

Chapter 13

IMPACT FEE ADVISORY COMMITTEE

2-13-1: ESTABLISHED:

There is hereby established a Whitefish impact fee advisory committee, hereinafter "committee". (Ord. 06-32, 11-20-2006)

2-13-2: PURPOSE, POWERS, AND DUTIES:

As provided in section 7-6-1604, Montana Code Annotated, the purpose and duties of the committee are to review and monitor the process of calculating, assessing, and spending impact fees. The committee shall serve in an advisory capacity to the city council. Nothing in this chapter shall be construed to empower the committee to authorize or prohibit the use of public funds. (Ord. 06-32, 11-20-2006)

2-13-3: MEMBERSHIP:

- A. Appointment; Compensation: The committee shall have five (5) members. Members shall be appointed by the city council. At least one member shall be a representative of the development community, and shall reside or work within the Whitefish zoning jurisdiction. At least one member shall be a certified public accountant, and shall reside or work within the Whitefish zoning jurisdiction. One member shall be a city councilor. One member shall be the city finance director. One member shall be a member at large, but shall work within the Whitefish zoning jurisdiction. The city clerk shall make appropriate notation of a member's representation category on the official committee roster. Committee members shall receive no compensation.
- B. Terms; Positions: Committee terms shall be for two (2) years. There are hereby created positions numbered 1 through 5 inclusive of the members of the committee. The initial term of the committee members shall be staggered, with positions 1 through 3 serving two (2) year terms, and positions 4 and 5 serving one year terms. The initial term for members serving pursuant to this chapter shall begin upon appointment and terminate on the date specified below for each position:

<u>Position Number</u>	<u>Representation Category</u>	<u>Initial Expiration Date</u>
1	Development community	December 31, 2009
2	Certified public accountant	December 31, 2009
3	City councilor	December 31, 2009
4	City finance director	December 31, 2008
5	Member at large	December 31, 2008

(Ord. 07-14, 6-4-2007)

C. Removal Of Member: A member may be removed from the committee by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of this chapter and the rules of procedures of the committee, or absences from three (3) consecutive meetings, including regular and special meetings, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chairperson or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.

D. Vacancy: Pursuant to subsections A and B of this section, any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 06-32, 11-20-2006)

2-13-4: ORGANIZATION:

The committee, at its first meeting after July 1 of each year, shall elect a chairperson, vice chairperson and secretary for the next twelve (12) month period. Upon the absence of the chairperson, the vice chairperson shall serve as chairperson pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If

a vacancy occurs in the chairperson, vice chairperson or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 06-32, 11-20-2006)

2-13-5: MEETINGS, RULES AND REGULATIONS:

Three (3) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. The committee shall meet at least annually, and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 09-03, 2-2-2009)

2-13-6: STAFF SUPERVISION:

The committee shall have no supervisory control and shall not direct city staff in the performance of their official duties. (Ord. 06-32, 11-20-2006)

2-13-7: EXPENDITURES:

The committee shall not have authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds. (Ord. 06-32, 11-20-2006)