

CITY OF RED LODGE
PLANNING BOARD AND ZONING COMMISSION
BY-LAWS

ARTICLE I – NAME

The official name of the organization shall be "The City of Red Lodge Planning Board and Zoning Commission".

ARTICLE II – OFFICIAL SEAT

The official seat of the Planning Board and Zoning Commission shall be in the Red Lodge City Hall at Red Lodge, Montana, and meetings shall be held there except on such occasions and at such times as the Planning Board and Zoning Commission by majority vote of those present at any regular, recessed or special meeting, may otherwise direct.

ARTICLE III – OFFICERS

SECTION 1. TITLES OF OFFICERS.

The elective officers of the Planning Board and Zoning Commission shall consist of a Chair and Vice-Chair. The Executive Officer is an appointed officer.

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 at the first regular meeting in March of each year. The election shall follow immediately thereafter. Officers shall be nominated and elected from the appointed members only. 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 when elected and shall serve in such office a term of one year.

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. Chair

The Chair shall preside at all meetings and public hearings of the Planning Board and Zoning Commission and shall call special meetings when they deem them necessary or is required to do so by law or these by-laws. They shall appoint all committees, shall be an ex-officio member of each, without power to vote. They shall certify expenditure of Planning Board and Zoning Commission funds and shall sign the minutes of Planning Board and Zoning Commission meetings and all official papers and plans involving the authority of the Planning Board and Zoning Commission which are transmitted to the City Council. The Chair shall have the privilege of discussing all matters before the Planning Board and Zoning Commission and voting thereon. The Chair shall have all the duties normally conferred by parliamentary usage on such officers and otherwise provided in these by-laws, in other Planning Board and Zoning Commission resolutions, city ordinances, or city regulations.

B. Vice-Chair

The Vice-Chair shall assume the duties and powers of the Chair in their absence or disability. If the Chair and Vice-Chair are both absent, the members may elect a temporary chairman by a majority of those present at a regular, recessed or special meeting, who shall assume the duties and powers of the Chair and Vice-Chair during their absence.

C. Executive Officer

The City of Red Lodge shall supply the Planning Board and Zoning Commission with a person who shall keep the minutes of all regular, recessed and special meetings of the Planning Board and Zoning Commission and, such minutes shall be approved by the Planning Board and Zoning Commission. They shall also keep the minutes of Planning Board and Zoning Commission's committee meetings when asked to do so. They shall give notice of all regular and special meetings of the Planning Board and Zoning Commission and, 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 and Zoning Commission. The Executive Officer shall maintain a file of all studies, plans, reports, recommendations and official records of the Planning Board and Zoning Commission and perform such other duties as are normally carried out by an Executive Officer as the Planning Board and Zoning Commission may determine. The Executive Officer shall also carry out any additional duties directed by the Planning Board and Zoning Commission.

ARTICLE IV – ORGANIZATION OF THE BOARD

SECTION 1. REPRESENTATION

Membership of the Planning Board and Zoning Commission shall be in accordance with Montana Code Annotated 76-1-221 (2021) and consist of not less than seven (7) members to be appointed as follows:

- (a) one member to be appointed by the City Council from its membership;

(b) 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 in which the City is located;

(c) one member to be appointed by the Mayor upon the designation by the County Commissioners of the County in which the City is located;

(d) 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 under this chapter and two of whom shall be resident freeholders within the City limits.

SECTION 2. TERMS OF OFFICE

The terms of the members shall be three (3) years. Said terms shall be staggered such that half of the members' terms expire in odd numbered years and the other half expiring in even numbered years. The only exception to this rule is the member appointed by the City Council from its membership whose membership on the Planning Board and Zoning Commission is at the pleasure of their peers on the City Council.

SECTION 3. ATTENDANCE

Members may be replaced if any member misses more than two (2) unexcused regular meetings and/or work sessions, or more than eight (8) regular meetings and/or work sessions in a calendar year. The Chair shall note the absences at regular scheduled meetings and shall set the issue on the next regular meeting at which time the Planning Board and Zoning Commission may vote to request that the Mayor or City Council replace the member for cause.

Virtual attendance counts as present. Members are expected to attend the majority of regular meetings and work sessions in person.

ARTICLE V – MEETINGS

SECTION 1. REGULAR MEETINGS and WORK SESSIONS: Time and Place

Regular meetings and work sessions shall be held the second (2nd) and fourth (4th) Wednesday of each month at Red Lodge City Hall at 5:30 p.m. The meetings shall be called to order at 5:30 p.m., but not later than 5:35 p.m. Any change in the hour, date and place of regular meetings or work sessions shall be posted at City Hall and the Red Lodge U.S. Post Office.

Any future meeting(s) may be canceled by a majority vote of members present at any regularly scheduled meeting, and/or by written notice by the Chair if no items are scheduled to be heard by the board.

SECTION 2. RECESSED MEETINGS

Any regular meeting may be recessed to a definite time and place by a majority vote of the Planning Board and Zoning Commission members present at the meeting.

SECTION 3. SPECIAL MEETINGS

Special meetings may be called by the Chair and/or may be called upon the written request to the Executive Officer by any two (2) members of the Planning Board and Zoning Commission, by the City Planner or Community Development Department.

SECTION 4. NOTICE OF MEETINGS

Written notice of all regular and special meetings shall be given by the Executive Officer to the members of the Planning Board and Zoning Commission except as herein provided. Notice of all regular meetings shall be given at least four days (96 hours) prior to the meetings. Notice of all special meetings and work sessions shall be given at least two days (48 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 and Zoning Commission at such meetings. The agenda of all regular meetings will be closed six days before the regular meeting of each month. Petitions and communications from the audience and matters brought to the meeting by the 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 and Zoning Commission meeting which is not included in the agenda of such meeting or which has been added to the agenda after it is provided to the Planning Board and Zoning Commission members. This agenda requirement may be suspended by a super majority (75%) vote of the Planning Board and Zoning Commission members present at the meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed during a regular meeting at which all members are present.

SECTION 5. ORDER OF BUSINESS

- A.) Call to order by the President
- B.) Roll call
- C.) Approval of minutes of previous meeting
- D.) Public hearings
- E.) Regular business
 - 1.) Old Business
 - 2.) New Business
 - 3.) Written Correspondence

- F.) Staff Communications
- G.) Petitions and communications from the audience (Not for items on the agenda.)
- H.) Adjourn- Next Meeting and Anticipated Attendance

SECTION 6. PUBLIC HEARING PROCEDURE

A.) The Chair opens the public hearing and places the staff report into the record by reference. The rules and procedures of the public hearing are explained to the participants in attendance.

B.) The Executive Officer, or City Planner gives any oral presentation required describing the application and outlining his/her written report.

C.) The applicant shall make a presentation to the Planning Board and Zoning Commission describing the request and making his/her arguments for approval of the request.

D.) The Chair shall request input from the public, either written or oral, on the request.

E.) After every person has had a reasonable opportunity to speak, the Chair shall declare the public hearing closed. The Planning Board and Zoning Commission may continue discussing the application and may direct relevant questions to the applicant, Executive Officer, staff, or members of the public. There shall be no debate allowed between the public, applicant or staff. All questions and responses will be directed from and to the Chair .

F.) After all discussion has ended, or the Chair has determined sufficient time has been spent on the issue, he/she will entertain a motion concerning the application.

G.) A public hearing is by nature quasi-judicial. Therefore, members cannot ask for or accept any input from the public outside of the hearing process on an application which will be part of a public hearing unless the member states on the record at the public hearing the type, extent and source of the information received outside of the hearing, and the Chair allows the applicant a reasonable amount of time to respond to such information. At no time during the hearing can a member or citizen ask for, or receive, a show of hands for or against a public hearing item.

SECTION 7. QUORUM

A majority of the Planning Board and Zoning Commission shall constitute a quorum for the transaction of business and the taking of official action. No official transaction of business or official actions may be taken without a quorum. In all cases a quorum is four (4) members.

Virtual attendance which allows the member to actively participate in discussion shall count towards quorum and said member shall be allowed to vote.

SECTION 8. MOTIONS

Motions shall be restated by the Executive Officer or Chair before a vote is taken. The names of the members making, seconding and voting for or against 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, recessed or special meeting of the Planning Board and Zoning Commission shall be deemed and taken as the action of the board. Voting on all matters requiring a public hearing before the Planning Board and Zoning Commission and all matters referred to the Planning Board and Zoning Commission by the City Council shall be by roll call vote and the vote of each member shall be recorded, for or against the motion, in the minutes of the meeting.

SECTION 10. STAFF REPORTS

On all matters considered by the Planning Board and Zoning Commission, the report and recommendation, if any, of the City Planner, Executive Officer or appropriate committee shall be presented to the board and shall be made part of the record and by reference recorded in the minutes of the meeting.

SECTION 11. PARLIAMENTARY PROCEDURE

Parliamentary procedure in Planning Board and Zoning Commission meetings shall be governed by Roberts Rules of Order, Revised, unless specifically provided otherwise in these by-laws, in other Planning Board and Zoning Commission resolutions, city ordinances or city 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, unless attorney/client privilege is required, subject to the Montana Open Meeting Act, 2-3-201 through 2-3-221, MCA, and the Montana Public Records Act, 2-6-101 through 2-6-604, MCA.

ARTICLE VI – COMMITTEES

SECTION 1. ESTABLISHMENT OF COMMITTEES

The Planning Board and Zoning Commission 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 and Zoning Commission to a specific action or recommendation.

SECTION 2. APPOINTMENT AND TERMS OF COMMITTEE MEMBERS

The Chair of the Planning Board and Zoning Commission shall appoint at least two (2) members to each committee and shall name the Chair of each committee.

SECTION 3. COMMITTEE VACANCIES

Vacancies on committees shall be filled at the next regular meeting of the Planning Board and Zoning Commission.

SECTION 4. MEETINGS OF COMMITTEES

All committees shall meet at the call of the committee Chair provided that the Chair of the Planning Board and Zoning Commission shall also have the authority to call a special meeting of any committee at any time and upon such notice as he/she may specify. The Executive Officer shall issue notice of the committee meetings at the request of a committee Chair or the Chair of the Planning Board and Zoning Commission.

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 shall be required for the adoption of a matter before the committee.

ARTICLE VII- STANDARDS OF CONDUCT

SECTION 1. CONFLICT OF INTEREST

A Planning Board and Zoning Commission member who is aware of a conflict of interest must request to be withdrawn from all deliberation and decisions by declaring to the Chair that a conflict of interest may exist. The Chair shall make a determination if a conflict does exist, and if so found, the Chair shall excuse the member from the meeting, and the member must leave the table during the presentations, hearing, and deliberations on the item. Failure to report a potential conflict of interest potentially discredits the member and upon its discovery is cause for removal from the Planning Board and Zoning Commission.

SECTION 2. VOTING

Unless excused from the meeting by the Chair as allowed in 'Section 1' above, all members must vote either for or against any motion on the floor. Voting "present" "abstentions" or other methods of failing/refusing to vote are specifically disallowed on any public hearing item or application pending before the Planning Board and Zoning Commission. Failure to comply with this rule is cause for removal from the Planning Board and Zoning Commission.

SECTION 3. EX-PARTE COMMUNICATIONS

- A. Actively seeking or encouraging ex-parte communications during a formal process potentially discredits the Planning Board and Zoning Commission and the quasi-judicial nature of Planning Board and Zoning Commission business. A member found to be actively seeking or encouraging ex-parte communication may be censured by the Planning Board and Zoning Commission, asked to resign, or recommended for removal from the Planning Board and Zoning Commission for cause.
- B. Planning Board members may seek communications and consultation outside of the Board during informal discussion related to topics of legislative matters and policy.

ARTICLE VIII – AMENDMENTS

SECTION 1. AMENDMENTS

These by-laws may be amended at any regular meeting by the affirmative vote of a two-thirds majority of the Planning Board and Zoning Commission, provided that the proposed amendments have been submitted in writing at the preceding regular meeting.

ADOPTION:

These **Red Lodge City Planning Board and Zoning Commission By-Laws** were presented at the meeting of the City of Red Lodge Planning Board and Zoning Commission and were adopted by the board on JULY 12TH, 2023.

A handwritten signature in black ink that reads "Al Bloomer". The signature is written in a cursive style and is positioned above a horizontal line.

Al Bloomer, Chair

City of Red Lodge Planning Board and Zoning Commission