

RESOLUTION NO. 2981

RESOLUTION TO AMEND RESOLUTION NO. 2789 AND THE BYLAWS OF THE
RAVALLI COUNTY PLANNING BOARD

WHEREAS, the Ravalli County Board of County Commissioners (BCC) created the Ravalli County Planning Board (Planning Board) through Resolution No. 1040 on March 21, 2000; and

WHEREAS, the existing set of Bylaws for the Planning Board were adopted as Exhibit A to Resolution No. 2789 on November 22, 2011; and

WHEREAS, the BCC wishes to amend the Planning Board Bylaws.

WHEREAS, on November 22, 2011, the BCC met at a duly noticed public meeting for a discussion and decision on whether to adopt the amended Bylaws.

THEREFORE BE IT RESOLVED that the Bylaws contained in Exhibit A to Resolution No. 2789 are hereby repealed in their entirety and replaced by the Bylaws of the Ravalli County Planning Board contained in Exhibit A and attached to this Resolution. All other references in Resolution No. 1040, 2402, 2789 or other documents to the original "Planning Board Procedures and Administration" shall henceforth be considered reference to the Bylaws of the Ravalli County Planning Board attached to this Resolution.

PASSED AND APPROVED THIS 31st DAY OF December, 2012.
BOARD OF RAVALLI COUNTY COMMISSIONERS

X Suzy Foss
Suzy Foss, Chairman

X Jeff Burrows
Jeff Burrows, member

X Ron Stoltz
Ron Stoltz, member

X J.R. Inman
J.R. Inman, member

X Greg Chilcott
Greg Chilcott, member

X Regina Plettenberg
Attest: Regina Plettenberg, Clerk and Recorder

Kelly Olin
Kelly Olin, Deputy

Return: Commissioners
Doc 662523

**“Exhibit A”
Bylaws of the
Ravalli County Planning Board**

Approved by Ravalli County Board of County Commissioners: December 31, 2012

Article I – Authorization

The Ravalli County Board of County Commissioners (BCC) amended the Ravalli County Planning Board (Planning Board) bylaws through Resolution 2789 on November 22, 2011 in accordance with Title 76, Chapter 1, *Montana Code Annotated (MCA)*. These bylaws replace Exhibit A to Resolution 2789 (prior Bylaws of the Ravalli County Planning Board) and hereafter shall serve as the official regulations for the administration of the affairs of the Ravalli County Planning Board.

Article II – Purpose

The purpose of the Planning Board is to serve in an advisory capacity to presently established boards and officials as directed by the BCC to improve the present health, safety, convenience, and welfare of Ravalli County’s citizens and to plan for the future development of Ravalli County’s communities to the end that highway systems be carefully planned; that new community centers and new development 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. (76-1-102, MCA)

Article III – Definitions

As used in these bylaws, the following definitions apply:

“BCC” means Ravalli County Board of County Commissioners.

“Jurisdictional Area” means the unincorporated area of Ravalli County. (76-1-501 & 76-1-502, MCA)

“Meeting” means a convening of a quorum of Planning Board members, whether in person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the Planning Board has supervision, control, jurisdiction, or advisory power. Meetings include advertised public meetings and public hearings.

“Planning Board” (Board) means Ravalli County Planning Board.

“Planning Department” means the Ravalli County Planning Department.

“Planning Administrator” means the Administrator of the Ravalli County Planning Department or the duly designated Planning Department employee.

“Recording Secretary” means a staff member of the Planning Department assigned to take minutes at Planning Board meetings or a Planning Board member whose official duty is to temporarily act as the Recording Secretary.

Article IV – Duties and Responsibilities

- A. The Planning Board serves in an advisory capacity to the Planning Department, BCC and presently established boards and officials as may be directed by the BCC. The Planning Board has the following authority within the jurisdictional area:
1. Exercise general supervision of and make regulations (bylaws) for the administration of the affairs of the Board.
 2. Prescribe uniform rules pertaining to Board investigations and meetings.
 3. Keep an accurate and complete record of all departmental proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the Board. These duties have been taken by the Planning Department.
 4. Make recommendations and an annual report to any governing bodies represented on the Board and the public concerning the operation of the Board and the status of planning within its jurisdiction.
 5. Prepare, publish, and distribute reports, proposed ordinances and proposed resolutions, findings of fact, and other material relating to the activities authorized by the BCC and state law.
 6. If requested by the governing body, the Planning Board shall prepare a growth policy.
 7. To propose policies for:
 - (a) subdivision plats;
 - (b) the development of public ways, public places, public structures, and public and private utilities;
 - (c) the issuance of improvement location permits on platted and unplatted lands; or
 - (d) the laying out and development of public ways and services to platted and unplatted lands.
 8. To advise the BCC on matters pertaining to the establishment or amendment of zoning and subdivision regulations.
 9. To review and make recommendations to the BCC in all matters pertaining to the approval or disapproval of subdivisions, subject to the review procedures listed in Article X.
 10. Any other matter referred to it by the BCC not inconsistent with these bylaws or State law.

Article V – Membership

- A. Selection and Terms

1. Membership. The Planning Board shall consist of 11 voting members: one (1) citizen member residing in each of the seven (7) Ravalli County School Districts; three (3) at-large citizen members; one (1) representative from the Bitterroot Conservation District; and one (1) non-voting representative from the Ravalli County Park Board.
2. Appointment. The BCC shall appoint the citizen members from each of the Ravalli County School Districts and the at-large members. The Bitterroot Conservation District shall appoint a representative from its Board of Directors to the Planning Board. Alternatively, the Bitterroot Conservation District may appoint an associate member of the conservation district designated by its governing board, or it may appoint a member of a state cooperative grazing district so long as the appointee lives within the County. The Ravalli County Park Board shall appoint a representative from its membership to the Planning Board.
3. Length of Terms. Each member appointed by the BCC shall be appointed to a two (2) year term. The Bitterroot Conservation District and Ravalli County Park Board representatives shall have no specified term length.

B. Eligibility Requirements

1. Property Ownership. Each citizen member shall own real property within the unincorporated area of the County.
2. Residence Requirement. All at-large citizen members shall reside within the unincorporated area of the County at the time of appointment. Each citizen member from the school districts shall, at the time of appointment, reside in the school district for which the appointment is being made.
3. County Employees and Members of the BCC. No member of the BCC or employee of the County shall be eligible for membership on the Planning Board.

C. Conditions for Removal.

1. All citizen members of the Planning Board serve at the discretion of the BCC. A citizen member shall be removed from the Planning Board and the member's office declared vacant if any one of the following conditions occur:
 - a) The member fails to attend at least two-thirds of the regular and special meetings in any given calendar year or fails to attend three (3) consecutive meetings without excused absences by notifying the Planning Department prior to the meeting; or
 - b) The member moves outside of the school district for which he or she was appointed to another part of the County, or an at-large member moves outside the unincorporated area of the County; or
 - c) By majority vote of the BCC after notice of removal is given to the member and discussed at an appropriately scheduled public meeting; or
 - d) The member tenders written notice to the BCC of his or her intent to cease being a member of the Planning Board.

2. Any citizen member who moves outside of the district to another part of the County or outside the unincorporated area of the County may be allowed to remain on the Planning Board until his or her term expires.
 3. Representatives appointed by the Ravalli County Park Board and Bitterroot Conservation District shall be removed from the Planning Board at the discretion of their respective boards.
- D. Vacancies. When a citizen member or at-large position becomes vacant before the end of that member's term, the position shall be reappointed by the BCC. Bitterroot Conservation District and Ravalli County Park Board member vacancies shall be reappointed by the Conservation District or Park Board.

Article VI – Officers and Duties

A. Elected Officers.

1. Election. The Planning Board shall elect a President and Vice-President from among its membership at the first regularly scheduled meeting of each calendar year, according to a majority vote as set forth in these bylaws.
2. President. The President shall be elected by majority vote and shall serve a term of one (1) year. Nominations shall be made from the floor, provided the nominee consents to nomination. If there is more than one (1) nominee, voting shall be held by secret ballot.
3. Vice-President. The Vice-President shall be elected by majority vote and shall serve a term of one (1) year. Nominations shall be made from the floor, provided the nominee consents to nomination. If there is more than one (1) nominee, voting shall be held by secret ballot.
4. Recording Secretary. A Recording Secretary shall be assigned to take meeting minutes when a Planning Department representative is unable. The Recording Secretary's term shall be for the duration of the meeting at which he or she is to take minutes, and shall be assigned via majority vote. No participatory or voting privileges are removed from a Board member assigned and consenting to fill this temporary position.
5. Vacancies. In the event of a vacancy in any office, a decision to fill the vacant seat shall be added as an agenda item to be decided upon by the Board at the next publicly noticed meeting. Nominations shall be taken from the floor, and the Board will make its decision via majority vote. Elected nominees shall fulfill the remainder of the term of office.
6. Rights of Officers. Officers of the Planning Board shall have all rights and privileges of a Planning Board member.
7. Removal of Officer. The Planning Board may remove any officer from his or her duties upon a majority vote of the Planning Board. The discussion to remove an officer must be publicly noticed as an agenda item.

B. Officer Duties

1. **President.** The President shall preside at all Planning Board meetings, call special meetings, and perform the duties normally conferred by parliamentary usage on such officer and other such duties as may be assigned or undertaken. The President may appoint Board members to subcommittees or other Boards only after confirmation by a majority vote of all Board members.
2. **Vice-President.** When the President is absent, disabled, or disqualified, the Vice-President shall act as President.

Article VII – Meetings

- A. **Regular Meetings.** The Planning Board shall meet at least once in January, April, July and October of each year. .
- B. **Special Meetings.** Either the President, two members of the Planning Board, or the BCC may call a special meeting of the Planning Board by submitting notice to the Planning Administrator. The Planning Administrator may call a special meeting after consulting with and receiving advice from the President. The Planning Administrator shall notify all Planning Board members at least five (5) calendar days in advance of a special meeting.
- C. **Notification.** All regular, special, and subcommittee meetings of the Planning Board are open to the public. All regular and special meetings shall be publicly noticed by the Planning Department, after notification to the Planning Administrator by the Planning Board or BCC. All meetings of the Planning Board and its committees shall comply with Montana law and Ravalli County resolution or policy applicable to open public meetings.
- D. **Quorum.** A quorum shall consist of a majority of current voting members. For official action to be taken by the Planning Board, a quorum must be present.
- E. **Voting**
 1. All voting members who are not disqualified due to a conflict of interest shall vote; votes may registered as aye (or yes), nay (or no), or pass (abstain).
 2. All official actions of the Planning Board must be authorized by a majority of the quorum present at a legally constituted regular or special meeting. In the event of a tie vote, the motion fails and the item shall be forwarded to the Planning Administrator or BCC as appropriate with no recommendation.
 3. When a Planning Board recommendation deviates from that of the Planning Department, the Planning Board recommendation shall include a detailed statement of the reasons for its recommendation.
 - a. Planning Staff shall write a detailed statement documenting the rationale behind the deviation and forward to the BCC and Board before the BCC public meeting (when applicable), along with minutes from the relevant Board meeting.
 4. **Minority Report.** When a minority of Board members are at odds with a motion that has received majority approval, the rationale behind the minority opinion shall be expressed to Planning Staff present at the meeting. Planning Staff shall include this minority opinion in the detailed statement that is transmitted to the BCC as applicable.

5. If a person is absent for any portion of the discussion on the topic, they must abstain from voting on the subdivision. If the review covers more than one meeting, they can by reviewing the audio of the missed meeting be considered up to date and vote on the subdivision.
- F. Parliamentary Authority. *Robert's Rules of Order* shall apply in all matters unless these bylaws otherwise provide.
- G. Conflicts of Interest
1. A member may have a conflict of interest on matters before the Planning Board as set forth in Montana law, including but not limited to when a member of the Planning Board:
 - a) Has financial or property interest in a matter under consideration by the Planning Board or one of its committees; or
 - b) Has such close personal or business ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
 - c) Feels disqualified for any reason not listed above.
 2. A member who may have a conflict of interest on a matter may voluntarily disclose and disqualify him or herself before discussion of that matter. Alternatively, before discussion of the matter, the member or any other party with knowledge of a potential conflict on that matter shall disclose the conflict to the Planning Board and, if the Board determines a conflict exists, the member shall be disqualified from voting on that matter. In either event, the member's disqualification shall be entered in the minutes of the meeting.
 3. Thereafter, the Board member shall not participate in consideration, debate, or voting on the matter on which the conflict was found to exist as a Planning Board member. The member may participate as a part of the public in attendance and provide public comment to the Planning Board.

Article VIII – Conduct of Meetings

A. New Business

1. Only those items included on the agenda and that are part of the materials provided to the Planning Board members prior to the public meeting may be acted upon at that particular meeting.
2. New business may be introduced without prior notice only for the purpose either of scheduling Planning Board action at a future meeting or referral to a committee or the Planning Department for study or consideration.

Article IX – Public Meeting Procedures

- A. Duties of the President. In addition to the other duties set forth herein, the President shall:
1. Preside at all Planning Board meetings.
 2. State a summary of the question or issue at the opening of the meeting.

3. Specify the method of conduct of the meeting and set a reasonable time limit for the receipt of public testimony.
4. Assure an orderly meeting, having the power to request that an individual be removed or terminate the meeting if, in the President's opinion, persons become inappropriately disruptive.
5. Announce that all questions and comments shall be directed through the President only after the speaker has been properly recognized.
6. Direct each speaker recognized to supply the record with a complete name and, if appropriate, the name of the person, firm, or organization which the speaker represents.
7. Set and monitor reasonable time limitations for Board members' and members of the public allotted speaking time during public meetings.

Article X – Subdivision Review Procedures

- A. **Planning Board Review.** The Planning Board will review all major subdivision applications, and the Planning Department will notify the Planning Board of all such applications as required by the Ravalli County Subdivision Regulations. The Planning Board will be notified of minor subdivisions, as required by the Ravalli County Subdivision Regulations. The Planning Department or BCC may call at their discretion for Planning Board review of any minor subdivision.
- B. **Public Meeting for Subdivision Review.** The Planning Department will schedule a Planning Board meeting after the subdivision application has been deemed sufficient for public review, but prior to the public hearing/meeting before the BCC. Planning Board review may be conducted at a regular or special meeting. Any required written notifications and legal advertisements for the BCC public hearing/meeting will also include the date and time for the Planning Board meeting. The Planning Department will list the Planning Board meeting in the Planning Department's Government Calendar.
- C. **Public Meeting Procedure.** In accordance with the other meeting provisions set forth in these bylaws, the following procedures apply for subdivision review:
 1. Presentation by Planning Department.
 2. Presentation by Applicant.
 3. A brief explanation of effective ways for the public to comment on subdivision proposals, including how to obtain necessary literacy assistance to submit written testimony. The Planning Board shall accept written testimony and comments to transmit to the BCC and may decide to accept oral public testimony at its discretion.
 4. Planning Board deliberation and recommendation on the subdivision proposal.
 - a) Each Planning Board member is allowed an opportunity to ask questions to the Applicant, Applicant's representatives, and any experts attending the meeting. Each Planning Board member shall be given the opportunity to comment prior to a decision.
 5. Planning Board shall take action by recommending approval, approval with conditions, or denial.

Article XI – Subcommittees

- A. **Subcommittees.** The Planning Board may establish subcommittees to study such topics as assigned or undertaken and as allowed by law. Planning Board members may volunteer to participate on any subcommittee created, and the subcommittee and its members must be approved by a majority vote at a properly noticed meeting before the subcommittee may

initiate its deliberations. The chair of the subcommittee, or designee, shall notify the Planning Administrator of all subcommittee meetings at least 48 hours prior to the meeting so they can be properly noticed on the Planning Department's government calendar. All subcommittee meetings are subject to Montana's Open Meeting laws and shall be open to public attendance.

B. Subcommittee Reports.

1. A referral to subcommittee may set forth the date for reporting back to the Planning Board.
2. Each subcommittee report shall be written and may contain both majority and minority opinions.
3. A copy of each subcommittee report shall be presented to the Planning Board at a properly noticed meeting for discussion.
4. The Planning Board may, by majority vote, forward subcommittee reports to the Planning Department for consideration.

C. Planning Department Attendance. The Planning Administrator or designee may attend subcommittee meetings and participate in discussions, and present relevant information and alternatives.

Article XII – Communications

- A. Personal communications of members. No individual member shall sign written communications using the Planning Board name, nor speak on behalf of the Planning Board, unless approved by a majority of the Planning Board in a properly noticed meeting.
- B. Legislative decisions are made by the governing body and established rules, policies, or standards of general applicability to an entire community. These should be well informed decisions based upon information gathered at public hearings, informal conversations with the public, and information provided by staff and other sources. In Montana, the adoption of a growth policy, subdivision regulations, and zoning regulations are examples of legislative decisions.
- C. During a legislative decision-making process, members of the governing body can be "lobbied" by individuals or groups who have an interest in the adoption of the regulations. Such lobbying is not considered "*ex parte*" communication, as the regulation, policy, or standard being considered will generally affect the community as a whole.
- D. Ex parte communications. Members of the Planning Board should avoid receiving evidence or information relating to any pending subdivision outside of the public record. Information or evidence received by a Board member outside the public record related to a pending subdivision constitutes public information that shall be disclosed to the entire Board at the next relevant public meeting.

Article XIII – Assistance from the Planning Department

- A. The Planning Board may seek assistance regarding legal issues from the Planning Administrator. All requests should be submitted to the Planning Administrator to be forwarded to the County Attorney's Office.

- B. The Planning Board may seek support from the Planning Department in the form of clerical assistance, staff reports and recommendations, training, and use of the resource library. Any other support requested must be authorized by the BCC.
- C. Recording Secretary. The Recording Secretary shall:
 - 1. Take written minutes of the content of all regular, subcommittee, or special meetings of the Planning Board. These minutes shall include a list of those members present at any meeting and those members absent. They shall also denote the date, time, and place of the meeting. In addition, the meetings may be recorded on audio or video.
 - 2. Incorporate the approved, written minutes as a part of the Planning Board's permanent record.
 - 3. Furnish copies of the draft minutes in the materials provided to the Planning Board members prior to the next regular Planning Board meeting for review and approval.

Article XIV – Amendments to Bylaws

A. Procedure

- 1. Any proposal to amend these bylaws shall be presented in writing to the Planning Administrator by any Planning Board member or Ravalli County Commissioner for inclusion on the Planning Board agenda.
- 2. Planning Board shall review and make a recommendation of a proposed amendment to the bylaws at a properly noticed meeting.
- 3. Any amendment to these bylaws that is proposed to the Planning Board shall not become effective until approved by the BCC via resolution.
- 4. The BCC may amend these bylaws without Planning Board recommendation at a properly noticed meeting.

Article XV – Severability

If any section, subsection, paragraph, sentence, clause, or phrase is for any reason held by any court of competent jurisdiction to be unconstitutional, contrary to statute, or otherwise invalid, the validity of the remaining provisions shall continue in full force and effect.

Passed and approved this 31st day of December, 2012.



Ron Stoltz, Commissioner



Jeff Burrows, Commissioner



Greg Chilcott, Commissioner



Suzy Foss, Commissioner



J.R. Iman, Chair, Commissioner