

BYLAWS FOR THE HAILEY PLANNING AND ZONING COMMISSION

PURPOSE

These bylaws provide direction to the members of the Hailey Planning and Zoning Commission in the performance of their duties.

ARTICLE I - GENERAL PROVISIONS

The Hailey Planning and Zoning Commission, hereinafter referred to as "the Commission", shall be governed by the following statutes, ordinances, and rules:

1.1 Applicable State Statutes and Local Ordinances and Rules.

To the extent that they remain in force and in effect or as they are amended, the Commission and its members shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying to public boards, members and officials, and those dealing with disclosure.
- b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including but not limited to Idaho State Code 67-6501 et seq.
- c. The Hailey Zoning Ordinance, the Hailey Subdivision Ordinance, the Hailey Annexation Ordinance, the Hailey Blaine County Area of Impact Ordinance, and the Hailey Comprehensive Plan, all as approved by the Hailey City Council.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission.

Upon taking office, all members of the Commission shall familiarize themselves with the forgoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be governed thereby in the conduct of Commission affairs. The Ethical Principles in Planning, as set forth by the American Planning Association, shall also be used by the Commission as a guide in the conduct and performance of their duties.

1.3 Basic Principles.

- a. Equality of Members. As the Commission conducts its affairs in accordance with these rules, each member has the same rights, privileges and duties as any other member.
- b. Freedom of Discussion. Each Commission member has the right to be heard and to hear what others have to say about any application or motion before voting.
- c. One Motion. Only one motion may be considered at any given time.
- d. Members' Right to Know. Members have a right at all times to know the pending motion, and have it restated prior to any vote.
- e. Meeting Properly Called. The Commission may take official action only in meeting properly called and with a quorum of members present.

1.4 Rules of the Commission to be Available at the office of the Hailey City Clerk.

An official copy of the By-laws of the Commission shall be available as a public record from the Hailey City Clerk. Additional copies shall be provided to the members of the Commission and made available to the public upon request.

ARTICLE II - OFFICERS, COMMITTEES, STAFF, DUTIES

2.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission at which a quorum is present, the Commission shall elect a Chair and Vice Chair.

2.2 Succession of Vice Chair to Office of Chair.

Should the Chair resign or be removed, the Vice Chair shall succeed to the office for the remainder of the original one year term. Should the Vice Chair resign, be removed, or succeed to the office of Chair, a special election shall be held to fill the vacancy of the Vice Chair until the expiration of the original one year term. Said election shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

2.3 Duties of the Chair and Vice Chair; Appointment of Temporary Chair to Preside at Meetings.

The Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall elect from among their number a Temporary Chair to preside. The Temporary Chair shall abide by all rules and policies set forth herein.

The Chair shall maintain order and decorum, and to that end, after suitable warning, may order removal of disorderly or disruptive persons.

The Chair should, to the extent practical, remain impartial.

Whenever the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

2.4 Other Responsibilities of Chair; Delegation to Vice Chair.

The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during his or her absence or in the case of his or her disability to perform necessary Commission functions in a timely manner.

2.5 Managerial Responsibilities.

The Chair shall conduct all meetings of the Commission, interface with and may request Staff assistance from the Planning and Zoning Administrator in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these rules, City Ordinance, and State and Federal Law.

2.6 Appointment of Committees.

The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the functions of the Commission.

ARTICLE III - CONDUCT OF COMMISSION MEMBERS, STAFF

3.1 Conflict of Interest.

Each Commission member shall abide by the provisions of Idaho Code §67-6506, as amended. No members of the Staff or of any agency serving the Commission shall prepare or present arguments or reports, or attempts to influence the decision of the Commission, in any case in which they have similar interest and which would constitute a conflict of interest, under Idaho Code §67-6506.

3.2 Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination.

Commission members may seek information from other members or Staff, but no member shall express any bias, prejudice or personal opinion on judgment of the case prior to its public hearing and determination. Violation of this rule shall constitute malfeasance and be deemed grounds for dismissal from the Commission.

3.3 Voting.

No Commission member shall express an opinion at any public hearing or vote on any matter deciding an application or petition except after attending the public meeting and/or hearing on the matter and listening to all testimony presented. However, a member may qualify to participate in further discussion and vote on the matter by examining the evidence and listening to a record of the hearing at which the member was absent.

ARTICLE IV - APPLICATION REQUIRED

4.1 Complete Application Required.

Where required by City Ordinance, an item may not be heard by the Commission unless a complete application is filed with the Hailey Planning Department. Applications must be received at least thirty-seven (37) days prior to the meeting at which it will be considered. Determination of a complete application will be made by Staff in conformance with applicable City Ordinances.

ARTICLE V - MEETINGS, HEARINGS

5.1 Regular Meetings.

Regular meetings of the Commission will be held at such time and place as is established by the Commission and at least one time in at least nine (9) months of the calendar year. Special meetings of the Commission may be as scheduled by the chair.

5.2 Open to the Public.

All meetings of the Commission are open to the public.

5.3 Meetings with the Hailey City Council.

The Planning and Zoning Commission or the City Council may request joint meetings of the Commission and Council to evaluate development direction and ongoing programs.

5.4 Special Meetings.

Special meetings for any purpose, other than application to be heard under the Local Land Use and Planning Act, may be held at the call of the Chair, the Hailey City Council, or the Planning and Zoning Administrator. Notice of Special meetings shall be posted at least twenty-four (24) hours prior to the scheduled meeting time.

5.5 Site Review.

The Commission shall follow the applicable procedures in Chapter 2.04 of the Hailey Municipal Code.

5.6 Recess or Adjournment.

Any regular or special meeting may be recessed or adjourned from day to day, or to the time of any previously announced regular or special meeting, and such recess or adjournment to a certain time and place does not require additional public notice.

5.7 Cancellation.

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chair by giving notice to all members and applicants not less than 48 hours before time set for such meeting.

5.8 Quorum.

A quorum of the Commission shall consist of a simple majority of members. An affirmative vote of a simple majority of the present members of the Commission shall decide all matters under consideration. The Chair shall vote on all matters being considered by the Commission in which a vote of the members of the Commission results in a tie, and may participate in any vote.

5.9 Agenda.

The City Planning Office shall prepare an agenda for each Commission meeting. The Agenda may consist of the following but not necessarily in the following order:

1. Call to Order
2. Consent Agenda
3. Proclamations and Presentations
4. Unfinished Business
5. New Business
6. Workshops
7. Staff Reports and Discussion
8. Commission Reports and Discussion
9. Adjourn Meeting

Public hearings that have been continued from a previous meeting shall be placed on the agenda as Unfinished Business. New public hearings shall be placed on the agenda as New Business.

5.10 Consent Agenda.

The Commission shall follow the applicable procedures in Chapter 2.04 of the Hailey Municipal Code.

ARTICLE VI - HEARING PROCEDURES

6.1 Representation at Hearings.

Applicants shall appear personally or be represented by authorized agents at a public hearing for their application.

6.2 Public Hearing Procedure.

The Commission shall follow the applicable procedures in Chapter 2.04 of the Hailey Municipal Code.

6.3 Conduct During Hearings.

During the hearings all persons providing testimony shall proceed without interruption except that from the Commission. All comments, arguments and pleadings shall be addressed to the Chair. There shall be no debate or argument between individuals.

Documents and correspondence may be presented during the hearing-

Any member of the Commission or Staff may, upon recognition by the Chair, direct questions to the applicant, witnesses, or any person speaking from the audience, to bring out pertinent facts. No Commission or Staff member may debate or argue with persons in the audience.

6.4 Motions

The Commission shall follow the applicable procedures in Chapter 2.04 of the Hailey Municipal Code.

6.5 Notification.

Findings made by the Commission shall be given by the Planning and Zoning Administrator to the applicant, petitioner or any party making a written request for such.

ARTICLE VII - REQUEST TO WITHDRAW APPLICATIONS

7.1 Withdrawal.

Upon written request from the applicant or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

ARTICLE VIII - AMENDING OR WAIVING BY-LAWS

8.1 Amending By-Laws.

These by - laws shall be amended only by resolution of the City Council after receiving a recommendation by the Commission.