

BY-LAWS OF BEAR LAKE COUNTY
PLANNING AND ZONING COMMISSION
(as amended September 19, 2019)

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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 Commissioners 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 individual’s 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 cannot attend, he shall notify the Staff 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. 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 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 appointment by the Bear Lake County Board of Commissioners for the vacated membership. These appointments shall be for the remainder of the vacated term. Re-appointment shall be for three years.

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. 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:

Chairman:

- To preside at all meetings of the Commission.
- To call special meetings of the Commission in accordance with these By-Laws.
- To sign documents of the Commission.
- To see that all actions of the Commission are properly taken.
- To appoint all committees, with the aid and concurrence of the membership.
- In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting Secretary.
- Cast a vote in the event of tie

Vice-Chairman:

- 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.
- The Vice-Chairman shall perform such duties as the chairman may direct.

Staff

- The staff is composed of Bear Lake Regional Commission employees and employees of the Bear Lake County Building Department.
- To keep the minutes of all meetings of the Commission in any way they see fit.
- To give or serve all notices required by law or by these By-Laws.
- To prepare the agenda for all meetings of the Commission.

- To be custodian of Commission records.
- To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
- To prepare vouchers for the Commission in accordance with its directives, the law, and county regulations.
- 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 Secretarial duties of the commission be divided between the building inspector and administrative assistant of the Bear lake Regional Commission; 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 Votes: Each member of the Commission shall be entitled to one vote on any matter that may come before the Commission.

5.2 Conflict of Interest: In the event that any member shall have a personal interest as defined in Idaho Code 57-6506 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.

5.3 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 third 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 Open meetings:** All meetings of the Commission shall be open to the public. Public hearings will be conducted in a consistent and uniform manner and provide all who wish to testify an opportunity.
- 6.5 Quorum:** A quorum shall consist of a simple majority of the total membership of the Commission. No action shall be taken in the absence of a quorum.
- 6.6 Minutes, Notice of Meeting, and Agenda.** 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 agenda and the same shall be mailed at least seven (7) days before said meeting.
- 6.7 Agenda Placement:** To place any item on the agenda for official action all appropriate forms and documents must be submitted to the staff no later than 10 days prior to the meeting.
- 6.8 Review Committee:** On site visits may be scheduled with staff assistance for any land use proposal where such a visit is deemed necessary. Such visits shall be posted and treated as any other open meeting. The findings of the visit shall be reported at a following 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 Idaho State Code.
- 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 chair and parties in interest shall have an opportunity to present their views as determined by the chair.

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.

Public hearings shall be recorded.

Article VIII: Amendments. These By-Laws may be amended at a regular meeting of the Bear Lake County Planning and Zoning Commission by 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.

Article XI: 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/or appointed as such, hereby certify that the foregoing amended By-Laws were duly and regularly adopted by the affirmative vote of the majority of the members of said Commission at a regular meeting thereof, duly called and held on the 20th day of November, 2019.

Chairman

Vice-Chairman

I hereby certify that the above amended 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 20th day of November, 2019.