

BY-LAWS
OF
THE BEAR LAKE COUNTY
PLANNING AND ZONING COMMISSION

ARTICLE I

NAME

The name of this organization shall be the “Bear Lake County Planning and Zoning Commission.”

ARTICLE II

AUTHORITY

These By-Laws are adopted in compliance with Chapter 65, Title 67, Idaho Code.

ARTICLE III

MEMBERSHIP

3.1 Membership

Members shall be appointed by resolution of the Board of County Commissioner for terms of three years.

As new members are appointed, consideration of residency shall be given so that not more than one third of the voting members shall reside in an incorporated municipality within the Bear Lake County and must meet residence requirement in Section 67-6504.

Membership in the Commission requires a sincere commitment of the individuals time and effort. To assure the sharing of this commitment by all the members of the Commission and to assure the least possible inconveniences to the public attending meetings of the Commission where a quorum is needed, it is extremely important that each member make a consistent attempt to attend each meeting of the Commission. Should circumstances be that a member can not attend he shall notify the Secretary in advance of the meeting.

In the event that a member of the Commission does not attend or notify of absences for two consecutive meetings wherein a quorum is absent he is expected to immediately submit an explanation of the absences to the commission, and the Commission upon examination of the explanation, may ask for resignation of the offending member.

3.2 Ex-officio Members

Ex-officio members to the Commission shall be the following: County Attorney, District Health Sanitarian, County Extension Agent, Soil Conservation District Conservationist and other persons appointed by the Commission.

3.3 Vacancies

Vacancies occurring by means of death or resignation or for any other reason shall be filled by the Bear Lake County Board of Commissioners for the vacated membership. These appointments shall be for three year terms.

3.4 Remuneration

All planning commission members may be remunerated for service at meetings and mileage incurred while performing Commission duties as provided by the Board of County Commissioners.

ARTICLE IV

OFFICERS

4.1 Number and Eligibility

The officers of the planning commission shall consist of a Chairman, Vice-Chairman, and Secretary. No ex-officio member of the Commission may serve as Chairman or Vice-Chairman.

4.2 Duties of Officers

The duties and powers of the officers of the Planning 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 the Commission.
 4. To see that all actions of the Commission are properly taken.

5. To appoint all committees, with the aid and concurrence of the membership.
 6. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting Secretary.
- b. Vice-Chairman
1. The Vice-Chairman shall perform all duties of the chairman in the absence of the chairman and in the event the office of the chairman is vacated he shall succeed to the office of Chairman until the next meeting.
 2. The Vice-Chairman shall perform such duties as the Chairman may direct.
- c. Secretary:
1. To keep the minutes of all meetings of the Commission in an appropriate Minute Book.
 2. To give or serve all notices required bylaw or by these By-Laws.
 3. To prepare the agenda for all meetings of the Commission.
 4. To be custodian of Commission records.
 5. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence
 6. To prepare vouchers for the Commission in accordance with its directives, the law and County regulations.
 7. To keep record of all appointments and terms of membership.

4.3 Election and Appointment

The Chairman and Vice-Chairman shall be elected from the membership at the first meeting of the Bear Lake County Planning and Zoning Commission in January of each year and they shall serve until the next annual election or until an election or appointment of their successor.

It is preferred that the Secretary of the Bear Lake Regional Commission also serve as the Bear Lake County Planning and Zoning Commission's Secretary, but if this arrangement is not possible the following shall apply. The Secretary, (who need not be a member of the Commission) shall be appointed by a majority vote of the members in attendance at an official meeting.

ARTICLE V

VOTING

- 5.1 Each member of the Commission except the Chairman shall be entitled to one vote on any matter that may come before the Commission.

5.2 The Chairman should remain as non-partisan as possible and conduct the meetings in a fair manner. The Chairman may cast his vote to break a tie vote or to make a tie vote.

5.3 Conflict of Interest

In the event that any member shall have a personal interest as defined in Idaho Code 67-6506 of any kind in a matter then before the Commission, he shall disclose his interest before the matter is heard and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by such member.

5.4 Other Voting Matters

The vote of a majority of the members present at any meeting attended by a quorum of its members, shall be necessary to decide any question.

ARTICLE VI

MEETINGS

6.1 Annual Meeting

The annual meeting of the Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the elections of officers for the ensuing year and such other business as shall be scheduled by the Commission.

6.2 Regular Meetings

Regular meetings of the Bear Lake County Planning and Zoning Commission shall be held on the last Wednesday of each month. However, by passage of a motion by majority vote of the membership or by direction of the Chairman, such regular meetings may be suspended for a designated period. At least one (1) meeting shall be held each month for not less than nine (9) months in a year.

6.3 Special Meetings

Special meetings may be called by the Chairman. It also shall be the duty of the Chairman to call a special meeting when requested to do so by a majority of the entire membership of the Commission. The Secretary shall notify all members at least five days in advance of such meetings or one day in advance for emergency matters if a majority of the entire membership is agreeable. Should a developer request a special meeting, a fee, based on the cost of holding the meeting must be submitted and made payable to the Bear Lake County Clerk on or before the

meeting date. Payment may be submitted to the Bear Lake Regional Commission secretary prior to convening the special meeting.

6.4 All meetings of the Commission shall be open to the public.

6.5 Unless otherwise specified herein, Robert's "Rules of Order" shall govern the proceedings at the meetings of the Commission.

6.6 Quorum

A quorum shall consist of a simple majority of the total membership of the Commission including the Chairman, who will be counted in determining the presence of a quorum.

No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

6.7 Order of Proceedings

a. At any regular meeting of the Commission the following shall be the regular order of business:

1. Roll call
2. Minutes of the preceding meeting
3. Public Hearings
4. Old and new business
5. Review Committee Report
6. Communication
7. Staff items
8. Next meeting date
9. Adjournment

6.8 Minutes and Notice of Meeting

The Secretary at the direction of the Commission shall mail to each member a copy of the minutes of the proceedings of the last meeting of the Commission with the notice of the next meeting, and the same shall be mailed at least seven (7) days before said meeting.

6.9 Agenda Placement

To place any item on the agenda for official action all appropriate forms and documents must be distributed to each member of the Commission. Proof of said distribution must be provided to the Secretary or staff no later than 15 days prior to the scheduled meeting.

6.10 Review Committee

Two members of the Commission shall, with staff assistance, conduct an on-site review of each land use proposal scheduled on the agenda, and present their findings at the meeting when the item is to be acted on by the Commission.

In lieu of a commission on-site review, a video tape presentation shall be prepared and presented at the commission meeting.

6.11 Agenda

A copy of the agenda for each meeting shall be mailed by the Secretary seven (7) days prior to scheduled meeting.

ARTICLE VII

PUBLIC HEARINGS

7.1 Hearing May Be Held

In addition to all Public Hearings required by law, the commission may hold public hearings whenever it decides that such hearings will be in the public interest.

7.2 Notice of Public Hearings

Notice of the time, place reason, and summary of matter for such hearing shall be published in a newspaper of general circulation in the County not later than fifteen (15) days, before the hearing unless otherwise stipulated in Section 67-6509 Idaho Code or County Ordinances.

7.3 Presentation

The matter before the Commission shall be presented in summary form by a member of the Commission or staff designated by the chairman and parties in interest shall have an opportunity to present their views as determined by the Chairman.

7.4 Records

A record shall be kept by the Secretary of those speaking before the Commission at such hearings.

7.5 General

All matters relating to time allowed for the presentation of testimony, content of testimony, documented testimony relevance and materiality of testimony and all other matters of procedure during a public hearing shall be subject to the ruling of the Chairman of the Bear Lake County Planning and Zoning Commission.

All testimony heard at such public hearing shall be taken into consideration on reaching a decision in accordance with the findings of such testimony.

ARTICLE VIII

AMENDMENTS

These By-Laws may be amended at a regular meeting of the Bear Lake County Planning and Zoning Commission a two thirds (2/3) majority vote of the members present, providing that the proposed amendment is presented to the membership at a regular meeting prior to the meeting at which the vote for the amendment is taken. On the week following such presentation at said regular meeting a written copy of the proposed amendment shall be mailed to all members and shall be attached to the original By-Laws.

ARTICLE IX

ADOPTION

We, the undersigned, being all the officers of the Bear Lake County Planning and Zoning Commission, County of Bear Lake, Idaho, and having been duly elected and appointed s such, hereby certify that the foregoing By-Laws were duly and regularly adopted by the affirmative vote of the majority of the members of said Commission at a recessed meeting thereof, duly called and held on the ____ day of _____, 1985.

Chairman

Vice-Chairman

I hereby certify that the above By-Laws were approved by a majority vote of the Bear Lake County Planning and Zoning Commission at a recorded meeting thereof and such

approval is recorded in the minutes of the meeting held on the _____ day of _____, 1985.

ATTEST:

Secretary