

*Ashland COUNTY
PLANNING
COMMISSION
BY LAWS*

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Ashland County Planning Commission
Ashland County Office Building
110 Cottage Street
Ashland, Ohio 44805

PREAMBLE

By virtue of the adoption of a Resolution by the Board of County Commissioners of Ashland County, Ohio, the Ashland COUNTY PLANNING COMMISSION (sometimes hereinafter referred to as the "COMMISSION") has been activated with powers given to County Planning Commissions under the laws of the State of Ohio, particularly Revised Code 713.22 at Seq. Such Resolution provides for the creation of a County Planning Commission composed of eight (8) citizen members and the three (3) members of the Board of County Commissioners. This County Planning Commission of eleven (11) members has the right to exercise the powers and duties of a County Planning Commission.

Subject to the provisions of all applicable statutes and in order to carry out the duties and functions of the County Planing Commission vested in it by virtue of a Resolution of Organization and the Statutes of the State of Ohio, it is hereby determined to be necessary and desirable that the following by-laws be adopted:

Ashland County Planning Commission Mission Statement

The mission of the Ashland County Planning Commission is to assist local units of government by providing land planning guidance and further to create and administer Ashland County Subdivision Regulations that promote sound, orderly development benefiting the citizens of Ashland County.

SECTION I – PROCEDURES

Article 1.01 - Powers and Duties:

The County Planning Commission shall have all the powers and duties now or hereafter granted or prescribed for County Planning Commission by the Constitution or Laws of the State of Ohio. It shall determine its own rules and order of business and shall keep a journal of its proceedings.

Article 1.02 - Meetings:

- 1) **Regular Meetings** - The County Planning Commission shall hold a regularly scheduled meeting monthly. At the first such meeting, each year, the County Planning Commission shall set up the schedule of dates, time and place of regular meetings for the remainder of the year.
- 2) **Special Meetings** - The President may call a special meeting of the County Planning Commission, at any time; and, shall call a special meeting upon a written demand therefore signed by at least three (3) of the County Planning Commission members setting forth reason for the demand. The agenda for a special meeting shall be limited to the reason for which the meeting was called.
- 3) **Emergency Meetings** - In the event of an emergency, any Executive Officer may call for an emergency meeting. At the emergency meeting only those items for which the meeting was called shall be discussed. The local press shall be notified in advance of any emergency meeting being held.
- 4) **Rules of Order** - All meetings of the County Planning Commission shall be conducted under The Robert's Rules of Order, Newly Revised, as adopted by the County Planning Commission.

Article 1.03 - Quorum:

A quorum shall consist of six (6) members. No official business of the County Planning Commission shall be conducted without a quorum present. The affirmative votes of at least the majority voting in attendance at any meeting shall be necessary to adopt any resolution.

Article 1.04 - County Planning Commission Actions:

All actions of the County Planning Commission shall be by resolution, adopted as herein provided, either in writing or upon oral motion. Such resolutions, upon adoption, however, shall be reduced to writing and recorded in its journal.

Article 1.05 - Notice of Meeting:

The County Planning Commission's Secretary shall mail or deliver written notice of each regular or special meeting of the County Planning Commission to each member of the County Planning Commission not more than ten (10) days, nor less than five (5) days before such meeting. Notice of any meeting shall state the purpose for which such meeting is called and shall include a proposed agenda of matter to be considered at the meeting.

Article 1.06 - Order of Business:

The order of business of the County Planning Commission should be as follows:

- 1) Roll Call
- 2) Minutes
- 3) Reports of special committees
- 4) Correspondence
- 5) Old Business
- 6) New Business
- 7) Planning Director's Report
- 8) Public Participation
- 9) Any other items of business as necessary
- 10) Adjournment

Article 1.07 - Member May Disqualify Self

- 1) Whenever a matter is brought before the County Planning Commission during a public hearing, work session, emergency meeting, or regular meeting in which a member believes that he/she is prejudiced by reason of financial interest, membership in another body, or otherwise, he/she may at his/her discretion disqualify themselves from discussion or voting while that matter is on the floor. (Amended 1/13/2010)
- 2) Upon the members announcement of their intent to abstain and the reason for abstaining, the President shall acknowledge the proposed abstention for the record.
- 3) The interest of the Planning Commission member may be represented before the Planning Commission by a specifically designated representative or legal agent at the public hearing or work session, and testimony entered into the record.

SECTION II – MEMBERSHIP

Article 2.01 - Composition of County Planning Commission:

In accordance with Chapter 713.22 of the Ohio Revised Code, the County Planning Commission shall consist of eleven (11) voting members, three (3) of whom are the Board of County Commissioners, and eight (8) members appointed by the Board of County Commissioners. Each member may designate an alternate according to the by-laws in Article 2.02. The eight (8) members may or may not hold public office. The eight (8) members shall be appointed by the Board of County Commissioners. Any membership term expiration, shall be filled in the same manner as the Board Member was first appointed.

Article 2.02 – Alternates:

The Board of County Commissioners or County Planning Commission member may designate an alternate who will serve at the pleasure of the member who makes the designation, and represent the same discipline. Said alternate will be a resident of the county and serve in the absence of that member. An alternate may or may not hold public office.

- 1) To designate an alternate for any member of the County Planning Commission, the member shall submit a letter of appointment to the Board of County Commissioners, designating an individual to serve as that members alternate. At the next regular meeting of the Board of County Commissioners, the Clerk shall inform the Board of the designation of the alternate, which designation the Board may either approve or disapprove. If approved, the Board shall pass a resolution designating the alternate. The Clerk of the Board shall notify the

Commission member of the Board's action, and the Commission member shall inform the alternate.

- 2) Removal of an alternate shall be made by a letter of removal, delivered and journalized by the same method that the alternate was designated.
- 3) Once an alternate is designated for a member of the County Planning Commission, if that Commission member is absent from a County Planning Commission meeting, the alternate has the right to vote and participate in all proceedings and actions of the County Planning Commission at that meeting as if that alternate were the Commission member.
- 4) Alternates shall serve the same term as the Commission member who designates them.

Article 2.03 - Vacancies:

Any membership vacancy occurring during a term, shall be filled for the unexpired term, in the same manner as the vacated member was first appointed.

Article 2.04 - Term.

The members shall be appointed for terms of three (3) years.

Article 2.05-Planning Commission Members Responsibilities and Conduct.

- 1) Members of the County Planning Commission are encouraged to take such time as is necessary to prepare themselves for hearings and meetings upon receipt of the agenda packet, including:
 - a. Seeking clarification of agenda packet materials.
 - b. Viewing sites
- 2) In the event a member is unable to attend a meeting of the County Planning Commission, it is their responsibility to contact their alternate to attend in their place. If either the member or their alternate is unable to attend the meeting, it shall be the responsibility of the member to notify either the Director or the President. Such notification shall be at least (3) days prior to the stated meeting date. This notification is required to provide the member and alternate with an "excused absence".
- 3) Any member or their alternate who is absent for (3) consecutive meetings without an excused absence shall, at the discretion of the President, be considered to have resigned and shall not be called on the roll of member attendance. A confirmation of resignation shall be given to the member and alternate.
- 4) Filling the seat of a resigned member or alternate shall be conducted in accordance with articles 2.01 and 2.02 of these bylaws.
- 5) The interest of that Planning Commission member may be represented before the Planning Commission by a specifically designated representative or legal agent at the public hearing or work session, and testimony entered into the record.

SECTION III – OFFICERS OF THE COUNTY PLANNING COMMISSION

Article 3.01 - Executive Officers:

The Executive Officers of the County Planning Commission shall be its President, Vice President.

Article 3.02 - President, Vice President :

The President and Vice President shall each be elected by the County Planning Commission from its appointed membership at its regular January meeting each year, to take office immediately upon election. Each shall hold office until; the regular January meeting next after his/her election, or until his/her successor is elected and qualified.

Article 3.03 - Duties of the President:

The President shall preside at all meetings of the County Planning Commission and except to the extent as hereinafter otherwise provided. He/she shall be, ex officio, a member of all committees and shall perform all the duties incident to the office, and such other and further duties as may from time to time be required or requested of him/her by the County Planning Commission.

Article 3.04 - Duties of the Vice President:

The Vice President shall perform all the duties of the President in case of his/her absence or disability, and such other and further duties as may from time to time be required or requested of him/her by the County Planning Commission. In case the President and Vice President are absent or unable to perform their duties, the County Planning Commission may appoint a President Pro Tempore. The Vice President shall immediately fill the office of President in the event the office becomes vacant.

Article 3.05 - Other Officers:

The County Planning Commission may appoint or elect such other officers as it shall deem necessary who shall have such authority and shall perform such duties as assigned by the County Planning Commission.

Article 3.06 – Vacancy:

If any executive office, with exception of the presidency, shall become vacant by reason of death, resignation, disqualification, or any other cause, the County Planning Commission may elect a successor to hold office for the unexpired term in respect to which such vacancy occurred or was created.

SECTION IV – SECRETARY OF THE COUNTY PLANNING COMMISSION

Article 4.01 – Duties of the Secretary

- 1) The Director shall serve as Secretary of the County Planning Commission. The Director shall be appointed by the Board of County Commissioners and shall serve as set forth in the Operating Policies and Procedures of the Ashland County Planning Commission. The Director may assign some or all of the duties of the office to one or more employees of the Department, who shall in performance of such duties, report to the Director. The Director shall appoint a recording secretary to the County Planning Commission from someone other than Commission Members, and or, the recording secretary shall be elected by the County Planning Commission from among its appointed membership.
- 2) The Director in his or her capacity as Secretary of the County Planning Commission shall serve as an ex-officio member of the County Planning Commission without voting privileges. The Director of the Ashland County Planning Commission, may express an opinion concerning matters considered by the County Planning Commission within the scope of the County Planning Commission’s Mission, Powers, and Duties, which differs from the position of a member of the County Planning Commission or that of the County Planning Commission

as a body, without affecting any further course of action or consequence of the County Planning Commission, or the Director.

- 3) The Secretary shall keep or supervise the keeping of minutes of all meetings of the County Planning Commission and its committees in books provided for the purpose and shall perform such other and further duties as may be required or requested of him/her by the County Planning Commission. He/she shall also forward copies of the minutes of all meetings of the County Planning Commission to each member. (In addition to the above duties, the President shall act as the finance officer of the County Planning Commission)

SECTION V - EXPENDITURES AND DISBURSEMENTS

Article 5.01- Disbursements:

All disbursements of the County Planning Commission shall be by Purchase Order drawn on the Auditor of Ashland County, signed by the Director or his/her authorized representative.

Article 5.02 - Expenditures:

All expenditures, commitments or contracts for expenditures shall be made in accordance with the laws governing the expenditure of County funds as stipulated by the Ohio Revised Code.

Article 5.03 - Budget:

The procedures for adoption of the budget shall be made in accordance with general County budget procedures.

SECTION VI - PLANNING SERVICES

Article 6.01 – Municipality Privileges:

Any municipality may participate in discussions regarding planning and zoning of local interest at all meetings of the Ashland County Planning Commission. In addition, any municipality, without payment, will be entitled to the following services and assistance from the Planning Commission:

- 1) A review and report regarding any preliminary plan for a subdivision of a limited area, as determined by the Director, filed with the municipality in which a subdivision is proposed.
- 2) Consultation by staff of the Planning Commission on minor planning and zoning problems.
- 3) The occasional attendance by Planning staff, as determined by the Director, at meetings of the Municipal Planning Commission or legislative body to render advice and assistance on specific local planning and zoning issues.
- 4) The use of research materials of the Planning Commission.
- 5) Zoning text and map amendment reviews for incorporated areas with an existing Memorandum of Understanding.

Article 6.02 - Township Privileges:

Any township may participate in discussions regarding planning and zoning of local interest at all meetings of the Ashland County Planning Commission. In addition, any township, without payment, Will be entitled to the following services and assistance from the Planning Commission:

- 1) A review and report regarding any plan for a subdivision.
- 2) Consultation with local zoning or planning officers by staff of the Planning Commission.

- 3) The occasional attendance by Planning staff, as determined by the Director, at meetings of the Township Commission or legislative body to render advice and assistance on specific local matters.
- 4) The use of the research materials of the Planning Commission.

Article 6.03 – Reports:

At all regular County Planning Commission meetings, a report shall be made of all action taken and meetings held since the last regular meeting of the County Planning Commission. However, in the event that the next regular meeting of the County Planning Commission is more than thirty (30) days following the date of any action taken, a report shall be delivered to each County Planning Commission member within, and no later than, thirty (30) days following the date of such action.

Article 6.04 - Report of Progress on Planning:

At each regular meeting of the County Planning Commission, the Director shall cause a report or reports to be presented on planning then in progress or under consideration. If possible, drafts of the proposed report or reports shall be mailed to the members of the County Planning Commission in advance of the meeting to consider such report.

Article 6.07 - Fees for Extra Services:

All charges for services rendered on extra services agreements shall be determined on the basis of cost of staff time, material and travel, plus overhead.

SECTION VII – COMMITTEES

Article 7.01 – Appointments:

Appointments to all committees of the County Planning Commission shall be made by the President, and the County Planning Commission shall be represented on each committee by at least two (2) members, one who will serve as the Chairperson.

Article 7.02 - Committee Reports:

All committee reports shall be in writing to the County Planning Commission for authorization of issuance, approval of contents or recommendations for further study before being released.

Article 7.03 – Task Force Committees:

To make certain that Citizens' of Ashland County will be provided the opportunity to have their feelings known on all major and pertinent issues, the County Planning Commission may form task force committees to review and advise on major and pertinent proposals and actions of the County Planning Commission. The committees will make known to the County Planning Commission the questions and suggestions of the Citizens' of Ashland County regarding all major and pertinent issues. The committees **may** adopt rules of order and working procedures at the discretion of the County Planning Commission.

SECTION VIII - ADVISORY REPRESENTATIVES

Article 8.01- Citizens:

To make certain that all residents of the County have equal opportunity to express their advice on all issues affecting areas where they have expertise, the County Planning Commission, through the Director, shall request said advice on each issue.

Article 8.02 - Governmental Agencies:

All local governmental agencies affected by any issues under study by the County Planning Commission shall be notified and advice requested.

Article 8.03 - Organizations:

The County Planning Commission shall make a good-faith effort to notify any local organization which has taken an active part in any issue under study by the County Planning Commission, thereby being notified of such study and their advice requested accordingly.

SECTION IX – AMENDMENTS

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Article 9.01 - Procedure for Amendments:

These by-laws may be amended from time to time only in accordance with the following procedures:

- 1) The President may, or on petition of at least five (5) members shall, deliver a copy of the proposed amendment to the Secretary at least fifteen (15) days in advance of the next regular meeting of the County Planning Commission.
- 2) The Secretary shall thereafter, but not less than ten (10) days prior to the next regular meeting of the County Planning Commission forward to each member of the County Planning Commission a copy of such proposed amendment together with a notice that it will be the subject of action at the next regular meeting of the County Planning Commission and such amendment shall be deemed adopted upon receiving the affirmative vote of at least two-thirds (2/3) of the members of the County Planning Commission.