

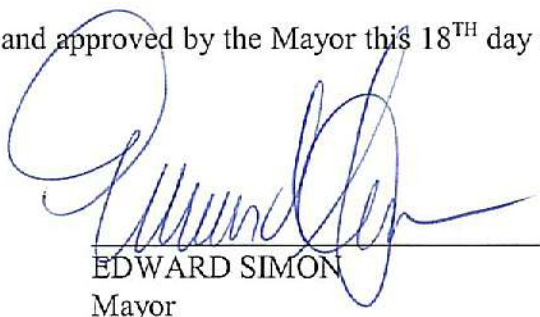
RESOLUTION NUMBER 830

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, AMENDING RESOLUTION NUMBER 714 CITY COUNCIL RULES OF PROCEDURE AND CONDUCT DESCRIBED IN EXHIBIT "A".

WHEREAS, the City of Ketchum desires to establish Conduct of Meetings/Public Hearings and Conduct of Appeals for the City Council as described in Exhibit "A" attached hereto and incorporated herein by reference.

NOW, THEREFORE, the Council hereby adopts the City Council Rules of Procedure and Conduct, attached hereto as Exhibit "A."

PASSED BY THE CITY COUNCIL and approved by the Mayor this 18TH day of March, 2002


EDWARD SIMON
Mayor



ATTEST:



For: Sandra E. Cady
City Clerk

CITY COUNCIL RULES OF PROCEDURE AND CONDUCT

1. **Parliamentary Rules.** Except as may be inconsistent with the provisions of this resolution, the parliamentary rules and law for the conduct of regularly scheduled Council meetings shall be as set forth in Robert's Rules of Order.
2. **Quorum.** A majority of the Council Members shall constitute a quorum. A quorum must be established at the beginning of the meeting in order to conduct business. A member present, but abstaining because of a conflict of interest or otherwise shall be counted for the purpose of maintaining a quorum. A number less than a quorum may adjourn from time to time and compel the attendance of absent members pursuant to Idaho statute.
3. **Regular Meetings.** The Council shall hold regular meetings the first and third Monday of each month. The meeting will be held at City Hall at the hour of six five thirty o'clock (5:30) p.m., unless notice indicates otherwise in the manner provided by Idaho statute.
4. **Special Meetings.** A special meeting of the Council may be called at any time by the Mayor or a majority of the members of the Council in the manner provided by Idaho Statute.
5. **Order of Business.** The business of the Council shall be as printed on the agenda, except that the agenda may be modified, supplemented or revised by a unanimous affirmative vote of the members of the Council present. The agenda shall include thirty (30) minutes of discretionary time that a majority of the Council may choose to allocate to an item that has run past its allotted time pursuant to paragraph 6.
6. **Agendas.** The Mayor shall set the agenda for the Council meetings. Any member of the Council may request that a matter be placed on the agenda for the next ensuing City Council meeting, however, if a majority of the Council requests that an item be placed on the agenda said item shall be placed on the agenda. Once a matter is placed on the agenda, it shall not be removed without the affirmative vote of a majority of the Council.

In order to better accommodate the public, Staff shall provide the Mayor with the estimated amount of time needed for an agenda item and the agenda shall be adhered to closely. The Mayor shall call for a point of order at the end of the time scheduled for an item. A majority of the Council shall then decide whether to

continue with the item or move on to the next item on the agenda. A new time limit must be established before taking a Council vote to extend the agenda item. The amount of time allotted to an item is deducted from the Council's thirty (30) minutes of discretionary time.

7. **Adjournment.** No meeting shall be permitted to continue beyond nine o'clock (9:00) p.m. without the approval of a majority of the Council members who are present. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to nine o'clock (9:00) p.m., the items not acted on shall be deferred to the next regular Council meeting, unless the Council, by a majority vote of members present, determines otherwise.
8. **Privileges of Members.** At the end of a presentation, public hearing, public comment period, or the like, a Council member may move to have an informal discussion on the matter or issue. Absent such a motion or suspension, the normal procedure for discussion of an item by the Council will be as follows: No Council member shall speak more than twice on the same question or subject without leave of the Council, nor more than once until every member choosing to speak shall have spoken. This restriction does not apply to questions posed by a Council member. ~~Each member shall have no more than two minutes within which to speak on the same question or subject, however, at the request of the speaking member or on his/her own initiative, another member may yield his/her time to the speaker.~~
9. **Public Participation.** The following procedures will be followed for public participation under "Public Hearing" and "Comments from the Public" agenda items. The Council will not hold public hearings on items not listed under "Public Hearings." ~~however, the Council will listen to comments from interested parties on a specific agenda item:~~
 - A. 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 Council 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 from the Public" shall be limited to five (5) minutes and handled in one of the following manners:

- (1) 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 Council 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 Council believes it is necessary to take action immediately.
- (2) If the item is not added to the agenda as described in subparagraph (1) above, then the item shall be referred to the Staff for investigation and placement on a future agenda, if necessary, without any action.

B. Public Hearings. The procedures for a public hearing are as follows:

- (1) Regular Public Hearing Procedure. Unless a majority of the Council present requests a formal procedure or Idaho statute requires some other public hearing procedure, public hearings will be conducted in an informal manner.
- (2) Public Hearings Under the Local Land Use Planning Act. Public hearings required pursuant to the Idaho Code may be either formal or informal pursuant to paragraphs (1) and (3) herein, but shall always provide an opportunity for all affected persons to present and rebut evidence. As used herein, an affected person shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the development.
- (3) Formal Regular Public Hearing Procedure. If a formal procedure is requested the procedure should be as follows: Prior to the start of the “comments from the Public” portion of a public hearing, the Mayor shall 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 Mayor may establish speaker time limits and otherwise control presentations to facilitate the hearing and avoid repetition. The Mayor may add additional procedures on a case by case basis. After the public hearing is closed the public may no longer

address the Council unless a member of the Council specifically asks someone in the audience a question.

- (4) **Conduct.** Every person wishing to speak must address the Council from the podium. No comments shall be made from any other location. Anyone making "out of order" comments may be subject to removal from the meeting. Comments and testimony are to be directed to the City Council. Dialogue between and inquires from citizens at the podium and members of staff or the seated audience is not permitted. Any belligerent or disparaging commentary toward the Council, Staff, or other individuals will be grounds for removal from the meeting. Council 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 Council may bar that individual from further testimony for the evening.

10. **Reconsideration.** Any action of the Council, including final action on applications for changes in land use status (with the exception of the following: 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 Council 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 Council meeting for any action the Council deems advisable.

11. **Appeals.** The procedures for appeals to the Council are as follows:

- A. **Standard of Review.** The Council shall review a decision based on the record.
- B. **Procedure. Unless otherwise approved by the Council the following procedure will be followed on appeals to the Council.** The Appellant will have 20 minutes to present an argument. Out of this time up to 5 minutes may be reserved for rebuttal. The Respondent will have 20 minutes to present an argument. Out of this time up to 5 minutes may be reserved for rebuttal. The Planning and Zoning Commission, or its representative, will then have 20

minutes to present the reasons for their decision. The Appellant will have 5 minutes for rebuttal, plus the time, if any, that was reserved out of the initial argument. The Respondent will have 5 minutes for rebuttal, plus the time, if any, that was reserved out of the initial argument. The Commission will have 2 minutes to address issues raised by the Appellant and the Respondent. At the close of the presentations the Council may ask questions of the Appellant, Respondent, and the Commission, however, there will be no further argument allowed.

~~12. **Conflict of Interest and Appearance of Impartiality.** All Council 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. The Council's impartiality may be undermined by a member's strong bias or prejudice - from whatever source derived - towards a pending application. This is especially true in quasi-judicial proceedings. If a person feels that he/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.~~

12. **Suspension of Rules.** The rules of order of the Council may be altered, amended or temporarily suspended by an affirmative vote of two-thirds of the members of the Council, provided, however, that no formal motion to suspend a rule of order shall be required if the Council member requesting suspension of the rule of order receives unanimous consent for the suspension of the rule of order.