



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
479-361-2700
planning@tontitownar.gov

Meeting: **September 28, 2021**
Project: **Planning Commission
By-Laws**
Planner: Nathan Crouch

AGENDA ITEM

PC-6

Tontitown Planning Commission By-Laws

INTRODUCTION: Arkansas Code Ann. 14.56-408 states that the Planning Commission shall adopt rules and regulations for the discharge of its duties and the transaction of business.

In 2015 the Planning Commission was eliminated and a new "Planning Board" was created, which has been operating without by-laws.

*See attached proposed by-laws.

RECOMMENDATION: Staff recommends discussion and adoption of the proposed by-laws, with whatever edits are decided on at the meeting.

**BY-LAWS
OF
CITY OF TONTITOWN, ARKANSAS
PLANNING COMMISSION**

**ARTICLE I
OFFICES**

1.01 Location. The location of "TONTITOWN PLANNING COMMISSION," a commission organized under the laws of the State of Arkansas (hereinafter the "Commission") shall be located at City Hall at 235 E. Henri de Tonti Blvd., Springdale (within the City of Tontitown), County of Washington, State of Arkansas.

1.02 Other Locations. The Commission may also have offices at other places in the City of Tontitown, Arkansas as the Commissioners may determine from time to time.

**ARTICLE II
COMMISSION MEETINGS**

2.01 Place of Meeting. Meetings of the Planning Board shall be held at the Tontitown City Hall Building located at 235 E. Henri de Tonti Blvd., Springdale (within the City of Tontitown) or at such other locations as set forth by the Commission from time to time as provided for by law.

2.02 Time of Meetings. Meetings shall be held on the Fourth Tuesday of every month starting at 6:00 P.M. or at such date and time set forth by the City Council or the Planning Commission from time to time.

2.03 Special Meetings. Special meetings of the Commissioners, for any purpose or purposes, unless otherwise prescribed by statute, or by these bylaws, may be called by the Chairman, or any 3 Commissioners. Business transacted at a special meeting shall be confined to the purposes stated in the notice of the meeting.

2.04 Notice. Written or printed notice, stating the place, day, and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be made in accordance with Arkansas law.

2.05 Quorum. A Majority of the Commissioners which comprise the Commission shall constitute a quorum.

2.06 Majority Vote. When a quorum is present at a meeting, the vote of the majority of the Commissioners, present in person or as allowed by law, shall decide any question brought before the meeting.

2.07 Meeting Procedure. The current version of the Procedural Rules for Municipal Officials, published by the Arkansas Municipal League, where applicable, shall guide the formal decision process by the Commission.

ARTICLE III COMMISSION MEMBERSHIP, TERM AND OFFICERS

3.01 Number; Qualification; Election; Term.

(a) The Commission shall be composed of at least (5) members as required by law and as set forth by ordinance, at least two-thirds of which shall not hold any other municipal office or appointment except as allowed by law and one-third of which may be constituted from electors living outside the corporate limits of the municipality by with the recorded planning jurisdiction of the city. The members of the Planning Commission shall be named, appointed and confirmed by the City Council.

(b) The Planning Commission shall have all of the duties and functions authorized by state law at Ark. Code. Ann. § 14-56-401 et seq., as amended, and as set forth in the Ordinances, Regulations and Resolutions adopted by the City of Tontitown.

(c) All successors to these members shall be appointed for a term of two (2) years. Vacancies on the Commission, whether resulting from expiration of a regular term or otherwise, shall be filled by appointment by the Tontitown City Council. All commissioners shall serve until their successors in office have been appointed by the City Council.

(d) Each Commissioner shall attend all meetings and the Commission may consider the failure to attend three (3) consecutive meetings during the calendar year by a Commissioner as a vacancy and shall, upon a two thirds (2/3) vote of the Commission, call for the City Council to appoint a successor.

(e) All meetings of the Planning Commission shall be open at all times to the public and as required by law and the Ordinances, Regulations and Resolutions of the City of Tontitown.

3.02 Officers. The Planning Commission shall have: a Chairman, a Vice-Chairman, and a Secretary. The Chairman, Vice Chairman, and Secretary shall be selected by a majority vote of the Planning Commission at the first meeting of each year. The Chairman shall prepare the agenda for the Planning Commission meetings in conjunction with city staff and shall preside over the meetings of the Planning Commission. The Chairman shall have a vote in all the proceedings before the Planning Commission.

**ARTICLE IV
CONFLICTS, VOTING AND CONDUCT OF MEETINGS**

4.01 Conflicts. Commissioners shall recuse from the discussion and voting on any issue in which that member has or may receive a direct monetary benefit. It is the intent of this section to prevent and prohibit any member voting on any issue which would directly, monetarily benefit that member.

4.02 Voting. A majority of total number of members of the Planning Commission shall be necessary to take any action, including any business, resolutions, transactions, findings and determinations.

4.03 Order of Business. The regular meetings of the Planning Commission shall proceed as generally follows:

- (a) Call to order;
- (b) Roll call;
- (c) Pledge of Allegiance;
- (d) Approval of the agenda;
- (e) Approval of the minutes;
- (f) Public comment;
- (g) Old Business;
- (h) New Business; and
- (i) Adjournment.

4.04 Public Comment. Public comment shall be governed by the rules regarding public comment set forth in the Tontitown Municipal Code §30.06 PUBLIC COMMENTS.

4.05 Conduct in Meetings. Conduct in meetings shall be governed by the rules regarding conduct in meetings set forth in the Tontitown Municipal Code §30.26 RULES GOVERNING CONDUCT IN MEETINGS.

4.06 Conduct of Spectators. Conduct of spectators shall be governed by the rules regarding conduct in meetings set forth in the Tontitown Municipal Code §30.76 CONDUCT OF SPECTATORS.

**ARTICLE V
OBJECTIVE – PLANNING COMMISSION**

5.01 Objective. The primary purposes of the Planning Commission is to prepare, or have prepared, a plan of the municipality, to receive and make recommendations on public and private proposals for development, to prepare and administer planning regulations, to prepare and transmit to the City County recommended ordinances implementing the plans and to advise the city government and other public bodies as needed, along with all other duties as set forth in Ark. Code. Ann. § 14-56-401 et seq. and in Arkansas law.

**ARTICLE VI
GENERAL PROVISIONS**

6.01 Books and Records. The Commission shall keep a public record of its members and minutes of its meetings as well as all business, resolutions, transactions, findings and determinations which shall be maintained by the Secretary, with copies provided to the City of Tontitown.

6.02 Amendment of Bylaws. These bylaws may be altered, amended, or repealed at any meeting of the Commissioners at which a quorum is present, by the affirmative vote of a majority of the Planning Commissioners.

6.03 Construction. Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible the remainder of these bylaws shall be considered valid and operative.

CERTIFICATION OF ADOPTION

The foregoing bylaws of the Commission have been duly adopted this ____ day of _____, 2021, by action of the Commissioners of the pursuant to the ordinances of the City of Tontitown and the laws of Arkansas.

IN TESTIMONY THEREOF, witness the hand of the undersigned as Secretary of the Corporation on such date.

Secretary