



**CITY OF DOVER, IDAHO
PLANNING AND ZONING COMMISSION
BYLAWS**

Section 1: Purpose:

Idaho Code, §67-6504(c) and Dover City Code 12-2-6D require the Planning and Zoning Commission to adopt written organizational papers or bylaws, consistent with Chapter 67, Title 65 of Idaho Code and other laws of the State of Idaho, for the transaction of business of the Commission. These bylaws set forth rules for the conduct of meetings and the operation of the Commission, consistent with Idaho Code and Title 12 (Zoning Regulations) of Dover City Code.

Section 2: Membership:

Membership on the Dover Planning & Zoning Commission is established by Idaho Code §67-6504 and Dover City Code 12-2-6, which provides that all members be appointed by the mayor and be confirmed by a majority of the city council. Local code also provides the following:

- 2.1. The Commission shall consist of not less than three (3) members nor more than twelve (12).
- 2.2. Appointments shall be to four (4)-year terms.
- 2.3. All appointments to fill vacancies shall be for the unexpired terms.
- 2.4. Any appointed member shall have resided in Bonner County for at least two (2) years prior to the appointment.
- 2.5. The member shall be a resident of the city or must reside in the Dover Area of City Impact.
- 2.6. The appointment term begins July 1st of any given year.
- 2.7. Appointments shall follow the appointment schedule adopted by Dover City Council Resolution #116.
- 2.8. Members of the Planning and Zoning Commission shall receive no compensation for their services as commissioners.
- 2.9. The commission may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities required by Idaho Code.
- 2.10. The Commission may appoint non-voting ex officio advisors as may be deemed necessary.

Section 3: Meetings:

- 3.1. Regular meetings
 - 3.1.1. The Commission shall conduct at least one regular meeting per month for a minimum of nine (9) months.
 - 3.1.2. Regular meeting times and dates shall be established by a majority of the Commission.
 - 3.1.3. The meeting schedule for each year shall be confirmed by the Commission no later than December 1st of any given year.

- 3.2. Special meetings
 - 3.2.1. Special meetings of the Commission may be scheduled with the approval of the Chair and a simple majority of members.
 - 3.2.2. Confirmation of special meeting approval may be obtained by electronic mail or verbal means.
- 3.3. Meeting cancellations
 - 3.3.1. Regular or special meetings may be canceled or adjusted by the Chair in the event of emergencies, unforeseen circumstances, or withdrawal of applications from the agenda. Cancellations will be coordinated with the city clerk and planner. Prompt notice of the cancellation will be given to Commission members.
 - 3.3.2. Non-emergency meeting cancellations may be made by the Commission with the approval of the Chair and a majority of the Commission.
- 3.4. Conduct of meetings
 - 3.4.1. Public hearings shall follow the procedures established by Dover City Council at Resolution #110, or as subsequently amended. Resolution #110 is hereby attached as Exhibit A and incorporated herein.
 - 3.4.2. "Robert's Rules of Order" may be consulted by the chair to resolve any procedural questions not addressed by the city's adopted procedures.
 - 3.4.3. Regular meeting order shall be established by the Commission to include:
 - 3.4.3.1. Roll call
 - 3.4.3.2. Approval of minutes
 - 3.4.3.3. Regular business
 - 3.4.3.4. Public hearings, when scheduled
 - 3.4.3.5. Opportunity for public comment. Time may be allowed for the public to address the Commission on general planning matters not related to pending or scheduled agenda items. A time limit may be established by the Chair. The Chair may ask the Commission or staff to schedule additional time for further discussion or provide follow-up information.
 - 3.4.3.6. Open discussion by Commission
- 3.5. Meeting attendance
 - 3.5.1. Attendance at Commission meetings, workshops, or public hearings may be in person or by telecommunication devices that enable all members to communicate with each other, such as telephone or video conferencing. Telecommunication participation shall be in accord with the Idaho Code Open Meetings Law, §74-203.
- 3.6. Meeting conduct
 - 3.6.1. A majority of voting members of the commission shall constitute a quorum.
 - 3.6.2. The quorum must be established at the beginning of the meeting in order to conduct business or take actions.
 - 3.6.3. No decisions may be made, votes cast, or public hearings conducted in the absence of a quorum.
 - 3.6.4. If a member recuses him or herself from an agenda item, reducing the number of members to less than a majority, a quorum shall still be deemed to exist.
 - 3.6.5. Information may be distributed and updates provided by staff in the absence of a quorum.
 - 3.6.6. All meetings of the Planning and Zoning Commission shall be open to the public, with the exception of executive sessions, where authorized by Idaho Code.
- 3.7. Voting
 - 3.7.1. All votes cast shall be public, by voice vote, show of hands, or roll call, as determined by the chair. There shall be no secret ballots.
 - 3.7.2. The chair may cast a vote to either make or break a tie.
 - 3.7.3. A tie vote shall mean the motion or proposal is defeated.
 - 3.7.4. The Chair may call for alternative motions or further discussions in the event of a tie. Should these actions fail to resolve the impasse, a matter ending in a tie vote shall be

automatically set to the next regular meeting, unless a motion for reconsideration succeeds.

3.8. Reconsideration: The Commission, by approval of a majority vote, may reconsider any actions of the members, except for land use application recommendations that have been forwarded to City Council and have not been remanded or actions that have already been subject to reconsideration. A motion to reconsider must be made by a member of the prevailing side of the original vote. A tie vote means either side is prevailing. Motions to reconsider must be made no later than the next regular Commission meeting. The motion is debatable if the original action is debatable. Upon approval of the reconsideration motion, the item shall be returned to the next regular or special meeting of the Commission, allowing sufficient time for proper public notice. Actions eligible for reconsideration include motions to:

- 3.8.1. Suspend the rules;
- 3.8.2. Adjourn;
- 3.8.3. Table or remove from the table;
- 3.8.4. Initiate ordinance amendments;
- 3.8.5. Election of officers.

Section 4: Officers:

- 4. Election of Officers. There shall be a chair and vice chair elected by the Commission. The election of officers shall take place at the July meeting each year. If no meeting is conducted in July, the elections shall take place at the next scheduled meeting following July.
 - 4.1. Nominations. Nominations shall be made and seconded by Commission members. A majority vote of the Commission is required. The newly elected officers shall assume their duties immediately following the election.
 - 4.2. Length of term. The term of office for the chair and vice chair shall be one year.
 - 4.3. Duties of chair and vice chair. The chair shall preside over all regular and special meetings and public hearings of the Dover Planning and Zoning Commission. The chair shall perform all other duties as set forth in the Zoning Regulations of Dover City Code. In the absence of the chair, the vice chair shall perform these duties. In the absence of the chair and vice chair, the most senior member of the Commission shall preside.

Section 5: Duties and Conduct of the Planning and Zoning Commission:

- 5. The duties of the Dover Planning and Zoning Commission shall be as set forth in Dover City Code 12-2-6F, as follows:
 - 5.1. It shall be the duty of the Planning and Zoning Commission to work closely with the City Council to:
 - 5.1.1. Conduct a planning process designed to prepare, implement, review and update the comprehensive plan that includes all lands within the governing boards of jurisdiction;
 - 5.1.2. Hold public hearings prior to recommending the changes to the comprehensive plan;
 - 5.1.3. Provide ways and means to obtain citizen participation in the planning process;
 - 5.1.4. Provides ways and means to obtain citizen participation in the administration of ordinances;
 - 5.1.5. Prepare procedure for processing zoning permits, namely: special use permits, rezone applications, planned unit development proposals, lot line adjustments, and to hold hearings and make recommendations to council for resolving said proposals;
 - 5.1.6. Hear all requests for amendment to the zoning ordinance, hold at least one (1) public hearing and make its recommendation to the governing board;
 - 5.1.7. Review and recommend changes to planning and zoning ordinances and comprehensive plan;

- 5.1.8. Complete tasks as assigned by the City Council including but not limited to researching an issue and review and submit findings to the council.
- 5.2. The Planning and Zoning Commission is subject to the conflict of interest and ethics standards of Idaho Code, as follows:
- 5.2.1. Conflict of Interest standards of Idaho Code §67-6506: A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. 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. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A knowing violation of this section shall be a misdemeanor.
- 5.2.2. The Ethics in Government standards of Idaho Code Title 74, Chapter 4, including §74-404, as currently adopted or subsequently amended: Required Action in Conflicts: A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section. Disclosure of a conflict does not affect an elected public official's authority to be counted for purposes of determining a quorum and to debate and to vote on the matter, unless the public official requests to be excused from debate and voting at his or her discretion. In order to determine whether a conflict of interest exists relative to any matter within the scope of the official functions of a public official, a public official may seek legal advice from the attorney representing that governmental entity or from the attorney general or from independent counsel. If the legal advice is that no real or potential conflict of interest exists, the public official may proceed and shall not be subject to the prohibitions of this chapter. If the legal advice is that a real or potential conflict may exist, the public official:
- 5.2.2.1.(1) If he is an elected legislative public official, he shall disclose the nature of the potential conflict of interest and/or be subject to the rules of the body of which he/she is a member and shall take all action required under such rules prior to acting on the matter. If a member requests to be excused from voting on an issue which involves a conflict or a potential conflict, and the body of which he is a member does not excuse him, such failure to excuse shall exempt that member from any civil or criminal liability related to that particular issue.
- 5.2.2.2.(2) If he is an elected state public official, he shall prepare a written statement describing the matter required to be acted upon and the nature of the potential conflict, and shall file such statement with the secretary of state prior to acting on the matter. A public official may seek legal advice from the attorney representing that agency or from the attorney general or from independent counsel. The elected public official may then act on the advice of the agency's attorney, the attorney general or independent counsel.
- 5.2.2.3.(3) If he is an appointed or employed state public official, he shall prepare a written statement describing the matter to be acted upon and the nature of the potential conflict, and shall deliver the statement to his appointing authority. The appointing authority may obtain an advisory opinion from the attorney general or from the attorney representing that agency. The public official may then act on the advice of the attorney general, the agency's attorney or independent counsel.

- 5.2.2.4.(4) If he is an elected public official of a county or municipality, he shall disclose the nature of a potential conflict of interest prior to acting on a matter and shall be subject to the rules of the body of which he/she is a member and take all action required by the rules prior to acting on the matter. If a member requests to be excused from voting on an issue which involves a conflict or a potential conflict, and the body of which he is a member does not excuse him, such failure to excuse shall exempt that member from any civil or criminal liability related to that particular issue. The public official may obtain an advisory opinion from the attorney general or the attorney for the county or municipality or from independent counsel. The public official may then act on the advice of the attorney general or attorney for the county or municipality or his independent counsel.
- 5.2.2.5.(5) If he is an appointed or employed public official of a county or municipality, he shall prepare a written statement describing the matter required to be acted upon and the nature of the potential conflict, and shall deliver the statement to his appointing authority. The appointing authority may obtain an advisory opinion from the attorney for the appointing authority, or, if none, the attorney general. The public official may then act on the advice of the attorney general or attorney for the appointing authority or independent counsel.
- 5.2.2.6.(6) Nothing contained herein shall preclude the executive branch of state government or a political subdivision from establishing an ethics board or commission to perform the duties and responsibilities provided for in this chapter. Any ethics board or commission so established shall have specifically stated powers and duties including the power to:
- 5.2.2.6.1. (a) Issue advisory opinions upon the request of a public official within its jurisdiction;
 - 5.2.2.6.2. (b) Investigate possible unethical conduct of public officials within its jurisdiction and conduct hearings, issue findings, and make recommendations for disciplinary action to a public official's appointing authority;
 - 5.2.2.6.3. (c) Accept complaints of unethical conduct from the public and take appropriate action.
- 5.3. If a member believes he or she may have a potential conflict of interest, the Commissioner should advise the City Planner as soon as possible but preferably prior to the matter being considered by the Planning and Zoning Commission. The City Planner may seek the opinion of the City Attorney regarding the potential conflict and shall relay the opinion to the Commissioner and Chair. Any conflict of interest shall be disclosed at the public meeting or hearing regarding the matter.
- 5.4. Commission members with a declared conflict of interest are still permitted to testify and present evidence at the subject public hearing or meeting, after declaring the conflict and recusing him or herself from the proceedings. The rules of testimony and presentation of evidence are the same for the Commission member as they are for any member of the public.
- 5.5. All Commissioners and staff shall familiarize themselves with the conflict of interest and ethics laws of the State of Idaho through regular training and updates, and with the particular requirements involving quasi-judicial proceedings.

Section 6: Recordkeeping:

6. The records of all meetings, public hearings, studies, findings, and actions taken by the Planning and Zoning Commission shall be maintained in accord with Idaho Code. All records and meeting minutes shall be open to the public, unless otherwise exempt by Idaho Code.

Section 7: Expenditures & Staff:

- 7. Pursuant to Idaho Code §67-6504, the Commission may expend funds, as follows:
 - 7.1. With approval of a governing board through the legally required budgetary process, the commission may receive and expend funds, goods, and services from the federal government or agencies and instrumentalities of state or local governments or from civic and private sources. Expenditures by a commission shall be within the amounts appropriated by the city council.

Section 8: Adoption and Amendments:

- 8. Upon approval by the Dover Planning and Zoning Commission and Dover City Council by majority votes, the following bylaws are hereby adopted.
 - 8.1. Any amendments to these bylaws may be made by a majority vote of the commission and council at duly noticed public meetings.

Approved and adopted this 6th day of July, 2017 by a majority vote of the Dover Planning and Zoning Commission.



DOVER PLANNING AND ZONING COMMISSION CHAIR

7-6-17

DATE

Approved and adopted this 13th day of July, 2017 by a majority vote of the Dover City Council.



DOVER MAYOR ANNIE SHAHA

7-13-17

DATE



DOVER CITY CLERK MICHELE HUTCHINGS

7-13-17

DATE