

**CARBON COUNTY PLANNING BOARD
BY-LAWS
JULY 16, 1974**

ARTICLE I – NAME

SECTION 1. NAME

The official name of the organization shall be “The Carbon County Planning Board”.

ARTICLE II – OFFICIAL SEAT

SECTION 1. OFFICIAL SEAT

The official seat of the Planning Board shall be in the Carbon County Courthouse at Red Lodge, Montana, and meetings shall be held there except on such occasions and at such times as the Board; by majority vote of those present at any regular, recessed or special meeting; may otherwise direct.

ARTICLE III – OFFICERS

SECTION 1. OFFICERS

The Elective Officers of the Planning Board shall consist of a Chairperson and a Vice-Chairperson. The Director of Planning shall serve as Executive Secretary of the Board.

SECTION 2. NOMINATION AND ELECTION OF OFFICERS

Nomination of Elective Officers shall be made from the floor at the annual election meeting which shall be held on the first regular meeting of each year. The Election shall follow immediately thereafter. Officers shall be nominated and elected from the appointed members only. A nominee receiving a majority vote of those present at the Election Meeting shall be declared elected.

SECTION 3. TERMS OF OFFICERS

The Elective Officers shall take office at the first regular meeting of each year and shall serve a term of one year.

SECTION 4. VACANCIES IN OFFICES

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

SECTION 5. DUTIES OF OFFICERS

A.) Chairperson

The Chairperson shall preside at all meetings and public hearings of the Planning Board and shall call special meetings when he deems them necessary or is required to do so. He shall appoint all committees, shall be an ex-officio member of each, without power to vote. He shall certify expenditure of Planning Board funds and shall sign the minutes of Planning Board meetings and all official papers and plans involving the authority of the Planning Board which are transmitted to the City Councils and County Commissioners. The Chairperson shall have the privilege of discussing all matters before the Planning Board and voting thereon. He shall have all the duties normally conferred by parliamentary usage on such

officers and otherwise provided in these by-laws, in other Planning Board resolutions, City Ordinances, or County Regulations.

B.) Vice-Chairperson

The Vice-Chairperson shall assume the duties and powers of the Chairperson in his absence. If the Chairperson and Vice-Chairperson are both absent, the Planning Board members may elect a temporary Chairman by a majority of those present at a regular, recessed or special meeting, who shall assume the duties and powers of the Chairperson and Vice-Chairperson during their absence.

C.) Executive Secretary

The Executive Secretary shall keep the minutes of all regular, recessed and special meetings of the Planning Board; such minutes shall be approved by the Planning Board. He shall also keep the minutes of Planning Board committee meetings when asked to do so. He shall give notice of all regular and special meetings to Planning Board members, shall prepare the agenda of regular and special meetings, shall serve proper and legal notice of all public hearings and shall draft and sign the routing correspondence of the Planning Board. The Executive Secretary shall maintain a file of all studies, plans, reports, recommendations and official records of the Planning Board and perform such other duties as are normally carried out by a secretary as the Planning Board may determine. The Executive Secretary shall also carry out any additional duties directed by the Planning Board.

ARTICLE IV – ORGANIZATION OF THE BOARD

SECTION 1. REPRESENTATION

For the purpose of providing fair representation on the Board from all geographic and population areas outside of Incorporated Cities and Towns that have created their own planning jurisdictions. The previously appointed members from these planning jurisdictions will serve out terms of office and not be reappointed, the Board shall consist of the following members:

- a. One (1) resident of the County from each of the three (3) County Commissioner Districts appointed by their respective County Commissioner.
- b. Two (2) residents from the County to be appointed by the County Commissioners without regard to County Commissioner's geographical district.
- c. One (1) member from each of the towns appointed by their respective Town Council. i.e. Joliet, Fromberg, Bridger, and Bearcreek.
- d. One (1) member of the governing board of the Conservation District appointed by the County Commissioners.

SECTION 2. TERMS OF OFFICE

The terms of the members shall be two (2) years.

SECTION 3. ATTENDANCE

Members may be replaced by the appropriate body if any member misses more than two (2) consecutive regular meetings or more than five (5) regular meetings in any calendar year.

ARTICLE V – MEETINGS

SECTION 1. REGULAR MEETINGS: Time and Place

A regular monthly meeting shall be held the third (3) Tuesday of each month.

Any change in the hour, date and place of regular meetings shall be given wide publicity.

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 members of the Planning Board.

SECTION 4. NOTICE OF MEETINGS

Written notice of all regular and special meetings shall be given by the Executive Secretary to the members of the Planning Board. Notice of all regular meetings shall be postmarked at least 4 days (96) hours prior to the meetings. Notice of all special meetings shall be postmarked at least 2 days (48 hours) prior to the meeting. The notice shall state the time and place of the meeting and shall be accompanied by an agenda of the matters to be considered by the Planning Board at such meetings. The agenda of all regular meetings will be closed on the first day of the month prior to the third Tuesday meeting of each month. Petitions and communications from the audience and matters brought to the meeting by the Planning Director and Board members, which are not on the agenda for the meeting, may be received and discussed at the meeting. However, no official action may be taken on any matter at a Planning Board meeting which is not included in the agenda for such meeting or which has been added to the agenda after it has been mailed to the Planning Board members. This requirement may be suspended by a majority vote of the Planning Board members present at the meeting.

SECTION 5. ORDER OF BUSINESS – Regular Meetings for Administrative Routine and Hearing Type Matters.

- A. Call to order by the Chairperson
- B. Roll Call
- C. Approval of minutes of previous meeting
- D. Public Hearings
- E. Regular Business
- F. Petitions and communication from audience
- G. Written communications
- H. Reports from Planning Board members and committees.
- I. Staff Reports
- J. Adjourn

SECTION 6. PUBLIC HEARING PROCEDURE

- A. Chairperson reviews the application orally. The Planning Director or assigned Committee Chairperson then may add any related or background information. County Commissioners may direct any relevant questions on the application to the Chairperson or staff. After the Commissioners and Chairperson or Staff discuss the questions, the Chairperson will declare the hearing open to the public. Each person speaking shall give his or her name, address and nature of his or her interest in the application. Each speaker will be allowed a reasonable time to present relevant information concerning the application.

- B. After every person has had a reasonable opportunity to speak, the Chairperson shall declare the public hearing closed. The Planning Board members or the County Commissioners may continue discussing the application and may direct relevant questions to the applicant, subcommittee members or members of the public.
- C. After all discussion has ended, the Chairperson will entertain a motion concerning the application.

SECTION 7. QUORUM

A majority of the Planning Board shall constitute a Quorum for the transaction of business and the taking of official action. No official transaction of business or no official actions may be taken without a Quorum.

SECTION 8. MOTIONS

Motions shall be restated by the Executive Secretary before a vote is taken. The names of the members making and seconding the motion shall be recorded in the minutes of the meeting.

SECTION 9. VOTING

Any action taken by a majority of a Quorum at any regular session, recessed or special meeting of the Planning Board shall be deemed and taken as the action of the Board except that any proposed change of a zoning map must be approved by a majority of the total membership of the Planning Board. Voting on amendments to zoning regulations and maps, all matters requiring a public hearing before the Planning Board and all matters referred to the Planning Board by the City or Town Councils or County Commissioners shall be by roll call vote and the vote of each member shall be recorded in the minutes of the meeting.

SECTION 10. STANDARDS OF CONDUCT

A Planning Board Member who is aware of a conflict of interest must withdraw from all deliberation and decisions by declaring to the chairperson that a conflict of interest exists.

SECTION 11. STAFF REPORTS

On all matters considered by the Planning Board, the report and recommendation, if any, of the Planning Staff or appropriate committees shall be presented to the Board and shall be recorded in the minutes of the meeting.

SECTION 12. PARLIAMENTARY PROCEDURE

Parliamentary procedure in Planning Board Meetings shall be governed by Roberts Rules of Order, Revised, unless it is specifically provided otherwise in these By-Laws, in other Planning Board Resolutions, City Ordinances, County Regulations, or in the State of Montana Planning Enabling Act.

SECTION 13. PUBLIC NATURE OF MEETINGS AND RECORDS

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

ARTICLE VI – MEETINGS

SECTION 1. ESTABLISHMENT OF COMMITTEES

The Planning Board may establish such committees as it deems advisable and assign each committee specific duties or functions. No committee shall have the power to commit the Planning Board.

SECTION 2. APPOINTMENT AND TERMS OF COMMITTEE MEMBERS

The Chairperson of the Planning Board shall appoint at least three (3) members to each committee and shall name the chairperson of each committee.

SECTION 3. COMMITTEE VACANCIES

Vacancies on committees shall be filled at the next regular meeting of the Planning Board.

SECTION 4. MEETINGS OF COMMITTEES

All Committees shall meet at the call of the committee chairperson provided the Chairperson of the Planning Board shall also have the authority to call a special meeting of any committee at any time and upon such notice as he may specify. The Director of Planning shall issue notice of committee meetings at the request of a committee chairperson or the Planning Board Chairperson.

SECTION 5. QUORUM AND VOTING

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

ARTICLE VII – AMENDMENTS

SECTION 1. AMENDMENTS

These By-Laws may be amended at any regular meeting by the affirmative vote of a majority of the Planning Board; if the proposed amendments have been submitted in writing at the preceding regular meeting.

ADOPTION:

These Carbon City/County Planning Board By-Laws were adopted at the regular meeting of the Board on July 16, 1974.

AMENDMENTS:

Amendments to these Carbon County Planning Board By-Law were adopted at the regular meeting of the Board on:

Amendments to these Carbon County Planning Board By-Laws were adopted at the regular meeting of the Board on:

February 15, 1977;
January 26, 1993;
August 16, 1994;
March 21, 1995;
February 18, 2003;
March 16, 2004

Allan Nelson, Chairman
Carbon County Planning Board