

BYLAWS
BOONE COUNTY PLANNING AND ZONING COMMISSION
BOONE, IOWA

ARTICLE I.

IOWA CODE CHAPTER 335 COUNTY ZONING [AUTHORITY]

- 1.1 “In order to avail itself of the powers conferred by Iowa Code Chapter 335 County Zoning, the Boone County Board of Supervisors shall appoint a Commission, a majority of whose members shall reside within the County but outside the corporate limits of any city, to be known as the County Zoning Commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such Commission shall, with due diligence, prepare a preliminary report and hold Public Hearings thereon before submitting its final report; and the Boone County Board of Supervisors shall not hold its Public Hearings or take action until it has received the Final Report of such Commission. After the adoption of such regulations, restrictions, and boundaries of districts, the Zoning Commission may, from time to time, recommend to the Boone County Board of Supervisors amendments, supplements, changes or modifications. The Zoning Commission, with the approval of the Boone County Board of Supervisors, may contract with professional consultants, regional planning commissions, the Iowa Department of Economic Development, or the Federal Government, for local planning assistance.”
- 1.2 All prior Bylaws and Administrative Rules adopted by the Boone County Planning and Zoning Commission are hereby repealed and replaced by these Bylaws.
- 1.3 The Zoning Commission shall adopt its own rules of procedures not in conflict with the Zoning Ordinance or with the Code of Iowa

ARTICLE II. NAME

- 2.1 The name of this Zoning Commission shall be the **Boone County Planning and Zoning Commission** hereinafter referred to as the “Commission.”

ARTICLE III. MEMBERSHIP

- 3.1 The Commission consists of nine (9) members. The terms of Commission members are three (3) years. The Commission shall be appointed by the Boone County Board of Supervisors. Terms begin on January 1st and end December 31st.
- 3.2 Vacancies on the Commission shall be filled by the Boone County Board of Supervisors in the same manner as other appointments hereunder, for the unexpired term of the former member.

ARTICLE IV. STIPEND

- 4.1 Commission members may receive payment for mileage incurred only upon approval of the Board of Supervisors. Mileage shall be paid at the rate set by the Boone County Board of Supervisors.

ARTICLE V. ATTENDANCE

- 5.1 Commission members are expected to attend all Regular and Special meetings of the Commission. Each member shall be responsible for notifying the Secretary and/or the Director of Planning as soon as possible before any Commission meeting if unable to attend.
- 5.2 If a member has a valid excuse for nonattendance, the member shall notify the Secretary or the Director of Planning *prior* to the meeting. For purposes of these Bylaws, failure to notify the Secretary or the Director of Planning *prior* to the meeting constitutes an “Unexcused Absence.”

- 5.3 The Chairperson may grant an “Excused Absence” or a “Leave of Absence.” An “Excused Absence” is defined as an absence from one (1) Regular Meeting. A “Leave of Absence” is defined as an absence from two (2) or more Regular Meetings.

ARTICLE VI. RESIGNATION AND REMOVAL

- 6.1 A Commission member may be asked to resign if at any time, the member has three (3) consecutive ‘Unexcused Absences’ from a Regular or Special Meeting, or if total absences (whether excused or not) exceed forty (40) percent of the total meetings in a calendar year.
- 6.2 Three (3) “Unexcused Absences” in a row from Regular Meeting shall be grounds for the Commission to recommend to the Boone County Board of Supervisors that the individual be removed from the Commission.
- 6.3 Any member of the Commission may be removed for cause by the Boone County Board of Supervisors at any time, provided however, that before any such removal, such member shall be presented with specific charges in writing and shall be given an opportunity to be heard in his or her own defense at a public hearing.
- 6.4 Any Commission member may resign his or her membership at any time by giving written notice to the Boone County Board of Supervisors. The Boone County Board of Supervisors shall appoint a replacement to complete the remainder of the member’s term.

ARTICLE VII. BYLAWS AMENDMENTS

- 7.1 These Bylaws may be amended by a simple majority vote of the members of the Commission at any Regular Meeting.
- 7.2 Annual Review. The Bylaws shall be reviewed on an annual basis at the first Regular meeting of the Commission in January or next scheduled Regular meeting when Election of Officers is held.

ARTICLE VIII. ELECTION OF OFFICERS

- 8.1 A Chairperson and Vice-Chairperson shall be *elected* annually by Ballot vote in the month of January or at the first meeting of each year by ballot majority vote by members of the Commission.
- 8.2 Election Procedure - Nominations. For each office of the Chairperson and the Vice-Chairperson, the Chairperson shall invite nominations from the Commission members. *These nominations shall be...*
- 8.02.01 Called out by the Commission members.
- 8.02.02 After nominations have been received, the Chairperson shall entertain a Motion to Close nominations.
- 8.3 Election Procedure – Voting.
- 8.03.01 If such Motion is made and passed, the Chairperson shall distribute Ballots to the Commission members, and each Commission member shall write his or her selection on the Ballot. The Recording Secretary shall tally the Ballots and announce the nominee receiving the most votes. The nominee receiving the most votes wins the election.
- 8.03.02 In the event of a tie, the Recording Secretary shall announce the nominees tied in the voting and balloting shall be repeated until an election occurs.
- 8.03.03 If only one nomination has been received, the Chairperson may conduct the voting by voice vote. If a majority of the members present vote in the affirmative for the one nominee, said nominee shall be elected.
- 8.4 Said Chairperson and Vice-Chairperson shall serve in the capacity of Chairperson and Vice- Chairperson for remainder of his or her elected term.
- 8.5 Said Chairperson and Vice-Chairperson shall be eligible for re-election. More so, said Commission member may be nominated and elected to serve in the capacity of Chairperson and Vice-Chairperson for no more than two (2) years.

- 8.6 Said Vice-Chairperson shall have the same powers as the Chairperson during the absence of the Chairperson.
- 8.7 In the event the Chairperson resigns his or her position, then the Vice-Chairperson shall serve in the capacity of Chairperson for remainder of his or her appointed or re-appointed term. Within the next two (2) Regular Meetings, the Commission shall then elect a Vice-Chairperson to serve in the capacity of Vice-Chairperson for the remainder of his or her appointed or re-appointed term.
- 8.8 The Commission may elect Interim Officers, if necessary, if both the Chairperson and the Vice-Chairperson are not available for a meeting.

ARTICLE IX. DUTIES OF CHAIRPERSON

- 9.1 Said Chairperson shall preside at all meetings, appoint committees and advisory committees as directed by the Commission, and shall perform other such duties as the Commission may direct, shall decide all Points of Order and rule on all questions relating to Cases, with concurrence of the majority of the Commission.
- 9.2 Said Chairperson shall work in conjunction with the Director of Planning and Development Department in the preparation of agendas.

ARTICLE X. DUTIES OF VICE-CHAIRPERSON

- 10.1 Said Vice-Chairperson shall act in the capacity of the Chairperson in in the Chairperson’s absence. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall select a successor of the Vice-Chairperson for the unexpired term.
- 10.2 Said Vice-Chairperson shall function in the same capacity as the Chairperson in cases of the Chairperson’s inability to act.

ARTICLE XI. DUTIES OF SECRETARY

- 11.1 Commission Secretary shall receive all rezoning and conditional use applications and zoning ordinance amendments, insure that all the information is ready for Commission review, shall send out all notices to property owners, and other interested parties, shall keep minutes of the Commission proceedings, and shall keep a file of each case which comes before the Commission.
- 11.2 In the event the Commission Secretary is absent, the Commission shall temporarily appoint one of its members to act as the Commission Secretary.
 - 11.2.01 To take Minutes of the Proceedings
 - 11.2.02 To take roll call, record voting, and record which members were absent for each vote
 - 11.2.03 To tally election ballots, if needed.
- 11.3 Records. The Secretary shall keep the Minutes of the Proceedings and all records of cases. All records are public.

ARTICLE XII. QUORUM

- 12.1 The presence of five (5) Commission members constitutes a Quorum. For example, if seven (7) members are present, a Quorum has been established; and a simple majority vote would be from four (4) members. Or, if five (5) members are present, a Quorum has been established; and a simple majority vote would be from three (3) members.
- 12.2 Whenever a Quorum is not present at a Regular or Special Meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. It shall be noted that *no action taken at such a meeting shall be final or official* unless and until ratified and confirmed at a subsequent meeting at which time a Quorum is present.

ARTICLE XIII. PARLIAMENTARY PROCEDURE

- 13.1 Parliamentary procedure in the Commission meeting shall be governed by Robert's Rules of Order (Revised).

ARTICLE XIV. CONFLICT OF INTEREST

- 14.1 Members of the Commission shall avoid Conflicts of Interest. Conflict of Interest for purposes of these Bylaws is defined as a situation in which a Commission member who, contrary to the obligation and absolute duty to act for the benefit of the public, is seen (whether real or perceived) as exploiting the relationship for personal benefit or gain, typically pecuniary (financial).
- 14.2 The Commission must avoid Conflicts of Interest. The Commission shall be an impartial decision-maker. When in doubt, disclose.
- 14.3 If a Commission member determines that he or she may have a Conflict of Interest on a particular issue, then said member shall declare the nature of such conflict and ask to be excused from deliberation and voting on the issue related to such conflict.
- 14.4 When the issue comes before the Commission, then said member shall remove himself or herself from the meeting room during all deliberation and voting pertaining to such matter.
- 14.5 ***In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand where no Conflict of Interest is found to exist.***

ARTICLE XV. EX-PARTE COMMUNICATIONS

- 15.1 Members of the Commission shall avoid Ex-Parte Communication outside the Commission's meeting room or chambers. Ex-Parte Communication for purposes of these Bylaws is defined as a Commission member engaging in a one-sided discussion, without providing the other side (remaining Commission Members) an opportunity to respond and state their case. Ex-Parte contact or communication occurs outside the public realm or public hearing. Any contact through e-mail, telephone, in-person, or in such similar fashion that a Commission member may have with an outside party involved, or potentially involved, in a case before the Commission and outside the public hearing process is known as an Ex-Parte contact or communication. This type of contact includes communications between Commission members.
- 15.2 Commission members shall not discuss a case privately and as a single Commission member with an applicant or objector prior to the filing and prior to the hearing if it can be politely avoided. In the event it is not avoidable, and many times it is not, then the Commission member shall be very non-committal. The Commission member shall explain that he or she is only one member of the Commission, and that as a Commission member you have not had an opportunity to study the matter thoroughly, and that you have not seen the staff recommendation, and that you have no way of knowing what opposition there may develop or what will occur at the public hearing.
- 15.3 As a Commission member who cannot avoid Ex-Parte Communication, be certain that the person that confronted you understands that you cannot commit yourself in any manner, except to assure that person that he or she may expect a fair and impartial hearing.
- 15.4 Commission members shall disclose all Ex-Parte Communication or Contact to the Commission prior to hearing a case.

ARTICLE XVI. REGULAR MEETING

- 16.1 Regular meetings of the Commission will normally be held on the fourth Monday of the month at 7:00 p.m. If no cases are filed during the filing period, no meeting will be held with the exception of electing a Chairperson and Vice-Chairperson each year.
- 16.2 When the Regular Meeting day falls on a legal holiday or other conflicts arise, the Commission shall select a suitable alternate day. If no business is to be brought forth, a meeting may be cancelled.
- 16.3 At the time of the Public Hearing the applicant may appear in his or her own behalf or be represented by agent or counsel. In the absence of any personal appearance on behalf of the applicant, the Commission will proceed to dispose of the matter on the forms and information provided before.
- 16.4 Informal Advice. The Commission will not consider a request (informal or not) for advice on theoretical or actual situations that potentially may later come before the Commission as an application.
- 16.5 Robert's Rules of Order (Revised) are to be used as guide in the governance of this Commission.

ARTICLE XVII. SPECIAL MEETING

- 17.1 From time to time Special Meetings may be called in order to process significant caseloads, or to review works in progress such as Comprehensive Plan updates or County Ordinance revisions and amendments; to undertake a Retreat or Strategic Planning Session either amongst itself or in the company of the Board of Supervisors or other boards and commissions.
- 17.2 Special Meetings can be proposed by any Commission member or at the request of the Boone County Director of Planning and Development or the Boone County Board of Supervisors.
- 17.3 Special Meetings shall be conducted according to Robert's Rules of Order (Revised).

ARTICLE XVIII. PUBLIC MEETING

- 18.1 All official Regular and Special Meetings and Hearings shall be open to the public and publicized according to the requirements of the Code of Iowa. All records and accounts shall be open to the public.

ARTICLE XIX. VOTING

- 19.1 A majority of the number of voting members appointed to the Commission shall constitute a Quorum. For example, if seven (7) members are present, a Quorum has been established; thus, a simple majority vote is from four (4) members.
- 19.2 Voting shall be by roll call and will be recorded by ayes (yeas) and nays.
- 19.3 All members of the Commission, including the Chairperson, are required to cast a vote for each Motion.
- 19.4 Minutes will show which members are absent for each vote.
- 19.5 A Commission member may abstain if he or she feels a conflict is of a financial nature. If a member elects to abstain from voting, he or she is required to state the reason for the abstention. When the issue comes before the Commission, then said member shall remove himself or herself from the meeting room during all deliberation and voting pertaining to such matter.
- 19.6 The Commission may not vote on an application or updates or amendment(s) until all required information has been set forth on the forms and until the Hearing has been conducted.

ARTICLE XX. UNFINISHED BUSINESS

- 20.1 Unfinished Business. Where all applications cannot be disposed of on the day set due to length of the meeting or extenuating circumstances, the Commission may adjourn until the next Regular or Special Meeting as the Commission may decide.

ARTICLE XXI. ORDER OF BUSINESS

- 21.1 The Secretary shall prepare an agenda for each meeting and send to each Commission member as part of the notification process. The Order of Business shall be as follows ...
- 21.1.01 Call to Order.
 - 21.1.02 Roll Call of Members present
 - 21.1.03 Determination of a Quorum
 - 21.1.04 Approval of Minutes of Previous Meeting
 - 21.1.04a Stand approved as submitted or
 - 21.1.04b Stand approved with corrections and additions
 - 21.1.04 Approval of Agenda
 - 21.1.04a The order is subject to the will of the Commission
 - 21.1.05 Disclose Conflict of Interest and Ex-Parte Communication Inquiry
 - 21.1.06 Public Hearing(s)
 - 21.1.06a Chair *opens* hearing on case.
 - 21.1.06b Applicant presentation
 - 21.1.06c Staff presentation
 - 21.1.06d Public comment
 - 21.1.06e (Rebuttal or Closing Statement)
 - * Applicant
 - * Staff
 - 21.1.06f Chair *closes* hearing on case
 - 21.1.06g Commission Deliberation
 - 21.1.06h Commission Motion
 - 21.1.07 Unfinished Business
 - 21.1.08 New Business
 - 21.1.09 Adjournment

Important Note: The order is subject to the will of the Commission.

ORIGINAL ADOPTION: The Administrative Rules for the Boone County Zoning Commission were Originally Adopted on December 10, 1998

AMENDMENT #1: Regular Meeting of Monday, March 29, 2010, final approval with corrections and additions.

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| <input checked="" type="checkbox"/> Thomas Ross, Chair | <input checked="" type="checkbox"/> Duane Haglund, Vice-Chair | <input checked="" type="checkbox"/> Maggie Stone |
| <input checked="" type="checkbox"/> Robert North | <input checked="" type="checkbox"/> Lawrence Bice | <input checked="" type="checkbox"/> Rebecca Shivers |
| <input checked="" type="checkbox"/> Steve Lawler | <input checked="" type="checkbox"/> Pam Prouty | <input type="checkbox"/> Vacant |