

BY-LAWS

**Interim Planning Commission
City of Billings**

Adopted May 29, 2025

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ARTICLE I

NAME AND LOCATION

Section 1. Name

The name of this Commission shall be the City of Billings Interim Planning Commission (hereinafter referred to as the Commission).

Section 2. Location

The Commission offices are located on the fifth floor of the New City Hall, 316 N 26th St. Billings, MT 59101.

ARTICLE II

AUTHORITY, POWERS, AND DUTIES

Section 1. Authority

The Interim Planning Commission is authorized under Section 76-25-104 MCA and City of Billings Resolution 24-11241, and pursuant to Billings, Montana City Code (BMCC) Section 2-224.

Section 2. Duties and Responsibilities

The Interim Planning Commission shall review and make recommendations to the City Council regarding development, amendment, review, adoption, and approval or denial of the following documents:

1. Develop the land use plan and future land use map as provided in Title 76, Chapter 25, Part 2. This includes acting as Steering Committee for the development of the land use plan and future land use map.
2. Changes to the zoning regulations and zoning map as provided in Title 76, Chapter 25, Part 3;
3. Changes to the subdivision regulations as provided in Title 76, Chapter 25, Part 4;
4. Any other legislative land use planning document the City Council designates as part of the initial development of the land use plan and future land use map.

ARTICLE III

MEMBERSHIP AND TERMS OF APPOINTMENT

Section 1. Membership

The Commission shall consist of nine (9) members.

Five (5) members previously appointed by the City Council to the County Planning Board from each City Ward.

One (1) member previously appointed by the City Council to the City Zoning Commission and serves as the chair of the City Zoning Commission.

One (1) member previously appointed by the City Council to the City Board of Adjustment and serves as the chair of the City Board of Adjustment.

One (1) member is the Executive Director of the Home Builders Association of Billings.

One (1) member is the Executive Director of the Billings Association of Realtors.

Section 2. Terms

Members of the Commission shall serve from the first meeting of the Commission until:

1. May 17, 2026,
2. The creation of the permanent Planning Commission, or
3. Until their successors are otherwise appointed and qualified, whichever occurs first.

Section 3. Qualifications

The members of the Commission shall be residents of the City of Billings and meet the minimum qualifications set forth in BMCC Section 2-501.1.

Section 4. Absences and Removal

- A. Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Commission meeting. Such an absence shall be considered an excused absence.
- B. If any Commission member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given by a public notice of the meeting, the President may call such absences to the attention of the Commission which may then ask the member to resign and that another person be appointed to serve out the unexpired term. Applications for the replacing member will be sought pursuant to BMCC Section 2-501.2 to represent the applicable City Ward.
- C. Members of the Commission serve at the discretion of the Mayor and City Council. Upon two-thirds (2/3) vote of the Mayor and City Council, any or all members of the Commission may be removed.

Section 5. Vacancies

Vacancies occurring on the Commission shall be filled for the unexpired term by the Mayor with the Consent of City Council in accordance with Article III Section 4 above.

ARTICLE IV

OFFICERS, TERMS, AND DUTIES

Section 1. Officers

The Commission shall elect annually from its members by a majority vote a Chairperson and Vice-Chairperson. The Chairperson and Vice-chairperson shall serve one (1) year terms or the time period that applies under Article III Section 2 above. Office elections shall be held at the first meeting in 2025 and 2026. The Chairperson and in their absence, the Vice-Chairperson shall decide all points of order or procedure and preside over the meeting. The Secretary of the Commission shall be an ex-officio, non-voting staff liaison or other staff member as assigned by the Planning Director.

Section 2. Officer Absences

If the Chairperson and Vice Chairperson are absent from any regular meeting, the Executive Secretary shall call the meeting to order and a quorum of members shall elect a temporary chairperson for the meeting.

Section 3. The Director of Planning

The Director of Planning shall function as Executive Secretary, whose duties may include:

- A. Keeping true and correct copies of the minutes of all regular and special commission meetings.
- B. Recommending policies, ordinances, or resolutions, which may be necessary to accomplish the objectives of the Commission and implement the goals of the Montana Land Use Planning Act.
- C. Representing the Board before any other board, commission or committee, or citizen's organization.
- D. Preparing in the name of the Commission correspondence, official notices, and agendas.
- E. Reporting at the Board's request the progress and status of any program or project for which the Commission has responsibility and changes in State or Federal guidelines, which may affect any of the Commission's programs, or status.

ARTICLE V

MEETINGS, QUORUMS, AND PROCEDURES

Section 1. Regular Meetings

Regular meeting of the Commission shall be held on the first Thursday of each month at 4:30 p.m. in the City of Billings City Hall, fifth floor or in such other place and time as advertised. Regular meetings of the Commission are open to the public and testimony or correspondence may be received from any citizen at any public meeting. Regular and special meetings shall be recorded and all records shall be available according to the Planning Divisions adopted Public Participation Policy.

Section 2. Quorums

- A. A majority of voting members present shall constitute a quorum.
- B. Official action can only be conducted when there is a quorum present at any meeting.
- C. Commission members may join the meeting remotely per the City's Policy regarding remote participation of Board and Commission members. This specifies remote participation for health reasons or travel out of town, and that when participating remotely the Commission member is able to be seen and heard for the duration of the meeting.

Section 3. Special Meetings

Special meetings of the Commission may be called by the Chairperson or Executive Secretary on days not outlined in the above Article VI, Section 1. The Executive Secretary shall then notify all members of the special meeting and the topic(s) to be considered. These special meetings shall be publicly advertised and updated on the Planning Division's webpage.

Section 4. Agendas

The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting. Each agenda shall contain the following standing items:

- 1 CALL TO ORDER.** Welcome and introduction of new and returning Commission Members and staff
- 2 APPROVAL OF AGENDA**, including any additions or deletions to agenda
- 3 MEETING MINUTES**
- 4 PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person)
 - a. Comments on items not on agenda and requests to add items to future agendas
 - b. Comments on items on the non-public hearing agenda items
- 5 DISCLOSURE OF CONFLICT OF INTEREST**
- 6 DISCLOSURE OF EX PARTE COMMUNICATION**
- 7 OLD BUSINESS** (items that were not discussed or not completed in a previous meeting or items requiring action)
- 8 NEW BUSINESS** (items that are new to this meeting)
- 9 AGENDA ITEMS FOR NEXT BOARD MEETING**
- 10 ADJOURNMENT**

Agendas and copies of the minutes of all regular meetings shall be distributed to each member of the Commission no later than the Friday preceding the meeting date. At the beginning of each meeting the public shall be given the opportunity to address the Board on any item that is not on the current agenda.

Section 5. Public Hearings

- A. The Commission shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose pursuant to the Planning Division's Public Participation Plan.
1. Public hearings shall be conducted in accordance with the following procedure unless the Commission determines by a majority vote to follow some different procedure:
 - a. The Commission shall first hear a report on the subject item from the Planning Department staff, which report may include a recommendation as to the action to be taken by the Commission.
 - b. The Board shall then hear and/or receive written or oral statements from the public in the following order:
 - i. Proponents of the proposal.
 - ii. Opponents of the proposal.
 - iii. Members of the public who, being neither proponents nor opponents of the proposal wish to make a general statement or comment regarding the same.
 - iv. The Commission shall then ask any questions regarding the testimony to Planning Department staff.

- v. The Commission shall then hear any brief final comments, statements, or recommendations, if any, from the Planning Department staff.
 - vi. Any person wishing to speak a second time may do so only during the proper course of the proceedings, only after all persons wishing to speak have been heard, and only with the permission of the Chairperson or the approval of the majority of the Commission members.
2. Prior to hearing and/or receiving oral statements, comments, or testimony from the public, the Commission may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statement, comments, or testimony.
3. The Commission or staff, may at any time question any person about his/her statements, comments, or testimony.
4. After hearing any and all statements, comments, and testimony as above provided, the Chairperson shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Commission may vote upon a recommendation for the item under consideration.
5. Subject to any time constraints imposed by law, the Commission may, at any stage of a public hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. In the case of such continuance, the time and place of all further proceedings in regard thereto shall be immediately fixed and announced to the PCSD Department staff and the public, in which case no further legal notice of the hearing need be given.

B. Informal Hearings

The Commission, by majority vote, may follow some other procedures for the conduct of hearings.

ARTICLE VI

LEGAL ASSISTANCE

The Board shall seek legal assistance from the City Attorney in coordination with staff.