

RESOLUTION NUMBER 15-009

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM PLANNING AND ZONING COMMISSION BYLAWS.

WHEREAS, bylaws for the Ketchum Planning and Zoning Commission provide direction to the members in performance of their duties;

WHEREAS, the Ketchum City Council has received and reviewed recommendations from the Planning and Zoning Commission for amendments to the Planning and Zoning Bylaws, attached as Exhibit A; and

WHEREAS, the amendments on the attached bylaws are consistent with state law and will promote effective decision making of the Planning and Zoning.;


NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF KETCHUM, IDAHO, to amend the Planning and Zoning Commission Bylaws, attached as Exhibit A to this resolution.

This Resolution will be in full force and effect upon its adoption this 2nd (second) day of March, 2015.



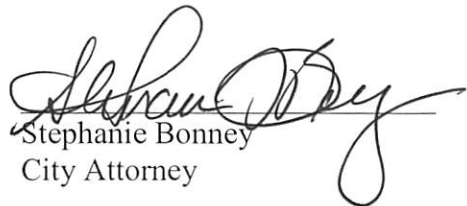
Nina Jonas, Mayor

Attest: Approved as to form and content:



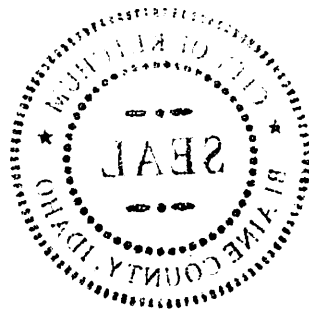
Sandra Cady, CMC
City Treasurer/Clerk





Stephanie Bonney
City Attorney

Exhibit A
(see attached)



BYLAWS
KETCHUM PLANNING AND ZONING COMMISSION
Adopted 3-2-2015 by Resolution 15-009

1. MEETINGS:

The minimum number of meetings annually shall be consistent with Idaho Code 67-6504, as amended from time to time. Regular meeting dates shall be established by Resolution of the City Council.

- a. Location: Commission meetings shall be held at the Ketchum City Hall or other such location(s) as provided in public notices of meetings. Site visits conducted by a majority of Commission members shall constitute a formal meeting of the Commission requiring compliance with notice requirements.
- b. Meeting Times: Meeting times shall be established by the Commission.
- c. Special meetings may be called as needed. Notices of any special meetings called shall be given at least twenty-four (24) hours prior to the special meeting. Notice for all agenda items shall comply with state and local notice requirements.
- d. Open to the Public: All regular and special meetings of the Commission, subcommittees and/or work sessions shall be open to the public. Receiving public comments for issues not requiring specific public hearings shall be at the discretion of the Commission.

2. ELECTION OF OFFICERS:

The Commission shall elect a 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 including voting on all matters before 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. The election shall be by majority affirmative vote. The term of service shall be that calendar year. There shall be no limit to the number of terms the officers may serve. Any other offices, committees or task forces may be established to assist in carrying out the Commission's responsibilities.

3. CHAIRING THE MEETINGS:

- 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. Robert's Rule of Order shall be utilized in the conduct of Commission meetings and business.
- b. During the Chairperson's absence or temporary inability to fulfil his/her duties, the Vice Chairperson shall act as Chairperson.
- c. If both the Chairperson and Vice Chairperson are absent, the members may elect a temporary Chairperson by majority vote.

4. RESIDENCY:

- a. Each member must be meet the minimum time of residency and geographic residency requirements in Idaho Code 67-6504 and 67-6526, as may be amended from time to time.
- b. At least three members of the Commission shall reside within the City of Ketchum
- c. No more than two members may reside within the Ketchum Area of City Impact at any one time.

5. QUORUM:

At all meetings of the Commission, a majority of members who are present 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 a majority, a quorum shall be deemed to exist. Furthermore, members may participate and be counted as part of a quorum by electronic means such as video or telephone.

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) may be cause for termination of membership by the Mayor and Council.

7. COMMISSION MEETING AGENDA:

The Planning and Building Department Director shall arrange a list of such matters according to the order of business and prepare an agenda for the Commission. The agenda and all materials associated with the items on the agenda may be posted on the City of Ketchum website and will be made available to the Commission members and public with substantially adequate time for review in advance of the regular meetings. Items on the agenda may be assigned estimated

start times, thereby establishing an estimated period of time that is set aside for any given item on this agenda.

8. DUTIES OF THE COMMISSION:

The duties of the Commission shall be consistent with the provisions of Local Land Use Planning, Title 67, Chapter 65 of Idaho Code, including but not limited to recommendations to the City Council, final decision on certain types of planning and zoning applications, consideration of Comprehensive and other plans for the City, appeals of certain administrative decisions, and initiation of code amendments.

9. CONFLICT OF INTEREST PROHIBITED:

- a. No member of the Commission with a conflict of interest, as defined by I.C.67-6506, 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.
- 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 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.

- e. 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.
- f. Care should be taken to make sure that the Commission's impartiality not be undermined by a member's strong bias or prejudice – 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.

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 Building Director 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. The Commission may approve or deny or recommend approval or denial of an application or continue an application due to insufficient information for its review and ability to act.

The approval or denial of an application shall be based upon standards and criteria set forth in the City's Zoning Code and Subdivision Ordinance 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 rationale for the decision. The Comprehensive Plan shall be considered for certain applications in accordance to Idaho Code. Such decisions shall be in conformance with Idaho Code, Title 67, Chapter 65, as may be amended from time to time.

- 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 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 in conformance with Idaho Code Title 67, Chapter 65, as may be amended from time to time.
- j. Motions. All resolutions and other items of business which require Commission approval or recommendation shall be in the form of an affirmative motion.

- k. **Adjournment.** Regular meetings shall be completed within a reasonable time frame providing for responsible, reasoned decisions. The Commission may consider establishing a policy stating the maximum length of time for regular meetings with the ability by majority vote of the Commission to exceed that length. Action items that may not be completed may be continued to a subsequent meeting of the Commission.

12. ORDER OF BUSINESS:

- a. The procedures to be used for all hearings of the Commission shall include:
 - 1. Staff or Chairperson reads the item on agenda which is up for consideration.
 - 2. Applicant gives a presentation.
 - 3. Staff gives a presentation of the staff review and recommendations including aspects requiring particular attention by the Commission before reaching its decision.
 - 4. Planning and Zoning Commission questions to the applicant and to the staff.
 - 5. Public hearing or public comment as outlined below.
 - 6. Applicant's rebuttal, if any.
 - 7. 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 may be 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 and that are not specifically listed on the agenda. A time limit for such comments may be established based on the anticipated number of members of the public interested in making comments. Questions from the public are best noted with further discussion and response from staff or the commission after adequate time to investigate and report at a later date.

2. **Public Hearings.** The Chairperson shall be responsible for opening and closing all public hearing or public comment periods. All persons wishing to make public comment must be recognized by the Chairperson.

a. **Procedure.** The Chairperson opens the public hearing/comment period and shall call on individuals wishing to speak requiring names and addresses be identified for the record of the meeting. 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 they are interested in. 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 shall not be 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.

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. If a roll 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 and may include other members from the public at-large, but in no case shall include a majority of sitting Commission members.
- b. **Commission Liaisons.** The Chairperson may assign Commission member(s) to liaise with the Ketchum City Council, other City commissions, 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 or special Commission meeting with time on the agenda available for any action the Commission deems advisable. Any decision for reconsideration must comply with Idaho Statute, as amended from time to time.

16. 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.

Orientation to the process and operation of the Commission may be provided by City staff in advance of a new Commissioner participating in Commission business. A new Commissioner may choose to abstain from voting until he/she has achieved a level of comfort in participation.

17. 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 according to the City's communications policies.

18. EMPLOYEES AND EXPENDITURES

Any expenditures of the Commission shall be within amounts appropriated and authorized by the City Council prior to said expenditure. Paid staff positions may be created and filled only at the discretion of the City Council.