

Minutes of the Monday, August 7, 2023
Meeting of the Planning & Zoning Commission
Of Lava Hot Springs, Idaho

Those in attendance: Mayor Thomson, Leah Navarro, City Council; John Head, City Council; Vicky Lyon, Planning and Zoning; Jim Page, Planning and Zoning; Mark Lowe, Planning and Zoning; Lisa Guthrie, Planning and Zoning; Jeanie Avery, Planning and Zoning; Gary Cooper, City Attorney; Chandra Taylor, Office Staff; Jill Makuaole, Office Staff.

Meeting called to order by Vicky Lyon for P & Z. City Council did not have a quorum.

Leah Navarro – Gary should go first because he has to drive home.

Gary Cooper, City Attorney – Because there are new members on Planning and Zoning and City Council I thought it would be a good time to put together some handouts about open meeting law and ethics, conflicts of interest. The Attorney General's Office put out some very good material on these topics so I've printed those out for you. There are provisions that apply to appointed officials, P & Z are appointed, versus City Council Members who are elected, particularly when it comes to conflicts of interest. That's all I have to say in the presentation. I hope you will all take some time and review the information. If you have questions you can e-mail me and I'll try to answer the questions.

John Head, City Council – I have a question about the open meeting law, as far as council members. If they are having a conversation just two council members, there is no quorum. It's not a formal meeting. What are the rules? We are not making a decision, maybe just followup on what happened in the meeting.

Gary Cooper, City Attorney – Two members can do that because it is not a quorum. The big problem with that is you can't debate. You can't come to conclusions about how you are going to vote on something. That just gets too close to the line. The debate and discussion needs to happen at the meeting so that the public knows why you vote the way you do.

Mayor Thomson – AIC has training classes for all elected officials, clerks, everybody else. I would highly recommend that you go. The city will pay for that.

Gary Cooper, City Attorney – That conflict of interest can be pretty tricky. I think people are going to have questions. Read the information and if you have questions email me. And we will try to talk through some of the situations.

Vicky Lyon – With that being said, one reason I thought it would be good to have a work session with

planning and zoning and city council is so you could discuss specific reasons why you are moving in a specific direction. It is a public meeting so like tonight. So could we do it here Because it is an open meeting.

Gary Cooper, City Attorney – No, number one city council doesn't have a quorum. But you can talk process.

Vicky Lyon - Going forward if we do have a work session with planning and zoning and the city council so long as we are not talking about a particular issue but the process? AS long as it is only informational.

Gary Cooper, City Attorney – I have never seen both city council and planning and zoning together in a work session. But, I think it is worth exploring. So I will research it more.

Vicky Lyon – At one point we had a “check list” to make sure we had everything. It was like a guarantee that by the time it got to us that the I's were dotted and the t's were crossed.

Mayor Thomson - We had Keller associates go through our codes and come up with a set of checklists for each type of building permit much of that has been incorporated into the building permit.

Discussion continued about flow charts and checklists. If everyone follows the checklist shows that everyone did the same thing. That way no one can come back and say, “I wasn't treated the same as...” It covers everyone. Facts and Finding sheets that are always the same format so we know it's been done.

Leah Navarro - And Recommendations are signed. This is all legal format, Gary I believe you helped.

Gary Cooper, City Attorney – No, I think I wrote them. We knew this was going to litigation and we wanted to make sure everything was clearly presented. This was absolutely required.. Not everything requires this type of detail. If you Have one that is complicated. I am more than willing to come. I do believe it is important to have written recommendations. It can be as simple as you take the public hearing notice and say we approve. You don't have to say more. Now, if you disapprove and there are conditions you want to attach you have to have a reason. And you need to explain that. So that the council understands and has the background.

Discussion on process and procedure. Also discussed ways to proceed that make the process easier and more clear. WE should have another one or two of these meetings.

Motion to adjourn.

Motion by Lisa Guthrie

Second by Jeanie Avery

ALL AYE

