

**BYLAWS  
MISSOULA CONSOLIDATED PLANNING BOARD**

**Approved by Planning Board: (May 6, 2014)**  
**Approved by City Council: (January 12, 2015)**  
**Approved by Board of County Commissioners: (January 15, 2015)**

**Article I - Authorization**

The Missoula Consolidated Planning Board (MCPB) was created on November 23, 1987, by Interlocal Agreement, as amended October 9, 2013, between the County of Missoula and the City of Missoula in accordance with the provisions of Title 76, Chapter 1, ("Planning Boards") and Title 7, Chapter 11, Part 1 ("Interlocal Agreements"), *Montana Code Annotated (MCA)*.

**Article II - Purpose**

The objective of the MCPB is to enable units of local government within Missoula County to cooperate in promoting quality of life and healthy environment through the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience and welfare of their citizens and the future development of their communities. To that end, the Board will consider the following tenets when reviewing requests brought before them: that transportation systems are carefully planned; that new community centers grow only with adequate facilities, transportation, utility, health, education and recreation; that the needs of agriculture, industry and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with the promotion of the efficient and economical use of public funds.

**Article III - Definitions**

As used in these bylaws,

“Appointing Body” means one of the five possible parties responsible for selecting members of the MCPB and includes the Mayor of the City of Missoula, Montana, the Council of the City of Missoula, Montana, the Board of County Commissioners, Missoula County, Montana, the Missoula Conservation District, and the Missoula Consolidated Planning Board, if the Missoula Conservation District does not make an appointment.

“CAPS” means the Missoula County Community and Planning Services Department.

“DS” means City of Missoula Development Services.

"Commission" means the Board of County Commissioners, Missoula County, Montana.

"Council" means the Council of the City of Missoula, Montana.

“Governing Body” means either the City Council of Missoula or the Board of County Commissioners, Missoula County, Montana.

"Jurisdictional Area" means the City and the County of Missoula, Montana.

"MCPB" means the Missoula Consolidated Planning Board.

"TPCC" means Transportation Policy Coordinating Committee.

“UGC” means the Urban Growth Commission as defined in the Interlocal Agreement.

#### **Article IV - Duties and Responsibilities**

A. The MCPB serves in an advisory capacity to the Commission and the Council. The MCPB has the following authority within the jurisdictional area:

1. To adopt bylaws for the conduct of its business that must be approved by the Mayor, Council, and Commission;
2. To carry out those duties and powers as provided by Montana law per MCA Title 76, Chapter 1, to include serving as the City of Missoula Zoning Commission.
3. To constitute the Metropolitan Planning Organization (MPO) for the Missoula urban area in accordance with the designation by the Governor of the State of Montana.
4. To provide recommendations to the governing bodies regarding appropriations necessary to carry out the business of the Board.

#### **Article V - Membership**

A. Selection and Terms

1. Membership. The MCPB consists of nine regular members and two alternate members, all serving terms of two years. Membership of the MCPB shall be composed of members as outlined in the Interlocal Agreement.

2. Limitation of Terms. Members will serve two-year staggered terms. When the Missoula Conservation District appoints a member, his/ her term shall be coextensive with his/ her respective term of office with the District. County-appointed members may serve no more than three consecutive terms. All other members may serve with no term limitation.
- B. The President shall call upon an alternate to serve as a regular MCPB member sitting in place of an absent regular member under the following circumstances:
1. To ensure a quorum;
  2. To promote the conduct of business by nine (9) MCPB members;
  3. To fill the vacancy of a regular MCPB member's unfinished term, pending replacement by the appointing body represented by the vacant position; and,
  4. To advance to regular MCPB membership as vacancies occur, if the appointing body represented by the vacant position so directs.
- C. Only nine (9) members shall constitute the MCPB when hearing and acting on a MCPB matter. Alternate members may participate in MCPB discussion of any matter, but they shall neither make motions nor vote unless they are sitting for a regular member.
- D. Resignations, Expirations, and Terminations
1. MCPB members resigning before completion of their terms are expected to submit written resignations to the Director of CAPS who, in turn, shall report such resignation to the MCPB and the appointing body responsible for the reappointment.
  2. A resignation is effective on the date indicated in the resignation, or if no date is specified, it is effective on the date submitted.
  3. Any member whose term expires may serve until a successor is appointed.
  4. If a member has absences for three consecutive meetings during a calendar year or is absent for more than 30% of the meetings during the calendar year, the Director of CAPS shall notify the President and appropriate appointing body. The appointing body may consider removal of the member from the MCPB due to insufficient attendance.
  5. The responsible appointing body shall fill a vacancy for the unexpired portion of a term within 60 days after it has occurred.
- E. Selection of MCPB-appointed MCPB Member
1. If there is no member or associate member of the board of supervisors of the Missoula Conservation District who is able or willing to serve on the Board, the MCPB may select a member with consent and approval of the Commissioners and Council.

2. When the term of the MCPB-appointed member expires the MCPB may reappoint the incumbent, if there is no member or associate member of the board of supervisors of the Missoula Conservation District who is able or willing to serve on the Board.
3. When the MCPB-appointed position becomes vacant or will be vacated at the end of a term and if there is no member or associate member of the board of supervisors of the Missoula Conservation District who is able or willing to serve on the Board, the MCPB shall designate an applicant review committee to interview and assess applicants and then recommend appointment actions to the MCPB as a whole.
  - a. The applicant review committee shall consist of four MCPB members; two shall be Council or Mayor-appointed members of the MCPB and two shall be County Commission-appointed MCPB members.
4. When voting on the MCPB-appointed member as described in either 1. or 2. above, the appointment shall require an affirmative vote by a majority of the voting members, provided that a quorum is present.
5. CAPS shall maintain a record of the term of office for the MCPB-appointed member and advise the MCPB 60 days prior to the date of term expiration. CAPS shall also provide administrative support to the applicant review committee with the appointment process. This may include publicizing the vacancy, scheduling applicant interviews, and helping develop a list of interview questions.

## **Article VI - Officers and Duties**

### **A. Officers**

1. President. MCPB members shall elect a President who shall serve one year.
2. Vice-President. MCPB members shall elect a Vice-President who shall serve a term of one year.
3. The election of MCPB officers shall take place at the first regularly scheduled meeting of each calendar year.
4. The MCPB may, at any time, remove any officer from his/her duties upon a majority vote of the MCPB.

### **B. Duties**

1. President. The President shall preside at all MCPB meetings and hearings, call special meetings and perform the duties normally conferred by parliamentary usage on such officer and other such duties as may be properly prescribed.
  - a. The President may enter into the discussion of matters before the MCPB.
  - b. The President may vote on matters before the MCPB.
2. Vice-President. When the President is absent, disabled or disqualified, the Vice-President shall act as President.

## **Article VII - Meetings**

- A. Regular Meetings. The MCPB shall meet on the first and third Tuesdays of each month. The Director of CAPS, after consultation with the President, may cancel meetings if there is no business to come before the MCPB.
  
- B. Special Meetings
  - 1. Either the President or two members of the MCPB, upon making written notice to the Director of CAPS, may call a special meeting of the MCPB.
  - 2. The CAPS Director shall send, at least two days in advance, written notice of any special meeting to all members.
  
- C. Notification. All meetings of the MCPB and its committees shall comply with Montana law as it applies to open public meetings. (MCA 2-3-201 et. seq.)
  
- D. Quorum
  - 1. A quorum shall consist of five (5) members. For official action to be taken by the MCPB, a quorum must be present.
  - 2. For purposes of establishing a quorum, alternate members sitting in place of absent regular members shall be included in the quorum count.
  
- E. Voting
  - 1. All voting members who do not declare a conflict of interest shall vote; votes may be registered as aye (or yes), nay (or no), or pass. After an initial count of votes, the President may provide members wishing to change their votes the opportunity to do so.
  - 2. All actions before the MCPB shall be authorized by a majority of the quorum at a legally constituted regular or special meeting. In the event of a tie vote the item shall be forwarded with no recommendation.
  - 3. When the MCPB recommendation deviates from that of staff, the MCPB motion shall include a concise statement of reason for their recommendation.
  
- F. Parliamentary Authority. *Robert's Rules of Order* shall apply in all parliamentary matters unless these bylaws otherwise provide.

## G. Conflict of Interest

1. A conflict of interest exists when a member of the MCPB:
  - a. Has a financial or property interest in a matter under consideration by the MCPB or one of its committees; or
  - b. Has an immediate family member with a financial or property interest in a matter under consideration by the MCPB or one of its committees; or
  - c. Feels disqualified for any reason not listed above.
2. Before consideration of the matter, this disqualification shall be entered in the minutes of the meeting.
  - a. Thereafter, the member shall be excused from the meeting during consideration of the matter and shall not participate in consideration, debate, or voting thereon.
  - b. The member may participate as a part of the public in attendance and provide public comment to the MCPB.
3. No member may represent a party having an interest in business currently before the MCPB. If a member has received prior communication from such a party, it shall be passed to the Recording Secretary for subsequent communication to the MCPB at a meeting.

## Article VIII - Conduct of Meetings

### A. Order of Business

1. Unless otherwise voted, the order of business at regular meetings shall be:
  - a. Call to order.
  - b. Roll call.
  - c. Approval of minutes and action thereon.
  - d. Public comment on non-agenda items.
  - e. Staff announcements.
  - f. Public hearings.
  - g. Communications and special presentations.
  - h. Committee reports.
  - i. Old business.
  - j. New business and referrals.
  - k. Comments from MCPB members.
  - l. Adjournment.
2. The MCPB may, by a two-thirds vote of members present, dispense with any item on the agenda, other than hearings, or change the order of business.

B. New Business

1. Only those items included on the agenda and that are part of the materials mailed or emailed to the MCPB members may be acted upon at that particular meeting.
2. New business may be introduced without prior notice for the purpose either of MCPB action at a future meeting or referral to a committee or the staff for study or consideration.
3. The requirements of this section may be waived through a Suspension of the Rules by the two-thirds vote of the voting members present if there is a quorum.

**Article IX - Public Hearing Procedures**

A. Duties of the President. The President shall:

1. Preside at all public hearings.
2. State a summary of the question or issue at the opening of the hearing, limiting its contents to the subject advertised for hearing.
3. Specify the method of conduct of the hearing and may set a reasonable time limit for the receipt of public testimony.
4. Assure an orderly hearing, having the power to terminate the hearing if, in the President's opinion, persons become unruly.
5. Announce that all questions and comments shall be directed through the President only after the speaker has been properly recognized.
6. Direct each speaker recognized to supply the record with a complete name and if appropriate, the name of the person, firm or organization which the speaker represents.
7. Direct that copies of prepared statements be given to the Recording Secretary and the presiding officer to become part of the record.
8. Call first for statements from proponents, then give opponents and others equal opportunity for comment and finally, allow an opportunity for rebuttal testimony.
9. Close the hearing to the receipt of public testimony when all who wish to speak have spoken, or if the time limit set by the MCPB has expired.
10. Declare the hearing to be closed or state the time, place and date upon which the hearing will be continued.

B. Duties of Recording Secretary. The Recording Secretary shall:

1. Take minutes or record the content of all presentations, public hearings, discussion, and decisions of duly constituted regular or special meetings of the MCPB. These minutes shall include a list of those members present at any meeting and those members absent. They shall also denote whether a quorum was present and those alternate members voting in place of absent regular members.

2. Incorporate this record in the minutes book of the MCPB as a permanent part of its record.
3. Furnish copies of the minutes of the MCPB in the materials mailed to the MCPB members prior to the next monthly MCPB meeting for approval.

#### **Article X - Committees**

- A. Special Committees. The President may appoint special committees for such purposes and terms as the MCPB provides.
- B. The President or designee shall serve on the Transportation Policy Coordinating Committee.
- C. The President or designee shall attend the UGC meetings.
- D. The President or designee shall meet with the Mayor, the Commissioners and the planning committee of the Council on a regular basis to forward MCPB issues and communications.
- E. Committee Reports
  1. A referral to committee may set forth the date for reporting back to the MCPB.
  2. Each committee report shall be written and may contain both majority and minority opinion.
  3. A copy of each committee report shall be submitted to the presiding officer for inclusion in the permanent records of the MCPB.
- F. Staff Attendance. The CAPS Director or the Director's designee shall, at the request of the President, attend committee meetings and participate in discussions, and present relevant information and alternatives.

#### **Article XI – Communications**

- A. Personal communications of members. Any individual member shall not sign written communications to others using the MCPB name, unless approved by all other members.



- B. Informal Communications. It is understood that informal discussions between individual members of the MCPB and members of the community on various issues affecting the community will occur from time to time. It is the expectation that MCPB members will report the content of these conversations to the rest of the MCPB at the next regularly scheduled meeting in order to assure that the views expressed are known to the entire MCPB.
- C. Electronic Communications. Electronic communications such as email may be used to address logistical issues such as polling the board, sending meeting materials, etc.; however, Board members shall not hold discussions via electronic means regarding topics of potential public interest and instead discuss those items at the next MCPB meeting.

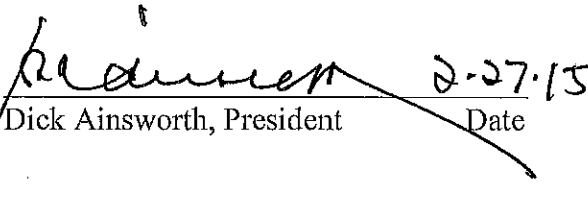
#### **Article XII - Staff Assistance**

- A. The MCPB may seek assistance regarding city and county legal issues from the Offices of the City and County Attorney.
- B. The MCPB may seek support from CAPS in the form of clerical assistance, staff reports and recommendations, training, and use of the resource library.

#### **Article XIII - Amendments**

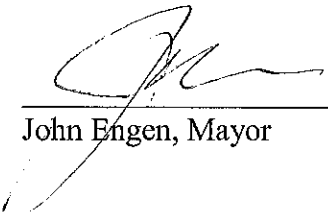
- A. Procedure
  - 1 Any proposal to amend these bylaws shall be presented in writing to the CAPS Director by any MCPB member for inclusion on the MCPB agenda as new business.
  - 2. Approval of a proposed amendment requires an affirmative vote by a majority of the voting members provided that a quorum is present and the meeting is properly called for purposes of acting on the proposal.
  - 3. Any amendment to these bylaws that is adopted by the MCPB shall not become effective until approved by the governing bodies.

MISSOULA CONSOLIDATED PLANNING BOARD

  
Dick Ainsworth, President      2-27-15  
Date

CITY OF MISSOULA:

COUNTY OF MISSOULA:

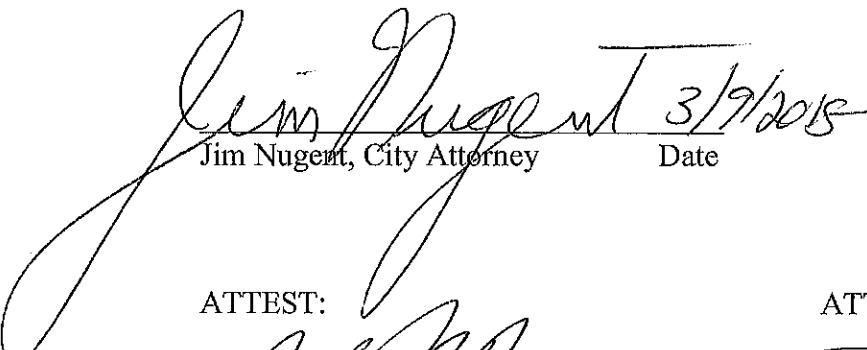
  
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John Engen, Mayor Date

  
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Bill Carey, Chair Date

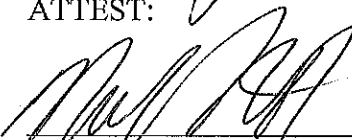
  
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Jean Curtiss, Commissioner Date

  
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Nicole Rowley, Commissioner Date

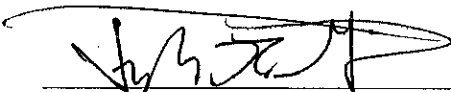
APPROVED AS TO FORM:

  
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Jim Nugent, City Attorney Date

ATTEST:

  
\_\_\_\_\_  
Martha L. Rehbein, CMC Date  
City Clerk

ATTEST:

  
\_\_\_\_\_  
Tyler Gernant Date  
Clerk and Recorder

