

BYLAWS

CITY OF MISSOULA DESIGN REVIEW BOARD

Adopted May 20, 1981
Amended May 1989
Amended March 1990
Amended April 11, 2007
Amended October 12, 2011
Amended June, 2014

Article I - Authority

The City of Missoula Design Review Board was created on June 4, 1979, by action of the City Council of the City of Missoula in accordance with City Zoning Ordinance Number 2025, as amended June 7, 1982, per Ordinance 2270, Chapter 19.86, and as amended November 4, 2009 per Ordinance 3410, Chapter 20.90.020 of the Missoula Municipal Code.

Article II - Objective

The objective of the City of Missoula Design Review Board, as established in Authority in Chapter 20.90.020.A is to promote the health, safety, and general welfare of the city and to review projects assigned to it by the City Council via the City Council's ordinances, resolutions and motions.

Article III - Definitions

"Zoning Officer" means the Missoula City Zoning Officer or any City employee acting lawfully on behalf of the Missoula City Zoning Officer.

"Board" means the City of Missoula Design Review Board.

"Chairperson" means the Chairperson of the City of Missoula Design Review Board; in his/her absence, the Vice Chairperson.

"City Council" means the Missoula City Council, Missoula, Montana.

"Office" means the office of the Missoula City Zoning Officer (also known as the Office of the Board).

"Staff" means the Missoula (DS) staff.

Article IV - Powers and Duties

The Board has the powers and duties, as assigned to it by the City Council, in accordance with Chapter 20.90.020 of the Missoula Municipal Code including all amendments thereto.

Article V - Membership

The Design Review Board must consist of seven regular members and one alternate member, all of whom reside in the city or unincorporated Missoula County. Vacancies shall be filled by the City Council by appointment for staggered one to three year periods.

- A. Members must be appointed by the City Council, with an effort to achieve a diversity of expertise, background, and interest such as historian, graphic artist, architect, and landscape professional.
- B. The alternate member serves in the absence or vacancy of any regular board member.

Article VI - Officers and Duties

- A. Chairperson - The Board shall elect a chairperson from among its members who shall serve in that capacity for one (1) year.
- B. Duties:
 - 1. The Chairperson shall preside at all meetings and hearings and perform the duties normally conferred by parliamentary procedure, and such other duties as may be properly prescribed.
 - 2. The Chairperson may call special meetings.
 - 3. The Chairperson may enter into discussion of matters before the Board.
 - 4. The Chairperson may vote on all issues before the Board, subject to the provisions of the Conflict of Interest section of the Bylaws.
- C. The Board shall elect a Vice Chairperson from among its members who shall serve in the capacity for one (1) year. In the event the Chairperson is absent, the Vice Chairperson shall assume all duties and responsibilities of the Chairperson.

Article VII - Meetings

A. Regular Meetings

- 1. The Board shall meet at least once a month on the 2nd Wednesday unless the regular meeting is cancelled by the Chairperson. A meeting may not be cancelled if any request for review is scheduled to be heard by the Board.
- 2. The Zoning Officer shall make arrangements for a suitable meeting place for each meeting of the Board and give adequate notice.
- 3. All meetings and business of the Board shall be open to the public.
- 4. A quorum shall be present at all meetings at which official action is taken.

B. Special Meetings

- 1. Either the Chairperson or a quorum of the Board may direct the Zoning Officer to call a special meeting.
- 2. The Zoning Officer shall notify all members of a special meeting and execute proper notice, as required by law.

C. Quorum

1. Four of the duly appointed members of the Board constitute a quorum

D. Parliamentary Authority

1. Robert's Rules of Order shall apply in all parliamentary matters, unless these Bylaws otherwise provide.

E. Conduct of Meeting

1. The order of business at regular meetings shall be:
 - a. Call to Order
 - b. Roll Call
 - c. Approval of Minutes
 - d. Communications
 - e. Public Comment
 - f. Public Hearings
 - g. Old Business
 - h. New Business
 - i. Comments from Board Members
 - j. Adjournment
2. The Board, by majority vote, may change the order of business.

Article VIII - Public Hearing

A. Notice

Notice of all public hearings shall be made by the City Zoning Officer by the following:

1. An advertisement placed in the newspaper, which is designed to attract attention to the meeting giving date, time, and location and specify the items to be heard
2. Posted notice on each public street frontage abutting the subject property.
3. Any other method deemed necessary and appropriate, as decided by the Chairperson for specific items.
4. Mailing to adjacent property owners when required in the ordinance.

B. Procedures

1. The Chairperson shall:
 - a. Specify the method of conduct of the hearing.
 - b. Establish a time limit for each individual testimony, where such limit appears necessary.
 - c. Announce that all questions and comments shall be directed through the Chairperson only after the speaker has been properly recognized.
 - d. Direct each speaker recognized to give their name and address, spelling of their last name, and, if applicable, the name of the person, firm or organization which the speaker represents.

- e. State a summary of the question or issue at the opening hearing, limiting its contents to the subject advertised for hearings.
- f. Call first for statements from the proponents, then give opponents an equal opportunity for comment. Allow for rebuttals to testimony given, as long as proponents and opponents are given an equal opportunity to speak.
- g. Direct that copies of prepared statements be given to the Secretary and the Chairperson to become part of the record.
- h. Close the hearing to the receipt of public testimony when all who wish to speak have spoken; or state the time, place and date upon which the hearing will be continued, after Board members have completed questioning any person presenting testimony.
- i. Terminate the hearing, to be rescheduled at an announced date, time and place, if the hearing becomes unruly to the point that no progress is being made toward arriving at an objective decision.

2. Staff shall:

- a. Keep record of the public notice of public hearing including legal advertisement for each issue before the Board, as well as the dates and names of the newspaper(s) in which the advertisement was published.
- b. Take minutes and electronically record the proceedings at each hearing.
- c. Incorporate the record of the hearing in the Minutes book of the Board as a permanent part of the record to be kept in the Development Services Office.
- d. Produce a summarized set of minutes for the Board's approval at each subsequent meeting.

Article IX - Discussion and Vote

A. Discussion

- 1. The City Zoning Officer shall present a written statement along with a report of all known facts and requirements pertaining to the application.
- 2. The Chairperson may ask the Zoning Officer to read his statement into the record, or offer comments in addition to the statement.
- 3. The Board may ask questions of persons in the audience in order to clarify questions arising during the discussion.
- 4. Additional comments from the audience may be heard by the Board during the discussion period only if a majority of the members present agree. If additional comments are requested, the Chairperson shall reopen the public hearing to allow anyone who wishes to speak on the specified subject under discussion.
- 5. Upon a motion and voice vote, the Board may table or reject any application due to lack of sufficient information provided by the applicant.

B. Vote

- 1. Votes shall be taken after a motion has been made and seconded.

2. Votes shall be made by roll call.
3. A simple majority of Board members present shall be required to pass any motion. In the event of a tie vote, the motion fails.

Article X - Conflict of Interest

A. A conflict of interest exists when a member of the Board:

1. Has a financial or property interest in a matter under consideration by the Board;
2. Represents a party having such an interest;
3. Has worked on the project, or any partner, employees, or employer has worked on the project; and
4. Feels that he or she should be disqualified for any reason not listed above.

B. Before consideration of the matter, the Chairperson shall announce the name of any member who has declared a conflict of interest and the reasons therefore, and the disqualification shall be entered into the minutes of the meeting.

C. The member may participate as a part of the public by giving testimony or providing information to the Board, but the disqualified member may not vote on the issue for which a conflict of interest has been declared.

Article XI - Policies of the Board

A. The Board may, by majority vote, adopt policies for the purpose of:

1. Aiding in the conduct of meetings, hearings or appeals;
2. Presenting additional information to assist them in making decisions;
3. Correcting situations which the Board may determine to be problematic in the conduct of their business;
4. Developing guidelines for the Zoning Officer concerning standards for submittal materials to be met before an applicant may request review;
5. Developing any procedure which does not constitute an amendment or does not conflict with these Bylaws or the City Zoning Ordinance.

B. A policy may be adopted or repealed by the Board by a simple majority vote of the Board present and voting, a quorum being present.

C. Adopted policies shall appear as appendices to these Bylaws and shall be attached to these Bylaws in the Appendix section.

Article XII - Amendments to the Bylaws

- A. Any amendment to these Bylaws may be proposed by any member of the Board.
- B. Proposed amendments shall be submitted in writing at the previous regularly scheduled meeting.
- C. Approval of the proposed amendment requires an affirmative vote of four (4) of the members present.

APPENDIX NUMBER 1

Absenteeism

Board members who have two (2) or more unexcused absences from a regular meeting in any one (1) year period or Board members who miss four (4) regular meetings or more in one (1) year for any reason may be referred by a majority vote of the Board to the City Council for removal of the Board member after written notice. An excused absence is one in which the Board member notifies DS staff of a future or anticipated absence as soon as possible prior to the meeting date. An excused absence is also an absence that was unavoidable due to conditions unique to the occasion as determined by the entire Board at the next regularly scheduled meeting after the absence.

APPENDIX NUMBER 2

Motions

Motions shall include the following:

1. To approve, conditionally approve or deny the application based on findings from Staff report and testimony heard at the public hearing.
2. A precise statement of each and every modification or variation from the staff report proposed conditions of approval, if any.