

BY-LAWS

YELLOWSTONE COUNTY BOARD OF PLANNING
“Serving Yellowstone County, City of Billings, and Town of Broadview”

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ARTICLE I

NAME AND LOCATION

Section 1. Name

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

Section 2. Location

The Board offices are located on the fourth floor of the Parmly Billings Library, 510 North Broadway (N. 29th Street), Billings, Montana.

ARTICLE II

DEFINITION OF TERMS

As used in these by-laws.

1. Board: The Yellowstone County Board of Planning
2. City: Billings and Broadview
3. City Council: The governing bodies of Billings and Broadview
4. County: Yellowstone County, Montana
5. County Commissioners: The governing body of Yellowstone County
6. Town: Broadview
7. Town Council: The governing body of Broadview
8. Master Plan: As defined by Section 76-1-601 Montana Codes Annotated
9. Planning Director: That individual so designated by the County Commissioners and City Of Billings
10. Plat: A subdivision of land into lots, streets, and areas marked upon the earth and represented on paper, and includes re-plats and amended plats.

ARTICLE III

AUTHORITY, POWERS, AND DUTIES

Section 1. Authority

The Yellowstone County Board of Planning is authorized under Section 76-1-101 through 76-1-104 and 76-1-111 Montana Codes Annotated and the Yellowstone County Agreement on Planning dated December 10, 1984, and as amended on October 24, 1990, October 1, 1995 and as amended in April of 2002.

Section 2. Powers and Duties

A. Role of the Board:

1. To assure the promotion of public health, safety, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of community development, the planning board shall prepare a Growth Policy master plan and shall serve in an advisory capacity to the local governing bodies establishing the planning board.
2. The Board may also 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 land;
 - d. The laying out and development of public ways and services and to platted and unplatted lands.
 - e. Long range plans
 - f. Flood plane and floodway area
3. The role of the Board shall be to recommend planning policy to the County, Billings, and Broadview.
4. The Board shall prepare a Growth Policy for the jurisdictional area, as defined in Section 76-1-601 Montana Code Annotated.
5. The Board shall serve as the Metropolitan Planning Organization for the Billings Urban Transportation Area.
6. The Board shall perform other planning related functions as requested by the parties hereto.
 - a. Prescribe uniform rules pertaining and hearings
 - b. Adopt by-laws, which set forth the Board's policies and procedures.
 - c. Recommend an annual work program.
 - d. Keep an accurate and complete record of all proceedings.
7. The Board may, from time to time, comment upon plans and planning related policies subject to review or adoption by Federal or State agencies, and/or may recommend that the County and Cities make appropriate comment on the same.

ARTICLE IV

JURISDICTIONAL AREA

Section 1.

The jurisdictional area of the Board will include all the area in Yellowstone County including the incorporated limits of Billings and Broadview but excluding the incorporated limits of Laurel and the existing jurisdictional area surrounding Laurel.

ARTICLE V

OBJECTIVES AND POLICIES

The objectives of the Board as established by State Law, are to enable units of local government within Yellowstone County (except Laurel) to cooperate in promoting the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience, and welfare of their citizens and 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 the promotion of the efficient and economical use of public funds.

ARTICLE VI

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 fifteen (15) members.

Seven (7) members are to be appointed by the County Commissioners – one (1) from each geographical area determined by the County Commissioners.

Five (5) members are to be appointed by the Mayor of Billings from within the city limits of Billings.

One (1) member to be appointed by the County Commissioners from the governing board of a soil conservation district or a state cooperative grazing district.

Two (2) ex-officio non-voting representatives. One from School District #2 and the County Superintendent of Schools.

Section 3. Terms

Members of the Board shall be appointed to 2-year terms pursuant to Section 76-1-203 MCA.

Section 4. Absences and Removal

- A. Each member shall inform the Planning Director 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.
- B. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term.

Section 5. Vacancies

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

ARTICLE VII

BOARD OFFICER, TERMS, AND DUTIES

Section 1. Officers

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

Section 2. Election of Officers

The President and Vice President shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in January. The terms of office of the President and Vice President shall commence on February 1.

Section 3. Board President

The President shall preside over all regular and special meetings of the Board and may vote in the case of a tie or to create a tie. The President 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 President. The President may in absence delegate such responsibility to the Vice President. The President shall have the authority to appoint in ARTICLE IX Committees. The President 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 President

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

Section 5. Office Vacancy

If the office of the President becomes vacant, then the Vice President shall fill the unexpired term. On assuming this office, the President shall appoint a nominating committee to present their nominations for Vice President.

Section 6. Officer Absences

If the President and Vice President 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 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 8. Terms of Office

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

Section 9. The Director of Planning

The Director of Planning shall function as Executive Secretary (Appendix B), whose duties may include:

- A. Keeping true and correct copies of the minutes of all regular and special board meetings, and the minutes of any committee meetings.
- B. Administering the affairs of the Board in accordance with adopted Board policies and policies of the County.
- C. Recommending policies, ordinances, or resolutions, which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth Policy.
- D. Representing the Board before any other board, commission or committee, or citizen's organization.

- E. Preparing in the name of the Board correspondence, official notices, and agendas.
- F. 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.
- G. Reporting at the Board's request the progress and status of any program or project for which the Board has responsibility and changes in State or Federal guidelines, which may affect any of the Board's programs, or status.
- H. Preparing an annual report, this shall include a summary of the Board's activities during the previous year.

ARTICLE VIII

MEETINGS, QUORUMS, AND PROCEDURES

Section 1. Regular Meetings

Regular meeting of the Board shall be held on the second and fourth Tuesday of each month at 6:00 p.m. in the conference room of the fourth floor of the Parmly Billings Library or in such other place and time as shall be advertised in a conspicuous location in the South lobby of the Parmly Library on the day of the regular meeting. 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 Planning Office on the fourth floor of the Parmly Billings Library.

Section 2. Quorums

- A. A majority of voting members shall constitute a quorum.
- B. No action of the Board is official, however, unless authorized by a majority of voting members in attendance of the Board at a regular or properly called special meeting. Official action 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 President or by any two members upon request to the Executive Secretary three (3) working days prior to the date of the special meeting. The Executive Secretary shall then notify all members of the special 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. three (3) working days prior to the date of the meeting. Each agenda shall contain the following standing items:

- 1 **CALL TO ORDER.** Welcome and introduction of new and returning Board Members and staff
- 2 **APPROVAL OF AGENDA,** including any additions or deletions to agenda
- 3 **MEETING MINUTES**
- 4 **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person)
 - a. Comments on items not on agenda and requests to add items to future agendas
 - b. Comments on items on the non-public hearing agenda items
- 5 **DISCLOSURE OF CONFLICT OF INTEREST**
- 6 **DISCLOSURE OF EX PARTE COMMUNICATION**
- 7 **OLD BUSINESS** (items that were not discussed or not completed in a previous meeting or items requiring action)
- 8 **NEW BUSINESS** (items that are new to this meeting)
- 9 **UNSCHEDULED BUSINESS** (items added by the Board)
- 10 **AGENDA ITEMS FOR NEXT BOARD MEETING**
- 11 **ADJOURNMENT**

An agenda item that requires formal action by the Board must first have been discussed at a previous business meeting. On items added to the Agenda by a majority vote of members present, the Board may choose to take action at the same meeting if the item is not of significant interest to the public. To consider an item brought before the Board under Unscheduled Business the item must be placed on the agenda by motion at the beginning of the meeting and approved by a majority vote of the members present. The Board will not take formal action at that meeting but can choose to discuss the item and place it on future agenda for formal action. Agendas and copies of the minutes of all regular meetings shall be distributed to each member of the Board no later than the Friday preceding the meeting date. In addition, all agencies, organizations and individuals that may have an interest in any matter before the Board shall be notified of the upcoming meeting. At the beginning of 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 will not take action on the item at that time, but could choose to add the item to the next regular meeting's agenda for discussion.

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.

A. Public Hearings for Subdivisions

1. When a preliminary plat 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.

2. 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.
3. Each preliminary plat application shall be heard in the following order:
 - a. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.
 - b. The applicant, or his representative, shall present the application to the Board, and summarize the proposed subdivision and, if applicable, the following criteria of public interests:
 - i. Effects on Agriculture
 - ii. Effects on Local Services.
 - iii. Effects on Natural Environment.
 - iv. Effects on Wildlife Habitat and Wildlife.
 - v. Effects on Public Health and Safety.
 - vi. Effects on Agricultural Users Facilities.
 - c. 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.

B. Other Public Hearings

1. 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:
 - a. 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.
 - b. The Board shall then hear and/or receive written or oral statements from the public in the following order:
 - i. Proponents of the proposal.
 - ii. Opponents of the proposal.
 - iii. Members of the public who, being neither proponents nor opponents of the proposal wish to make a general statement or comment regarding the same.
 - iv. The Board shall then hear any brief rebuttal to previous comments, testimony, or statements.
 - v. The Board shall then hear any brief final comments, statements, or recommendations, if any, from the Planning Department staff.
 - vi. Any person wishing to speak a second time may do so only during the proper course of the proceedings, only after all persons wishing to speak

have been heard, and only with the permission of the President or the approval of the majority of the Board members.

2. Prior to hearing and/or receiving oral statements, comments, or testimony from the public, the Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statement, comments, or testimony.
3. The Board or any member thereof, may at any time question any person about his/her statements, comments, or testimony.
4. After hearing any and all statements, comments, and testimony as above provided, the President shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Board may vote upon a recommendation for the item under consideration.
5. 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.

C. Informal Hearings

The Board, by majority vote, may follow some other procedures for the conduct of hearings.

Section 6. Quarterly Meetings

The Board may hold quarterly meetings with the City Administrator, Mayor and City Council, and the Board of County Commissioners. These meetings shall be for bringing all said parties together to discuss planning issues and concerns. Any proposed amendment to the Interlocal Agreement on Planning shall be placed on the agenda for the first available quarterly meeting prior to action by either the City or the County. Quarterly meetings shall be held on the second Tuesday of the first month of each quarter 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 Planning Department.

Section 7. Interlocal Agreement

If any party to the Interlocal Agreement on Planning proposes an amendment to said agreement, the Board of Planning shall first be provided a copy of the amendment along with the recommendations(s) for revision. The Board shall request that a joint meeting be held with all of the signatory parties to the Agreement to discuss any proposed amendments, prior to any action by the signatory parties. The Board shall then provide a recommendation to all signatory parties to the agreement. The Board can recommend approval, denial, or modification of any such proposed amendments.

ARTICLE IX

COMMITTEES AND ADVISORY COMMITTEES

Section 1. Committees

The President is responsible for selecting the chairman and individual members of the committee.

A. Plat Review Committee

The committee shall consist of the entire Planning Board.

B. Nominating Committee

The President shall at the first regular meeting in November appoint three (3) members who will present their recommendations for new officers at the first meeting in December as the first order of business following the approval of the minutes. Nominations from the floor may be made at this time. The President shall not be a member of the Nominating Committee.

C. Special Committees

Special committees for any purpose may be appointed by the President or created by motion of the Board to create and direct the President to appoint its members.

Section 2. Advisory Committees

Citizen Advisory Committees may be established 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.

ARTICLE X

LEGAL ASSISTANCE

The Board shall seek legal assistance from the attorneys for the appropriate governing body.

ARTICLE XI

FINANCING

Section 1. Board Financing

As provided through MCA 76-1-306 the governing body shall assign staff employed by the governing body to assist the planning board in conducting its duties. The planning board may delegate to assigned staff the authority to perform ministerial acts in all cases except when final action of the planning board is necessary. The governing body may make contracts for special or temporary services and any professional service. The following MCA sections also govern the fiscal administration of the Planning Board:

76-1-401. Fiscal Administration.

- (1) To effectuate the purpose of this chapter, the board shall have the power and duty to:
 - (a) supervise the fiscal affairs and responsibilities of the board;
 - (b) prepare and submit to the governing bodies represented on the board an annual budget in the same manner as other departments of the city and county governments and shall be limited in all expenditures to the provisions made therefore by the governing bodies represented upon the board.
- (2) The planning board shall have authority to expend, under regular city or county procedure as provided by law, all sums appropriated to it for purposes and activities authorized by this chapter.

76-1-402. Funding of board operation.

- (1) After a city council has by ordinance, a board of county commissioners has by ordinance and resolution, or a city council and board of county commissioners have by ordinance and resolution created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board.
- 2) When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon.

Section 2. Financial Summary

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

ARTICLE XII

PROGRAM DEVELOPMENT

Each year, under direction of the Board, the Planning Department shall prepare a Unified Planning Work Program (UPWP).

The UPWP shall outline all proposed work activities for the year and indicate funding sources for each.

The primary purpose of the UPWP shall be to maintain certification as the Metropolitan Planning Organization (MPO) through the Montana Department of Transportation and the Federal Highway Administration (FHWA). The secondary purpose shall be to provide the Board and administrative guide to monitor yearly work activities of the Planning Department.

ARTICLE XIII

MISCELLANEOUS

Section 1. Conflict of Interest

Any member(s) having a financial or personal interest in a 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. Distribution of Planning Studies

Pertinent studies of interest to certain entities may be distributed to interested parties and local media. Additional copies may be made available to the public at the cost of publication or duplication.

Section 4. Plan Study and Adoption

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, which necessitated its preparation and the recommendation to the respective governing bodies relative to action necessary to implement the objects of the plan or study.

Section 5. By-Law Amendments

Amendments to the By-Laws of the Yellowstone County Board of Planning 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 members present.