section 4. Quorum and Voting of Committees

A majority of the members of a committee constitutes a quorum. The affirmative vote of a majority of the committee in attendance is required for the adoption of a matter before the committee as long as there is a quorum present.

Section 5. Committee Action

In no case shall a committee take official action unless a quorum is present, and such action shall consist solely of providing reports and/or recommendations to the Board.

Section 6. Special Committee Vacancies

Vacancies of other special Committees shall be filled immediately by the President for the unexpired portion of the term.

**ARTICLE X - LEGAL ASSISTANCE**

The Board shall seek legal assistance from the attorney for the County Commissioners, City of Sidney, or Town of Fairview, as applicable.

**ARTICLE XI – FINANCING**

Section 1. Board Financing

As provided in Section 76-1-306, MCA the governing body shall assign staff employed by them to assist the Board in conducting its duties. The board may delegate to assigned staff the authority to perform routine acts in all cases, except when final action of the Board is necessary. The governing body may make contracts for special or temporary services and any professional service. The Board shall have the financial duties and authority provided in Sections 76-1-401 and 402, MCA and the Interlocal Agreement.

Section 2. Financial Summary

The Planning Director shall provide a financial summary of the Planning Department budget to the Board as requested.

## ARTICLE XII – MISCELLANEOUS

### Section 1. Conflict of Interest

Any member(s) having a financial or personal interest in a quasi-judicial matter before the Board for discussion or vote shall publicly disclose the nature and extent of such interest and absent him/herself from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, the secretary shall note in the minutes that a conflict of interest was acknowledged and the Board member(s) was absent during the discussion and voting.

### Section 2. Travel

Authorization of travel of any Board member to attend a conference, convention or other meetings necessary to carry out the affairs of the Board must be approved by the Board and the appropriate governing body represented by the Board member. Upon return, the Board member must submit a written summary of the expenditures and activity.

### Section 3. Adoption of Plans and Studies

The Board shall formally adopt all plans or studies by resolution. Such resolution shall clearly state the authorization for the particular plan or study, the findings of fact that necessitated the preparation, and the recommendation to the respective governing body relative to action necessary to implement the objects of the plan or study.

### Section 4. Amendments

Amendments to the bylaws of the Board may be initiated by any member of the Board. Such amendments must be submitted, in writing, at a regular meeting and approved by a two-thirds vote of the quorum physically present at the meeting. The quorum of Board is seven (7) members of the Board.

### Section 5. Repeals of Previous Bylaws

These bylaws repeal and supersede any and all previous bylaws adopted or amended by the board and approved or amended by the City, Town or County Commissions for the Board.

**APPROVAL**

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On this 18<sup>th</sup> day of December, 2012, the following standing City/County Planning Board members have approved the Bylaws as amended and written and agree to follow these By-Laws for City/County Planning Board operations:

1) \_\_\_\_\_  
City of Sidney Appointee, Signature  
\_\_\_\_\_  
Print Name

1) \_\_\_\_\_  
Town of Fairview Appointee, Signature  
\_\_\_\_\_  
Print Name

2) \_\_\_\_\_  
City of Sidney Appointee, Signature  
\_\_\_\_\_  
Print Name

2) \_\_\_\_\_  
Town of Fairview Appointee, Signature  
\_\_\_\_\_  
Print Name

3) \_\_\_\_\_  
City of Sidney Appointee, Signature  
\_\_\_\_\_  
Print Name

3) \_\_\_\_\_  
Town of Fairview Appointee, Signature  
\_\_\_\_\_  
Print Name

4) \_\_\_\_\_  
City of Sidney Appointee, Signature  
\_\_\_\_\_  
Print Name

4) \_\_\_\_\_  
Town of Fairview Appointee, Signature  
\_\_\_\_\_  
Print Name

1) \_\_\_\_\_  
Richland County Appointee, Signature  
\_\_\_\_\_  
Print Name

2) \_\_\_\_\_  
Richland County Appointee, Signature  
\_\_\_\_\_  
Print Name

3) \_\_\_\_\_  
Richland County Appointee, Signature  
\_\_\_\_\_  
Print Name

4) \_\_\_\_\_  
Richland County Appointee, Signature  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Soil Conservation District Member, Signature  
\_\_\_\_\_  
Print Name

**Exhibit A: RICHLAND COUNTY PLANNING AREA**





