

RESOLUTION 07-006 – Amended

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLAY COUNTY, GEORGIA PROVIDES FOR ESTABLISHMENT OF THE COUNTY ZONING AND PLANNING COMMISSION FOR THE UNINCORPORATED AREA OF CLAY COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Clay County, Georgia, as the governing body of Clay County, Georgia has determined it is in the best interest of the county to establish a county planning and zoning commission for the unincorporated area of Clay County, and.

WHEREAS, the function of a county planning and zoning commission is to assist in guiding the Board of Commissioners in accomplishing a coordinated and harmonious development of the county's unincorporated areas which will, in accordance with existing and future needs, best promote public health, safety, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of economic and esthetic development, and

WHEREAS, the joint commission between the county and the municipalities within the county has been dissolved by withdrawal of the municipalities, the Board of Commissioners of Clay County, Georgia, as the governing body of Clay County, Georgia shall hereto for establishing said commission.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Clay County, Georgia, shall establish a planning and zoning commission for the benefit of the county to assist in guiding of the Board of Commissioners in accomplishing a coordinated and harmonious development of the county's unincorporated areas which will, in accordance with existing and future needs, best promote public health, safety, order, convenience, prosperity, and the general welfare, as well as, efficiency and economy in the process of economic and esthetic development, and

BE IT FURTHER RESOLVED that the Planning and Zoning Commission shall consist of five (5) members to be appointed by the Board of Commissioners. No position will be filled by employees of the county or Constitutional Officers. The commission shall endeavor to select one member from each commission district. A chairman of the commission shall be elected from the membership for a term of one (1) year or until by majority vote of its commission shall elect a replacement. The terms of the membership shall commence upon appointment and shall terminate as follows: District One and District Three shall terminate December 31, 2008, District Two, District Four, and District Five shall terminate December 31, 2009. All appointed terms thereafter shall be for a period of two (2) years or at the pleasure of the Board of Commissioners. All vacancies shall be appointed by the Board of Commissioners within sixty (60) days of its occurrence.


BE IT FURTHER RESOLVED that upon establishment the Planning and Zoning Commission, it shall develop and present for approval, bylaws governing the actions of its commission to the Clay County Board of Commissioners. (Attachment A)

BE IT FURTHER RESOLVED that this resolution is hereby amended by the governing authority of Clay County on this the 29th day of March, 2007.

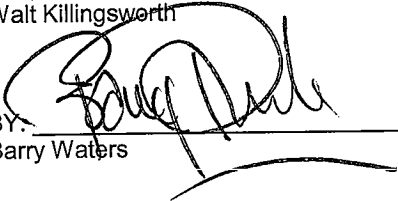
COUNTY OF CLAY, STATE OF GEORGIA

BY: 
Gerald Von Anderson III, Chairman Yea Nay

By: _____
Willie McCoy, Vice Chairman Yea Nay

BY: 
David Shivers Yea Nay

BY: _____
Walt Killingsworth Yea Nay

BY: 
Barry Waters Yea Nay

CLERK'S CERTIFICATE
I, the undersigned Clerk of the Board of Commissioners of Clay County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Commissioners of Clay County in public meeting assembled on March 29, 2007, the original of which resolution has been entered in the official records of said political subdivision under my supervision and is in my official possession, custody and control.


Teresa Smith, County Clerk

Attachment A

**Clay County Planning & Zoning Commission
By-Laws**

Article I

Planning Commission

- 1-1 The official name of the Planning Commission shall be the Clay County Planning Commission, hereafter referred to as Commission.

Article II

Objective and Purposes

- 2-1 The primary objective of the Commission is to develop and maintain a continuing, cooperative planning program to benefit the people of Clay County, Georgia.
- 2-2 The purposes of the Commission are:
- 2-2.1 Develop and maintain land use plans, administrative procedures, zoning plan/ordinance, subdivision regulations, and design ordinances for local government adoption;
 - 2-2.2 Recommend and/or develop and maintain other plans, ordinances and "tools" relating to land use as needed by the County. Such documents may include ordinance, redevelopment plan, and others;
 - 2-2.3 Hold public hearings on plans/ordinances or changes thereto.
 - 2-2.4 To serve as a coordinating body to identify, discuss, study and define county needs and opportunities.
 - 2-2.5 To serve as the vehicle for collecting and exchanging information pertinent to the County.
 - 2-2.6 To foster and develop plans to help establish priorities for growth, development and conservation.
 - 2-2.7 To provide general and technical assistance to the County Board of Commissioners.
 - 2-2.8 To review and coordinate Federal, State and local programs having an impact on Clay County.

Article III Membership

- 3-1 Members of the Commission shall be appointed by the Clay County Board of Commissioners for designated terms. There Clay Co. Board of Commissioners shall endeavor to appoint one member from each of the voting districts of Clay County.
- 3-2 If a vacancy shall occur on the Commission by reason of death, resignation, change of residence, or any other cause, it shall be filled by the Clay County Board of Commissioners for the duration of the unexpired term.
- 3-3 Qualifications for Members appointed by Clay County Board of Commissioners:
Appointees must:
1. Be a resident and landowner of Clay County
 2. Preference may be given to candidates with Associate Degree or better;
OR Equivalent or experience
 3. Provide a resume listing working and community experiences
 4. Not be a realtor or land developer/promoter which would, in any way, give the appearance of a conflict
 5. Must attend Planning & Zoning Commission Training or other training as may be prescribed by the County Commission.

Article IV Organization

- 4-1 Annually, at the regular meeting of the Commission held in the month of January, a Chairman and Vice Chairman shall be elected. These officers shall be elected for a term of one year and may be reelected for two successive terms to the same office. Members shall be notified in writing of the date, time and place of the election of officers at least fifteen (15) days prior to the regular meeting. Each officer shall serve until relieved of his duties as herein provided.
- 4-2 The Chairman shall preside at all meetings of the Commission and at other meetings and public hearings called by the Commission. He/She shall call special meetings of the Commission when required and shall transmit reports, plans, and recommendations of the Commission to the appropriate governing authority. In general, the Chairman shall act as spokesperson for the Commission, expressing the views of the Commission, not personal views unless so stated.
The Chairman shall have the privilege of discussing all matters before the Commission.
- 4-3 The Vice Chairman shall serve as Chairman in the absence or the disability of the Chairman. In the event of the death or resignation of the Chairman, the Vice Chairman shall perform, the latter's duties until such time as the Commission shall elect a new Chairman.
- 4-4 In the event of the absence of both the Chairman and Vice-Chairman for a meeting of the Commission, the members present may elect a temporary chair for that meeting and proceed with the order of business.

- 4-5 The Planning Commission shall appoint from its membership or recommend to the County Commission to appoint a secretary for the Commission.
- 4-6 The Secretary shall keep the minutes and records of the Commission, prepare with the Chairman the agenda for regular and special meetings, provide notice of meetings, attend to correspondence of the Commission and perform such other duties normally carried out by a secretary. The Secretary may be an employee or officer of the Clay County Board of Commission. If an appointed Secretary, the Secretary shall act in an ex-officio manner with no voting privileges. The Secretary shall have the privilege of discussing all matters before the Commission.
- 4-7 Additional Duties: The Chairperson, Vice Chairperson and Secretary shall perform such other duties and functions as may fro time to time be required by the Commission or by its By-Laws.
- 4-8 Ex-Officio: In addition to the Secretary, additional ex-officio's may be appointed by the Board of Commissioners, namely the Code Enforcer and the County Administrator.

Article V Meetings

- 5-1 Regular meetings of the Commission shall be held on the _____ of each month at _____ p.m. Eastern Standard Time the Clay County Board of Commissioners meeting room. Each member shall be notified of each regular meeting at least seven (7) days prior to the meeting by a written agenda prepared by the Secretary to the Commission.
- 5-2 Special meeting may be called only by the Chairman, provided that at least twenty-four (24) hours notice of the time of such meeting shall be given to each member by the Secretary. The purpose of the special meetings must be stated and no other business may be conducted.
- 5-3 Three members of the Commission shall constitute a quorum. A quorum shall be present before any business is transacted. If enough members are not present to constitute a quorum, those in attendance will be dismissed without the meeting being called to order. There will be no discussion. The secretary will issue a summary recap in lieu of minutes, stating that the meeting was cancelled for lack of a quorum.
- 5-4 The Chairman, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Commission in session at the time.
- 5-5 All meetings of the Commission shall be open to the public.

Article VI Attendance

- 6-1 In order for the Commission to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any member is absent for two (2) consecutive

meetings, the Chairman may direct the Secretary to notify such member in writing of his absences. If such member fails to attend the next regular meeting, the Commission, by a majority vote of the remaining members, may declare the position vacated and request a replacement be made by the County Commissioners.

Article VII
Order of Business

- 7-1 ORDER OF BUSINESS -- The order of business at regular meetings shall be as follows:
- (1) roll call;
 - (2) approval of minutes of previous meetings;
 - (3) public business;
 - (4) all actions of the Commission shall have been put before the members in the form of a motion, duly seconded and voted upon, by a majority of members present.

Individuals desiring to speak on planning & zoning subjects requiring discussion and/or decisions are required to contact the secretary to be placed on the agenda, (only topics on the agenda will be discussed.)

- 7-2 Agenda: persons desiring to speak on any zoning or planning subject that requires discussion or a decision, will be required to contact the secretary to be placed on the agenda. The person wishing to speak will give list their name, topic and offer any supporting documentation at the time of registration with the Secretary. This information will be submitted to the Commission in their working papers. Only the topics on the agenda will be discussed.
- 7-3 Open Forum: Persons from the audience who wish, to speak in OPEN FORUM will ask to be recognized by the chair. Upon recognition, the person may speak for no more than five (5) minutes. There will be *no discussion*, arguments nor decisions.
- 7-4 Orderly Conduct: The chair will be responsible for maintaining order at all times, Persons who speak on topics not on the agenda (other than OPEN FORUM) will be called out of order.
- 7-5 The vote of a majority of all Planning Commission members shall be necessary to decide matters that come before the Planning Commission.
- 7-6 Meetings and Records Open - All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the planning commission shall be public record. Duplicate copies of the Planning Commission Minutes shall be filed in the Office of the Clay County Board of Commissioners.

Article VIII

Hearings

- 8-1 The Commission may conduct such hearings for general informational meetings as is deemed appropriate and desirable.
- 8-2 Notice of such hearings or general informational meetings shall be provided in such manner as will, in the judgment of the Commission, best serve to notify interested parties.
- 8-3 Any matter before the Planning Commission relevant to zoning, the subdivision of land, or implementation of elements, of the comprehensive plan will not be heard, nor will recommendations be made without first considering the pertinence of the matter with reference to the zoning map, land use plan or other appropriate plan documents.

Article IX

Conflict of Interest

- 9-1 Should any member of the Commission be financially or otherwise closely associated with any issue that comes before the Commission, said member shall disqualify himself from participating in considering the issue and shall not sit with the Commission during such consideration. A member of the Commission may raise the question of conflict of interest of another member regarding a specific issue that is before the Commission. A majority vote of those without such conflict shall determine if such conflict does exist.

Article X

Records

- 10-1 The Commission shall keep a record of its recommendations, transactions, findings and determinations, and shall be public and filed in the office of the Clay County Board of Commissioners.

Article XI

Action by Commission

- 11-1 All actions of the Commission shall have been put before the Commission members in the form of a motion, duly seconded, and voted upon by a majority of the members present.
- 11-2 Each member of the Commission shall be a voting member. Voting shall be done by a show of hands.

Article XII
Planning Staff

- 12-1 The planning staff (RDC) assigned to the Clay County Planning Commission shall be available to advise, upon request, all members regarding the technical aspects of the matters before the Commission. Consultation between the staff and citizens who are interested in planning is encouraged. The Chairman may request the planning staff to prepare and present special reports as the need arises.

Article XIII
Adoption and Amendment

- 13-1 These by-laws may be adopted by a majority vote of the membership present at the regular meeting of the Commission.
- 13-2 The by-laws, within the limits set by law, may be amended by an affirmative vote of the membership present at a regular meeting, if such proposed amendment shall have first been submitted to all Commission members in writing at least seven (7) days prior to the meeting at which the vote is taken.

Adopted: _____

Chair

Secretary