

RESOLUTION NO: 2023-23

**RESOLUTION OF THE CITY OF LARAMIE CITY COUNCIL
ADOPTING THE BYLAWS REVISIONS RELATED TO
CITY OF LARAMIE SOLAR BOARD OF REVIEW**

WHEREAS, Laramie Municipal Code (LMC) 15.04.070 has created and established the City of Laramie Solar Board of Review; and

WHEREAS, the City of Laramie Planning Commission—who serve as the Solar Board of Review per LMC 15.04.070—has approved this version of bylaws at their February 13, 2023 regular meeting; and

WHEREAS, the bylaws of the City of Laramie Solar Board of Review shall be approved by the City Council upon any change or revision.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES:

Section 1. The revisions to the Bylaws for City of Laramie Solar Board of Review are adopted pursuant to Laramie Municipal Code (LMC) Section 15.04.070 to read as attached in Attachment A.

Section 2. These Bylaws shall be effective upon passage.

PASSED, APPROVED, AND ADOPTED this 7th day of March, 2023.



Brian Harrington, Mayor and
President of the Laramie City
Council



Nancy Bartholomew, CMC
City Clerk

SOLAR BOARD OF REVIEW RULES OF PROCEDURE

City of Laramie Municipal Code Section 15.06.060.L encourages the use and protection of solar energy collectors through the provision of solar access permits. Solar access permits are reviewed by the Solar Board of Review using the rules of procedure in this document and WSS §34-22-101 through 106.

These Rules of Procedure are promulgated pursuant to Laramie Municipal Code (LMC) Section 15.04.070 which states "The planning commission shall act as the Solar Board of Review until such time as the city council determines that it is logical and feasible to form a Solar Board of Review".

I. Name

In accordance with LMC Section 15.04.070, the name of this board is the Solar Board of Review.

II. Establishment and membership

The Planning Commission shall act as the Solar Board of Review per LMC section 15.04.070. Establishment and membership will be determined per LMC section 15.04.030 and Planning Commission's Rules of Procedure section II.

III. Staff Attendance at Meetings

The City Planning Manager, or his designee, should attend all meetings of the Solar Board of Review in order to provide necessary administrative liaison and assistance as required by the Solar Board of Review. The City Engineer, or his designee, is requested to be available for all meetings of the Solar Board of Review when a checklist or report prepared by the City Engineer is to be considered by the Solar Board of Review, and upon request from the Solar Board of Review.

IV. Term of Appointment

The Solar Board of Review shall be appointed per the Planning Commission's Rules of Procedure section IV.

V. Appointment of Members

The members of the Solar Board of Review shall be appointed per the Planning Commission's Rules of Procedure section V.

VI. Removal of Solar Board of Review Members

The City Council may remove members from the Solar Board of Review per the standards set by the Planning Commission Rules of Procedure section VI.

VII. Officers

The Solar Board of Review's officers are set through the Planning Commission's Rules of Procedure section VII.

VIII. Election of Officers

The Solar Board of Review shall elect officers based on the Planning Commission's Rules of Procedure section VIII.

IX. Duties of Officers

A. Chair

The Chair shall preside at all regular and special meetings unless incapacitated or unable to attend. The Chair may move, second and debate from the chair subject only to limitations placed on all members and shall not be deprived of rights and privileges of a member.

B. Vice-Chair

The Vice-Chair shall perform the duties or responsibilities of the Chair in the absence or disability of the Chair.

C. Temporary Chair

In the absence of the Chair and Vice-Chair, if a quorum is present it shall elect a Temporary Chair to serve until the Chair or Vice-Chair appears. The Temporary Chair shall perform the duties of the Chair in the absence or disability of the Chair and Vice-Chair.

X. Scheduling of Meetings

The Solar Board of Review shall hold a regular meeting twice each month at 4:30 p.m. on a schedule set by the Solar Board of Review from time to time. The regular meeting time and place may be changed by the Solar Board of Review. Generally, the Solar Board of Review will meet on the second and fourth Mondays of each month at 4:30 PM. A regular meeting may be canceled if no business is scheduled for discussion. All meetings of the Solar Board of Review shall be open to the public.

Any meeting date which falls on a holiday, or any meeting canceled because of lack of a quorum shall be rescheduled by the Planning Commission on behalf of the Solar Board of Review. A regular meeting may be canceled if no business is scheduled for discussion.

XII. Quorum and Vote

A majority of the members of the Solar Board of Review shall constitute a quorum for the conduct of business. All members must be physically present to count towards a

quorum. Action may be taken by a majority of the voting members present, provided, however, no action may be taken with less than three affirmative votes. Adoption of a master or comprehensive plan, or any element thereof, shall require the affirmative vote of a majority of the entire membership.

Proxies cannot be used for any purpose. When a member absents themselves from consideration of an item before the Solar Board of Review because of conflict of interest, the member shall be considered present for purposes of maintaining a quorum. The record of voting on such items shall indicate the affected member who abstained.

A member may not vote on approval of minutes for a meeting they did not attend. A member may not vote on a project, which has been heard at more than one meeting, unless the member was present at all meetings in which the project was considered or the member has listened to the tape recording of the meeting(s).

XIII. Notice and Minutes of Meetings

In addition to any specific notice for individual items required by applicable statute, ordinance, resolution, or regulation, the Planning Commission and Solar Board of Review shall publish the agenda of its regular meetings by posting a copy of the agenda in a public place within the Planning Division offices.

The Solar Board of Review may keep a recording and shall keep written minutes for each of its regular meetings and any special meetings. The minutes will be included in the Planning Commission Meeting Minutes wherein the meeting was held and shall be prepared by Planning Division Staff or designee and presented to the Solar Board of Review for approval. The recordings and approved minutes shall be maintained as public records in the Planning Division Office.

XIV. Site Visits

Site visits may be scheduled after a project has been submitted for review but before the Solar Board of Review meeting. The Solar Board of Review, not the applicant, is responsible for scheduling site visits for the Solar Board of Review. Individual members may visit sites on their own with or without the Planning Manager present provided no applicant or other representatives of the applicant are present. If any relevant information is obtained and considered by members as a result of any site visit, the information shall be disclosed before the vote on any decision so that all participants at the meeting may be informed of the facts that influence the disposition of the case, and have an opportunity to respond.

XVII. Conduct of Meeting

The business of all regular meetings shall be transacted within the Planning Commission

agenda in the following order unless by vote of majority of the members present the rules are suspended and the order changed:

1. Call to Order/Roll Call
2. Approval of Agenda/Minutes
 - 2.A Changes And Approval of Agenda
 - 2.B Planning Commission Meeting Minutes
3. Citizen Comments - Non Agenda Related Topics – No Action Can Be Taken
4. Planning Commission And Staff Reports And Comments
5. Disclosures – Ex-Parte Communications; Potential Conflicts Of Interest
6. Current Planning Projects
 - 6.A Old Business
 - 6.B New Business
7. Long Range Planning Projects
8. Variances (Board of Adjustment)
9. Appeals (Nuisance Board of Appeals)
10. Solar Access Permit (Solar Board of Review)
11. Adjournment

XVIII. Conduct of Meetings and Review of Current Planning Projects

Where an individual has filed an application to be acted upon by the Solar Board of Review, the application shall be considered at a public meeting. The procedures that follow and LMC section 15.06.060.L shall be used.

- A. Adjourn as Planning Commission and reconvene as Solar Board of Review**

The chair shall call for the planning commission to adjourn and then reconvene as the Solar Board of Review.
- B. Presentation of Staff Report**

The Planning Division staff shall have an opportunity to explain the nature of the project and present the staff report. Solar Board of Review members may direct questions concerning the report or project to staff.
- C. Presentation of Applicant's Case**

The applicant shall have an opportunity to present evidence in support of the application and to rebut any issues or conditions identified in the staff report. Solar Board of Review members may direct questions concerning the report or project to the applicant.
- D. Public Comments**

The Chair shall invite comments from the public in attendance at the hearing. Solar Board of Review members may direct questions concerning the comments

to the applicant or public.

E. Deliberations by the Solar Board of Review

The Solar Board of Review may close public comment and take action or take the matter under advisement to be decided at a subsequent meeting. The Solar Board of Review may continue the meeting to receive additional comment. The Solar Board of Review may re-open the meeting at a later time to receive more comment. After closing the meeting the Chair shall ask for a motion concerning the application or matter before the Solar Board of Review. The Solar Board of Review may only deliberate a matter after public comment has been closed and a motion concerning the disposition of the application or matter has been made and seconded. During deliberations, the Solar Board of Review may direct questions to the applicant, staff, or public to clarify issues of concern to the Solar Board of Review after being recognized by the Chair.

F. Decision by the Solar Board of Review

After deliberations, the Chair shall ask for a vote of the members present. A member who is present shall vote on a matter unless he, she, they or them articulates a conflict of interest or other disqualification prior to consideration of the item. Every member present shall vote either "aye" or "no" or abstain from voting. All action taken shall conform to applicable statutory provisions on open meetings and shall be by motion.

XIX. Conduct of Members

Solar Board of Review members shall abide by the rules of conduct set forth below.

A. Conflict of Interest:

Members have the right and the obligation to vote on all questions before them and to participate in the business of the Solar Board of Review except when a conflict of interest exists, or if there is a perception of a conflict of interest.

(1) Notification of conflict of interest:

Whenever the Solar Board of Review is considering, or may consider a matter that raises a question of conflict of interest for a particular member, the member shall inform the Solar Board of Review before the meeting. If, in the staff's opinion, there may be a conflict of interest, staff may ask City Attorney for an opinion. Members are responsible for determining when a conflict of interest exists. Members are also responsible for alerting the Chair before the meeting.

(2) **Conduct at meetings where a member has a conflict of interest:**

If any member has a conflict of interest with any particular item, the member shall notify the Solar Board of Review and the public in attendance of the conflict of interest. The member shall not participate in consideration of that item.

B. Ex parte Contacts

Ex-parte contacts are contacts between individuals seeking to influence a decision on a Solar Board of Review's matters outside the meeting forum. Examples include site visits, meetings with the applicant or applicant's representative, telephone calls, in person contact, email, letters or other forms of communication with anyone which may attempt to influence a member's opinion on a matter which will be subject to the member's vote.

It is the goal of the Board to make its decisions based on information equally available to all members, applicants, the public, and City staff, because that allows all interested parties to respond to all information which could influence the Board's decisions. This section should be interpreted in light of this goal.

From time to time, members may seek or receive information on matters before them other than through formal, public submissions. This could occur, for instance, when a member visits a site, or is contacted by an applicant, expert, or member of the public. If this happens, members shall 1) disclose in public any substantive information received or gleaned by them, and 2) in the case of information provided to them, urge the contacting party to provide that information to the entire Solar Board of Review in person or in writing.

XX. Open Meetings

Meetings of the Solar Board of Review including site visits shall be open to the public except as provided by law.

XXI. Open Records

Information presented to the Solar Board of Review in carrying out its responsibilities, records of meetings, and any other material resulting from the conduct of its activities shall be kept on file in the City of Laramie's Planning Division Office, and shall be available for inspection by the public upon reasonable request except as provided by law.

XXII. Amendments to the Rules of Procedure

Any member of the Solar Board of Review or the Planning Division may propose amendments to the rules of procedure. An amendment must be approved by a majority

of the entire membership after due notice and filed with the City Clerk to become effective.

XXIII. Other Rules of Procedure

The most recent edition of "Robert's Rules of Order" shall be the parliamentary rules of the Board as required and shall be supplemental to and included as part of these rules.

XXIV. Hearings

Whenever the Board is authorized or required by statute or ordinance to hold a hearing, the hearing shall be conducted in the manner specified in Section XVIII above, substituting "hearing" for "meeting" and "testimony" for "comments." Any procedural matters not covered by Section XVIII shall be in accord with Chapter 1.20 of the Laramie Municipal Code.

Adopted _____, 2023.

Chair

Secretary