

TITLE 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 Public Hearings
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- 2.20 City Council
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Chapter 2.04

PUBLIC HEARINGS

Sections:

2.04.010 Procedures.

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. 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 City Council and the Planning and Zoning Commission:

1. City staff shall present an introduction and orientation;
2. The Mayor, City Council Members and Planning and Zoning Commission Members shall disclose whether they have viewed the property subject of the public hearing, and whether they have had an ex parte communication with the applicant, a member of the public or a representative of the applicant or a member of the public about the application being considered. The approximate date and who was present during a site visit should be disclosed. Ex parte communications must be disclosed by identifying the person and the person’s employment or affiliation, and by providing a general description of the communication.
3. The applicant or interested party shall be then afforded the opportunity to present an explanation of the application, request or other matter being considered by the City Council or Planning and Zoning Commission;

4. The members of the City Council or Planning and Zoning Commission shall have the opportunity to direct questions to the applicant or interested party;

5. Public hearing shall then take place, and members of the public shall be 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;

6. 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;

7. The applicant shall be afforded a right to rebut any testimony or evidence presented as public comment;

8. In the event new material evidence is introduced after the public hearing is closed, the presiding officer shall again open the public hearing for the limited purpose of addressing the new evidence, in which case the applicant shall again be afforded a right to rebut any additional testimony or evidence;

9. A decision may then be rendered on the merits of the application or matter before the City Council or Planning and Zoning Commission, and shall be based on written findings of fact and conclusions of law to be prepared by the staff and presented for adoption at the next regular meeting of the City Council or Planning and Zoning Commission; and

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

2.04.010.06 Motions.

1. All actions and decisions of the City Council or Planning and Zoning Commission are formalized by the process of making and voting on motions. After a public hearing is closed, the City Council or Planning and Zoning Commission shall deliberate. After deliberation a motion shall be made and seconded. Further deliberation may occur once a motion is made and seconded. The chair shall ask for a motion and vote. Those Council Members or Commissioners in favor of the motion say “aye”; those Council Members or Commissioners opposed to the motion say “no”.

2. After a motion is made and there has been discussion on the motion, if an amendment has been suggested and discussed, then a motion to amend the motion is required. A motion should be amended as follows:

a. A Council Member or Commissioner makes a motion to amend stating the amendment.

b. A Council Member or Commissioner seconds the amendment.

- c. Chair asks for a vote on the amendment.
 - d. If amendment carries, the Chair then asks for a vote on the “entire motion as amended.”
 - e. If amendment fails, Chair asks for a vote on the “original motion.”
3. If a motion has been voted on and the motion needs to be withdrawn, then a motion to withdraw the approved motion is required. A motion should be withdrawn as follows:
- a. A Council Member or Commissioner makes a motion to withdraw stating what motion is being withdrawn.
 - b. A Council Member or Commissioner seconds the motion to withdraw.
 - c. Chair asks for a vote on the motion to withdraw.
 - d. If the motion to withdraw carries, then a new motion can then be made, seconded and voted on.
4. If a motion has been voted on and if voting members believe it is appropriate to reconsider the motion, then a motion for reconsideration is required at the next scheduled regular meeting of the City Council or Planning and Zoning Commission. Except as otherwise provided herein, motions for reconsideration shall only be made by a Council Member or Commissioner. A motion for reconsideration should be made as follows:
- a. A Council Member or Commissioner who voted on the prevailing side of the motion in question has to make a motion for reconsideration stating what motion is being reconsidered.
 - b. A Council Member or Commissioner who voted on the prevailing side of the motion in question has to second.
 - c. Chair asks for a vote on the motion for reconsideration.
 - d. If the motion for reconsideration carries, deliberation can then occur on the matter and a new motion can be made, seconded and voted on.
5. An applicant may file a motion for reconsideration with the City Council or the Planning and Zoning Commission within fifteen (15) days of the date of the certificate of service on the findings of fact and conclusions of law. A motion for reconsideration shall be limited to legal issues. New evidence shall not be a basis for reconsideration of a prior decision. The applicant’s motion for reconsideration shall be heard at the next available hearing before the City Council or Planning and Zoning Commission. If a motion for reconsideration is filed, the City Council or the Planning and Zoning Commission, as the case may be, shall first decide whether to grant a motion for reconsideration. If a motion for reconsideration is denied, the original decision shall remain in full force and effect. If a motion for reconsideration is granted, the City Council or the Planning and Zoning Commission, as the case may be, shall then conduct a public hearing allowing for legal notice to be provided, during which time the original decision may remain in full force and effect or be modified. The time for an appeal shall

be terminated by the filing of a timely motion for reconsideration which, if granted, could affect the findings of fact and conclusions of law. The time for an appeal begins to run when a motion for reconsideration is denied, or if granted, after the date of the certificate of service on the final findings of fact and conclusions of law on the application.

2.04.010.07 Site Visits. If the City Council or Planning and Zoning Commission wish to conduct a site visit, a motion should be made during a public hearing to conduct a site visit on a date certain. In such a case, the site visit should be conducted by the presiding officer and an audio recording should be maintained of the site visit.

(Ord. 1010 §§1–3, 2008; Ord. 1005 §1, 2008; Ord. 564 §1, 2, 1990)

Chapter 2.08

SALARIES *

Sections:

- 2.08.010 Mayor's salary.
- 2.08.020 Councilmembers' salary.

2.08.010 Mayor's salary. From and after the effective date provided for in the ordinance codified in this chapter, the monthly salary of the mayor of Hailey shall be the exact sum of one thousand five hundred ninety dollars (\$1590) per month. (Ord. 991 §1, 2007; Ord. 918 §1, 2005)

2.08.020 Councilmembers' salary. From and after the effective date provided for in the ordinance codified in this chapter, the monthly salary for members of the city council shall be the exact sum of eight hundred dollars (\$800) per month. (Ord. 991 §2, 2007; Ord. 918 §2, 2005)

* Prior ordinance history: Ords. 356, 373, 543, 582, 624, 701, 787, 850

Chapter 2.12

POLICE DEPARTMENT

Sections:

2.12.010 Duties.

2.12.010 Duties. A. It is the duty of all officers of the police department and the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.

B. Drivers within the city limits must at all times comply with any direction by voice or hand of any member of the police force, which is given power and authority to regulate and control traffic to the extent of clearing any street or part thereof of vehicles and diverting traffic therefrom; also as to the placing, stopping, starting, approaching or departing of any vehicle from any place; the manner of taking up or setting down passengers, loading or unloading goods in any place. (Ord. 238 §3, 1954)

Chapter 2.16

PUBLIC LIBRARY

Sections:

2.16.010 Established.

2.16.020 Board of trustees.

2.16.010 Established. The Hailey Public Library is established as the official library of the city, as provided in Idaho Code Section 33-2602. (Ord. 538 §1, 1989)

2.16.020 Board of trustees. The Hailey Public Library shall be governed by a board of five library trustees appointed by the city council from among the citizens of the city, and not more than one member of the city council shall, at any time, be a member of said board. Said trustees shall hold their office for five years from the date of appointment and until their successors are appointed, and their terms shall be staggered, as required by Idaho Code Section 33-2603. Said board of trustees shall govern and manage the affairs of the Hailey Public Library in accordance with the provisions of Idaho Code Sections 33-2604 through 33-2607 inclusive. (Ord. 538 §2, 1989)

Chapter 2.20

CITY COUNCIL

Sections:

- 2.20.010 City council seats.
- 2.20.020 Runoff election.

2.20.010 City council seats. In accordance with Idaho Code 50-707, a number shall be assigned to each of the four seats on the city council. Following adoption of this section, and at least one hundred twenty days prior to the next general election, the city clerk shall assign a number to each council seat. Beginning with the next municipal election, and in all subsequent elections, any candidate seeking election to the city council shall declare for one of the assigned council seats. (Ord. 590 §1, 1992)

2.20.020 Runoff election. Pursuant to Idaho Code §50-707B, election to the city council shall henceforth require a majority of the votes cast for each council seat. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two candidates receiving the highest number of votes cast. Such runoff election shall be conducted as in the general election in a manner and at such time within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in section 34-106 and 50-429, Idaho Code. The first notice of election shall be made by the city clerk not less than twenty (20) days next preceding any runoff election, and the designation of polling places shall be made by the city clerk not less than twenty (20) days next preceding any runoff election. (Ord. 855 §5, 2003; Ord. 590 §2, 1992)

Chapter 2.24HISTORIC PRESERVATION COMMISSIONSections:

2.24.010	Purpose.
2.24.020	Definitions.
2.24.030	Historic preservation commission.
2.24.040	Organizaton, officers, rules and meetings.
2.24.050	Powers, duties and responsibilities.
2.24.060	Funding.
2.24.070	Acquisition of property.
2.24.080	Acquisition of historic easements.
2.24.090	Designation of historic property.

2.24.010 Purpose. The purpose of this ordinance is to promote the historic, architectural, archeological and cultural heritage, features and qualities of Hailey and to promote the general welfare of the public of the city of Hailey through the identification, evaluation, designation and protection of those buildings, sites, areas, structures and objects, which reflect such significant heritage, features and qualities in the city of Hailey, the state or the nation. (Ord. 899 §1, 2005)

2.24.020 Definitions. The following words and phrases when used in this ordinance shall have, unless the context clearly indicates otherwise, the following meanings:

“City” means the city of Hailey, Idaho.

“Commission” means the historic preservation commission of the city.

“Historic Easement” means any easement, restriction, covenant or condition running with the land designed and designated to preserve, maintain and enhance all or part of the existing state of places of historical, architectural, archeological, educational or cultural significance.

“Historic property” means any building, structure, area or site that is significant in the history, architecture, archaeology or culture of the city, the state or the nation.

“Historic preservation” means the research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of the city, this state, its communities or the nation. (Ord. 965 §1, 2006; Ord. 899 §1, 2005)

2.24.030 Historic preservation commission. A. There is hereby created a historic preservation commission which shall consist of not less than five (5) members and not more than ten (10) members who shall be appointed by the mayor with the consent of the Hailey city council. The exact number of members of the commission shall be established by resolution of the mayor and city council.

B. All members of the commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The mayor and city council shall endeavor to appoint at least two (2) members with professional training and experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law or other historic preservation related disciplines.

C. Initial appointments to the commission shall be made as follows: a) one (1) one-year term, two (2) two-year terms and two (2) three-year terms (if a five (5) member commission); b) two (2) one-year terms, two (2) two-year terms and two (2) three-year terms (if a six (6) member commission); c) two (2) one-year terms, two (2) two-year terms and three (3) three-year terms (if a seven (7) member commission); d) two (2) one-year terms, three (3) two-year terms and three (3) three-year terms (if an eight (8) member commission); e) three (3) one-year terms, three (3) two-year terms and three (3) three-year terms (if a nine (9) member commission); and f) three (3) one-year terms, three (3) two-year terms and four (4) three-year terms (if a ten (10) member commission). All subsequent appointments shall be made for three-year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term.

D. The members of the commission may be reimbursed by the city for necessary expenses incurred in connection with their duties, if and when prior written authority in accord with prior appropriations has been obtained from the mayor. (Ord. 899 §1, 2005)

2.24.040 Organization, officers, rules and meetings. A. Unless otherwise provided by law, the commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this ordinance. Rules of procedure and bylaws adopted by the commission shall be available for public inspection.

B. The commission shall elect officers from among the commission members. The chairperson shall preside at meetings of the commission. The vice chairperson shall, in the absence of the chairperson, perform the duties of the chairperson.

C. All meetings of the commission shall be open to the public, and follow the requirements of Idaho's open meeting laws. The commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.

D. The commission may recommend to the city council, within the limits of the city's funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the commission. (Ord. 899 §1, 2005)

2.24.050 Powers, duties and responsibilities. The commission shall be authorized to:

- A. Conduct a survey of local historic properties.
- B. Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequests or donation.
- C. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the city.

D. Recommend the lease, sale, other transfer or disposition of historic properties, subject to rights of public access and other covenants and in a manner that will preserve the property.

E. With the approval of the city council, contract with the state or federal government, or any of its agencies, or with any other organization.

F. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

G. Make recommendations in the planning processes undertaken by the city, county, state or federal government or any agency of these entities.

H. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the city.

I. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the city.

J. Commission members, employees or agents of the commission may enter private property, buildings, or structures in the performance of its official duties only with the express consent of the owner or occupant thereof.

K. Review nominations of properties to the national register of historic places for properties within the city's jurisdiction. (Ord. 965 §2, 2006; Ord. 899 §1, 2005)

2.24.060 Funding. A. For the purpose of providing funds for a Historic Preservation Commission the city may:

1. Provide funds from current revenues;
2. Receive and expend monies from any other available source or sources, or
3. Use any combination of the foregoing.

B. Funds received for the Historic Preservation Commission may be accumulated from year to year and need not be expended during any one fiscal year, except that unexpended monies appropriated by the city council shall be deemed surplus to be budgeted and appropriated for the subsequent year as provided by law. (Ord. 965 §3, 2006)

2.24.070 Acquisition of Property. All lands, buildings, structures, sites or areas acquired by funds appropriated by the city, shall be acquired in the name of the city and such historic properties shall be maintained by or under the supervision and control of the city. (Ord. 965 §3, 2006)

2.24.080 Acquisition of Historic Easements. The city may acquire, by purchase or donation, historic easements in any area within the jurisdiction of the city wherever and to the extent the city council determines that the acquisition will be in the public interest. (Ord. 965 §3, 2006)

2.24.090 Designation of Historic Property. A. Historic properties may be designated by the city council upon recommendation of the Historic Preservation Commission. Designation shall be by ordinance upon finding that the proposed property meets one (1) or more of criteria 1 through 4 and meets criteria 5:

1. Historic, Cultural or Educational:
 - a. Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past;
 - b. Is the site of an historic event with significant effect upon society; or
 - c. Exemplifies the cultural, political, economic, social, educational or historic heritage of the community.
2. Architectural, Engineering Importance:
 - a. Portrays the environment in an era of history characterized by a distinctive architectural style;
 - b. Embodies those distinguishing characteristics of an architectural-type or engineering specimen;
 - c. Is the work of a designer whose individual work has significantly influenced the development of Hailey; or
 - d. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation.
3. Geographic Importance:
 - a. By being part of or related to a street, square, park or other distinctive area, should be developed or preserved according to a plan based on historic, cultural or architectural motif; or
 - b. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or city.
4. Archeological Importance:
 - a. Has yielded or may be likely to yield, information in pre-history or history.
5. Criteria established for inclusion in the National Register of Historic Places.

B. The Historic Preservation Commission either on its own initiative or upon the request of the city council, or upon request of an owner of property proposed to be designated, may recommend the designation of Historic Property following the procedures contained in Idaho Code §67-4615.

C. The investigation and report by the Historic Preservation Commission shall include but not be limited to addressing the property's historical, architectural, archeological and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation or repair; possibilities for adaptive or alternative use of the property; appraised value; and, administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs pursuant to Idaho Code §67-4614.

D. The ordinance designating a Historic Property shall require a waiting period to be observed prior to demolition, material alteration, remodeling, relocation or change in use, and shall provide guidelines for a suitable sign or marker on or near the property indicating that it has been so designated. The ordinance shall provide that during the waiting period the city and/or the Historical Preservation Commission may negotiate with the owners and with any other parties in an effort to find a means of preserving the property pursuant to Idaho Code §67-4616, as amended.

E. The Hailey city council, in order to promote the preservation and restoration of any historic properties may, upon the recommendation of the Historic Preservation Commission, exempt properties designated as a Historic Property from the application of the city building codes upon compliance with the criteria for exemption set forth in the codes and upon a finding that non-exemption would prevent or seriously hinder the preservation or restoration of the Historic Property. Upon rescission of a historic designation, any code exemption shall be revoked effective the date of rescission. (Ord. 965 §3, 2006)

Chapter 2.28

INDUSTRIAL DEVELOPMENT CORPORATION

Sections:

- 2.28.010 Establishment.
- 2.28.020 Name.
- 2.28.030 Powers.
- 2.28.040 Grant of charter.
- 2.28.050 Board of directors.
- 2.28.060 Conflict of interest.
- 2.28.070 Municipal funds and property.
- 2.28.080 Dissolution.

2.28.010 Establishment. The city of Hailey, Idaho (City) does hereby create a public corporation to carry out the purposes of Title 50, Chapter 27, Idaho Code, as amended (Act). This ordinance shall not be construed to limit or restrict the purposes of the Act, but shall be liberally construed to effect such purposes. (Ord. 942 §1, 2006)

2.28.020 Name. The name of the public corporation shall be the Industrial Development Corporation of the city of Hailey, Idaho (Corporation). (Ord. 942 §1, 2006)

2.28.030 Powers. The Corporation shall have all the powers and be subject to all the limitations and provisions contained in the Act. Such powers shall include, without limitation, all powers set forth in the Charter. (Ord. 942 §1, 2006)

2.28.040 Grant of charter. A charter (Charter) is hereby issued by the City to the Corporation. The Charter grants to the Corporation all powers authorized by the Act. A Charter, a copy of which is attached hereto, has been presented to the City Council for inclusion in the minutes of the meeting where this ordinance is being adopted and is incorporated herein by reference. The Charter is hereby approved pursuant to Idaho Code § 50-2703(1), as amended. The Charter may be amended from time to time by the City Council. The existence of the Corporation commences at the time the enactment of this ordinance becomes effective. (Ord. 942 §1, 2006)

2.28.050 Board of directors. A. The Board of Directors of the Corporation (Board) shall be comprised of five (5) members appointed by the City Council, consisting of a minimum of four (4) residents of the City while one (1) member may be a resident of Blaine County. Of the members first appointed, one (1) member shall serve for a term of one (1) year, two (2) members shall serve for a term of two (2) years, and two (2) members shall serve for a term of three (3) years. Thereafter, upon expiration of a term of appointment, each member shall be appointed to a three (3) year term. If a vacancy occurs during an unexpired term, the City Council shall appoint a member to serve the remainder of the unexpired term. A majority of the members of the Board shall constitute a quorum, and the approval of a majority of a quorum shall be necessary for the Board to take any action.

B. The affairs of the Corporation shall be conducted and carried out by the Board of Directors. The Board shall elect officers from among its own members. Such officers shall be elected at the initial meeting of the Board in each calendar year, shall serve until their successors have been duly elected, and shall include a president and a secretary and may include a vice president and an assistant secretary. The Board may elect such other officers as it shall from time to time determine to be necessary or desirable. The Board shall adopt bylaws and/or rules and regulations governing the election of officers, the power and duties of such officers, the scheduling, giving notice of, and conduct of meetings, and the conduct of the Corporation. Such bylaws, rules and regulations may be amended from time to time by the Board, provided that any such amendments shall be consistent with the provisions hereof.

C. Members of the Board shall serve without compensation but with reimbursement of expenses as may be provided in the bylaws, rules and regulations of the Board. (Ord. 942 §1, 2006)

2.28.060 Conflict of interest. No director, officer, agent, employee or official of the Corporation shall have a direct or indirect financial interest in any property to be included in or any contract for property, service or materials to be furnished or used in connection with any industrial development facility financed through the Corporation. (Ord. 942 §1, 2006)

2.28.070 Municipal funds and property. The City may not give or lend any money or property in aid of the Corporation except as expressly authorized by the Act. This provision shall not preclude the City from dealing with the Corporation on an arms length basis. (Ord. 942 §1, 2006)

2.28.080 Dissolution. Any net earnings of the Corporation beyond those necessary for retirement of indebtedness incurred by it shall inure to the City and not for the benefit of any other person. Alteration of the Charter of or dissolution of or audits of the Corporation shall be as provided by the Act and by subsequent ordinances of the City. Upon dissolution of the Corporation, title to all property owned by the Corporation shall vest in the City. (Ord. 942 §1, 2006)

Chapter 2.32

HAILEY ARTS COMMISSION

Sections:

- 2.32.010 Purpose.
- 2.32.020 Establishment.
- 2.32.030 Recommending body.
- 2.32.040 Powers and duties.
- 2.32.050 Conflict of interest.

2.32.010 Purpose. It is the purpose of this ordinance to establish a Hailey Arts Commission to ensure the arts are valued as an integral part of Hailey and to enhance the culture of the Hailey community by providing leadership, advocacy and support for the arts. (Ord. 999 §1, 2008)

2.32.020 Establishment. The Hailey Arts Commission for the City of Hailey is hereby established. The Hailey Arts Commission shall consist of not more than seven (7) but not less than five (5) voting members. Each member shall be appointed by the Mayor and approved by the City Council, shall have been a resident of Blaine County for two (2) years prior to appointment to the Hailey Arts Commission and shall be a resident of the City of Hailey at the time of appointment, except that two (2) members may reside outside the corporate limits of the City of Hailey, but within the City’s Area of Impact, and/or be employed as a full-time employee or own a business or enterprise devoted to the promotion of the arts. Each member must remain a resident of the City, or, in the case of the City’s Area of Impact, within the impact area, during the term of his or her membership on the Hailey Arts Commission. Each member shall serve for a term of three (3) years. The terms shall be staggered and shall be filled in the same manner as original appointments, but replacements shall serve only until the expiration of the original term. The Hailey Arts Commission shall elect officers from among the members of the Hailey Arts Commission. The chairperson shall preside at meetings of the Hailey Arts Commission. The vice chairperson shall, in the absence of the chairperson, perform the duties of the chairperson. (Ord. 999 §1, 2008)

2.32.030 Recommending body. The Hailey Arts Commission shall have no authority to bind any governing body affected by planning decisions. However, the Hailey Arts Commission shall have the power to make recommendations, upon a majority vote of its attending members, to the City Council, the Hailey Planning & Zoning Commission, the Hailey Historic Commission, the Hailey Parks & Lands Board, the Hailey Library Board or others. (Ord. 999 §1, 2008)

2.32.040 Powers and duties. A. Unless otherwise provided by law, the Hailey Arts Commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this Ordinance. Rules of procedure and bylaws adopted by the Commission shall be available for public inspection.

B. The Hailey Arts Commission shall perform any and all of its obligations for the creation and maintenance of public art pursuant to Chapter 3.08 of the Hailey Municipal Code.

C. All meetings of the Hailey Arts Commission shall be open to the public, and follow the requirements of Idaho's open meeting laws. The Hailey Arts Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions. All public hearings shall be conducted following public hearing procedures contained in Chapter 2.04 of Hailey Municipal Code.

D. The Hailey Arts Commission may recommend to the City Council, within the limits of the City's funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the Commission.

E. The Hailey Arts Commission shall, in consultation with City Department Heads, prepare an annual report/plan to the Hailey City Council on all upcoming and in progress art projects, as well as the condition and maintenance requirements on all completed works of art in the public art program. This annual report/plan shall be reviewed and adopted in coordination with the budget process on an annual basis by the Hailey City Council. The report/plan shall be amended and re-approved through the year as necessary. Approvals of funding for the report will be enacted by the City Council as a component of the approved budget.

F. The Hailey Arts Commission shall promote activities that support public awareness and understanding of the public art collection in Hailey, including but are not limited to walking tours, printed materials, lectures, website development and website maintenance. (Ord. 999 §1, 2008)

2.32.050 Conflict of interest. Each member of the Hailey Arts Commission shall be governed by the Ethics in Government Act, Idaho Code §§ 59-701 *et seq.*, as amended. (Ord. 999 §1, 2008)

Chapter 2.36

HAILEY TREE COMMITTEE

Sections:

- 2.36.010 Purpose.
- 2.36.020 Establishment.
- 2.36.030 Recommending body.
- 2.36.040 Powers and duties.
- 2.36.050 Conflict of interest.

2.36.010 Purpose. It is the purpose of this ordinance to establish a Hailey Tree Committee to promote sound arboricultural practices and tree diversity and to promote public education of proper tree care practices. (Ord. 1013 §1, 2008)

2.36.020 Establishment. The Hailey Tree Committee is hereby established. The Hailey Tree Committee shall consist of a minimum of five (5) and a maximum of seven (7) voting members. Each member shall be appointed by the Mayor and approved by the City Council, shall have been a resident of Blaine County for two (2) years prior to appointment to the Hailey Tree Committee and shall be a resident of the City of Hailey at the time of appointment, except that two (2) members may reside outside the corporate limits of the City of Hailey, but within Blaine County and one (1) member may be a resident of the Hailey/Blaine County Area of City Impact. Each member must remain a resident of the City, Hailey-Blaine County Area of City Impact or Blaine County, as the case may be, during the term of his or her membership on the Hailey Tree Committee. Each member shall serve for a term of three (3) years. The terms shall be staggered and shall be filled in the same manner as original appointments, but replacements shall serve only until the expiration of the original term. The initial appointment term shall be one year for one member, two years for two members and three years for two members. Thereafter, appointments shall be for a term of three years or until a successor is appointed. The Hailey Tree Committee shall elect officers from among the members of the Hailey Tree Committee. The chairperson shall preside at meetings of the Hailey Tree Committee. The vice chairperson shall, in the absence of the chairperson, perform the duties of the chairperson. All meetings of the Hailey Tree Committee shall be open to the public, and follow the requirements of Idaho's open meeting laws. The Hailey Tree Committee shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions. All public hearings shall be conducted following public hearing procedures contained in Chapter 2.04 of the Hailey Municipal Code. (Ord. 1029 §1, 2009; Ord. 1013 §1, 2008)

2.36.030 Recommending Body. The Hailey Tree Committee shall have no authority to bind any governing body affected by planning decisions. However, the Hailey Tree Committee shall have the power to make recommendations, upon a majority

vote of its attending members, to the City Council, the Hailey Planning and Zoning Commission, the Hailey Historic Preservation Commission, and the Hailey Parks and Lands Board or other similar commissions or boards. (Ord. 1013 §1, 2008)

2.36.040 Powers and Duties.

A. Unless otherwise provided by law, the Hailey Tree Committee shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this Ordinance. Rules of procedure and bylaws adopted by the Committee shall be available for public inspection. The Committee shall meet a minimum of four times a year.

B. The Hailey Tree Committee shall perform any and all of its obligations under Chapter 12.20 of the Hailey Municipal Code.

C. The Hailey Tree Committee shall draft and recommend necessary amendments to Chapter 12.20 of the Hailey Municipal Code. The Committee shall also create, draft and recommend a City of Hailey Urban Forestry Plan (“Forestry Plan”) to the City Council. The Forestry Plan shall contain provisions for notice to adjacent property owners, who will be granted a right to comment on the planting, removal and maintenance of Public Trees. Should the Forestry Plan be accepted and codified by the Council, the Committee shall draft and recommend necessary amendments to those documents. The Forestry Plan shall be reviewed on a five-year basis.

D. The Hailey Tree Committee shall create, draft and recommend policy and implementation of policy concerning selection, planting, maintenance, and removal of trees, shrubs and other plants in the city.

E. The Hailey Tree Committee shall recommend the allocation of funds for the implementation of Chapter 12.20 of the Hailey Municipal Code, for the establishment of educational and informational programs, and for the development of policies and procedures regarding the city duties.

F. The Committee shall establish criteria for licensing to contractors and others for the removal and maintenance of Public Trees within the City of Hailey.

G. The Committee shall keep the City of Hailey apprised of its activities.

(Ord. 1013 §1, 2008)

2.36.050 Conflict of Interest. Each member of the Hailey Tree Committee shall be governed by the Ethics in Government Act, Idaho Code §§ 59-701 *et seq.*, as amended. (Ord. 1013 §1, 2008)

Chapter 2.40

URBAN RENEWAL AGENCY

Sections:

- 2.40.010 Purpose.
- 2.40.020 Establishment.
- 2.40.030 Appointment, Removal and Compensation.
- 2.40.040 Quorum and Voting.
- 2.40.050 Employment of Agents.
- 2.40.060 Financial Reporting, Audit Requirements, Budget and Fiscal Year.
- 2.40.070 Compliance with Public Records, Open Meeting, Ethics and Bidding Laws.
- 2.40.080 Conflict of Interest

2.40.010 Purpose. The City of Hailey finds that the establishment of the Hailey Urban Renewal Agency furthers the purposes and goals found in the Idaho Urban Renewal Law of 1965 (Idaho Code §§ 50-2001 *et seq.*) and the Local Economic Development Act (Idaho Code §§ 50-2001 *et seq.*) and that the establishment of this chapter will further the administration of the Hailey Urban Renewal Agency and will assist in accomplishing the purposes and goals of the Idaho Urban Renewal Law of 1965 and the Local Economic Development Act. (Ord. 1081 §1, 2011)

2.40.020 Establishment. Pursuant to Hailey Resolution No. 2010-02 and the findings of the Hailey City Council as prescribed in Idaho Code § 50-2005, the Hailey City Council has created the Hailey Urban Renewal Agency. The Hailey Urban Renewal Agency shall consist of a board of commissioners consisting of not less than three (3), nor more than nine (9) commissioners. (Ord. 1081 §1, 2011)

2.40.030 Appointment, Removal and Compensation.

a) The mayor, by and with the advice and consent of the Hailey City Council, shall appoint a board of commissioners of the urban renewal agency. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve for terms not to exceed five (5) years, from the date of appointment, except that all vacancies shall be filled for the unexpired term. The mayor of the City of Hailey may appoint a chairman, a cochairman, or a vice chairman for an initial term of office of one (1) year from among the commissioners. Thereafter, the commissioners shall elect the chairman, cochairman or vice chairman for a term of one (1) year from among their members. Each commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with

the Hailey City Clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

b) By enactment of an ordinance, the Hailey City Council may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the Hailey Urban Renewal Agency, in which case all the rights, powers, duties, privileges and immunities vested by Idaho Code §§ 50-2001 et seq., and as amended, in an appointed board of commissioners, shall be vested in the Hailey City Council, who shall, in all respects when acting as the Hailey Urban Renewal Agency, be acting as an arm of state government, entirely separate and distinct from the City of Hailey, to achieve, perform and accomplish the public purposes prescribed and provided by Idaho Code §§ 50-2001 et seq., and as amended.

c) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after the commissioner shall have been given a copy of the charges at least ten (10) days prior to such hearings and have had an opportunity to be heard in person or by counsel.

d) A commissioner shall receive no compensation for commissioner's services but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of the commissioner's duties. (Ord. 1081 §1, 2011)

2.40.040 Quorum and Voting. The powers of the Hailey Urban Renewal Agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. (Ord. 1081 §1, 2011)

2.40.050 Employment of Agents. The Hailey Urban Renewal Agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, the Hailey Urban Renewal Agency may employ or retain its own counsel and legal staff. (Ord. 1081 §1, 2011)

2.40.060 Financial Reporting, Audit Requirements, Budget and Fiscal Year.

a) The Hailey Urban Renewal Agency shall file, with the City of Hailey, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the Hailey Urban Renewal Agency shall publish in a newspaper of general circulation in the City of Hailey a notice to the effect that such report has been filed with the City of Hailey and that the report is available for inspection during business hours in the office of the Hailey City Clerk and in the office of the Hailey Urban Renewal Agency.

b) The Hailey Urban Renewal Agency shall have the same fiscal year as the City of Hailey and shall be subject to the same audit requirements as the City of Hailey. The Hailey Urban Renewal Agency shall be required to prepare and file with the City of Hailey an annual financial report and shall prepare, approve and adopt an annual budget for filing with the City of Hailey, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the Hailey Urban Renewal Agency. (Ord. 1081 §1, 2011)

2.40.070 Compliance with Public Records, Open Meeting, Ethics and Bidding Laws. The Hailey Urban Renewal Agency shall comply with the public records law pursuant to [chapter 3, title 9](#), Idaho Code, open meetings law pursuant to [chapter 23, title 67](#), Idaho Code, the ethics in government law pursuant to [chapter 7, title 59](#), Idaho Code, and the competitive bidding provisions of [chapter 28, title 67](#), Idaho Code. (Ord. 1081 §1, 2011)

2.40.080 Conflict of Interest. No public official or employee of the City of Hailey (or board or commission thereof), and no commissioner or employee of the Hailey Urban Renewal Agency shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project in the City of Hailey or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the Hailey Urban Renewal Agency and such disclosure shall be entered upon its minutes. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in an urban renewal project, the official, commissioner or employee shall immediately disclose this fact in writing to the Hailey Urban Renewal Agency, and such disclosure shall be entered upon its minutes, and any such official, commissioner or employee shall not participate in any action by the City of Hailey (or board or commission thereof), or the Hailey Urban Renewal Agency affecting such property. Any violation of the provisions of this section shall constitute misconduct in office. (Ord. 1081 §1, 2011)