

LIBBY CITY PLANNING BOARD

BYLAWS

Amended January 10, 2011

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ARTICLE I

DEFINITION OF TERMS

As used in these bylaws:

1. "Board" means the Libby City Planning Board
2. "City" means the incorporated City of Libby.
3. "City Council" means the chief legislative body of the city.
4. "Director" means the individual responsible for the direction of the City of Libby Planning.
5. "Governing body" or "Governing bodies" means the governing body of any governmental unit represented on a planning board.
6. "Growth policy" means the City of Libby Growth Policy adopted pursuant to 76-1-601, Montana Code Annotated (MCA).
7. "Mayor" means the mayor of the City of Libby.
8. "Neighborhood plan" means a plan for a geographic area within the boundaries of the jurisdictional area that addresses one or more of the elements of the growth policy in more detail.
9. "Planning Department" means Lincoln County Planning Department, which is authorized through an interlocal agreement to provide planning services to the City of Libby.
10. "Plat" means a subdivision of land into lots, streets, and areas, marked on a map or plan, including amended plats.
11. "Public place" means any tract owned by the state or its subdivisions.
12. "Streets" includes streets, avenues, boulevards, roads, drives, lanes, alleys, and all public ways.
13. "Utilities" has the meaning defined in 76-3-102(13) of the MCA.

ARTICLE II

AUTHORITY, PURPOSE, AND DUTIES

Section 1. Authority

The Libby City Planning Board is authorized and was established by the City of Libby pursuant to Chapter 1, Title 76 of the Montana Code Annotated (MCA).

Section 2. Purpose and Objectives

The purpose of the Libby City Planning Board is to improve the present health, safety, convenience, and welfare of the citizens and to plan for the future development of the community to the end that highway and street systems be carefully planned; that new development grow only with adequate community infrastructure, 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 supportive of the efficient and economical use of public funds.

Section 3. Duties and Responsibilities

To effectuate the purpose of the Board, the Board shall have the power and duty to

1. Serve in an advisory capacity to the Libby City Council.
2. Ensure the promotion of public health, safety, and general welfare of the citizens of Libby.
3. Promote efficiency and economy in the process of community development.
4. Prepare and update the City's Growth Policy in accordance with MCA 76-1-601.
5. Review the City's Growth Policy on an annual basis and oversee the implementation of appropriate action items.
6. Propose policies for:
 - (a) Review of subdivision plats
 - (b) Development of public ways, public places, public structures, and public and private utilities;
 - (c) Other public planning issues as deemed appropriate by the governing body.
7. Propose ordinances, resolutions, and other material relating to the activities authorized under the Montana statutes.
8. Advise the City Council in all matters pertaining to the approval or denial of proposed subdivisions.
9. Recommend that the City of Libby comment on plans and planning related policies subject to review or adoption by local, state or federal agencies.

ARTICLE III

JURISDICTIONAL AREA

The Board's jurisdiction area corresponds to the planning area identified in the City's Growth Policy.

ARTICLE IV

MEMBERSHIP AND TERMS

Section 1. Membership

The Board will consist of not less than seven members to be appointed as follows:

1. one member to be appointed by the city council from its membership;
2. one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county;
3. one member to be appointed by the mayor upon designation by the county commissioners of Lincoln County;
4. four citizen members to be appointed by the mayor, two of whom shall be resident freeholders within the urban area, if any, outside of the city limits over which the planning board has jurisdiction and two of whom shall be resident freeholders within the city limits. (See MCA 76-1-224 for citizen member requirements)

Section 2. Terms

The terms of the Board members who are officers of any governmental agency represented on the Board are co-extensive with their respective terms of office to which they have been elected or appointed. The terms of all other members of the Board shall be three (3) years, except that the terms of the first members appointed shall be fixed by agreement and rule of the governing bodies represented on the Board for 1 or 2 years in order that a minimum number of terms shall expire in any year.

Section 3. Absences

1. Each member shall inform the Director (or designee) and Chair at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence.
2. If any Board member accrues three (3) or more consecutive unexcused absences or six (6) or more absences from regularly noticed meetings during a calendar year, the Chair shall notify the Director, who in turn shall notify the appointing authority, that the Board requests that such member be asked to resign and that another person be appointed to serve out the unexpired term.

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

Section 4. Vacancies

Vacancies occurring on the Board shall be filled for the unexpired term by the Commissioners or in the event that a municipality is represented on the board, the representation and appointment to be made by the respective municipality shall be by agreement and rule of the Board.

ARTICLE V

BOARD OFFICERS

Section 1. Officers

The officers of the Board shall consist of a Chair, Vice Chair and Secretary.

Section 2. Election of Officers

The Chair and Vice Chair shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in January, or upon expiration of any term of a presiding officer. The terms of office of the Chair and Vice Chair shall commence at the next regularly scheduled meeting, or, in the case of the expiration of any term of a presiding officer, on the first regularly scheduled meeting after such expiration.

Section 3. Board Chair

The Chair shall preside over all regular and special meetings of the Board and may vote anytime his/her vote is capable of changing the outcome. The Chair shall also sign such documents and communications on behalf of the Board, as the Board may authorize and are of such a nature as to require the signature of the Chair. The Chair may delegate such responsibility to the Vice Chair. The Chair shall have the authority to appoint Board members to Committees, as set forth in Article VII. The Chair shall be an "ex-officio" member of all committees except the nominating committee, and shall retain voting rights on these committees, and shall be counted as a member for purposes of comprising a quorum.

Section 4. Vice Chair

The Vice Chair, in the absence of the Chair, shall preside over any regular or special meeting of the Board and, at the direction of the Chair, sign such documents and communications on behalf of the Board, as the Board may have authorized the Chair to sign.

Section 5. Office Vacancy

If the office of the Chair becomes vacant, then the Vice Chair shall fill the unexpired term. On assuming this office, the Chair shall ask the members of the Board to present their nominations for Vice Chair.

Section 6. Removal of Officers

If the Board votes no confidence in an office, 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.

Section 7. Officer Terms

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

Section 8. Secretary

As provided in MCA 76-1-306 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 Director shall function as Secretary for the Board.

ARTICLE VI

MEETINGS AND PROCEDURES

Section 1. Regular Meetings

Regular meetings of the Board shall be held on the second (2nd) Monday of each month at 6:00pm in the Libby City Council Chambers, or in such other place and time as shall be posted at City Hall and on the official City website.

Section 2. Special Meetings

Special meetings of the Board may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall send to all members, at least three (3) days in advance of a special meeting, a written notice via e-mail with the time and place of the meeting and the topics to be discussed.

Section 3. Quorums

A majority of members shall constitute a quorum. No action of the Board is official, unless authorized by a majority of members of the board at a regular or properly called special meeting. Official action, including discussion, making motions and voting can only be conducted when there is a quorum present at any meeting (physically or via teleconference).

Section 4. Agendas

The agenda for a regular meeting will be closed at 5:00 p.m. two (2) weeks prior to the date of the meeting. The Board may not take action on any item not listed on the published agenda. Agendas and copies of the minutes of all regular meetings shall be e-mailed to each member of the Board no later than the second Friday preceding the meeting date.

Section 5. Public Hearings

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose pursuant to statutory requirements in a newspaper of general circulation for each hearing held by the Board. At each meeting, the public shall be given the opportunity to address the Board on any item that is not on the current agenda. The Board shall conduct all business during a hearing following the procedures established under Robert's Rules of Order. Specific procedures outlined below.

1. General Public Hearings (Neighborhood Plans, Growth Policy Amendments, etc.)
 - A. All public hearings shall be conducted in accordance with the following procedure unless the Board determines by a majority vote to follow some different procedure. The Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statements.
 - i. The Board shall first hear a report on the subject item from the Planning Department staff, which report may include a recommendation as to the action to be taken by the Board.
 - ii. The Board shall then hear and receive written or oral statements from the public. Written testimony must be signed. E-mail transmissions must include author's name and address.
 - iii. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a part of the record.
 - iv. The Board shall then hear any rebuttal or final comments, statements, or recommendations, if any, from the Planning Department staff.
 - v. Any person wishing to speak a second time may do so only with the permission of the Chair or the approval of the majority of the Board members.
 - B. The Board or any member thereof may at any time question any staff, applicant, or member of the public about his/her statements.
 - C. Members of the Board will not direct questions to each other or the President during the public testimony except as to the conduct of the hearing.
 - D. After hearing any and all statements, comments, and testimony as above provided, the Chair shall close the public testimony portion of the hearing.

After closure, and after such discussion as may be appropriate, the Board may move and vote upon a recommendation for the item under consideration.

- E. Subject to any time constraints imposed by law, the Board may, at any stage of a public hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. In the case of such continuance, the time and place of all further proceedings in regard thereto shall be immediately fixed and announced to the Planning Department staff and the public, in which case no further legal notice of the hearing need be given.

2. Public Hearings for Subdivisions

When a subdivision application is set for a public meeting, the matter shall be heard even if no one in favor or in opposition to the application appears at the meeting, unless the Board has received a written request from the subdivider, twenty-four (24) hours prior to the public hearing, to continue such hearing at a later time due to good and sufficient reason, or to withdraw or to postpone the application for reason approved by the Board.

A. Rules shall follow procedure outlined in General Hearings above.

B. Each subdivision application shall be presented in the following order:

- i. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.
- ii. The applicant, or his/her representative, shall present the application to the Board, and summarize the proposed subdivision, the subdivisions compliance with the requirements of the governing body's adopted subdivision regulations, and, as applicable, the proposed subdivisions effects on the following primary criteria of public interests:
 - a. Agriculture;
 - b. Agricultural Water Users Facilities;
 - c. Local Services;
 - d. Natural Environment;
 - e. Wildlife
 - f. Wildlife Habitat;
 - g. Public Health and Safety.

C. Proceed with the hearing from 1.A.2. above.

Section 6. Meetings with City Council

The Board may hold meetings with City Council at regular or irregular intervals, the purpose of which shall be to bring all said parties together to discuss planning issues and concerns. Meetings shall be held on a date and at a time to be mutually agreeable

to all of the parties. The responsibility for preparation and distribution of agendas, meeting notices, etc., shall be with the Director.

ARTICLE VII

COMMITTEES

Section 1. Committees

The Chair is responsible for creating committees to advise the full Board on matters pertinent to the work of the Board, and for selecting the chairman and individual members of each committee.

Section 2. 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.

ARTICLE VIII

LEGAL ASSISTANCE

The Board shall seek legal assistance from the City Attorney, as applicable

ARTICLE IX

FINANCIALS

Members of the Board shall receive no salary for serving on the Board but may be reimbursed from local funds for transportation and actual expenses up to but not exceeding state transportation reimbursements and allowable expenses incurred in attending Board meetings or other authorized planning related functions required in the administration of their duties. The Board shall have the financial duties, authority and responsibilities as provided in MCA 76-1 Part 4.

ARTICLE V

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 himself 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. Amendments to Bylaws

Amendments to these Bylaws may be proposed by any Board member and may be amended by a two-thirds vote of the total membership provided that:

1. the proposed amendment shall have been submitted in writing to each member at least fifteen days prior to a scheduled meeting and;
2. the proposed amendment does not contradict or violate the statutory requirements for planning boards in Title 76, Chapter 1 M.C.A.