

## **Appendix F: Bylaws for the Renaissance Zone Authority**

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# Bylaws of the City of Bismarck Renaissance Zone Authority

## Article I. Authority

A. Authority. The Renaissance Zone Authority is established pursuant to provisions in Chapter 7-08 of the Bismarck Code of Ordinances and NDCC Chapter 40-63. The Renaissance Zone Authority will administer Bismarck's Renaissance Zone Development Plan, as amended, by considering project applications for incentives available through the Renaissance Zone program.

B. Downtown Design Review Committee. The Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee pursuant to Sections 14-04-21.1 (DC Downtown Core District) and 14-04-21.2 (DF Downtown Fringe District) of the Bismarck Code of Ordinances. The Downtown Design Review Committee will review the designs of proposed projects within Downtown Core and Downtown Fringe zoning districts.

## Article II. Membership and Organization

A. Membership and Organization. The membership and organization of the Renaissance Zone Authority shall be as specified in the Bismarck Renaissance Zone Development Plan.

## Article III. Conduct of Members and Ethics

A. General Conduct. Members of the Renaissance Zone Authority shall make every effort to attend all meetings and shall make every effort to represent the interests of all citizens of the City of Bismarck in a fair and impartial manner.

B. Conflict of Interest. Any member of the Renaissance Zone Authority who has a direct and substantial personal or pecuniary (financial) interest in a matter before the Authority, whether a voting or non-voting member, must disclose the fact to the Authority and may not participate or vote on that particular matter without the unanimous consent of the rest of the Authority.

C. Removal of Members. The Renaissance Zone Authority may recommend that the Board of City Commissioners remove any member of the Authority if that member has failed to attend three (3) consecutive regular meetings of the Renaissance Zone Authority or has failed to attend seven (7) regular meetings within one calendar year. The Board of City Commissioners shall make judgment on such matters after receiving a report from the Chairperson of the Renaissance Zone Authority.

D. Open Meetings Requirements. Renaissance Zone Authority members shall comply with all applicable City and State open meeting requirements, including but not limited to requirements of the N.D. Constitution Article XI, Section 5 and N.D.C.C. Section 44-04-19. Communications involving any information relevant to a particular agenda item received by an Authority member before the meeting in reproducible form should be forwarded to staff for dissemination to the Authority. Authority members shall refrain from making any commitments concerning final disposition of any item prior to the meeting.

#### **Article IV. Powers and Duties of the Authority**

A. Powers and Duties of the Authority. The Renaissance Zone Authority shall have all of the powers and duties granted by Chapter 07-08 of the Bismarck Code of Ordinances and Chapter 40-63 of the North Dakota Century Code (NDCC), insofar as adopted by the City of Bismarck, and the Bismarck Renaissance Zone Development Plan, as amended. These powers and duties include, but are not limited to:

1. Project Selection. The Renaissance Zone Authority shall decide whether to recommend approval, denial, or approval with conditions for any proposed Renaissance Zone projects, pursuant to the Renaissance Zone Development Plan, as amended, and all applicable City and State requirements, as well as any other funding requests for which the Renaissance Zone Authority is duly authorized to review.
2. Amendments to the Development Plan. The Renaissance Zone Authority shall periodically review the Bismarck Renaissance Zone Development Plan, as well as any internal policies and guidelines governing the program, and recommend amendments as appropriate, including boundary adjustments, revisions to project approval criteria, and extension requests.
3. Downtown Design Review. The Renaissance Zone Authority, acting as the Downtown Design Review Committee, shall decide whether to approve, deny, or approve with conditions any request for Downtown Design Review approval, pursuant to the Downtown Design Guidelines and all requirements of Sections 14-04-21.1 (DC Downtown Core District), 14-04-21.2 (DF Downtown Fringe District), and 04-04-09 (Downtown Signs) of the Bismarck Code of Ordinances.
4. Amendments to Downtown Design Guidelines. The Renaissance Zone Authority, acting as the Downtown Design Review Committee, shall periodically review the Downtown Design Guidelines and amend as appropriate. The Authority may also recommend amendments to any provisions of the City of Bismarck Code of Ordinances pertaining to the downtown.

#### **Article V. Meeting Schedule and Order**

A. Meeting Schedule. The Renaissance Zone Authority's regular meeting time shall be held at 4:00pm on the second Thursday of each month in the David J. Blackstead Meeting Room in the City-County Office Building. Special meetings can be held at any time and may be called by the Chairperson.

B. Meeting Notice. Notice of the time and place of a hearing before the Renaissance Zone Authority shall be sent to the applicant or their agent after a complete project application is submitted to staff. Notice of a hearing on a Renaissance Zone project shall be placed in the official city newspaper once each week for two (2) consecutive weeks prior to the hearing. Notice of the time, place and request for Renaissance Zone Authority approval shall be sent to all known property owners within 350 feet of the proposed project no later than ten (10) days prior to the Renaissance Zone Authority meeting.

C. Quorum. A quorum of at least four (4) voting Renaissance Zone Authority members must be present to exercise any of the powers and duties of the Authority outlined herein. In instances

when a quorum is not present, the Renaissance Zone Authority may discuss items on the agenda but may not cast votes.

D. Remote attendance. An Authority member may join the meeting by telephone or video and be included in the determination of a quorum, as well as discussion and voting on all agenda items. When one or more of the members of the Authority is participating by telephone or video, a speakerphone or monitor must be provided at the location specified in the meeting notice. A Renaissance Zone Authority member may use this option for temporary situations.

E. Meeting Order. The order of a regular meeting shall be as follows:

1. Call to order and determination of quorum.
2. Approval of the minutes of the previous meeting.
3. The order of items on the agenda may be changed by the Chairperson.
4. Discussion and action concerning items on the agenda, including any public hearings.
5. Other business.
6. Adjournment.

F. Meeting Rules. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings of the Renaissance Zone Authority.

## **Article VI. Conduct of Hearings**

A. Public Participation. All meetings of the Renaissance Zone Authority are open to the general public. Any member of the public shall be afforded the opportunity to address the Renaissance Zone Authority during any noticed public hearing, governed by the Renaissance Zone Authority's Public Hearing Procedure and Protocol. The Chairperson may, but is not required to, allow public comment outside of a public hearing.

B. Maintenance of Order. Members of the public have the obligation to remain in order during any Renaissance Zone Authority meeting. The Chairperson may rule any conduct that interferes with the meeting to be "out-of-order," and direct the offending person to remain silent. If this person persists in disruptive conduct, the Chairperson may entertain a motion to "eject" the person from the meeting. If the person fails to comply with the successful motion to eject, the Chairperson may then call proper authority to physically remove the individual from the premises for the duration of the meeting or deliberation on that item.

## **Article VII. Staff Role**

A. Staff Responsibilities. The Bismarck Community Development Department – Planning Division advises the Renaissance Zone Authority on matters related to the Renaissance Zone program, Downtown Design Review, and downtown planning generally; prepares all documents for presentation to the Renaissance Zone Authority; conveys any recommendation of the Renaissance Zone Authority to the Board of City Commissioners or the appropriate body; and otherwise assists the Renaissance Zone Authority in the exercise of their duties, as required.

B. Staff Privilege. The staff representative(s) from the Community Development Department and City Attorney's Office have the privilege to address the Renaissance Zone Authority during any meetings.

**Article VIII. Appeals**

A. Appeal to the Board of City Commissioners. Any decision of the Renaissance Zone Authority may be appealed to the Board of City Commissioners by either the aggrieved applicant or by any officer, department, or board of the City by filing, within fifteen (15) calendar days after notice of the decision, with the office of the City Administrator or the Community Development Department. The Board of City Commissioners shall fix a time, within thirty (30) days, for the hearing of the appeal and shall give due notice of the hearing to the involved parties.

**Article IX. Instruments and Documents**

A. Documents of the Authority. All notices, agendas, requests, letters, reports, maps, photographs, staff reports, minutes and other related items shall constitute the documents of the Renaissance Zone Authority and shall be maintained by the Community Development Department. Meeting documents shall be made available to the general public upon final completion and review by staff.

**Article X. Amendment of Bylaws**

A. Amendments. These Bylaws may be amended at any regular meeting of the Renaissance Zone Authority, provided that the proposed amendment has been introduced prior to and included within the agenda packet sent in advance of the meeting. Amendment of the Bylaws shall require the affirmative vote of at least four (4) members of the Authority.

Adopted this 11<sup>th</sup> day of January, 2018

Renaissance Zone Authority



Chairperson