

# **BY-LAWS**

## **ELMORE COUNTY PLANNING AND ZONING COMMISSION**

### **ARTICLE I. ORGANIZATION, MEETINGS, AND RULES**

**SECTION I. ANNUAL MEETING:** The annual meeting of the Elmore County Planning and Zoning Commission shall be the regular meeting in the month of November of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled.

**SECTION II. REGULAR MEETINGS:** There shall be a minimum of nine (9) meetings of the Elmore County Planning and Zoning Commission in each year. Those meetings shall be held at 7:00 p.m. on the first and third Wednesdays of each month in a location duly published within Elmore County, or such other place as the Chairman may designate, except the months when no meetings are held. At such meetings the Commission shall consider all matters properly brought before them without the necessity of prior notice thereof given to any member. A regular meeting may be cancelled or re-scheduled by the Chairman of the Commission provided said cancellation occurs at least one week before the regular meeting. The Chairman in consultation with the Board Liaison and Growth and Development Director may cancel a meeting at any time.

**SECTION III. SPECIAL MEETINGS:** Special meetings of the Commission shall be held at a time and place designated by the Chairman or vice-chairman acting in the absence of the Chairman. Notice of the special meetings shall be given to all members and the public not less than forty-eight (48) hours in advance.

**SECTION IV. MEMBERSHIP:** Members of the Commission shall be appointed by the Board of County Commissioners in accordance with Idaho Code 67-6504 and Chapter 7 of the Elmore County Zoning and Development Ordinance and shall consist of a minimum of three (3) and a maximum of twelve (12) members. Members may be removed for cause by a majority vote of the governing board.

**SECTION V. QUORUM:** At any meeting of the Planning and Zoning Commission a quorum shall consist of a majority of the members of the Commission then appointed and serving. No action shall be taken in absence of a quorum, except to adjourn the meeting to a subsequent date.

**SECTION VI. VOTING:** At all meetings of the Commission, each member attending shall be entitled to cast one (1) vote. The Chairman shall always be a voting member. The secretary, as defined below, shall have no vote in any proceedings. Voting shall be by voice, except as otherwise required by these by-laws. In the event that any member shall have a conflict of interest in any matter before the Commission as defined in Idaho Code § 67-6506, he shall so state and disqualify himself from voting and discussion of that matter, and the secretary shall record in the minutes that no vote was cast by said member. The affirmative vote of the majority of those present shall be necessary for the adopting of any resolution or any voting matter. In the event that a member steps down because of a conflict of interest, that member is not counted to determine the majority needed for passage of that vote, but that member is counted towards members present for purposes of determining a quorum.

**SECTION VII. RULES OF PROCEDURE:** All meetings of the Commission shall be conducted in accordance with the following procedure:

1. The order of Commission business at meetings shall be: establish a quorum, pledge of allegiance, public hearing, old/new business, items from the public, minutes/FCOs and informational items.
2. Public Hearing procedure:
  - a. The Chairman will open the hearing and request staff to read the staff report.
  - b. The Chairman then asks the applicant or a representative to come forward and present the application. When the hearing item is a planning or zoning matter proposed by the Growth and Development Department or another officer of the County, the staff report will be considered to be the application.
  - c. The Chairman will open the public comment period and call for testimony in the following order: in support of, neutral to and opposed to the application. Those who wish to comment must sign in, provide their mailing address and state their name for the record.
  - d. After public testimony the Chairman will call for final comments by the applicant. The Commission members may ask questions of staff, the applicant and witnesses at any point during the public hearing. The Chairman will then close the public hearing. The Chairman will call for Commission members' discussion and a motion on the application.
  - e. A member may abstain from voting, abstentions do not count in tallying the vote. The abstention of member does not affect the quorum.
  - f. Conflict of Interest: Commission members shall be subject to all applicable conflict of interest provisions of Idaho State law. A member of the Commission, shall not participate in any proceeding or action when the person, or employer, business partner, business associate, or any person related by affinity or consanguinity within the second (2<sup>nd</sup>)

degree, has an economic interest in any proceeding or legally significant *ex parte* contact should be disclosed at, or before, any meeting at which the action is being heard or considered. Any such disclosure shall be noted in the minutes.

- g. Recusal: When a member recuses him or herself, he is in effect only attending the meeting to aid in constituting a quorum. On recusal, the member does not participate in discussion on the item. The nonparticipation of a member does not affect the quorum.

3. Motions: To make a motion, a member will seek recognition of the chairman, the chairman will recognize the member, who then makes a motion to approve, deny, or make a recommendation as the process may dictate, and the chairman then will entertain a second of the motion. If there is no second, the motion dies and is withdrawn from consideration. If seconded, the chairman will state the motion and ask for discussion.

4. Amendments and secondary motions: Members may suggest modifications to the motion, and the moving member may accept the modifications or withdraw the motion.

5. Voting: The concurring vote of a majority of the Commission present shall be necessary to sustain a finding, determination, recommendation or decision. The approval of minutes, general business and agenda items may be voice vote or roll call vote. Voting may only take place when a quorum is present. Mail-in, telephone or proxy voting is not allowed.

6. Tabling: An item of business may be tabled to a date certain at the discretion of the Commission by a majority vote.

7. Written Report: In cases involving a hearing, the review of plats, or applications where a finding, determination, decision or recommendation has been made on a subject which has been a matter of contest, the Commission shall file a written report with the Clerk of the Board within a reasonable statement that explains the criteria, standards, factual information contained in the record and applicable provisions of Elmore County Code.

## **ARTICLE II. OFFICERS**

**SECTION I. OFFICERS:** The officers of the Commission shall consist of a Chairman and a Vice-chairman, elected by the Commission at the annual meeting for a term of one (1) year beginning the first meeting or hearing in January of the following year. Election for officers shall be by secret ballot after nominations made from the floor and an opportunity for each nominee to make a statement. The Growth and Development Department Director appointed by the Board of County Commissioners shall serve as the secretary of the Commission. In the event the secretary shall be absent from any

meeting, the Director shall designate a Growth and Development Department staff member to preside as the acting secretary with the Chairman's approval.

**SECTION II. DUTIES OF OFFICERS:** The duties and powers of the officers of the Commission shall be as follows:

A. Chairman:

1. To preside at all meetings of the Commission;
2. To call special meetings of the Commission in accordance with these By-Laws;
3. To sign documents of and for the Commission;
4. To appoint committees and serve as *ex-officio* member of all committees except those to which he assigns *ex-officio* membership to the vice-chairman;
5. To appoint *ex officio* advisers to committees for the Commission and to appoint *ex officio* advisory committees or neighborhood groups to advise and assist the Commission in carrying out its responsibilities.
6. To see that all actions of the Commission are properly taken.

B. Vice-Chairman:

1. The Vice-chairman, in the absence of the chairman, shall perform all the duties and be subject to all the responsibilities of the chairman.
2. In the event the Chairman resigns or becomes unable to fulfill his or her duties before the end of his terms as Chairman, the Vice-chairman shall fulfill the remainder of the Chairman's term.

C. Secretary:

Secretary or the Secretary's designee shall be responsible:

1. To keep the minutes of all meetings of the Commission;
2. To give or serve all notices required by the law or by these By-Laws;
3. To prepare the agenda for all meetings of the Commission; and
4. To be custodian of the Commission records.

The Secretary, only, shall be responsible:

1. To handle all correspondence relating to the business of the Commission; and
2. To handle funds allocated to the Commission in accordance with its directions, law, and County regulations.

In the event the Chairman and Vice-Chairman are unable to preside at a meeting, the most senior Planning and Zoning Commission member will assume the duties and powers of the Chairman.

**SECTION III. VACANCIES:** Should any vacancy occur among members of this Commission by reason of death, disability, resignation, or otherwise, the Secretary thereof shall give notice to the Clerk of the Board of County Commissioners. Should the Chairman become unable to fulfill his duties as Chairman before the end of his term because of death, disability, resignation or otherwise, the Vice-chairman shall assume the duties of the Chairman at the next regular meeting/hearing and complete the term of the Chairman. Upon assumption of those duties, the new Chairman shall call an election for Vice-chairman that shall occur at the following regular meeting of the Commission. The new Vice-chairman shall be elected by secret ballot after nominations from the floor. The same procedure shall be followed if, because of death, disability resignation or otherwise, the Vice-chairman cannot fulfill his duties except that the Chairman shall call an election at the next regular meeting of the Commission.

### ARTICLE III. AMENDMENTS

**SECTION I. AMENDING:** These By-Laws may be amended at any meeting of the Planning and Zoning Commission, provided that notice of said proposed amendment is given to each member in writing at least five (5) days prior to said meeting.

### ADOPTION

The Elmore County Planning and Zoning Commission adopted these By-Laws on the 18<sup>th</sup> day of April, 2012.



Patti Osborn, Chairman

Attest:



Alan Christy, Director