

NORTH FORK LAND USE ADVISORY COMMITTEE

BY-LAWS

ARTICLE 1

Authorization

1. The Flathead County Board of County Commissioners (Commission) adopted the North Fork Neighborhood Plan on March 10, 1987, Resolution No. 627. On June 12, 2008 the Commission adopted revisions to the North Fork Neighborhood Plan, Resolution No. 2143A. The North Fork Land Use Advisory Committee (Committee) was established by Resolution No. 663 on July 23, 1987 and the method of appointment of the Advisory Committee was clarified by Resolution 663A on August 11, 1987.

ARTICLE 2

Statement of Purpose

1. The Committee shall serve as a liaison between North Fork residents and county offices addressing land use and development and provide recommendations on proposals within the North Fork land use area. The North Fork land use area, also referred to as the North Fork, shall mean the geographic area defined in the North Fork Neighborhood Plan.
2. The Committee shall formally provide a process among all landowners and residents of the North Fork area to enhance the resource values of the North Fork River drainage and allow active participation in shaping and guiding the future of the area.
3. The Committee shall also act in their capacity to periodically review and recommend revisions to the North Fork Neighborhood Plan and Zoning District.

ARTICLE 3

Duties and Responsibilities

1. The Committee shall have the duty and responsibility to:
 - A. Review and give recommendations on various North Fork land use applications being processed by the Planning and Zoning Office. Recommendations shall be based on assessing the proposals' compliance with the North Fork Neighborhood Plan and Zoning District and other applicable County and State regulations. The Committee shall be governed by the provisions of all applicable statutes, local laws, ordinances, resolutions and particularly the North Fork Neighborhood Plan.
 - B. Advise Flathead County (e.g. Planning Board, Board of Adjustment and the Commission) as appropriate, on all planning, zoning and subdivision applications related to property within the North Fork.
 - C. Solicit and encourage input from the North Fork residents, as well as adjoining landowners, regarding land use development proposals.
 - D. Forward written recommendations to the Planning and Zoning Office in a timely fashion on all reviewed projects as well as other projects affecting the North Fork.

- E. Forward reported violations of regulations associated with the North Fork Zoning Regulations to the proper authorities such as the Planning and Zoning Office and/or the Commission.
- F. Attend meetings of the Commission and other county boards and any other meetings where issues of importance to the North Fork will be discussed. Attendance may be by the entire Committee or by a designated representative.
- G. Every five years, or sooner if necessary, initiate the process needed to update and modify the North Fork Neighborhood Plan in consultation with North Fork landowners and planning officials.
- H. Keep a record of all acts and meetings for the operation of the Committee. Minutes of meetings are to be given to Committee members and may be emailed to the Planning and Zoning Office at planningweb@flathead.mt.gov.

ARTICLE 4
Terms and Appointments

1. Number and Qualifications:

- A. There shall be nine (9) Committee members as follows: six (6) representatives of the North Fork Landowners' Association (NFLA) Board of Directors, one (1) representative from the North Fork Compact, one (1) representative from the North Fork Preservation Association and one (1) member-at-large appointed by the County Commissioners as a County Representative serving a three (3) year term.
- B. Special committees may be appointed by the Committee for purposes and terms which the Committee approves. These special committees shall report all analyses, findings and recommendations to the Committee for consideration. The Committee is responsible for forwarding all recommendations to the Planning and Zoning Office and/or Commission.

2. Selection and Term:

- A. Each respective organization shall submit names to the Board of County Commissioners for appointment or reappointment as terms of office expire or positions are vacated.
- B. Terms of committee members shall be for one year running from the first Monday following the first Saturday of August, except for the county appointed member-at-large who shall serve a 3-year term.
- C. Service on the Committee shall be voluntary. There shall be no financial remuneration for services.
- D. When a Committee vacancy occurs, the remaining committee members will suggest and forward to the Commission the name of a replacement from the same entity where the vacancy occurred to fill the remaining term.

3. Resignation and Termination:

- A. The Committee shall notify the Commission of any member who misses three (3) consecutive meetings with unexcused absences or who has a total of five (5) unexcused absences in a calendar year, as evidenced by the approved meeting minutes, and may recommend dismissal. Members must notify the Chairman or Secretary of an excused absence prior to the scheduled start time of the meeting. The presiding officer at the meeting shall report any excused absences to the Committee and they must be reflected in the meeting minutes.
- B. Resignations from the Committee must be in writing and shall be submitted to the secretary with as much notice as practical. Any member who is unable to continue participation may be recommended to be removed from the Committee by a majority vote of the remaining members.
- C. Any member who violates the by-laws of the Committee or engages in any activity deleterious to the Committee may be recommended for removal by a majority vote of the members.
- D. Upon recommendation of removal of any member for the reasons set forth in A or C above, the Commission may, at the request of the Committee, remove that member and appoint a replacement from the same entity where the vacancy occurred to serve the remaining term of the dismissed member.

ARTICLE 5
Officers and Duties

1. Officers

- A. **Chairman:** The chairman shall be elected annually from within the Committee by the members. The chairman will preside over all meetings (but may appoint a "meeting facilitator"), call special meetings from time to time as needed, prepare meeting agendas and direct the work of the Committee and serve as a voting member.
- B. **Vice Chairman:** The vice chairman shall be elected annually from within the Committee by the members. The vice chairman shall act as chairman in the chairman's absence and shall serve as a voting member.
- C. **Secretary:** The secretary shall be elected annually from within the committee, shall be responsible for maintenance of files, records and correspondence pertaining to the Committee business, shall take minutes of meetings and distribute them to committee members prior to the next scheduled meeting, post Committee agendas and may forward Committee minutes to the Planning Office. It is strongly suggested that the secretary send a copy of the meeting agenda at least 48 hours in advance to the Planning & Zoning Office for posting of the meeting. The secretary shall act as chairman in the event the chairman and vice chairman are absent from a meeting and shall serve as a voting member.
- D. The Committee may remove any officer, at any time, from his duties upon a majority vote of the members.

ARTICLE 6

Meetings

1. Regular meetings: The Committee shall hold at least one annual meeting. Notices of meetings shall be posted by the secretary at least two days, but preferably five days, in advance to alert the public as to the agenda, location, time and place of the next meeting. Regular meetings will comply with the open meeting laws of Montana.
2. Special meetings: Special meetings of the Committee may be called by the chairman or by a quorum at any time provided that the Committee members and the public receive at least 48 hours notice. Special meetings will comply with the open meeting laws of Montana.
3. Quorum: A quorum shall consist of a simple majority of the Committee convened specifically for the purpose of a North Fork Land Use Advisory Committee regular or special meeting. Participation by telephone conference is allowed to meet a quorum. No action of the Committee may be taken unless authorized by a quorum at a regular or special meeting.
4. Rule of order: Roberts Rules of Order shall apply in all meetings of the Committee, except as expressly stated herein or unless the context requires otherwise.

ARTICLE 7

Code of Ethics

1. The holding of public office is a public trust, created by the confidence which the Commission reposes in the integrity of public officers and appointees. A Committee member shall carry out his/her duties for the people of the North Fork.
2. No committee member shall:
 - A. Disclose or use confidential information acquired in the course of his/her duties to further substantiate his/her personal economic interest;
 - B. Accept a gift of substantial value or a substantial economic benefit tantamount to a gift related to the carrying out of specific business of the committee;
3. Conflict of Interest: A member who may have a financial or personal interest in an item under consideration by the Committee shall declare that he/she may have a conflict of interest. In certain circumstances the Committee shall then decide whether such a conflict exists. If it is determined that such member has a conflict, he/she shall not vote or be part of the discussion of such item. Any disqualification shall be entered into the minutes of the meeting.
4. The attached "Principles for Civil Dialogue" shall apply to the Committee and all in attendance.

ARTICLE 8
Order of Business

1. Unless otherwise determined by the chairman, the order of business shall be:
 - A. Call to order
 - B. Roll call
 - C. Recognition of excused absences
 - D. Approval of the minutes
 - E. Public comments (which may be limited if circumstances warrant limitation, to 3 minutes each or as determined by the Committee)
 - F. Communication received
 - G. Committee reports
 - H. Unfinished business
 - I. New business
 - J. Adjournment

2. The land use application review procedure shall include:
 - A. Present application (staff or someone to present it)
 - B. Applicant presentation
 - C. Open for public comment
 - D. Committee discussion
 - E. Committee recommendation to approve, modify or deny goes to the Planning and Zoning Office to be included in the staff report. Any recommendation should be supported by “reasons why” so the county can better understand the rationale.

ARTICLE 9
Flathead County Assistance and Support

1. Legal assistance shall be provided to the Committee by the County Attorney.
2. The Flathead County Planning and Zoning Office shall provide technical assistance and support to the Committee.

ARTICLE 10
Amendments

1. Amendments to the by-laws may be introduced by any Committee member at a regular or special meeting called for that purpose. All amendments proposed must be in writing and be approved by at least a majority of the members before being submitted to the Commission for consideration and adoption.

ARTICLE 11
Severability

1. If any provision of these by-laws or any section, sentence, clause, phrase or word or the application thereof in any circumstance shall be held contrary to law, such portion is severable from the remainder of these by-laws.

ARTICLE 12
Procedures

1. All Committee meetings shall be publicly noticed and open to the public.
2. Major land use applications are activities of such a scale that they require a public hearing before a public board such as the Planning Board, Board of Adjustment or Commission. Typical activities include major subdivisions, conditional uses, and amendments to the North Fork Neighborhood Plan and changes to the County's land use regulations.
 - A. The Planning and Zoning Office shall attempt to send a copy of the application and all pertinent information to each member at least two weeks prior to the Committee meeting. The packet shall note the time frame for the Committee's response and provide a list of the names and addresses of the adjoining property owners who have been notified.
 - B. When an application is associated with a public hearing, the Planning and Zoning Office 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 Committee meeting. In addition, where possible, the Planning and Zoning Office may reference the Committee meeting in the legal notice placed in the official county newspaper, and public service announcements will be sent to local media.
 - C. In addition to the notices sent out by the Planning and Zoning Office, the Committee 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 Committee.
 - D. When possible, the Committee members shall conduct a site review of the property in question.
 - E. Based on the site review and input received at the Committee meeting, the Committee shall forward a recommendation, approved by a majority of members. This recommendation shall go to the appropriate County board and be included in the public record.
3. Minor Subdivision Applications include those that ultimately require Commission-approval but do not necessitate a public hearing. Such activities would typically include minor subdivisions but would not include routine administrative permits. No meeting of this Committee is required.

ARTICLE 13
Adoption

The foregoing by-laws were adopted by the Committee on _____, 2010.

John F. Mecher, Jr., Chairman

Jan Caldwell, Vice Chairman

Stephen C. Berg, Secretary

Randy Kenger, Member

Richard Hildner, Member

Margaret H. Hoaphy, Member

Lee Seckert, Member

Stacy Myers, Member

Mitchell R. Burgess, Member

_____, Member

_____, Member

Approved by the Flathead Board of County Commissioners on

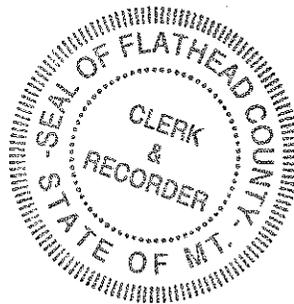
August 26, 2010.

COMMISSIONERS
Flathead County, Montana

Joseph D. Brenneman
Joseph D. Brenneman, Chairman

James R. Dupont
James R. Dupont, Member

Dale W. Lauman
Dale W. Lauman, Member



ATTEST:
Paula Robinson, Flathead County Clerk and Recorder

By Diana Klee Deputy