

**BY-LAWS  
Of the  
HARDY COUNTY PLANNING COMMISSION**

**Prepared by: Hardy County Planning Office**

**ARTICLE I - NAME**

The name of this organization shall be the Hardy County Planning Commission, hereinafter referred to as "the Planning Commission".

**ARTICLE II - ORGANIZATION AND PURPOSE**

**Section 1.** The Planning Commission is organized in accordance with Section 1, Article 2, Chapter 8A of the West Virginia Code and the ordinance creating the Planning Commission by the Hardy County Commission on 17 April 2007.

**Section 2.** The purpose of this Planning Commission shall be to advise the Hardy County Commission on matters relating to (a) safety, security, and the stability of the County environment for families; (b) the County's civic pride, friendliness, and image; (c) growth and protection of the County's character; (d) tourism and the use of physical improvements to attract tourists; (e) promotions and marketing; (f) economic development and sustainability; and (g) the provision of adequate community facilities to meet the needs of residents.

**Section 3.** Additional duties of the Planning Commission include (a) orienting new members and continuing to educate all members on their responsibilities; (b) ensuring that the Planning Commission regularly engages in self-assessment; and (c) cultivating new members.

**ARTICLE III - COMPOSITION**

**Section 1.** The Planning Commission shall consist of not less than five (5) or more than fifteen (15) citizens of the County; all of whom shall be residents thereof.

**Section 2.** The members of the Planning Commission shall be nominated by the Planning Commission and confirmed by the County Commission as prescribed in these bylaws (Article III, Section 8).

**Section 3.** The members of the Planning Commission shall serve for three years. If a Planning Commission member vacates his or her seat, and creates an unexpired term, the seat shall be filled by the County Commission as prescribed in these bylaws (Article III, Section 8). Members may succeed themselves in office.

**Section 4.** One member of the elected Hardy County Commission shall be designated to serve as a member of the Planning Commission.

**Section 5.** Members of the Planning Commission shall serve without compensation, but may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties with prior approval of the Planning Commission.

**Section 6.** Any member of the Planning Commission who misses three (3) consecutive regular meetings of the Planning Commission, and who has not had those absences excused by the President of the Planning Commission, shall be considered to have resigned. The President of the Planning Commission shall notify the County Commission of this member's resignation and the manner of the resignation.

**Section 7.** Any member of the Planning Commission may resign, or the membership of any member of the Planning Commission may be declared terminated by the County Commission as provided in these by-laws. Should any member of the Planning Commission resign, the President of the Planning Commission shall immediately notify the County Commission, and request the appointment of a qualified person to fill the vacancy. Likewise, prior to the end of the term of any member, the County Planner shall notify the County Commission of pending termination and request the County Commission to enter an order making the necessary appointments or reappointment to maintain a fully qualified membership of the Planning Commission as prescribed in these bylaws (Article III, Section 8).

**Section 8.** The Planning Commission shall present a slate of qualified appointments to the County Commission for appointment to fill either pending or existing vacancies in the membership of the Planning Commission.

**Section 9.** A proposed plan of work for the proximate fiscal year shall be completed by the January meeting preceding that fiscal year and submitted to Hardy County Commission for budget planning purposes.

**Section 10.** The Planning Commission may adopt or amend any rules it deems necessary to assure the orderly conduct of its business. Rules may be adopted at any regular meeting by a majority of the membership of the Planning Commission. No rule that conflicts with the by-laws may be adopted. Any conflicts will be resolved by use of Roberts Rules of Order. Proxy votes shall not be allowed.

## **ARTICLE IV - MEETINGS**

**Section 1.** The meetings of the membership of the Planning Commission shall be held as determined by the President or by two or more members of the Planning Commission, but not less frequently than quarterly as stated in Article 2, Section 7, Chapter 8A of the West Virginia Code. Special meetings of the membership may be called at anytime by the President or any two members, but only on written request to the County Planner. The County Planner shall send written notice of the special meeting to all members of the Planning Commission, this notice to arrive at least three days before the date of the special meeting. No written notice is necessary if the special meeting is announced at a regular meeting.

**Section 2.** At any meeting of the Planning Commission, a majority of members of the Planning Commission shall constitute a quorum. Each member of the Planning Commission shall have one (1) vote at any special or regular membership meeting, and if a quorum is not present, those present may adjourn the meeting to a later date. Proxy votes shall not be allowed.

**Section 3.** Notice of regular meetings accompanied by minutes of the previous meeting should be mailed to members of the Commission at least one week in advance of the regular meeting date. Notice in writing of special meetings of the membership shall be given to all members by the County Planning Office least three (3) days prior to the date of any special meeting. The notice of any special meeting shall state briefly the purposes of such meeting and the nature of the business to be transacted there and no business other than that stated in the notice or incidental there to shall be transacted at any such special meeting.

**Section 4.** All regular and special meetings of the Planning Commission will be held in accordance to the West Virginia Open Meetings Law. Executive Sessions are meetings or parts of meetings closed to the public. Executive Sessions may be held to discuss the following (the list has been restricted to matters likely to concern the Planning Commission):

- a) The appointment, employment, disciplining, resignation, discharge or compensation of any public officer or employee.
- b) Matters that, if discussed in public, are likely to affect adversely the reputation of any person.
- c) Matters involving the purchase, sale, or lease of property, advance construction planning or other matters involving competition, which, if made public, might adversely affect the financial interest of the State or any other political subdivision.

**Section 5 - Order of Business.** The order of business at regular meetings shall be as follows (a) call to order; (b) approval of minutes of previous meeting; (c) guest speakers; (d) committee reports; (e) unfinished business; (f) new business; (9) questions from the public; (h) adjourn. Public

comments/questions will be timed at the discretion of the presiding officer, not to exceed five (5) minutes total.

## **ARTICLE V - OFFICERS**

**Section 1.** The officers of the Planning Commission shall be President and Vice President.

**Section 2.** The President and Vice President of the Planning Commission shall be elected each year at the first regular meeting held in July or the first regular meeting thereafter. Both the President and Vice President shall be members of the Planning Commission. The officers so elected shall serve until the next annual election held in July (or the first regular meeting thereafter) by the membership and until their successors are duly elected and qualified. Any vacancy occurring among the officers in the meantime shall be filled by the membership of the Planning Commission.

**Section 3.** The Administrative Secretary of the Planning Commission shall be the County Planner.

## **ARTICLE VI - DUTIES OF OFFICERS**

**Section 1 - President.** The President shall preside at all meetings of the Planning Commission and at other meetings and public hearings called by the Planning Commission. The President shall transmit reports, plans, and recommendations of the Planning Commission to the appropriate governing authority and, in general, shall act as spokesman for the Planning Commission. The President shall be a member of the Planning Commission.

### **Section 2 -Vice President.**

In the absence or disability of the President, the Vice President shall preside. In the event of the death or resignation of the President, the Vice President shall perform the latter's duties until such time as the Planning Commission shall elect a new President.

**Section 3 - Administrative Secretary.** The County Planner shall be the Administrative Secretary. The County Planner shall assist the President in the preparation of agenda for the Planning Commission meetings, shall prepare and send out notices for regular and special meetings, shall prepare and distribute minutes of Planning Commission meetings, shall keep an accurate and complete record of all the Planning Commission's proceedings; record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Planning Commission.

**ARTICLE VII - COMMITTEES**

**Section 1.** Special committees may be appointed by the President for various purposes and to investigate matters of interest to the Planning Commission. Special committees may include members who are not members of the Planning Commission.

**ARTICLE VIII - AMENDMENTS TO THE BY-LAWS**

These by-laws may be altered, changed, amended or added to at any regular or special meeting of the membership by a majority vote of the entire membership; but no such name change, alteration, amendment, or addition shall be made at any special meeting unless notice of the intention to propose such change, alteration, amendment or addition and a clear statement of the substance thereof be included in the written notice calling such meeting.

\_\_\_\_\_  
Lee Lehman, President  
Hardy County Planning Commission

\_\_\_\_\_  
Mike Teets, President  
Hardy County Commission

\_\_\_\_\_  
Patrick Ford, County Planner