



Agenda for Regular Meeting of Planning & Zoning

Thursday, July 25, 2024 @ 6:00 PM

Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID

The meeting will be conducted in person and with online access using ZOOM:

<https://us02web.zoom.us/j/86214582569?pwd=mbrilncioDzCwBM318LJcwqkIZaSb4.1>

Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID 862 1458 2569; Passcode: 296773

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES OF THE P&Z REGULAR MEETINGS TO BE FORTHCOMING FOR APPROVAL
4. CITY PLANNER REPORT
5. PUBLIC COMMENT: Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
6. DISCUSSION OF OPEN MEETING LAWS
7. DISCUSSION OF CITY PICNIC P&Z OUTREACH BOOTH
8. DISCUSSION OF AREA OF CITY IMPACT REVIEW
9. ADJOURN- **ACTION ITEM**

Original Posting: 7/23/2024

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.

City of Dalton Gardens
Planning & Zoning Meeting Minutes
Thursday, May 23, 2024

Meeting conducted via teleconference and in person.

1. **CALL TO ORDER REGULAR CITY COUNCIL MEETING:** Opened 6:00 PM
2. **ROLL CALL:** Commissioners Chad Haunschild, Melissa Cleveland, Ron Sampert, Caitlin O'Brien, and Chairman Mike Becker were physically present; Also present: Ryan Hughes-City Planner and Candi Baker-Interim City Clerk.
3. **MINUTES FROM THE APRIL 25, 2025 P&Z TO BE FORTHCOMING FOR APPROVAL**
4. **CITY PLANNER REPORT:** City planner updated that the reports have modified dates to better reflect the adjustment to City Council meetings dates. Additionally, he updated the commission of the two new contract staff positions of engineer and code enforcement.
5. **PUBLIC COMMENT:** Opened 6:07 PM - Closed 6:07 PM

Chairman Becker addressed the commission and public to clarify that commissioner CHaunschild will not be stepping down from his position as commissioner.

6. **DISCUSSION OF LIGHTING & DESIGN STANDARDS:** The commission discussed examples provided by the city planner and discussed combining illumination with signage. Chairman Becker suggested approaching any changes to be established be carefully considered and review the new material provided before decisions are made. The commission focused attention on color schemes, size, and font choices for signage, and offered the potential of limiting the variety of signage without creating unenforceable violations. Additionally, the commission proposed that addresses be larger for easy visibility. Further discussion at the June 27, 2024, meeting.
7. **SHORT-TERM RENTAL APPROVAL (BEFORE PUBLIC HEARING): ACTION**
The commission discussed the suggested additions from the previous P&Z meetings and requested that city planner Ryan Hughes amend the draft to include occupancy limits, parking restrictions, age qualification, and annual registration and renewal requirements.

CO'Brien made a motion to approve the Short-Term Rental Draft and hold a Public Hearing June 27, 2024, before submission to the City Council for consideration. CHaunschild seconded. CHaunschild: yes MCleveland: yes RSampert: yes CO'Brien: yes Motion carries.

8. **DISCUSSION OF JOINT WORKSHOP WITH CITY COUNCIL:** The commission proposed a joint workshop on July 25, 2024, at 5:00 PM and gave directions to the clerk to confirm with city council to discuss Short-Term Rentals and Community Design Standards for signage.
9. **DISCUSSION OF AGENDA ITEMS FOR JUNE 27, 2024, MEETING:**
 - a. Open meeting laws
 - b. Short-Term Rental Public Hearing
 - c. Commercial Lighting

10. ADJOURNMENT: ACTION

**CO'Brien made a motion to adjourn the meeting. RSampert seconded.
All in favor. Adjourned 7:46 PM**

Mike Becker, Chairman

ATTEST:

Candi Baker, Interim City Clerk

City of Dalton Gardens
Planning & Zoning Meeting Minutes
Thursday, June 20, 2024

Meeting conducted via teleconference and in person.

1. **CALL TO ORDER REGULAR CITY COUNCIL MEETING:** Opened 6:00 PM
2. **ROLL CALL:** Commissioners Chad Haunschild, Melissa Cleveland, Caitlin O'Brien, and Chairman Mike Becker were physically present; Also present: Kurtis Johnson -Assistant City Planner and Candi Baker-Interim City Clerk. Commissioner Ron Sampert was absent.
3. **MINUTES FROM THE P&Z TO BE FORTHCOMING FOR APPROVAL**
4. **CITY PLANNER REPORT:** City planner updated the commission of the discussed modifications made to the Ordinance Draft for Short-Term Rentals. Additionally, he gave an update on all relevant planner business.
5. **PUBLIC COMMENT:** Opened 6:07 PM - Closed 6:07 PM

No Comments

6. **PUBLIC HEARING FOR RECOMMENDATION OF SHORT-TERM RENTAL CODE AMENDMENT:** The commission reviewed the commission's proposal to conduct short-term rentals. He specified that the city will require registration rather than permits.
7. **PUBLIC HEARING COMMENT:** Opened 6:10 PM Closed 6:20 PM

Carrie Chase- 7512 N 4th Street: Not in favor of STR in the city and asked the commission to show the state regulation from prohibiting STR's.

Vicki Johnson- 7776 N Baillie Street: Opposed STR's. Concerned that there is not enough enforcement to

Douglas Johnson- 7776 N Baillie Street: Opposed STR's. City should charge to cover the cost of enforcement business and administrative needs to process requests.

Gene Story- 7688 N Baillie Street: Opposed STR's. Invites transients and not conducive to the city's environment.

Pam- Opposed STR's.

Eileen Wilson- Opposed STR's

Commissioner Chad Haunschild read the definition of short-term rental into record for public understanding. Additionally, he added any fees would be covered by registration and renewal fees. He also provided the public with the violation protocol outlined by the state code. He also read Idaho State Code; Title 67 Chapter 65 Section 39, restricting any Idaho city from prohibiting STR's.

CO'Brien made a motion to approve the recommendation to City Council for the Short-Term Rental Ordinance as presented for approval. CHaunschild seconded.

CHaunschild: yes MCleveland: yes CO'Brien: yes

Motion carries.

8. **DISCUSSION OF COMMERCIAL CORRIDOR DESIGN GUIDELINES:** The commission discussed examples presented by the city planner for the commercial district signage proposal. The commission asked for direction to move towards the next step to create uniform sign ideas. The city planner suggested developing an identity for the commercial district. The commission stated they collectively would like to see uniform colors, logos, and fonts. The clerk reminded the commission that this discussion will be addressed at the joint workshop with the city council. The commission gave directions to the planner to highlight what specifically will and will not be allowed, address size minimums, and prohibit temporary signage. Chairman Becker suggested the Dalton Gardens logo be present on commercial businesses.
9. **DISCUSSION OF JOINT WORKSHOP WITH CITY COUNCIL:** Workshop to be held July 24, 2024, at 5:00 PM before the City Council Meeting to discuss short-term rentals and commercial corridor signage designs and standards.

10. **DISCUSSION OF AGENDA ITEMS FOR JULY 25, 2024, MEETING:**

- a. Open meeting laws
- b. City Picnic P&Z outreach booth
- c. Area of City Impact review

11. **ADJOURNMENT: ACTION**

**CO'Brien made a motion to adjourn the meeting. CHaunschild seconded.
All in favor. Adjourned 7:07 PM**

Mike Becker, Chairman

ATTEST:

Candi Baker, Interim City Clerk



City of Dalton Gardens
6360 N Fourth Street, Dalton Gardens,
ID 83815 Phone: (208) 772-3698 Fax:
(208) 772-3698

Monthly Planner Activity Report

June 8, 2024 – July 12, 2024

Code amendments

The Planning and Zoning (P&Z) Commission continues to take steps in establishing a commercial district vision. At their June meeting, the Commission reviewed the example communities research document. The Commission requested staff to prepare a similar document that provided examples of “should do” / “should not do” like examples communities. A design guideline approach was suggested to provide a non-regulatory approach. In addition, the Commission took action on a vote to recommend to City Council a code amendment which would introduce a Short-Term Rental policy and code provision. A City Council workshop is scheduled to discuss the STR code at their July Meeting, with a possible public hearing scheduled for August.

Variances / Special Use Permits

No new Special Use Permits or Variances have been submitted.

Subdivisions

No new subdivision requests have been submitted.

Sewer Management Agreement (SMA) & Critical Materials Ordinance

Staff recommends the City update the SMA with associated code amendments ratifying the SMA. In addition, staff recommends the City adopt a Critical Materials Handling ordinance (as requested by the Panhandle Health District) requiring Critical materials inspections for protection of the aquifer.

Building Permits

The City continues to receive and manage a variety permit requests. Building permits are received weekly and are reviewed on a rolling basis. Other permit types include commercial business licenses, lot line adjustments, home based business permits, and others. The City consistently receives permit applications for both accessory structures and new home construction.

Code enforcement

The City has an extensive backlog of code compliance cases which are recorded in the city's OpenGov site. Staff has supported the orientation of a new City Code Enforcement Officer / Planner in their efforts to address the backlog and current cases.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ryan Hughes', is written over a light blue horizontal line.

Ryan Hughes,
City Planner

TITLE 74
TRANSPARENT AND ETHICAL GOVERNMENT

CHAPTER 2
OPEN MEETINGS LAW

74-201. FORMATION OF PUBLIC POLICY AT OPEN MEETINGS. The people of the state of Idaho in creating the instruments of government that serve them, do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret.

[74-201, added 2015, ch. 140, sec. 5, p. 369.]

74-202. OPEN PUBLIC MEETINGS -- DEFINITIONS. As used in this chapter:

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with this chapter.

(2) "Deliberation" means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature that do not specifically relate to a matter then pending before the public agency for decision.

(3) "Executive session" means any meeting or part of a meeting of a governing body that is closed to any persons for deliberation on certain matters.

(4) "Public agency" means:

(a) Any state board, commission, department, authority, educational institution or other state agency created by or pursuant to statute, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;

(b) Any regional board, commission, department or authority created by or pursuant to statute;

(c) Any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho; and

(d) Any subagency of a public agency created by or pursuant to statute, ordinance, or other legislative act.

(5) "Governing body" means the members of any public agency that consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter.

(6) "Meeting" means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.

(a) "Regular meeting" means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.

(b) "Special meeting" is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.

[74-202, added 2018, ch. 142, sec. 3, p. 289.]

74-203. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1) Except as provided below, all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.

(2) Deliberations of the board of tax appeals created in [chapter 38, title 63](#), Idaho Code, the public utilities commission and the industrial commission in a fully submitted adjudicatory proceeding in which hearings, if any are required, have been completed, and in which the legal rights, duties or privileges of a party are to be determined are not required by this act to take place in a meeting open to the public. Such deliberations may, however, be made and/or conducted in a public meeting at the discretion of the agency.

(3) Meetings of the Idaho life and health insurance guaranty association established under [chapter 43, title 41](#), Idaho Code, the Idaho insurance guaranty association established under [chapter 36, title 41](#), Idaho Code, and the surplus line association approved by the director of the Idaho department of insurance as authorized under [chapter 12, title 41](#), Idaho Code, are not required by this act to take place in a meeting open to the public.

(4) A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced.

(5) All meetings may be conducted using telecommunications devices which enable all members of a governing body participating in the meeting to communicate with each other. Such devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment. Participation by a member of the governing body through telecommunications devices shall constitute presence in person by such member at the meeting; provided however, that at least one (1) member of the governing body, or the director of the public agency, or the chief administrative officer of the public agency shall be physically present at the location designated in the meeting notice, as required under section [74-204](#), Idaho Code, to ensure that the public may attend such meeting in person. The communications among members of a governing body must be audible to the public attending the meeting in person and the members of the governing body.

[74-203, added 2015, ch. 140, sec. 5, p. 369.]

74-204. NOTICE OF MEETINGS -- AGENDAS. (1) Regular meetings. No less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice shall be given unless otherwise provided by statute. Provided however, that any public agency that holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule. The notice requirement for meetings and agendas shall be satisfied by posting such notices and agendas in a prominent place at the principal office of the public agency or, if no such office exists, at the building where the meeting is to be held. The notice for meetings and agendas shall also be posted electronically if the entity maintains an online presence through a website or a social media platform.

(2) Special meetings. No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. An emergency is a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury,

damage or loss, when the notice requirements of this section would make such notice impracticable or increase the likelihood or severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting. The notice required under this section shall include at a minimum the meeting date, time, place and name of the public agency calling for the meeting. The secretary or other designee of each public agency shall maintain a list of the news media requesting notification of meetings and shall make a good faith effort to provide advance notification to them of the time and place of each meeting.

(3) Executive sessions. If only an executive session will be held, a twenty-four (24) hour meeting and agenda notice shall be given according to the notice provisions stated in subsection (2) of this section and shall state the reason and the specific provision of law authorizing the executive session.

(4) An agenda shall be required for each meeting. The agenda shall be posted in the same manner as the notice of the meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion. An agenda item that requires a vote shall be identified on the agenda as an "action item" to provide notice that action may be taken on that item. Identifying an item as an action item on the agenda does not require a vote to be taken on that item.

(a) If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.

(b) If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body votes to amend the agenda.

(c) An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting. Final action may not be taken on an agenda item added after the start of a meeting unless an emergency is declared necessitating action at that meeting. The declaration and justification shall be reflected in the minutes.

[74-204, added 2015, ch. 140, sec. 5, p. 370; am. 2018, ch. 223, sec. 1, p. 502.]

74-205. WRITTEN MINUTES OF MEETINGS. (1) The governing body of a public agency shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, resolutions, orders, or ordinances proposed and their disposition;

(c) The results of all votes, and upon the request of a member, the vote of each member, by name.

(2) Minutes pertaining to executive sessions. Minutes pertaining to an executive session shall include a reference to the specific statutory subsection authorizing the executive session and shall also provide sufficient detail to identify the purpose and topic of the executive session but shall not contain information sufficient to compromise the purpose of going into executive session.

[74-205, added 2015, ch. 140, sec. 5, p. 371.]

74-206. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

(c) To acquire an interest in real property not owned by a public agency;

(d) To consider records that are exempt from disclosure as provided in [chapter 1, title 74](#), Idaho Code;

(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;

(g) By the commission of pardons and parole, as provided by law;

(h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;

(i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement; or

(j) To consider labor contract matters authorized under section [74-206A](#) (1) (a) and (b), Idaho Code.

(2) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this chapter to change the subject within the executive session to one not

identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

(4) If the governing board of a public school district, charter district, or public charter school has vacancies such that fewer than two-thirds (2/3) of board members have been seated, then the board may enter into executive session on a simple roll call majority vote.

[74-206, added 2015, ch. 140, sec. 5, p. 371; am. 2015, ch. 271, sec. 1, p. 1125; am. 2018, ch. 169, sec. 25, p. 377; am. 2019, ch. 114, sec. 1, p. 439.]

74-206A. NEGOTIATIONS IN OPEN SESSION. (1) All negotiations between a governing body and a labor organization shall be in open session and shall be available for the public to attend. This requirement also applies to negotiations between the governing body's designated representatives and representatives of the labor organization. This requirement shall also apply to meetings with any labor negotiation arbitrators, fact finders, mediators or similar labor dispute meeting facilitators when meeting with both parties to the negotiation at the same time. Provided, however, a governing body or its designated representatives may hold an executive session for the specific purpose of:

(a) Deliberating on a labor contract offer or to formulate a counteroffer; or

(b) Receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy.

(2) All documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes, shall be subject to public writings disclosure laws.

(3) Any other provision of law notwithstanding, including any other provisions to the contrary in sections [33-402](#) and [74-204](#), Idaho Code, the governing body shall post notice of all negotiation sessions at the earliest possible time practicable. This shall be done by the governing body by immediately posting notice of the negotiation session on the front page of its official website. If time permits, the governing body shall also post notice within twenty-four (24) hours at its regular meeting physical posting locations.

(4) Public testimony, if any, shall be posted as an agenda item.

[(74-206A) 67-2345A, added 2015, ch. 271, sec. 2, p. 1126; am. and redesig. 2016, ch. 47, sec. 41, p.125; am. 2019, ch. 85, sec. 1, p. 211.]

74-207. OPEN LEGISLATIVE MEETINGS REQUIRED. All meetings of any standing, special or select committee of either house of the legislature of the state of Idaho shall be open to the public at all times, except in extraordinary circumstances as provided specifically in the rules of procedure in either house, and any person may attend any meeting of a standing, special or select committee, but may participate in the committee only with the approval of the committee itself.

[74-207, added 2015, ch. 140, sec. 5, p. 372.]

74-208. VIOLATIONS. (1) If an action, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the provisions of this chapter, such action shall be null and void.

(2) Any member of the governing body governed by the provisions of this chapter, who conducts or participates in a meeting which violates the provisions of this act shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250).

(3) Any member of a governing body who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500).

(4) Any member of a governing body who knowingly violates any provision of this chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (3) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(5) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this act, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose as provided in section [31-2603](#), Idaho Code.

(6) Any person affected by a violation of the provisions of this chapter may commence a civil action in the magistrate division of the district court of the county in which the public agency ordinarily meets, for the purpose of requiring compliance with provisions of this act. No private action brought pursuant to this subsection shall result in the assessment of a civil penalty against any member of a public agency and there shall be no private right of action for damages arising out of any violation of the provisions of this chapter. Any suit brought for the purpose of having an action declared or determined to be null and void pursuant to subsection (1) of this section shall be commenced within thirty (30) days of the time of the decision or action that results, in whole or in part, from a meeting that failed to comply with the provisions of this act. Any other suit brought under the provisions of this section shall be commenced within one hundred eighty (180) days of the time of the violation or alleged violation of the provisions of this act.

(7) (a) A violation may be cured by a public agency upon:

(i) The agency's self-recognition of a violation; or

(ii) Receipt by the secretary or clerk of the public agency of written notice of an alleged violation. A complaint filed and served upon the public agency may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the governing body shall have fourteen (14) days to respond publicly and either acknowledge the open meeting violation and state an intent to cure the violation or state that the public agency has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation for purposes of proceeding with any enforcement action.

(b) Following the public agency's acknowledgment of a violation pursuant to paragraph (a) (i) or (a) (ii) of this subsection, the public agency shall have fourteen (14) days to cure the violation by declaring that all actions taken at or resulting from the meeting in violation of this act void.

(c) All enforcement actions shall be stayed during the response and cure period but may recommence at the discretion of the complainant after the cure period has expired.

(d) A cure as provided in this section shall act as a bar to the imposition of the civil penalty provided in subsection (2) of this section. A cure of a violation as provided in subsection (7) (a) (i) of this section shall act as a bar to the imposition of any civil penalty provided in subsection (4) of this section.

[74-208, added 2015, ch. 140, sec. 5, p. 372; am. 2015, ch. 345, sec. 1, p. 1301.]

CHAPTER 3
[RESERVED]