

TETON COUNTY PLANNING BOARD
BY-LAWS

Adopted September 19, 2022

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ARTICLE I

NAME AND LOCATION

Section 1. Name

The name of this Board shall be the Teton County Planning Board (hereinafter referred to as the Board).

Section 2. Location

The Board office is located at the Teton County Annex, 19 Main Ave S., Choteau, Montana 59422 <https://tetoncomt.org/planner/planning-board/>

ARTICLE II

DEFINITION OF TERMS

As used in these bylaws:

1. Board: Teton County Planning Board
2. Governing Body: Teton County Board of County Commissioners; City of Choteau City Council; Town of Fairfield Town Council and T o w n of Dutton Town Council
3. Growth Policy: As defined by Section 76-1-601, Montana Code Annotated
4. MCA: Montana Code Annotated
5. Director(s): Those individual(s) so designated by Teton County Board of Commissioners as the Director of the Teton County Planning Office
6. Planning Department: Teton County Planning Office
7. Plat: As defined by Section 76-3-103, Montana Code Annotated

ARTICLE III

AUTHORITY, PURPOSE, POWERS, AND DUTIES

Section 1. Authority

The Board is authorized under Section 76-1-101, *et seq.*, MCA.

Section 2. Purpose and Objectives

The objectives of the Board as established by state law, are to encourage local government within the County of Teton in promoting the orderly development of those units and their surroundings by improving the present health, safety, convenience, and welfare of their citizens and planning 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 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 promotive of, the efficient and economical use of public funds.

Section 3. Powers and Duties

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 development.
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 propose policies for:
 - a. Review of 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 body 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 may designate that certain minor subdivisions may be reviewed through "summary review" process 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 by-laws, which set forth the Board's policies and procedures;
 - c. Recommending an annual work program; and
 - d. Keeping an accurate and complete record of all proceedings.
7. The Board may recommend that the Teton County Board of Commissioners comment upon plans and planning related policies subject to review or adoption by local, state, or federal agencies.

ARTICLE IV

JURISDICTIONAL AREA

The jurisdictional area of the Board will include all the areas in Teton County and includes the City of Choteau, Town of Dutton, and Town of Fairfield.

ARTICLE V

MEMBERSHIP AND TERMS OF APPOINTMENT

Section 1. Composition

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

Section 2. Membership

The Board shall consist of no fewer than five members, to be appointed in accordance with 76-1-211, as follows:

1. Five members appointed by the board of County Commissioners.
2. At least one of these five to be a member of the Conservation District.
3. One member appointed by the Town of Dutton
4. One member appointed by the Town of Fairfield
5. One Member appointed by the City of Choteau

Section 3. Qualifications

In accordance with 76-1-212 the citizen members of the Board shall be residents in the area over which the Board has jurisdiction, provided, that the member shall be a resident who either holds title to real property or rents real property within the jurisdiction affected.

Section 4. 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.

Section 5. Absences and Removal

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 his or her term.
3. Any appointment may be removed from office for cause by a majority vote of the governing body of the governmental unit representing such appointee. (*See MCA 7-1-201(13)*)

Section 6. Vacancies

Vacancies occurring on the Board shall be filled for the unexpired term by the governing body.

ARTICLE VI

BOARD OFFICERS, TERMS, AND DUTIES

Section 1. Officers

The officers of the Board shall consist of a Chair, Vice Chair, and Executive 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 on February 1, 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 of 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 IX. 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. Board 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. Officer Absences

If the Chair and Vice Chair are absent from any regular meeting, the Executive Secretary shall call the meeting to order and a quorum of members shall elect a temporary chairperson for the meeting.

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.

Section 8. Terms of Office

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

Section 9. Executive Secretary

The Director shall function as Executive Secretary for the Board, whose duties may include:

1. Keeping true and correct copies of the minutes of all regular and special board meetings, and the minutes of any committee meetings.
2. Administering the affairs of the Board in accordance with adopted Board policies and policies of the County of Teton.
3. 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.
4. Preparing in the name of the Board correspondence, official notices, and agendas.
5. Signing all plats and affixing the official seal of the Board thereon only after such plat has been approved in accordance with the requirements of the Subdivision Regulations, adopted policies and procedures of the Board, and only after all requirements have been satisfied.
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.

ARTICLE VII

MEETINGS, QUORUMS, AND PROCEDURES

Section 1. Regular Meetings

Per MCA 76-1-301 The board shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October. Regular meetings of the Board shall be held in the Teton County Annex in Choteau, Montana, or in such other place and shall be advertised in the Choteau Acantha and on the Teton County Planning Board website. Regular meetings of the Board and its committees are open to the public and testimony or correspondence 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 Teton County Planning Office.

Section 2. Quorums

1. A majority of voting members present shall constitute a quorum. Members are considered “present” when attending an entire meeting in person, via video call or telephone call.
2. No action of the Board is official unless authorized by a majority of a quorum of the Board present 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.

Section 3. Special Meetings

Special meetings of the Board may be called by the Chair or shall be called by the Executive Secretary upon request by any two Board members. The Executive Secretary shall notify all members of any special meeting not less than three (3) days before the scheduled date of the special meeting of the date, time, and place of the meeting and the topic(s) to be considered.

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 agenda will be published in the local newspaper, on the bulletin board outside the Commissioners’ office in the Teton County Courthouse second floor, on the Teton County Planning Board website and available upon request

via email to the Planning Board Director. 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 emailed to each member of the Board no later than two weeks prior to the date of the meeting (the closing date on the agenda).

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 Roberts Rules of Order.

1. Public Hearings for Subdivisions
 - A. When a subdivision application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one in favor or in opposition to the application appears at the hearing, 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.
 - B. 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. The Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statement, comments, or testimony.
 - C. The Board or any member thereof may at any time question any staff, applicant, or member of the public about his/her statements, comments, or testimony.
 - D. Each subdivision application shall be heard in the following order:
 1. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.
 2. 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 subdivision's effects on the following primary criteria of

public interests:

- a. Agriculture;
 - b. Agricultural Water Users Facilities;
 - c. Local Services;
 - d. Natural Environment;
 - e. Wildlife and Wildlife Habitat;
 - f. Public Health and Safety.
3. Persons in favor or opposed to the application shall be heard or written comments received up and **until** the time of the close of the public hearing.
 4. 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.

2. Other Public Hearings

- A. All other 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 statement, comments, or testimony.
 1. 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.
 2. The Board shall then hear and receive written or oral statements from the public.
 3. The Board shall then hear any rebuttal or final comments, statements, or recommendations, if any, from the Planning Department staff.
 4. 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, comments, or testimony.

- C. 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.
- D. 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 definite date and time 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.
- E. 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.

3. Informal Hearings

The Board may follow some other procedure for the conduct of informal hearings or work sessions, where the Board may discuss issues related to scheduling or process, pending legislative decisions, or general planning items, but shall not take any final action on such items other than at a regularly scheduled and noticed public hearing.

Section 6. Quarterly Meetings

The Board shall meet, at a minimum, in the months of January, April, July and October. These meetings shall be for bringing all said parties together to discuss planning issues and concerns. Quarterly 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 VIII

COMMITTEES AND ADVISORY 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. Advisory Committees

Citizen Advisory Committees may be established by the Board in each of the geographical areas from which a Board member is appointed. The purpose of the committees is to provide advice to the Board on planning related matters of interest to their areas.

Section 3. 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 IX

LEGAL ASSISTANCE

The Board shall seek legal assistance from the attorney for Teton County, as applicable.

ARTICLE X

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

ARTICLE XI

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. 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 activities.

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 its 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 to Bylaws

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.

Section 5. Repeal 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 and County Commissions for the Board.