



Blair County Planning Commission

By-Laws

July 26, 2018

Blair County Planning Commission
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Article I. Name of Organization

The name of this body politic shall be the Blair County Planning Commission (BCPC).

Article II. Authorization

The authorization for the establishment of the Blair County Planning Commission (BCPC) is set forth under the terms and provisions of Article XX of the County Code and amendments and supplements thereto. Powers and duties are delegated to the BCPC by the Blair County Commissioners, Blair County, Pennsylvania, by resolution no. 34 of May 6, 1964, in accordance with the above mentioned enabling law.

Article III. Membership

Membership shall consist of nine persons to be appointed by the Blair County Commissioners. In the first instance, three members shall be appointed for two years, three members for four years and three members for six years. However, in all three instances one member of each instance will represent the fifteen townships, one member shall represent the eight boroughs and one member shall represent the City of Altoona, making three representatives for each governmental category for a total of nine. Thereafter, in a four (4) year cycle, three (3) members of said BCPC shall be appointed for terms of four (4) years each in each of the first two years of the cycle. No appointments to the BCPC Board will be made in the third year of the four year cycle. In the fourth year of the cycle three (3) members of said BCPC shall be appointed for terms of four (4) years. An appointment to fill a vacancy shall be only for the unexpired portion of the term. All members of the said BCPC shall reside within the County of Blair. Each member shall be entitled to one vote. If any persons having qualified as a member of the BCPC shall neglect or refuse to attend three consecutive regular meetings of the BCPC, unless detained by sickness or prevented by necessary absence from the County, the remaining members of the BCPC may declare his position as a member vacant.

Members will continue to serve past their term expiration until a replacement or reappointment has been acted upon by the Blair County Board of Commissioners.

Article IV. Officers

- Section 1) The officers of the BCPC shall consist of a Chairperson, Secretary, and Treasurer.
- Section 2) The Chairperson shall preside at all meetings and hearings of the BCPC and shall have the duties normally conferred by parliamentary usage of such officers including voting on matters properly before the BCPC Board. Additionally, the Chairperson is charged with working with the Director in maintaining communications and a relationship with the Government Advisory Committee, the County, and individual municipalities.
- Section 3) The Secretary shall act for the Chairperson in his absence. The Secretary shall have charge of the records of the Commission, including minutes, policy documents, and reports, The Secretary shall also have all other duties conferred under the *Standard Code of Parliamentary Procedure*. Specifically, the Secretary shall have oversight of the keeping of the non-financial records of the BCPC with the assistance of the BCPC staff. On behalf of the Secretary, the BCPC staff shall prepare the agenda and minutes of regular and special meetings, provide notice of all meetings to BCPC members, arrange proper and legal notice of hearings, attend to correspondence of the BCPC and such other duties are normally carried out by the Secretary.

- Section 4) The Treasurer shall act for the Chairman in the absence of both the Chairperson and the Secretary. The Treasurer shall also have charge of the financial records of the Commission, including budgets, ledgers, audits, and financial reports. The Treasurer shall also have all other duties conferred to the Treasurer under the *Standard Code of Parliamentary Procedure*. Specifically, the Treasurer shall have oversight of the keeping of the financial records of the BCPC with the assistance of the BCPC staff. On behalf of the Treasurer, the BCPC staff shall develop a budget, prepare receipts and disbursements, and maintain a ledger and other records of financial activities. BCPC records shall be professionally audited every three years and reviewed by the Budget, Finance & Auditing Committee. A copy of the professional audit shall be furnished to each member of the BCPC and others as may be directed by the Chairperson.
- Section 5) In the event all three officers are unable to attend a duly called meeting of the BCPC, the longest serving member present shall act in the place of Chairperson.
- Section 6) A rotational procedure should be followed among the offices of the Chairperson, Treasurer, and Secretary so that at any given time one officer shall be representative of the townships, one shall be representative of the boroughs and one shall be a representative of the City of Altoona.
- Section 7) The three officers shall comprise the Executive Committee of the BCPC.

Article V. Election of officers

- Section 1) The Board shall reorganize during the monthly meeting in June. The Director shall preside over the nomination and election process.
- Section 2) Nominations shall be taken and elections shall be held at the organizational meeting. Any member nominated shall have the right of refusal.
- Section 3) A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected, and shall serve for one year beginning July 1. Officers shall serve through June 30th of the subsequent year or until a successor is appointed or elected.
- Section 4) Vacancies in office shall be filled immediately by appointment by the Chairperson. In the event the Chairperson office becomes vacant, said office shall be filled by the Secretary, who shall then appoint a new Secretary.

Article VI. Meetings

- Section 1) Meetings will be held on the last Thursday of each month as advertised annually. In the event of conflict with holidays or other events a majority at any meeting may change the date of said meeting.
- Section 2) A quorum shall consist of five members of the Planning Commission present. The number of votes necessary to transact business shall be five. Voting shall be by a voice vote. However, a voice vote result can be challenged by any BCPC member present by requesting a "division of the house", i.e., a roll call vote.
- Section 3) Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting when requested to do so by a majority of the members of the BCPC. The Secretary shall notify all members of the BCPC in writing not less than five days in advance of such special meetings.

- Section 4) All meetings or portions of meetings at which official action is taken shall be open to the general public. However, the BCPC may meet in executive session for those reasons permitted by law. Relevant staff shall be present as requested. Executive Sessions should be held at the end of the standard (open) meeting session, unless a need exists to do so earlier. The Chairperson shall announce the executive session, the reason for it, and whether additional business will be conducted in open session afterward.
- Section 5) Unless otherwise specified, the *Standard Code of Parliamentary Procedure* (Sturgis) shall govern the proceedings at the meetings of the BCPC.

Article VII. Order of Business

- Section 1) The order of business shall be set on a published agenda in a manner deemed appropriate to efficiently deal with the matters at hand. Hearings and application reviews shall be scheduled early in the meeting.
- Section 2) A motion from the floor must be made and passed in order to dispense with any item on the agenda.
- Section 3) While it is preferable that all voting take place in person, it is recognized that there will be occasions and subject matter that will require a vote to take place by telephone or email. If such an occasion should arise, a telephone vote can be authorized by any one of the Executive Committee members. A report of such action shall be reported at the next regular BCPC meeting and ratification of said actions obtained.

Article VIII. Employees

Within the limits imposed by the funding available for BCPC use, the BCPC may employ staff personnel and/or consultants as it sees fit to aid in its work. Appointments shall be made by a majority vote of the entire Commission membership.

Article IX. Committees

- Section 1) There shall be a standing Executive Committee comprising of the three officers of the Commission. In urgent matters which cannot wait for a regular BCPC meeting, it may authorize a phone poll of the full membership, the results of which shall be ratified at the next regular meeting. The Executive Committee *en banc* also stands in for the Director in the Director's absence. The Executive Committee also stands as the Personnel Committee with oversight regarding personnel matters such as evaluations, merit, and discipline, and dispute resolution.
- Section 2) There shall be a standing Policy Committee headed by the Secretary. charged with an annual review and, if necessary, amendment of the BCPC by-laws and BCPC Employee Handbook. The results of these reviews are to be presented annually in July where any needed changes can be adopted. This committee also has charge of review and currency of any other BCPC policies.
- Section 3) There shall be a standing Finance Committee headed by the Treasurer. The Finance Committee is charged with assisting the Treasurer with the duties enumerated above, and reviewing the budget status on at least a quarterly basis. The Finance Committee shall also oversee the professional audit in conjunction with its sister committee on the Government Advisory Committee
- Section 4) Standing committees shall meet at least annually.

- Section 5) Ad-hoc committees may be created for a special purpose at any time by simple majority vote of the Commission. In creating such committees, the Commission shall establish the purpose, charge, structure, and life span of the committee at the time of voting.
- Section 6) The BCPC may enter into relationships that include joint committees with other organizations.
- Section 7) Committee membership shall be appointed by the Chairperson with the following limitations. No committee shall have more than three Commission members serving on it at any given time. Committee membership should be extended to those not on the BCPC board when deemed appropriate, except: 1) the Executive Committee shall consist only of the three officers, and 2) the Finance and Policy committees may not include outside membership without the unanimous consent of the Executive Committee.

Article X. Reports

- Section 1) The Commission shall prepare three types of reports: annual, periodic, and special. The annual report shall be prepared for the first meeting of the new year and will contain a complete résumé of all the previous year's activities.
- Section 2) The periodic report shall be prepared on a regular basis. The periodic report shall include, in addition to a recapitulation of work completed, issuances of planning news for the citizen, for public relations. This report may be exclusively electronic.
- Section 3) Special reports will be prepared for special circumstances or on a request where deemed necessary and expedient.

Article XI. Budgets

An annual budget shall be prepared every year for presentation to the BCPC in May. It will require an accounting of all monies spent on all phases of the planning program. There shall also be an estimated budget prepared for the ensuing year to be presented to the BCPC in May. In the event of special circumstances on a request, where deemed necessary and expedient, special budgets or analyses shall be prepared.

Article XII. Hearings

- Section 1) In addition to those required by law, the BCPC may hold public hearings when it decides that such hearing will be in the public interest.
- Section 2) Notices of all hearings shall be published in a newspaper of general circulation in the County at least one week in advance of the hearing, unless otherwise directed by law.
- Section 3) Hearings shall be conducted in the same manner as meetings, except a majority vote of BCPC members present shall be required to open and close a hearing. Minutes shall be kept of the proceedings.

The matter before the BCPC shall be presented in summary by the BCPC staff and parties in interest shall have the privilege of the floor.

Section 4) No record or statement shall be recorded or sworn to as evidence for any Court of Law without notice to the parties.

Section 5) A record shall be kept of those speaking before the BCPC at such hearings.

Article XIII. Amendments

Amendments to these By-laws may be submitted at any regular meeting of the BCPC. Such amendments must be submitted in writing. No formal action shall be taken on such a submittal at the meeting at which it is first proposed, but it may be adopted at the following meeting. A majority of the BCPC membership must vote in favor of an amendment for it to become effective.

Article XIV. By-law Review

These By-laws shall be reviewed at the annual organizational meeting in conjunction with the election of officers. Bylaw amendments presented in writing in anticipation of this meeting may be acted upon at the organizational meeting.

Article XV. Suspension

These By-laws may be suspended upon a two-thirds vote of the BCPC membership.

Article XVI. – Effective Date

The effective date for these By-Laws shall be noted on a page signed by the Chairperson.

Article XVII. – Repealer

All previous bylaws governing this BCPC are hereby repealed in full.

Article XVIII - Limitations

Section 1) The BCPC shall be non-partisan, non-sectarian, and non-political and shall take no part in or lend its influence to the election or appointment of any candidate for political office. The Partnership shall not engage in any act that shall operate to deprive it of its tax-exempt status under the Internal Revenue Code.

Section 2) The BCPC shall not in any manner or to any extent participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office; nor shall it engage in any "prohibited transaction" as defined in the Internal Revenue Code.

Section 3) No part of the net earnings of the BCPC shall inure to the benefit of any member of the BCPC or other private individual except that the BCPC shall be authorized and empowered to pay reasonable compensation for services rendered herein. None of the property of the BCPC shall be distributed directly or indirectly to any member of the BCPC except in fulfillment of its purposes enumerated herein.

- Section 4) The BCPC also has such powers as are now or may hereinafter be granted under the laws of Pennsylvania that are in furtherance of the exempt purposes of the BCPC within the meaning of the Internal Revenue Code.
- Section 5) In the event that the BCPC is dissolved, the assets of the BCPC shall be sold and the proceeds divided among the constituent municipalities and County. In determining the amount of disbursement, the total value of the proceeds shall be divided by a number equaling twice the total population of the County as of the last decennial census, yielding a per capita value. Each municipality shall be disbursed an amount equal to the per capita value multiplied by the population of the municipality as of the last decennial census. The County shall be disbursed the remainder. All records shall be transferred to the County Board of Commissioners.
- Section 6) A constituent municipality that leaves the BCPC structure independent of the dissolution of the BCPC forfeits any rights and shares it may have vested in the BCPC, and forfeits participation in any program, grant, or other offering of the organization unless alternate arrangements are made.

Adopted on this date, as amended

William Hall, Chairperson

JULY 26, 2018

Attested:

Herbert F. Shelow, Sr., Secretary