

**HARDIN-BIG HORN COUNTY CITY/COUNTY PLANNING
BOARD BY-LAWS
APRIL 14, 1997 Amended October 9, 2023**

ARTICLE I – NAME

SECTION 1. NAME

The official name of the organization shall be the “Hardin-Big Horn County City/County Planning Board.” Herein after referred to as the Planning Board.

ARTICLE II - OFFICIAL SEAT

SECTION 1. OFFICIAL SEAT

The official seat of the Planning Board shall be in the City of Hardin Council Chambers in the Public Utility Facility of the City of Hardin, 401 N. Cheyenne Ave., Hardin, Montana. Meetings shall be held there except on such occasions and at such times as the board may, by majority vote of those present at any regular, recessed or special meeting, otherwise direct.

ARTICLE III -OFFICERS

SECTION 1. OFFICERS

The elective officers of the Planning Board shall consist of a chairperson and vice chairperson. The secretary/treasurer is a paid position, hired by the board, with no voting privileges.

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 current board members. 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. The secretary/treasurer shall serve at the discretion of the board.

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 they deem them necessary or are required to do so. They shall appoint all committees, shall be an ex-officio member of each, without power to vote. They shall certify expenditures of Planning Board funds and shall sign the minutes of the Planning Board meetings and all official papers and plans involving the authority of the Planning Board which are transmitted to the City Council and the County Commissioners. The chairperson shall have the privilege of discussing all matters before the Planning Board and voting thereon. They 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 their absence. If the Chairperson and Vice Chairperson are both absent, the Planning Board members may elect a temporary chairperson 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. Secretary/Treasurer

The Secretary/Treasurer shall keep the minutes of all regular, recessed and special meetings of the Planning Board; such minutes shall be approved by the Planning Board. They shall also keep the minutes of the Planning Board committee minutes when asked to do so. They 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 routine correspondence of the Planning Board. The Secretary/Treasurer 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 Secretary/Treasurer 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, the Board shall consist of the following members:

- A. Two (2) official members who reside outside the city limits but within

the jurisdictional area of the Planning Board appointed by the Board of County Commissioners, who may at the discretion of the Board of County Commissioners be employed by or hold public office in the county.

B. Two (2) official members who reside within the city limits appointed by the City Council, who may at the discretion of the City Council be employed by or hold public office in the city.

C. Two (2) citizen members who reside within the city limits to be appointed by the Mayor of the city.

D. Two (2) citizen members who reside within the jurisdictional area of the Planning Board appointed by the Board of County Commissioners.

E. One (1) member to be selected by the members hereinabove provided for from the members of the Board of Supervisors of the conservation district.

If there is no member of the Board of Supervisors of a conservation district who is able or willing to serve on the Planning Board, then the ninth member of the Planning Board shall be selected by the eight official and citizen members hereinabove provided for with the consent and approval of the Board of County Commissioners and the City Council.

SECTION 2. QUALIFICATIONS OF CITIZEN MEMBERS

The citizen members of the Planning Board shall be resident freeholders in the area over which the Planning Board has jurisdiction, provided, however, that at least two (2) of such members shall be resident freeholders in the area, if any, outside the city limits over which the Planning Board has jurisdiction and the two (2) members appointed by the County Commission shall reside outside the city limits but within the jurisdiction area of the Planning Board.

SECTION 3. TERMS OF OFFICE

The terms of the members who are officers of any governmental unit represented on the board shall be co-extensive with their respective terms of office to which they have been elected or appointed. The terms of the other members shall be two 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 one or two years in order that a minimum number of terms shall expire in any year.

SECTION 4. ATTENDANCE

1. Members may be replaced by a majority vote of the governing body of the governmental unit represented if any appointee member misses more than three (3) consecutive regular meetings or more than five (5) regular meetings in any calendar year without giving notice of their intended absence to the Board in advance of the absence.

ARTICLE V MEETINGS

SECTION 1. REGULAR MEETINGS

A regular monthly meeting shall be held the second (2) Monday of each month at 7:00 p.m. at the official seat of the Planning Board. 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 Secretary/Treasurer to the members of the Planning Board. Notice of all regular meetings shall be postmarked at least four days (96 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 five days prior to the second Monday 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 sent 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 will follow the format shown:

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

- J.) Staff reports
- K.) Adjourn

SECTION 6. PUBLIC HEARING PROCEDURE

- A.) Chairperson opens hearing.
- B.) Applicant presents proposal.
- C.) Planning staff summarizes and presents recommendations.
- D.) Those in favor speak - 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.
- E.) Those opposed speak - same procedure as in D above.
- F.) Applicant is allowed to rebut opposition.
- G.) Chairperson declares hearing closed.
- H.) Planning Board discussion and vote - during this time, neither the applicant nor the audience is allowed to speak. The staff responds only to direct questions from the Planning Board members.
- I.) After all discussion has ended, the chairperson will entertain a motion concerning the application. The Planning Board shall then make a motion to recommend approval, conditional approval, or denial of 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 transaction of business and no official actions may be taken without a quorum.

SECTION 8. MOTIONS

Motions may be restated by the Secretary/Treasurer 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 of Hardin or the 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. 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 11. PARLIMENTARY 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 12. 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 to specific actions.

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 that 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 may be specified. The Secretary/Treasurer 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 a 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, provided that the proposed amendments have been submitted in writing at the preceding regular meeting.

ADOPTION:

These Hardin-Big Horn County City/County Planning Board By-Laws were adopted at the regular meeting of the board on April 14, 1997 and were amended by unanimous vote at October 9, 2023 meeting of the Planning Board.