

MORTON COUNTY PLANNING COMMISSION BYLAWS

Section 1 **Purpose and Intent**

- (a) The Morton County Planning and Zoning Commission (Planning Commission) serves as an advisory body to the Morton County Board of County Commissioners on matters related to planning and zoning in Morton County.
- (b) The Board of Commissioners is authorized to establish a Planning Commission through NDCC Chapter 11-33 and avail itself of the powers conferred by the State of North Dakota in this and other chapters of the Century Code and the Morton County Home Rule Charter.
- (c) The Planning Commission shall assist in guiding development and land use in the county through the recommendation of a comprehensive plan and the consideration of applications for subdivision plats, zoning map amendments, special use permits, variances, and land use code amendments, according to the administrative procedures in Article 10 of the Morton County Land Use Code, as well as ordering the development of any relevant reports, studies, and plans.

Section 2 **Appointments, Terms, and Officers' Duties**

In accordance with NDCC 11-33-04:

- (a) The Planning Commission consists of nine members. At least two must be appointed from the Mandan City Commission; at most two are members of the Morton County Board of Commissioners. The other five members are appointed at large.
- (b) Initial terms are staggered then subsequent appointments for members-at-large are for terms of four years. Appointments to fill vacancies shall be for the unexpired portion of the term. All appointments to the Planning Commission shall be made by the Morton County Board of Commissioners.
- (c) At the first regular meeting of the year the Planning Commission shall elect a chairperson and vice-chairperson.
 - (1) **Chairperson:** presides at hearings and meetings of the commission and assures proper order of the commission and the public in all proceedings, signs documents of the commission, appoints subcommittees, and represents the commission before administrative bodies. The Chairperson shall decide on all points of order and procedure, subject to these bylaws and Roberts Rules of Order.
 - (2) **Vice-chairperson:** shall perform the duties and have the responsibilities of the chairperson during the absence, disqualification or disability of the chairperson.

- (3) **Chairperson – pro-tem:** when both the chairperson and vice-chairperson are absent from a hearing or meeting, the remainder of the members of the Planning Commission shall elect a chairperson-pro-tem from among their own number by majority vote.

Section 3 **Staff Duties**

The Planning Commission may utilize county staff and departments to carry out appropriate planning functions:

- (a) **Planning Director:** The Morton County Planning Director advises the Planning Commission, and Board of Commissioners on matters related to planning, development, and redevelopment; coordinates and supervises the work of all other staff and consultants; prepares all documents for presentation to the Planning Commission; and assists the Planning Commission in the exercise of their duties. The Planning Director or his/her designee shall have the privilege to address the Planning Commission during regular meetings.
- (b) **Legal Counsel:** The Morton County State's Attorney or designee shall serve as legal counsel to the Planning Commission; prepare memoranda of law as requested by the Planning Commission and review draft of ordinances, resolutions, and bylaws and their amendment.
- (c) **Secretary:** The Morton County Auditor or his/her designee shall serve as secretary to the Planning Commission and shall keep all of the records and accounts of the commission, in accordance with NDCC 11-33-05.

Section 4 **Subcommittees**

A subcommittee of Planning Commissioners may be established by the Chairperson or by a vote of the majority of the Planning Commission for the purpose of investigation and deliberation concerning one or more subjects of interest to the Planning Commission. A subcommittee must report back to the Planning Commission with findings and recommendations. No subcommittee shall have the authority to commit the Planning Commission to a vote or endorsement of any kind.

Section 5 **Meetings**

- (a) **Regular meeting:** Regular meetings shall be held monthly in the County Commission Room of the Morton County Court House. The Planning Commission shall set, by majority vote, the scheduled date and time of the regular meetings for an entire calendar year. The Planning Commission shall approve the annual meeting schedule at or prior to the regular December meeting of the prior year. Regular meetings are noticed official meetings, open to the public during which the Planning Commission deliberates and may take votes on specific items.

- (1) Extenuating circumstances may arise that necessitate that regular meetings being conducted in whole or in part by way of audio, video, or other means of teleconferencing. Meetings conducted via these methods shall be considered a regular meeting.
- (b) **Special meeting:** Special meetings can be held at any time and may be called by a majority of the Planning Commission or as directed by the County Commission. Special meetings are noticed official meetings, open to the public during which the Planning Commission deliberates and may take votes on specific items.
- (c) **Working session:** Working Sessions are ~~a~~ noticed official hearings open to the public to discuss specific matters before the commission. The intent of the working session is for information and deliberation and the Planning Commission may not take a vote during the working session.
- (d) **Subcommittee meeting:** Subcommittee meetings are noticed official hearings open to the public to discuss issues relevant to the subcommittee's assigned purpose.
- (e) Order of a Regular Meeting
 - (1) Call to order and determination of quorum.
 - (2) Approval of the minutes of the previous meeting.
 - (3) The order of items on the present agenda may be changed.
 - (4) Discussion and action concerning items on the agenda, including any public hearings.
 - (5) Other business.
 - (6) Adjournment.

Section 6 **Quorum and Voting Requirements**

- (a) A quorum of the Planning Commission shall consist of five members. In instances when a quorum is not present, the Planning Commission may discuss items on the agenda but may not cast votes.
- (b) Planning Commissioners participating in a meeting by way of audio, video, or other means of teleconferencing shall be considered present for that meeting and included in the quorum. All correspondence from a teleconferencing commissioner must be accessible to the public at the location of the meeting. A Planning Commissioner may use this option for temporary situations, such as employment travel, medical or family circumstances.
- (c) A majority of the members present shall be required to pass a motion.
- (d) All members present must vote unless excused from the vote due to a conflict of interest, according to Section 8(a)(3).

- (e) If a decision of the Planning Commission, regarding an application for which the procedures are detailed in Article 10 of the Land Use Code, results in a tie vote, the Planning Commission must then vote to determine what the next step in the application process will be. Option 1: forward the application on to the County Commission with a record of the outcome of the vote, as well as any details of the discussion that preceded the vote that the Planning Commission shall determine are advisable and proper to forward on. Option 2: continue the application to the next regular meeting of the Planning Commission.

Section 7 **Instruments and Documents**

- (a) The official instruments of the Planning Commission are the record of notice, the agenda, and the minutes of meetings.
- (b) All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, maps, photographs, staff reports, minutes of hearings and meetings shall constitute the documents of the Planning Commission and shall be indexed as a matter of public record and be maintained by the county Planning Department.

Section 8 **Meeting Attendance and Conduct**

- (a) Conduct of the Members of the Planning Commission
 - (1) Members of the Planning Commission shall make every attempt to attend all meetings and shall take such time as necessary to prepare themselves for hearings and meetings.
 - (2) Any Planning Commission member absent from three consecutive regular meetings or any six regular meetings within a calendar year, without being excused by the chairperson, will be contacted by the chairperson to discuss the absences and possible resignation.
 - (3) Any Planning Commissioner who has a direct and substantial personal or pecuniary interest in a matter before the Planning Commission shall disclose this fact to the Planning Commission at the time the agenda is approved, in accordance with NDCC 44-04-22. This commissioner shall not participate in discussion or voting on the particular matter for which the conflict of interest is claimed, unless a majority of the Planning Commission consents to allow the commissioner to participate.
- (b) Conduct of Persons Appearing Before the Planning Commission
 - (1) During all public hearings and working sessions, members of the public shall be given opportunity to speak. Comments should be addressed to the item before the Planning Commission. Prior to receiving public hearing testimony, the presiding chairperson may announce reasonable time limits to such testimony and any other guidelines the chairperson may deem necessary to maintain order.

- (2) During all regular and special meetings and working sessions of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the chairperson to provide comment.
- (3) Each member of the public wishing to speak on an item shall:
 - A) Be permitted the opportunity to address the Planning Commission for each public hearing on the agenda.
 - B) Present him/herself at the microphone while addressing the Planning Commission.
 - C) Request permission from the Chairperson to be recognized, and shall refrain from speaking until such permission is granted.
 - D) State his/her name and address for the record.
- (4) During all Planning Commission proceedings, members of the public have the obligation to remain in order. Any conduct which interferes with the proper exaction of commission affairs may be ruled by the chairperson as “out-of order” and the offending person directed to remain silent. Once having been so directed, if a person persists in disruptive conduct, the chairperson may entertain a motion to “eject” the person from the Planning Commission meeting or session. Where the person fails to comply with the successful motion to eject, the chairperson may then call proper authority to physically remove the individual from the chamber for the duration of the meeting or deliberation on that item.

Section 9 **Amendments**

The Planning Commission may amend these bylaws by majority vote at any regular or special meeting. A draft of proposed amendments shall be distributed to all Planning Commissioners at least six (6) days prior to the meeting.