

FLATHEAD COUNTY PLANNING BOARD

CODE OF ETHICS RULES AND PROCEDURES

The Planning Board shall be governed by the provisions of all applicable statutes, local laws, ordinances, resolutions and these Board Rules. Robert's Rules of Order, 10th Edition, as revised, shall serve as guidelines for the Planning Board's proceedings, except as specified otherwise by Planning Board Rules and Procedures.

OFFICERS AND DUTIES

1. Chair and Vice-Chair:

The Board shall elect annually from its members by a majority vote a Chair and Vice-Chair who may be elected to succeed themselves. The Chair, or in his or her absence or incapacity, the Vice-Chair, shall decide all points of order or procedure and may administer oaths and compel the attendance of witnesses. The election of the Chair and Vice-Chair shall be held at the first regular meeting of the Board each year. Both Chair and Vice-Chair shall have the same right to act on matters before the Board as other members, including the right to make and second motions.

2. Secretary:

The Secretary shall be a member of the staff of the Flathead County Planning & Zoning Office. The Secretary shall keep all records, give notice, conduct all correspondence of the Board, and supervise the clerical work of the Board. The Secretary shall keep a minute book of the proceedings of each meeting and hearing which shall include the vote of each member on each question, or if absent or failing to vote, indicating such fact, the names of all witnesses, a summary of the facts to which they testify and the decision rendered by the Board and other official actions of the Board.

MEETING PREPARATION

1. Site Visits:

- a) Official visits to specific sites by a quorum of Board members shall be announced and scheduled according to the Montana State Open Meeting Law, MCA 2-3-201. Site visits are an extension of the board meeting and are open to the public. If there is a quorum present, minutes are to be taken, and be approved and recorded at the next scheduled meeting.

Site visits by individual Board members should be conducted prior to the meeting and are not subject to the Montana State Open Meeting Law.

- b) It is the responsibility of individual Board members to review all materials sent in preparation for the meeting. Staff will make every attempt to provide Board members a packet of information no later than 15 days prior to a scheduled meeting.

MEETINGS

1. Quorum:

- a. A majority of the members of the Board constitutes a quorum.
- b. An action of the Board is not official, unless a quorum is present and unless the action is authorized by a majority of the quorum at a regular meeting or properly called special meeting. (HB-265/ effective once passed)

2. Time of Meetings:

- a. Regular meetings shall be held on the second and third Wednesday of each month at 6:00 P.M., or at such other hour as the Chair may designate. The second regular meeting may be cancelled if all agenda items can be covered during the first meeting.

Additional meetings may be established by the Chair in consultation with planning staff.

- b. Special Meetings may be called by the Chair at any time, provided at least 48 hours written notice is sent to each member by the Secretary before a Special Meeting is held. The Chair shall call a Special Meeting within ten (10) days of receipt of a written request from any two members of the Board. Written notice of a Special Meeting is not required if the time of the Special Meeting has been determined during a regular meeting or if all members are present at the Special Meeting.
- c. Regular meetings may be concluded at 11:00 P.M., at the discretion of the Chair. Any agenda item not considered prior to 11:00 P.M. will be rescheduled to the next regularly scheduled meeting.

3. Place of Meetings:

The regular and Special Meetings of the Board shall be held in the 2nd Floor Conference Room in the Earl Bennett Building, 1035 First Avenue, Kalispell, or in any other place designated by the Chair. The Chair, either prior to or during the meeting, may change the location of the meeting because of unforeseen reasons such as non-availability of the meeting room or overcrowding.

4. Cancellation of Meetings:

Whenever there is no business to be considered at a regular meeting, the Chair may dispense with such meeting by notifying each member at least 48 hours prior to the time set for such meeting.

5. Order of Business:

The order of business shall be:

- a. Call to Order and Roll Call.
- b. Recite the Pledge of Allegiance.
- c. Approval of Minutes.
- d. Public Comment (anything not related to an agenda item)

- e. Consent Agenda Items (if appropriate)
- f. Public Hearings and Actions.
- g. Other Actions.
- h. Old Business.
- i. New Business.
- j. Adjournment.

6. Voting on Matters Before the Board:

- a. Board members may participate and vote on any item carried over from previous meetings; even if the member was absent at relevant initial meeting or meetings, as long as the member has reviewed pertinent information and materials and is knowledgeable about the application or action. It is the Board members' responsibility to become knowledgeable regarding agenda items.
- b. All matters involving a recommendation to the County Commissioners shall be decided by roll call vote. Votes of the members shall be recorded in the minutes. In the event of a tie vote, the proposition being voted has not been acted on and no recommendation is forwarded to the Board of County Commissioners.

7. Conflict of Interest and Disclosure:

- a. A Board member is prohibited from the following:
 - i. Participating in any official action affecting the Board member's own financial or material interests, or that of his or her immediate family or his or her firm, partnership or association.
 - ii. Using the position to obtain an unwarranted privilege.
 - iii. Acting in a manner that would cause a reasonable person to conclude that the Board member can be improperly influenced or that a person could unduly enjoy the Board member's favor in the performance of his or her official duties.
- b. When uncertainty arises as to the application of paragraph (a) above to a Board member in particular circumstances, the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and nonbinding, and may not be requested by persons other than Board members.
- c. Any Board member who believes he or she should not participate in the discussion, and vote on any issue, shall recuse himself or herself and publicly disclose in the official record the nature and extent of any direct or indirect financial or other private interest held in such application.

d. It is the responsibility of each member of the Board to fully disclose any material information obtained by any means, regarding an application, to the full Board.

8. Continued Absence from Meetings:

If a Board member misses three consecutive meetings or more than four meetings in a calendar year, without a legitimate reason, the Chair shall inform in writing the governing body that appointed the member and may recommend appropriate action.

9. Consent Agenda:

Any Planning Board agenda item which, in the judgment of the Chair or the Planning Department, represents a simple, straightforward matter may be placed on the Consent Agenda section of the agenda for recommended action. All items appearing on the Consent Agenda of any meeting may collectively be passed by a majority vote of the Board. No item shall remain on the Consent Agenda if any member, for any reason, requests that the particular item be removed. Any persons of the public may request that a Consent Agenda item be heard separately. Any item removed from the Consent Agenda shall be considered separately after the Consent Agenda items unless the Board votes to consider it elsewhere on the agenda.

10. Workshop Sessions:

a. A Workshop Session primarily consists of matters for in depth discussion or educational purposes. General or specific planning, procedural information, or work updates on particular topics, as provided by planning staff or consultants, are appropriate matters. Workshop Sessions are not public hearings, but might be held to discuss particular applications that will eventually be the subject of a public hearing before the board. Accordingly, Workshop Sessions may be less formal than Regular or Special Meetings; public comments must be allowed.

b. The Board may conduct Workshop Sessions as deemed necessary. Such sessions shall be subject to all provisions of the Montana State Open Meetings Law.

11. Committees:

a. The Board may create committees, as needed, to address planning topics and activities. A committee shall be created by official action at a regularly scheduled meeting. When created, all committee meetings shall be subject to the Montana State Open Meetings Law. All committee findings and recommendations shall be forwarded to the Board for action.

PUBLIC HEARINGS

1. Matters Requiring Public Hearings:

A public hearing shall be held on matters when required by statute or local regulation. In addition, the Board may decide to hold a public hearing on any matter on which it deems it necessary or advisable to receive public input.

2. Notice of Hearing:

The Flathead County Planning & Zoning Office shall be responsible for giving notice or notices of the public hearing which may be required by statutes, local regulations, or ordinances. The public hearing notice, at a minimum, shall include:

- a. Purpose of the hearing.
- b. Description of the property involved.
- c. Location of the property involved.
- d. Date and time when the hearing will be held.
- e. Place where the hearing will be held.
- f. Place where additional information on the subject matter can be obtained. No matter involving public hearing shall be decided until after due notice has been given and a public hearing has been held thereon. The information and the file on the matter involving public hearing shall be available for public review in the Flathead County Planning & Zoning Office during regular office hours.

3. Procedure for Public Hearings:

The order of procedure in the hearing of each case at a public hearing will generally be as follows:

- a. Reading of the public notice for hearing by the President.
- b. Report by the staff.
- c. Presentation by the applicant or his representative.
- d. Comments from public agencies.
- e. Review of written comment submitted prior to the meeting.
- f. Witnesses commenting on the proposal.
- g. Rebuttals by applicants.
- h. Rebuttals by staff.
- i. Board questions.
- j. Board discussion and motion(s).
- k. Findings and action on the motion.

The Chair or any member of the Board may require any witness to swear or affirm that his or her statements of facts are true.

4. Conduct for all Public Hearings:

- a. Any person wishing to comment shall be recognized by the Chair and shall give his or her name and address. The Chair shall have the discretion to limit public comment to no less than 3 minutes per person.
- b. The Chair shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The Chair shall reserve the right to terminate or adjourn the hearing in the event the discussion becomes unruly or unmanageable.

DECISIONS AND RECOMMENDATIONS

The Board Secretary shall transmit in a letter form, to the governing body, the decision or recommendations of the Board, together with the planning staff report and other relevant information, which will be useful for the governing body in making its decision. Such transmittal shall take place no later than ten (10) days after the Board's meeting in which the decision or recommendation was made, and must be signed by the Chairperson or the Zoning Administrator.

RESOLUTIONS

Whenever the Board action is required to be in the form of a formal resolution, it will carry a resolution number and date of passage and will be signed by the Chair of the Planning Board.

POLICIES

Per 76-1-305(1) M.C.A., the Board may adopt policies to guide administration of the affairs of the Board. These policies shall be adopted and/or amended following the amendment process outlined herein. Adoption and amendment of Board administrative policies shall be recorded in a separate document and kept on file at the Flathead County Planning and Zoning Office. Administrative policies shall be available during normal business hours for public inspection.

AMENDMENTS

These Rules may be amended at any regular meeting by an affirmative vote of the majority of the members present, provided that such amendment has been presented in writing to each member of the Board at least 48 hours preceding the meeting at which the vote is taken. Any amendment to these Rules approved by the Planning Board shall be forwarded to the Board of County Commissioners for final action.

Approved by the Flathead County Planning Board May 23, 2007

Approved by the Board of County Commissioners June 4, 2007

Amended and Approved by the Board of County Commissioners April 28, 2008

Amended and Approved by the Board of County Commissioners June 4, 2008

PLANNING STAFF DUTIES

- Staff shall provide administrative assistance with applications, meeting agendas, meetings, minutes, and other duties as directed and appropriate.
- Staff shall provide a summary of considerations and recommendations based on professional evaluation of all information presented by the applicant, utilizing the provisions as set out in the Flathead County Growth Policy, Neighborhood Plans, Flathead County Zoning and Subdivision Regulations and applicable resolutions and studies.
- Staff shall participate in Planning Board meetings as requested and directed by the Board.
- Staff shall perform an on-site investigation of all applications and note if the field check does not conform to the plans submitted, or if there are questions to that effect.
- Staff shall assist the Planning Board with preparation and updates of the Flathead County Growth Policy and Neighborhood Plans, their amendments, and special studies, as directed and as appropriate.
- Staff shall assist the Planning Board with preparation and updates of the Zoning and Subdivision Regulations, their amendments, and other regulations, as directed and as appropriate.
- Staff shall work with Land Use Advisory Committees as directed and as appropriate.
- Staff shall participate in pre-application meetings with applicants and/or their representatives.
- Staff shall modify application forms as necessary.
- Staff shall provide educational materials and participate in Planning Board workshops, as directed and appropriate.
- Staff will be available to discuss regulations and applications with individual Planning Board members.