

## Porter Planning Board By-Laws (Amendment Proposal)

Reviewed and Approved by the PB 2.17.2021, Section corrections added 3.16.22 (PB) & 3.28.22 (SB), 4.20.22 Public Hearing

### 1. Establishment; Reestablishment.

Pursuant to Article VIII. pt.2, Section 1 of The Maine Constitution and ~~30 MRSA Section 2151-A30-A~~ M.R.S.A Section 3001, the Town of Porter hereby establishes the Porter Planning Board.

The board which has been acting as a planning board is hereby reestablished as the legal planning board. The members currently serving may continue to do so until the end of the term for which they were elected without the need to be reelected or to take a new oath of office. The actions which that board took prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted planning board of the Town of Porter.

### 2. Election of Members.

B. The board shall consist of seven (7) members.

C. The term of each member shall be three (3) years. Board members serving on the board at the enactment of this ordinance shall continue and serve the remainder of their respective terms.

The provisions of this ordinance with respect to length of term shall apply following the expiration of the ~~se~~ current terms as of the Annual Town Meeting upon which it was voted on.

D. When there is a permanent vacancy, the ~~town (at a town meeting)~~ municipal officers shall within 120 days of its occurrence ~~elect~~ appoint a person to serve for the unexpired term up until the next Town Meeting. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the town, or by majority vote of the Planning Board when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs the chairperson of the board ~~shall~~ may immediately ~~so~~ advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation.

E. A municipal officer may not be a member.

F. A member must be a full-time resident of the Town of Porter.

### 3. Organization and Rules.

A. The board shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. The term of all offices shall be one (1) year with eligibility for re-election.

B. ~~Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged. If a member holds a pecuniary or fiduciary interest in a decision, or believes they have a conflict of interest (bias) based on frame of mind, they are to volunteer for recusal. All members should make full disclosure for the record of his or her financial interest in the matter or any bias which might prevent him or her from being impartial in the matter before the board. The board member must abstain from any further discussion and voting as a board member on that matter. After making these disclosures, if the board member wants to participate as a member of the public, he/she they should leave his/her their place at the decision-making table and take a seat in the audience. If a board member does not believe that he or she has they have a conflict or bias but other members of the board disagree, the board will vote on that issue. The member with the alleged conflict or bias must abstain.~~

- C. The chairperson shall call at least **one (1)** regular meeting of the board each month, unless weather events pose serious risk to personal and public safety.
- D. No meeting of the board shall be held without a quorum consisting of **four (4)** members. The board shall act by majority vote, calculated on the basis of the number of members present and voting.
- E. The board shall adopt rules for transaction of business and ~~the secretary~~ shall keep a record of its resolution, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected ~~at reasonable times~~ in accordance with the Maine Freedom of Access Act.
- F. Permission for the public to speak will be via vote of the board and the timing within a meeting will be at the discretion of the elected Chair.

#### 4. Duties: Powers.

- A. The board shall perform such duties and exercise such powers as are provided by Porter ~~ordinance~~ Land Use Ordinance, Porter Subdivision Regulations, and the laws of the State of Maine.
- B. Planning Board members are permitted to utilize Maine Municipal Association resources if the Town is a member. Legal resources are confined to the issues related to planning board administration of the Porter Land Use Ordinance.