

AGENDA
McCall City Council
Special Meeting
April 26, 2013 at 3:00 p.m.
McCall City Hall (Lower Level)
Legion Hall
216 East Park Street

The times listed are estimated times only. The Council reserves the right to alter the times as necessary.

- 3:00 p.m.** **WORK SESSION**
Next steps discussion concerning the “Efficient, Responsive Council/Manager Governance” Seminar
- 5:00 p.m.** **ADJOURNMENT**

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

Work Session Packet

Table of Contents

Policy Change Recommendations work sheet	1 page
Development of Governance Coordination Manual work sheet	10 pages
McCall City Code Title One	19 pages
Mayor Bailey's Recommended Council Bylaws and Rules of Procedure	16 pages
City of Lewiston Org Chart and Excerpts of the Lewiston City Code	10 pages
Excerpts of the Twin Falls City Code	2 pages
City of Bainbridge Island Manual of City Governance	56 pages
City of Spokane Manual of City Governance	50 pages
City of Mammoth Lakes Manual of City Governance	30 pages

Policy Change Recommendations	Move Forward with Recommendation		Timeline	Task Assigned to
	Yes	No		
Personnel Removal Confirmations By Resolution				
Personnel Removals By The City Manager In Consultation With City Attorney				
Code Amendment - Remove All Requirements For Council Confirmation of Personnel Removals Except City Attorney				
Code Amendment - Department Head Contracts To Assure Professional Fairness				
Code Amendment - Manager Appoint/Remove City Attorney With Council Confirmation				
Code Amendment - Make City Prosecutor A City Manager Appointment In Consultation With City Attorney				
Establish Finance Committee				
Revise Budget Preparation Schedule				

Develop and Adopt Council Rules	Move Forward with Recommendation		Timeline	Task Assigned to
	Yes	No		
Finance Committee Guidelines				
Interference By Council Members				
Informal Communications Encouraged				
Three Touch Rule				

Public Engagement Measures	Move Forward with Recommendation		Timeline	Task Assigned to
	Yes	No		
Change Council Meeting Night				
Consider Citizen Participation Options Of The Governance Model				

Development Of Governance Coordination Manual	Move Forward with Recommendation Yes No		Timeline	Task Assigned to
Article 1: Principles				
1.1 Values				
<i>1.1.1 City Leaders Listen To The Community</i>				
<i>1.1.2 Collaboration Is Valued</i>				
<i>1.1.3 City Leaders Lead And Reason Together</i>				
<i>1.1.4 The City Exemplifies Professionalism In City Management</i>				
1.2 Relationship Between Council, City Manager, Staff, And Public				
<i>1.2.1 Council Oversees City Organization But Does Not Interfere With Management</i>				
<i>1.2.2 Council And City Manager Roles And Responsibilities Differentiated</i>				
<i>1.2.3 Performance-Driven Management</i>				
<i>1.2.4 City Attorney Is Legal Counsel To The City And Its Officials Collectively</i>				
<i>1.2.5 Staff Provides Adequate Information For Council Policy-Setting</i>				
<i>1.2.6 Council Will Not Request Unnecessary Information</i>				
<i>1.2.7 Public Documents Ensure Open And Transparent Government</i>				
<i>1.2.8 Communications To The Public Are Essential</i>				
1.3 Functioning Of City Council				
<i>1.3.1 Importance Of Open Public Meetings</i>				
<i>1.3.2 There Is A Council-Selected</i>				

Mayor				
1.3.3 The Mayor Also Embodies Other Leadership Roles				
1.3.4 Citizen Volunteers Play An Important Role				
1.3.5 The Role Of Mayor Pro Tem Is Rotated				
1.3.6 Service On Regional Bodies Is Shared Among Council Members				
1.3.7 Representatives Of City Act In Accordance With City Policies				
1.3.8 Councilors Serve In Liaison Roles To Community Organizations				
1.3.9 Council members Have Opportunity To Be Leaders And Innovators				
1.3.10 Council Is Mindful Of Limited Resources				
1.3.11 Council Authorizes Certain Grant Applications Before Submittal				
1.3.12 Fewer Standing Committees				
1.4 Efficiency And Effectiveness Of Council Decision-Making				
1.4.1 Council Makes Effective Use Of Time				
1.4.2 Provide More Effective Opportunity For Public Interaction				
1.4.3 Council's Business Meetings Will Be Efficient And Businesslike				
1.4.4 Effective Decision Making Requires Finality				
1.4.5 Council Dialog Calls For "Sticking To The Point"				
1.4.6 Council Meeting Agendas Are Set By A Team				
1.5 Functioning Of City Manager And Staff				
1.5.1 ICMA Standards Are Respected				

1.5.2 Council-Manager Governance Depends On A Strong City Manager Role				
1.5.3 Regular And Understandable Financial Reporting				
1.5.4 Council And Administration Are Mindful Of Risk Management				
1.5.5 Public Information Is Enhanced By Audio, Video, Website & Notes				
Article 2: Defined Terms And Basic Rules				
2.1 Types Of Governing Bodies, And Advisory Or Supporting Groups				
2.1.1 City Council (Or "Council")				
2.1.2 Council Standing Committee				
2.1.3 Council Ad Hoc Committee				
2.1.4 Citizen Board, Citizen Committee, Or Citizen Commission				
2.1.5 Citizen Advisory Committee				
2.1.6 Steering Group				
2.1.7 Small Task Group				
2.1.8 Multi-Agency Or Regional Task Group				
2.1.9 Public Process Planning Groups:				
2.1.10 Nonprofit Service Agency				
2.2 City Officials And Adjudicators				
2.2.1 Mayor				
2.2.2 Mayor Pro Tem				
2.2.3 Presiding Officer				
2.2.4 City Manager				
2.2.5 Appointive Officers				
2.2.6 Council Liaison				
2.2.7 Hearing Examiner				
2.3 Types Of Meetings Of Council				
2.3.1 Regular Meeting				
2.3.2 Special Meeting				
2.3.3 Business Meeting				

2.3.4 Study Session				
2.3.5 Workshop				
2.3.6 Public Hearing On Ordinance				
2.3.7 Public Hearing On Quasi-Judicial Matter				
2.3.8 Retreat				
2.4 Types Of Public Participation In Government				
2.4.1 Public Comment Period At Business Meetings				
2.4.2 Interactive Dialog With The Public At Study Sessions				
2.4.3 Other Meetings With The Public Outside Of City Hall				
2.4.4 Public Forum				
2.4.5 Neighborhood Or Ward Meetings				
2.4.6 Additional Avenues For Public Participation				
2.4.7 Committees And Other Citizen Participation Opportunities				
2.5 Types Of Governing Actions				
2.5.1 Motion				
2.5.2 Resolution				
2.5.3 Ordinance				
2.5.4 Comprehensive Plan Amendment				
2.5.5 Budget Adoption Or Amendment				
2.5.6 Capital Facilities Plan (CFP) Adoption Or Amendment				
2.5.7 Quasi-Judicial Ruling				
2.5.8 Best Practices				
2.5.9 Doing Things Right				
Article 3: Standards Of Conduct				
3.1 Sources And References				

3.2 Standards Of Conduct For Officials Under Idaho Law				
3.3 Oath Of Office				
3.4 Public Trust And Fiduciary Duty				
3.5 Stewardship Of Public Funds				
3.6 Conflicts Of Interest Under State Law				
<i>3.6.1 State Code Of Ethics</i>				
<i>3.6.2 Prohibition Against Private Interest In A Public Contract</i>				
<i>3.6.3 Limitations On Holding Multiple Offices</i>				
<i>3.6.4 "Appearance Of Fairness" Doctrine Under State Law</i>				
3.7 Open Public Meetings Under Washington Law				
<i>3.7.1 All Deliberations And Actions Must Be At Noticed Public Meetings</i>				
<i>3.7.2 Applies To Sub-Agencies Of The City</i>				
<i>3.7.3 Two Kinds Of Meetings: "Regular" And "Special"</i>				
<i>3.7.4 Open To The "Public"</i>				
<i>3.7.5 Executive Sessions</i>				
<i>3.7.6 Unintended Meetings; Electronic Meetings</i>				
3.8 Open Government And Public Records				
<i>3.8.1 Purpose Of The Public Disclosure Law</i>				
<i>3.8.2 Emails And Other Electronic Records</i>				

3.9 COBI Ethics Program				
3.9.1 COBI Code Of Ethics				
3.9.2 Ethics Board Process And Sanctions				
3.9.3 Duty To Act In The Interests Of The City				
3.10 Duties To Act Consistently With City Policy When Representing City Or Elsewhere				
3.11 Role Of City Attorney				
3.12 Process For Officials To Question The Legality Of City Actions				
3.13 Conduct Of Officials With Regard To Litigation Against City				
3.14 Prohibition Against Making Gifts Of Public Funds				
3.15 Separate Accounting Of City Funds				
3.16 Duty To Avoid Interfering With City Manager's Role With Staff				
3.17 Immunity And Indemnification Of Officials For Individual Actions In Good Faith				
Article 4: City Council - The Elected Governing Body				
4.1 Council Meeting Time And Location				
4.2 Council Meetings - Open To The Public				

4.3 Mayor – Election – Chair To Be Mayor – Duties (“Mayor”)				
4.4 Deputy Mayor <i>Or Mayor Pro Tempore</i> (“Mayor Pro Tem”)				
4.5 Quorum				
4.6 Respect And Decorum				
4.6.1 <i>Orderly Behavior And Civility In Remarks</i>				
4.6.2 <i>Permission Required To Address The Council</i>				
4.6.3 <i>Forms Of Address</i>				
4.7 Telephonic Or Video Participation From A Remote Location				
4.8 Attendance; Excused Absences				
4.9 Filling Council Vacancies				
4.10 Continuity Of Government Act				
Article 5: Citizen Committees, Boards, And Commissions				
5.1 Approval Of Appointees				
5.1.1 <i>Citizens On Standing Governing Bodies</i>				
5.1.2 <i>Citizens On Temporary Governing Bodies</i>				
5.1.3 <i>Removal</i>				
5.2 Establishment And Review Of Citizen Governing Bodies That Are Temporary				
5.3 Relations With Boards, Commissions, And Citizen Advisory Groups				

Article 6: City Administration				
6.1 City Manager				
6.2 Role Of The City Manager				
6.3 Informal Communications Encouraged				
6.4 City Manager - Interference By Council members				
6.5 Complaints To Council members				
6.6 Administrative Complaints "Best Practice"				
6.7 City Clerk Minutes Public Information Access				
6.8 The Three Touch Rule				
6.9 City Staff - Attendance At Meetings				
6.10 administrative Presentations And Briefings				
Article 7: Preparation For Council Meetings				
7.1 Council Meeting Agendas				
7.2 Consent Agenda				
7.3 Study Session Agendas				
7.4 Study Session Procedure				

7.5 Process For Preparing Legislation Or Policies For Adoption				
7.5.1 Draft Documents				
7.5.2 Preparation Of Ordinances.				
7.5.3 Preparation Of Resolutions				
7.6 Council Packets				
Article 8: Rules Of Order For Council Meetings				
8.1 Parliamentary Procedure				
8.2 Motions And Discussion				
8.3 Voting				
8.4 Reconsideration				
8.5 Dissents And Protests				
8.6 Complaints And Suggestions To Council				
8.7 Prior Permission Required For Certain Elaborate Presentations				
8.8 Conduct Of Business Meetings				
8.9 Conduct Of Study Sessions And Workshops				
8.10 Workshops				
8.11 Adjournment Due To Emergency Or Disruption				
8.12 Procedures For Public Comment At Business Meetings				
8.12.1 In General				

8.12.2 Subjects – Whether Or Not On The Current Agenda				
8.12.3 Use Of Microphones				
8.12.4 Civility				
8.12.5 Council May Overrule The Presiding Officer				
8.13 Public Hearings – In General				
8.13.1 Sign In Procedure				
8.13.2 Time Limits				
8.13.3 Other Rules				
8.14 Council Quasi-Judicial Hearings				
8.14.1 Appearance Of Fairness Doctrine Applies To Quasi-Judicial Actions				
8.14.2 Obligations Of Councilmembers In Quasi-Judicial Proceeding				
8.14.3 Avoid Ex Parte Communications With Quasi-Judicial Parties				
Article 9: Use Of This Manual And Its Rules				
9.1 Purpose				
9.2 Use Of Rules By Council				
9.3 Public Use Or Reliance Not Intended				
9.4 Amendments Or Suspension Of Portions Of This Manual				

EXHIBIT A: SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

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, City Manager 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.

Formatted: Highlight

Formatted: Highlight

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 ~~in~~ 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** ~~City Manager of the meeting~~ shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

Formatted: Highlight

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 **or Mayor**, 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 **City Manager**, 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.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

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

Bylaws and Rules of Procedure

City of McCall

appropriate attachments that relate to the business matters coming before the 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.

\

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
- ~~3-4.~~ **Consent Agenda, including Minutes**
- ~~4-5.~~ Reports by City Manager **and Staff**
- ~~5-6.~~ Committee Minutes
- ~~6-7.~~ Public Comment
- ~~7-8.~~ Public Hearings (see section 11 below)
- ~~8-9.~~ Business Agenda (old followed by new)
- ~~9-10.~~ Council Comments
- ~~10-11.~~ Executive Session Agenda (as Posted)
- ~~11-12.~~ Other Business
- ~~12.~~ **Consent Agenda, including Minutes**
13. Adjournment

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

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

Bylaws and Rules of Procedure

City of McCall

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 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. **In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Presiding Officer shall declare the meeting adjourned or continued and Council members shall immediately leave the meeting area.**

Formatted: Space After: 0 pt, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Highlight

Formatted: Highlight

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. **For purposes of attending to the city's business, the member's vote shall be counted as affirmative to the motion and so entered into the record.**

Formatted: Highlight

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,

Bylaws and Rules of Procedure

City of McCall

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 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.

Bylaws and Rules of Procedure

City of McCall

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 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

Bylaws and Rules of Procedure

City of McCall

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 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.

Bylaws and Rules of Procedure

City of McCall

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.

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. When, after calling for public comments 3 times, tThe 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.

Formatted: Highlight

12. *COUNCIL MOTIONS AND RESOLUTIONS*

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

Bylaws and Rules of Procedure

City of McCall

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 other motion shall be received except a motion to (see Robert's Rules):

Formatted: Highlight

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

Bylaws and Rules of Procedure

City of McCall

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 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 **voice** 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.

Formatted: Highlight

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.

Bylaws and Rules of Procedure

City of McCall

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 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.

Bylaws and Rules of Procedure

City of McCall

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.

Don: This section could use some reconstruction and discussion. Both the Mayor and the City Manager must be free to be a spokesperson for the city under certain circumstances (at the right place and in the right time). I will touch on that in the seminar if you like but since your draft is not before them yet, the discussion should be later. SMC

Formatted: Highlight

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.

Use of Rules by Council

No action taken by a Councilmember or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Councilmember's or Council action or be deemed a violation of oath of office, misfeasance or malfeasance. No authority other than the Council may enforce these rules or rely on these rules. References to other documents or laws included herein does not signify the intent to incorporate such documents in their entirety. Failure of the Council to follow any of these rules shall be considered a Council decision to waive such rule. No notice of such waiver need be given.

Formatted: No bullets or numbering

Public Use or Reliance Not Intended

Because these rules are designed to assist the Council and not to provide substantive rules affecting constituents, it is expressly stated that these rules do not constitute land use regulations, official controls, "appearance of fairness rules", public hearing rules or other

Formatted: No bullets or numbering

Bylaws and Rules of Procedure

City of McCall

substantive rules binding upon or to be used by or relied upon by members of the public.
These rules do not amend statutory or other regulatory (such as ordinance) requirements.

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