

Prairie County Land Planning Board

By-Laws

Article 1. Name, Creation, and Purpose

Section 1. Name and Creation

The Prairie County Land Planning Board is created pursuant to Montana Code Annotated (MCA) Title §76, Chapter 1.

Section 2. Purpose

The purpose of the Prairie County Land Planning Board shall be:

To carry out for the County of Prairie those responsibilities required, pursuant to MCA Title §76.

The governing body of any county may establish a planning board to promote the orderly development of its governmental units and its environs (76-1-101). The purpose is to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; 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 and promotive of the efficient and economical use of public funds (76-1-102).

Article 2. General Powers and Duties of the Land Planning Board

Section 1. Powers and Duties

The Prairie County Land Planning Board has the powers and duties set forth in MCA Title §76, Chapter 1 (Planning Boards).

Article 3. Jurisdictional Area

Section 1. Jurisdictional Area

The jurisdictional area of the Land Planning Board includes all of Prairie County except those areas that may be excluded including incorporated towns, and land owned by state and federal governments.

Article 4. Members and Terms

Section 1. Members

The Prairie County Land Planning Board shall be composed of Five (5) members. Five members to be appointed by the County Commissioners to include one (1) member of the Soil Conservation District or a special appointed person to represent the Conservation District and four (4) at large members.

Section 2. Terms

The four (4) at large members will have staggered terms of two (2) years. At large members may be reappointed to serve additional terms. The term of the Soil Conservation District member is 2 years appointed by the County Commissioners to serve additional terms following a recommendation from the Soil Conservation District and/or Planning Board.

Section 3. Vacancies

Vacancies will be noticed and filled by the County Commissioners as pursuant to MCA 76-2-211.

Section 4. Advisory Members

The Board may appoint non-voting advisory members to serve at the pleasure of the Board.

Section 5. Absenteeism

A proper functioning Land Planning Board is seriously impaired by the absence of its members. Members who know they cannot attend a scheduled meeting should notify the Chair prior to the meeting.

Section 6. Vacancies

Vacancies for voting members shall be filled by the County Commissioners.

Section 7. Removal for Cause

At large members may be removed for cause by the County Commissioners upon delivery of written charges and after a public hearing.

Section 8. Compensation

Board members will receive no compensation except for reimbursement for transportation or actual expenses incurred for Land Planning Board business. The Executive Secretary position may be compensated as approved by the County Commissioners, with said expense to be drawn by the County from Land Planning Board funds.

Section 9. Planning Board Funds

The board shall work with the County Commissioners to establish an annual budget for the planning board and related planning services. The Land Planning Board may make recommendations to the Commissioners regarding expenditure of budgeted planning board funds on an as-needed basis.

The Land Planning board must be consulted concerning any expenditures of Land Planning Board funds.

Article 5. Board Officers, Terms, and Duties

Section 1. Chair

The Chair of the Land Planning Board shall preside at all meetings and public hearings and shall call special meetings when deemed necessary or required to do so. The Chair may appoint Board members to special committees and shall serve as an ex-officio member of any committee.

Section 2. Vice-Chair

The Vice-Chair shall assume all duties and powers of the Chair in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Board members present will by consensus appoint a member to conduct the meeting.

Section 3. Executive Secretary

The Executive Secretary may be hired by the Prairie County Commissioners. The Executive Secretary (or Chairman, in the absence of the Executive Secretary) will keep the minutes of all regular meetings, public hearings, and special meetings. The Executive Secretary or Chairman shall prepare the agenda for all meetings or hearings and post the agenda as required by law (MCA Title 2 Chapter 3, Part 1). The Executive Secretary or Chairman shall serve proper and legal notice of all public hearings. Other duties shall include maintaining records, plans, reports, and any other important documents. The Executive Secretary or Chairman shall be the public contact for the Board, notifying Board members as needed, oversee correspondence, and perform other duties as assigned.

Section 4. Terms

The Chair and Vice-Chair shall hold office for 1 year. The election of Officers will be held the first meeting of each year. Chair and Vice Chair are elected by current Planning Board members serving.

Article 6. Meetings, Quorum and Procedures

Section 1. Regular Meetings

The Board shall meet in the months of January, April, July, and November. The date of the meetings shall be the first Thursday after the 1st Monday of the month. Meetings falling on a holiday may be rescheduled during a preceding meeting of the Board, and said change in meeting date shall be reflected in the meeting minutes. In the event of unforeseen circumstances, a special meeting will be noticed and held.

Section 2. Special Meetings

The Chair or two (2) members of the Board may request a special meeting to the Chair or Executive Secretary. The Chair or Executive Secretary will make every effort to notify all Board members of the meeting and by any means. Written notice to Planning Board members either by email, text message or letter is the preferred method and should include an agenda and the special meetings should be published and noticed just as regular meetings.

Section 3. Quorum

A quorum for all meetings shall be a majority of the appointed members of the Land Planning Board. If a quorum is not reached at a meeting, members may discuss routine matters, but cannot take action.

Section 4. Manner of Action

A majority vote of the governing body (3 members) shall be considered an act by the Land Planning Board. There shall be no proxy voting.

Section 5. Parliamentary Procedure

The most recent edition of Roberts Rules of Order shall govern any Land Planning Board procedure that is not specifically outlined in these bylaws.

Section 6. Notice of Members Meeting

The Executive Secretary or Chairman shall make an effort to notify all members of all meetings either orally, in writing, or electronically.

Section 7. Open Meeting Requirements

All Land Planning Board meetings are open to the public and shall have 48 hours of notice to the public. A Land Planning Board meeting may be closed if the Chair determines that the demands of individual privacy clearly exceed the merits of public disclosure. Minutes shall be kept during all closed sessions, and shall be deposited and filed under seal with the Prairie County Clerk and Recorder's office. (MCA Title 2 Chapter 3 Part 2, 203)

Section 8. Agenda

Agenda items should be submitted to the Executive Secretary or Chairman as soon as possible before the meeting. The Executive Secretary or Chairman will have the agenda available to the Board and Public at least 2 business days before a regular meeting. The agenda must have time for public comment. The agenda for special meetings should be made available as soon as possible.

Section 9. Minutes

Minutes of all meetings must be available to the public, except for meeting minutes taken during closed sessions. Minutes shall contain a complete and accurate record of all motions and votes. Open meeting Minutes will be available at the Prairie County Clerk and Recorder's office. Draft minutes are a public record subject to disclosure, upon request of the public.

Section 10. Type of Meeting

Meetings may be held in-person, or by videoconferencing. Telephonic appearance at meetings is not allowed, as the public are unable to view the deliberations of a member who is appearing by telephone. There will be one place designated so the public may attend in person.

Article 7. Board Member Ethics and Conduct

Section 1. Conflict of Interest

If a Board member stands to gain financially or personally from a matter that comes before the Planning Board, the member must declare his/her conflict of interest and abstain from casting a vote.

Article 8. Committees

Section 1. Appointments

The Chair may decide to have a special committee and will appoint members to the committee. Committee members can include public members as well as Board members. Any committee will report to the Planning Board during regular meetings.

Article 9. Administration and Legal

Section 1. County Planner

The County Planner shall serve as an advisor to the Board with the approval of the Prairie County Commissioners.

Section 2. Legal Advisor

The Prairie County Attorney shall serve as legal adviser to the Land Planning Board and the County Attorney shall represent the Board in matters relating to the functions, powers, and duties of the Board.

Section 3. Contracted Services

The Land Planning Board may hire contractors with the approval of the Prairie County Commissioners.

Article 10. Amendments

Section 1. Amendments to the Bylaws

The Bylaws may be altered, amended, or repealed and new bylaws may be adopted by the County Commissioners, upon the recommendation of a majority (3) of the Land Planning Board members, and approval by the County Commissioners during a regular or special meeting of the Commission. Notice in writing either by email, text or letter must be given two weeks to each member of the Board of the intention to make a recommendation to the County Commissioners to alter, amend or repeal or to adopt new bylaws.

Article 11. Participation in State and Federal Land Use Decisions

Prairie County Land Planning Board is encouraged to be very active in all levels of planning and public participation involving decisions or management of State and Federal lands. Prairie County government is encouraged to apply for cooperating agency status in Federal and State land management activities.

Approval of bylaws

Date Approved: 8/27/25

Signed: Todd Dewlin
Chairman of the Board of County Commissioners
by SPK

Attested by: Sharon J. Hartman
Clerk & Recorder