

MORRIS COUNTY PLANNING BOARD BYLAWS

As Amended and Adopted
July 19, 2001
February 21, 2002
May 19, 2011

ARTICLE I: Objectives

The objectives and purposes of the Morris County Planning Board ("Board") are those set forth in Chapter 251, Laws of 1935 of the State of New Jersey and amendments and supplements thereto, and the following bylaws or rules of procedure are adopted by the Board to facilitate the performance of its powers and duties delegated to it by the Morris County Board of Chosen Freeholders ("Board of Chosen Freeholders").

ARTICLE II: Procedures

The deliberations and procedures of the Morris County Planning Board are to be governed by Robert's Rules of Order, except as hereinafter specifically provided, or otherwise as provided by law.

ARTICLE III: Members, Officers and Their Duties

Section 1

The membership of the Morris County Planning Board shall consist of the Director of the Board of Chosen Freeholders, one member of the Board of Chosen Freeholders to be appointed by the Director, the County Engineer, and six citizen members who may not hold any other county office and who shall be appointed by the Director of the Board of Chosen Freeholders with the approval of that body.

Section 2

The Director of the Board of Chosen Freeholders may, with the approval of that body, appoint: one of its members to serve as an alternate to the two Freeholder Planning Board members; two citizen alternate members designated as "Alternate No.1" and "Alternate No.2" to serve in the absence or disqualification of any citizen member as determined by their selection rank; and the assistant or deputy county engineer to serve as an alternate to the County Engineer.

Section 3

The officers of the Board shall consist of a Chairperson, a Vice Chairperson, and a Secretary and such other officers as the Board shall from time to time determine, elected from among its citizen members.

Section 4

The duties of the Chairperson shall be to preside at all meetings and hearings; appoint committees; allocate duties to Board members; call special meetings deemed desirable or at the written request of three Board members; prepare, with the Planning Board Director, the agenda for meetings and carry out such other duties as normally are those of a Chairperson.

Section 5

The Vice-Chairperson shall act for the Chairperson in his or her absence.

Section 6

The Secretary shall sign such resolutions or official documents as directed by the Chairperson of the Board.

ARTICLE IV: Nomination and Election of Officers

Section 1

Nomination of officers shall be made from the floor at the annual organization meeting which shall be the first meeting in January of each year and the elections shall follow immediately thereafter.

Section 2

A candidate receiving a majority vote of the entire membership of the Board shall be declared elected and shall serve for one year or until his or her successor shall take office.

Section 3

Any vacancy occurring among the officers of the Board shall be filled by the affirmative vote of a majority of the entire membership of the Planning Board. Any officer elected to fill a vacancy shall serve for the unexpired term of his or her predecessor in office.

ARTICLE V: Meetings

Section 1

The schedule of regular and alternate meetings of the Planning Board for the ensuing twelve (12) months shall be established annually by resolution of the Planning Board at its first meeting of the new calendar year. Other meetings may be held at such other time and/or place as may be fixed from time to time by resolution duly adopted by the Board and advertised in accordance with the Senator Byron M. Baer Open Public Meetings Act (N.J.S.A 10:4-6 et seq.).

Section 2

Special meetings may be called by the Chairperson of the Board at any time provided adequate notice is given in accordance with the Senator Byron M. Baer Open Public Meetings Act (N.J.S.A 10:4-6 et seq.) .

Section 3

Special meetings shall also be called by the Chairperson upon written request signed by three (3) or more citizen members of the Board and stating the purpose of the meeting.

Section 4

Written notice by mail or electronic means calling all special meetings is to be sent by the Planning Director or his or her designee to each member of the Board at least forty-eight (48) hours prior to the meeting.

Section 5

At any special meeting, the only subject matter to be discussed and action taken thereon shall be that for which the meeting is called.

Section 6

At least five (5) members of the Planning Board shall be present to constitute a quorum for the transaction of business.

Section 7

If less than a quorum shall be in attendance at the time for which a regular or special meeting shall have been called, those present may, by a majority vote, reschedule the meeting to another date and time or hold a meeting for the purpose of considering such matters as are on the agenda. No action taken at any meeting at which less than a quorum of members is present shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present. The members present at a duly called regular or special meeting of the Planning Board may continue to transact business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum.

Section 8

All meetings of the Planning Board shall be open to the general public except for executive sessions as provided for under the Senator Byron M. Baer Open Public Meetings Act (N.J.S.A 10:4-6 et seq.) .

Section 9

Committee meetings may be called by the Board Chairperson or any committee chairperson at any time or place mutually agreeable to those concerned. Each committee will establish its own procedures subject to statutory requirements.

Section 10

Voting on resolutions, financial and personnel matters shall be by roll call and said vote shall be recorded in the minutes.

ARTICLE VI: Order of Business

Section 1

The agenda for a regular meeting of the Planning Board shall have the following general order of business:

1. Call to Order
2. Statement regarding compliance with Senator Byron M. Baer Open Public Meetings Act (N.J.S.A 10:4-6 et seq.)
3. Roll Call
4. Review of Minutes
5. Director's Report
6. Report of Funds Received
7. Future Meetings
8. Committee Reports
9. Liaison Reports
10. Correspondence and Reports Received
11. Reports of Meetings
12. Unfinished Business
13. New Business
14. Legal Update
15. Comments from the Public
16. Next Meeting
17. Adjournment

Section 2

The agenda for the regular meetings of the Board shall be sent to the Board members at least five (5) days before the meeting, and shall include any items received by the Planning Director no later than seven days before the meeting. The Chairperson may place additional items on the agenda for consideration during the meeting and may temporarily set aside the order of business at any meeting of the Planning Board.

ARTICLE VII: Committees

Section 1

The classes of committees shall be: (a) Standing Committees; and (b) Special Committees created, from time to time and at any time, by the Chairperson of the Board as he or she may deem advisable and as conditions may warrant, and upon authorization by the affirmative vote of a majority of the members of the Board present at any duly constituted regular or special meeting of the Board at which a quorum is present.

Section 2

The members of such committees of the Board shall be appointed by the Chairperson of the Board from among the citizen members of the Board to serve for the term provided by the Board subject to the provisions of applicable law and these bylaws. The chairperson of every committee shall be designated annually from among the members of such committee by the Chairperson of the Board. Any vacancy, however caused, occurring in any committee may be filled by the Chairperson of the Board from the remaining citizen members of the Board. Any member appointed to fill a vacancy shall serve for the remainder of the calendar year in which such appointment is made and until his/her successor in office shall be appointed in the manner provided in these bylaws. The Chairperson of the Planning Board may appoint a citizen alternate member to each committee to serve in the absence or disqualification of a regular committee member.

Section 3

Members of each Standing Committee and each Special Committee shall be appointed for the calendar year in which their appointment is made and until their respective successors in office shall be appointed in the manner provided in these bylaws. Except for the Land Development Review Committee, the Chairperson of the Board shall be an ex-officio member of each Standing and Special Committee with the right to vote. No action of any committee shall be binding upon the Planning Board.

- a) Unless these bylaws otherwise specifically provide, each Standing Committee shall consist of three (3) members of the Board and may include an alternate member to serve in the absence of a regular member.

- b) Each Special Committee shall consist of three (3) members of the Board, and may include an alternate member to serve in the absence of a regular member, unless a different number shall be designated by the Board in the resolution adopted by the Board creating or authorizing the creation of such special committee.

Section 4

The Standing Committees shall include:

- a) Legislative and Municipal
- b) Land Development Review
- c) Environment and Watershed
- d) Long Range Planning

The Board may, however, increase or decrease the number of Standing Committees by merger, termination or otherwise upon determination that such action will enhance the functioning of the Board.

Section 5

The Land Development Review Committee shall consist of three (3) citizen members of the Board appointed annually by the Chairperson of the Board. The County Engineer or his or her designee shall attend meetings of the committee.

ARTICLE VIII: Duties of Standing Committees

Section 1

Legislative & Municipal Committee shall:

- a) Review and make recommendations to the Board in regard to state, county, and municipal legislation, regulations, and/or ordinances affecting planning related matters and review and report on court decisions affecting planning-matters
- b) Encourage study and discussion of emerging inter-municipal and county problems. Assist in cooperative efforts among municipalities and the county to develop solutions to common problems.
- c) Recommend methods of coordinating services and activities to achieve more orderly development and when requested provide technical assistance.
- d) Visit local planning boards from time to time. All Board citizen members may be used for these visitations.
- e) Work in coordination with other standing and special committees of the Planning Board.

Section 2

Land Development Review Committee shall:

- a) Review with staff new subdivision and site plan applications subject to County jurisdiction for compliance with Morris County Land Development Review Standards adopted by the Morris County Board of Chosen Freeholders and for consistency with County master plan elements and best land development practices.
- b) Review the monthly report of actions taken and make recommendations to the Board at its next scheduled meeting. d. Work in liaison with any other committee with common interests.
- c) Periodically review and make recommendations to the Board on fees to be charged for the review of development applications by the Board.

Section 3

Environment and Watershed Committee shall:

- a) Review with the staff current environmental and watershed management planning issues.
- b) Provide guidance to staff on Board policies and initiatives when attending and participating in environmental and watershed meetings.
- c) Discuss with staff pending NJDEP and/or USEPA rules and regulations.
- d) Review staff involvement in stormwater management planning as well as stormwater issues in development review.
- e) Work in coordination with other standing and special committees of the Board.

Section 4

Long Range Planning Committee

- a) Meet periodically with the staff to determine long range planning and policy positions, review long range planning projects and progress of the staff in the development and revision of the Master Plan.
- b) Make recommendations to the Board concerning such policy positions and Master Plan revisions.
- c) Make recommendations to the Board on all proposals for change to the Official County Map after review with the staff.
- d) Work in coordination with other standing and special committees of the Board.
- e) Review the County's capital program and make recommendations to the Board for forwarding to the County Administrator. The process of review shall generally consist of examining each proposed item for consistency with the County Master Plan.

ARTICLE IX: Hearings

Section 1

In addition to those required by law, the Board 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 county newspaper at least ten (10) days before the date of public hearing or as required by the Senator Byron M. Baer Open Public Meetings Act (N.J.S.A 10:4-6 et seq.).

Section 3

The case before the Board shall be presented in summary by the Board Attorney or a designated citizen member of the Board or its staff, and parties in interest shall have privilege of the floor. No record or statement shall be recorded or sworn to as evidence for any Court of Law without prior notice to the parties.

Section 4

Questions may be asked by any Board member of any of those present. Questions by the public shall be addressed to the Chair.

Section 5

No vote of the Board will be taken at a public hearing.

Section 6

A record shall be kept of those speaking before the Board at a public hearing.

ARTICLE X: Records

Section 1

All records of the Board shall be maintained in accordance with the applicable records retention schedules approved by the New Jersey Division of Archives and Records Management.

Section 2

All requests for records of the Board shall be made and fulfilled in accordance with the County of Morris Public Record Policy and the Open Public Records Act, N.J.S.A. 47:1A-1.

ARTICLE XI: Expenditure of Funds

Section 1

All claims for payment against the Board are to be processed in accordance with County of Morris Policies and Procedures.

Section 2

The Planning Director shall certify to the Board of Chosen Freeholders all vouchers submitted to the Board for valid claims for materials supplied, services rendered, or expenses incurred.

Section 3

No funds shall be spent in excess of the amount appropriated by the Board of Chosen Freeholders, exclusive of gifts or grants.

Section 4

Gifts or grants may be spent on authorization of the Board subject to any condition of the donor.

Section 5

The Board reserves the right to refuse gifts or grants where the conditions of the donors are not in accord with the objectives and policies of the Board.

ARTICLE XII: Staff

Section 1

As authorized by the Board of Chosen Freeholders, staff is to consist of a Planning Director, who shall hold a current New Jersey Professional Planners License as required by N.J.S.A. 45:14A-1., and such additional personnel as may be required from the Department of Planning and Development as deemed necessary for the Board's work.

Section 2

The staff is to collect, assemble and prepare information and data, as may be required, for presentation to the Board and for its records and files, and is to perform such other functions and work as the Board may direct.

Section 3

The Planning Director is to supervise, direct and coordinate the work and activities of other members of the staff in accordance with established County policies and with the principles and ethics of the planning profession. The Planning Director may also hire such additional personnel as may be required upon authorization by the Board of Chosen Freeholders.

Section 4

The Board may recommend to the Board of Chosen Freeholders the employment of consultants to supplement the work of the staff and for carrying out such other duties as the Board may direct. When employment of consultants is authorized by the Board of Chosen Freeholders, the Planning Director shall follow County Policy in the selection of consultants.

ARTICLE XIII: Amendments

Section 1

These bylaws may be amended at any regular meeting of the Board by a majority vote of the entire membership, provided that:

- a. The proposed amendment(s) shall have been presented to the Board in writing and signed by a member of the Board at the preceding regular monthly meeting, and provided that said proposed amendment(s) shall have been made part of the minutes of such preceding regular monthly meeting; and
- b. A written copy of said proposed amendment(s) shall have been sent to each Board member no later than ten (10) days before the regular meeting of the Board at which the proposed amendment(s) shall be voted on.