RESOLUTION NUMBER 780

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, ADOPTING NEW BY-LAWS FOR THE KETCHUM PLANNING AND ZONING COMMISSION ATTACHED AS EXHIBIT "A".

WHEREAS, the Planning and Zoning Commission is created and organized pursuant to Ketchum Municipal Code Title 2.36, Planning and Zoning Commission;

WHEREAS, the Planning and Zoning Commission is currently operating under the By-Laws attached as Exhibit "B", adopted by the City in 1998, Resolution Number 687;

WHEREAS, the Planning and Zoning Commission desires to clarify the By-Laws to provide more structure for the conduct of meetings, and to make it easier for members of the public to participate in the process in an organized manner;

WHEREAS, the Planning and Zoning Commission have conducted five (5) public meetings on the revisions of said By-Laws, with a unanimous vote to adopt the By-Laws attached as Exhibit "A";

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Ketchum, Idaho, as follows:

The Planning and Zoning Commission created and organized pursuant to Ketchum Municipal Code Title 2.36 shall operate under the By-Laws attached hereto as Exhibit "A" in the conduct of its affairs together with all applicable laws of the State of Idaho. Where any local ordinance or rule is inconsistent with the provisions of State law, the latter shall control.

PASSED BY THE CITY COUNCIL and approved by the Mayor this 4th day of June, 2001.

GUY P. COLES
Mayor

ATTEST:

Sandra E. Cady
City Clerk

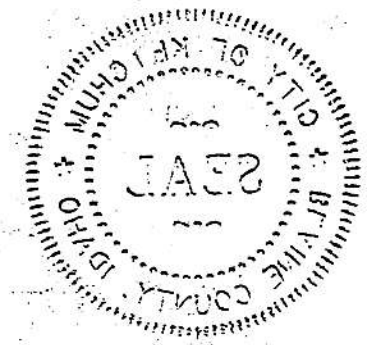
CITY OF KETCHUM
BLAINE COUNTY, IDAHO
SEAL

EXHIBIT "A"

BY-LAWS
KETCHUM PLANNING AND ZONING COMMISSION
MAY 14, 2001

1. MEETINGS:

The minimum number of meetings annually shall be consistent with Idaho Code 67-6504 and Ketchum Ordinance Number 2.36.040.

a. Location: Commission meetings shall be held at the Ketchum City Hall or other such location as agreed to by a majority of Commission members.

b. Meeting Times: Meeting times shall be as outlined in Ketchum Code Title 2, Chapter 2.36. No meeting will be held on the fourth Monday in December. Special meetings may be called as outlined in Ketchum Code Title 2, Chapter 2.36. Notices of any special meetings called shall be given at least twenty-four hours prior to the special meeting. All components of the local media which have a written request for notification on file with the Planning and Zoning Administrator's office shall also receive notice at their business office via telephone, fax or hand delivery.

c. Open to the Public: All regular and special meetings of the Commission, subcommittees and/or work sessions shall be open to the public.

2. ELECTION OF OFFICERS:

The Commission shall elect its own Chairperson and Vice Chairperson at its first meeting of any calendar year. Said elections shall be by majority vote. After election, the Chairperson shall continue to have all the rights, privileges and immunities as any other member of the Commission. If a vacancy occurs in the office of Chairperson, the members of the Commission, at their next regular meeting, shall select a Chairperson from among their number for the unexpired term. In conjunction with the election of a Chairperson, a Vice Chairperson shall be elected in a like manner. The election shall be by affirmative vote. Any other offices, committees or task forces shall be appointed from time to time as necessary.

3. CHAIRPERSON:

a. The Chairperson shall preside at all meetings of the Commission and be recognized as the head of the Commission for all administrative and ceremonial purposes. It shall be the Chairperson's responsibility to see that the transaction of Commission business is in accord with these by-laws, Ketchum Code Title 2, Chapter 2.36 and, where not inconsistent with the

above, Robert's Rule of Order. In case of the Chairperson's absence or temporary disability, the Vice Chairperson shall act as Chairperson during the continuance of the absence or disability.

b. The Vice Chairperson shall assume the duties and powers of the Chairperson in his or her absence. If both the Chairperson and Vice Chairperson are absent, the members may elect a temporary Chairperson by majority vote.

4. RESIDENCY:

Each member must meet minimum time of residency and geographic residency requirements outlined in Ketchum Code Title 2, Chapter 2.36. Each member shall remain a resident of the City, except those members allowed to reside outside the City, pursuant to Ketchum Code Title 2, Chapter 2.36, during his or her service on the Commission.

5. QUORUM:

At all meetings of the Commission, three members who are present and eligible to vote shall constitute a quorum for the transaction of business. The quorum must be established at the beginning of the meeting in order to conduct business. If a member recuses him or herself from a matter under consideration, and the result is a number of members less than three, a quorum shall be deemed to exist if the meeting began with a quorum.

6. ATTENDANCE, EXCUSED ABSENCES:

Every member must be present at seventy-five (75) percent of the regularly scheduled meetings of the Commission. Failure to do so (for reasons other than illness or conflict of interest) shall be cause for termination of membership.

7. COMMISSION MEETING AGENDA:

The Planning and Zoning Administrator shall arrange a list of such matters according to the order of business and prepare an agenda for the Commission. A draft copy of the agenda and supporting materials shall be prepared for Commission members, the press, applicants and the City Council at least 8 working days prior to a regular Commission meeting. The Commission shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Commission meeting. Items that do not require specific notice and were not known at the time of distribution of the agenda may be added by the Planning and Zoning Administrator, the Chairperson or by consent of two Commissioners.

8. SPECIAL MEETINGS:

Special meetings may be called from time to time as needed by the Chairperson or a majority of the members of the Commission. On these occasions, the Administrator shall prepare an agenda no less than twenty-four (24) hours in advance of the special meeting. Said agenda shall be posted at Ketchum City Hall in a manner visible to the interested public.

9. CONFLICT OF INTEREST PROHIBITED:

a. No member of the Commission with a conflict of interest shall participate in any aspect of the decision-making process concerning said matter. For purposes of this section the term "participation" means engaging in activities which constitute deliberations as a Commissioner pursuant to the open meeting act. A member of the Commission shall not participate in any proceeding or action when the member has a conflict of interest in the procedure or action pursuant to Idaho Code § 67-6506, as the same may be amended from time to time. A copy of a current version of this section shall be kept with the By-Laws.

b. If a Commissioner feels that he or she has a potential conflict of interest, no matter how remote, the Commissioner should disclose such facts to the Planning and Zoning Administrator who may seek the opinion of the City Attorney as to whether a potential conflict exists. The Planning and Zoning Administrator shall communicate such opinion to the Commissioner and the Chairperson. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered.

c. A member with a conflict of interest shall not be prohibited from testifying at, or presenting evidence to, a public hearing or similar public process after acknowledging nonparticipation in the matter due to a conflict of interest.

d. All Commission members and staff shall make every effort to familiarize themselves with the applicable fair hearing, conflict of interest, disclosure and disqualification laws that pertain to quasi-judicial proceedings. Quasi-judicial actions are defined as actions of the Commission which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending or revising comprehensive plans or other land use planning documents, or the adoption of area wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. Some examples of quasi-judicial actions which may come before the

Commission are: rezones or reclassifications of specific parcels of property, appeals from the decisions of the Planning and Zoning Administrator, subdivisions, street or alley vacations, and special land use permits.

10. DISSENTS AND PROTESTS:

Any Commissioner shall have the right to express dissent from, or protest against any recommendation or resolution of the Commission and have the reason therefore entered in the minutes.

11. RULES OF ORDER, PROCEDURES AND MEETING CONDUCT:

a. Rules of order not specified by statute, ordinance or resolution shall be governed by Robert's Rules of Order. The Planning and Zoning Administrator shall serve as parliamentarian and shall advise the Chairperson as to correct rules of procedure or questions of specific rule application.

b. All members shall have available to them, during each meeting, a copy of the Comprehensive Plan and the ordinances being referred to during the review of a specific application.

c. Every application shall be certified by the staff to be complete before review by the Commission.

d. Commission review of applications is with the purpose of making a decision. The members should attempt to review plans and pertinent information available to them on the various applications prior to consideration. Site visits are recommended. The Commission may approve or deny or recommend approval or denial of an application because there is insufficient information for its review.

   The approval or denial of an application shall be based upon standards and criteria set forth in the City's Comprehensive Plan, Zoning Code or other applicable ordinances or regulations and shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, the relevant and/or contested facts relied upon, and the rational for the decision.

e. Written staff review of applications and any recommendations shall be based on the applicable adopted ordinances, standards and criteria for review.

f. New information presented at the meeting by the applicant or by an affected party may be cause for continuation of said item so that the new information can be adequately reviewed by the Commission, staff and interested persons before a decision is made.

g. No ordinance may be recommended nor decision made which is in direct violation of the Comprehensive Plan without first changing the plan.

h. In reviewing all applications, the Commission shall adhere to all elements of due process and shall provide:

   1. Adequate notice of the application or public hearing.

   2. Adequate opportunity for the applicant to be heard and present and rebut information on his or her behalf during the hearing.

   3. Adequate opportunity for affected parties to be heard and present and rebut information during the meeting.

i. A transcribable record shall be kept of all meetings and hearings where a quorum is present and minutes shall be prepared.

j. In order to afford all parties an opportunity for a fair hearing, full disclosure of information that is being considered and an opportunity to be heard, Commission members should avoid ex parte contacts with parties interested in quasi-judicial matters that are before, or likely to appear before the Commission. In the event ex parte contact occurs, the Commissioner shall disclose the contact and the substantive information or facts that were received during the course of the contact as they relate to the matter at hand. Said disclosure shall occur prior to consideration of the matter.

k. Care should be taken to make sure that the Commission's impartiality not be undermined by a member's strong bias or prejudgment – from whatever source derived – towards a pending application. If a member believes that he or she has such a bias, the member should recuse themselves from deliberation and consideration of the matter.

l. Motions. All resolutions and other items of business which require Commission approval or recommendation shall be in the form of an affirmative motion.

m. Adjournment. No regular meeting shall be permitted to continue beyond 8:30 p.m. and special meetings shall not extend beyond the time allotted for said meeting without the approval of a majority of the Commission members who are present. A new time limit must be established before taking a Commission vote to extend the meeting. In the event that a meeting has not been closed or continued by Commission vote prior to 8:30 p.m., the items not acted on shall be deferred to the next regular Commission meeting, unless the Commission, by a majority vote of members present, determines otherwise.

12. ORDER OF BUSINESS:

a. The procedure to be used at all hearings of the Commission is:

1. Staff or Chairperson reads the item on agenda which is up for consideration.

2. Applicant gives a presentation. The length of said presentation shall be proportional to the size and complexity of the project. (This includes the applicant or developer of the representative).

3. Staff gives a presentation of the issues raised by the application. Staff review should include an evaluation of the proposal relative to adopted City ordinances, Comprehensive Plan, codes and past and present City policies.

4. Planning and Zoning Commission questions to the applicant and to the staff.

5. Public hearing as outlined in Public Hearings (b)(2) or public comment as outlined in Public Comment (b)(1) below.

6. Applicant's rebuttal, if any.

7. Opportunity for affected parties to rebut.

8. Planning and Zoning Commission discussion and action.

b. Public Comment. Members of the public may only make comments on matters listed under the agenda items.

1. General Comment from the Public. Time has been reserved on each regular meeting agenda to provide an opportunity for members of the public to directly address the Commission on items of interest to

the public. Any item of interest not appearing on the agenda but which is presented by a member of the public under "Comments for the Public" shall be limited to five (5) minutes and handled in one of the following manners:

a. The item may be added to the agenda for the meeting at which it was brought up by a member of the public only if the Commission determines by a two-thirds vote (or if less than two-thirds of the members are present, then by a unanimous vote of the members present) that the need to take action arose after the agenda was posted and the Commission believes it is necessary to take action immediately.

b. If the item is not added to the agenda as described in subparagraph (a) above, then the item shall be referred to the staff for investigation and placement on a future agenda, if necessary, without any action.

2. Public Hearings. All persons participating in public hearings must be recognized by the Chairperson. The procedures for a public hearing are as follows:

a. Procedure. Prior to the start of the "Comments from the Public" portion of a public hearing, the Chairperson shall announce "I will now open the public hearing on _____. When you are called on, please state your name and street address and address your comments to the Commission." The Chairperson shall then call on individuals who wish to speak. After the public hearing is closed, the public may no longer address the Commission unless a member of the Commission specifically asks someone in the audience a question.

The Chairperson shall have the option to require that all persons wishing to be heard shall sign in, giving their names and addresses, and the agenda item. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. All persons who have signed in and wish to be heard shall be heard, however, the Chairperson may establish speaker time limits and otherwise control presentations to facilitate the hearing and avoid repetition. The Chairperson may choose to require all proponents to speak first and all opponents to speak second. The

Chairperson may add additional procedures on a case by case basis.

b. Conduct. Anyone making "out of order" comments may be subject to removal from the meeting. Comments and testimony are to be directed to the Commission. Dialogue between and inquiries from citizens at the podium and members of staff or the seated audience is not permitted. Any belligerent or disparaging commentary toward the Commission, staff, or other individuals will be grounds for removal from the meeting. The Commission shall not be belligerent or make disparaging commentary toward the speaker. If a member of the public fails to follow the rules after being warned once, the Commission may bar that individual from further testimony for the evening.

3. Public comment on agenda items other than public hearings shall be the same as for public hearings. The Chairperson shall call for public comment, and conduct public comment as outlined in subparagraph (2)(a) and (b) above.

13. VOTING:

The votes during all meetings of the Commission shall be transacted as follows:

a. Unless otherwise provided for by statute, ordinance or resolution, all votes shall be taken by voice except at the request of the Chairperson. If a role call vote is requested, the order of the roll call vote shall be determined by the Chairperson.

b. In case of a tie in votes on any proposal or motion, the motion shall be considered lost.

14. COMMITTEES:

The committee structure of the Commission and the procedures governing all committees shall be as follows:

a. Special Study Committees. Special study committees may be created by the Commission for a particular purpose or when the issue at hand is so complex and time consuming that it cannot be reasonably handled at a Commission or committee of the whole meeting. Commission special

study committees shall consist of two Commission members appointed by the Chairperson.

b. Commission Liaisons. In order to provide the City Council with a Commission member to assist in evaluation of Planning and Zoning business, the Chairperson shall appoint a Commission member to serve as liaison to the Council at each regular meeting. This shall be done at the beginning of each calendar year. In addition, the Chairperson may assign Commission members to liaise with various local groups, organizations or boards to give the Commission a presence at those groups, organizations or boards activities.

c. Minutes need not be taken of committee meetings.

15. RECONSIDERATION:

Any action of the Commission , including final action on applications for changes in land use status, but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Commission meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Commission meeting for any action the Commission deems advisable.

17. FILLING COMMISSION VACANCIES:

If a vacancy occurs on the Commission, the vacancy will be filled by the City Council according to procedures outlined in Idaho Code Section 67-6504. Upon succession by a new member to the Commission, he/she shall be provided with the following:

a. A copy of all pertinent City ordinances.

b. A contact list for all fellow Commissioners, staff, and City Council members.

c. A copy of these by-laws, committee assignments, City Council liaison duty schedule, and a schedule of all regular meetings and special meetings, if determined.

d. Minutes of the previous three meetings of the Commission.

e. Attendance at two regular Commission meetings by the outgoing Commissioner to assist the new Commissioner in understanding the format and methodology of the meetings, if possible. The outgoing Commissioner shall continue to vote at these meetings.

18. VIDEO TAPE RECORDING, PHOTOGRAPHY, LIVE OR TAPE BROADCAST OF COMMISSION MEETINGS:

The Chairperson may allow any member of the public to broadcast, video tape, tape record, or photograph any part of any regular or special meeting of the Commission. If any two Commissioners desire to have the meeting broadcast, video taped, tape recorded or photographed, they may request the Chairperson to allow the action by affirmative motion. If such ability is incorporated into the normal public relations activity of the City, then broadcasting, videotaping, tape recording and photographing shall be allowed at all Commission meetings.

EXHIBIT "B"

RESOLUTION NUMBER 687

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, AMENDING EXHIBIT "A" OF RESOLUTION NUMBER 320 BY AMENDING THE BY-LAWS FOR THE KETCHUM PLANNING AND ZONING COMMISSION DESCRIBED THEREIN.

WHEREAS, the Planning and Zoning Commission is created and organized pursuant to Ketchum Ordinance Number 394, as amended by Ordinance Numbers 450 and 609.

WHEREAS, the Planning and Zoning Commission is currently operating under the By-Laws attached as Exhibit "A" to Ketchum Resolution Number as the same has been amended from time to time.

WHEREAS, the City of Ketchum has repealed Ordinance Numbers 59, 183, 238, 394, 450, and 609 and has replaced said Ordinances with Ordinance Number 721 in order to consolidate the creation and organization of the Commission into one ordinance.

WHEREAS, Idaho Code Section 67-6504 was amended in 1992 to reduce the residency requirement for Planning and Zoning Commissions from five (5) years to two (2) years.

WHEREAS, the City of Ketchum desires to amend the current By-laws and to consolidate the By-Laws of the Planning and Zoning Commission of its affairs together with all applicable laws of the State of Idaho.

WHEREAS, the City of Ketchum desires to make the residency requirements for the Planning and Zoning Commission more consistent with Idaho Statute Number 67-6504.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Ketchum, Idaho, as follows:

The Planning and Zoning Commission created and organized pursuant to Ketchum Ordinance Number 721 shall operate under the By-Laws, attached hereto as Exhibit A, in the conduct of its affairs together with all applicable laws of the State of Idaho. Where any local ordinance or rule is inconsistent with the provisions of State law, the latter shall control.

PASSED BY THE CITY COUNCIL and approved by the Mayor this 20th day of April, 1998.

GUY P. COLES
Mayor

ATTEST:

Sandra E. Cady
City Clerk

PLANNING AND ZONING COMMISSION BY-LAWS

RESPONSIBILITY:

1. The Commission shall hold public meetings, hearings, work sessions, or use other means, to obtain input to the planning and zoning process. The Commission will primarily deal with the matters set forth in the Local Planning Act, Idaho Code Section 67-6501, et. seq., and members should familiarize themselves with those State laws as well as Ketchum's ordinances. The Commission may also solicit information from and conduct meetings to consult with public officials and agencies, civic or professional organizations. As a result of such meetings, the Commission may submit recommendations to the Council concerning the planning and zoning process. Further, the Commission is empowered to, but is not limited to, the following:

    a. Initiate amendments to the Zoning, Planned Unit Development, and Subdivision Ordinances, and the Comprehensive Plan, and make recommendations to the City Council.

    b. Review all privately proposed amendments to these Ordinances and the Comprehensive Plan, and make recommendations to the Council.

    c. Review development proposals according to the processes outlined in the Subdivision and Planned Unit Development Ordinance.

    d. Initiate and/or review proposed interim ordinances or moratoriums, and make recommendations to the City Council.

    e. Process conditional use permit and variance applications as required by applicable ordinances.

    f. Review annexation proposals for Comprehensive Plan and/or Zoning Ordinance changes, and make recommendations to the City Council.

    g. Conduct design review of projects as required by applicable ordinances.

2. The Commission shall have the right to seek judicial process, as may be necessary to enable it to fulfill its functions.

MEMBERSHIP:

1. The Commission shall consist of five (5) voting members, each appointed by the Mayor of the City of Ketchum and confirmed by the majority vote of the Council.

The Council shall ensure that the interests of the entire City are broadly represented on the Commission, and shall select the members without respect to political affiliation. Each member must remain a resident of the City except those members allowed to reside outside the City during his or her service on the Commission. Each member shall have lived in Blaine County for at least three (3) years prior to the commencement of membership on the Commission.

2. Not more than two (2) of the appointed members may reside outside the City limits.

3. Each member shall serve for a term of three (3) years. Members may be removed by a majority vote of the Council.

4. Every member must be present at seventy-five (75) percent of the regularly scheduled meetings of the Commission. Failure to do so (for reasons other than illness or conflict of interest) shall be cause for termination of membership.

5. Vacancies not occurring from expiration of terms shall be filled in the same manner as used for the original appointment.

ORGANIZATION:

1. The Commission shall choose its chairperson and vice-chairperson on an annual basis by majority vote. This shall be done during the regular meeting of the Commission in December for service during the next calendar year.

2. The chairperson shall preside at all Commission meetings and have the powers generally assigned such office in conducting the meetings. It shall be the chairperson's responsibility to see that the transaction of Commission business is in accord with law and with these By-Laws and where not inconsistent with Robert's Rules of Order.

3. The chairperson may vote on any questions but shall cast his or her vote in the event of a tie vote, provided he or she has no conflict of interest. The chairperson may propose actions to the Commission in motion or resolution form.

4. The vice-chairperson shall assume the duties and powers of the chairperson in his or her absence. If both the chairperson and the vice-chairperson are absent, the members may elect a temporary chairperson by majority vote.

5. The Commission may create any additional offices it may deem necessary.

6. The Commission may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities under these By-Laws. Any subcommittee shall consist of at least three (3) members with a quorum being two (2).

7. All regular monthly meetings shall be held the second and fourth Mondays of the month in a place of public access and shall be open to the public. Due to holidays and other scheduling conflicts, meeting dates may change and in such instances adequate public notice shall be provided.

PROCEDURE AND CONDUCT DURING MEETINGS:

1. The Commission shall maintain the appearance of fairness in reviewing all matters and in making all decisions.

2. All members shall have available to them, during each meeting, a copy of the Comprehensive Plan and the Ordinances being referred to during the review of a specific application.

3. All members shall have voting rights. A majority of the members of the Commission shall constitute a quorum. The quorum must be established at the beginning of the meeting in order to conduct business. A member present but abstaining by reason of a conflict of interest or otherwise shall be counted for the purpose of maintaining a quorum. Proxy votes of members not present are not valid votes.

4. Every application shall be certified by the Staff to be complete before review by the Commission.

5. On-site reviews of applications are recommended.

6. All applications shall be reviewed within the time limits established by the applicable Ordinances. The members are encouraged to review plans and pertinent information available to them on the various applications prior to consideration. The Commission may approve or deny or recommend approval or denial (whichever is called for by Ordinance) of an application because there is insufficient information for its review. In making its decision, the Commission must state the reasons therefor, including ordinances or standards used in evaluating the application. and the actions, if any, the applicant could take to obtain approval. The approval or denial of any application shall be in writing and accompanied by a statement in the form of findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon and explain the decision based on the criteria and standards set forth.

7. Written Staff review of applications shall be based on the applicable adopted ordinances, standards and criteria for review.

8. The printed agenda of a regular meeting may be modified, supplemented or revised by a unanimous affirmative vote of the Commission members present.

9. No ordinance may be enacted nor decision made which is in direct violation of the Comprehensive Plan without first changing the Plan.

10. In reviewing all applications, the Commission shall adhere to all elements of due process:

    a. Adequate notice of the application's public hearing.

    b. Adequate opportunity for the applicant to be heard and present information on his or her behalf during the hearing.

    c. Use of the adopted relevant ordinances, standards, and criteria of evaluation and review.

    d. Compilation of specific written findings of fact and conclusions of law, including relation of the application to the Comprehensive Plan, the reasons used by the Commission in making its decision, what standards are or are not met and why, and the conclusions made to render the decision in accordance with Paragraph 6 above.

11. A transcribable record shall be kept of all meetings and hearings and minutes shall be prepared.

12. Conversations held outside of a meeting with interested parties about an application should be conducted with extreme care. Being accessible is important, but when a matter is pending, the following course should be followed:

    a. The interested party should be told that he or she will be listened to at the relevant meeting and that the matter cannot be considered until nor outside the meeting.

    b. Workshop meetings on a pending matter are preferred over individual conversations because other members will be present and because the opportunity will be there for informal review, question asking and exploring of options.

13. The procedure to be used at all hearings of the Commission is:

a. Staff or chairperson reads the item on agenda which is up for consideration.

b. Staff gives initial presentation. Staff review should include an evaluation of the proposal relative to adopted City Ordinances, Comprehensive Plan, codes and past and present City policies.

c. Proponent gives a presentation. (This includes the applicant or developer and his or her Staff).

d. Planning and Zoning Commission questions to the Proponent and to the Staff.

e. Public hearing or public comment for as long as necessary.

f. Proponent's response.

g. Staff input.

h. Planning and Zoning Commission discussion and action.

14. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year; additional special or workshop meetings may be scheduled as necessary. All meetings and records shall be open to the public. The record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained in the Planning Office. Those documents shall be public records available for inspection during regular business hours.

CONFLICT OF INTEREST:

1. All Commission members, Staff, and applicants shall make every effort to familiarize themselves with the applicable fair hearing, conflict of interest, disclosure, and disqualification laws of Idaho and the City of Ketchum.

2. The Commission's impartiality may be undermined by a member's strong bias or prejudgment - from whatever source derived - towards a pending application. This is especially true in quasi-judicial proceedings.

3. If a person feels that he or she has a potential conflict of interest. no matter how insubstantial, it is best to err on the side of caution by giving full disclosure and by abstaining from participation. This shall include refraining from advocating a position and participating in debate, as well as abstaining from decision making.

4. How to tell when there is a conflict of interest:

IF A MEMBER OR STAFF PERSON FALLS WITHIN ANY OF THESE RELATIONSHIP CATEGORIES, HE OR SHE HAS A CONFLICT OF INTEREST:

a. Relationships to the person on whose application action is pending including:

   1. Any relationship of kinship, whether by blood or affinity.

   2. Appointment as legal guardian, trustee, agent, broker, or administrator of an estate.

   3. Appointment on retainer, whether or not service was provided.

   4. Any employer/employee, mortgagor/mortgagee or consultant relationship.

   5. Any option to purchase, preliminary sales agreement, or sales agreement for real property.

   6. Any contract for goods or services.

b. Any of the above legal or contractual relationships associated with the parties listed in "a".

   1. Family members.

   2. Members of partnerships, whether general or limited.

   3. Officers or members of boards of directors of corporations in which a commissioner holds an interest.

c. Relationships to real property including:

   1. Any interest in real property lying near or in any way affected by the decisions of the Commission.

CAUTION: THIS LIST IS MEANT TO SERVE AS A GUIDE ONLY. THE MEMBER OR STAFF PERSON IS ADVISED TO REVIEW IDAHO CODE SECTION 67-6566, CONFLICT OF INTEREST PROHIBITED, AND CONSULT AN ATTORNEY FOR ADVICE IN SPECIFIC SITUATIONS BEFORE PARTICIPATING IN ANY DISCUSSION.

EXPENDITURES:

1. With approval of the Council, the Commission may receive and expend funds, goods, and services from Federal, State or local government agencies, or from civic and private sources. Expenditures by the Commission shall be within the amounts appropriated by the Council.

2. The selection of the Planning Staff and the review of their budget shall be the responsibility of the Council. The Council may ask the Commission for its input and recommendation as needed.