

## CHAPTER 12

### ADMINISTRATION

12-1. GENERAL: For the purpose of carrying out the provisions of this Ordinance, an Administrator and Commission are hereby created.

12-2. ADMINISTRATOR: The Board of County Commissioners or the respective City Council shall appoint an Administrator to administer this Ordinance. The Administrator may be provided with the assistance of such other persons as the Board or respective Council may direct.

For the purpose of this Ordinance, the Administrator shall have the following duties:

- A. Advise interested person of the Zoning Ordinance provisions;
- B. Notify the news media regarding matters of public interest;
- C. Aid applicants in the preparation and expedition of required application;
- D. Issue zoning permits, provide required notifications and such similar administrative duties;
- E. Investigate all violations of this Ordinance and notify in writing the persons or entities responsible for such violations, ordering the action necessary to correct such violations; and
- F. Assist the Commission and Council in carrying out the provisions of this Ordinance.

#### 12-3. COMMISSION MEMBERSHIP:

- A. Minidoka County Planning and Zoning Commission. The Commission shall consist of not less than seven (7) nor more than twelve (12) voting members, all appointed by the County Board of Commissioners and confirmed by majority vote of the Board. An appointed member of a Commission must have resided in the County for two (2) years prior to his appointment, and must remain a resident of the County during his service on the Commission.

Not more than one-third (1/3) of the members of the Commission appointed by the Chairman of the Board of County Commissioners may reside within any of the incorporated Cities in the County. There shall be at least one appointed from the corporate limits or areas of impact of each of the Cities of Rupert, Heyburn and Paul.

- B. Cities' Planning and Zoning Commissions. The Commission shall consist of not less than five (5) nor more than nine (9) voting members, all appointed by the respective Mayor and confirmed by a majority vote of the respective City Council. An appointed member of a Commission must have resided in the County for two (2) years prior to his appointment, and must remain a resident of the County during his service on the Commission. At least one (1) but not more than two (2) of the members of the Commission shall reside within the Area of City Impact.

- C. A separate Ordinance establishing a Planning and Zoning Commission to exercise the powers under this Ordinance shall set forth the number of members to be appointed. The term of office for members shall be not less than three (3) years. Members may be re-appointed to additional terms as deemed necessary by the Board of County Commissioners or the applicable City Council.
- D. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the Board or respective Council.
- E. Members shall be selected without respect to political affiliation and may receive such mileage and per diem compensation as provided by the Board or respective Council.

12-4. COMMISSION ORGANIZATION, RULES AND EXPENDITURES:

- A. **Organization.** The Commission shall elect a Chairman and fill any other office that it may deem necessary. A Commission may establish subcommittees, advisory committees, hearing examiners, or neighborhood groups to advise and assist in carrying out the responsibilities. A Commission may appoint nonvoting ex officio advisors as may be deemed necessary.
- B. **Rules, Records and Meetings.** Written organization papers or bylaws consistent with this Ordinance and other laws of the State for the transaction of business of the Commission shall be adopted. A record of meetings, hearings, resolutions, studies, findings, permits and actions taken shall be maintained. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month for not less than nine (9) months in a year. A majority of voting members of the Commission shall constitute a quorum.
- C. **Expenditures and Staff.** With approval of the Board or respective Council, 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 and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures by a Commission shall be within the amounts appropriated by the Board or respective Council. Within such limits, any Commission is authorized to hire employees and technical advisors, including but not limited to planners, engineers, architects and legal assistants.

12-5. DUTIES OF THE COMMISSION: For the purpose of this Ordinance the Commission shall have the following duties:

- A. May initiate proposed amendments to this Ordinance and conduct a annual review of the complete Zoning Ordinance;
- B. Review all proposed amendments to this Ordinance and make recommendations to the Board or respective Council;
- C. Review all planned unit developments and make recommendations to the Board or respective Council;
- D. Grant special use permits as specified in the Official Schedule of District Regulations and under the conditions as herein specified with such additional safeguards as will uphold the intent of this Ordinance.

- E. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Administrator; and
- F. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

12-6. CONFLICT OF INTEREST: A member or employee of the Board, Council or 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. A knowing violation of this Section shall be a misdemeanor.

