

**AGENDA**  
**McCall City Council**  
**Special Meeting**  
**September 27, 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**  
Governance Manual Discussion

**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.

# ***Manual of City Governance Policies, Procedures and Guidelines***

*Resolution No.2013-XX*

**Adopted** (insert date) , **2013**

A Comprehensive Collection of Governance  
Principles, Policies, Procedures, Standards of  
Conduct, Meeting Rules and References to  
Applicable Law

## Introduction

In May of 2012, our long time City Manager, Lindley Kirkpatrick, submitted his resignation to the Council; his wife, Amanda, had been accepted into a Master's program at Edinburgh University in Scotland, so Lindley decided it was time for a new life's adventure. In order to ease the transition to the point at which a suitable replacement could be found, it was clear to the Council that an interim manager would be very helpful, especially to spend a few weeks with Lindley gaining some knowledge of the City and its operations. Fortunately, Gene Drabinski graciously offered to help us out.

How lucky we were! After several months of advertising, interviewing, debating, the Council concluded that the best overall candidate for City Manager was, indeed, Gene, who committed to a three year stint. It became abundantly clear during the process that, with an experienced manager leaving so abruptly, our systems and methods of managing the City were largely in Lindley's head! Although, we have a nearly complete collection of city ordinances and codes, these don't really help in the day-to-day management of the City or clearly outline the various roles and responsibilities of the Council and the City Manager, especially with daily and monthly problems, responsibilities, meetings, or clearly set-out objectives.

Although these problems were quite clear to Gene early on, the Council soon was convinced that we needed some assistance. This was expertly provided by Mr. Stan McNutt, whom Gene found and then recommended that the council use his considerable expertise to start the process of developing a City governance manual. Following some discussions with Council members, including an all-day seminar, the path forward was clear. This Manual is our initial edition, based largely on work previously authored by Stan, but tailored to fit the Idaho form of City Manager-Council government. Undoubtedly, the ~~work~~-manual will be amended from time to time as the Council and Staff use the various sections in daily, monthly and yearly work in governing the City. But this is a beginning!

Don Bailey, Mayor, August 2013

### ***Vision Statement***

McCall will be a diverse, small town united to maintain a safe, clean, healthy and attractive environment. It will be a friendly, progressive community that is affordable and sustainable. McCall's unique character is defined by its environment, history, culture, and people. Preserving and enhancing the character and exceptional environment of the McCall Area, in concert with providing guidance for growth, is a fundamental purpose of the Comprehensive Plan.

### ***Mission of the Council***

The McCall City Council is the Governing Board for the City. The Council is responsible for establishing the legislation, policies and overall direction for the City. The City Council's authority is defined by Idaho Code and McCall City Code. There are many relevant portions of Idaho Code, including Title 50, Chapter 7, and Title 50, Chapter 8.

Respectfully submitted,

Council members: Donald Bailey, Mayor; Laura Scott, President; Marcia Witte; Jackie Aymon; Nic Swanson. City Manager: Gene Drabinski. City Clerk: BessieJo Wagner

**RESOLUTION No. 2013-XX**

A RESOLUTION OF THE CITY OF MCCALL  
ADOPTING A MANUAL OF CITY  
GOVERNANCE POLICIES, PROCEDURES AND  
GUIDELINES FOR THE COUNCIL-MANAGER  
FORM OF GOVERNMENT.

Comment [DCB1]: Have Bill Nichols edit this page when Council ready to adopt.

WHEREAS, the City Council desires that city government be transparent and accountable to the public; and

WHEREAS, the City Council seeks to govern in a manner that is responsive to the community, in collaboration with City management, and in a business-like and professional manner; and

WHEREAS, written principles, policies and procedures best assure an atmosphere conducive to principled, accountable and transparent governance,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF McCALL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. There is hereby adopted by reference, "City of McCall Manual Of City Governance Policies, Procedures and Guidelines" dated (insert date), which is attached hereto as Exhibit "A".

ADOPTED by the City Council of the City of McCall, Idaho, at the regular meeting of the City Council on the (date) day of (date).

APPROVED by the Mayor of the City of McCall, Idaho, on the (date) day of (date).

\_\_\_\_\_  
Donald C. Bailey, Mayor

Attest:

\_\_\_\_\_  
BessieJo Walker, City Clerk

## **Acknowledgements and Referenced Documents**

City of Bainbridge Island “Manual of City Governance Policies, Procedures and Guidelines. Substantial portions of this Manual were “borrowed” as a basis for the McCall Manual.

Stanley E. McNutt, ICMA Range Rider ([rangerider@cpcinternet.com](mailto:rangerider@cpcinternet.com)). Many thanks to Stan for his expert guidance in showing our Council the way forward!

Association of Idaho Counties and Cities:

1. Municipal Meetings Manual
2. Ordinance and Resolution Manual
3. Planning and Zoning Manual
4. The Nature and Powers of Cities Manual
5. Public Records Manual
6. Records Retention Manual
7. Roles and Responsibilities Manual

Idaho Attorney General:

1. Ethics in Government Manual
2. Open Meetings Law Manual
3. Public Records Law Manual

State of Idaho Statutes, especially:

1. Title 50, “Municipal Corporations”
2. Title 67, “State Government and State Affairs”

City of McCall City Code

1. Title 1, Administrative
2. Title 3, Planning and Zoning
3. Title 9, Subdivision and Development

[Robert’s Rules of Order, Newly Revised \(11<sup>th</sup> Edition\)](#)

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**Table of Contents**

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## **Article 1: PRINCIPLES**

It is hereby the policy of the City to establish the principles stated in this Article 1 as core values of City governance:

### **1.1 Values**

#### **1.1.1 City Leaders Listen to the Community**

City leaders, including members of the Council, the City Manager, and Officers, listen to the community in a way that fully represents the community's interests and goals.

#### **1.1.2 Collaboration is Valued**

Council and staff should make the maximum effort to collaborate in every endeavor, seeking consensus as far-often as possible.

#### **1.1.3 City Leaders Lead and Reason Together**

Council members should individually, and collectively, demonstrate the ability to lead and reason together.

#### **1.1.4 The City Exemplifies Professionalism in City Management**

City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.

#### **1.1.5 Sustainability**

Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable results for the community, environment, and for city finances and the local economy.

### **1.2 Relationship between Council, City Manager, Staff and Public**

#### **1.2.1 Council Oversees City Organization But Does Not Interfere With Management**

Council establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with the City Manager's management of City employees.

#### **1.2.2 Council and City Manager Roles and Responsibilities Differentiated**

Leaders adhere to the separate and distinct policy and management roles of Council and City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

#### **1.2.3 Performance-Driven Management**

Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

#### **1.2.4 City Attorney Is Legal Counsel to the City and Its Officials Collectively**

The City Attorney is under contract to the City, selected by the City Council, and represents the City and, in that capacity, provides legal advice to the Council, City Manager and staff to the extent that their interests coincide with the City's.

#### **1.2.5 Staff Provides Adequate Information for Council Policy-Setting**

In order for the Council to carry out its policy-setting role, information from the Staff and other sources is needed, such as existing State laws, City ordinances or applicable code sections, County

~~property data, and any applicable history concerning the matter at hand. Information is sufficient for effective and informed decisions.~~

#### **1.2.6 Council Will Not Request Unnecessary Information**

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. An exceptionally time-consuming request of Council ~~may~~ requires a majority vote, ~~such as for a specific action item or resolution.~~

#### **1.2.7 Public Documents Ensure Open and Transparent Government**

The Council and Administration will adhere to laws on public access to documents.

#### **1.2.8 Communications to the Public are Essential**

The City Manager shall be responsible for the City communications function, but controversial communications shall be promptly copied to Council. However, any member of the Council may communicate directly with a constituent or the press on issues which are of interest to the public.

### **1.3 Functioning of City Council**

#### **1.3.1 Importance of Open Public Meetings**

The City shall comply with the Open Meeting Act under Idaho law.

#### **1.3.2 There is a Council-Selected Mayor**

The Council-selected Mayor presides at Regular ~~and other~~ Meetings of the Council.

#### **1.3.3 The Mayor Also Embodies Other Leadership Roles**

As the City's ceremonial head, the Mayor is the main liaison for the Council with the City Manager; a team leader; a goal-setter; an organizer who helps stabilize Council relationships; a champion of the City.

#### **1.3.4 Citizen Volunteers Play an Important Role**

For citizen advisory committees, boards and commissions, the ~~Mayor-Council~~ shares the role ~~with the staff~~ of seeking and interviewing volunteers, and appoints citizens to these committees, boards and commissions ~~subject to Council confirmation; see MCC 1.10.3.~~

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#### **1.3.5 The Role of Council President**

Council members select the Council President; presides at meetings and coordinates with City Manager when Mayor is unavailable or absent.

#### **1.3.6 Service on Regional Bodies is Shared Among Council Members**

Council selects individual Council liaison roles based on the desire, qualifications and skills of interested Council members.

#### **1.3.7 Representatives of City Act in Accordance with City Policies**

It is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects and plans.

#### **1.3.8 Councilors Serve in Liaison Roles to Community Organizations**

Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications.

#### **1.3.9 Council Members Have Opportunity to be Leaders and Innovators**

One or more Council members may “sponsor” an ordinance or resolution, including amendments to any City codified ordinance.

### **1.3.10 Council is Mindful of Limited Resources**

Council expense reimbursement is limited to the current budget; travel and other expenses ~~requires~~must be supported by -receipts; and ~~there are~~may be subject to other limits on type and amount.

### **1.3.11 Council Authorizes Certain Grant Applications before Submittal**

If a grant acceptance would require material matching dollars or may impact policy, the Administration will seek Council approval prior to applying for a grant. The Administration will bring all grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.

## **1.4 Efficiency and Effectiveness of Council Decision-Making**

### **1.4.1 Council Makes Effective Use of Time**

Council differentiates among four types of public meetings: (1) goal-setting retreats; (2) study-work sessions (and single-issue workshops); (3) regular or business meetings; (4) public communications meetings and forums.

### **1.4.2 Provide More Effective Opportunity for Public Interaction**

Communication with public is more interactive in Study Sessions or Communication Meetings than in Regular Meetings (where the 3-minute public comments process shall apply).

### **1.4.3 Council’s Regular Meetings Will Be Efficient and Businesslike**

The information exchange, review, deliberation and vetting of issues during a prior Study Session enables Council Regular Meetings to be expeditious.

### **1.4.4 Effective Decision Making Requires Finality**

Parliamentary Rules shall limit the prerogative to reconsider a Council decision; effective decision making results in finality and “moving on”.

### **1.4.5 Council Dialog Calls for “Sticking to the Point”**

The Presiding Officer’s role, especially at a ~~Regular Meeting~~Regular Meeting, is to keep Council business focused and expeditious.

### **1.4.6 Council Meeting Agendas Are Set by a Team**

Agendas for Council ~~Regular~~ Meetings are generally developed and refined by the Administration and are then arranged by the City Manager and City Clerk in consultation with the Mayor and/or Council President, who provide final approval prior to being publicly posted. Items for Study-Work Session worksheets (agendas), or other types of Council meetings, are submitted to the City Clerk, Mayor or City Manager and after ~~team~~further staff review as needed are finalized by the Mayor and/or Council President for public notice and distribution.

## **1.5 Functioning of City Manager and Staff**

### **1.5.1 ICMA Standards are Respected**

City leaders respect the International City/County Manager Association (ICMA) standards (e.g. ICMA Code of Ethics) and the City Manager's employment contract terms and conditions. -See Exhibit D.

### **1.5.2 Council-Manager Governance Depends on a Strong City Manager Role**

The City Manager, as the Chief Administrative Officer of the City, prepares the proposed budget; administers code and policy; appoints and removes city employees; and carries out policies and procedures adopted by the Council.

### **1.5.3 Regular and Understandable Financial Reporting**

The City's regular financial reports enable the Council and community to understand the City's financial condition and are in harmony with accounting standards for governmental organizations, applicable law and municipal best practices, taking into account brevity, cogency, salience and clarity.

### **1.5.4 Council and Administration are Mindful of Risk Management**

There is a periodic review of risk management with ICRMP (Idaho Counties Risk Management Program). The Council empowers the City Manager with a dollar authority level to settle minor disputes while keeping the Council informed of such decisions.

### **1.5.5 Public Information is Enhanced by Audio, ~~Video, Website & and~~ Notes**

There is a full audio recording available for each Council meeting; however, recordings of the proceedings of an executive session are not made (see 3.7.5). Minutes of meetings are concise and are approved by the Council and posted online in as timely a manner as possible.

## **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")**

The Council consists of five (5) officials, each elected to four-year terms. The terms are staggered with two (2) or three (3) having terms expiring at the end of ~~even-odd~~-numbered years. Individual Council members do not have governing power as individuals, but only when meeting as a Council, when a quorum (three or more) is present. A special-purpose meeting of the Council when a quorum is present is sometimes referred to as a meeting of the Committee of the Whole.

#### **2.1.2 Council Standing Committee**

A Council Standing Committee consists of Council members (not more than two, approved by the full Council for a calendar-year term), established by Resolution, with staff support appointed by the City Manager. The Council may, but is not required to, establish one or more Standing Committees. A Standing Committee is a body with no established expiration date, and which has jurisdiction over a Council-prescribed ongoing policy area, such as finance. The purpose of a standing committee is to perform oversight functions in the prescribed area, and to develop and recommend actions in that area to the Council.

#### **2.1.3 Council Ad Hoc Committee**

An Ad Hoc Committee is a temporary committee established by Resolution by the Council to investigate and advise Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for Council on a particular topic. The Council determines the purpose

of an Ad Hoc Committee at the time of establishing it. The Council may appoint no more than two Council members to an Ad Hoc Committee, and, if applicable, one or more citizens or subject matter experts who are not city employees. Furthermore, each Ad Hoc Committee shall include the City Manager (or his/her designee) and any City staff that the City Manager chooses to assign to the Committee. An Ad Hoc Committee shall sunset upon completion of the Council-assigned task.

#### **2.1.4 Citizen Board, Citizen Committee or Citizen Commission**

As defined by ordinance or resolution, a citizen board, committee or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described in Article 5: Citizen Committees, Boards and Commissions.

#### **2.1.5 Citizen Advisory Committee**

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council or by the City Manager, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy or practices, or the means to carry out a proposed project or city activity. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B.

#### **2.1.6 Steering Group**

The City Manager and/or the Council may establish a Steering Group to perform a temporary ad hoc task or project prescribed by the Council or the City Manager – such as organizing one or more forms of citizen engagement on a public issue, or providing direction and oversight for the implementation of a City project or program.

#### **2.1.7 Small Task Group**

The Council may, from time to time, create and appoint members to, a small task group for the purpose of examining issues and making recommendations important to the City but not requiring the more formalized process of a larger task force group, which may require a steering committee. The small task group may consist of one or more Council members, one or more citizens or experts familiar with the issue or project, and the City Manager (or designee). In all cases, the instrument appointing a task force shall set forth a clear task assignment and a method of “sunsetting” the group upon completion of the task.

#### **2.1.8 Multi-Agency or Regional Task Group**

When a major regional effort involves key agencies outside of City government but vital to a project’s coordination, the Council may create or join by motion, legislative directive resolution, or intergovernmental agreement adopted by the Council, an appropriately named multi-agency or regional task group (and may create a Steering Group to guide the task force effort). Membership shall consist of one (possibly two) Council member and/or the City Manager (or designee), typically one representative from each partner agency, and, if applicable, representation from any private, consultant or non-profit agency with a key interest or resource vital to the issue or project. An example of such a Group is the Valley County Economic Development Council (VCEDEC).

#### **2.1.9 Scalable Public Process Planning System:**

For public issues of high interest or high impact, and/or those that require a lengthy public process, a Public Process Steering Group may be formed. For issues that are less controversial, have less far-reaching impacts, and/or are suited to a shorter process, an Ad Hoc Committee or Task Force may be

more appropriate. The purpose of the committee, task force or steering group is to strategize and facilitate appropriate public process for a particular community subject or issue. See Exhibit C for more details on the use of this Scalable Public Process Planning System.

A Public Process Steering Group typically consists of one ~~to three~~ two Council members, the City Manager (or designee), and the City's ~~Communications Coordinator~~ Clerk. The Councilmember(s) shall be appointed by the Mayor and confirmed by Council. The City Manager shall appoint additional staff as needed to provide technical support, and may appoint one or more citizens to provide community input. Representatives of outside agencies may also be included where appropriate. These appointments shall identify the task(s) of the Steering Group. The group shall "sunset" when the task is completed. A similar approach may be taken in assembling an Ad Hoc Committee or Task Force, except that the group make-up may be smaller and simpler, and it may have one or just a few meetings, or even "meet" by email.

The committee, task force or steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned and shall advise on the design for public processes. Public process activities may incorporate a range of tools such as press releases, newspaper columns, Q & A's, fact sheets, presentations to community organizations, focus groups, neighborhood meetings, ward meetings and public forums, as described in the City's public participation guidelines. The Council Liaison will inform the Council of the group's activity at Council meetings (when appropriate).

#### **2.1.10 Nonprofit Service Agency**

A nonprofit organization may perform a function for the City as defined by contract with the City or as prescribed by ordinance. Examples of nonprofit entities designated by ordinance are: ~~Health, Housing and Human Services Council (for oversight of the Human Services Element of the Comprehensive Plan) the Library Board of Trustees; (for oversight of the City Library as provided in IS 33, Chapter 26) and the McCall Arts and Humanities Council (for oversight of recommendations regarding the Cultural Elements of the Comprehensive Plan).~~

## **2.2 City Officials and Adjudicators**

### **2.2.1 Mayor**

See the definition and duties stated in ~~Section Article~~ 4.3.

### **2.2.2 Council President**

See the definition and duties stated in ~~Section Article~~ 4.4.

### **2.2.3 Presiding Officer**

The term Presiding Officer means the Councilmember who is to chair, or is in fact chairing, a Council meeting. Unless otherwise stated in the meeting agenda, the Presiding Officer shall be the Mayor unless the Mayor is absent, in which case the Presiding Officer shall be the Council President (or, in the absence of both, the Councilmember who is elected by the quorum to preside at the meeting).

### **2.2.4 City Manager**

See the definition and duties stated in Article 6: City Administration.

### **2.2.5 Appointive Officers**

The City's Appointive Officers consist of the City Manager and those persons (who may or may not be City employees) who occupy any of the appointive offices stated in MCC Title 1, Sections 1.9.3 and 1.9.9.

### **2.2.6 Council Liaison**

With Council approval, a Council member may serve for ~~a two~~ calendar years as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Council-member Liaisons to four types of organizations:

- A county-wide or regional policy or governing body or intergovernmental organization (such as the Valley County Economic Development Council);
- A community organization (such as an arts, business or social service organization, such as the McCall Chamber of Commerce);
- A governing or inter-agency board functioning in the city (such as the McCall Redevelopment Agency); and
- A citizen board, commission or committee of the City,

## **2.3 Types of Meetings of Council**

### **2.3.1 Regular (or Business) Meeting**

A Regular Meeting of the Council is a meeting convened on a regular series of dates (and at a time) adopted by Ordinance of the Council at the first meeting of the calendar year. At a Regular Meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve additions or deletions to the agenda at the meeting in accordance with State statute.

### **2.3.2 Special Meeting**

A special meeting is a Council meeting ~~called at~~ scheduled for a date or time other than the time prescribed by ordinance for a Regular Meeting. At a special meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions or additional items for discussion (~~but not additional action items~~) to the agenda at the meeting in accordance with State statute.

### **2.3.3 ~~Study 3~~ Work Session**

A ~~study-work~~ session is a special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, (iii) to engage in public comment or dialog, or (iv) to participate in presentations with City staff or other subject matter experts. In general, final votes are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may be adjourned to a "~~Study-Work~~ Session".

### **~~2.3.4~~ Workshop**

~~A study session on a single topic or subject is sometimes referred to as a workshop.~~

### **2.3.5 ~~4~~ Public Hearing on Ordinance**

A formal public hearing ~~may be~~ is required by statute or City ordinance as a portion of the prescribed public process for the Council's adoption of the City budget, the City's Capital Facilities Plan, a Zoning Ordinance change, adoption of and revision to a Development Agreement, and certain other legislative actions. In such a case, a public hearing is conducted according to State of Idaho Statute Code. The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice. See Section Article 8.8.

### **2.3.6-5 Public Hearing on Quasi-Judicial matter**

Certain Council reviews and actions that are akin to a judicial decision affecting a particular party or a particular set of one or more properties require that the Council conduct a formal public hearing of a "quasi-judicial" kind. Such a hearing is typically conducted by Council during a prescribed portion of a regular or special meeting, and is performed in such a manner as to establish a clear record of proceedings, facts presented and the decision process according to judicial standards. A detailed discussion of quasi-judicial hearings can be found in Section Article 8.13.2.

### **2.3.7-6 Retreat**

A retreat is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, or set goals for the City Manager which may be elements of an annual performance evaluation. Although a detailed listing of the City's activity plan for a coming year may result from informal consensus, formal adoption will be made in a regular Council meeting by motion or resolution.

## **2.4 Types of Public Participation in Government**

### **2.4.1 Public Comment Period at ~~Business Regular~~ Meetings**

At Council Regular Meetings, the agenda ~~shall~~ may include a period of time known as the Public Comment Period. Within that time period, any member of the public may be recognized by the Presiding Officer and may address the full Council on any public issue ~~if~~ whether or not already on the agenda. Unless Council determines otherwise, the Public Comment Period at a Regular Meeting is reserved for comments by the public rather than responses from Council or Administration. Public comments on specific agenda items may be accepted at that point during the meeting. For further guidelines, see Sections Articles 4.6 (Respect and Decorum) and 8.12 (Procedures for Public Comment at Business Meetings).

### **2.4.2 Interactive Dialog with the Public at ~~Study-Work~~ Sessions**

At Council ~~Study-Work~~ Sessions, the Presiding Officer shall determine the manner in which public comments and dialog are to be invited, depending on the nature of the ~~Study-Work~~ Session and the amount of time available. In general, the Presiding Officer may allow more flexibility in accommodating comments and dialog on agenda matters under discussion than is generally allowed at a Regular Meeting, and the Presiding Officer may allow responses and interactive dialog with Council members, the Administration and/or other presenters.

### **2.4.3 Other Meetings with the Public Outside of City Hall**

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

#### 2.4.4 Public Forum

When major public policy development warrants, and after adequate preparation of issues and alternatives, the council or a Steering Group (see ~~Sections-Articles~~ 2.1.6 to 2.1.9) may conduct public forums to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The convening Steering Group shall summarize the conclusions and/or recommendations of such forums for presentation to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action. The procedures are further illustrated in Exhibit C.

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#### 2.4.5 Additional Avenues for Public Participation

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, questions and answers (Q&A's), etc. as may be described in the City's documents and guidelines pertaining to public participation in various projects and processes.

#### 2.4.6 Committees and Other Citizen Participation Opportunities

For descriptions of other potential participation opportunities for citizens which relate to City governance, see ~~Sections-Articles~~ 2.1.3 to 2.1.9.

### 2.5 Types of Governing Actions

#### 2.5.1 Motion

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution, but is generally much shorter and worded in a more informal manner than a resolution. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances or resolutions.

#### 2.5.2 Resolution

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where it is desired to prepare an expression of legislative policy that is more comprehensive or more meticulously worded than a motion. While resolutions are often just a statement of policy, a resolution may have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus). See Exhibit G for examples as defined by AIC.

#### 2.5.3 Ordinance

An ~~enacted~~ Ordinance is a ~~local law (legislative act) prescribing general rules of conduct~~ formal legislative act of the Council and should be used whenever the Council intends to pass a regulatory measure. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution. See Exhibit H for examples as defined by AIC.

#### 2.5.4 Comprehensive Plan Amendment

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise may hold a public hearing before passage; see Title 3, Zoning Ordinance, Chapter 18.

### **2.5.5 Budget Adoption or Amendment**

Legislative acts adopting or amending the budget document for the City on an annual basis. Although the budget is a maximum spending plan, it must be managed by the City Manager to operate within actual revenue received for each fund during the fiscal year.

### **2.5.6 Capital ~~Facilities~~ Improvement Plan (CIP) Adoption or Amendment**

The ~~CFP~~ CIP is a six (6) to ten (10)-year plan which is a companion to the budgeting process and which establishes priorities for construction or replacement of capital facilities and equipment of the City.

### **2.5.7 Quasi-Judicial Ruling**

Such a ruling is similar to a “judicial act” taken by an agency or authority that is not constituted as a “court” of law. A quasi-judicial ruling is an administrative ruling made by the Council, Hearing Examiner, or Planning Commission wherein the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and as such, and are appealable to a higher authority or court of law.

### **2.5.8 Best Practices**

Best Practices, as used in this manual, means methods of conducting certain activities of local government which have become widely accepted standards for a given local government activity. Best practices are often imported as a result of professional networking or from another similar agency which discovered a way to “do it better”.

### **2.5.9 Doing Things Right**

While not defined in law, this phrase, as used in this manual, is an aspiration based on two criteria: (i) seeking out, and conforming to, the correct policy path for an action; and (ii) seeking out and emulating the best practices compatible with the activity, organization and culture.

## **Article 3: STANDARDS OF CONDUCT**

### **3.1 Sources and References**

In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

- Association of Idaho Cities (AIC) and several publications issued by the Attorney General of the State.
- AIC “The Nature and Powers of Cities” Manual
- AIC “Conflict of Interest and Ethics Guidelines” Manual
- AIC “Roles and Responsibilities” Manual
- “~~ISIC~~”: Idaho ~~Statutes~~Code, as revised.
- “~~COMMCC~~”: Codified Ordinances of the City of McCall (or McCall Municipal Code)

### 3.2 Standards of Conduct for Officials under Idaho Law

A summary of various Idaho state statutes and case law that impose duties and standards of conduct on a city's elected and non-elected officials can be found in the publications of the Attorney General and the AIC. For a summary of ethical standards of conduct under City ordinance, see, for example, ~~Section Article~~ 3.9 and the sections which follow it.

### 3.3 Oath of Office

A Council member, when sworn into office by the City Clerk, must take and subscribe an oath in accordance with ~~State Statute~~ Idaho Code. Those being sworn-in stand, raise their right hand, listen as the oath is read and say "I do" or "I will" at the end of the oath. Each official then signs a paper copy of the oath of office, which is also signed by the city clerk and is kept by the city as an official record.

The City Manager, Officers, Department Heads and certain other City employees (such as Police Officers) in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath. The City Clerk, an officer, may be sworn into office by the Mayor or the City Manager.

Comment [WFN3]: Oaths of office are not required for all department heads.

### 3.4 Public Trust

Public trust is a guiding concept for the Council and City employees ~~in~~ with state statutes relating to avoidance of conflict of interest in contracting and in the Open Public Meetings Act. The citizens and businesses of McCall are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity. In keeping with the City of McCall's Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- a. public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
  - b. public officials be independent, impartial and fair in their judgment and actions;
  - c. public office be used for the public good, not for personal gain; and
- ~~a-d.~~ public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

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### 3.5 Stewardship of Public Funds

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution's prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association; (ii) the state law prohibitions against using public facilities or property for political campaign purposes; and state law requirements for bidding of public works projects; and for the giving of notice when seeking suppliers for other major purchases.

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### 3.6 Conflicts of Interest under State Law

A Council member may not vote on a matter where they would especially benefit. And, with some exceptions noted below, Idaho law forbids city officials from having a financial interest in a City contract, regardless of whether or not they vote on the matter.

### 3.6.1 State Code of Ethics

The ~~IS-IC~~ Title 9, Chapter 7, the “Ethics in Government Act of 1990”, includes a Code of Ethics for state and local officials that generally prohibits (with some specified exceptions) four types of conduct by a City official. See also the “*Idaho Ethics in Government Manual (August 2008)*”.

- (a) using one’s City official position to obtain special privileges for oneself or others;
- (b) giving or receiving a gift in connection with a City matter;
- (c) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (d) disclosing confidential information gained as a City official, or using such confidential information for personal gain.

Legal advice should be sought on such questions as:

- (a) Is a very small gift, such as a coffee, small enough as to be “de minimus” and therefore not intended to be prohibited?
- (b) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit?

### 3.6.2 Prohibition against Private Interest in a Public Contract

The ~~IS-IC~~ Title 67 broadly prohibits the following conflicts of interest regarding a city contract:

- a. Except as provided by section 67-5718, ~~Idaho Code,~~ no officer or employee shall influence or attempt to influence the award of a contract to a particular vendor, or to deprive or attempt to deprive any vendor of an acquisition contract.
- b. No officer or employee shall conspire with a vendor or its agent, and no vendor or its agent shall conspire with an officer or employee, to influence or attempt to influence the award of a contract, or to deprive or attempt to deprive a vendor of an acquisition award.
- c. No officer or employee shall fail to utilize an open contract without justifiable cause for such action. No officer or employee shall accept property which he knows does not meet specifications or substantially meet the original performance test results.

### 3.6.3 Limitations on Holding Multiple Offices

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city (“dual office holding”), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently.

## 3.7 Open Public Meetings under Idaho Law

The Open Public Meetings Act (OPMA) is summarized in [IS-IC 67-2340](#) through 67-2347 and is also described in greater detail in the publication, “Idaho Open Meetings Law Manual”.

### **3.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings**

As stated in the Open Public Meetings Act (OPMA):

*“The people of the state of Idaho in creating the instruments of government that serve them do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret.”*

### **3.7.2 Applies to All Public Agencies of the City**

The OPMA applies to all Public Agencies of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning and Zoning Commission. The “Idaho Open Meeting Law Manual” states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective bargaining and related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

### **3.7.3 Two Kinds of Meetings: “Regular” and “Special”**

A “regular” meeting is one with regular dates, times and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but [IS-IC 67-2343](#) states that:

“An agenda shall be required for each meeting. The agenda shall be posted in the same manner as the notice of the meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion.

- (a) If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.
- (b) If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body votes to amend the agenda.
- (c) An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Presiding Officer (e.g. Mayor) or a majority of Council members. The notice of a special meeting must be posted at least twenty-four (24) hours prior to the meeting, and must state the items of business on the agenda. Unless an exception applies, the Council may not add to the agenda of a special meeting without giving twenty-four (24) hours notice of the added item.

### **3.7.4 Open to the “Public”**

Under [IS-IC 67-2342](#), all persons must be permitted to attend a public meeting except unruly persons. Attendance may not be conditioned upon registration or similar requirements. The Act does not prohibit a requirement that persons identify themselves prior to testifying at hearings.

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

In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared and/or relocated. However, non-offending members of the news media may not be excluded.

### 3.7.5 Executive Sessions

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. Per IC 67-2345:

“The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds ( $\frac{2}{3}$ ) vote of the governing body.”

As further provided by the ~~IS-IC~~ IC 67-2345 ([see](#) Exhibit E), an executive session may, in general, be conducted to discuss matters such as the following:

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;
- (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
- (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
- (d) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code;
- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;
- (g) By the commission of pardons and parole, as provided by law;
- (h) By the custody review board of the Idaho department of juvenile corrections, as provided by law; or to engage in communications with a representative of the public agency’s risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency’s risk manager or insurance provider at an executive session does not satisfy this requirement.
- (i) To engage in communications with a representative of the public agency’s risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency’s risk manager or insurance provider at an executive session does not satisfy this requirement.

Council members shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

### 3.7.6 Unintended Meetings; Electronic Meetings

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion, conducts an interactive email discussion of city business or conducts a “serial” meeting in which a Council member meets or discusses with another member in sequential fashion, one after another. (See 3.8.2 below for more discussion of email).

## ~~3.8-Open~~ **3.8 Open Government and Public Records**

### **3.8.1 Purpose of the Public Disclosure Law**

“The intent of the law is that all records maintained by state and local government entities be available for public access and copying. At the same time, the Legislature recognized the need to balance this policy of openness against the equally important need for privacy of certain information provided by citizens and businesses that is necessary for the conduct of the government’s business.† This balance is contained in Idaho Code § 9-338, which states that “all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.”

See ~~IS-IC~~ 9-337 through 9-350 and the “Idaho Public Records Law Manual”.

### **3.8.2 Emails and Other Electronic Records**

Under the state law definitions (above), an email (or an entry on a website, blog, twitter or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.

#### **(a) Policies on Email Platforms**

In recognition of the desire to maintain open and transparent government, and to support the City’s duty to accessibly store and archive electronic public records, it is hereby the policy of the City that in the case of each email that contains information relating to the conduct of the government or the performance of any governmental or other City function, Council members shall:

1. take all reasonable steps to ensure that each such email sent or received by him or her is sent or received on the City-maintained email system utilizing the individual’s email address at [mccall.id.us](mailto:mccall.id.us), and
2. cease utilizing any private, public or proprietary email service other than the City’s, for the sending or receiving of any such emails that meet the definition of public records, and
3. establish an automatic reply message on any email service previously used for a Councilmember’s public email correspondence, to automatically advise any email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address.

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Each Councilmember who has been advised by the City Clerk to assist the City in preserving a copy of his or her emails pertaining to the work of the governing body shall send a copy of each such email, as and when each is sent or received, to the City email address designated by the City Clerk for that purpose, or as otherwise may be directed by the City Clerk.

#### **(b) Policies on Email Practices**

It is hereby the policy of the City that with respect to any email sent by a Council member that contains information relating to the conduct of the government or the performance of any governmental or other City function, the email shall not be sent or copied to more than ~~two~~ one other

Council member (so as not to violate the Open Public Meetings Act)s, and any Council member who receives such an email shall not forward the email to any other Council member.

### **3.9 Ethics in the City of McCall**

It is hereby the policy of the City that all officers and permanent or temporary employees, including those under contract to the City, will adhere to the tenets of the ICMA Code of Ethics and sections of the IC as referred to in the “Ethics in Government Manual”:-

### **3.10 Duties to Act Consistently with City Policy When Representing City Elsewhere**

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or specific directive of the City ManagerCouncil.

### **3.11 Role of City Attorney**

The City Attorney’s ultimate client is the City itself – a municipal corporation. The City Attorney’s relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Managers, and other City staff.

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired-employed to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney’s office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager.

In those rare cases where either the City Council or the City Manager perceive such a conflict, the City Attorney should be consulted directly in order for him or her to make a decision about whether it is possible for the City Attorney to adequately represent the City in that situation. If the City Attorney determines that he or she cannot do so, then it is the responsibility of the City Attorney to secure alternate legal assistance.

The City Council cannot prohibit the City Manager from having access to the City Attorney’s advice. For reasons of efficiency or cost effectiveness, the Council may decide that certain legal questions should be channeled to the City Attorney through the City Manager; to ensure that questions are clearly worded and communications back to Council are consistent.

The Council can determine as a policy matter whether the City shall obtain legal advice from ~~an on-~~ the staff City Attorney or by reliance on another law firm.

### **3.12 Process for Officials to Question the Legality of City Actions**

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should

therefore take care to act within the scope of his or her duties and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the City, and may therefore constitute a breach of that official's duty to the City. Therefore, it is hereby the policy of the City that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

- (a) Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
- (b) If the advice of the City Attorney does not resolve the concern, consult the City Manager.
- (c) If steps "a" and "b" do not resolve the concern, the official may request an executive session of the full Council and if the matter rises to the level of presenting a risk of litigation.
- (d) Prior to completing steps "a" through "c", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.

### **3.13 Conduct of Officials with Regard to Litigation brought against City**

It is hereby the policy of the City that, once an individual or organization has filed a legal proceeding against the City, a City Council member shall not engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council and the City Attorney, either in public or in executive session. It is also hereby the policy of the City that its conflict of interest rules shall apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

### **3.14 Prohibition against Making Gifts of Public Funds**

Article VIII, section 4, of the Idaho State Constitution states:

"No county, city, town, township, board of education, or school district, or other subdivision, shall lend, or pledge the credit or faith thereof directly or indirectly, in any manner, to, or in aid of any individual, association or corporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any individual, association or corporation in or out of this state."

~~The Idaho Supreme Court has not directly addressed whether public funding of private non-profit entities is a violation of the public purpose doctrine, but it very likely is a violation.~~ The Idaho Attorney General's Office (AGO) issued an opinion on whether the State of Idaho could "loan" employees to a private charity, the United Way, for eight weeks to assist with fundraising. The opinion concluded that this activity would violate the public purpose doctrine because a state resource, employees paid with state funds, was used to benefit a private entity under private control. This gave favored status to a private enterprise at the expense of other organizations. *See* AGO 1995-O-0007 (November 1, 1995).

A city may contract with private organizations to provide services to the public, if those are services that the city is authorized to provide. The private organization provides the services in question as an agent or contractor for the city. For instance, a city, having authority to provide recreational programs for its residents, may do so by contracting with a youth agency or senior citizens' organization to operate recreational programs for those groups, under appropriate city supervision.

The contract should be carefully drawn, however, so that the program or project remains the city's own operation and is not an unlawfully broad delegation of city authority, or grant of city funds, to a private agency. Payments should be made pursuant to vouchers reflecting the satisfactory performance of services.

### **3.15 Separate Accounting of City Funds**

With regard to the City's three enterprise services funds – namely, the two utility funds (i.e., Water and Wastewater Utilities), and the Golf Course Fund -- it is the policy of the City:

- to separately account for each of the funds; and
- to ensure that fees and charges collected from a customer of any such enterprise is not used to subsidize another enterprise fund or the general operations of city government.

Nothing in this policy is intended to either: (i) prohibit an enterprise fund from paying its duly allocated share of direct or indirect costs or its reasonable allocation of City overhead costs, periodically examined by the State Auditor; or (ii) prohibit the imposition of a tax on the utility funds.

### **3.16 Duty to Avoid Interfering with City Manager's Role with Staff**

Neither the Council nor any Council member shall interfere with the authority of the City Manager to appoint and remove any and all department heads, officers, and employees of the City (except Council members), subject to the provisions of applicable law, rule, or civil service regulation. For example, ~~IS-IC~~ 50-808 assigns to the Council the power to confirm all appointments of department heads by the City Manager. Also, neither shall the Council or any Councilmember give orders to any subordinate of the City Manager.

### **3.17 Immunity and Indemnification of Officials for Individual Actions in Good Faith**

An appointed or elected official or ~~member-employee or appointed volunteer~~ of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortu~~ous~~ous conduct of its officials or members of the governing body.

It is important to note that an official's immunity applies solely to actions taken ~~in good faith~~within ~~the scope of their duties~~ in the course of performing ~~within the scope of the official's duties~~the ~~responsibilities of the position~~.

The City is insured through the Idaho Counties Risk Management Program (ICRMP), which provides broad coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim involves a covered claim against a City official, then ICRMP will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note ICRMP coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and (if the matter is) not otherwise excluded from coverage through the ICRMP compact with the City.

Additionally, in the event that a damage claim and/or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through ICRMP, the City shall provide legal representation to defend the City official and shall indemnify the City official for the payment of the claim (if warranted) or any resulting judgment. The City will not indemnify and defend a City official acting outside the scope of his or her official

duties, or if the claim and/or lawsuit is based upon a dishonest, fraudulent, criminal and/or malicious act.

## Article 4: CITY COUNCIL – THE ELECTED GOVERNING BODY

### 4.1 Council Meeting - Time and Location

Regular Meetings of the Council shall be held on the dates and times as adopted by the Council, unless cancelled or postponed in accordance with applicable State or local procedures. Special meetings may be called by the Mayor ~~or~~ by three Council members or by the City Manager.

### 4.2 Council Meetings – Open to the Public

All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for herein.

### 4.3 Mayor – Election – Chair to be Mayor – Duties (“Mayor”)

Biennially at the first meeting of the new Council the members thereof shall choose a chair from among their number. The chair of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon him or her as Mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the Council. The Mayor shall be recognized as the head of the city for ceremonial purposes. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

### 4.4 Council President

Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, may designate one of their number as Council President for such period as the Council may specify, to serve in the absence or temporary disability of the Mayor; or, in lieu thereof, the Council may, as the need may arise, appoint any qualified person to serve as Council President in the absence or temporary disability of the Mayor.

Meetings of the Council shall be presided over by the Mayor, if present, or otherwise by the Council President if one has been appointed, or (in the absence of both of them) by a member of the Council selected by a majority of the Council members at such meeting. Serving as Presiding Officer of the meeting shall not in any way abridge the right of the Presiding Officer to vote on matters coming before the Council at such meeting.

In the event of the extended excused absence, disability or resignation of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore President to serve during the absence or disability.

### 4.5 Quorum

As provided under State law, all meetings of the Council, three Council members shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment and rescheduling is posted in the manner provided by City Code applicable law.

### 4.6 Respect and Decorum

**Comment [WFN4]:** Posting an adjournment? What is contemplated? If it means continuing the meeting to another date and time then that meeting has to be noticed anyway in accord with the open meeting law.

It is the duty of the Presiding Officer and Council members to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, the Council members shall preserve civility, order and decorum. No member of the public shall, by conversation or otherwise, delay, disrupt or interrupt the proceedings of the Council, nor disparage any person while speaking. Council members and the public shall obey the proper orders of the Presiding Officer of the meeting.

#### 4.6.1 Orderly Behavior and Civility in Remarks

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal or adjournment as described elsewhere in this manual.

#### 4.6.2 Permission Required to Address the Council

Persons other than Council members and Administration shall be permitted to address the Council only upon recognition and/or introduction by the Presiding Officer of the meeting.

#### 4.6.3 Forms of address

The Mayor or Council President shall be addressed at a meeting where he or she is presiding as Mayor (*name*), President (*name*), or “Mr. or Ms. Chair”.

Comment [DCB5]: Need we be this formal?  
Or post some rules for the public to follow?

#### 4.7 Telephonic Participation from a Remote Location

Requests by a Council member to participate remotely by telephonic or audio-visual connection, or similar telecommunications devices, in a nonvoting capacity shall be granted by the Presiding Officer provided technical capability exists and adequate notice is given, for the arrangement of required equipment and connections, and shall be at the Councilmember's own expense, unless waived in a Council motion.

Such a remote participation by any, or all, Councilmember Council members for voting purposes may will be permitted in extraordinary circumstances upon a majority vote of the Council present at the meeting site, permitted; provided all documents and exhibits are clearly visible or readable for all participants; and provided that the audio recording of the meeting allows the remote participant, the members of the public in attendance, and the other members of the Council -to be heard; and provided that the City Manager, or his/her designee, and the City Clerk, or his/her designee, are in attendance at the location designated in the meeting notice. The cost of such remote connectivity shall be paid by the Councilmember requesting remote connectivity, unless waived by by majority vote of the Council. No such remote participation for voting purposes shall be allowed for public hearings or any quasi-judicial proceedings.

Examples of extraordinary circumstances would be: emergencies or illness, accident, unforeseen urgent out-of-town business, scheduled vacations, or similar circumstances.

#### 4.8 Attendance; Excused Absences

Each person elected to the City Council must recognize a duty to attend all scheduled meetings of the Council. Frequent or habitual absences indicate to others a lack of commitment to the duties of the Council and, in effect, disenfranchise those voters who participated in the election of that Council personmember. If a member of the Council finds that it is necessary to miss a scheduled meeting,

then so advising the City Manager or another Council member would be the polite and civil ~~action~~ path to follow.

#### 4.9 Filling Council Vacancies

If a vacancy occurs, the Council will follow the procedures provided ~~in MCC~~ in MCC Title 1, Section 1.8.8, in order to fill the vacancy with the most qualified person available until an election can be held as provided ~~by IS-IC~~ by IS-IC Title 50, Chapter 4. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will draw up an application, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

#### 4.10 Council Powers and Responsibilities

The Council shall have such powers and duties as are now or may hereafter be provided under the general laws of the State of Idaho (~~IS-IC~~ IS-IC 50-701). – The legislative authority of the City is vested in the Council; Council powers and responsibilities are outlined in the AIC document “*Roles and Responsibilities Manual*”. A summary of these is included in Exhibit F.

### Article 5: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

#### 5.1 Approval of Appointees

##### 5.1.1 Citizens on Standing Governing Bodies

All members of standing citizen committees, citizen boards and citizen commissions which are, or which may hereafter be, required by State law or City ordinance or resolution, shall ~~be appointed by the Mayor~~ selected from those recommended by the City Manager or staff and confirmed with a ~~confirmation majority vote of~~ by the full Council.

##### 5.1.2 Citizens on Temporary Governing Bodies

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved ~~in the manner described in by a member of the Council, with confirmation by majority vote of the full Council. See Section Article~~ 2.1 (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual.

##### 5.1.3 Removal

Members of any committee, board or commission ~~which whose appointment~~ has been ~~appointed confirmed~~ by the Council ~~or the Mayor and confirmed by the Council~~, may be removed without cause by a majority vote of the full Council unless otherwise provided for in state law or the City Code, ordinance or resolution that authorized creation of the committee, board or commission. See Section 1.10.3 of the MCC and IC 33-2605 for Library Trustees.

Comment [WFN6]: Removal of a Library Trustee requires a unanimous vote. IC 33-2605.

#### 5.2 Establishment and Review of Citizen Governing Bodies That Are Temporary

Council-established governing bodies that are intended to be temporary -- such as Ad Hoc Committees or Citizen Advisory Committees – shall be commissioned for a time certain and provided with a clear task description and “sunset” provision. Such temporary committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

Other special ad hoc committees and Council liaisons for a particular purpose may be appointed by the Mayor, with confirmation of Council, for a time certain along with a clear task description and "sunset" provision.

Citizen Committees, Commissions and Boards, liaisons and citizen advisory or taskforce groups should be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson may present the recommendation(s) during discussion of that business item on a Council agenda.

To the extent that the City Attorney has determined that a citizen committee, commission or board is a “governing body” that is subject to the State open meetings laws, no such body shall take hold meetings or take votes for final action outside of a noticed open public meeting.

### **5.3 Relations with Boards, Commissions and Citizen Advisory Groups**

Boards, commissions and citizen advisory bodies of the City shall provide the City with meeting minutes, ~~or and~~ a summary report of all meetings, if requested by the Council. Communications from such boards, commissions and advisory bodies shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Presiding Officer’s attention under the agenda item “Committee, Board and Liaison Reports.” Should any member of the Council determine that such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

## **Article 6: CITY ADMINISTRATION**

### **6.1 City Manager**

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council’s legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law (~~IS-IC~~ 50-811) and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution or Council directive (motion). Balanced with the City Manager’s accountability to the Council for policy execution is the need for the Council to allow the City Manager the freedom to perform those duties and responsibilities in his/her day-to-day management. The City Manager makes appointments and removals of employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in ~~open session~~ duly called Council meeting, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs.

### **6.2 Role of the City Manager**

The City Manager shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager may recommend for adoption by the Council such measures as he/she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and when appropriate, shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Presiding Officer should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

### **6.3 Informal Communications Encouraged**

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Council members should be careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager's directives. City staff should provide their supervisor with the same information shared with the Councilmember.

Neither the Council, nor any of its committees or members, except as provided herein, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open-session a duly called Council meeting, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of city officers, department heads, and employees and city affairs.

### **6.4 City Manager – Interference by Council Members**

Under the City Manager – Council form of City government, neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, including requests for information, the Council and its members shall deal with the administration solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open-session a duly called Council meeting, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of city officers and employees and city affairs.

### **6.5 Complaints to Council members**

When performance complaints are made by citizens about staff actions or non-action directly to an individual Council member or in a Council or committee meeting, the Council or Council member should then refer the matter directly to the City Manager for review and/or action. The individual Council member or the Council may request to be informed by the City Manager of the action or response made to the complainant.

## 6.6 Administrative Complaints - "Best Practice"

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Council members should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred. In that case, refer to ~~Section~~ Article 6.5 above.

## 6.7 City Clerk - Minutes - Public Information Access

The City Clerk shall adhere to the requirements of ~~State law~~ IC 67-2344, and shall be the ex-officio Clerk-of-the-Council, and, as such, shall attend all meetings of the City Council. The City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio recording of the proceedings of all public hearings ~~and~~ regular ~~business~~ meetings; ~~recordings of~~ study sessions and workshops, and quasi-judicial proceedings ~~are optional unless so requested by the Presiding Officer~~; ~~except for executive sessions of the Council~~ Recordings of executive sessions of the Council are not required. The Clerk shall keep, and make available, an agenda and date for each recording, which will facilitate location of the recorded proceedings. The audio recordings shall be posted publicly on the City website, ideally within 48 hours after the meeting.

Comment [DCB7]: We need to discuss this issue. Do we or don't we?? Or some other time period?

## 6.8 The Three Touch Rule

Decision-makers and citizens at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions. It is the intent of the Council that the Council and Administration should abide by the "Three Touch Rule" whenever possible (unless an exception applies). The following procedural guidelines are designed to avoid "surprises" to the Council, citizens and administrative personnel.

Any pending request or proposal for adopting or changing public policy, ordinances, resolutions or directives which will require a decision of the City Council or Administration should normally "*touch*" (oral, written or any combination thereof) the decision makers at least *three separate times*. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the "Three Touch Rule."

It is recognized that the hands of decision-makers should not be tied unnecessarily. Unexpected circumstances may arise wherein observance of the "Three Touch Rule" is impractical. However, when unusual circumstances arise which justify a "first discussion" decision, the persons requesting the expedited decision should also explain the timing need. The Three Touch Rule excludes staff reports and other general communications not requiring a future Council decision.

## 6.9 City Staff – Attendance at Meetings

Attendance at meetings by City staff shall be at the discretion of the City Manager. It is the intent of the Council that the City Manager schedule adequate administrative support for the business at hand but also to insure the productive capability of department heads. When a sound system or other ~~monitoring~~ noticing capabilities exist, the City Manager may allow personnel to utilize time in their

offices or other areas while waiting for the item of business for which appearance before the Council is required.

#### **6.10 Administrative Presentations and Briefings**

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- Overhead projection summaries or PowerPoint bullet points;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- Projector or video clips to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/display so as to allow the public to follow and understand issues.

### **Article 7: COUNCIL MEETINGS**

#### **7.1 Council Meeting Agendas**

Agenda preparation shall have 3 stages: a **preliminary** stage, a **proposed** stage and a final **Council agenda** stage.

The City Clerk, under the direction of the City Manager, and in consultation with the Mayor or Council President, shall arrange a list of proposed matters deemed ready for Council consideration according to the “3 touch” rule (Article 6.8) and shall prepare a “**preliminary agenda**” for the next Council meeting. When the “**preliminary agenda**” has been reviewed by the Mayor or Council President, he/she shall have the option of adding (or deleting) any item from such agenda.

When the preliminary agenda has been approved, it shall then become the “**proposed-official agenda**.” Copies of the “**proposed-official agenda**” shall be posted on the City website at least 48 hours prior to the Council meeting and shall be subject to the notice provisions stated in IC 67-2343.

Upon convening a Council meeting and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then be officially the final “**Council agenda**” for that meeting. Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. The Presiding Officer shall have the authority to rule on whether or not a graphic presentation, video or other audio-visual presentation by non-City personnel is appropriate to be presented at the meeting.

The Presiding Officer, a majority of Council members present, or the City Manager may propose a new item for the agenda at a meeting when extraordinary circumstances require, or for the purpose of information touches, excepting that items for action may not be added to a Special Meeting agenda.

After the start of a meeting, an agenda may be amended upon an adopted motion that states the reason for the amendment and states the good faith reason that the agenda item was not included in the original agenda (IC 67-2343).

## 7.2 Consent Agenda

The City Clerk or City Manager, in consultation with the Mayor and/or Council President, may place matters on the consent agenda which:

- have been previously discussed by the Council; or
- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical or "housekeeping" in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City.

If there is a need for additional clarification of an item on the consent agenda, then a Council member may request that the agenda be amended to remove that item from the Consent Agenda to be discussed and considered separately; see Article 7.1 above.

## 7.3 Special Meeting Agendas

Special meetings, except for emergencies, of the Council require posting of the agenda as required by IC 67-2343 on the City website at least 24 hours prior to the meeting, as well as notice to the official newspaper.

Comment [DCB8]: Is notice to the paper required??

## 7.4 ~~Study-Work~~ Session Agendas

Study Session (and Workshops) are to be considered a form of a Special Council meeting, with appropriate notice of the meeting posted.

## 7.5 ~~Study-Work~~ Session Procedure

During a Council ~~Study-Work~~ Session ~~or Workshop~~, the discussion leader, introduced by the Presiding Officer, should:

- Introduce the subject and give background information;
- Identify the discussion goal;
- Act as facilitator to keep the discussion focused toward the goal; and
- Alert the Presiding Officer when it is appropriate to call for consensus or a motion.

The Presiding Officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Council consensus or administrative direction which may need more formal action in a later meeting (i.e. agenda, future budget changes, etc).

## 7.6 Process for Preparing Legislation or Policies for Adoption

### 7.6.1 Draft Documents

Prior to consideration or final passage of all Ordinances, Resolutions or pre-written Motions, draft documents or proposals shall be designated as drafts and shall contain the date of revision and the name of the author. Proposed Ordinances and Resolutions shall be accompanied by a “bullet” summary for possible later publication.

- “Proposed Drafts” shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Council.
- “Council Drafts” shall be documents or proposals which have been presented in open public session and held over by the City Council for further consideration or revision.

### 7.6.2 Preparation of Ordinances.

The procedures for ordinances are as follows:

#### (a) Proposing an Ordinance

A Councilmember may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting an ordinance. The Council then may assign the development of the proposed ordinance to the Administration, an Ad Hoc Committee, an Advisory Committee or the Council for consideration. The committee or Administration shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards, committees or commissions may propose that Council consider an ordinance or resolution.

#### (b) Sponsorship Encouraged

When a Councilmember wishes to assume sponsorship or advocacy of an ordinance or resolution, he/she should so announce, make the initial motion, provide an introduction and advocate the measure before the Council.

#### (c) Two (2) Readings

Although State law requires allows only one reading in most-some cases, all City ordinances shall normally have at least two (2) separate readings at separate Council meetings. At each reading, the title of the ordinance and a simplified summary or title of the ordinance shall be read prior to a vote. Not later than the date of the meeting at which the reading occurs, the full text of the draft ordinance shall be posted on the City website. A printed copy of the ordinance shall be made available by the City upon request by a member of the public.

#### (d) Waiver

The provision requiring at least two (2) separate readings of an ordinance may be waived at any meeting when the Council determines that the ordinance is simple, non-controversial or administrative in nature or that the interests of the City are best served by one reading.

#### (e) Motion failure

If a motion to “continue an ordinance to a second reading” fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.

#### (f) Repeal of Ordinance or Code

Any ordinance repealing any portion of the City Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

### 7.6.3 Preparation of Resolutions

A resolution may be put to its final passage on the same day on which it was introduced. However, the Council may invoke the minimum of the two (2) reading procedure, described in ~~Section Article~~ 7-5.6.2(c) above, to facilitate public understanding and/or opportunity to comment on the resolution. The title of each resolution and a simple text summary, if available, shall be read prior to its passage. Not later than the date of the meeting at which the reading occurs, the full text of the draft resolution shall be posted on the City website. A printed copy of a resolution shall be made available upon request by a member of the public. See also Exhibit G.

#### **7.7 Council Packets**

Council members shall personally pick up their agenda packets from their individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Council. Council members and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible. In the event a Council Person requests that the packet be forwarded via electronic mail, the Clerk will so do or advise that the full meeting packet is available on the City website.

#### **7.8 Organizational Meeting of the Council.**

The McCall City Council shall hold ~~an organizational Regular~~ meeting at 6:00 p.m. on the first Thursday of January following each regular City election ~~(McCall City Code, Title 1, Chapter 8 for the purpose of organizing the Council).~~ The Council shall elect one (1) of its members to serve as Mayor and one (1) to serve as President, each of whom shall hold office for two years, until the next succeeding organizational meeting. Such election of Mayor and President shall proceed per follow 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 (or preceding) Mayor, or Council President, shall preside at this 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 or is newly selected.

### **Article 8: RULES OF ORDER FOR COUNCIL MEETINGS**

#### **8.1 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.

## 8.2 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 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 City Manager shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

## 8.3 Parliamentary Procedure

Rules of order not specified by statute, ordinance or this Manual shall be governed by Robert's Rules of Order – Newly Revised in Brief. A simplified summary of some of the most frequently used motions under Robert's Rules are shown in Exhibit A: Simplified Summary of Parliamentary Procedure.

## 8.4 Motions and Discussion

All items of business placed before the Council that require the expenditure of Council and/or Administration resources or changes in land use shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

## 8.5 Order Of Business

The meeting agenda for regularly scheduled meetings of the McCall City Council ~~shall be~~ normally arranged in the following order of business:

1. Call to Order and Roll Call
- ~~2.~~ **Pledge of Allegiance**
- ~~3-2.~~ Items for Consideration; ~~Approval~~ Amendments of to the Agenda
- ~~4-3.~~ Reports by City Manager and Staff
- ~~5-4.~~ Committee Minutes
- ~~6-5.~~ Pledge of Allegiance
- ~~7-6.~~ Public Hearings
- ~~8-7.~~ Public Comment Period
- ~~9-8.~~ Proclamations
- ~~10-9.~~ Business Agenda (unfinished, followed by new)
- ~~11-10.~~ Consent Agenda
- ~~12-11.~~ Council Comments as relating to the meeting
- ~~13-12.~~ Executive Session Agenda (as Posted)
- ~~14-13.~~ Other Business

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~~15.14.~~ Emerging Issues for Council discussion

~~16.15.~~ Adjournment

**8.7 Prior Permission Required for Certain Elaborate Presentations**

~~No overhead projection, photographs, motion pictures, or video that requires the use of a projector onto a screen, or other unusual or uncommon material display, shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager.~~

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**8.7 –Conduct of Meetings**

**8.7.1 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.

**8.7.2 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 ~~for adoption, and after sufficient debate per the “three touch rule”, such Resolutions, Ordinances or other items in which an affirmative vote of the Council is requested,~~ 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~~ may 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.

Comment [DCB9]: Add to the agenda template.

**8.7.3 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 misdemeanor~~ **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. See also Article 8.11 below.~~

**8.7.4. Refusal to Vote**

~~Any~~ **Each** member of Council ~~refusing is obligated~~ 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 recording to the city’s business~~ **total votes on an item of business, the a** member’s ~~vote shall be counted as affirmative to the motion~~ **abstention shall be so noted and so** entered into the record ~~along with the reason for abstaining.~~

Comment [WFN10]: Do you really want to call this “misconduct in office?” I don’t think you can take a refusal to vote and make it automatically affirmative.

### 8.7.5 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. Any Council member may request a roll call vote; normally, roll call votes are taken if the motion involves the approval of a contract or major expenditure of funds.

### 8.7.6 Requests for Remarks to Be Included in Minutes

Any City Council member may request to have his or her written and submitted 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 is no objection by a 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.

~~Verbal~~ Oral comments, which the Council member wishes to be included as part of the official record, shall likewise 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.~~

Comment [WFN11]: Verbal includes oral and written. Oral is spoken only.

## 8.8 Public Hearings

### 8.8.1 Sign-in Procedure

Prior to the start of the public hearing, the Presiding Officer will require that all persons wishing to be heard sign in with the Clerk on a prepared form for that purpose, which includes their name, address, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person not on the sign-in form by the beginning of the Hearing may not speak until all those who have done so.

### 8.8.2 Time Limits

The Presiding Officer is authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Presiding Officer may revise the order of speakers so as to have testimony presented in like groupings (proponents, opponents, neutral, etc.).

### 8.8.3 Other Rules

The rules applicable to a Public Comment period under ~~Sections~~ Articles 8.12.3, 8.12.4 and 8.12.5 shall likewise apply to Public Hearings.

**8.8.4 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, or the designated Department Manager, provides an explanation of the matter which is subject to the public hearing and gives a report on the details of the matter.
3. The City Manager, or Department Manager, may at this time request that the party, or representative, who has submitted an application which is the subject of the hearing, make a presentation to the Council in support of the matter.

4. 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. A listing of those prepared to offer comments may be prepared by the City Clerk.
5. 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. In cases where there may be support and/or opposition to the matter, those in support will be heard first, those in opposition next, and those who may be neutral, last.
6. When, after calling for public comments three (3) times, 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.
7. The party, or representative, may now rebut any opposing comments to the matter, but may not introduce any new or additional information in support of the matter at this hearing.
8. The public hearing will normally be held in context with a specific agenda item; the Council will consider the public comments and those of the party, or representative, as the Council proceeds with debate and consideration of the proposal or matter at hand.

#### **8.9 Conduct of Study-Work Sessions and Workshops**

Regular or Special Meetings of the Council, or portions thereof, may be designated as Study-Work Sessions. The definition and the basic rules for Study-Work Sessions are stated in ~~Section~~Article 2.3.4 and for a Workshop in ~~Section~~Article 2.3.5.

A Study-Work Session may consist of any or all of the following:

##### **(a) Public comment period**

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Presiding Officer may have greater latitude to seek public comment on the issue under discussion. In this way, the Presiding Officer may invite comment from time to time during the Session, advising the attendees to address comments to the matter on the Agenda.

##### **(b) Vetting of Agenda Items**

A Study Session may require a vetting and review of agenda items that are expected to appear for future Council action at a Business Meeting. If so, the Study Session should include a review of clarity and completeness of the issues presented; discussion of the merits of the proposal; and a vote to determine whether the item shall be advanced to ~~an~~ future meeting of the Council.

##### **(c) Study of Emerging Issues**

A Study Session may involve emerging issues that may not be expected to appear at the next Council meeting. These may include: staff or third party presentations; additional study by the Council or Staff; and interactive public comments and Council responses to comments.

**(d) First Touch and Second Touch Updates**

The agenda may provide time for short updates by the City Manager, staff, Council members, or a member of a Committee.

**(e) Referral to Committee for further Public Process**

At a Study Session, the Council may choose to refer an disuse to a Committee or schedule a Public Forum before the issue returns to a future Council agenda.

**8.10 Workshops**

-The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Council members to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation or reports, etc.). Workshops shall be in a less formal setting, but shall not discourage public observation or public comment.

**8.11 Adjournment Due to Emergency or Disruption**

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.

**8.12 Procedures for Public Comment at Business Meetings**

**8.12.1 In General**

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of time per speaker (for example three (3) minutes), or for non-quasi judicial matters only, such lesser time determined by the Presiding Officer if a large number of individuals wish to speak). At any time the Presiding Officer in his/her sole discretion, may expand the time allotted for public comment or set such further limitations as are necessary to progress through the agenda and/or to prevent disruption of other necessary business. See Article 2.4.1.-

The City may utilize a sign-in procedure for public comments, but, if time permits, the Presiding Officer may also invite comments from individuals who failed to sign in. The Presiding Officer may will require a member of the public to state their name, address, and the subject of their comments.

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

In the event a matter on the current agenda is likely to attract large numbers of public comments, the Presiding Officer may request that those wishing to comment assign a spokesperson who will speak for all those with the same, or similar, position.

**8.12.2 Subjects – Whether or Not on the Current Agenda**

Public comments received during the public comment period may be on any public topic, whether or if not already not on the approved agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing.

**8.12.3 Use of Microphones**

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

#### **8.12.4 Civility**

The Presiding Officer is responsible for maintaining order and civility among those addressing the Council. There will be no demonstrations during, or at the conclusion of, any person's presentation. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

#### **8.12.5 Council May Overrule the Presiding Officer**

Any ruling by the Presiding Officer relative to the conduct of the public comment period may be overruled by a vote of a majority of Council members present.

### **8.13 Council Quasi-Judicial Hearings**

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, community, or neighborhood plan or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance."

#### **8.13.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions**

If a proceeding is quasi-judicial, ~~the "appearance of fairness doctrine" under Washington state law is generally applicable. See RCW 42.36.010 and Section 3.6.4 of this Manual. If a proceeding contains both legislative and adjudicative functions,~~ it is recommended that the ~~appearance of fairness doctrine rules be followed by the Council~~Council proceed with fairness to all parties in-so-far as is possible.

#### **8.13.2 Obligations of Council members in Quasi-Judicial Proceeding**

In the event of a quasi-judicial proceeding of the Council, a Council member should immediately disclose any interests that may appear to constitute a conflict of interest. Council members should recognize that the Ethics in Government Act does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Councilmember's business associate, or a member of the Councilmember's immediate family. It could involve *ex parte communications* (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). ~~Or it could involve ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like.~~ Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such fact to the City Attorney.

Anyone seeking to ~~disqualify~~challenge a Council member from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for ~~disqualification~~the challenge is made known, or reasonably should have been made known; ~~prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision.~~ The party seeking to ~~disqualify~~challenge the Council member shall state, with specificity, the basis for ~~disqualification~~the challenge and the Clerk shall so note in the minutes of the proceedings.

In the case of the Council sitting as a quasi-judicial body, the Presiding Officer shall have authority to request a Council member to excuse him/herself on the basis of an Appearance of Fairness violation. Further, if two Council members believe that an Appearance of Fairness violation exists, such individuals may move to request a Council member to excuse him/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Council members shall give due regard to the opinion of the City Attorney.

#### **8.13.3 Avoid Ex Parte Communications with Quasi-Judicial Parties**

During the pendency of any quasi-judicial proceeding, no Council member may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (1) places on the record the substance of such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. There is no prohibition against correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, if it pertains to the subject matter of a quasi-judicial proceeding.

## **Article 9: USE OF THIS MANUAL AND ITS RULES**

### **9.1 Purpose**

This manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

### **9.2 Use of Rules by Council**

No action taken by a Council member or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Council member'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 do 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.

### **9.3 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 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.

#### **9.4 Amendments or Suspension of Portions of this Manual**

Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed, provided there is no conflict with any superior statute.

**EXHIBIT A: SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE**

Motion "To Approve "Robert's Rules of Order – Newly Revised in Brief" as the definitive guidance parliamentary procedure for any Council meeting at which Robert's Rules are applicable, and to approve the following "...At a Glance" summary as a simplified reference tool for Exhibit A of the City Governance Manual. <b>PARLIAMENTARY PROCEDURE AT A GLANCE</b>					
<b>To do this:</b>	<b>You <del>say-could</del> say this:</b>	<b>May you interrupt speaker?</b>	<b>Must be seconded?</b>	<b>Is motion debatable?</b>	<b>Vote required</b>
<b>Introduce business</b>	"I move that ..."	NO	YES	YES	MAJORITY
<b>Amend a motion</b>	"I move to amend this motion"	NO	YES	YES	MAJORITY
<b>Request information</b>	"Point of information"	YES	NO	NO	NO VOTE
<b>Suspend further discussion</b>	"I move we table it"(until when?)	NO	YES	NO	MAJORITY
<b>End debate</b>	"I move the previous question ..."	NO	YES	NO	MAJORITY
<b>Postpone discussion</b>	"I move we postpone this matter until ..."(when?)	NO	YES	YES	MAJORITY
<b>Have something further studied by a committee</b>	"I move we refer ..."	NO	YES	YES	MAJORITY
<b>Ask for a vote count to verify a voice vote</b>	"I call for a division of the house"	NO	NO	NO	NO VOTE
<b>Object to considering some matter</b>	"I object to consideration"	YES	NO	NO	MAJORITY
<b>Take up a matter previously tabled</b>	"I move to take from the table ..."	NO	YES	NO	MAJORITY
<b>Reconsider something already disposed of</b>	"I move we reconsider action on ..." (time-date?) But see note 1.	YES	YES	YES	MAJORITY
<b>Consider something in unscheduled order</b>	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
<b>Vote on a ruling by the chair</b>	"I appeal the chair's decision"	YES	YES	YES	MAJORITY

<b>Object to procedure or personal affront--chair decides</b>	<b>"Point of order"</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO VOTE</b>
<b>Complain about noise, room temperature, etc.</b>	<b>"Point of privilege"</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO VOTE</b>
<b>Recess the meeting</b>	<b>"I move that we recess until ..."</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>MAJORITY</b>
<b>Adjourn the meeting</b>	<b>"I move that we adjourn"</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>MAJORITY</b>

**Notes:**

1. This motion may only be made by a council member who voted in the affirmative to adopt the original motion and must be made at the same meeting or the next regular scheduled meeting.

## **EXHIBIT B: CURRENT LIST OF CITIZEN COMMITTEES, COMMISSIONS AND BOARDS**

This Exhibit was adopted by Council Motion as follows: "The Council hereby approves the summary of ongoing Citizen committees, commissions and boards that are recognized by the City as of March 2010, and directs that such summary be incorporated as an Exhibit to the Governance Manual."

### **B.1: STANDING CITY ADVISORY COMMITTEES:**

Pursuant to Idaho Statute, 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 (see MCC Title 1, Chapter 10):

Airport advisory committee  
Environmental advisory committee  
Golf course advisory committee  
Historic preservation commission  
McCall improvement committee  
Parks and recreation advisory committee  
Public works advisory committee  
Tree advisory committee

### **B.2: PERMANENT BOARDS AND COMMISSIONS:**

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

- (A) The Planning And Zoning Commission further provided for in [Title 3](#) of the McCall City code;
- (B) The Library Board of Trustees constituted as provided in the Idaho [StatuteCode](#), Title 33, chapter 26.
- (C) The McCall Redevelopment Agency as provided in the Idaho [StatuteCode](#), Title 50, chapter 20.

The committees, commissions and boards listed above shall be subject to the following general guidelines, except to the extent stated to the contrary in the applicable resolution or ordinance.

#### **(a) Meetings**

Committee meetings (when held) must be open to the public, including the media, unless discussing matters which would qualify for an executive session (under the state law defining eligible executive session issues that apply to the Council).

#### **(b) Council Liaison to Citizen Committees, Commissions and Boards**

Liaisons shall be appointed by the Mayor and confirmed by the Council for specific purposes and for a time certain (normally a term of one calendar year, which may repeat if Council so determines). For example, the Council typically has two members appointed to the McCall Redevelopment Agency. Liaisons may attend assigned citizen group meetings and report to the Council on matters of public concern.

**(c) Liaison Procedures**

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and **keeping Council** informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Council President with concurrence of Council.

**(d) Appointment**

Except as otherwise provided by City ordinance or resolution, members of citizen committees, commissions and boards shall be appointed in accordance with Title 1, Section 1.10.3 and approved by a majority vote of the full the Council.

**(e) Publication on Website**

It shall be City policy to disclose names and terms of citizen boards, committees and commissions on the City website, with a description of the role and functioning of the body.

**EXHIBIT C: ILLUSTRATION OF SCALABLE PUBLIC PROCESS PLANNING SYSTEM**

This Exhibit was adopted by Council Motion as follows: “I move that the City Council approve the following illustrations of the Scalable Public Process Planning System, in accordance with the procedures set forth in ~~section~~-Article 2.1.9 of the City of McCall Governance Manual.”

**Scalable Public Process Planning System**

*Getting the right people in the right place at the right time making the right decisions to keep the residents of McCall well-informed and engaged.*

<b>Level of Public Interest/Impact</b>	<b>Who and How</b>	<b>Sample Outreach Activities/Tools</b>
<p><b>Straightforward issue</b></p> <ul style="list-style-type: none"> <li>• Information only</li> <li>• Low controversy</li> <li>• One-time event</li> </ul>	<p><b>Ad Hoc Committee (2.1.3, 2.1.9)</b></p> <ul style="list-style-type: none"> <li>• Staff “expert”</li> <li>• Communications Coordinator</li> <li>❖ A few E-mails</li> </ul>	<p><b>Information (2.4.6)</b></p> <ul style="list-style-type: none"> <li>• Press release</li> <li>• Calendar announcement</li> <li>• Post on the City Web</li> </ul>
<p><b>More complex issue</b></p> <ul style="list-style-type: none"> <li>• Multiple public “touches”</li> <li>• Public input helpful</li> <li>• Low controversy</li> <li>• Longer term impact</li> </ul>	<p><b>Ad Hoc Committee (2.1.3, 2.1.9)</b></p> <ul style="list-style-type: none"> <li>• Director/designee</li> <li>• Staff “expert”</li> <li>• Communications Coordinator</li> <li>➤ One or more meetings</li> </ul>	<p><b>Small-scale campaign</b></p> <p>May include above, plus:</p> <ul style="list-style-type: none"> <li>• Display ad</li> <li>• ListServ notification</li> <li>• FAQ</li> <li>• Presentations to Key Influencers (ie., Rotary, Chamber, 2.4.3)</li> </ul>
<p><b>Complex, and/or controversial issue</b></p> <ul style="list-style-type: none"> <li>• Lasting policy and/or land use impacts</li> <li>• High interest for multiple community elements</li> <li>• Public input desired</li> <li>• Longer process</li> </ul>	<p><b>Small Task Force (2.1.7, 2.1.9)</b></p> <ul style="list-style-type: none"> <li>• City Council liaison</li> <li>• City Manager/designee</li> <li>• Director/designee</li> <li>• Staff “experts”</li> <li>• Communications Coordinator</li> </ul>	<p><b>Longer, more complex strategy</b></p> <p>may include above, plus:</p> <ul style="list-style-type: none"> <li>• Multiple press releases/announcements</li> <li>• Targeted outreach to potential stakeholders</li> <li>• Stakeholder meetings (2.4.3)</li> <li>• Neighborhood meetings (2.4.5)</li> <li>• One or more public forums (2.4.4)</li> <li>• Built-in, iterative feedback loop to evaluate results and alter course</li> </ul>

**Extremely complex, significant and/or controversial issue**

- Lasting policy and/or land use impacts
- Engage broad range of community interests
- Significant public input required
- Long process

**Public Process Steering Group (2.1.6, 2.1.9)**

- City Council liaison
- City Manager/designee
- Director/designee
- Staff “experts”
- Communications Coordinator
- Citizen(s)
- A series of meetings over months or years

**Large-scale, long-term PR campaign may include above, plus:**

- Strategic use of multiple public engagement tools like field trips, informational presentations, focus groups, visioning exercises, etc.
- Clear, distinct milestones and decision-point(s).
- Built-in, iterative feedback loop to evaluate results and alter course as needed

Note that outreach is an art, not a science; the committee composition and tools shown are NOT PRESCRIPTIVE, but are examples of the approaches, tools and strategies that might be appropriate for public process planning at various levels of Public Interest/Impact. The hard part will always be the decision on when, or if, to engage the public beyond the regular or special public meetings of the Council or Staff.

It will be difficult to predict when or how some topic or subject will be controversial or draw significant attention from the public at large. Frequently, a small group, with some unknown (at the time) agenda, will be attracted to a specific topic; they will generate considerable discussion and argument over the topic, whereas the public at large will not seem to be concerned. Careful planning and leadership of the discussion will be required to achieve broad consensus while not seeming to “cave” to a small minority. The goal will always to achieve a consensus on the topic at hand, both within the Council and the public.

## **EXHIBIT D: ICMA Code of Ethics**

The mission of the International City/County Manager Association (ICMA) is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

### **Tenet 1**

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

### **Tenet 2**

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

### **Tenet 3**

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

### **Tenet 4**

Recognize that the chief function of local government at all times is to serve the best interests of all people.

### **Tenet 5**

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

### **Tenet 6**

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

### **Tenet 7**

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

### **Tenet 8**

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

### **Tenet 9**

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

### **Tenet 10**

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

### **Tenet 11**

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

### **Tenet 12**

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

**EXHIBIT E: Executive Sessions (from IC Title 67)**

67-2345. Executive sessions -- When authorized. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

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

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

(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;

(d) To consider records that are exempt from disclosure as provided in [chapter 3, title 9](#)Chapter 3, Title 9, Idaho Code;

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

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

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

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

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

(2) Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section [67-2343](#), Idaho Code, subsequent sessions of the negotiations may continue without further public notice.

(3) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this act to change the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

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

## **EXHIBIT F: Council Powers & Responsibilities (a summary from AIC “Roles and Responsibilities Manual”)**

### **A. Legislative**

Adopt laws (ordinances) to protect the public health, safety, morals, and welfare.

Annex territory in the City by ordinance.

Adopt a comprehensive plan by resolution.

Adopt a zoning ordinance and a subdivision ordinance.

Negotiate with the county commissioners to delineate an area of city impact, including the land use regulations for the area.

Create an urban renewal agency.

Determine the level of services to be provided by the city, including any fees for those services.

Adopt franchise ordinances.

Adopt personnel, financial, investment, purchasing, and other policies governing city operations by resolution.

License and regulate businesses and occupations within the city and setting license fees.

Vacating city streets and public rights-of-way.

### **B. Fiscal**

Prepare and approve a budget of projected revenues and expenditures for the upcoming fiscal year.

Approve the city property tax levy for the fiscal year.

Periodically examine the accounts of officers responsible for managing the monies and properties of the city.

Provide for audits of the city’s financial statements per IC 67-450B.

Establish, by ordinance, the place(s) of deposit for city funds.

Approve, by resolution, investment of city funds.

### **C. Quasi-Judicial**

Decisions on rezones, conditional use permits, variances, and subdivision plats.

Denial of licenses for retail sale of beer, wine and liquor by the drink.

### **D. Appointment and Removal**

Appoint the City Manager with appropriate contract of employment.

Confirm appointment by the City Manager other Officers or Department Managers of the City.

Appoint a person to fill the term of a council member who has resigned or be dismissed (to serve until the next scheduled election).

Appoint the City Attorney.

E. Miscellaneous

Establish by ordinance City board, commissions and committees and define their membership, responsibilities, duties ~~and~~ authority.

Set compensation of the Mayor and council members by ordinance.

Approve the disposal of surplus real property.

**EXHIBIT G: Resolutions as defined by AIC:**

A resolution is a binding decision ~~foof~~ of the Council and is used for more administrative matters. Unlike the adoption of an ordinance, there are no reading and notice requirements.

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Examples of actions that ~~mayy~~ be best accomplished by a resolution include:

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- o Adoption of Council procedures
- o Adoption of a personnel policy
- o To authorize the Mayor to sign a contract on behalf of the City
- o To authorize a schedule of fees
- o To authorize the destruction of records (the schedule of which would be set by ordinance)
- o To authorize the sale of surplus equipment
- o **Adoption of a financial policy**

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**EXHIBIT H: Examples of when to use an Ordinance**

- o To regulate people and their actions
- o To regulate property (zoning, subdivisions)
- o To grant franchises
- o To authorize bond issues
- o To adopt the annual budget
- o To adopt a records retention schedule

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# ***Manual of City Governance Policies, Procedures and Guidelines***

*Resolution No.2013-XX*

**Adopted** (insert date) , **2013**

A Comprehensive Collection of Governance  
Principles, Policies, Procedures, Standards of  
Conduct, Meeting Rules and References to  
Applicable Law

## **Introduction**

In May of 2012, our long time City Manager, Lindley Kirkpatrick, submitted his resignation to the Council; his wife, Amanda, had been accepted into a Master's program at Edinburgh University in Scotland, so Lindley decided it was time for a new life's adventure. In order to ease the transition to the point at which a suitable replacement could be found, it was clear to the Council that an interim manager would be very helpful, especially to spend a few weeks with Lindley gaining some knowledge of the City and it's operations. Fortunately, Gene Drabinski graciously offered to help us out.

How lucky we were! After several months of advertising, interviewing, debating, the Council concluded that the best overall candidate for City Manager was, indeed, Gene, who committed to a three year stint. It became abundantly clear during the process that, with an experienced manager leaving so abruptly, our systems and methods of managing the City were largely in Lindley's head! Although, we have a nearly complete collection of city ordinances and codes, these don't really help in the day-to-day management of the City or clearly outline the various roles and responsibilities of the Council and the City Manager, especially with daily and monthly problems, responsibilities, meetings, or clearly set-out objectives.

Although these problems were quite clear to Gene early on, the Council soon was convinced that we needed some assistance. This was expertly provided by Mr. Stan McNutt, whom Gene found and then recommended that the council use his considerable expertise to start the process of developing a City governance manual. Following some discussions with Council members, including an all-day seminar, the path forward was clear. This Manual is our initial edition, based largely on work previously authored by Stan, but tailored to fit the Idaho form of City Manager-Council government. Undoubtedly, the manual will be amended from time to time as the Council and Staff use the various sections in daily, monthly and yearly work in governing the City. But this is a beginning!

Don Bailey, Mayor, August 2013

## ***Vision Statement***

McCall will be a diverse, small town united to maintain a safe, clean, healthy and attractive environment. It will be a friendly, progressive community that is affordable and sustainable. McCall's unique character is defined by its environment, history, culture, and people. Preserving and enhancing the character and exceptional environment of the McCall Area, in concert with providing guidance for growth, is a fundamental purpose of the Comprehensive Plan.

## ***Mission of the Council***

The McCall City Council is the Governing Board for the City. The Council is responsible for establishing the legislation, policies and overall direction for the City. The City Council's authority is defined by Idaho Code and McCall City Code. There are many relevant portions of Idaho Code, including Title 50, Chapter 7, and Title 50, Chapter 8.

Respectfully submitted,

Council members: Donald Bailey, Mayor; Laura Scott, President; Marcia Witte; Jackie Aymon; Nic Swanson. City Manager: Gene Drabinski. City Clerk: BessieJo Wagner

## **RESOLUTION No. 2013-XX**

**A RESOLUTION OF THE CITY OF MCCALL  
ADOPTING A MANUAL OF CITY  
GOVERNANCE POLICIES, PROCEDURES AND  
GUIDELINES FOR THE COUNCIL-MANAGER  
FORM OF GOVERNMENT.**

WHEREAS, the City Council desires that city government be transparent and accountable to the public; and

WHEREAS, the City Council seeks to govern in a manner that is responsive to the community, in collaboration with City management, and in a business-like and professional manner; and

WHEREAS, written principles, policies and procedures best assure an atmosphere conducive to principled, accountable and transparent governance,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF McCALL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. There is hereby adopted by reference, "City of McCall Manual Of City Governance Policies, Procedures and Guidelines" dated (insert date), which is attached hereto as Exhibit "A".

ADOPTED by the City Council of the City of McCall, Idaho, at the regular meeting of the City Council on the (date) day of (date).

**APPROVED** by the Mayor of the City of McCall, Idaho, on the (date) day of (date).

---

**Donald C. Bailey, Mayor**

**Attest:**

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**BessieJo Walker, City Clerk**

## **Acknowledgements and Referenced Documents**

City of Bainbridge Island “Manual of City Governance Policies, Procedures and Guidelines. Substantial portions of this Manual were “borrowed” as a basis for the McCall Manual.

Stanley E. McNutt, ICMA Range Rider ([rangerider@cpcinternet.com](mailto:rangerider@cpcinternet.com)). Many thanks to Stan for his expert guidance in showing our Council the way forward!

Association of Idaho Counties and Cities:

1. Municipal Meetings Manual
2. Ordinance and Resolution Manual
3. Planning and Zoning Manual
4. The Nature and Powers of Cities Manual
5. Public Records Manual
6. Records Retention Manual
7. Roles and Responsibilities Manual

Idaho Attorney General:

1. Ethics in Government Manual
2. Open Meetings Law Manual
3. Public Records Law Manual

State of Idaho Statutes, especially:

1. Title 50, “Municipal Corporations”
2. Title 67, “State Government and State Affairs”

City of McCall City Code

1. Title 1, Administrative
2. Title 3, Planning and Zoning
3. Title 9, Subdivision and Development

Robert’s Rules of Order, Newly Revised (11<sup>th</sup> Edition)

## **Table of Contents**

## **Article 1: PRINCIPLES**

It is hereby the policy of the City to establish the principles stated in this Article 1 as core values of City governance:

### **1.1 Values**

#### **1.1.1 City Leaders Listen to the Community**

City leaders, including members of the Council, the City Manager, and Officers, listen to the community in a way that fully represents the community's interests and goals.

#### **1.1.2 Collaboration is Valued**

Council and staff should make the maximum effort to collaborate in every endeavor, seeking consensus as often as possible.

#### **1.1.3 City Leaders Lead and Reason Together**

Council members should individually, and collectively, demonstrate the ability to lead and reason together.

#### **1.1.4 The City Exemplifies Professionalism in City Management**

City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff.

#### **1.1.5 Sustainability**

Leaders strive to achieve sustainable outcomes in City policies and administration, with sustainable results for the community, environment, and for city finances and the local economy.

### **1.2 Relationship between Council, City Manager, Staff and Public**

#### **1.2.1 Council Oversees City Organization But Does Not Interfere With Management**

Council establishes budgetary authority for departments and positions, and may determine the duties and compensation of each, but does not interfere with the City Manager's management of City employees.

#### **1.2.2 Council and City Manager Roles and Responsibilities Differentiated**

Leaders adhere to the separate and distinct policy and management roles of Council and City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

#### **1.2.3 Performance-Driven Management**

Council reviews the City Manager's performance annually. The City Manager is responsible for performance reviews of subordinates.

#### **1.2.4 City Attorney Is Legal Counsel to the City and Its Officials Collectively**

The City Attorney is under contract to the City, selected by the City Council, and represents the City and, in that capacity, provides legal advice to the Council, City Manager and staff to the extent that their interests coincide with the City's.

#### **1.2.5 Staff Provides Adequate Information for Council Policy-Setting**

In order for the Council to carry out its policy-setting role, information from the Staff and other sources is needed, such as existing State laws, City ordinances or applicable code sections, County property data, and any applicable history concerning the matter at hand..

### **1.2.6 Council Will Not Request Unnecessary Information**

In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. An exceptionally time-consuming request of Council may require a majority vote, such as for a specific action item or resolution.

### **1.2.7 Public Documents Ensure Open and Transparent Government**

The Council and Administration will adhere to laws on public access to documents.

### **1.2.8 Communications to the Public are Essential**

The City Manager shall be responsible for the City communications function, but controversial communications shall be promptly copied to Council. However, any member of the Council may communicate directly with a constituent or the press on issues which are of interest to the public.

## **1.3 Functioning of City Council**

### **1.3.1 Importance of Open Public Meetings**

The City shall comply with the Open Meeting Act under Idaho law.

### **1.3.2 There is a Council-Selected Mayor**

The Council-selected Mayor presides at Regular and other Meetings of the Council.

### **1.3.3 The Mayor Also Embodies Other Leadership Roles**

As the City's ceremonial head, the Mayor is the main liaison for the Council with the City Manager; a team leader; a goal-setter; an organizer who helps stabilize Council relationships; a champion of the City.

### **1.3.4 Citizen Volunteers Play an Important Role**

For citizen advisory committees, boards and commissions, the Council shares the role with the staff of seeking and interviewing volunteers, and appoints citizens to these committees, boards and commissions; see MCC 1.10.3.

### **1.3.5 The Role of Council President**

Council members select the Council President; presides at meetings and coordinates with City Manager when Mayor is unavailable or absent.

### **1.3.6 Service on Regional Bodies is Shared Among Council Members**

Council selects individual Council liaison roles based on the desire, qualifications and skills of interested Council members.

### **1.3.7 Representatives of City Act in Accordance with City Policies**

It is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects and plans.

### **1.3.8 Councilors Serve in Liaison Roles to Community Organizations**

Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications.

### **1.3.9 Council Members Have Opportunity to be Leaders and Innovators**

One or more Council members may “sponsor” an ordinance or resolution, including amendments to any City codified ordinance.

### **1.3.10 Council is Mindful of Limited Resources**

Council expense reimbursement is limited to the current budget; travel and other expenses must be supported by receipts; and may be subject to other limits on type and amount.

### **1.3.11 Council Authorizes Certain Grant Applications before Submittal**

If a grant acceptance would require material matching dollars or may impact policy, the Administration will seek Council approval prior to applying for a grant. The Administration will bring all grant opportunities it becomes aware of to the full Council. The Council may also initiate the process of pursuing a grant.

## **1.4 Efficiency and Effectiveness of Council Decision-Making**

### **1.4.1 Council Makes Effective Use of Time**

Council differentiates among four types of public meetings: (1) goal-setting retreats; (2) work sessions (and single-issue workshops); (3) regular or business meetings; (4) public communications meetings and forums.

### **1.4.2 Provide More Effective Opportunity for Public Interaction**

Communication with public is more interactive in Study Sessions or Communication Meetings than in Regular Meetings (where the 3-minute public comments process shall apply).

### **1.4.3 Council’s Regular Meetings Will Be Efficient and Businesslike**

The information exchange, review, deliberation and vetting of issues during a prior Study Session enables Council Regular Meetings to be expeditious.

### **1.4.4 Effective Decision Making Requires Finality**

Parliamentary Rules shall limit the prerogative to reconsider a Council decision; effective decision making results in finality and “moving on”.

### **1.4.5 Council Dialog Calls for “Sticking to the Point”**

The Presiding Officer’s role, especially at a Regular Meeting, is to keep Council business focused and expeditious.

### **1.4.6 Council Meeting Agendas Are Set by a Team**

Agendas for Council Meetings are generally developed and refined by the Administration and are then arranged by the City Manager and City Clerk in consultation with the Mayor and/or Council President, who provide final approval prior to being publicly posted. Items for Work Session worksheets (agendas), or other types of Council meetings, are submitted to the City Clerk, Mayor or City Manager and after further staff review as needed are finalized by the Mayor and/or Council President for public notice and distribution.

## **1.5 Functioning of City Manager and Staff**

### **1.5.1 ICMA Standards are Respected**

City leaders respect the International City/County Manager Association (ICMA) standards (e.g. ICMA Code of Ethics) and the City Manager’s employment contract terms and conditions. See Exhibit D.

### **1.5.2 Council-Manager Governance Depends on a Strong City Manager Role**

The City Manager, as the Chief Administrative Officer of the City, prepares the proposed budget; administers code and policy; appoints and removes city employees; and carries out policies and procedures adopted by the Council.

### **1.5.3 Regular and Understandable Financial Reporting**

The City’s regular financial reports enable the Council and community to understand the City’s financial condition and are in harmony with accounting standards for governmental organizations, applicable law and municipal best practices, taking into account brevity, cogency, salience and clarity.

### **1.5.4 Council and Administration are Mindful of Risk Management**

There is a periodic review of risk management with ICRMP (Idaho Counties Risk Management Program). The Council empowers the City Manager with a dollar authority level to settle minor disputes while keeping the Council informed of such decisions.

### **1.5.5 Public Information is Enhanced by Audio, Website and Notes**

There is a full audio recording available for each Council meeting; however, recordings of the proceedings of an executive session are not made (see 3.7.5). Minutes of meetings are concise and are approved by the Council and posted online in as timely a manner as possible.

## **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”)**

The Council consists of five (5) officials, each elected to four-year terms. The terms are staggered with two (2) or three (3) having terms expiring at the end of odd-numbered years. Individual Council members do not have governing power as individuals, but only when meeting as a Council, when a quorum (three or more) is present. A special-purpose meeting of the Council when a quorum is present is sometimes referred to as a meeting of the Committee of the Whole.

#### **2.1.2 Council Standing Committee**

A Council Standing Committee consists of Council members (not more than two, approved by the full Council for a calendar-year term), established by Resolution, with staff support appointed by the City Manager. The Council may, but is not required to, establish one or more Standing Committees. A Standing Committee is a body with no established expiration date, and which has jurisdiction over a Council-prescribed ongoing policy area, such as finance. The purpose of a standing committee is to perform oversight functions in the prescribed area, and to develop and recommend actions in that area to the Council.

#### **2.1.3 Council Ad Hoc Committee**

An Ad Hoc Committee is a temporary committee established by Resolution by the Council to investigate and advise Council on a specific policy or issue for future Council action, or to develop a legislative or policy proposal for Council on a particular topic. The Council determines the purpose

of an Ad Hoc Committee at the time of establishing it. The Council may appoint no more than two Council members to an Ad Hoc Committee, and, if applicable, one or more citizens or subject matter experts who are not city employees. Furthermore, each Ad Hoc Committee shall include the City Manager (or his/her designee) and any City staff that the City Manager chooses to assign to the Committee. An Ad Hoc Committee shall sunset upon completion of the Council-assigned task.

#### **2.1.4 Citizen Board, Citizen Committee or Citizen Commission**

As defined by ordinance or resolution, a citizen board, committee or commission is generally a standing (rather than temporary) body with prescribed authority to perform a recurring advisory or decision-making role on behalf of the City as a municipal corporation. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B. Procedures and rules that apply to such bodies are described in Article 5: Citizen Committees, Boards and Commissions.

#### **2.1.5 Citizen Advisory Committee**

A Citizen Advisory Committee consists of a group of citizens, established and appointed by the Council or by the City Manager, which is tasked with the responsibility of advising the appointing body or Manager regarding some activity or pending decision of City government. Such a committee is normally formed on an ad hoc temporary basis to advise either the Council or City Manager (or a Council standing or ad hoc committee) on a particular topic relating to city legislation, policy or practices, or the means to carry out a proposed project or city activity. The list of such bodies, as that list may be amended from time to time, is found in Exhibit B.

#### **2.1.6 Steering Group**

The City Manager and/or the Council may establish a Steering Group to perform a temporary ad hoc task or project prescribed by the Council or the City Manager – such as organizing one or more forms of citizen engagement on a public issue, or providing direction and oversight for the implementation of a City project or program.

#### **2.1.7 Small Task Group**

The Council may, from time to time, create and appoint members to a small task group for the purpose of examining issues and making recommendations important to the City but not requiring the more formalized process of a larger task group, which may require a steering committee. The small task group may consist of one or more Council members, one or more citizens or experts familiar with the issue or project, and the City Manager (or designee). In all cases, the instrument appointing a task force shall set forth a clear task assignment and a method of “sunsetting” the group upon completion of the task.

#### **2.1.8 Multi-Agency or Regional Task Group**

When a major regional effort involves key agencies outside of City government but vital to a project’s coordination, the Council may create or join by motion, resolution, or intergovernmental agreement adopted by the Council, an appropriately named multi-agency or regional task group (and may create a Steering Group to guide the task force effort). Membership shall consist of one (possibly two) Council member and/or the City Manager (or designee), typically one representative from each partner agency, and, if applicable, representation from any private, consultant or non-profit agency with a key interest or resource vital to the issue or project. An example of such a Group is the Valley County Economic Development Council (VCEDC).

#### **2.1.9 Scalable Public Process Planning System:**

For public issues of high interest or high impact, and/or those that require a lengthy public process, a Public Process Steering Group may be formed. For issues that are less controversial, have less far-reaching impacts, and/or are suited to a shorter process, an Ad Hoc Committee or Task Force may be

more appropriate. The purpose of the committee, task force or steering group is to strategize and facilitate appropriate public process for a particular community subject or issue. See Exhibit C for more details on the use of this Scalable Public Process Planning System.

A Public Process Steering Group typically consists of one or two Council members, the City Manager (or designee), and the City Clerk. The Councilmember(s) shall be appointed by the Mayor and confirmed by Council. The City Manager shall appoint additional staff as needed to provide technical support, and may appoint one or more citizens to provide community input. Representatives of outside agencies may also be included where appropriate. These appointments shall identify the task(s) of the Steering Group. The group shall "sunset" when the task is completed. A similar approach may be taken in assembling an Ad Hoc Committee or Task Force, except that the group make-up may be smaller and simpler, and it may have one or just a few meetings, or even "meet" by email.

The committee, task force or steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned and shall advise on the design for public processes. Public process activities may incorporate a range of tools such as press releases, newspaper columns, Q & A's, fact sheets, presentations to community organizations, focus groups, neighborhood meetings, ward meetings and public forums, as described in the City's public participation guidelines. The Council Liaison will inform the Council of the group's activity at Council meetings (when appropriate).

#### **2.1.10 Nonprofit Service Agency**

A nonprofit organization may perform a function for the City as defined by contract with the City or as prescribed by ordinance. Examples of nonprofit entities designated by ordinance are: the Library Board of Trustees (for oversight of the City Library as provided in IS 33, Chapter 26) and the McCall Arts and Humanities Council (for recommendations regarding the Cultural Elements of the Comprehensive Plan).

## **2.2 City Officials and Adjudicators**

### **2.2.1 Mayor**

See the definition and duties stated in Article 4.3.

### **2.2.2 Council President**

See the definition and duties stated in Article 4.4.

### **2.2.3 Presiding Officer**

The term Presiding Officer means the Councilmember who is to chair, or is in fact chairing, a Council meeting. Unless otherwise stated in the meeting agenda, the Presiding Officer shall be the Mayor unless the Mayor is absent, in which case the Presiding Officer shall be the Council President (or, in the absence of both, the Councilmember who is elected by the quorum to preside at the meeting).

### **2.2.4 City Manager**

See the definition and duties stated in Article 6: City Administration.

### **2.2.5 Appointive Officers**

The City's Appointive Officers consist of the City Manager and those persons (who may or may not be City employees) who occupy any of the appointive offices stated in MCC Title 1, Sections 1.9.3 and 1.9.9.

## **2.2.6 Council Liaison**

With Council approval, a Council member may serve for two calendar years as the Council's Liaison (i.e. representative), to an organization. A Liaison is responsible for facilitating communication, collaboration and coordination with the designated organization, and with regular reporting and accountability to the Council. There are typically Council-member Liaisons to four types of organizations:

- A county-wide or regional policy or governing body or intergovernmental organization (such as the Valley County Economic Development Council);
- A community organization (such as an arts, business or social service organization, such as the McCall Chamber of Commerce);
- A governing or inter-agency board functioning in the city (such as the McCall Redevelopment Agency); and
- A citizen board, commission or committee of the City,

## **2.3 Types of Meetings of Council**

### **2.3.1 Regular (or Business) Meeting**

A Regular Meeting of the Council is a meeting convened on a regular series of dates (and at a time) adopted by Ordinance of the Council at the first meeting of the calendar year. At a Regular Meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve additions or deletions to the agenda at the meeting in accordance with State statute.

### **2.3.2 Special Meeting**

A special meeting is a Council meeting scheduled for a date or time other than the time prescribed by ordinance for a Regular Meeting. At a special meeting, the Council may conduct any business stated on the agenda that is publicly posted prior to the meeting, or the Council may approve deletions or additional items for discussion to the agenda at the meeting in accordance with State statute.

### **2.3.3 Work Session**

A work session is a special meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example, (i) to study, deliberate or review one or more topics or emerging issues for potential action at a future date, (ii) to vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply, (iii) to engage in public comment or dialog, or (iv) to participate in presentations with City staff or other subject matter experts. In general, final votes are not taken at a study session, but there are commonly procedural votes on the disposition of various matters. Any regular or special Council meeting may be adjourned to a "Work Session".

### **2.3.4 Public Hearing on Ordinance**

A formal public hearing as is required by statute or City ordinance as a portion of the prescribed public process for the Council's adoption of the City budget, the City's Capital Facilities Plan, a Zoning Ordinance change, adoption of and revision to a Development Agreement, and certain other legislative actions. In such a case, a public hearing is conducted according to Idaho Code. The public hearing typically occurs during a publicly noticed portion of a regular or special meeting of Council, where the time of the hearing has been stated in the prior public notice. See Article 8.8.

### **2.3.5 Public Hearing on Quasi-Judicial matter**

Certain Council reviews and actions that are akin to a judicial decision affecting a particular party or a particular set of one or more properties require that the Council conduct a formal public hearing of a “quasi-judicial” kind. Such a hearing is typically conducted by Council during a prescribed portion of a regular or special meeting, and is performed in such a manner as to establish a clear record of proceedings, facts presented and the decision process according to judicial standards. A detailed discussion of quasi-judicial hearings can be found in Article 8.13.2.

### **2.3.6 Retreat**

A retreat is generally a Special Meeting called for the purpose of very informal discussion dealing with goals, objectives and guidelines for future activity of the organization. At a retreat, the Council may, for example, develop goals and objectives for its own organization for the year, consider priorities for the Council work plan, or set goals for the City Manager which may be elements of an annual performance evaluation. Although a detailed listing of the City’s activity plan for a coming year may result from informal consensus, formal adoption will be made in a regular Council meeting by motion or resolution.

## **2.4 Types of Public Participation in Government**

### **2.4.1 Public Comment Period at Regular Meetings**

At Council Regular Meetings, the agenda may include a period of time known as the Public Comment Period. Within that time period, any member of the public may be recognized by the Presiding Officer and may address the full Council on any public issue if not already on the agenda. Unless Council determines otherwise, the Public Comment Period at a Regular Meeting is reserved for comments by the public rather than responses from Council or Administration. Public comments on specific agenda items may be accepted at that point during the meeting. For further guidelines, see Articles 4.6 (Respect and Decorum) and 8.12 (Procedures for Public Comment at Business Meetings).

### **2.4.2 Interactive Dialog with the Public at Work Sessions**

At Council Work Sessions, the Presiding Officer shall determine the manner in which public comments and dialog are to be invited, depending on the nature of the Work Session and the amount of time available. In general, the Presiding Officer may allow more flexibility in accommodating comments and dialog on agenda matters under discussion than is generally allowed at a Regular Meeting, and the Presiding Officer may allow responses and interactive dialog with Council members, the Administration and/or other presenters.

### **2.4.3 Other Meetings with the Public Outside of City Hall**

The Council may organize other meetings with the public in various forums outside of City Hall – in various settings such as public forums, neighborhood meetings, presentations to community organizations, ward meetings, town halls, and so on. In such settings, the meeting shall ideally include one or more Council members and one or more members of the Administration.

### **2.4.4 Public Forum**

When major public policy development warrants, and after adequate preparation of issues and alternatives, the council or a Steering Group (see Articles 2.1.6 to 2.1.9) may conduct public forums to help develop a public consensus on the issues. The general procedure would be to provide basic information, to explore alternatives and options and to receive verbal and written public comments. The convening Steering Group shall summarize the conclusions and/or recommendations of such forums for presentation to the City Council prior to the customary City Council deliberations (i.e.,

agenda actions, public hearings, etc.) which could normally result in final action. The procedures are further illustrated in Exhibit C.

#### **2.4.5 Additional Avenues for Public Participation**

Public process activities may also incorporate a range of tools such as press releases, newspaper columns, fact sheets, questions and answers (Q&A's), etc. as may be described in the City's documents and guidelines pertaining to public participation in various projects and processes.

#### **2.4.6 Committees and Other Citizen Participation Opportunities**

For descriptions of other potential participation opportunities for citizens which relate to City governance, see Articles 2.1.3 to 2.1.9.

### **2.5 Types of Governing Actions**

#### **2.5.1 Motion**

An adopted motion is a form of action taken by the Council to direct that a specific course of action be taken or executed on behalf of the municipality. A motion is similar to a resolution, but is generally much shorter and worded in a more informal manner than a resolution. A motion, once approved and entered into the record, is the administrative equivalent of a resolution in those instances where a resolution is not required by law, and where such motion is not in conflict with existing State or Federal statutes, City ordinances or resolutions.

#### **2.5.2 Resolution**

An adopted resolution is an administrative act which is less formal than an ordinance and is a statement of legislative policy or direction concerning matters of special or temporary character. Council action shall be taken by resolution when required by law or in those instances where it is desired to prepare an expression of legislative policy that is more comprehensive or more meticulously worded than a motion. While resolutions are often just a statement of policy, a resolution may have the force of law (e.g., a resolution setting permit fees, or a resolution declaring certain City property to be surplus). See Exhibit G for examples as defined by AIC.

#### **2.5.3 Ordinance**

An Ordinance is a formal legislative act of the Council and should be used whenever the Council intends to pass a regulatory measure. Council action shall be taken by ordinance when required by law, or where prescribed conduct may be enforced by penalty. An ordinance is a legislative act within its sphere as much as an act of the State Legislature. The general guiding principle is that actions relating to subjects of a permanent and general character are usually regarded as legislative and should be addressed through an ordinance, and those providing for subjects of a temporary and special character are regarded as administrative and should be addressed through a resolution. See Exhibit H for examples as defined by AIC.

#### **2.5.4 Comprehensive Plan Amendment**

Such an amendment is a legislative act in which the Council amends all or part of the Comprehensive Plan after the Planning Commission has deliberated, held public hearings and made recommendation(s) to the Council. The Council likewise may hold a public hearing before passage; see Title 3, Zoning Ordinance, Chapter 18.

#### **2.5.5 Budget Adoption or Amendment**

Legislative acts adopting or amending the budget document for the City on an annual basis. Although the budget is a maximum spending plan, it must be managed by the City Manager to operate within actual revenue received for each fund during the fiscal year.

### **2.5.6 Capital Improvement Plan (CIP) Adoption or Amendment**

The CIP is a six (6) to ten (10)-year plan which is a companion to the budgeting process and which establishes priorities for construction or replacement of capital facilities and equipment of the City.

### **2.5.7 Quasi-Judicial Ruling**

Such a ruling is similar to a “judicial act” taken by an agency or authority that is not constituted as a “court” of law. A quasi-judicial ruling is an administrative ruling made by the Council, Hearing Examiner, or Planning Commission wherein the process and facts to be heard and judged are prescribed by regulatory laws or ordinances and as such, and are appealable to a higher authority or court of law.

### **2.5.8 Best Practices**

Best Practices, as used in this manual, means methods of conducting certain activities of local government which have become widely accepted standards for a given local government activity. Best practices are often imported as a result of professional networking or from another similar agency which discovered a way to “do it better”.

### **2.5.9 Doing Things Right**

While not defined in law, this phrase, as used in this manual, is an aspiration based on two criteria: (i) seeking out, and conforming to, the correct policy path for an action; and (ii) seeking out and emulating the best practices compatible with the activity, organization and culture.

## **Article 3: STANDARDS OF CONDUCT**

### **3.1 Sources and References**

In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

- Association of Idaho Cities (AIC) and several publications issued by the Attorney General of the State.
- AIC “The Nature and Powers of Cities” Manual
- AIC “Conflict of Interest and Ethics Guidelines” Manual
- AIC “Roles and Responsibilities” Manual
- “IC”: Idaho Code, as revised.
- “MCC”: Codified Ordinances of the City of McCall (or McCall Municipal Code)

### **3.2 Standards of Conduct for Officials under Idaho Law**

A summary of various Idaho state statutes and case law that impose duties and standards of conduct on a city’s elected and non-elected officials can be found in the publications of the Attorney General and the AIC. For a summary of ethical standards of conduct under City ordinance, see, for example, Article 3.9 and the sections which follow it.

### **3.3 Oath of Office**

A Council member, when sworn into office by the City Clerk, must take and subscribe an oath in accordance with Idaho Code. Those being sworn-in stand, raise their right hand, listen as the oath is read and say “I do” or “I will” at the end of the oath. Each official then signs a paper copy of the oath of office, which is also signed by the city clerk and is kept by the city as an official record. The City Manager, Officers, and certain other City employees (such as Police Officers) in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath. The City Clerk, an officer, may be sworn into office by the Mayor or the City Manager.

### **3.4 Public Trust**

Public trust is a guiding concept for the Council and City employees with state statutes relating to avoidance of conflict of interest in contracting and in the Open Public Meetings Act. The citizens and businesses of McCall are entitled to have a fair, ethical and accountable local government that has earned the public’s full confidence for integrity. In keeping with the City of McCall’s Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- a. public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- b. public officials be independent, impartial and fair in their judgment and actions;
- c. public office be used for the public good, not for personal gain; and
- d. public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

### **3.5 Stewardship of Public Funds**

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers. By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution’s prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association; (ii) the state law prohibitions against using public facilities or property for political campaign purposes; and state law requirements for bidding of public works projects; and for the giving of notice when seeking suppliers for other major purchases.

### **3.6 Conflicts of Interest under State Law**

A Council member may not vote on a matter where they would especially benefit. And, with some exceptions noted below, Idaho law forbids city officials from having a financial interest in a City contract, regardless of whether or not they vote on the matter.

#### **3.6.1 State Code of Ethics**

The IC Title 9, Chapter 7, the “Ethics in Government Act of 1990”, includes a Code of Ethics for state and local officials that generally prohibit (with some specified exceptions) four types of conduct by a City official. See also the “*Idaho Ethics in Government Manual (August 2008)*”.

- (a) using one’s City official position to obtain special privileges for oneself or others;
- (b) giving or receiving a gift in connection with a City matter;

- (c) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (d) disclosing confidential information gained as a City official, or using such confidential information for personal gain.

Legal advice should be sought on such questions as:

- (a) Is a very small gift, such as a coffee, small enough as to be “de minimus” and therefore not intended to be prohibited?
- (b) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit?

### **3.6.2 Prohibition against Private Interest in a Public Contract**

The IC Title 67 broadly prohibits the following conflicts of interest regarding a city contract:

- a. Except as provided by section 67-5718 no officer or employee shall influence or attempt to influence the award of a contract to a particular vendor, or to deprive or attempt to deprive any vendor of an acquisition contract.
- b. No officer or employee shall conspire with a vendor or its agent, and no vendor or its agent shall conspire with an officer or employee, to influence or attempt to influence the award of a contract, or to deprive or attempt to deprive a vendor of an acquisition award.
- c. No officer or employee shall fail to utilize an open contract without justifiable cause for such action. No officer or employee shall accept property which he knows does not meet specifications or substantially meet the original performance test results.

### **3.6.3 Limitations on Holding Multiple Offices**

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city (“dual office holding”), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently.

## **3.7 Open Public Meetings under Idaho Law**

The Open Public Meetings Act (OPMA) is summarized in IC 67-2340 through 67-2347 and is also described in greater detail in the publication, “Idaho Open Meetings Law Manual”.

### **3.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings**

As stated in the Open Public Meetings Act (OPMA):

*“The people of the state of Idaho in creating the instruments of government that serve them do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret.”*

### **3.7.2 Applies to All Public Agencies of the City**

The OPMA applies to all Public Agencies of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning and Zoning Commission. The “Idaho Open Meeting Law Manual” states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective bargaining and related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

### **3.7.3 Two Kinds of Meetings: “Regular” and “Special”**

A “regular” meeting is one with regular dates, times and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but IC 67-2343 states that:

“An agenda shall be required for each meeting. The agenda shall be posted in the same manner as the notice of the meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion.

- (a) If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.
- (b) If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body votes to amend the agenda.
- (c) An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Presiding Officer (e.g. Mayor) or a majority of Council members. The notice of a special meeting must be posted at least twenty-four (24) hours prior to the meeting, and must state the items of business on the agenda. Unless an exception applies, the Council may not add to the agenda of a special meeting without giving twenty-four (24) hours notice of the added item.

### **3.7.4 Open to the “Public”**

Under IC 67-2342, all persons must be permitted to attend a public meeting except unruly persons. Attendance may not be conditioned upon registration or similar requirements. The Act does not prohibit a requirement that persons identify themselves prior to testifying at hearings.

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

In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared and/or relocated. However, non-offending members of the news media may not be excluded.

### **3.7.5 Executive Sessions**

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. Per IC 67-2345:

“The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds ( $\frac{2}{3}$ ) vote of the governing body.”

As further provided by the IC 67-2345 (see Exhibit E), an executive session may, in general, be conducted to discuss matters such as the following:

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;
- (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
- (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
- (d) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code;
- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;
- (g) By the commission of pardons and parole, as provided by law;
- (h) By the custody review board of the Idaho department of juvenile corrections, as provided by law; or to engage in communications with a representative of the public agency’s risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency’s risk manager or insurance provider at an executive session does not satisfy this requirement.
- (i) To engage in communications with a representative of the public agency’s risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency’s risk manager or insurance provider at an executive session does not satisfy this requirement.

Council members shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

### **3.7.6 Unintended Meetings; Electronic Meetings**

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion, conducts an interactive email discussion of city business or conducts a “serial” meeting in which a Council member meets or discusses with another member in sequential fashion, one after another. (See 3.8.2 below for more discussion of email).

## **3.8 Open Government and Public Records**

### **3.8.1 Purpose of the Public Disclosure Law**

“The intent of the law is that all records maintained by state and local government entities be available for public access and copying. At the same time, the Legislature recognized the need to balance this policy of openness against the equally important need for privacy of certain information provided by citizens and businesses that is necessary for the conduct of the government’s business. This balance is contained in Idaho Code § 9-338, which states that “all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.”

See IC 9-337 through 9-350 and the “Idaho Public Records Law Manual”.

### **3.8.2 Emails and Other Electronic Records**

Under the state law definitions (above), an email (or an entry on a website, blog, twitter or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.

#### **(a) Policies on Email Platforms**

In recognition of the desire to maintain open and transparent government, and to support the City’s duty to accessibly store and archive electronic public records, it is hereby the policy of the City that in the case of each email that contains information relating to the conduct of the government or the performance of any governmental or other City function, Council members shall:

1. take all reasonable steps to ensure that each such email sent or received by him or her is sent or received on the City-maintained email system utilizing the individual’s email address at **mccall.id.us**, and
2. cease utilizing any private, public or proprietary email service other than the City’s, for the sending or receiving of any such emails that meet the definition of public records, and
3. establish an automatic reply message on any email service previously used for a Councilmember’s public email correspondence, to automatically advise any email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address.

Each Councilmember who has been advised by the City Clerk to assist the City in preserving a copy of his or her emails pertaining to the work of the governing body shall send a copy of each such email, as and when each is sent or received, to the City email address designated by the City Clerk for that purpose, or as otherwise may be directed by the City Clerk.

#### **(b) Policies on Email Practices**

It is hereby the policy of the City that with respect to any email sent by a Council member that contains information relating to the conduct of the government or the performance of any governmental or other City function, the email shall not be sent or copied to more than one other Council member (so as not to violate the Open Public Meetings Act), and any Council member who receives such an email shall not forward the email to any other Council member.

## **3.9 Ethics in the City of McCall**

It is hereby the policy of the City that all officers and permanent or temporary employees, including those under contract to the City, will adhere to the tenets of the ICMA Code of Ethics and sections of the IC as referred to in the “Ethics in Government Manual”.

### **3.10 Duties to Act Consistently with City Policy When Representing City Elsewhere**

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or specific directive of the Council.

### **3.11 Role of City Attorney**

The City Attorney's ultimate client is the City itself – a municipal corporation. The City Attorney's relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Managers, and other City staff.

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be employed to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager.

In those rare cases where either the City Council or the City Manager perceive such a conflict, the City Attorney should be consulted directly in order for him or her to make a decision about whether it is possible for the City Attorney to adequately represent the City in that situation. If the City Attorney determines that he or she cannot do so, then it is the responsibility of the City Attorney to secure alternate legal assistance.

The City Council cannot prohibit the City Manager from having access to the City Attorney's advice. For reasons of efficiency or cost effectiveness, the Council may decide that certain legal questions should be channeled to the City Attorney through the City Manager to ensure that questions are clearly worded and communications back to Council are consistent.

The Council can determine as a policy matter whether the City shall obtain legal advice from the City Attorney or by reliance on another law firm.

### **3.12 Process for Officials to Question the Legality of City Actions**

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the City, and may therefore constitute a breach of that official's duty to the City. Therefore, it is hereby the policy of the City that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

- (a) Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
- (b) If the advice of the City Attorney does not resolve the concern, consult the City Manager.
- (c) If steps “a” and “b” do not resolve the concern, the official may request an executive session of the full Council and if the matter rises to the level of presenting a risk of litigation.
- (d) Prior to completing steps “a” through “c”, it is a violation of the Official’s duty to the City to assert in public the opinion that the City is in violation of law.

### **3.13 Conduct of Officials with Regard to Litigation brought against City**

It is hereby the policy of the City that, once an individual or organization has filed a legal proceeding against the City, a City Council member shall not engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council and the City Attorney, either in public or in executive session. It is also hereby the policy of the City that its conflict of interest rules shall apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

### **3.14 Prohibition against Making Gifts of Public Funds**

Article VIII, section 4, of the Idaho State Constitution states:

“No county, city, town, township, board of education, or school district, or other subdivision, shall lend, or pledge the credit or faith thereof directly or indirectly, in any manner, to, or in aid of any individual, association or corporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any individual, association or corporation in or out of this state.”

The Idaho Attorney General’s Office (AGO) issued an opinion on whether the State of Idaho could “loan” employees to a private charity, the United Way, for eight weeks to assist with fundraising. The opinion concluded that this activity would violate the public purpose doctrine because a state resource, employees paid with state funds, was used to benefit a private entity under private control. This gave favored status to a private enterprise at the expense of other organizations. *See* AGO 1995-O-0007 (November 1, 1995).

A city may contract with private organizations to provide services to the public, if those are services that the city is authorized to provide. The private organization provides the services in question as an agent or contractor for the city. For instance, a city, having authority to provide recreational programs for its residents, may do so by contracting with a youth agency or senior citizens’ organization to operate recreational programs for those groups, under appropriate city supervision. The contract should be carefully drawn, however, so that the program or project remains the city’s own operation and is not an unlawfully broad delegation of city authority, or grant of city funds, to a private agency. Payments should be made pursuant to vouchers reflecting the satisfactory performance of services.

### **3.15 Separate Accounting of City Funds**

With regard to the City’s three enterprise services funds – namely, the two utility funds (i.e., Water and Wastewater Utilities), and the Golf Course Fund -- it is the policy of the City:

- to separately account for each of the funds; and
- to ensure that fees and charges collected from a customer of any such enterprise is not used to subsidize another enterprise fund or the general operations of city government.

Nothing in this policy is intended to either: (i) prohibit an enterprise fund from paying its duly allocated share of direct or indirect costs or its reasonable allocation of City overhead costs, periodically examined by the State Auditor; or (ii) prohibit the imposition of a tax on the utility funds.

### **3.16 Duty to Avoid Interfering with City Manager’s Role with Staff**

Neither the Council nor any Council member shall interfere with the authority of the City Manager to appoint and remove any and all department heads, officers, and employees of the City (except Council members), subject to the provisions of applicable law, rule, or civil service regulation. For example, IC 50-808 assigns to the Council the power to confirm all appointments of department heads by the City Manager. Also, neither shall the Council or any Councilmember give orders to any subordinate of the City Manager.

### **3.17 Immunity and Indemnification of Officials for Individual Actions in Good Faith**

An appointed or elected official or employee or appointed volunteer of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortuous conduct of its officials or members of the governing body.

It is important to note that an official’s immunity applies solely to actions taken within the scope of their duties in the course of performing the responsibilities of the position.

The City is insured through the Idaho Counties Risk Management Program (ICRMP), which provides broad coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim involves a covered claim against a City official, then ICRMP will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note ICRMP coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and (if the matter is) not otherwise excluded from coverage through the ICRMP compact with the City.

Additionally, in the event that a damage claim and/or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through ICRMP, the City shall provide legal representation to defend the City official and shall indemnify the City official for the payment of the claim (if warranted) or any resulting judgment. The City will not indemnify and defend a City official acting outside the scope of his or her official duties, or if the claim and/or lawsuit is based upon a dishonest, fraudulent, criminal and/or malicious act.

## **Article 4: CITY COUNCIL – THE ELECTED GOVERNING BODY**

### **4.1 Council Meeting - Time and Location**

Regular Meetings of the Council shall be held on the dates and times as adopted by the Council, unless cancelled or postponed in accordance with applicable State or local procedures. Special meetings may be called by the Mayor, by three Council members or by the City Manager.

#### **4.2 Council Meetings – Open to the Public**

All meetings of the Council and of any Committees thereof shall be open to the public, except as provided for herein.

#### **4.3 Mayor – Election – Chair to be Mayor – Duties (“Mayor”)**

Biennially at the first meeting of the new Council the members thereof shall choose a chair from among their number. The chair of the Council shall have the title of Mayor and shall preside at meetings of the Council. In addition to the powers conferred upon him or her as Mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the Council. The Mayor shall be recognized as the head of the city for ceremonial purposes. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

#### **4.4 Council President**

Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, may designate one of their number as Council President for such period as the Council may specify, to serve in the absence or temporary disability of the Mayor; or, in lieu thereof, the Council may, as the need may arise, appoint any qualified person to serve as Council President in the absence or temporary disability of the Mayor.

Meetings of the Council shall be presided over by the Mayor, if present, or otherwise by the Council President if one has been appointed, or (in the absence of both of them) by a member of the Council selected by a majority of the Council members at such meeting. Serving as Presiding Officer of the meeting shall not in any way abridge the right of the Presiding Officer to vote on matters coming before the Council at such meeting.

In the event of the extended excused absence, disability or resignation of a Councilmember, the remaining members by majority vote may appoint a Councilmember pro tempore President to serve during the absence or disability.

#### **4.5 Quorum**

As provided under State law, all meetings of the Council, three Council members shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment and rescheduling is posted in the manner provided by applicable law.

#### **4.6 Respect and Decorum**

It is the duty of the Presiding Officer and Council members to maintain dignity and respect for their offices, City staff and the public. While the Council is in session, the Council members shall preserve civility, order and decorum. No member of the public shall, by conversation or otherwise, delay, disrupt or interrupt the proceedings of the Council, nor disparage any person while speaking. Council members and the public shall obey the proper orders of the Presiding Officer of the meeting.

##### **4.6.1 Orderly Behavior and Civility in Remarks**

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a recess, forced removal or adjournment as described elsewhere in this manual.

##### **4.6.2 Permission Required to Address the Council**

Persons other than Council members and Administration shall be permitted to address the Council only upon recognition and/or introduction by the Presiding Officer of the meeting.

#### **4.6.3 Forms of address**

The Mayor or Council President shall be addressed at a meeting where he or she is presiding as Mayor (*name*), President (*name*), or “Mr. or Ms. Chair”.

#### **4.7 Telephonic Participation from a Remote Location**

Requests by a Council member to participate remotely by telephonic or audio-visual connection, or similar telecommunications devices, shall be granted by the Presiding Officer provided technical capability exists and adequate notice is given for the arrangement of required equipment and connections.

Such a remote participation by any, or all, Council members will be permitted: provided all documents and exhibits are clearly visible or readable for all participants; provided that the audio recording of the meeting allows the remote participant, the members of the public in attendance, and the other members of the Council to be heard; and provided that the City Manager, or his/her designee, and the City Clerk, or his/her designee, are in attendance at the location designated in the meeting notice. The cost of such remote connectivity shall be paid by the Councilmember requesting remote connectivity, unless waived by majority vote of the Council.

#### **4.8 Attendance; Excused Absences**

Each person elected to the City Council must recognize a duty to attend all scheduled meetings of the Council. Frequent or habitual absences indicate to others a lack of commitment to the duties of the Council and, in effect, disenfranchise those voters who participated in the election of that Council member. If a member of the Council finds that it is necessary to miss a scheduled meeting, then so advising the City Manager or another Council member would be the polite and civil path to follow.

#### **4.9 Filling Council Vacancies**

If a vacancy occurs, the Council will follow the procedures provided in MCC Title 1, Section 1.8.8, in order to fill the vacancy with the most qualified person available until an election can be held as provided by IC Title 50, Chapter 4. The Council will publish a notice of the vacancy, the procedure, and distribute the application form for soliciting candidates. The Council will draw up an application, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council’s selection of the new Councilmember.

#### **4.10 Council Powers and Responsibilities**

The Council shall have such powers and duties as are now or may hereafter be provided under the general laws of the State of Idaho (IC 50-701). The legislative authority of the City is vested in the Council; Council powers and responsibilities are outlined in the AIC document “*Roles and Responsibilities Manual*”. A summary of these is included in Exhibit F.

## **Article 5: CITIZEN COMMITTEES, BOARDS AND COMMISSIONS**

### **5.1 Approval of Appointees**

#### **5.1.1 Citizens on Standing Governing Bodies**

All members of standing citizen committees, citizen boards and citizen commissions which are, or which may hereafter be, required by State law or City ordinance or resolution, shall be selected from those recommended by the City Manager or staff and confirmed with a majority vote of the full Council.

#### **5.1.2 Citizens on Temporary Governing Bodies**

Any citizen members of any other committees – such as Ad Hoc Committees, Citizen Advisory Committees or Steering Committees – shall be appointed and approved by a member of the Council, with confirmation by majority vote of the full Council. See Article 2.1 (Types of Governing Bodies, and Advisory or Supporting Groups) of this Manual.

#### **5.1.3 Removal**

Members of any committee, board or commission whose appointment has been confirmed by the Council, may be removed without cause by a majority vote of the full Council unless otherwise provided for in state law or the City Code, ordinance or resolution that authorized creation of the committee, board or commission. See Section 1.10.3 of the MCC and IC 33-2605 for Library Trustees.

### **5.2 Establishment and Review of Citizen Governing Bodies That Are Temporary**

Council-established governing bodies that are intended to be temporary -- such as Ad Hoc Committees or Citizen Advisory Committees – shall be commissioned for a time certain and provided with a clear task description and “sunset” provision. Such temporary committees shall be subject to review whenever a new Council is seated following elections, so as to determine whether the committee and its functions continue to be appropriate and necessary.

Other special ad hoc committees and Council liaisons for a particular purpose may be appointed by the Mayor, with confirmation of Council, for a time certain along with a clear task description and "sunset" provision.

Citizen Committees, Commissions and Boards, liaisons and citizen advisory or taskforce groups should be given an opportunity to make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson may present the recommendation(s) during discussion of that business item on a Council agenda.

To the extent that the City Attorney has determined that a citizen committee, commission or board is a “governing body” that is subject to the State open meetings laws, no such body shall take hold meetings or take votes for final action outside of a noticed open public meeting.

### **5.3 Relations with Boards, Commissions and Citizen Advisory Groups**

Boards, commissions and citizen advisory bodies of the City shall provide the City with meeting minutes, and a summary report of all meetings, if requested by the Council. Communications from such boards, commissions and advisory bodies shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Presiding Officer’s attention under the

agenda item “Committee, Board and Liaison Reports.” Should any member of the Council determine that such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

## **Article 6: CITY ADMINISTRATION**

### **6.1 City Manager**

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council’s legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law (IC 50-811) and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution or Council directive (motion). Balanced with the City Manager’s accountability to the Council for policy execution is the need for the Council to allow the City Manager the freedom to perform those duties and responsibilities in his/her day-to-day management. The City Manager makes appointments and removals of employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in a duly called Council meeting, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs.

### **6.2 Role of the City Manager**

The City Manager shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager may recommend for adoption by the Council such measures as he/she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and when appropriate, shall take part in the Council’s discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Presiding Officer should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

### **6.3 Informal Communications Encouraged**

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Council members should be careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager’s directives. City staff should provide their supervisor with the same information shared with the Councilmember.

Neither the Council, nor any of its committees or members, except as provided herein, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or

her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in a duly called Council meeting, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of city officers, department heads, and employees and city affairs.

#### **6.4 City Manager – Interference by Council Members**

Under the City Manager – Council form of City government, neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, including requests for information, the Council and its members shall deal with the administration solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in a duly called Council meeting, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of city officers and employees and city affairs.

#### **6.5 Complaints to Council members**

When performance complaints are made by citizens about staff actions or non-action directly to an individual Council member or in a Council or committee meeting, the Council or Council member should then refer the matter directly to the City Manager for review and/or action. The individual Council member or the Council may request to be informed by the City Manager of the action or response made to the complainant.

#### **6.6 Administrative Complaints - "Best Practice"**

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Council members should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred. In that case, refer to Article 6.5 above.

#### **6.7 City Clerk - Minutes - Public Information Access**

The City Clerk shall adhere to the requirements of IC 67-2344, and shall be the ex-officio Clerk-of-the-Council, and, as such, shall attend all meetings of the City Council. The City Clerk shall keep minutes as required by law, and shall perform such other duties in the meeting as may be required by the Council, Presiding Officer or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio recording of the proceedings of all public hearings and regular meetings; recordings of study sessions and workshops, and quasi-judicial proceedings are optional unless so requested by the Presiding Officer. Recordings of executive sessions of the Council are not required. The Clerk shall keep, and make available, an agenda and date for each recording, which will facilitate location of the recorded proceedings. The audio recordings shall be posted publicly on the City website, ideally within 48 hours after the meeting.

## **6.8 The Three Touch Rule**

Decision-makers and citizens at all levels of the City should have adequate time to thoughtfully consider the issues prior to final decisions. It is the intent of the Council that the Council and Administration should abide by the “Three Touch Rule” whenever possible (unless an exception applies). The following procedural guidelines are designed to avoid “surprises” to the Council, citizens and administrative personnel.

Any pending request or proposal for adopting or changing public policy, ordinances, resolutions or directives which will require a decision of the City Council or Administration should normally “*touch*” (oral, written or any combination thereof) the decision makers at least *three separate times*. Quasi-judicial matters and any subject discussed in executive sessions are excluded from application of the “Three Touch Rule.”

It is recognized that the hands of decision-makers should not be tied unnecessarily. Unexpected circumstances may arise wherein observance of the "Three Touch Rule" is impractical. However, when unusual circumstances arise which justify a “first discussion” decision, the persons requesting the expedited decision should also explain the timing need. The Three Touch Rule excludes staff reports and other general communications not requiring a future Council decision.

## **6.9 City Staff – Attendance at Meetings**

Attendance at meetings by City staff shall be at the discretion of the City Manager. It is the intent of the Council that the City Manager schedule adequate administrative support for the business at hand but also to insure the productive capability of department heads. When a sound system or other noticing capabilities exist, the City Manager may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Council is required.

## **6.10 Administrative Presentations and Briefings**

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- Overhead projection summaries or PowerPoint bullet points;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- Projector or video clips to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/display so as to allow the public to follow and understand issues.

# **Article 7: COUNCIL MEETINGS**

## 7.1 Council Meeting Agendas

Agenda preparation shall have 3 stages: a **preliminary** stage, a **proposed** stage and a final **Council agenda** stage.

The City Clerk, under the direction of the City Manager, and in consultation with the Mayor or Council President, shall arrange a list of proposed matters deemed ready for Council consideration according to the “3 touch” rule (Article 6.8) and shall prepare a “**preliminary agenda**” for the next Council meeting. When the “**preliminary agenda**” has been reviewed by the Mayor or Council President, he/she shall have the option of adding (or deleting) any item from such agenda.

When the preliminary agenda has been approved, it shall then become the “**official agenda.**” Copies of the “official agenda” shall be posted on the City website at least 48 hours prior to the Council meeting and shall be subject to the notice provisions stated in IC 67-2343.

Upon convening a Council meeting and before any other business, the Council shall accept or modify the agenda by motion. The agenda shall then be officially the final “**Council agenda**” for that meeting. Requests for presentations to be scheduled on the formal agenda imply that the presentation is an official business consideration of the City. The Presiding Officer shall have the authority to rule on whether or not a graphic presentation, video or other audio-visual presentation by non-City personnel is appropriate to be presented at the meeting.

The Presiding Officer, a majority of Council members present, or the City Manager may propose a new item for the agenda at a meeting when extraordinary circumstances require, or for the purpose of information touches, excepting that items for action may not be added to a Special Meeting agenda.

After the start of a meeting, an agenda may be amended upon an adopted motion that states the reason for the amendment and states the good faith reason that the agenda item was not included in the original agenda (IC 67-2343).

## 7.2 Consent Agenda

The City Clerk or City Manager, in consultation with the Mayor and/or Council President, may place matters on the consent agenda which:

- have been previously discussed by the Council; or
- based on the information delivered to members of the Council by Administration, can be reviewed by a Councilmember without further explanation;
- are so routine, technical or "housekeeping" in nature, that passage without discussion is likely; or
- are otherwise deemed in the best interest of the City.

If there is a need for additional clarification of an item on the consent agenda, then a Council member may request that the agenda be amended to remove that item from the Consent Agenda to be discussed and considered separately; see Article 7.1 above.

## 7.3 Special Meeting Agendas

Special meetings, except for emergencies, of the Council require posting of the agenda as required by IC 67-2343 at least 24 hours prior to the meeting, as well as notice to the official newspaper.

## **7.4 Work Session Agendas**

Study Session (and Workshops) are to be considered a form of a Special Council meeting, with appropriate notice of the meeting posted.

## **7.5 Work Session Procedure**

During a Council Work Session, the discussion leader, introduced by the Presiding Officer, should:

- Introduce the subject and give background information;
- Identify the discussion goal;
- Act as facilitator to keep the discussion focused toward the goal; and
- Alert the Presiding Officer when it is appropriate to call for consensus or a motion.

The Presiding Officer shall retain the option of assuming the function of the discussion leader at any time in order to keep the discussion properly focused. The City Clerk shall keep notes of the discussion subjects with special attention to Council consensus or administrative direction which may need more formal action in a later meeting (i.e. agenda, future budget changes, etc).

## **7.6 Process for Preparing Legislation or Policies for Adoption**

### **7.6.1 Draft Documents**

Prior to consideration or final passage of all Ordinances, Resolutions or pre-written Motions , draft documents or proposals shall be designated as drafts and shall contain the date of revision and the name of the author. Proposed Ordinances and Resolutions shall be accompanied by a “bullet” summary for possible later publication.

- “Proposed Drafts” shall contain the date, name of the group or individual originating or sponsoring the proposal, prior to the first presentation to the City Council.
- “Council Drafts” shall be documents or proposals which have been presented in open public session and held over by the City Council for further consideration or revision.

### **7.6.2 Preparation of Ordinances.**

The procedures for ordinances are as follows:

#### **(a) Proposing an Ordinance**

A Councilmember may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting an ordinance. The Council then may assign the development of the proposed ordinance to the Administration, an Ad Hoc Committee, an Advisory Committee or the Council for consideration. The committee or Administration shall report its findings to the Council. The City Manager, the City Attorney, or any of the citizen boards, committees or commissions may propose that Council consider an ordinance or resolution.

#### **(b) Sponsorship Encouraged**

When a Councilmember wishes to assume sponsorship or advocacy of an ordinance or resolution, he/she should so announce, make the initial motion, provide an introduction and advocate the measure before the Council.

#### **(c) Two (2) Readings**

Although State law allows only one reading in some cases, all City ordinances shall normally have at least two (2) separate readings at separate Council meetings. At each reading, the title of the ordinance and a simplified summary or title of the ordinance shall be read prior to a vote. Not later than the date of the meeting at which the reading occurs, the full text of the draft ordinance shall be posted on the City website. A printed copy of the ordinance shall be made available by the City upon request by a member of the public.

**(d) Waiver**

The provision requiring at least two (2) separate readings of an ordinance may be waived at any meeting when the Council determines that the ordinance is simple, non-controversial or administrative in nature or that the interests of the City are best served by one reading.

**(e) Motion failure**

If a motion to “continue an ordinance to a second reading” fails, the ordinance shall be considered lost, unless a subsequent motion directs its revision and resubmission to second reading.

**(f) Repeal of Ordinance or Code**

Any ordinance repealing any portion of the City Code shall also repeal the respective portions of the original ordinance(s). Ordinances repealing earlier ordinances shall not apply to acts, incidents, transactions or decisions occurring before such repeal.

**7.6.3 Preparation of Resolutions**

A resolution may be put to its final passage on the same day on which it was introduced. However, the Council may invoke the minimum of the two (2) reading procedure, described in Article 7.6.2(c) above, to facilitate public understanding and/or opportunity to comment on the resolution. The title of each resolution and a simple text summary, if available, shall be read prior to its passage. Not later than the date of the meeting at which the reading occurs, the full text of the draft resolution shall be posted on the City website. A printed copy of a resolution shall be made available upon request by a member of the public. See also Exhibit G.

**7.7 Council Packets**

Council members shall personally pick up their agenda packets from their individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Council. Council members and affected staff should read the agenda material and ask clarification questions prior to the Council meeting, when possible. In the event a Council Person requests that the packet be forwarded via electronic mail, the Clerk will so do or advise that the full meeting packet is available on the City website.

**7.8 Organizational Meeting of the Council.**

The McCall City Council shall hold a Regular meeting on the first Thursday of January following each regular City election for the purpose of organizing the Council. The Council shall elect one (1) of its members to serve as Mayor and one (1) to serve as President, each of whom shall hold office for two years, until the next succeeding organizational meeting. Such election of Mayor and President shall follow 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 of Title 1. The current (or preceding) Mayor, or Council President, shall preside at this 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 or is newly selected.

## **Article 8: RULES OF ORDER FOR COUNCIL MEETINGS**

### **8.1 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.

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

### **8.3 Parliamentary Procedure**

Rules of order not specified by statute, ordinance or this Manual shall be governed by Robert's Rules of Order – Newly Revised in Brief. A simplified summary of some of the most frequently used motions under Robert's Rules are shown in Exhibit A: Simplified Summary of Parliamentary Procedure.

### **8.4 Motions and Discussion**

All items of business placed before the Council that require the expenditure of Council and/or Administration resources or changes in land use shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed negative motion.

### **8.5 Order Of Business**

The meeting agenda for regularly scheduled meetings of the McCall City Council is normally arranged in the following order of business:

1. Call to Order and Roll Call
2. Items for Consideration; Amendments to the Agenda
3. Reports by City Manager and Staff
4. Committee Minutes
5. Pledge of Allegiance
6. Public Hearings
7. Public Comment Period
8. Proclamations
9. Business Agenda (unfinished, followed by new)
10. Consent Agenda
11. Council Comments as relating to the meeting
12. Executive Session Agenda (as Posted)
13. Other Business
14. Emerging Issues for Council discussion
15. Adjournment

### **8.7 Prior Permission Required for Certain Elaborate Presentations**

No overhead projection, photographs, motion pictures, or video that requires the use of a projector onto a screen, or other unusual or uncommon material display, shall be used by the public at City Council meetings without the prior consent of the Presiding Officer or the City Manager/

### **8.7 Conduct of Meetings**

**8.7.1 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.

### **8.7.2 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 for adoption, and after sufficient debate per the "three touch rule", such Resolutions, Ordinances or other items in which an affirmative vote of the Council is requested, 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 may 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.

### **8.7.3 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 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. See also Article 8.11 below.

### **8.7.4. Refusal to Vote**

Each member of Council is obligated to vote on an item of business before the Council, except when a bona fide conflict of interest exists. For purposes of recording the total votes on an item of business, a member's abstention shall be so noted and entered into the record along with the reason for abstaining.

### **8.7.5 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. Any Council member may request a roll call vote; normally, roll call votes are taken if the motion involves the approval of a contract or major expenditure of funds.

### **8.7.6 Requests for Remarks to Be Included in Minutes**

Any City Council member may request to have his or her written and submitted 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 is no objection by a 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. Oral comments, which the Council member wishes to be included as part of the official record, shall likewise be provided in writing by the Council member making the comments to the City Clerk.

## **8.8 Public Hearings**

### **8.8.1 Sign-in Procedure**

Prior to the start of the public hearing, the Presiding Officer will require that all persons wishing to be heard sign in with the Clerk on a prepared form for that purpose, which includes their name, address, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person not on the sign-in form by the beginning of the Hearing may not speak until all those who have done so.

### **8.8.2 Time Limits**

The Presiding Officer is authorized to establish speaker time limits and otherwise control presentations to avoid repetition. The Presiding Officer may revise the order of speakers so as to have testimony presented in like groupings (proponents, opponents, neutral, etc.).

### **8.8.3 Other Rules**

The rules applicable to a Public Comment period under Articles 8.12.3, 8.12.4 and 8.12.5 shall likewise apply to Public Hearings.

**8.8.4 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, or the designated Department Manager, provides an explanation of the matter which is subject to the public hearing and gives a report on the details of the matter.
3. The City Manager, or Department Manager, may at this time request that the party, or representative, who has submitted an application which is the subject of the hearing, make a presentation to the Council in support of the matter.
4. 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. A listing of those prepared to offer comments may be prepared by the City Clerk.
5. 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. In cases where there may be support and/or opposition to the matter, those in support will be heard first, those in opposition next, and those who may be neutral, last.
6. When, after calling for public comments three (3) times, 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.
7. The party, or representative, may now rebut any opposing comments to the matter, but may not introduce any new or additional information in support of the matter at this hearing.
8. The public hearing will normally be held in context with a specific agenda item; the Council will consider the public comments and those of the party, or representative, as the Council proceeds with debate and consideration of the proposal or matter at hand.

### **8.9 Conduct of Work Sessions and Workshops**

Regular or Special Meetings of the Council, or portions thereof, may be designated as Work Sessions. The definition and the basic rules for Work Sessions are stated in Article 2.3.4 and for a Workshop in Article 2.3.5.

A Work Session may consist of any or all of the following:

#### **(a) Public comment period**

In general, because a Study Session is more informal and more interactive than a Business Meeting, the Presiding Officer may have greater latitude to seek public

comment on the issue under discussion. In this way, the Presiding Officer may invite comment from time to time during the Session, advising the attendees to address comments to the matter on the Agenda.

**(b) Vetting of Agenda Items**

A Study Session may require a vetting and review of agenda items that are expected to appear for future Council action at a Business Meeting. If so, the Study Session should include a review of clarity and completeness of the issues presented; discussion of the merits of the proposal; and a vote to determine whether the item shall be advanced to a future meeting of the Council.

**(c) Study of Emerging Issues**

A Study Session may involve emerging issues that may not be expected to appear at the next Council meeting. These may include: staff or third party presentations; additional study by the Council or Staff; and interactive public comments and Council responses to comments.

**(d) First Touch and Second Touch Updates**

The agenda may provide time for short updates by the City Manager, staff, Council members, or a member of a Committee.

**(e) Referral to Committee for further Public Process**

At a Study Session, the Council may choose to refer an disuse to a Committee or schedule a Public Forum before the issue returns to a future Council agenda.

**8.10 Workshops**

The purpose of a Workshop (i.e., a single-topic Study Session) is to allow Council members to do concentrated preliminary work with Administration or the public on a single subject (i.e., budget, complex legislation or reports, etc.). Workshops shall be in a less formal setting, but shall not discourage public observation or public comment.

**8.11 Adjournment Due to Emergency or Disruption**

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.

**8.12 Procedures for Public Comment at Business Meetings**

**8.12.1 In General**

The City Council desires to allow a maximum opportunity for public comment at various public forums and meetings. However, at a Business Meeting, the business of the City must proceed in an orderly, timely manner, and in that setting, the open Public Comment period is generally limited in overall time on the agenda (e.g. 30 minutes), and is further limited in the amount of time per speaker (for example three (3) minutes), or, for non-quasi judicial matters only, such lesser time determined by the Presiding Officer if a large number of individuals wish to speak. At any time the Presiding Officer in his/her sole discretion, may expand the time allotted for public comment or set such further limitations as are necessary to progress through the agenda and/or to prevent disruption of other necessary business. See Article 2.4.1.

The City may utilize a sign-in procedure for public comments, but, if time permits, the Presiding Officer may also invite comments from individuals who failed to sign in. The Presiding Officer will require a member of the public to state their name, address, and the subject of their comments.

These rules are intended to promote an orderly system of holding a public meeting, to give persons opportunity to be heard and to create an environment in which no individuals are embarrassed or uncomfortable by exercising their right of free speech.

In the event a matter on the current agenda is likely to attract large numbers of public comments, the Presiding Officer may request that those wishing to comment assign a spokesperson who will speak for all those with the same, or similar, position.

#### **8.12.2 Subjects – Whether or Not on the Current Agenda**

Public comments received during the public comment period may be on any public topic, if not already on the approved agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing.

#### **8.12.3 Use of Microphones**

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

#### **8.12.4 Civility**

The Presiding Officer is responsible for maintaining order and civility among those addressing the Council. There will be no demonstrations during, or at the conclusion of, any person's presentation. Any disruptive behavior, as determined by the Presiding Officer, shall be cause for removal from the meeting room.

#### **8.12.5 Council May Overrule the Presiding Officer**

Any ruling by the Presiding Officer relative to the conduct of the public comment period may be overruled by a vote of a majority of Council members present.

### **8.13 Council Quasi-Judicial Hearings**

Quasi-judicial hearings and actions of the Council are those proceedings which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions or hearings do not include the hearings pertaining to legislative actions adopting, amending, or revising a general governmental policy or ordinance, or a comprehensive, community, or neighborhood plan or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.”

#### **8.13.1 Appearance of Fairness Doctrine Applies to Quasi-Judicial Actions**

If a proceeding is quasi-judicial, it is recommended that the Council proceed with fairness to all parties in-so-far as is possible.

#### **8.13.2 Obligations of Council members in Quasi-Judicial Proceeding**

In the event of a quasi-judicial proceeding of the Council, a Council member should immediately disclose any interests that may appear to constitute a conflict of interest. Council members should recognize that the Ethics in Government Act does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Councilmember's business associate, or a member of the Councilmember's immediate family. It could involve *ex parte communications* (that is, communications with one party to the quasi-judicial matter without notice to or argument from the other party). Or it could involve ownership of property

in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such fact to the City Attorney.

Anyone seeking to challenge a Council member from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for the challenge is made known, or reasonably should have been made known. The party seeking to challenge the Council member shall state, with specificity, the basis for the challenge and the Clerk shall so note in the minutes of the proceedings.

In the case of the Council sitting as a quasi-judicial body, the Presiding Officer shall have authority to request a Council member to excuse him/herself on the basis of an Appearance of Fairness violation. Further, if two Council members believe that an Appearance of Fairness violation exists, such individuals may move to request a Council member to excuse him/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Council members shall give due regard to the opinion of the City Attorney.

### **8.13.3 Avoid Ex Parte Communications with Quasi-Judicial Parties**

During the pendency of any quasi-judicial proceeding, no Council member may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (1) places on the record the substance of such oral or written communications concerning the decision or action; and (2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. There is no prohibition against correspondence between a citizen and his or her elected official, if the correspondence is made a part of the record, if it pertains to the subject matter of a quasi-judicial proceeding.

## **Article 9: USE OF THIS MANUAL AND ITS RULES**

### **9.1 Purpose**

This manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

### **9.2 Use of Rules by Council**

No action taken by a Council member or by the Council which is not in compliance with these rules, but which is otherwise lawful, shall invalidate such Council member'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 do 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.

### **9.3 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 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.

### **9.4 Amendments or Suspension of Portions of this Manual**

Amendments of all or any part of these rules may be made by resolution or temporarily suspended by motion until changed, provided there is no conflict with any superior statute.

## EXHIBIT A: SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

Motion "To Approve "Robert's Rules of Order – Newly Revised in Brief" as the definitive guidance parliamentary procedure for any Council meeting at which Robert's Rules are applicable, and to approve the following "...At a Glance" summary as a simplified reference tool for Exhibit A of the City Governance Manual. <b>PARLIAMENTARY PROCEDURE AT A GLANCE</b>					
<b>To do this:</b>	<b>You could say this:</b>	<b>May you interrupt speaker?</b>	<b>Must be seconded?</b>	<b>Is motion debatable?</b>	<b>Vote required</b>
<b>Introduce business</b>	"I move that ..."	NO	YES	YES	MAJORITY
<b>Amend a motion</b>	"I move to amend this motion"	NO	YES	YES	MAJORITY
<b>Request information</b>	"Point of information"	YES	NO	NO	NO VOTE
<b>Suspend further discussion</b>	"I move we table it"(until when?)	NO	YES	NO	MAJORITY
<b>End debate</b>	"I move the previous question ..."	NO	YES	NO	MAJORITY
<b>Postpone discussion</b>	"I move we postpone this matter until ..."(when?)	NO	YES	YES	MAJORITY
<b>Have something further studied by a committee</b>	"I move we refer ..."	NO	YES	YES	MAJORITY
<b>Ask for a vote count to verify a voice vote</b>	"I call for a division of the house"	NO	NO	NO	NO VOTE
<b>Object to considering some matter</b>	"I object to consideration"	YES	NO	NO	MAJORITY
<b>Take up a matter previously tabled</b>	"I move to take from the table ..."	NO	YES	NO	MAJORITY
<b>Reconsider something already disposed of</b>	"I move we reconsider action on ..." (time-date?) But see note 1.	YES	YES	YES	MAJORITY
<b>Consider something in unscheduled order</b>	"I move we suspend the rules and ..."	NO	YES	NO	MAJORITY
<b>Vote on a ruling by the chair</b>	"I appeal the chair's decision"	YES	YES	YES	MAJORITY

<b>Object to procedure or personal affront--chair decides</b>	<b>“Point of order”</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO VOTE</b>
<b>Complain about noise, room temperature, etc.</b>	<b>“Point of privilege”</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>NO VOTE</b>
<b>Recess the meeting</b>	<b>“I move that we recess until ...”</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>MAJORITY</b>
<b>Adjourn the meeting</b>	<b>“I move that we adjourn”</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>MAJORITY</b>

**Notes:**

1. This motion may only be made by a council member who voted in the affirmative to adopt the original motion and must be made at the same meeting or the next regular scheduled meeting.

## **EXHIBIT B: CURRENT LIST OF CITIZEN COMMITTEES, COMMISSIONS AND BOARDS**

This Exhibit was adopted by Council Motion as follows: "The Council hereby approves the summary of ongoing Citizen committees, commissions and boards that are recognized by the City as of March 2010, and directs that such summary be incorporated as an Exhibit to the Governance Manual."

### **B.1: STANDING CITY ADVISORY COMMITTEES:**

Pursuant to Idaho Statute, 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 (see MCC Title 1, Chapter 10):

Airport advisory committee  
Environmental advisory committee  
Golf course advisory committee  
Historic preservation commission  
McCall improvement committee  
Parks and recreation advisory committee  
Public works advisory committee  
Tree advisory committee

### **B.2: PERMANENT BOARDS AND COMMISSIONS:**

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

- (A) The Planning And Zoning Commission further provided for in [Title 3](#) of the McCall City code;
- (B) The Library Board of Trustees constituted as provided in the Idaho Code, Title 33, chapter 26.
- (C) The McCall Redevelopment Agency as provided in the Idaho Code, Title 50, chapter 20.

The committees, commissions and boards listed above shall be subject to the following general guidelines, except to the extent stated to the contrary in the applicable resolution or ordinance.

#### **(a) Meetings**

Committee meetings (when held) must be open to the public, including the media, unless discussing matters which would qualify for an executive session (under the state law defining eligible executive session issues that apply to the Council).

#### **(b) Council Liaison to Citizen Committees, Commissions and Boards**

Liaisons shall be appointed by the Mayor and confirmed by the Council for specific purposes and for a time certain (normally a term of one calendar year, which may repeat if Council so determines). For example, the Council typically has two members appointed to the McCall Redevelopment Agency. Liaisons may attend assigned citizen group meetings and report to the Council on matters of public concern.

**(c) Liaison Procedures**

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and **keeping Council** informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation or conflict of interest possibilities (i.e.: in the unusual case of a quasi-judicial proceeding). Liaisons' functions and duties may be further defined and/or directed by the Mayor or Council President with concurrence of Council.

**(d) Appointment**

Except as otherwise provided by City ordinance or resolution, members of citizen committees, commissions and boards shall be appointed in accordance with Title 1, Section 1.10.3 and approved by a majority vote of the full the Council.

**(e) Publication on Website**

It shall be City policy to disclose names and terms of citizen boards, committees and commissions on the City website, with a description of the role and functioning of the body.

## EXHIBIT C: ILLUSTRATION OF SCALABLE PUBLIC PROCESS PLANNING SYSTEM

This Exhibit was adopted by Council Motion as follows: “I move that the City Council approve the following illustrations of the Scalable Public Process Planning System, in accordance with the procedures set forth in Article 2.1.9 of the City of McCall Governance Manual.”

### Scalable Public Process Planning System

*Getting the right people in the right place at the right time making the right decisions to keep the residents of McCall well-informed and engaged.*

Level of Public Interest/Impact	Who and How	Sample Outreach Activities/Tools
<p><b>Straightforward issue</b></p> <ul style="list-style-type: none"> <li>• Information only</li> <li>• Low controversy</li> <li>• One-time event</li> </ul>	<p><b>Ad Hoc Committee (2.1.3, 2.1.9)</b></p> <ul style="list-style-type: none"> <li>• Staff “expert”</li> <li>• Communications Coordinator</li> </ul> <p>❖ A few E-mails</p>	<p><b>Information (2.4.6)</b></p> <ul style="list-style-type: none"> <li>• Press release</li> <li>• Calendar announcement</li> <li>• Post on the City Web</li> </ul>
<p><b>More complex issue</b></p> <ul style="list-style-type: none"> <li>• Multiple public “touches”</li> <li>• Public input helpful</li> <li>• Low controversy</li> <li>• Longer term impact</li> </ul>	<p><b>Ad Hoc Committee (2.1.3, 2.1.9)</b></p> <ul style="list-style-type: none"> <li>• Director/designee</li> <li>• Staff “expert”</li> <li>• Communications Coordinator</li> </ul> <p>➤ One or more meetings</p>	<p><b>Small-scale campaign</b></p> <p>May include above, plus:</p> <ul style="list-style-type: none"> <li>• Display ad</li> <li>• ListServ notification</li> <li>• FAQ</li> <li>• Presentations to Key Influencers (ie., Rotary, Chamber, 2.4.3)</li> </ul>
<p><b>Complex, and/or controversial issue</b></p> <ul style="list-style-type: none"> <li>• Lasting policy and/or land use impacts</li> <li>• High interest for multiple community elements</li> <li>• Public input desired</li> <li>• Longer process</li> </ul>	<p><b>Small Task Force (2.1.7, 2.1.9)</b></p> <ul style="list-style-type: none"> <li>• City Council liaison</li> <li>• City Manager/designee</li> <li>• Director/designee</li> <li>• Staff “experts”</li> <li>• Communications Coordinator</li> </ul>	<p><b>Longer, more complex strategy</b></p> <p>may include above, plus:</p> <ul style="list-style-type: none"> <li>• Multiple press releases/announcements</li> <li>• Targeted outreach to potential stakeholders</li> <li>• Stakeholder meetings (2.4.3)</li> <li>• Neighborhood meetings (2.4.5)</li> <li>• One or more public forums (2.4.4)</li> <li>• Built-in, iterative feedback loop to evaluate results and alter course</li> </ul>

**Extremely complex, significant and/or controversial issue**

- Lasting policy and/or land use impacts
- Engage broad range of community interests
- Significant public input required
- Long process

**Public Process Steering Group (2.1.6, 2.1.9)**

- City Council liaison
- City Manager/designee
- Director/designee
- Staff “experts”
- Communications Coordinator
- Citizen(s)
- A series of meetings over months or years

**Large-scale, long-term PR campaign may include above, plus:**

- Strategic use of multiple public engagement tools like field trips, informational presentations, focus groups, visioning exercises, etc.
- Clear, distinct milestones and decision-point(s).
- Built-in, iterative feedback loop to evaluate results and alter course as needed

Note that outreach is an art, not a science; the committee composition and tools shown are NOT PRESCRIPTIVE, but are examples of the approaches, tools and strategies that might be appropriate for public process planning at various levels of Public Interest/Impact. The hard part will always be the decision on when, or if, to engage the public beyond the regular or special public meetings of the Council or Staff.

It will be difficult to predict when or how some topic or subject will be controversial or draw significant attention from the public at large. Frequently, a small group, with some unknown (at the time) agenda, will be attracted to a specific topic; they will generate considerable discussion and argument over the topic, whereas the public at large will not seem to be concerned. Careful planning and leadership of the discussion will be required to achieve broad consensus while not seeming to “cave” to a small minority. The goal will always be to achieve a consensus on the topic at hand, both within the Council and the public.

## **EXHIBIT D: ICMA Code of Ethics**

The mission of the International City/County Manager Association (ICMA) is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

### **Tenet 1**

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

### **Tenet 2**

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

### **Tenet 3**

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

### **Tenet 4**

Recognize that the chief function of local government at all times is to serve the best interests of all people.

### **Tenet 5**

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

### **Tenet 6**

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

### **Tenet 7**

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

### **Tenet 8**

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

## Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

## Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

## Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

## Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

## **EXHIBIT E: Executive Sessions (from IC Title 67)**

67-2345. Executive sessions -- When authorized. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;
  - (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
  - (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
  - (d) To consider records that are exempt from disclosure as provided in [Chapter 3, Title 9](#), Idaho Code;
  - (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
  - (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;
  - (g) By the commission of pardons and parole, as provided by law;
  - (h) By the custody review board of the Idaho department of juvenile corrections, as provided by law; or
  - (i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.
- (2) Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section [67-2343](#), Idaho Code, subsequent sessions of the negotiations may continue without further public notice.
- (3) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this act to change the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not provided.
- (4) No executive session may be held for the purpose of taking any final action or making any final decision.

## **EXHIBIT F: Council Powers & Responsibilities (a summary from AIC “Roles and Responsibilities Manual”)**

### **A. Legislative**

Adopt laws (ordinances) to protect the public health, safety, morals, and welfare.

Annex territory in the City by ordinance.

Adopt a comprehensive plan by resolution.

Adopt a zoning ordinance and a subdivision ordinance.

Negotiate with the county commissioners to delineate an area of city impact, including the land use regulations for the area.

Create and urban renewal agency.

Determine the level of services to be provided by the city, including any fees for those services.

Adopt franchise ordinances.

Adopt personnel, financial, investment, purchasing, and other policies governing city operations by resolution.

License and regulate businesses and occupations within the city and setting license fees.

Vacating city streets and public rights-of-way.

### **B. Fiscal**

Prepare and approve a budget of projected revenues and expenditures for the upcoming fiscal year.

Approve the city property tax levy for the fiscal year.

Periodically examine the accounts of officers responsible for managing the monies and properties of the city.

Provide for audits of the city’s financial statements per IC 67-450B.

Establish, by ordinance, the place(s) of deposit for city funds.

Approve, by resolution, investment of city funds.

### **C. Quasi-Judicial**

Decisions on rezones, conditional use permits, variances, and subdivision plats.

Denial of licenses for retail sale of beer, wine and liquor by the drink.

### **D. Appointment and Removal**

Appoint the City Manager with appropriate contract of employment.

Confirm appointment by the City Manager other Officers or Department Managers of the City.

Appoint a person to fill the term of a council member who has resigned or be dismissed (to serve until the next scheduled election).

Appoint the City Attorney.

#### E. Miscellaneous

Establish by ordinance City board, commissions and committees and define their membership, responsibilities, duties and authority.

Set compensation of the Mayor and council members by ordinance.

Approve the disposal of surplus real property.

### **EXHIBIT G: Resolutions as defined by AIC:**

A resolution is a binding decision of the Council and is used for more administrative matters. Unlike the adoption of an ordinance, there are no reading and notice requirements.

Examples of actions that may be best accomplished by a resolution include:

- Adoption of Council procedures
- Adoption of a personnel policy
- To authorize the Mayor to sign a contract on behalf of the City
- To authorize a schedule of fees
- To authorize the destruction of records (the schedule of which would be set by ordinance)
- To authorize the sale of surplus equipment
- Adoption of a financial policy

### **EXHIBIT H: Examples of when to use an Ordinance**

- To regulate people and their actions
- To regulate property (zoning, subdivisions)
- To grant franchises
- To authorize bond issues
- To adopt the annual budget
- To adopt a records retention schedule

