

HAILEY ORDINANCE NO. 1005

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 2.04 OF THE HAILEY MUNICIPAL CODE ENTITLED PUBLIC HEARINGS, PROVIDING FOR PROCEDURES FOR REGULAR AND SPECIAL MEETINGS, CITY COUNCIL AGENDA, CONSENT AGENDA AND PUBLIC HEARINGS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey has adopted an ordinance, creating Chapter 2.04 of the Hailey Municipal Code, providing for procedures for public hearings;

WHEREAS, the Hailey City Council believes it prudent to establish procedures for regular and special meetings of the Hailey City Council, to establish a protocol for the City Council agenda, to create a consent agenda, and to revise the procedures for public hearings; and

WHEREAS, the Mayor and the City Council find that amendments to Chapter 2.04 of the Hailey Municipal Code will clarify the procedures of public meetings by the Hailey City Council and Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 2.04.010 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

2.04.010 Procedures.

2.04.010.01 Regular Meetings. The Hailey City Council shall conduct at least one regular meeting each month in the City Council chambers at Hailey City Hall, 115 Main Street South, Hailey, Idaho.

2.04.010.02 Special Meetings. The Mayor of the City of Hailey, or one half (½) plus one (1) of the members of the Hailey City Council shall have the power to call a special meeting of the Hailey City Council.

2.04.010.03 City Council Agenda. The Mayor shall determine the agenda of all regular meetings and any special meeting, except for special meetings called by the Hailey City Council, in which case the Hailey City Council shall determine the agenda for the special meeting. The Agenda may consist of the following but not necessarily in the following order:

Open Session for Public Concerns
Call to Order
Consent Agenda
Proclamations and Presentations
Public Hearings

New Business
Old Business
Workshops
Staff Reports and Discussion
Council Reports and Discussion
Executive Session
Adjourn Meeting

2.04.010.04 Consent Agenda. The City Council and the Planning and Zoning Commission shall use the procedure of a "Consent Agenda" at its meetings. The Mayor or any City Council Member, or the Planning and Zoning Administrator, Commission Chair or Member, as the case may be, may request that an item be placed upon the Consent Agenda. The City Council or the Planning and Zoning Commission by single motion and vote may approve all items on the Consent Agenda. Prior to voting upon the Consent Agenda, the Mayor, any Council Member, Planning and Zoning Commission Chair or Member, any staff member of the city or member of the public, shall have the right to remove an item on the Consent Agenda, which item shall be discussed and decided upon separately at the meeting. Items to be included in a Consent Agenda may include approval of minutes, claims, findings of fact and conclusions of law, and contracts.

2.04.010.05 Public Hearings. A- If Idaho law or Hailey Ordinance requires a public hearing, the following procedure shall be followed with regard to all public hearings conducted by and before the eCity eCouncil and the pPlanning and zZoning eCommission:

1. City staff shall present an introduction and orientation;
2. The applicant or interested party shall be then afforded the opportunity to present and explanation of the application, request or other matter being considered by the City eCouncil or Planning and Zoning eCommission;
3. The members of the eCity eCouncil or Planning and Zoning eCommission shall then have the opportunity to direct questions to the applicant or interested party;
4. Public hearing shall then take place, members of the public being afforded the opportunity to be heard. The presiding officer shall have the discretion to set limits as to the time each individual may speak and/or the number of times each individual may speak. The presiding officer shall also have the authority to set an overall time limit for the entire public hearing;
5. After completion of all testimony and/or public comment, or at the conclusion of the time limit set for the public hearing, whichever shall first occur, the public hearing shall be closed;
6. The members of the eCity eCouncil or pPlanning and zZoning eCommission shall then have an opportunity to direct questions to the staff and/or the applicant or interested party;
7. The applicant shall be afforded a right to rebut any testimony or evidence presented as public comment;
8. A decision may then be rendered on the merits of the application or matter before the City eCouncil or Planning and Zoning eCommission, and shall be based either on written findings of fact and conclusions of law adopted by said body, or, at the discretion of the council or commission, proposed findings and conclusions may to be prepared by the staff and

presented for adoption at the next meeting of the City eCouncil or Planning and Zoning eCommission; and

89. Any matter under consideration by the City eCouncil or Planning and Zoning eCommission may by a motion properly made, seconded, and passed, be-tabled to a date uncertain or continued, ~~upon a motion properly made, seconded, and passed,~~ to a date certain, at which time the matter will be taken up again for action or decision.

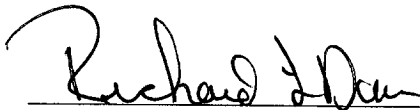
B. 2.04.010.06 Robert's Rules of Order. All actions taken shall be pursuant to Robert's Rules of Order, except that an item may be discussed and deliberated upon without a motion.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

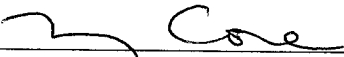
Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 12th day of May, 2008.



Richard L. Davis, Mayor
City of Hailey

ATTEST:



Mary Cone, City Clerk

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