

Resolution to Adopt Revised Bylaws for the Yellowstone County Zoning Commission

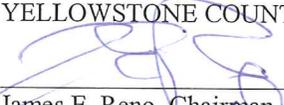
WHEREAS, the Yellowstone County Board of County Commissioners has created a Yellowstone County Zoning Commission. Pursuant to Section 76-2-220(1) of the Montana Code Annotated, the Board of County Commissioners adopted bylaws for the County Zoning Commission. Recently, the County Zoning Commission reviewed its bylaws and determined they could be improved. The County Zoning Commission drafted a revised version of its bylaws and submitted them to the Board of County Commissioners for adoption. The Board of County Commissioners has reviewed the revised version of the bylaws and believes that it would be in the best interest of the public to adopt them. The revised version of the bylaws is easier to read and understand.

NOW THEREFORE, BE IT RESOLVED,

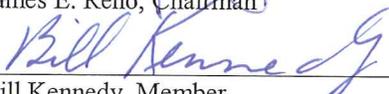
The Yellowstone County Board of County Commissioners adopts the attached revised version of the bylaws for the Yellowstone County Zoning Commission. The bylaws supercede the previous bylaws and shall remain in effect until superceded by another revised version.

Passed and Adopted on the 31st day of December 2007.

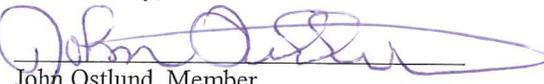
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



James E. Reno, Chairman



Bill Kennedy, Member



John Ostlund, Member

ATTEST:



Tony Nave, Clerk and Recorder
Yellowstone County, Montana

BY-LAWS OF THE YELLOWSTONE COUNTY ZONING COMMISSION

ARTICLE 1. NAME

1. The body authorized under Section 76-2-220(1) of the Montana Code Annotated to provide the Yellowstone County Board of County Commissioners with recommendations as to zoning issues shall be named the Yellowstone County Zoning Commission (YCZC)

ARTICLE 2. GRANTING AUTHORITIES

1. The enabling authority for the YCZC is Section 76-2-220(1) of the Montana Code Annotated and Section 27-1507 of the Unified Zoning Regulation of the City of Billings and Yellowstone County.

ARTICLE 3. MEMBERSHIP AND TERMS OF APPOINTMENT

1. The YCZC shall consist of five members.
2. The Yellowstone County Board of County Commissioners shall appoint the members of the YCZC.
3. The members of the YCZC shall reside within the jurisdictional area of the YCZC.
4. The Yellowstone County Board of County Commissioners shall appoint the members of the YCZC for two-year terms. The terms shall be staggered. One year the Yellowstone County Board of County Commissioners shall appoint three members and the next year it shall appoint two members. The members serve at the discretion of the Yellowstone County Board of County Commissioners. The Yellowstone County Board of County Commissioners may remove a member for any reason, including but not limited to absenteeism, repeated conflicts of interest or uncivil behavior.
5. Each member of the YCZC shall inform the Executive Secretary, at least one day before the meeting, of his inability to attend an YCZC meeting. The Planning Director needs the information to determine whether a quorum of the YCZC will be present to hold a meeting.
6. If any member of the YCZC accrues more than three consecutive absences from YCZC meetings, the YCZC may recommend to the Yellowstone County Board of County Commissioners that it remove the member from the YCZC and appoint a new member to fill the unexpired term of the member. The Yellowstone County Board of County Commissioners shall not be required to follow the recommendation of the YCZC to remove a member. The Yellowstone County Board of County Commissioners will have the sole discretion whether to remove a member.
7. The Yellowstone County Board of County Commissioners shall fill any vacancy on the YCZC. A member appointed by the Yellowstone County Board of County Commissioners to fill a vacancy shall serve until the term of the member he replaced expires.

ARTICLE 4. YCZC OFFICERS, TERMS, AND DUTIES

1. The officers of the YCZC shall consist of a Chair, Vice Chair, and an Executive Secretary.
2. At the first meeting of the year, the members of the YCZC shall elect by majority vote of the members present, the Chair and Vice Chair. The terms of office for the Chair and Vice Chair shall commence immediately upon election.
3. The Chair shall:
 - A. Preside over the meetings of the YCZC.

- B. Supervise the general affairs of the YCZC.
 - C. Perform those tasks necessary to satisfy the duties of the YCZC.
4. The Vice Chair, in the absence of the Chair, shall act as the Chair.
 5. If the office of the Chair becomes vacant, then the Vice Chair shall fill the unexpired term.
 6. If the office of the Vice Chair becomes vacant, at the next meeting of the YCZC, the members shall elect, by majority vote of the members present, a Vice Chair, who shall fill the unexpired term.
 7. If the Chair and Vice Chair are absent from any regular meeting, the Executive Secretary shall call the meeting to order and the members shall elect a Temporary Chair for the meeting.
 8. All officers shall serve a term of one year. Any officer may serve for successive terms.
 9. The Director of Planning shall function as Executive Secretary, who shall:
 - A. Keep the records of all proceedings before the YCZC.
 - B. Attend all proceedings of the YCZC.
 - C. Administer the affairs of the YCZC, including but not limited, to collecting fees and preparing agendas, notices, reports and correspondences for the YCZC.
 - D. Provide professional land use advice, including but not limited to recommendations on particular zone changes and special reviews and general recommendations as to regulations and policies.
 - E. Perform those tasks necessary to satisfy the duties of the YCZC.

ARTICLE 5. MEETING RULES AND PROCEDURES

1. Meetings of the YCZC shall be held on the second Monday of each month at 4:00p.m. in the conference room of the fourth floor of the Parmly Billings Library or in such other place and time as shall be advertised. Meetings of the YCZC shall be open to the public and information may be received from any citizen at any meeting. Meetings shall be recorded and all records shall be available for public inspection during normal business hours at the Yellowstone County Planning Office.
2. The YCZC can only act when a quorum of the YCZC is present at a meeting. Three members of the YCZC constitute a quorum. A majority of a quorum of the members must authorize an action by the YCZC. For example, if three members attend a meeting, there is a quorum. If two of the three members at the meeting authorize an action, the YCZC can act.
3. The YCZC shall only take action on those matters set and advertised for hearing on a particular date.
4. The YCZC may, at its discretion, continue a hearing, when it receives a request to continue a hearing from an entity with an interest in the hearing. The YCZC must receive a written request to continue a hearing at least one day before the hearing and the request must contain a reason for the continuance. Prior to a hearing, the YCZC may, at its discretion, allow a property owner to withdraw an application for a zone change or a special review without invoking the 12 month prohibition on the submission of another zone change or special review application for the property. See Section 27-1508(6) of the Unified Zoning Regulation of the City of Billings and Yellowstone County.
5. The order of business for all meetings shall be the order as it appears on the agenda, except that the YCZC may rearrange the order of business to facilitate public participation, efficiency or some other reason.
6. All public hearings shall be conducted in accordance with the following procedure:
 - A. The Executive Secretary shall read the legal notice for the hearing.

- B. The Planning Department shall present a report to the YCZC. The report may include a recommendation as to the recommendation the YCZC should make to the Yellowstone County Board of County Commissioners.
- C. The applicant may present information and argument as to why the YCZC should recommend approval of the application to the Yellowstone County Board of County Commissioners
- D. Proponents of the application, other than the applicant, may present information and argument as to why the YCZC should recommend approval of the application to the Yellowstone County Board of County Commissioners.
- E. Opponents of the application may present information and argument as to why the YCZC should recommend denial of the application to the Yellowstone County Board of County Commissioners.
- F. Interested persons who are not for or against the application and would like to make comments about the application may present information to the YCZC.
- G. The applicant may present information and argument to rebut any information or argument presented to the YCZC.
- H. The Planning Department may present any comments based on the information and arguments presented to the YCZC.
- I. Each person who appears before the YCZC shall provide his name and address.
- J. The YCZC may, at its discretion, allow a person to address it more than once during a hearing. It is preferred that a person address the YCZC only once during a hearing. An applicant may, without the approval of the YCZC, address it twice during a hearing, once to present information and argument in favor of the application and once to rebut any information and argument in opposition to the application.
- K. Any member of the YCZC may at any time question any person about the information or argument he has presented to the YCZC.
- L. After the public has been provided the opportunity to provide information and arguments on the application, the Chair may close the hearing to further public information and arguments and open the application for discussion among the members of the YCZC. The members shall discuss the information and arguments presented. Any member may request further information needed to make an informed decision on the application. After the opportunity for discussion, the YCZC shall make a recommendation to the Yellowstone County Board of County Commissioners on the application.
- M. Subject to any time constraints imposed by law, the YCZC may, at any stage of a public hearing, continue the hearing to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider any matter, or for any other lawful reason. In the case of a continuance, the YCZC shall immediately set the time and place of the continuation of the hearing. The YCZC shall not be required to provide additional notice of the continuation of the hearing.
- N. Covenants and Restrictions shall **NOT** be considered by the YCZC.
- O. *Robert's Rules of Order Revised* shall control the conduct of the meeting unless otherwise provided.
- P. The YCZC may seek legal assistance from the Yellowstone County Attorney's Office.

- Q. The YCZC shall follow all applicable federal, state and local regulations.
- R. Once the YCZC has reached a decision on an application, the Executive Secretary shall provide the applicant with written notice of the decision within five days of the decision.

ARTICLE 6. RULES OF CONDUCT FOR MEMBERS

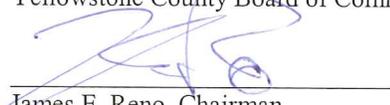
1. Every member of the YCZC present at a meeting shall vote upon every matter presented, unless the member has a conflict of interest and has recused himself from the matter.
2. If a member of the YCZC has a financial or personal interest or owns property within the required notification area in a matter before the YCZC, the member shall disclose the interest or identify the property and recuse himself from the proceeding. The member shall not participate in the proceeding. The Executive Secretary shall note in the minutes which member recused himself, why the member recused himself and that the member did not participate in the proceeding.
3. Each member of the YCZC is encouraged to examine the property and the surrounding properties of each zone change and special review application prior to the hearing on the application.
4. Prior to a meeting, a member of the YCZC shall not communicate with any person who has an interest in a matter to be determined by the YCZC about the matter. Also, prior to a meeting, the members of the YCZC shall not communicate with one another about a matter to be determined by the YCZC. The YCZC wants its deliberations to be made in public. It wants the public to know what information it used to reach its decision. It does not want any allegations that its members have been influenced by private discussions with interested entities or by secret deliberations among themselves. If any member has by accident engaged in a private discussion with an interested entity about a pending matter or a discussion with another member of the YCZC about a pending matter, the member shall disclose the nature of the discussion. Depending on the nature of the discussion, the YCZC may recuse the member from participation in the proceeding.
5. Each member of the YCZC shall comply with the Montana Code of Ethics. See Sections 2-2-101 through 2-2-144 of the Montana Code Annotated.
6. Each member of the YCZC is an equal and shall be responsible for the conduct of YCZC business in a dignified and orderly manner, to demonstrate and reflect the high character and moral integrity of each of the YCZC members. At all times, YCZC members shall maintain strict impartiality and concern themselves solely with the health, safety and welfare of the citizens of Yellowstone County.

ARTICLE 7. AMENDMENTS TO BYLAWS

1. Any member of the YCZC may initiate amendments to the By-Laws of the YCZC. The proposed amendments must be submitted in writing, at a meeting and approved by a majority vote of the members of the YCZC present, and then approved by the Yellowstone County Board of County Commissioners. See Section 76-2-220(1) Of the Montana Code Annotated.

Adopted this 31 day of December 2007 by the

Yellowstone County Board of Commissioners


James E. Reno, Chairman

Yellowstone County Commissioner


Bill Kennedy, Member

Yellowstone County Commissioner

