

BIGFORK LAND USE ADVISORY COMMITTEE
BY-LAWS

PREAMBLE:

The Bigfork Land Use Advisory Committee, hereinafter referred to as the Committee, shall be governed by the provisions of all applicable statutes, local laws, ordinances, resolutions and particularly the Bigfork Neighborhood Plan (BNP).

STATEMENT OF PURPOSE:

The Bigfork Land Use Advisory Committee (BLUAC) shall act in an advisory capacity for official Flathead County land use decision-making boards and Flathead County Commissioners concerning applications and proposals for growth and development projects within the Bigfork Zoning District of Flathead County, Montana. The Committee shall act as a liaison between Bigfork citizens and the County in providing useful and beneficial information utilizing citizen input concerning issues of interest and concern to the community, and shall provide leadership and expertise in supporting community efforts to secure orderly growth and development within the defined land use area.

JURISDICTION:

The Bigfork Land Use Advisory Committee shall have advisory jurisdiction over all those lands within the boundaries of the Bigfork Zoning District (BZD), as referenced in the Bigfork Neighborhood Plan.

FCPZ SUPPORT:

The Flathead County Planning and Zoning office (FCPZ) shall provide technical assistance and support to the BLUAC.

MEMBERSHIP:

The committee shall consist of 7 voting members.

Any Committee member who misses 3 consecutive regularly scheduled monthly meetings, or a total of 5 regularly scheduled monthly meetings in the fiscal year June 1 to May 31, shall vacate the position and not be eligible to re-apply for one year. (MCA 7-3-43.22).

Vacancies occurring on the Committee shall be filled within 30 days after a public notice of 30 days is given. Appointments shall be by the BLUAC. Flathead County Commissioners shall be duly notified. Appointees will serve until the next election. The elected term for replacement will expire on original 3-year term date of member replaced.

QUALIFICATIONS:

Members must be registered voters within the jurisdiction for a minimum of two years. Persons meeting the qualifications, who wish to be nominated for election to the committee, shall file a nominating petition containing the signatures of 5 citizens registered to vote in the BZD of Flathead County with the Flathead County Elections Department at least 75 days before the election.

3. Secretary: A Secretary, elected annually by the Committee, shall be responsible for keeping minutes and recording attendance. Minutes of each meeting shall be forwarded in a timely fashion to BLUAC, Flathead County Planning and Zoning, Flathead County Planning Board and Board of Adjustment and the public in “draft form” until minutes are approved at the next regular BLUAC meeting, and then forwarded in “final form” to the aforementioned agencies.

MEETINGS:

All meetings shall operate under Robert’s Rules of Order, most recent edition, and shall be open to the public. Meetings will be conducted in accordance with the Policies and Procedures as set forth in Appendix A.

A quorum shall consist of four (4) Committee voting members in attendance at a duly called meeting.

The Bigfork Land Use Advisory Committee shall meet as necessary and at least annually at a time and place to be determined by the Committee.

Special meetings may be called by the Chairman or any four (4) Committee voting members at any time provided that the Committee members and the public receive at least 48 hours notice. Public notice will be provided as required by law.

The BLUAC Secretary shall provide committee agendas at least five working days prior to FCPZ for posting on the FCPZ web page.

DUTIES:

1. Review and give recommendations on all BZD applications pending before FCPZ.
2. Solicit input from the community at large, as well as adjoining landowners, as scales of projects warrant.
3. Forward written recommendations to the FCPZ, in a timely fashion on all reviewed projects.
4. When appropriate, offer amendments to the BNP and any associated regulations, to keep them current, to improve efficiency, and to address problems.
5. Process and forward reported discrepancies of the BNP and associated County regulations to the proper authorities.

APPLICATIONS:

Applicants shall present proposals to Flathead County Planning & Zoning for review by BLUAC at a scheduled BLUAC public meeting.

1. Immediately upon a FCPZ determination that the application is sufficient, a copy of the application and all pertinent information shall be forwarded to each of the BLUAC

members. The information shall note the time frame for the Committee's response and provide a list of the names and addresses of the adjoining property owners.

2. The FCPZ shall notify all adjoining property owners within 150 feet or as local regulations require and shall note in the notice the time and place of the next Bigfork Land Use Advisory Committee meeting. In addition, FCPZ shall reference the BLUAC meeting in the legal notice placed in the official county newspaper.
3. In addition to notices sent out by the FCPZ, the BLUAC may place written notice at convenient places throughout the region or within the immediate vicinity of the property in question as deemed appropriate or necessary by the BLUAC.
4. BLUAC members shall review the property in question.
5. BLUAC may hold additional neighborhood meetings to air issues and receive input.
6. Recommendations shall be forwarded in writing within five days following the BLUAC meeting to the FCPZ, and shall be included in all further reports by FCPZ, to the Flathead County Planning Board, Board of Adjustment, the Flathead County Commissioners or other entities.

AMENDMENTS:

When duly noticed, these by-laws may be amended at a regular meeting by a two-thirds (2/3) vote of the Committee and approval of the County Commissioners. The pending amendment shall be included in the regular BLUAC meeting agenda.

COMMITTEES:

Committees may be appointed from time to time, as required by BLUAC; such committees shall follow Montana Code Annotated open meeting laws.

ADOPTED: February 5, 1996

AMENDED: December 19, 2000

AMENDED: December 8, 2005

AMENDED: February 20, 2007

AMENDED: April 24, 2008

AMENDED: April 30, 2009

AMENDED: April 26, 2012

LIMITED COMMITTEE MEMBERSHIPS:

No member of this Committee may serve on a Flathead County Planning & Zoning Committee or Board of Adjustment unless requested to do so as an ad hoc position requested by the Flathead County Commissioners.

TERMS AND ELECTIONS:

Six of the members shall be elected to the BLUAC for three year terms. The election shall be held on the first Tuesday after the first Monday of May of each year. Two members will be elected at each May election. Terms for elected members will begin on June 1 following each May election.

The seventh member shall be a member-at-large selected by the committee annually.

Members may be elected to successive terms. Service on the Committee shall be voluntary. There shall be no financial remuneration for services.

CODE OF ETHICS:

The holding of public office is a public trust, created by the confidence, which the electorate reposes in the integrity of public officers and appointees. BLUAC members and official appointees shall carry out his/her duties for the people of the Bigfork Zoning District.

No BLUAC member or any person acting on BLUAC’s behalf shall:

Use Committee business or information in the course of his/her duties to further substantiate or benefit his/her personal economic interest;

Accept a gift of substantial value or substantial economic benefit tantamount to a gift related to the carrying out of specific business of the Committee;

Acquire an interest in any business or undertaking which he/she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by this Committee.

CONFLICT OF INTEREST:

A member of the Committee shall declare any conflict of interest due to financial or personal interest in any matter before BLUAC and shall not enter into Committee debate nor vote.

OFFICERS:

- 1. Chairman: The Chairman shall be elected annually from within the committee by the Committee members. The Chairman will preside over all meetings (but may appoint a “meeting facilitator”, call special meetings from time to time as needed, direct the work of the Committee and serve as a voting member.
- 2. Vice Chairman: A Vice Chairman shall be elected annually from within the Committee by the Committee members. The Vice Chairman shall act as Chairman in the Chairman’s absence and serve as a voting member.

BIGFORK LAND USE ADVISORY COMMITTEE
POLICIES & OPERATING PROCEDURES
Appendix A

Definitions:

BLUAC or the Committee: Bigfork Land Use Advisory Committee.

FCPZ: Flathead County Planning and Zoning Office.

Meetings:

Public Notice will be provided on the Flathead County website.

Agenda:

Agendas for all meetings shall be posted a minimum of 48 hours prior to meeting as set forth above.

Procedures and Conduct of Official Meetings:

To ensure the meeting is conducted in an orderly, fair and timely fashion, the following rules shall be followed:

- Comments should be limited to a maximum of 5 minutes per person on a one-time per agenda item basis. Comments both in favor of and opposed to the application will be heard simultaneously.
- The public and applicants shall at all times address comments and questions to BLUAC. The Committee in turn will involve the appropriate FCPZ staff person and/or presenter as needed.
- Committee review of written comments not included in the packet of information shall, if possible, be performed prior to the start of the meeting.

Order of Business:

- Call to Order
- Approval of Agenda
- Approval of Minutes
- Administrator's Report and Announcements
- Public Comments
- Application Submittal by FCPZ: read by chair
 - Staff report on each application.
 - Report by the applicant and presenters.
 - Comments by Public Agencies
 - BLUAC may ask questions at any time.
 - Open to public comment both in favor or opposed.
 - Close public comment. (No more public comment on that item)
 - Staff response to all issues presented.
 - Response by applicant and presenters.
 - Further written questions from the public on any new information not covered in prior comments, may be submitted to the Chair until action is taken.
- Committee Action
 - Discussion among Committee members.
 - Summarize public comment and explain how such comment factors in the decision.
 - No further public input unless initiated by Committee member.
 - Request motion, second, any further discussion, Chair states motion, vote.

ADOPTION:

The foregoing Bylaws were adopted by the Bigfork Land Use Advisory Committee on April 26, 2012.

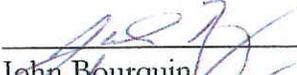
BIGFORK LAND USE ADVISORY COMMITTEE:



Shelley Gonzales, Chairman



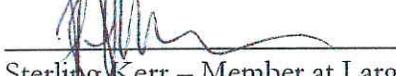
Paul Guerrant, Vice-Chairman



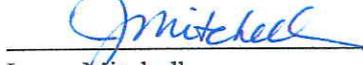
John Bourquin



Susan Johnson



Sterling Kerr – Member at Large

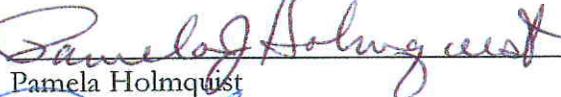


Joyce Mitchell

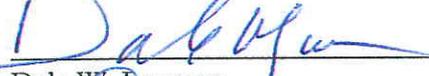
John Righetti

Approved by the Flathead Board of County Commissioners on July 10, 2012

COMMISSIONERS
Flathead County, Montana



Pamela Holmquist



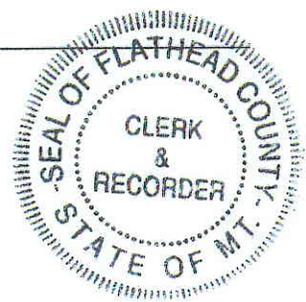
Dale W. Lauman



Cal Scott

ATTEST:
Paula Robinson, Flathead County Clerk & Recorder

By: 
Deputy



- Chair restates the decision as official recommendation.

- Proceed as above for each additional agenda item
- Close of FCPZ applications.
- Committee Reports
- Old Business
- New Business
- Adjourn the meeting

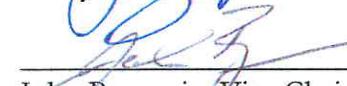
Follow-up on Applications:

A Committee member or designate will follow-up on the County actions taken on applications so BLUAC may communicate with the community to keep them informed.

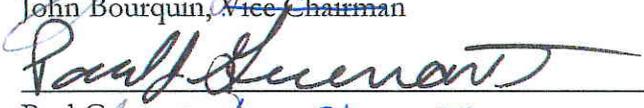
The foregoing Policies and Operating Procedures were adopted by the Bigfork Land Use Advisory Committee on April 26, 2012.



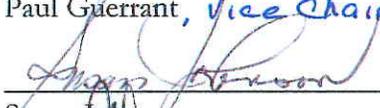
Shelly Gonzales, Chairman



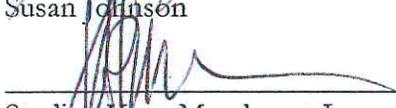
John Bourquin, Vice Chairman



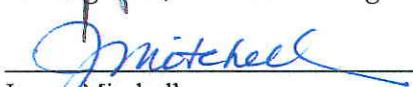
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