

2003  
(includes  
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ing amendments)

POCATELLO DEVELOPMENT AUTHORITY  
BY-LAWS

ARTICLE I

NAME

The Urban Renewal Agency, as created pursuant to the provisions of the Idaho Urban Renewal Law of 1965 (Chapter 20, Title 50, Idaho Code) and the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), shall be known as the POCATELLO DEVELOPMENT AUTHORITY.

ARTICLE II

ENABLING PROVISION

The Pocatello Development Authority was created by the City of Pocatello, a municipal corporation of Idaho, pursuant to resolution 1988-13 in accordance with the Urban Renewal law of 1965, and the Local Economic Development Act. The Pocatello Development Authority shall act as an arm of state government, entirely separate and distinct from the City of Pocatello, as provided in Idaho Code Section 50-2006.

ARTICLE III

STATEMENT OF PURPOSE

The purpose of the Pocatello Development Authority is to undertake urban renewal projects in areas designated by the City of Pocatello to be deteriorating and to undertake the rehabilitation, conservation, redevelopment, or a combination thereof of such area, or areas, in the interest of the public health, safety, morals or welfare of the residents of the City of Pocatello. The Pocatello Development Authority, to the greatest extent it determines to be feasible in carrying out its stated purpose, shall afford maximum opportunity, consistent with the needs of the City of Pocatello as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise.

## ARTICLE IV

### BOARD OF COMMISSIONERS

**A. Appointment.** The Board of Commissioners of the Pocatello Development Authority shall consist of nine members determined in accordance with the provisions of Section 50-2006, Idaho Code, as the same now exists, or as may be amended hereafter, which section provides for appointment by the Mayor with the advice and consent of the City Council. The qualifications and eligibility of persons who serve on the Board of commissioners shall be as defined and described in Section 50-2006, Idaho Code, as the same now exists, or may be amended hereafter. Provided, however, that the membership shall be constituted as follows: one member of the Pocatello City Council, one member of the Board of County Commissioners (or their designee), one member of the education the Mayor of the City of Pocatello, one member with financial expertise such as accounting, banking, lending institution experience, one member from the education community, and four members from the citizenry at large.

**B. Term** Each commissioner shall serve for terms not to exceed five (5) years. The terms of each commissioner shall be staggered in such a fashion so that no more than two terms expire in any one (1) year, provided, however, that all terms shall expire in the month of May . Each commissioner shall hold office until his or her successor has been appointed and qualified. A letter noting the appointment, or reappointment, of a commissioner shall be filed with the City Clerk of the city of Pocatello, Idaho, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

**C. Compensation.** The commissioners shall receive no compensation for their services, but shall be entitled to the necessary expenses, including travel expense, incurred in the discharge of their duties.

**D. Meetings.** The Board of Commissioners shall hold regular meetings at dates and times certain each month. The Chairman, or a majority of the Board of Commissioners have the power to call special meetings of the Board, the object of which shall be submitted to the Board in writing; the call and the object, as well as the disposition thereof, shall be entered upon the minutes of the Secretary. Special meetings may be held upon such notice as is appropriate to the circumstances. The notice provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property, or the likelihood of such injury or damage.

**E. Quorum.** A majority of the members of the Board of Commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the authority , and for all other purposes. Official action may be taken by the Board of Commissioners on a vote of a majority of the members thereof p[resent at a duly-convened, regular or special meeting at which a quorum is present.

**F. Executive Director, Legal Counsel, etc.** The Board of Commissioners may employ an executive director, legal counsel, technical experts, a secretary, a treasurer, and such other agents and employees, permanent and temporary, as the board may require, and the qualifications and duties of, and compensation for all of said persons so employed shall be determined by the Board.

**G. No Self-Dealings.** No public official, or employee of the City of Pocatello (or a board, or a commission thereof) and no commissioner or employee of the Pocatello Development Authority 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 Pocatello, 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 Pocatello Development Authority, and such disclosure shall be entered upon the minutes of the Board of Commissioners. 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 knows is included, or planned to be included, in an urban renewal project, he or she shall immediately disclose this fact in writing to the Pocatello Development Authority, and such disclosure shall be entered upon the minutes of the Board of commissioners, and any such official commissioner or employee shall not participate in any action by the City of Pocatello (or board, or commission thereof), or Pocatello Development Authority affecting such property.

**H. Misconduct.** For inefficiency, or neglect of duty, or misconduct in office, a commissioner may be removed by the Pocatello Development Authority only after a hearing, and only after he or she shall be given a copy of the charges at least ten days prior to such hearing, and shall have had an opportunity to be heard in person, or by counsel.

**I. Powers and Duties.** The property, business, powers and affairs of the Pocatello Development Authority shall be managed and controlled by the Board of Commissioners thereof. The Board of Commissioners is vested with all powers as provided by the Idaho Urban Renewal Law of 1965 (Chapter 20, Title 50, Idaho Code), and the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), as the same now exists, or as may be amended hereafter. The Pocatello Development Authority may undertake urban renewal projects for the elimination of deteriorated, or deteriorating areas, and for the prevention of the development, or spread of slums and blights, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal

area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities within an urban renewal area may include the following:

1. Adopt a revenue allocation financing provision as described in the Local Economic Development Act as the same now exists, or as may be amended hereafter as part of an urban renewal plan;
2. Issue bonds from time to time in its discretion, to finance the undertaking of any urban renewal project;
3. Acquire a deteriorated area, or a deteriorating area, or a portion thereof;
4. Demolish and remove buildings and improvements;
5. Install, construct, or reconstruct streets, utilities, parks, playgrounds, open space, off-street parking facilities, public facilities or buildings, and other improvements necessary for carrying out, in the urban renewal area, the urban renewal objectives in accordance with the urban renewal plan.
6. Dispose of any property acquired in the urban renewal area (including sale, initial leasing, or retention by the Pocatello Development Authority itself) at its fair value for uses in accordance with the urban renewal plan, except for disposition of property to another public body;
7. Carry out plans for a program of voluntary, or compulsory repair and rehabilitation of buildings, or other improvements in accordance with the urban renewal area, which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

8. Acquire any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;

9. Lending or investing federal funds; and

10. Construction of foundations, platforms and other like structural forms.

**J. Reports.** The Board of Commissioners shall file with the City Clerk, City of Pocatello, Idaho, on or before March 31<sup>st</sup> of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth the authority's assets, liabilities, income, and operating expenses as of the end of such calendar year. At the time of filing such report, the Board of Commissioners shall cause to be published in the Idaho State Journal, Pocatello, Idaho, a notice to the effect that such report is available for inspection during the regular business hours in the office of the City Clerk and in the office of the authority.

## ARTICLE V

### OFFICERS

The Officers of the authority shall be a Chairman, Vice-Chairman, Secretary, Treasurer and such other officers as the Board of Commissioners may deem necessary. Only the Chairman and Vice-Chairman need be members of the Board of Commissioners.

**A. Election and Term** Mayor Richard Finlayson of the City of Pocatello shall designate the first Chairman and Vice-Chairman for a term of office of one (1) year from among the commissioners. Thereafter, the Board of Commissioners shall elect the chairman, Vice-Chairman, Secretary, Treasurer and such other officers as are deemed necessary for a

term of one (1) year until his or her successor is duly elected and qualified. Such election shall occur at the regular meeting held in October. Officers elected at that meeting shall hold office until the regular meeting the following October.

**B. Chairman** The Chairman shall be the chief presiding officer of the Pocatello Development Authority. The Chairman shall execute all deeds, bonds, contracts and other legal documents authorized by the Board, provided, however, that the Board may delegate certain of said duties to the Executive Director of the Authority. The Chairman shall be the chief administrator of the Pocatello Development Authority and shall have such powers and duties as may be assigned to him or her by the Board of Commissioners. The Chairman shall have the power to vote on any matter presented to the Board of Commissioners for their consideration. The Chairman shall also have such other powers and duties as may be assigned to him or her by the Board of Commissioners.

**C. Vice-Chairman.** The Vice-Chairman shall be possessed of all of the power and shall perform all the duties of the Chairman in the absence or disability of the Chairman. The Vice-Chairman shall have the power to vote on any matter presented to the Board of Commissioners for their consideration. The Vice-Chairman shall also have such other powers and duties as may be assigned to him or her by the Board of Commissioners.

**D. Secretary.** The Secretary shall keep the minutes of all proceedings of the Board, shall attend to giving and serving all notices of the meetings of the Board as required, shall execute along with the Chairman in the name of the Pocatello Development Authority all deeds, bonds, contracts, and other legal documents and instruments as authorized by the Board, and shall be the custodian of the seal of the Pocatello Development Authority, books, bylaws, and such other books, records and papers of the Board as the Board shall direct. In addition, the Secretary shall perform other duties and have such responsibilities as may be

designated by the Board., In case of the absence or disability of the Secretary, or the Secretary's refusal or neglect to perform such duties, all duties required of the Secretary may be performed by the Chairman or Vice-Chairman, or such other person as may be designated by the Board.

**E. Treasurer.** The Treasurer shall have the general custody of all the funds and securities of the Pocatello Development Authority, and shall have general supervision of the collection and disbursement of funds of the Pocatello Development Authority. The Treasurer shall endorse on behalf of the board for collection, check, notes and other obligations and shall deposit the same to the credit of the Board in such bank or banks or depositories as the Board may designate. The Treasurer may sign, with the Chairman or such other person or persons as may be designated for said purpose by the Board of Commissioners all negotiable instructions. The Treasurer shall enter, or cause to be entered regularly in the books of the Board, all monies received and paid by him on account of the Board, shall at all reasonable times exhibit the Board books and accounts to any commissioner of the Board at the office of the Board during regular business hours, and whenever required by the Board, or the chairman, shall render a statement of accounts. The Treasurer shall perform such other duties as may be prescribed from time to time by the Board or by the bylaws. In case of the absence or disability of the Treasurer, or the Treasurer's refusal or neglect to perform such duties, all duties required of the Secretary may be performed by the Chairman or Vice-Chairman, or such other person as may be designated by the Board.

**F. Vacancy.** If any of the foregoing offices shall, for any reason, become vacant, the Board of commissioners shall elect a successor who shall hold office for the unexpired term and until a successor is elected and qualified.

## ARTICLE VI

### MISCELLANEOUS

**A. Seal.** The seal of the Pocatello Development Authority shall be circular in form and shall have the name of the Pocatello Development Authority on the circumference and shall have the words "Corporate Seal Idaho" in the center.



**B. Committees.** The Board of Commissioners may appoint one or more committees to investigate and study matters of Pocatello Development Authority business and, thereafter, to report on and make recommendations concerning said matters assigned to the Board of commissioners. When possible, each of said committees shall be chaired by a member of the Board, but said committees may be comprised of persons other than members of the Board of commissioners. No such committee shall have the power to make final decisions, power being vested solely in the directors. The terms of office, the persons serving, the matters to be studied, and all procedural decisions shall be made and decided by the Board of commissioners.

**C. Accounts.** In addition to such bank accounts as may be authorized by the Board of commissioners, the Treasurer of the Pocatello Development Authority, with the approval of the Chairman, may authorize such bank accounts to be opened or maintained in the name and on behalf of the Pocatello Development Authority as he or she may deem necessary or appropriate. Payments from such bank accounts are to be made upon the check of the

Pocatello Development Authority, each of which checks shall be signed by two of such directors, officers or bonded employees of the Pocatello Development Authority as shall be authorized by the Board of commissioners.

**D. Robert's Rules.** The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern regular and special meetings of the Board of commissioners in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board of Commissioners may adopt.

## ARTICLE VII

### AMENDMENTS AS APPROVED

**August 11, 1998: Article IV amended in part as follows:**

**A. Appointment.** The Board of Commissioners of the Pocatello Development Authority shall consist of seven ~~nine~~ members determined and appointed in accordance with the provisions of Section 50-2006, Idaho Code, as the same now exists, or as may be amended hereafter, which provides for appointment by the Mayor with the advice and consent of the City Council, and as appointed by the Mayor of the City of Pocatello, with the advice and consent of the Pocatello City Council. The qualifications and eligibility of persons who serve on the Board of commissioners shall be as defined and described in Section 50-2006, Idaho Code, as the same now exists, or may be amended hereafter. Provided, however, that the membership shall be constituted as follows: one member of the Pocatello City Council, one member from the local banking community, one School District representative, one member of the Board of County Commissioners (or their designee), the Mayor of the City of Pocatello, and four other members from the citizenry at large.

**B. Term.** Each commissioner shall serve for terms not to exceed five (5) years. The terms of each commissioner shall be staggered in such a fashion so that no more than two terms expire in any one(1) year, provided, however, that all terms shall expire in the month of May. Each commissioner shall hold office until his or her successor has been appointed and qualified. \* \* \* \* \*

**July 16, 2003: Amendment to Article IV (A) which was previously amended in August of 1998 to read as follows:**

**A. Appointment.** The Board of Commissioners of the Pocatello Development Authority shall consist of nine members determined in accordance with the provisions of Section 50-2006, Idaho Code, as the same now exists, or as may be amended hereafter,

which section provides for appointment by the Mayor with the advice and consent of the City Council. The qualifications and eligibility of persons who serve on the Board of Commissioners shall be as defined and described in Section 50-2006, Idaho Code, as the same now exists, or may be amended hereafter. Provided, however, that the membership shall be constituted as follows: one member of the Pocatello City Council; ~~one member from the local banking community, one School District representative,~~ one member of the Board of County Commissioners (or their designee); the Mayor of the City of Pocatello; one member with financial expertise such as accounting, banking, lending institution experience, one member from the education community, and four other members from the citizenry at large.

These bylaws may be repealed, amended, or new bylaws adopted at any regular or special meeting for such purpose of the Board of commissioners by a majority vote of all members of said Board.

We, the undersigned, being members of the Board of Commissioners of the Pocatello Development Authority, do hereby certify that the foregoing amended bylaws were duly adopted as the bylaws of said Pocatello Development Authority on the 16<sup>th</sup> day of July, 2003.

Wayne M. Mink

[Signature]

Jim Kutt

[Signature]

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Boyd Chase

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Levy L. Brower

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