

Seward County, Nebraska
Planning Commission
By-laws

**PLANNING COMMISSION BY-LAWS
OF SEWARD COUNTY, NEBRASKA**

Article I: Objectives

The objectives and purposes of Seward County Planning Commission of Seward County, Nebraska, are those set forth in (Section 23-114.01-114.05) [for counties] of Nebraska Revised Statutes and amendments and supplements thereto, and those powers and duties delegated Planning Commission by the (County Board of Commissioners) of Seward County, Nebraska, in accordance with Resolution Number _____.

Article II: Principal Office

The principal office of the Planning Commission shall be the Seward County Courthouse, 529 Seward Street, Room 301, Seward, Nebraska 68434.

Article III: Officers and Their Duties

Section 1: The officers of the Planning Commission shall consist of a Chair, a Vice Chair, and a Secretary.

Section 2: The Chair shall preside over all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary use on such officers.

Section 3: The Chair shall be one of the citizen members of the Commission. He/She shall have the privilege of discussing all matters before the Commission and of voting thereon.

Section 4: The Vice Chair shall act for the Chair in his/her absence. He/She shall be a citizen member of the Planning Commission.

Section 5: The Secretary shall be one of the citizen members of the Commission. He/She shall keep the minutes and records of the Planning Commission and attend to such other duties as are normally carried out by a Secretary. Upon absence of the Secretary or by suggestion of the Planning Commission, the Zoning Administrator shall serve, without voting power, as the Secretary.

Article IV: Election of Officers

Section 1: Nomination of officers shall be made from the floor at the annual organizational meeting, which shall be held on the *3rd Monday of January* each year, and the election of officers shall follow immediately thereafter. If for some reason the election does not take place in January, the election of officers shall take place at the next Planning Commission meeting.

Section 2: A candidate receiving a majority of the vote of the entire membership of the Planning Commission shall be declared elected and shall take office.

Section 3: Vacancies in offices shall be filled immediately by regular election procedures.

Article V: Membership

Section 1: The Planning Commission shall consist of a minimum of seven members and a maximum of nine members. Each member will be appointed by the Board of Commissioners and will serve a term of three years. At the end of the term, they may reapply for appointment.

Section 2: The County Board shall appoint one member from each of the following rural areas: Pleasant Dale, Milford, Garland/Bee, Seward, Staplehurst/Goehner, Beaver Crossing/Cordova, Utica, and two from Seward County at large. The members shall not reside within the geographical limits of a city or village. If no resident of the rural area associated with the city or village of the available seat is willing to be appointed, the position may be filled from anywhere in the county outside of the city/village limits. All members shall be residents of Seward County and no less than 19 years of age.

Section 3: Members are expected to attend all meetings of the Planning Commission. If a member cannot attend a meeting, they shall notify the Zoning Administrator directly by phone, email, or text 4 hours prior to the time of the meeting. If notice is not received prior to absence, it shall be considered an unexcused absence.

Section 4: If a member of the Planning Commission has more than two (2) consecutive unexcused absences from meetings or more than four (4) total unexcused absences from meetings in a twelve-month period, notice will be given to the County Board requesting that member to be replaced.

Section 5: Members shall avoid conflict of interest in transacting Planning Commission business. Where a member has a recognized conflict, that member shall abstain from voting.

Section 6: Members shall not discuss official items with applicants prior to public hearings and shall not indicate their voting intentions until the public hearing is closed.

Section 7: If a member wishes to resign from their appointment they must submit a letter of resignation to the Seward County Board of Commissioners.

Article VI: Meetings

Section 1: Meetings will be held on the *3rd Monday of each month at 7:00 pm* at the *Seward Civic Center in Seward, Nebraska* or as set by the Chair.

Section 2: A majority of the membership of the Planning Commission shall constitute a quorum. The number of votes necessary to approve motions shall be a majority of the quorum present. Voting shall be by roll call. A record of the call shall be kept as part of the official minutes.

Section 3: Special meetings may be called by the Chair. It shall be the duty of the Chair to call such a meeting when requested to do so in writing by a majority of the members of the Planning Commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Planning Commission. The Zoning

Administrator shall notify all members of the Planning Commission in writing not less than five days in advance of a special meeting.

Section 4: All meetings in which official action is taken shall be open to the public. The minutes shall be written and available for inspection prior to the next convened meeting.

Section 5: All meetings shall comply with the Open Meeting Act and shall be open to the public.

Article VII: Order of Business - Agenda

Section 1: The order of business at regular meetings shall be:

Roll call

Approve the minutes of previous meeting

Report of officers and committees

Old business items

New business items

Adjournment

Section 2: The agenda shall be kept current and be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The agenda closes 10 days prior to the meeting date. Except for items of an emergency nature, the agenda items shall not be altered later than twenty-four (24) hours before the scheduled commencement of the meeting. Posting of the agenda shall be the public bulletin board located outside the Human Resource office on the first floor of the County Courthouse.

Section 3: During a Commission meeting, the Chair, or in absence of the Chair, the Vice Chair may alter the sequence of the agenda items to expedite the Planning Commission meeting.

Article VIII: Committees

Special subcommittees may be appointed by the Chair for purposes and terms which the Planning Commission approves. Committee size cannot meet quorum.

Article IX: Assistance

Section 1: The Planning Commission shall appoint a Clerk (preferably the Zoning Administrator) from outside its membership to serve as assistant to the Commission, and to perform such other duties as may be assigned to him/her by the Chair of the Planning Commission.

Section 2: The Clerk shall prepare with the Chair agendas for regular or special meetings, provide notice of meetings to Planning Commission members, arrange proper and legal notice of meetings, and attend the correspondence of the Planning Commission.

Section 3: The Planning Commission may consult and engage with such staff and/or experts as it sees fit to aid in its work. If any compensation is involved, Board of Commissioner approval will be required.

Article X: Hearings

Section 1: In addition to those required by law, the Planning Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Section 2: Notice of such hearings shall be published in the official newspaper of the county (Seward Independent) or in a newspaper of general circulation at least ten calendar days before the time of public hearings.

Section 3: The case before the Planning Commission shall be presented in summary by the Zoning Administrator and parties of interest shall have privileges of the floor.

Section 4: A record shall be kept of those speaking before the Planning Commission.

Article XI: Conflict of Interest

Each member of the Planning Commission is subject to the conflicts of interest provisions of the Nebraska Political Accountability and Disclosure Act.

Article XII: Amendments

These By-Laws may be amended by a majority vote of the Seward County Board of Commissioners. Affirmative votes of at least three (3) Commissioners shall be required.

Adopted this ____ **July 2023.**

Planning Commissioners Chairperson

Planning Commission Vice Chairperson

Board of Commissioners Chairperson

*Board of Commissioners Vice Chairperson
& Planning Commission Liaison*