

AGENDA
McCall City Council

SPECIAL Meeting
WORK SESSION
December 17, 2010, at 11:00 a.m.
McCall City Hall (Lower Level)
Legion Hall
216 East Park Street

- 11:00 a.m.** **OPEN SESSION ROLL CALL**
- 11:05 a.m.** Discussion of potential amendments to MCC Title 1
- 12:30 p.m.** Discussion of potential City Council bylaws
- 1:00 p.m.** **ADJOURNMENT**

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact City Hall at 634-7142.

Memo

To: City Council
From: BessieJo Wagner, City Clerk
CC: Lindley Kirkpatrick, City Manager
Date: 12/14/2010
Re: Title 1 Amendments Work Session

The attached documents have been provided to assist you in your discussion of amending Title 1 of the McCall City Code (MCC). The documents are as follows:

- Document #1 is Title 1 of the MCC in its entirety. This document has recommended changes in red, and any highlighted sections need to be reviewed for possible amendment.
- Document #2 is a document prepared by Mayor Bailey. This document is the Mayor's suggestions as to how Title 1 of the MCC should be amended; it does not show changes it is just a rewrite of the code. I have implemented his suggestions into document #1 with the exception of the highlighted sections. These sections need Council discussion.
- Document #3 is an email from Bill Nichols commenting on some of the recommended changes by the Mayor. His email references the highlighted portions of Document #2.
- Document #4 is Title 8 of the Idaho Code that directly relates to our Title 1 of MCC for your reference.

The purpose of this work session is to identify areas in Title 1 of the MCC, open dialogue with Council as to what they would see as needing amending. The next step, after receiving direction from Council, is that staff will prepare an Ordinance for Council approval at the next regular Council meeting.

Chapter 1

ADOPTION OF OFFICIAL CODE

1-1-1: TITLE:

This compilation and codification of the general ordinances of the City of McCall is hereby declared to be and shall hereafter constitute the Official McCall City Code, and shall hereafter be known, designated and cited as the McCall City Code. Any reference made to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate title heading, its chapter heading, and its section heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal document. (Ord. 585-A, 8-8-91)

1-1-2: ACCEPTANCE:

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of a general and permanent effect of the City. (Ord. 585-A, 8-8-91)

1-1-3: AMENDMENTS:

Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to Sterling Codifiers, Inc., and the said ordinance materials shall be prepared for insertion in its proper place in each copy of this Code. Each such replacement page shall be properly identified and shall be inserted in each copy of this Code within thirty (30) days from the date of its final passage. (Ord. 585-A, 8-8-91)

1-1-4: CONSTRUCTION OF WORDS:

Whenever any word in any section of this Code importing the plural number is used, in describing or referring to any matters, parties, or persons, any single matter, party or person shall be deemed to be included, although, distributive words may not have been used. When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties, or persons and females as well as males and bodies corporate shall be deemed to be included. Provided, that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto. (Ord. 585-A, 8-8-91)

1-1-5: DEFINITIONS:

DEPARTMENT HEAD: The person appointed by the City Manager, and confirmed by the Council, to direct and oversee a City department listed in Section [1-9-9](#) of this Title.

KNOWINGLY: Imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such an act or omission.

NEGLECT, NEGLIGENCE, NEGLIGENT and NEGLIGENTLY: Import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

OFFICERS: The City Attorney, the City Clerk, ~~the City Fire Chief~~, the City Police Chief and the City Treasurer.

OWNER: Applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant in common, joint tenant or lessee of the whole or part of such building or land whether alone or with others.

PERSON: Includes any person, firm, association or corporation or any organization of any kind.

PERSONAL PROPERTY: Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

STREETS: Includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

WILFULLY: When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

WRITTEN and IN WRITING: May include printing.
(Ord. 585-A, 8-8-91; amd. Ord. 659, 3-10-94)

1-1-6: INTERPRETATIONS:

In the determination of the provisions of each section of this Code the following rules shall be observed:

(A) Intent to Defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any persons.

(B) Liability of Employers and Agents: When the provisions of any section of this Official Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be deemed guilty of the offense described and liable to the penalty set forth. (1964 Code)

1-1-7: SEPARABILITY:

If any title, chapter, section, subsection, sentence, clause or phrase or portion of this Code (called "provision" in the rest of this Section) is for any reason held invalid or unconstitutional by any judicially final decision of a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining provisions of this Code. The remaining provisions of this Code shall thereafter be interpreted without the offending provision, and the City Manager and City Attorney shall prepare conforming amendments and appropriate internal adjustments with all deliberate speed, for consideration by Council and any relevant advisory bodies. (Ord. 686, 10-26-95)

Chapter 2 SAVING CLAUSE

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the City passed prior to the passage of this Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses herein contained) from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances, appropriation ordinances, ordinances relating to boundaries and annexations, franchise ordinances, and other ordinances granting special rights to persons or corporations, contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants, salary ordinances, ordinances establishing, naming or vacating streets, alleys or other public places, improvement ordinances, bond ordinances, ordinances relating to elections, ordinances relating to the transfer or acceptance of real estate by or from the City and all special ordinances. (1964 Code)

1-2-2: PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code may contain provision for such matters, in which case this Code

shall be considered as amending such ordinance or ordinances in respect to such provision only. (1964 Code)

1-2-3: PENDING SUITS:

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings there after shall conform to the ordinances in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes affect,

This Section shall extend to all repeals, either by express words or implication whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this or the preceding sections shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as altering the liability of any person, firm, or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of adoption of this Code. (1964 Code)

Chapter 3 GENERAL PENALTY

1-3-1: GENERAL PENALTY:

Any person convicted of a misdemeanor or violation of any section of this Code shall be fined in a sum not exceeding three hundred dollars (\$300.00) for any one offense, provided said fine shall not exceed the amount permissible in the Magistrate's Division of the District Court, or confined in the County jail not more than thirty (30) days, or both such fine and imprisonment, recoverable with costs, and in default of payment of any fine imposed shall be imprisoned in the City or County jail for a period of one day for each ten dollars (\$10.00) of such fine, provided that upon conviction of driving a motor vehicle while the driver is intoxicated or under the influence of intoxicating liquor, the Court shall demand the delivery of the driver's license. Whenever a defendant is sentenced to imprisonment or is imprisoned for nonpayment of a fine or costs, he may be put to work for the benefit of the City for the term of his imprisonment. (Ord. 585-A, 8-8-91)

1-3-2: TO WHAT ACTS PENALTY SHALL ATTACH:

Any person who shall commit any act declared by any section of this Code to be unlawful, or who fails to perform any act or discharge any obligation or duty required by or imposed upon him by any ordinance shall be deemed guilty of a misdemeanor, and shall be subject to the penalty fixed for the violation with like effect as if such penalty were specifically declared in the section forbidding such act or declaring the same to be unlawful or prescribing the duty or imposing the obligation, and where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature is forbidden or declared to be unlawful, a separate offense shall be deemed committed upon each day during or on which such violation occurs or continues, except where otherwise provided in this Code. (1964 Code)

Chapter 4 SEAL

1-4-1: CITY SEAL:

The Corporate Seal of the City shall be circular in form with inner and outer circles. The outer circle shall be one and fifteen-sixteenths inches ($1\frac{15}{16}$ ") in diameter. It shall bear upon the space between the two (2) circles, the words, "McCall, Idaho" in lowercase and "CITY OF McCALL, IDAHO" in uppercase letters, and upon the space within the inner circle the word, "SEAL"¹. (Ord. 585-A, 8-8-91)

Chapter 5 OFFICIAL NEWSPAPER

1-5-1: OFFICIAL NEWSPAPER:

Pursuant to Idaho Code, section 50-213, ~~the "Central Idaho Star News The Star-News"~~, McCall, Idaho, is the official newspaper of the City of McCall. Publication of official notices, calls for bids, ordinances and other matters in this newspaper of general circulation shall constitute legal publication within the requirements of Federal codes, State statutes and local ordinances. (Ord. 585-A, 8-8-91)

Chapter 6 INITIATIVE AND REFERENDUM

1-6-1: INITIATIVE AND REFERENDUM:

- (A) Creation of Right: The people of this City shall have the right to enact ordinances through the initiative process, according to the procedures set forth herein.
- (B) Number of Petitioners Required: To enact an ordinance by initiative or to repeal an ordinance by referendum, there shall be attached or appended to the petition the signatures of the legal voters of the City equal to at least twenty percent (20%) of the total number of voters registered to vote at the last general election in the City.
- (C) Time for Filing Petitions: Referendum petitions with the requisite number of signatures attached shall be filed with the City Clerk not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum.
- (D) Time for Election: A special election for initiative or referendum shall be provided not more than ninety (90) days following the certification of the petition, provided that in the event a Municipal election will occur within ninety (90) days, the initiative and referendum shall be submitted at the time of the Municipal election.
- (E) Requirements for Signature, Verification of Valid Petitions, Printing of Petition and Time Limits: Referendum and initiative petitions shall conform with the requirements for signature, verification of valid petitions, printing of petitions, and time limits, except as expressly modified to meet the purposes of initiative and referendum to be as nearly as practicable as provided in sections 34-1701 through 34-1705 of the Idaho Code. (Ord. 585-A, 8-8-91)

Chapter 7 CITY MANAGER

1-7-010: OFFICE OF CITY MANAGER CREATED:

The office of city manager of the city is hereby created. The city manager shall be appointed by the council on the basis of the individual's qualifications and experience and other factors deemed relevant by the council; and the city manager shall hold office during the pleasure of the council. (Ord. 659, 3-10-1994)

1-7-020: ELIGIBILITY:

Residence in the city at the time of appointment as city manager shall not be required as a condition of appointment, but residence must be established within twelve (12) months after appointment, unless the council determines to waive this requirement with respect to a particular city manager in the light of the situation at the time. No person elected to membership on the council shall, subsequent to such election, be eligible for appointment as city manager until one year has elapsed after that person has ceased to be a member of the council. (Ord. 676, 11-3-1994)

1-7-030: BOND:

The city manager shall secure a corporate surety bond to be approved by the council in such sum as may be determined by the council, which shall be conditioned on the faithful performance of the duties imposed on the city manager as herein prescribed. The bond fee shall be paid by the city. (Ord. 659, 3-10-1994)

1-7-040: ABSENCE:

To perform the duties of the city manager during the temporary absence or disability of the permanent city manager, the permanent city manager may designate by letter, filed with the city attorney, a qualified administrative officer of the city. In the event of a failure to make such designation, the council may, by resolution, appoint an officer of the city to perform the duties of the city manager until the permanent city manager shall have returned or the disability shall have ceased, and the appointee shall qualify as provided under sections [1-7-020](#) and [1-7-030](#) of this chapter. (Ord. 659, 3-10-1994)

1-7-050: COMPENSATION:

The city manager shall receive such compensation as the council shall from time to time determine and fix by resolution. The city manager shall be reimbursed for all sums necessarily incurred or paid by the city manager in the performance of the city manager's duties or incurred when traveling on business pertaining to the city under direction of the council; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the council and by such council approved and allowed. (Ord. 659, 3-10-1994)

1-7-060: POWERS AND DUTIES:

The city manager shall:

- (A) Have general supervision over the business of the city.
- (B) See that the ordinances and policies of the city are complied with and faithfully executed.
- (C) Attend all meetings of the council at which the city manager's attendance is required by that body.
- (D) Recommend for adoption to the council such measures as the city manager may deem necessary or expedient.
- (E) Make the appointment of all department heads, subject to confirmation of such appointment by the council and such civil service regulations as may relate thereto; provided, however, that the city attorney shall be excluded from the scope of the city

manager's appointment, termination and supervisory authority. The city attorney shall report directly to council; however the services and facilities of the city attorney shall be made available to the city manager and, under guidelines of the city manager, to the officers, department heads and staff of the city as to city business.

- (F) Prepare and submit to the council such reports as may be required by that body, or as the city manager may deem advisable.
- (G) Keep the council fully advised of the financial condition of the city and its future needs.
- (H) Prepare and submit to the council a tentative budget for the next fiscal year.
- (I) Perform such other duties as the council may establish by ordinance or resolution.
- (J) Terminate a department head's appointment, subject to confirmation of such termination by the council and such civil service regulations as may relate thereto.
- (K) Possess such powers as are vested in the mayor as provided in Idaho Code section 50-606.
- (L) Authorize the waiver of fees when such a waiver would be in the public interest, if the requester demonstrates an inability to pay, or when the waiver conforms to an approved departmental policy. An affected person(s) aggrieved by a decision by the city manager may appeal such decision in writing to the council within sixty (60) days of notification of denial by the city manager. (Ord. 751, 1-25-2001)

1-7-070: ORDERS AND DIRECTIONS:

The council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the council nor any member thereof shall give orders to any subordinates of the city manager. (Ord. 659, 3-10-1994)

Chapter 8 THE CITY COUNCIL

1-8-1: AUTHORITY, DUTIES AND POWERS:

The authority, duties and powers of the McCall city council are as defined specifically in title 50, chapter 7, Idaho Code, and generally as may be assigned in title 50, Idaho Code. The legislative authority of McCall (the City) is vested in the City Council which consists of five (5) members. (Ord. 585A, 8-8-1991)

A. Qualifications

Any person shall be eligible to hold the office on the City Council who is a qualified elector of the City at the time their declaration of candidacy or declaration of intent is submitted to the City Clerk and remains a qualified elector during their term of office.

B. Term of Office

The term of office of each Council person shall be for a period of four (4) years except as otherwise specifically provided.

1-8-2: REGULAR MEETINGS:

Regular meetings of the council shall be held on the second and fourth Thursdays of each and every month at the city hall, 216 East Park Street, McCall, Idaho, except for October, November and December, the regular meetings will be held on the first and third Thursdays to accommodate for the Holidays. ~~that when such regular meetings fall upon a legal holiday, the same shall be held on the preceding day unless otherwise fixed by the council.~~ At all meetings of the Council a majority of the full Council shall constitute a quorum for the transaction of business; unless otherwise provided by law, a question before the Council shall be decided by a majority of the members present. For the purpose of holding regular or special meetings a number less than a majority may compel the attendance of absent members in such manner and under such penalties as the Council may, by ordinance, have previously prescribed. Regular or special meetings of the Council may be recessed until further notice. (Ord. 585A, 8-8-1991)

1-8-3: SPECIAL MEETINGS; CALLING OF SAME:

Special meetings of the council may be called at any time by the mayor, or by one-half ($\frac{1}{2}$) plus one of the members of the full council, and in each instance the object of the call shall be submitted to the council in writing, which call and object as well as the disposition thereof, shall be entered upon the journal of the clerk. (Ord. 585A, 8-8-1991)

1-8-4: TIME OF MEETING:

All council meetings shall begin at ~~six o'clock~~ (6:00 5:30) P.M. unless a different time be specified for special meetings in the call of such special meetings. (Ord. 801, 12-15-2004)

1-8-5: SALARY OF THE COUNCIL MEMBERS:

~~The salary of each member of the council shall be two hundred dollars (\$200.00) per month.~~ Each member of the Council shall receive a monthly salary in the sum of two hundred (\$200.00). Each member of the Council shall also receive health benefits, dental benefits, vision benefits, long term disability benefits and healthcare reimbursement account benefits in the same amount afforded to City of McCall

employees. Each member of the shall also receive Idaho PERSI retirement benefits in the same amount afforded to City of McCall employees as prescribed by Idaho Code section 59-1322. If such benefits are declined by a member of the Council, a monthly payment shall be made compensating such member of the Council for benefits in an amount not to exceed the value of the benefits. No other compensation shall be afforded to the Council members. (Ord. 585-A, 8-8-1991)

~~1-8-6: PROCEDURES FOR FILLING VACANCIES ON COUNCIL:~~

~~In the event a vacancy exists in the membership of the council, the council shall adopt a motion to meet as a committee of the whole. The committee of the whole shall consider the matter of an appointment to fill such vacancy, make a recommendation to the mayor and adjourn. The council then having been called back into its session, the mayor shall appoint such person as was recommended by the committee of the whole; the mayor may vote against confirmation of that appointment if the mayor chooses to do so. (Ord. 659, 3-10-1994)~~

1.8.6 Expenses

A member shall be reimbursed for all sums necessarily incurred or paid in the performance of the Member's duties or incurred when traveling on business pertaining to the City under direction of the or in the ordinary performance of the duties of the ; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the full and by such approved and allowed.

1.8.7 Orders

The Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager.

1-8-78: MAYOR; AUTHORITY, DUTIES AND POWERS:

The mayor shall be elected by the council from among its membership for a term of two (2) years at the first meeting of the council after each general or special election of members of the council; the mayor may be removed by the council. The authority, duties and powers of the mayor are as defined specifically in section 50-810, Idaho Code, and generally as may be assigned in title 50, Idaho Code, to the extent consistent with chapter 8, title 50, Idaho Code. (Ord. 659, 3-10-1994)

1-8-89: SALARY OF MAYOR:

The salary of the mayor of the city shall be three hundred fifty dollars (\$350.00) per month. The Mayor shall receive a monthly salary in the sum of three hundred and fifty dollars (\$350.00). The Mayor shall also receive health benefits, dental benefits, vision benefits, long term disability benefits and healthcare reimbursement account benefits in the same amount afforded to City employees. The Mayor shall also receive Idaho PERSI retirement benefits in the same amount afforded to City employees as prescribed by Idaho Code section 59-1322. If such benefits are declined by the Mayor, a monthly payment shall be made compensating the Mayor for benefits in an amount not to exceed the value of the benefits. No other compensation shall be afforded to the Mayor.

1.8.10 Expenses

The Mayor shall be reimbursed for all sums necessarily incurred or paid by the Mayor in the performance of the Mayor's duties or incurred when traveling on business pertaining to the City under direction of the Council or in the ordinary performance of the duties of the Mayor; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the and by such approved and allowed.

Chapter 9 OFFICERS

1-9-1: OATHS:

Each officer of the city shall take and subscribe such oath as may be required by law of city officers before a person authorized to administer oaths, which oath shall be filed with the clerk. No officer shall enter upon the duties of his office until he shall have taken, subscribed and filed such oath. (Ord. 585A, 8-8-1991)

1-9-2: BONDS:

The officers of the city before entering upon the performance of their duties shall enter into and execute to said city good and sufficient bonds signed by sureties acceptable to the city council, conditioned for the faithful performance of the duties of their respective offices according to law and the provisions of this code, which said bonds shall be not less than an amount of twenty five thousand dollars (\$25,000.00) for each the clerk and the treasurer. Bonds for other offices shall be fixed from time to time by ordinance. The bonds of all officers, except those of the clerk shall, after being approved by the council, be filed with the clerk. The bond of the clerk shall, after like approval, be filed with and kept by the treasurer. (Ord. 585A, 8-8-1991)

1-9-3: PAYMENT OF SALARIES:

The salaries of all appointive officers of the city shall be fixed by resolution of the council. (Ord. 585A, 8-8-1991)

1-9-4: APPOINTMENT AND REMOVAL:

The council shall appoint or remove the city attorney or confirm or fail to confirm the city manager's appointment or removal of a department head (whether or not also an officer) as follows:

- (A) Appointment Or Removal Of City Attorney: The city council shall, by majority vote of the full council (e.g., a vote of at least 3 members of a 5 member board), appoint or remove the city attorney (including the city prosecutor).
- (B) Appointment Of Department Heads: The city manager may appoint acting department heads at any time. The city manager shall appoint permanent department heads subject to council confirmation. The council confirmation shall be by majority vote of the full council held prior to presenting a formal offer to the candidate.
- (C) Removal Of Department Heads: The city manager may temporarily remove any officer (other than the city attorney) at any time pending council action. The city manager shall present to the council in executive session, pursuant to Idaho Code section 67-2345(1)(b) or its successor, personnel issues, the basis for the permanent removal of the officer or department head. The council shall confirm or fail to confirm the permanent removal in open session by majority vote of the full council.
- (D) Committee Vacancies: When a vacancy on a committee occurs, the city shall advertise for replacement candidates for a minimum of two (2) weeks. The city staff shall provide council with copies of all responses. The city staff, in consultation with the appropriate committee, shall review the qualifications of those interested in serving on the committee and provide the council with input to accompany the packet of information on prospective replacements.
- (E) Appointment Of Committee Members: The city manager, or other designated member of the city staff, shall present to the council recommendations for appointments of members of all committees. The council shall confirm or fail to confirm the appointment by majority vote of the full council in open session. Members of committees have an obligation to perform their duties and conduct themselves in a professional manner that is consistent with the committee's charter, council's guidance, and in a manner that does not reflect adversely upon the city.
- (F) Removal Of Committee Members: A member of a committee may be removed as follows:

1. The chair of any advisory committee may, upon receiving a majority vote of the committee, request to the city manager that the member be temporarily removed pending council action. The chair shall present to the council the basis for removal in open session. The council shall remove or fail to remove the committee member by majority vote of the full council.
2. The city manager may temporarily remove a committee member and request the member's permanent removal from the committee if the member has acted in such a manner to bring discredit to the city or has acted in a manner that is clearly in violation of the expectations of the council, or displayed conduct that is malicious or capricious in nature. The city manager shall present the reasons for removal to the council at the next regularly scheduled city council meeting. The council shall permanently remove or fail to remove the member by majority vote of the full council.

(G) Exceptions: These appointment and removal procedures may be amended by written contract. (Ord. 772, 11-14-2002)

1-9-5: PERSONNEL RULES; APPLICABILITY:

The rights and duties of employees are defined by the personnel policy manual adopted and amended from time to time by resolutions of the council. The city manager, city officers and department heads are exempt employees. The city manager, city officers and department heads shall perform such supervisory and grievance duties as are assigned to them by the personnel rules. (Ord. 659, 3-10-1994)

1-9-6: PERSONS APPOINTED TO MORE THAN ONE OFFICE:

Nothing shall prohibit an individual from being appointed to more than one office. (Ord. 585A, 8-8-1991)

1-9-7: DEPUTY OFFICERS:

Nothing shall prohibit the council from creating and designating a deputy city clerk, and deputy city treasurer. Such deputies shall also be regarded as officers. An individual in the classified service cannot serve as a deputy officer. (Ord. 585A, 8-8-1991)

1-9-8: OFFICERS, CONTRACTOR AND EMPLOYEE STATUS:

The city council may elect to have officers who are not employees. Where such election is made, a contractual relationship shall be provided for, with such contract to be approved or rescinded in the manner provided for appointment and removal of officers in Idaho Code, sections 50-204 and 50-206. (Ord. 585A, 8-8-1991)

1-9-9: DEPARTMENTS DESIGNATED AND OFFICERS' AND DEPARTMENTS' DUTIES LISTED BY TITLE:

The city of McCall deems it necessary for the efficient operation of the city to create the following departments of the city, each to be administered by a department head. **The department heads appointed by the city manager for the treasury department are, unless otherwise directed by council at the time, the police chief and treasurer, respectively, each upon confirmation by council of the appointment.**

<u>Department</u>	<u>Responsible Officer And Department Head</u>
Airport	Airport manager
Golf and parks	Director of g <u>Golf Superintendent and parks operations</u>
Police	Police chief
Public works	Public works director
<u>Parks and Recreation</u>	<u>Parks and Recreation director</u>
Treasury	Treasurer
<u>Community Development</u>	<u>Community Development Director</u>
<u>Information Systems</u>	<u>Information Systems Manager</u>

The rights, duties and responsibilities of each city officer and/or department are:

(A) City Clerk:

1. Duties And Meetings: The city clerk shall attend all meetings of the city council, and keep a true and accurate journal of the proceedings of the council in a book to be furnished by the city.
2. Custodian Of Seal: The city clerk shall be the keeper of the seal¹ of the city and shall affix it to all documents; which by law are required to be attested with the seal of the city.
3. Custodian Of Records: The city clerk shall have the custody of and shall safely keep all records, documents, contracts, bonds and all other papers and instruments belonging to the city until disposed of in accord with Idaho Code 50-907. It shall be the clerk's duty to keep the original ordinances passed by the council. The clerk shall attach to each copy of an ordinance thus made a certificate signed by the clerk and attested with the seal of the city to the effect that the copy is a true and correct copy of the ordinance as passed.
4. Certified Instruments: Upon payment of the fees therefor~~e~~ fixed in accord with resolution of the council, the clerk shall furnish any person applying therefor~~e~~ a certified copy of any record, ordinance, paper or document in the clerk's possession as such clerk except those records exempt by law from disclosure or copying. All fees shall be accounted for and paid to the treasurer of the city.
5. Processing Public Records Requests: The clerk shall oversee the processing of open records requests as required by the Idaho public records act, the "act", sections 9-335

to 9-350, Idaho Code; and, provided further, pursuant to a fee schedule enacted by resolution of the council, the clerk shall charge fees for providing copies of such public record and, as provided by the act, for the administrative and labor costs of locating and providing access to the copies of such records.

6. General Duties: The clerk shall do and perform such other duties as may be required from time to time by order of the council or as prescribed in title 50, Idaho Code.

(B) City Treasurer: The treasurer shall:

1. Be custodian of all money belonging to the city;
2. Keep a separate account of each fund or appropriation, and the debits and credits belonging thereto;
3. Give a receipt to every person paying money into the treasury, thereon specifying the date of payment and on what account paid; and also file copies of such receipts with the monthly reports;
4. At the end of each and every month and as often as may be required, render an account to the council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury; and accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by the treasurer, which warrants, with any and all vouchers held by the treasurer, shall be filed with the account in the clerk's office; and if the treasurer neglects or fails for the space of ten (10) days from the end of each and every month to render the account, the office shall be declared vacant and the council shall fill the vacancy by appointment;
5. Keep a record of all outstanding bonds against the city showing the number, amount of each, and to whom said bonds were issued; and when any bonds are purchased, paid or canceled, and record shall show the fact; and
6. In the annual report describe particularly the bonds issued and sold during the year and the terms of the sale with each and every item of expense thereof.

(C) City Attorney: The city attorney shall:

1. Be a member in good standing of the Idaho state bar;
2. Be the legal advisor of the municipal corporation;
3. Represent the city in all civil suits or proceedings in which the city is interested;
4. Attend all council meetings;
5. Report to the council on legal and policy matters at their request and direction;

6. Prosecute those violations of county or city ordinances, state traffic infractions, and state misdemeanors committed within the municipal limits; and in so doing, shall exercise the same powers as the county prosecutor including, but not limited to, granting immunity to witnesses; and
7. Perform such other duties as may be prescribed by ordinances and resolutions duly passed.

Nothing herein, however, shall preclude the city from employing alternative additional counsel when deemed advisable, such as when retaining bond counsel, or when the city attorney retains other temporary assistance as provided for in the budget respecting that office.

- (D) Public Works Department: The public works department shall be responsible for the safe and efficient operation and maintenance of the city's water and sewer systems including collection and distribution networks and treatment facilities, and the maintenance of the public streets, roads and alleys, and city airport.
- (E) Parks and Recreation Department: The parks and recreation department shall be responsible for creating and maintaining a recreation program meeting the needs of the resident and tourist population of the community. To those ends, the department shall propose fees to defray the costs of such services, which must be approved by the council and adopted by resolution. The parks and recreation shall be responsible for the maintenance of city parks, and all buildings and all improvements thereon and all equipment.
- (F) Golf ~~And Parks~~ Department: The golf ~~and parks~~ department shall be responsible for the maintenance of ~~city parks~~, the McCall municipal golf course² and all buildings and all improvements thereon and all equipment.
- (G) Police Chief: The chief of police shall be chief of the police force and all full-time or reserve police officers shall be subordinate to the chief and subject to the chief's orders. It shall be the chief's duty to cause the public peace to be preserved and to see that all laws and provisions of this code are enforced within the city limits. The chief, and through the chief, the police department, have the responsibilities stated in section [5-1-020](#) of this code.
- (H) Airport Department: The airport department shall administer and enforce all ordinances, rules and regulations for the operation and maintenance of the McCall municipal airport³ as promulgated by the mayor and council, and shall do and perform such other duties that may be fixed by resolution by the council. (Ord. 752, 1-11-2001)
- (I) Community Development: The Community Development Department implements the City's vision and mission as it relates to the existing and proposed land use and built environment. The responsibilities are divided into five main categories: planning (current planning, development review, and long range planning); building (building permits, plan review, building policy, and inspection); grants (grant writing and

administration); Geographic Information Systems (GIS); and code enforcement in cooperation with the McCall Police Department.

(J) Information Systems: The Information Systems (InfoSys) Department provides centralized management, operations, planning, budgeting and purchasing for the City's broad range of information technology needs. Responsibilities include computers, servers, software, VoIP phone system, wired and wireless networks, network services, and helpdesk support for City staff. InfoSys provides services such as data storage and backup, Exchange / email, antispam and malware defense, and network security for all City departments and facilities. InfoSys also provides certain services to the general public – those services include support of public-access computers in the Library, and a wide array of public information via the City's website.

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See [chapter 4](#) of this title.

[Footnote 2](#): See title VIII, [chapter 15](#) of this code.

[Footnote 3](#): See title VIII, [chapter 16](#) of this code.

Chapter 10

BOARDS, COMMITTEES AND COMMISSIONS

1-10-1: TEMPORARY CITY ADVISORY COMMITTEES:

Pursuant to Idaho Code, section 50-210, the city of McCall deems it necessary or expedient to the efficient operation of the city to have citizen advisory committees including, but not limited to, those named below:

Airport advisory committee
~~Building standards advisory committee~~
 Golf course advisory committee
 Parks and Recreation advisory committee
~~Recreation advisory committee~~
 Transportation advisory committee
McCall Improvement committee
Historic Preservation commission
Tree advisory committee
Environmental advisory committee

The council shall assign duties and responsibilities to each of these committees by motion of the council and provide for the committees' organizations. Members shall be appointed and removed according to the procedure set out in section [1-9-4](#) of this title. (Ord. 752, 1-11-2001)

1-10-2: PERMANENT BOARDS AND COMMISSIONS:

There shall be the following permanent boards and commissions whose existence, duties and responsibilities are provided by the Idaho Code:

- (A) The planning and zoning commission further provided for in title ~~311~~ of this code; and
- (B) The library board constituted as provided in the Idaho Code, title 33, chapter 26. (Ord. 609, 6-11-1992)

Chapter 11 URBAN RENEWAL AGENCY

1-11-1: URBAN RENEWAL BOARD OF COMMISSIONERS; APPOINTMENT AND TERM:

The Mayor, by and with the advice and consent of the Council, shall appoint a Board of Commissioners of the Urban Renewal Agency which shall consist of seven (7) members. The term of office of a Commissioner shall be three (3) years, and such terms shall be staggered such that three (3) are appointed every three (3) years commencing in 1992 and two (2) are appointed in each other year. Nothing in this Section shall be construed to change the term of office of any Commissioner presently serving. (Ord. 622, 12-10-92)

1-11-2: DUTIES OF URBAN RENEWAL BOARD OF COMMISSIONERS:

The duties of the Urban Renewal Board of Commissioners shall be as set forth in chapters 20 and 29 of title 50, Idaho Code, and applicable City ordinances now and hereafter adopted. (Ord. 585-A, 8-8-91)

Chapter 12 ELECTIONS

1-12-1: HOURS OF OPENING AND CLOSING POLLS FOR CITY GENERAL AND SPECIAL ELECTIONS:

At all general and special City elections the polls shall be open for voting at the hour of eight o'clock (8:00) A.M. and remain open until eight o'clock (8:00) P.M. of the same day. (Ord. 594, 9-5-91)

Chapter 8 THE CITY COUNCIL

- 1.8.1 Authority, Duties and Powers**
- 1.8.2 Regular Meetings**
- 1.8.3 Special Meetings; Calling of Same**
- 1.8.4 Time of Meeting**
- 1.8.5 Salary of the Council Members**
- 1.8.6 Expenses**
- 1.8.7 Orders**
- 1.8.8 Mayor; Authority, Duties and Powers**
- 1.8.9 Salary of the Mayor**
- 1.8.10 Expenses**
- 1.8.11 Elections of the Council Members**
- 1.8.12 Effective Date (See IC 50-807)**

1.8.1 Authority, Duties and Powers

The authority, duties and powers of the McCall City Council are as defined specifically in title 50, chapter 7, Idaho Code, and generally as may be assigned in title 50, Idaho Code. The legislative authority of McCall (the City) is vested in the City Council which consists of five (5) members.

A. Qualifications

Any person shall be eligible to hold the office on the City Council who is a qualified elector of the City at the time their declaration of candidacy or declaration of intent is submitted to the City Clerk and remains a qualified elector during their term of office.

B. Term of Office

The term of office of each Council person shall be for a period of four (4) years except as otherwise specifically provided.

1.8.2 Regular Meetings

Regular meetings of the City Council shall be held each month at such place and times as the Council may establish by ordinance. At all meetings of the Council a majority of the full Council shall constitute a quorum for the transaction of business; unless otherwise provided by law, a question before the Council shall be decided by a majority of the members present. For the purpose of holding regular or special meetings a

number less than a majority may compel the attendance of absent members in such manner and under such penalties as the Council may, by ordinance, have previously prescribed. Regular or special meetings of the Council may be recessed until further notice.

1.8.3 Special Meetings; Calling of Same

One-half (1/2) plus one (1) of the members of the full Council shall have the power to call special meetings of the City Council, the object of which shall be submitted to the Mayor in writing; the call and object, as well as the disposition thereof, shall be entered upon the journal of the City Clerk.

1.8.4 Time of Meeting

All meetings shall begin at six o'clock (6:00) P.M. unless a different time be specified for special meetings in the call of such special meetings.

1.8.5 Salary of the Council Members

Each member of the Council shall receive a monthly salary in the sum of two hundred (\$200.00). Each member of the Council shall also receive health benefits, dental benefits, vision benefits, long term disability benefits and healthcare reimbursement account benefits in the same amount afforded to City of McCall employees. Each member of the Council shall also receive Idaho PERSI retirement benefits in the same amount afforded to City of McCall employees as prescribed by Idaho Code section 59-1322. If such benefits are declined by a member of the Council, a monthly payment shall be made compensating such member of the Council for benefits in an amount not to exceed the value of the benefits. No other compensation shall be afforded to the Council members.

1.8.6 Expenses

A member shall be reimbursed for all sums necessarily incurred or paid in the performance of the Member's duties or incurred when traveling on business pertaining to the City under direction of the Council or in the ordinary performance of the duties of the Council; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the Council and by such Council approved and allowed.

1.8.7 Orders

The Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager.

1.8.8 Mayor; Authority, Duties and Powers

The Mayor shall be elected by the Council from among its membership for a term of two (2) years at the first meeting of the Council after each general or special election of members of the Council; the Mayor may be removed by the Council. The authority, duties and powers of the Mayor are as defined specifically in section 50-810, Idaho Code, and generally as may be assigned in title 50, Idaho Code, to the extent consistent with chapter 8, title 50, Idaho Code.

A. Administrative Official

The Mayor shall be the chief legislative Official of the City, preside over the meetings of the City Council and determine the order of business subject to such rules as the Council may prescribe and take care that the ordinances of the City and provisions of IC Title 50 are complied with and enforced.

B. Messages to the Council

The Mayor shall, from time to time, communicate to the City Council such information and recommend such measures as, in his opinion, may tend to the improvement of the finances, the protection, the health, the security, the ornament, the comfort, and the general welfare and prosperity of the City.

C. Special Meetings of the Council

The Mayor shall have the power to call special meetings of the City Council, the object of which shall be submitted to the Council in writing; the call and object, as well as the disposition thereof, shall be entered upon the journal by the City Clerk.

D. Accounts and Reports of the Officers

The Mayor shall have the power, when it is deemed necessary, to require any officer of the City to exhibit his accounts or other papers of the office, and to make written reports pertaining to the office to the Council.

At least once in each quarter of each year, the Council shall examine, in open session, the accounts and doings of all officers or other persons having the care, management or disposition of moneys, property or business of the City.

E. Police Powers

The Mayor shall have such jurisdiction as may therein be vested in him by ordinance over all places within five (5) miles of the corporate limits of the City, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters therein vested by ordinance, except taxation, within one (1) mile of the corporate limits of the City and over such properties as may be owned by the City without the corporate limits. (Idaho Statute 50-606)

F. General Powers and Authority

The Mayor shall have and exercise such powers, prerogatives and authority as is conferred by the laws of the state of Idaho or as may be conferred upon him by the City, and shall have the power to administer oaths, and shall sign all contracts and conveyances in the name of and on behalf of the City. Also:

1. At the recommendation of the City Manager, nominate for the appointment of all department heads, subject to confirmation of such appointment by the Council and such civil service regulations as may relate thereto. The City Attorney shall report directly to the Council; however the services and facilities of the City Attorney shall be made available to the City Manager and, under guidelines of the City Manager, to the officers, department heads and staff of the City as to City business.

Title 1, Administrative

2. Prepare and submit to the Council such reports as may be required by that body or as the Mayor may deem advisable.
3. Keep the Council fully advised of the financial condition of the City and its future needs.
4. Direct the Council participation in the preparation of a tentative budget for the next fiscal year, or years, as may be requested.
5. Authorize the waiver of fees when such a waiver would be in the public interest, if the requester demonstrates an inability to pay, or when the waiver conforms to an approved departmental policy. An affected person(s) aggrieved by a decision by the Mayor may appeal such decision in writing to the Council within sixty (60) days of notification of denial by the Mayor.

G. Laws

The Mayor is hereby authorized to call on every resident in the City over twenty-one (21) years of age to aid in enforcing the laws. (Idaho Code 50-609)

H. Vacancy

In case of a temporary vacancy in the office of Mayor due to absence or disability, the President of the Council shall exercise the office of Mayor during such disability or temporary absence, and until the Mayor shall return. When a vacancy occurs in the office of Mayor by reason of death, resignation or permanent disability, the City Council shall fill the vacancy from within or without the Council as may be deemed in the best interests of the City, which appointee shall serve until the next general City election, after which election a Mayor shall be selected from the then sitting members of the Council at their first meeting in the following January.

1.8.9 Salary of the Mayor

The Mayor shall receive a monthly salary in the sum of three hundred and fifty dollars (\$350.00). The Mayor shall also receive health benefits, dental benefits, vision benefits, long term disability benefits and healthcare reimbursement account benefits in the same amount afforded to City employees. The Mayor shall also receive Idaho PERSI retirement benefits in the same amount afforded to City employees as prescribed by Idaho Code section 59-1322. If such benefits are declined by the Mayor, a monthly payment shall be made compensating the Mayor for benefits in an amount not to exceed the value of the benefits. No other compensation shall be afforded to the Mayor.

1.8.10 Expenses

The Mayor shall be reimbursed for all sums necessarily incurred or paid by the Mayor in the performance of the Mayor's duties or incurred when traveling on business pertaining to the City under direction of the Council or in the ordinary performance of the duties of the Mayor; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the and by such approved and allowed.

1.8.11 Elections of the Council Members

Each Council person elected at a general City election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Council members elected at each general City election shall be installed at the first meeting in January following election.

A. Election of the Council

The candidates receiving the highest number of votes for any open seat(s) shall be elected to the Council. In the event two or more candidates receive an identical number of votes, there shall be a runoff election between those candidates receiving the equal numbers of votes cast. Such runoff election shall be conducted as in the general election in a manner and at such time within thirty (30) days of the general election, as prescribed by the City and shall be exempt from the limitation upon elections provided in sections [34-106](#) and [50-429](#), Idaho Code. The ballot shall be prepared by the City Clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the City Clerk not less than twenty (20) days preceding any runoff election, and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election. (IC 50-707)

B. Vacancy and Appointment

A vacancy on the Council shall be filled by appointment made by the Mayor with the consent of the Council, which appointee shall serve only until the next general City election, at which such vacancy shall be filled for the balance of the original term.

C. Meetings and Bylaws

Regular meetings of the City Council shall be held each month at such place and times as the Council may establish by ordinance. At all meetings of the Council a majority of the full Council shall constitute a quorum for the transaction of business; unless otherwise provided by law, a question before the Council shall be decided by a majority of the members present. For the purpose of holding regular or special meetings a number less than a majority may compel the attendance of absent members in such manner and under such penalties as the Council may, by ordinance, have previously prescribed. The Council may adopt, and modify from time to time, *Bylaws and Rules of Procedure*.

D. Election of Mayor and President

The manner of conducting that first meeting of the new Council shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, to include the election of a member as Mayor and another as President of the Council.

1.8.12 Effective Date (See IC 50-807)

This amendment to Chapter 8 of Title 1 shall take effect no later than seventy five (75) days following adoption by the council.

BessieJo Wagner

From: William F. Nichols [wfn@WHITEPETERSON.com]
Sent: Monday, November 29, 2010 5:15 PM
To: dbaileybitt@hotmail.com
Cc: Lindley Kirkpatrick; BessieJo Wagner
Subject: Revisions to City Code re: Mayor/Council

Don

After reviewing some of the provisions in the draft you sent out, I am concerned that some of the provisions in 1.8.8 that were pulled from Chapter 6, Title 50 may run afoul of 50-810. Although that section does allow the council to set some duties, it also says "but this shall not be construed as conferring upon him administrative powers or functions of a mayor under the general laws of the state."

There may be some of the provisions that can be changed to be acceptable, but most that are pulled from Chapter 6 will probably have to be deleted. For example, the last phrase in A "take care that..." is an administrative function. Under D, the right to demand performance by an officer of the City is an administrative function. The Council can also make that demand but they do so by action taken at a meeting, or by directing the City Manager to get the information. Section E is also an administrative, not legislative, function.

Perhaps it would be helpful if the Council were to detail what it wants to achieve and then we look at what can be changed, if anything, to accomplish those objectives. I have not finished my review of the draft ordinance but wanted you to have these thoughts.

Bill N.

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TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 8
COUNCIL-MANAGER PLAN

50-806.election of officials following adoption -- determining successful candidates -- designation of seats. [effective January 1, 2011] (1) when the proposition is submitted to the electors under section [50-803](#)(1), Idaho code, officials shall be elected at the same election during which the proposition is submitted to the voters; when the proposition submitted to the electors under subsection (2) of section [50-803](#), Idaho code, officials shall be elected at the same general city election. If any proposition submitted to the electors under section [50-803](#), Idaho code, fails to receive a favorable vote, the election of officials at the same election shall be declared null and void. Determination of successful candidates at either a special or general election shall be as herein provided: a. When the council is to consist of five (5) members, the three (3) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and two (2) to serve two (2) year terms or so much thereof as remains; b. When the council is to consist of seven (7) members, the four (4) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and three (3) to serve two (2) year terms or so much thereof as remains. At each general city election thereafter, councilmen shall be elected to fill the unexpired terms. (2) By ordinance, the city may assign a number to each council seat. In that event candidates will file for a designated seat and the candidate receiving the largest number of votes for the seat he has filed for shall be declared elected.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 8
COUNCIL-MANAGER PLAN

50-808.POWERS -- DUTIES OF THE COUNCIL. The council shall have all powers delegated under general law, appoint a chief administrative officer to be known as the city manager, and confirm all appointments of department heads made by the city manager.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 8
COUNCIL-MANAGER PLAN

50-809.MAYOR. (1) At the time of installing and swearing in the councilmen following each general city election, or special election called for the purpose of electing officials, the council shall elect one (1) of their members to be designated the mayor. He shall serve for a period of two (2) years unless sooner removed by the council or becomes disqualified.

(2) By ordinance, a city may provide for the direct election of the mayor by the voters. When direct election is permitted, the mayor's position on the ballot shall replace that of one (1) councilman. Prior to the opening of the filing for candidacy for mayor, the term of the direct elected mayor shall be designated, by ordinance, as two (2) years or four (4) years. The direct elected mayor shall have no changes in his powers as defined in section [50-810](#), Idaho Code.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 8
COUNCIL-MANAGER PLAN

50-810.POWERS OF THE MAYOR. The mayor shall preside at the meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote on all matters coming before the council, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts of the purposes of serving civil processes, and by the governor for military purpose. He may use the title of mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of this state may so require, but this shall not be construed as conferring upon him administrative powers or functions of a mayor under the general laws of the state.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 8
COUNCIL-MANAGER PLAN

50-811.CITY MANAGER -- DUTIES. The council shall appoint a city manager to be the administrative head of the city government under the direction and supervision of such council and who shall hold office at the pleasure of the majority of the members

thereof. Before entering upon the duties of his office, such city manager shall take the official oath for the support of the government and the faithful performance of his duties, and shall execute a bond in favor of the city in such sum as may be fixed by the council. He shall:

1. Have general supervision over the business of the city.
2. See that the ordinances and policies of the city are complied with and faithfully executed.
3. Attend all meetings of the council at which his attendance is required by that body.
4. Recommend for adoption to the council such measures as he may deem necessary or expedient.
5. Make the appointment of all department heads, subject to such civil service regulations as may relate thereto.
6. Prepare and submit to the council such reports as may be required by that body, or as he may deem advisable.
7. Keep the council fully advised of the financial condition of the city and its future needs.
8. Prepare and submit to the council a tentative budget for the next fiscal year.
9. Perform such other duties as the council may establish by ordinance or resolution.
10. Possess such powers as are vested in the mayor as provided in section [50-606](#).

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS -- GOVERNMENT -- TERRITORY

50-207. DUTIES OF THE CLERK -- JOURNAL -- ADMINISTERING OATHS. The city clerk shall keep a correct journal of the proceedings of the council and shall have the custody of all laws and ordinances of the city. He may administer oaths to any person concerning any matter submitted to him or the city council. He shall also perform such other duties as may be required by ordinance.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS -- GOVERNMENT -- TERRITORY

50-208. DUTIES OF TREASURER -- RECORD OF OUTSTANDING BONDS . The treasurer of each city shall be the custodian of all moneys belonging to the city; he shall keep a separate account of each fund or appropriation, and the debits and credits belonging

thereto; he shall give a receipt to every person paying money into the treasury, thereon specifying the date of payment and on what account paid; he shall also file copies of such receipts with his monthly reports; he shall at the end of each and every month and as often as may be required, render an account to the city council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury; he shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him, which said warrants, with any and all vouchers held by him, shall be filed with his said account in the clerk's office, and if said treasurer neglect or fail for the space of ten (10) days from the end of each and every month, to render his said account, his office shall be declared vacant, and the city council shall fill the vacancy by appointment. He shall also keep a record of all outstanding bonds against the city showing the number, amount of each, and to whom said bonds were issued; and when any bonds are purchased, paid or canceled, said record shall show the fact. In his annual report he shall describe particularly the bonds issued and sold during the year, and the terms of the sale with each and every item of expense thereof

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS -- GOVERNMENT -- TERRITORY

50-208A.DUTIES OF CITY ATTORNEY. (1) The city attorney shall be the legal advisor of the municipal corporation, may represent the city in all suits or proceedings in which the city is interested, and shall perform such other duties as may be prescribed by ordinances and resolutions duly passed. Nothing herein, however, shall preclude any city from employing alternative additional counsel when deemed advisable.

(2) The city attorney, his deputies, or contract counsel shall prosecute those violations of county or city ordinances, state traffic infractions, and state misdemeanors committed within the municipal limits. In so doing, the city attorney, his deputies, or contract counsel shall exercise the same powers as the county prosecutor including, but not limited to, granting immunity to witnesses.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS -- GOVERNMENT -- TERRITORY

50-209.POWERS OF POLICEMEN. The policemen of every city, should any be appointed, shall have power to arrest all offenders against the law of the state, or of the city, by day or by night, in the same manner as the sheriff or constable. Whenever such policemen shall be in fresh pursuit of any offender against any law of the state, including traffic infractions, or of the city and the offense has been committed within the corporate limits of such city, such policemen, while in such fresh pursuit may go beyond the corporate or geographical limits of such city subject to the provisions of [chapter 7, title 19](#), Idaho Code, for the purpose of making such arrest or citation.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS -- GOVERNMENT -- TERRITORY

50-210.BOARDS -- COMMISSIONS. The mayor and council shall have authority to appoint such boards, commissions and committees as may be deemed necessary or expedient to assist the mayor and council in better carrying out the responsibilities of their offices. The responsibilities, duties and authority granted permanent boards or commissions, shall be enumerated by ordinance. All appointments to permanent boards, commissions or committees shall be made by the mayor with the advice and approval of the council, and members of permanent boards, commissions or committees may in like manner be removed. Members of all such boards, commissions or committees shall serve without compensation, but actual and necessary expenses may be allowed by ordinance in the case of permanent boards, commissions or committees, or with prior approval of the mayor and city council for all other boards, commissions or committees. Unless otherwise specifically provided, each such board, commission or committee shall provide its own manner of organizing, but shall maintain such records and make such reports as the mayor and city council may require or request.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 4
MUNICIPAL ELECTIONS

50-406.Method of nomination -- Clerk to furnish printed forms.[effective january 1, 2011. See section 50-430 for version effective until january 1, 2011.] Candidates for elective city offices shall be nominated by declaration. The declaration shall contain the name and address of the person and the office and the term for which he is being nominated. There shall be no mention relating to party or principal of the nominee. The completed declaration of candidacy shall be accompanied by: (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

It shall be the duty of the city clerk to furnish upon application a reasonable number of regular printed forms, as herein set forth, to any person or persons applying therefor. The forms shall be of uniform size as determined by the clerk.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 4
MUNICIPAL ELECTIONS

50-410.Time and manner of filing declarations. [effective January 1, 2011. See section 50-432 for version effective until January 1, 2011.] All declarations of candidacy for elective city offices shall be filed with the clerk of the respective city wherein the elections are to be held, not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday, immediately preceding Election Day. Before a candidate files a petition of candidacy with the city clerk, the petition signatures shall be verified by the county clerk in the manner described in section [34-1807](#), Idaho Code, except that the city clerk shall stand in place of the secretary of state. Before any declaration of candidacy and filing fee or petition of candidacy mentioned in section [50-407](#), Idaho Code, can be filed, the city clerk shall ascertain that it conforms to the provisions of [chapter 4, title 50](#), Idaho Code. The city clerk shall not accept any declarations of candidacy after 5:00 p.m. on the ninth Friday immediately preceding Election Day. Write-in candidates shall be governed by section [34-702A](#), Idaho Code, but shall file the declarations required in that section with the city clerk.

50-411. Notice of candidate filing deadline. [effective January 1, 2011. See section 50-435 for version effective until January 1, 2011.] Not more than fourteen (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the city clerk shall cause to be published in the official newspaper a notice of the forthcoming candidate filing deadline. The notice shall state the name of the city, the date of the election, the offices up for election, that declarations of candidacy are available from the city clerk, and the deadline for filing such declarations with the city clerk.

50-412. Canvassing votes -- Determining results of election. [effective January 1, 2011. See section 50-467 for version until effective January 1, 2011.] The county commissioners, within ten (10) days following any election, shall meet for the purpose of canvassing the results of the election. Upon acceptance of tabulation of votes prepared by the election judges and clerks, and the canvass as herein provided, the results of both shall be entered in the minutes of city council proceedings and proclaimed as final. Results of election shall be determined as follows: in the case of a single office to be filled, the candidate with the highest number of votes shall be declared elected; in the case where more than one (1) office is to be filled, that number of candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be declared elected.

50-413. Tie votes. [effective January 1, 2011. See section 50-468 for version effective until January 1, 2011.] In case of a tie vote between candidates, the city clerk shall give notice to the interested candidates to appear before the council at a meeting to be called within six (6) days at which time the city clerk shall determine the tie by a toss of a coin.

50-415. Certificates of elections. [effective January 1, 2011. See section 50-470 for version effective until January 1, 2011.] A certificate of election for each elected city official or appointee to fill such position shall be made under the corporate seal by the city clerk, signed by the mayor and clerk, and presented to such officials at the time of subscribing to the oath of office.

TITLE 33
EDUCATION
CHAPTER 26
PUBLIC LIBRARIES

33-2608.LIBRARY DIRECTOR -- DUTIES -- OTHER EMPLOYEES. The board of trustees of each city library shall appoint the library director, who shall serve at the pleasure of the board. The library director shall advise the board, implement policy set by the board, supervise all library staff and shall acquire library materials, equipment and supplies. The library director shall attend all board meetings but shall not vote.

With the recommendation of the library director, the board shall hire other employees as may be necessary for the operation of the library in accordance with city policies and procedures. These employees shall be employees of the city and subject to the city's personnel policies and classifications unless otherwise provided by city ordinance.

City of McCall

MCCALL CITY COUNCIL

BYLAWS AND RULES OF PROCEDURE

1. *AUTHORITY*

1.1 *SOURCE OF AUTHORITY.* These *Bylaws and Rules of Procedure* are adopted by the McCall City Council pursuant to the provisions of Chapter 8 of Title 1 of the duly adopted City Code (CC) of the City of McCall and Idaho Title 50, Municipal Corporations.

2. *MEETINGS*

All meetings of the Council are to be conducted in accordance with ***Robert's Rules of Order***; see Section 14 below.

2.1 *ORGANIZATIONAL MEETING OF THE COUNCIL.* The McCall City Council shall hold an organizational meeting at 6:00 p.m. on the first Thursday of January following each regular City election (McCall City Code, Title 1, Chapter 8). The Council shall elect one (1) of its members to serve as Mayor and one (1) to serve as President, who shall hold office for two years, until the next succeeding organizational meeting. Such election of Mayor and President shall proceed per the provisions of Robert's Rules of Order, with nominations from members of the Council, followed by a voice vote for each office, the office of Mayor to be determined first; a second to each nomination is not required. The duties of the Mayor and President shall be as outlined in Section 1.8.8 of Title 1. The current Mayor shall preside at the organizational meeting of the City Council until a successor is selected and sworn in, at which time the new Mayor shall assume the chair. In the absence of the Mayor, the current President shall preside. In the event of the absence of both the Mayor and President, the Council shall select one (1) of its members by voice vote to serve as temporary presiding officer of the Council until such time as either the Mayor or President is in attendance.

2.1.1 *PROCEDURE FOR A VACANCY.* See CC, Title 1, Section 1.8.8.

2.2 *REGULAR MEETINGS.* The City Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings in each month (CC, Title 1, 1.8.2). If any regularly scheduled meeting shall fall on a legal holiday recognized by the City of McCall, then the regular

Bylaws and Rules of Procedure

City of McCall

meeting shall be held on a preceding or succeeding day, or as otherwise fixed by the Council.

2.3 OTHER MEETINGS

2.3.1 SPECIAL MEETINGS. The McCall City Council shall meet in special session at the call of the City Clerk upon the written request of the Mayor, the City Manager, or any two (2) members of the City Council on at least twenty-four (24) hours written notice to each member of the Council served personally or left at his usual place of residence. A special meeting may be held on shorter notice in accordance with the Idaho Open Meetings Law (Idaho Code 67-2340 through 67-2347) if all members of the Council are present or have, in writing, waived notice thereof. Such waiver of notice may be made either before or after the holding of the meeting. All such waivers shall be attached to the minutes of the meeting to which they pertain. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all members of the Council present consent thereto and all the members absent file their written consent.

2.3.2 EXECUTIVE MEETINGS. Pursuant to Idaho Code, Section 67-2343, closed, executive meetings of the Council may be held. All such meetings must be attended by a quorum of the council, the City Manager, and the City Attorney. No final action or decision may be taken at a closed meeting; the closed meeting must be adjourned and final action, if any, taken in open session.

2.3.3. COUNCIL ROUNDTABLE MEETINGS. The City Council may hold periodic informal or roundtable meetings at its discretion for the purpose of providing a medium for open and frank discussion with City staff or citizens concerning special issues. The notice requirements for such meetings shall be the same as for special meetings. During such roundtable meetings, the regular rules of procedure of the City Council may be suspended or special rules established for the conduct of that particular meeting only. The Mayor or President shall serve as moderator of such meetings for the purpose of maintaining order and adherence to the rules established by Council for the conduct of roundtable meetings and to ensure meeting productivity. The City Council may, by majority vote, override any decision or action of the moderator. Citizens desiring to address the City Council on an issue of concern or interest shall approach the podium, state their name and address, and explain their issue. The City Council may, by majority vote, limit the time devoted to each issue. The moderator may also limit the time of discussion on any issue if, in the opinion of the moderator, the discussion is not productive. The City Council shall not take any formal action at the roundtable meeting on any matter brought before them.

Bylaws and Rules of Procedure

City of McCall

2.4. PLACE OF MEETINGS. The City Council shall provide by resolution for the time and place of its regular meetings (CC 1.8.2). Whenever the meeting place of the City Council shall appear to be inadequate for members of the public to attend, the Mayor or City Clerk may change the meeting place to an adequate facility located within the City of McCall. A notice of such change shall be prominently posted on the door of the regular meeting place. The City Clerk shall also give notice of such change in the place of meeting in a newspaper of general circulation within the City, if time permits, and post on the official City web site.

2.5. TIME OF MEETINGS. Regularly scheduled meetings of the City Council shall begin at six o'clock in the evening (6:00 P.M.) unless the City Council shall by majority vote in session set a different starting time. The City Council shall not begin considering any matter on the agenda not yet under consideration by the hour of ten o'clock in the evening (10:00 P.M.) except by majority vote of the City Council members. Matters on the agenda not yet acted upon at the time of adjournment shall be placed on the agenda of the next regular meeting, or special meeting, if one is called.

2.6. CHANGE IN MEETING SCHEDULES. Changes in the regular meeting schedule shall not be made except upon the approval of a majority of the City Council members and only in session. In the event the City Council shall meet and a quorum of the Council is not present, a lesser number of members of the City Council may adjourn any regular or special meeting to a later time or date. In the absence of all members of the Council, the City Clerk may adjourn any meeting for not longer than one (1) week.

3. PUBLIC NOTICE OF MEETINGS

3.1. NOTICE FORMAT. The City Clerk shall be responsible for providing the proper notice for all meetings of the McCall City Council. Such notification shall include the name of the governmental unit, its principal address, and telephone number and shall also include other information which may be required by the Idaho Code, Title 67, Sections 67-2340, 67-2341, 67-2342, and 67-2343.

3.2. NOTICE OF REGULAR MEETINGS. The City Clerk shall post a notice in a prominent location at City Hall within ten (10) days after the first meeting of the City Council in each calendar year indicating the dates, times, and places of the regular meeting schedule, the name of the public body, its telephone number, and its address. The schedule will also be posted on the City web site.

3.3. NOTICE OF MEETING SCHEDULE CHANGE. Whenever the City Council shall change its regular meeting schedule, the City Clerk shall post a notice of the

Bylaws and Rules of Procedure

City of McCall

change in dates, times, and places within three (3) days following the meeting in which the change was made in a prominent location at City Hall and on the City of McCall web site.

3.4. NOTICE OF SPECIAL AND EMERGENCY MEETINGS. If the City Council shall adjourn a meeting to a later date under Section 2.6, or call a special meeting under Section 2.3, the City Clerk shall post a notice of such meeting immediately, and no meeting except emergency meetings shall be held until the notice shall have been posted at least twenty-four (24) hours. An emergency meeting shall be held only upon the consent of two-thirds (2/3) of the City Council members and only if a delay would threaten severe and imminent danger to the health, safety, or welfare of the public (Idaho Code, 67-2343). No further public notice shall be required for such emergency meetings.

3.5. NOTIFICATION TO MEDIA AND OTHERS. The City Clerk shall notify, without charge, any newspaper and/or radio or television station of such meeting schedule, schedule changes, or special meetings, whenever such newspaper and/or radio or television station shall have filed with the City Clerk a written request for such notice. (CC 1.15.1) The City Clerk shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule, or special meetings, but only upon their written request and agreement to pay for printing and postage expenses. The City Clerk shall mail all such notices pursuant to this section by first class mail deposited with the United States Postal Service. In addition, all meetings of the Council shall be noticed i=on the City website.

4. QUORUM; CALL OF THE MCCALL CITY COUNCIL

4.1. QUORUM. Three (3) members of the McCall City Council shall constitute a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, a lesser number of members of the Council may adjourn any regular or special meeting to a later time or date. In the absence of any members of the Council, the City Clerk may adjourn any meeting for not longer than one (1) week. The affirmative vote of the members of the Council equal to that required to constitute a quorum at any meeting shall be required for any official act of the Council at that meeting unless the City Code or State or federal law requires a different number voting in the affirmative.

4.2. CALL OF THE MCCALL CITY COUNCIL. Any two (2) or more members of the City Council may, by vote, either request or compel the attendance of its members and other officers of the City at any meeting of the Council. Any

Bylaws and Rules of Procedure

City of McCall

member of the Council or other officer who, when notified of such request for his attendance, fails to attend such meeting for reasons other than confining illness or absence from Valley County shall be deemed guilty of misconduct in office, unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office. Any police officer of the City designated by the presiding officer of the meeting shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

5. MEETING AGENDA REQUIREMENTS

5.1. REGULAR AND SPECIAL MEETINGS. The City Clerk shall prepare the agenda of business for all regular and special meetings of the City Council. Any member or representative of the City Council, City staff, or City boards, commissions, or committees desiring to place a matter on the agenda shall notify the City Clerk of such items by twelve o'clock noon (12:00 P.M.) on the Thursday preceding the next regular meeting of the City Council. The order of such items on the agenda shall be the same as they were received by the City Clerk, unless circumstances exist which warrant changing the order in the sole discretion of the City Manager, and shall be placed under the heading of "ITEMS FOR CONSIDERATION". Items that the City Clerk does not receive by the stated deadline shall not be considered by the City Council until the subsequent regular meeting of the Council unless, upon majority vote of the City Council members, it is determined that the matter shall be considered sooner. Any request by the public for placement of an item on the City Council meeting agenda for discussion or action shall initially be placed under "Public Comment" on the agenda by the City Clerk, and the Council may act by majority vote at the meeting to refer the matter to the appropriate department, board, or agency for review or move the matter to "Items for Consideration" for discussion and action by the Council, at the Council's sole discretion. The City Clerk shall provide for the delivery of the agenda packet to the City Council at their places of residence not later than the Friday evening prior to the next regular council meeting.

5.2. SPECIAL MEETING AGENDA. Whenever the McCall City Council shall be called into a special meeting, the matters to be considered shall be stated in the call of the meeting. No other matters not contained in the notice of the special meeting shall be considered at the special meeting unless all members of the Council present consent thereto and all the members absent file their written consent.

5.3. DISTRIBUTION OF AGENDA AND MATERIALS. Upon completion of the agenda, the City Clerk shall distribute to the City Council copies of the agenda together with copies of reports, explanations, recommendations, and other appropriate attachments that relate to the business matters coming before the

Bylaws and Rules of Procedure

City of McCall

Council, provided that the agenda and attachments shall at no time be completed and distributed to the Council later than the Friday preceding the regular Council meeting. If pertinent and important materials and attachments to items to be considered on the agenda are not delivered to the Council, then the Council, may be majority vote at the meeting in question, may table the item for consideration until a subsequent meeting. The City Clerk may distribute such agenda materials by mail or personal delivery.

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5.4. *ORDER OF BUSINESS.* The meeting agenda for regularly scheduled meetings of the McCall City Council shall be arranged in the following order of business:

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Items for Consideration; Approval of the Agenda
4. Reports by City Manager and Staff
5. Committee Minutes
6. Public Comment
7. Public Hearings (see section 11 below)
8. Business Agenda (old followed by new)
9. Council Comments
10. Executive Session Agenda (as Posted)
11. Other Business
12. Consent Agenda, including Minutes
13. Adjournment

6. *CONDUCT OF MEETINGS*

6.1. *CHAIRPERSON.* The Mayor shall moderate and chair all meetings of the McCall City Council. In the absence of the Mayor, the President shall assume the duties of the Chair. In the absence of the Mayor and President, the Council shall select one of its members to serve as the presiding officer at that meeting.

6.2. *RECOGNITION TO SPEAK.* Those members of the City Council wishing to speak shall first be recognized by the Chair to speak, and each person who speaks shall address the Chair. Other persons in attendance at the meeting shall not speak unless recognized by the Chair (Roberts' Rules). Prior to the discussion by the City Council on each item to be considered, the Chair shall first ask for a motion from the Council on the item to be discussed. Once a motion is made and

Bylaws and Rules of Procedure

City of McCall

seconded, the City Council may discuss the matter at hand. Once Council has finished its discussion on the matter, the Chair shall open discussion on the matter to the public, if appropriate for the matter at hand. The Chair, at his sole discretion, may establish a time limit for individual public comments on any business item if the Chair determines that time limits are necessary to provide for the orderly conduct of the meeting. When the Chair determines that there are no other public comments on the business item, discussion on the item will be closed to the public and only the City Council shall then engage in any final discussion on the matter and act on the business item without interruption from the public. The rules contained in this section regarding public comments shall be published with each City Council agenda for the information of the public.

6.3. *DISORDERLY CONDUCT AT MEETINGS.* The Chair may call to order any person who is being disorderly by speaking without recognition or otherwise disrupting the proceedings of the City Council meeting, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Any person so disrupting a lawful public meeting of the City Council shall be guilty of a misconduct and may be removed from the meeting. Furthermore, any member of the City Council or City staff who fails to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct.

6.4. *REFUSAL TO VOTE.* Any member of Council refusing to vote on an item of business before the Council, except when a bona fide conflict of interest exists, shall be guilty of misconduct in office.

6.5. *ROLL CALL VOTES.* In all roll call votes, the names of the members of the Council shall be called in order, with the first called the member who has made a motion for adoption and the second called the member who has seconded such motion, and the remainder shall be called alphabetically in each vote.

7. *RECORD OF CITY COUNCIL MEETINGS* (Idaho Statute 67-2344)

7.1. *RECORDING RESPONSIBILITY.* The City Clerk shall be responsible for keeping the minutes in the English language of all of the proceedings of the City Council meetings. The minutes of each meeting, whether such meeting is open or closed, shall contain at least the following information: date, time, place, members present, members absent, decisions made at the open meeting, the purposes for which a closed meeting was called, and all roll call votes taken at an open meeting. In the event a closed meeting is held, minutes shall also be taken, but these minutes shall be prepared per Idaho Statute 67-2344(2). A vote upon all matters before the Council shall be taken by a “yes” and “no” vote and entered upon the records, except that, where the vote is unanimous, it shall only be

Bylaws and Rules of Procedure

City of McCall

necessary to so state, except for matters which require the signature of the Mayor or if a roll call vote is requested. The record shall include the names of the mover and seconder and the vote of the City Council. The record shall also state whether the vote was by voice vote or by roll call vote and, when by roll call vote, the record shall show the “yes”, “no”, or “abstain” votes for each Council member. The presiding officer and City Clerk shall authenticate approved Council meeting minutes with their signatures. The City Clerk shall be responsible for maintaining at all times in the office of the Clerk copies of each resolution and ordinance and other matters acted upon by the City Council. See Idaho Public Records Law 9-337 through 9-350.

7.2. RECORD OF DISCUSSION. The City Clerk shall not be responsible for maintaining a written record or summary written record of the discussion or comments of the members of the City Council or of comments made by members of the public. A full transcript and recording is required when considering a zone change, zoning applications, subdivision applications or when other land use action is proposed. The City Clerk shall only be responsible for recording the proceedings of meetings as outlined in Section 7.1, and the written record prepared by the City Clerk, approved by the City Council, and authenticated by the presiding officer and Clerk shall be the official record of each meeting. Any audio or audio/visual recordings made of Council meetings shall not be deemed as official records of Council meetings.

7.3. REQUESTS FOR REMARKS TO BE INCLUDED IN MINUTES. Any City Council member may request to have his or her comments printed as part of the official record of the Council meeting. Any member of the Council may also request that extraneous written remarks from the public, city staff, committees, boards or commissions also be included in the record of the meeting. If there are no objections by any Council member, the comments or written remarks shall be included by the City Clerk in the minutes of the meeting. If there is an objection to such printing of the comments, the City Council shall decide the matter by majority vote. Such comments to be included as part of the official record shall be provided in writing by the Council member making the comments to the City Clerk or shall be transcribed exactly by the City Clerk and read back. This courtesy shall only be provided to members of the City Council.

7.4. PUBLIC ACCESS TO MEETING RECORDS. The City Clerk shall make available to members of the public copies of the records and minutes of official meetings in accordance with the Idaho Public Records Law. The proposed minutes of open meetings shall be available within eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection and posted on the City website within five (5) business days after the meeting at which the minutes are approved by the City Council. The

Bylaws and Rules of Procedure

City of McCall

City Clerk shall also promptly send copies of minutes to persons who have subscribed to the same and who have paid the fee therefore as established periodically by separate resolution of the City Council.

8. COMMITTEES OF THE COUNCIL

8.1. STANDING COMMITTEES PROHIBITED. In accordance with Section 1.8.12 of the McCall City Code, there shall be no standing committees of the City Council. However, ad-hoc committees may be established for a finite period of time to accomplish specific tasks. The rules hereinafter set forth in this section shall govern the establishment of, appointment to, ad-hoc committees of the City Council.

8.2. ESTABLISHMENT OF AD-HOC COMMITTEES. The Council may, by resolution, establish ad-hoc committees consisting of not more than two (2) members of the Council to accomplish specific tasks. Ad-hoc committees shall be established for a finite period of time, with said time limit to be stated in the resolutions establishing the committees. In no case shall the term of an ad-hoc committee exceed one (1) year in length unless the City Council formally acts to extend the term of the committee for a period not to exceed one (1) additional year. Ad-hoc committees may include as members representatives from the City administration, other boards and commissions of the City, and citizens.

8.3. APPOINTMENT TO AD-HOC COMMITTEES. The Council shall by majority vote appoint members of the City Council to ad-hoc committees as necessary.

8.4. AD-HOC COMMITTEE DUTIES AND RESPONSIBILITIES. The duties and responsibilities of each ad-hoc committee shall be outlined by the City Council in the resolution establishing the committee. Each ad-hoc committee shall thoroughly investigate any matters referred to it by the City Council and shall report, in writing, its findings to the City Council without undue delay.

8.5. DISCHARGE OF AD-HOC COMMITTEES. Upon the motion of any member of the City Council, and approval by a majority, the City Council may discharge a committee from further consideration of any matter if, in the sole discretion of the City Council, the committee has duly completed the tasks delegated to it or no longer serves at the pleasure of the City Council.

8.6. AD-HOC COMMITTEE MEETINGS. A majority of the members of the committee shall constitute a quorum for the conduct of business and an affirmative vote of the same number shall be necessary to act on any matter

Bylaws and Rules of Procedure

City of McCall

before the committee. Each committee shall be responsible for determining its own officers, and the conduct of committee meetings shall be subject to the same general rules and limitations which are placed upon the City Council, except as otherwise outlined in Section 8 of these rules. Committee meetings shall be open to the public in accordance with the Idaho Open Meetings Act. Each committee shall maintain a written record of its meetings and shall deliver such record to the City Clerk as soon as the minutes are prepared and available. The City Clerk shall maintain a separate file for each committee. The record of each committee shall include at least the following: the date, time, and place of the meeting, members attending, and any final recommendations that the committee has approved. Such meeting record shall constitute a public record in accordance with the Idaho statute 67-2344 and shall be made available to any persons as required by the Act. No ad-hoc committee of the City Council shall sit during any session of the City Council, unless the Council shall grant it leave to do so.

9. BOARD AND COMMISSION APPOINTMENTS

9.1 *PROCEDURE.* The City Council shall make appointments to the various boards and commissions in accordance with the rules and procedures set forth for each Board or Commission by law or policy, provided that the City Council shall first post notice of position openings in a newspaper of general circulation within the City prior to making appointments to board and commission positions. See City Code, Title 1, Chapter 10.

10. EXECUTIVE SESSIONS OF THE CITY COUNCIL

10.1. *PROCEDURE.* The City Council may meet in executive session, with said session closed to the public, upon the motion of any member of the City Council and approval by roll call vote by not less than two-thirds of the council members elected and serving, except for the executive sessions permitted under Section 8(a), (b), (c), and (g) of the Idaho Open Meetings Law (see Idaho statute 67-2340 through 67-2347). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

10.2. *PURPOSES.* The City Council may hold closed sessions only for those purposes permissible under Section 67-2345 of the Idaho Open Meetings Law, as amended.

10.3. *MINUTES OF CLOSED SESSIONS.* At each closed session, the City Clerk shall keep a separate record, but no recording. See Idaho Statute 67-2344.

Bylaws and Rules of Procedure

City of McCall

11. *PUBLIC HEARINGS*

11.1. *CONDUCT OF PUBLIC HEARINGS.* When it shall be necessary to conduct a formal public hearing in accordance with State or federal law, or City Code, the City Council shall adhere to the following procedure for the conduct of such hearings:

1. The presiding officer of the Council announces the purpose of the public hearing.
2. The City Manager provides an explanation of the matter subject to the public hearing and gives a report on the details of the matter.
3. The presiding officer of the Council opens the public hearing to the floor for the purpose of receiving public comments on the matter at hand.
4. Comments are received from interested members of the public. Citizens wishing to address the City Council shall state their names and addresses for the record prior to giving comments. The City Clerk records in the minutes the names and addresses of those persons commenting on the matter at hand. The Clerk shall not be responsible for recording the comments of members of the public.
5. The presiding officer of the Council determines that there are no other public comments to be received on the matter at hand and closes the public hearing.
6. The City Council places the matter under “Items for Consideration” on the current meeting agenda or a future meeting agenda for Council consideration and disposition. Alternatively, if the public hearing is held in context with a specific agenda item requiring a public hearing, the Council proceeds with debate and consideration of the proposal.

12. *COUNCIL MOTIONS AND RESOLUTIONS*

12.1 *STATEMENT BY CHAIR; WRITTEN MOTIONS AND RESOLUTIONS.*

No motion or resolution shall be adopted by the City Council until the motion or resolution is stated by the person chairing the meeting. All motions except procedural motions and resolutions may be required to be in writing upon the demand of any member of the Council. A request to recess for the purpose of writing out a motion or resolution shall be in order. A motion is not considered in order unless a sufficient second is voiced. Absent a second of a motion, no Council action is permitted or decision recorded. Each written motion or resolution, and any subsequent amendments, shall be read by the City Clerk before being debated.

12.2. *ORDER OF MOTIONS.* Whenever a question is under debate, no motion shall be received except a motion to (see Robert’s Rules):

Bylaws and Rules of Procedure

City of McCall

- fix the time of the next meeting
- adjourn
- recess
- vote immediately
- lay on the table
- postpone to a certain time
- commit or recommit
- postpone indefinitely
- amend

These motions shall take precedence in the order in which they are stated above.

12.3. *NON-DEBATABLE MOTIONS.* The motions to adjourn, to recess, to lay on the table, to vote immediately, and all questions relating to the priority of business shall be ordered and voted upon without debate.

13. *VOTING*

13.1. *VOTE REQUIRED; ABSTENTION.* Whenever a question is put by the Chair, every City Council member present shall vote on all questions. No member present shall abstain from voting “yes” or “no” unless excused by unanimous consent of the other Council members present.

13.2. *DEMAND FOR ROLL CALL VOTE.* On demand by any Council member, the vote on any pending question shall be taken by a record roll call vote.

13.3. *HANDLING OF ROLL CALL VOTES.* When a record roll call vote is demanded on a question, and after the Chair has stated the question, the City Clerk shall be directed by the Chair to call the roll. No member is entitled to speak on the question, nor shall any motion be in order until such roll call is completed and the result announced.

13.4. *CONFLICT OF INTEREST IN VOTING.* No member of the City Council shall vote on any question in which he has a financial interest other than the common public interest nor on any question concerning his own conduct. On these, as on all other questions, each City Council member who is present shall vote when his name is called, unless excused by the unanimous consent of the remaining members present. A City Council member refusing to vote when not

Bylaws and Rules of Procedure

City of McCall

so required by this section shall be guilty of misconduct. See Idaho statute 67-6506.

13.5. *ORDER OF ROLL CALL VOTES.* In all roll call votes, the names of the City Council members shall be called in order, with the maker of the motion called first, the seconder next, and the remainder of the names then called.

13.6. *DECIDING RESULTS OF VOTES.* In all cases where a vote is taken, the Chair shall decide the results of the vote. Any member of the Council may call for a division of the votes, and, upon such call, the Chair shall request the call of “yes” and “no” votes.

14. *PARLIAMENTARY PRACTICE RULES*

14.1. *RULES TO GOVERN.* The rules of parliamentary procedure practice as contained in ***ROBERT’S RULES OF ORDER***, most recent edition, shall govern the McCall City Council in all cases to which the rules are applicable, provided that the rules are not in conflict with these Bylaws, with the ordinances and Codes of the City of McCall, or with State or federal law. The presiding officer of the Council shall interpret and apply the rules of parliamentary procedure, and the presiding officer’s interpretation and application shall be final and conclusive unless overturned by a majority vote of the City Council.

15. *LEGISLATION AND ORDINANCES*

15.1. *RESOLUTIONS.* The term “*resolution*”, as it pertains to the actions of the City Council, shall mean any official action of the City Council in the form of a motion, and such action shall be limited to matters required or permitted to be done by resolution by the City Code or by State or federal law and to matters pertaining to the internal affairs or concerns of the City government.

15.2. *ORDINANCE ENACTMENT.* All legislation of the City of McCall shall be done by resolution or by ordinance. Those matters coming before the Council which cannot be disposed of by resolution, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Ordinances shall be enacted by the City Council in accordance with Idaho statute, Title 50, Chapter 9.

15.3. *CODIFICATION OF ORDINANCES.* It shall be the responsibility of the City Clerk to submit all enacted ordinances of the City Council to the City’s codification service at least quarterly to be codified and supplemented to the City of McCall Code. The City Clerk shall maintain a list of the copies of the code

Bylaws and Rules of Procedure

City of McCall

books issued to City officials and shall ensure that all such code books are updated as supplements are received.

15.4 *VOTING IF ABSENT FROM A REGULAR MEETING.* If approved in advance by a majority of the Council, a member who is absent from a meeting, but is in attendance via telephone or computer voice service, may vote on any issue where there has been no public oral testimony, providing that the member has received all of the materials concerning the item considered per Section 5.1.

16. RESTRICTIONS OF THE MCCALL CITY COUNCIL

16.1. *INTERACTION WITH CITY STAFF.* No member or combination of members of the City Council shall direct or demand the appointment of any person to, his promotion within, or his removal from, any office or employment in the City government, except for the City Manager position. Except for purposes of inquiry authorized by it, the City Council and its members shall deal with the administrative officers and employees of the City solely through the City Manager concerning matters relating to the performance of their several official duties and employments. No action contrary hereto shall be valid or binding upon the City Manager or any officer or employee of the City. Any violation of this section shall constitute misconduct in office.

16.2. *CONTRACTING AND APPOINTMENTS.* The City Council shall not have the power to make any contract with or give any official position to any person who is in default to the City. Council members are prohibited from appointing relatives and their spouses of members of Council or their spouses to any appointive office or employment during the term of said members, with relatives to include child, parent, brother, and sister and all such relationships arising from adoption. However, this section shall not apply to relatives or spouses who are bona fide appointive officers or employees of the City at the time of the election of such member. Except at public meetings and in cases of letting of contracts, neither the City Council nor any member thereof shall direct or request the purchase of any specific materials, supplies, or equipment.

16.3. *OFFICIAL REPRESENTATION.* The City Manager or his authorized designee shall serve as the official representative and spokesperson of the City Council and City government in intergovernmental, media, and public relations, and no individual member or combination of members of the City Council shall make any public statements or representations on behalf of the City Council unless authorized by the Council to do so except as may be prescribed by CC Title 1, Chapter 8. Copies of any written statements or representations on behalf of the City Council shall be provided to the Council prior to, or within three (3) days after, such statements or representations are issued.

Bylaws and Rules of Procedure

City of McCall

17. **BY-LAWS: ADOPTION AND AMENDMENT**

17.1 *ADOPTION.* These *By-laws and Rules of Procedure* for the McCall City Council shall be adopted upon the affirmative vote of not less than two-thirds (2/3) of the membership of the City Council.

17.2. *AMENDMENT.* These *By-laws and Rules of Procedure* for the McCall City Council may be amended from time to time at the discretion of the City Council. Any such amendments to these *By-laws and Rules of Procedure* shall be presented in written form to the City Council and shall not be adopted at the same meeting at which the amendments were introduced. These *By-laws and Rules of Procedure* shall only be amended by affirmative vote of not less than two-thirds (2/3) of the membership of the City Council.

THIS RESOLUTION WAS DULY ADOPTED BY THE MCCALL CITY COUNCIL DURING ITS REGULAR MEETING HELD ON (date).

Honorable _____, Mayor

_____, City Clerk

ADOPTED: (date)

AMENDMENTS INCORPORATED HEREIN:

Bylaws and Rules of Procedure