

**BY-LAWS**

**PLANNING COMMISISON  
OF THE CITY OF HELENA, MONTANA**

**Adopted May 2, 2024**

**ARTICLE I: NAME**

The Board's name is the City of Helena Planning Commission.

**ARTICLE II: DEFINITIONS**

In these by-laws, the following definitions apply:

- A. Board: The City of Helena Planning Commission established on October 30, 2023 by Resolution No. 20886 of the City of Helena.
- B. City: City of Helena.
- C. City Commission: The governing body of the City of Helena.
- D. MCA: Montana Code Annotated.
- E. MLUPA: The Montana Land Use Planning Act ( the Act).
- F. Quorum: A majority of the total number of Board members appointed.
- G. Staff: Employees of the City .

**ARTICLE III: AUTHORITY, POWERS AND DUTIES**

**Section 1. Authority**

The Board was created by Resolution No. 20866 on October 30, 2023.

**Section 2. Powers and Duties**

- A. The Board has all powers and duties vested in it by law and the creating resolution. The Board's powers and duties are outlined in the creating resolution as well as in the Act. The Board does not advocate before, or on behalf of the City Commission.
- B. Pursuant to the Act and the creating resolution, the Board's role and responsibility is to review and make recommendations to the City Commission regarding the development, adoption, review, and approval or denial of the following documents:
  - 1. The Land Use Plan and Future Land Use Map as provided in the Act;

2. Zoning Regulations and Map as provided for in the Act;
  3. Subdivision Regulations as provided for in the Act; and,
  4. Any other legislative land use planning document that the City Commission designates.
- C. The Board does not have financial authority and serves at the pleasure of the City Commission.

## **ARTICLE IV: MEMBERS, BOARD OFFICERS AND DUTIES**

### **Section 1. Number of Members**

The Board consists of three (3) members. Members are appointed and serve at the pleasure of the City Commission.

### **Section 2. Resignation**

Members can resign by providing written notice to the staff of the City according to the commission appointment. The resignation is effective immediately upon receipt and verification by the City Clerk's office.

### **Section 3. Removal**

Planning Commission members serve at the pleasure of the City Commission and may be removed by a majority vote of the Commission for any reason.

### **Section 4. Officers**

The officers of the Board are a Chair and a Vice Chair. A secretary shall also be appointed which shall be the staff liaison or other staff member as assigned by the Community Development Director.

### **Section 5. Election of Officers**

The Chair and Vice Chair, are elected annually from their membership by majority vote of the Board at the first regular meeting of each calendar year. Staff is responsible for informing the Board of the need to conduct officer votes at the first meeting of each calendar year.

### **Section 6. Board Chair**

The Chair presides over all meetings of the Board. The Chair signs documents and communications on behalf of the Board, decides all points of procedure unless overruled by a majority vote of the Board, and performs other duties described in these by-laws.

**Section 7. Board Vice Chair**

In the absence of the Chair, the Vice Chair shall serve as Chair and have such responsibility and authority as provided in Section 6 of this Article IV. The Vice Chair shall perform other duties delegated by the Chair.

**Section 8. Office Succession**

If the office of Chair or Vice Chair becomes vacant, the Board shall elect a new Chair or Vice Chair, as applicable, at its next regular meeting in the manner provided in Section 5 of this Article IV.

**Section 9. Officer Absences**

If the Chair and Vice Chair are absent from a meeting, the City employee staffing the meeting shall call the meeting to order. A vote shall take place to elect a temporary Chair for the meeting, who must be elected by a majority vote of the Board.

**Section 10. Removal of Officers**

A motion to remove any officer may be made at any meeting. If a majority of the Board concurs, the removal of the officer shall appear on the agenda of the next regularly scheduled meeting. Removal of an officer shall be effective upon the vote of a two-thirds majority of the Board.

**Section 12. Subcommittees**

Designation of subcommittees are not permitted.

**ARTICLE V: MEETINGS, PUBLIC PARTICIPATION, AND PROCEDURES**

**Section 1. Regular Meetings**

- A. The Board shall hold regular meetings on the first Thursday of each month at 6 p.m., at the City-County Building, 316 North Park Avenue, Helena, Montana or via video and audio capable on-line meeting platforms used by the City. Additional meetings may be held on an as-needed basis.

1. When a meeting falls on a City of Helena recognized holiday:
  - a. City staff will adjust the yearly meeting schedule accordingly prior to the first meeting of the calendar year; or
  - b. City staff will poll the membership of the Planning Commission to set an alternative date.
- B. All meetings of the Planning Commission shall be open to the public, both in person and virtually. Meeting notices shall be posted according to the adopted Public Participation Plan, as required in §2-3-203, Montana Code Ann for noticing meetings of public bodies, or as otherwise required by Helena City Code or policies set for general City advisory boards and commissions.
- C. If a quorum is not present, a regular meeting may be canceled. A quorum shall be present for the Board to take official action on any item.

## **Section 2. Work Sessions**

- A. A work session is a time when members of the Board meet to discuss legislative subjects within the scope of the Board's duties.
- B. The Chair, two or more Board members, or Staff may call a work session.
- C. A quorum is not required to conduct a work session.

## **Section 3. Open Meetings**

- A. All Board meetings (regular and work sessions) are open to the public, as required in §2-3-203, Montana Code Ann.
- B. All Board meetings and work sessions must have an agenda, as provided in Section 7 of this article, and will be conducted using the applicable City rules of parliamentary procedure .
- C. Board action is not official unless authorized by a majority vote of the Board.

## **Section 4. Public Participation & Inspection**

- A. Public Participation are guided by the principals and goals outlined in the City Planning Division's Public Participation Plan and the MLUPA.
- B. Any person may comment or provide testimony on any item on the agenda.

- C. Public comment may be made in writing in addition to or in the alternative to oral comment.
- D. Persons (other than staff) testifying shall provide their name and address.
- E. The public shall have an opportunity to address the Board on any item not appearing on the agenda but within the powers and duties of the Board. However, the Board may not act on any matter discussed if the matter is not included on the agenda.

**Section 5. Order of Business**

- A. All regular meetings will be conducted in accordance with the following Order of Business:
  - 1. Roll call (determination that a quorum is present).
  - 2. Approval of minutes.
  - 3. Agenda items.
  - 4. Additional public comment on any item not appearing on the agenda but within the powers and duties of the Board.
  - 5. Announce the date, time, and location of the next meeting.
- B. All work sessions will be conducted in accordance with the following Order of Business:
  - 1. Roll call
  - 2. Agenda items.
  - 3. Additional public comment on any item not appearing on the agenda but within the powers and duties of the Board.
  - 4. Announce the date, time, and location of the next meeting.

**Section 7. Agendas**

- A. All Board meetings shall have an agenda that follows the Order of Business in Section 6 above.

- B. In consultation with the chair, staff must prepare and distribute an agenda to the Board at least one week before the meeting. Staff must post the agenda on the City website at least seven (7) days prior to the meeting.
- C. Discussion of each agenda item must be conducted in accordance with the following procedure:
  - 1. The Board will hear a report on the agenda item from staff, as applicable.
  - 2. The Board will then hear and receive written or oral comments from the public regarding the agenda item.
  - 3. Any person wishing to speak a second time may do so only with the permission of the Chair or with the approval of a majority vote of the Board.
  - 4. The Board, or any member, may at any time question any staff or member of the public about statements, comments, or testimony.
  - 5. After hearing all statements, comments, and testimony, the Chair may close the public comment portion of that agenda item.
  - 6. After closure, and after such discussion as may be appropriate, the Board may move and vote upon a recommendation.

**Section 8. Role of Staff**

The staff for the Board will:

- A. Prepare minutes summarizing all meetings in a form prescribed by the City Commission.
- B. Assist the Board in administrative tasks and serve as liaison from the Board to the City Commission, City departments, and appropriate City staff.
- D. Prepare Board notifications, correspondence, and agendas:
  - 1. Board notification will include the date, time, place and agenda for the meeting. Notification will also include relevant documents to consider with specific agenda items.
  - 2. Staff will notify each Board member electronically for all meetings and work sessions not less than 48 hours prior to the meeting date.

3. Correspondence includes preparing, mailing, and filing official correspondence from the Board to the City Commission, or other persons or entities.
  4. Staff will prepare the agenda for each Board meeting.
- E. Provide for staff presentations to the Board.
- F. Assist the Board in the operation of meetings held via online platforms.

**Section 9. Decision-making**

Decisions must be approved by a majority vote of the Board. Any member may make a motion, which must be seconded for further consideration. All voting on motions shall be by roll call or voice vote.

**ARTICLE VI: LEGAL ASSISTANCE**

The Board, by majority vote of the Board, at a regular meeting, may seek or request legal assistance on issues within the Board’s jurisdiction from the City Attorney’s Office.

**ARTICLE VII: MISCELLANEOUS**

**Section 1. Conflict of Interest**

Any Board member having a financial or personal interest in any matter before the Board for discussion or vote shall publicly disclose the nature and extent of such interest and, if warranted, recuse and remove himself or herself from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, staff shall note in the minutes that a conflict of interest was acknowledged, and whether the Board member was absent during the discussion and voting.

**Section 2. Amendments to Bylaws**

Amendments to the bylaws must be approved by the City Commission.

Approved on May, 2, 2024.

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Lucy Richards, Chair



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Mike Newhouse, Vice-Chair

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Ann Schwend, Member