

AGENDA
McCall City Council
Special Meeting
October 23, 2015 at 9:00 a.m.
McCall City Hall (Lower Level)
Legion Hall
216 East Park Street

9:00 a.m. OPEN SESSION ROLL CALL

WORK SESSION
AB 15-198 Governance Manual Review

OPEN SESSION

11:00 a.m. ADJOURNMENT

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

**McCALL CITY COUNCIL
AGENDA BILL**

216 East Park Street
McCall, Idaho 83638

Number AB 15-198
Meeting Date October 23, 2015

AGENDA ITEM INFORMATION

SUBJECT: <i>Governance Manual Review</i> <i>A Work Session</i>		<i>Department Approvals</i>	<i>Initials</i>	<i>Originator or Supporter</i>
		Mayor / Council		
		City Manager		
		Clerk	<i>AW</i>	Originator
		Treasurer		
		Community Development		
		Police Department		
		Public Works		
		Golf Course		
		Parks and Recreation		
COST IMPACT:	n/a	Airport		
FUNDING SOURCE:	n/a	Library		
TIMELINE:	n/a	Information Systems		
		Grant Coordinator		

SUMMARY STATEMENT:
When the Governance Manual was adopted, there was intent to review the manual annually to ensure that it is useful and current. The goal of this work session is to receive feedback from Council on what they feel is working well with the manual and areas they would like to see some change or clarification. Staff has also put together items that they feel are working well and items for discussion for possible change or clarification.

RECOMMENDED ACTION:
Review the Governance Manual and give staff feedback and direction.

RECORD OF COUNCIL ACTION

MEETING DATE	ACTION

McCall Governance Manual Annual Review

City Manager – Nate Coyle

City Clerk – BessieJo Wagner

Overview

- Governance Manual Background
- Manual Review Process & Recurrence
- Outline Staff Recommendations for Revisions
- Identify Council-Directed Revisions
- Establish a Plan for Presentation of Revised Manual

Governance Manual Background

- Developed and adopted in 2013
 - Developed under guidance and recommendation of consultant – Stanley McNutt
- Purpose is to provide guidance and general outline of rules for the Council and City Administration in governance of the City.
 - Clearly delineates the roles/responsibilities of the City Council and City Manager.
- This manual was not intended to restrict or expand Council's authority as provided for in statute/law.

Governance Manual Review Process

- It is recommended that this manual be reviewed annually.
 - Change may not always be necessary, however this review will also ensure that procedures/responsibilities are refreshed for the City Manager and Council members-alike.
- 2015 Review Process
 - Outline staff recommendation for change – October 23, 2015
 - Identify Council-directed changes, if applicable – October 23, 2015
 - Draft/Present revised Governance Manual – Late November, 2015
 - Consider any final revisions requested by the Council at this time
 - Adoption of revised Governance Manual – Late November/early December, 2015

Recommendations from Staff

- What Works Well:
 - Delineation of City Manager and City Council roles/responsibilities.
 - Definitions which clarify intent of different types of meetings (mostly) and different types of groups/committees.
 - Administrative procedures to support meetings (minutes/agendas) and procedures for execution of public meetings.

Recommendations from Staff

- What Needs Work:
 - Streamline the document to reduce redundancies throughout the manual. For example, City Manager and Council roles/responsibilities are outlined in multiple locations throughout the document.
 - Shorten table of contents (ToC is currently 7 pages).
 - Clarify intent and usage of regular council meetings and special meetings. (pg 8)
 - Clarify intent of building the agenda for the Council meetings particularly when to distribute the meetings schedule to Council and deadline for Council to add something to the agenda. (pg 26)
 - Consider stronger criteria for application of the 3-touch rule. This rule does not currently provide a clear direction of items for which the rule applies. (pg 25 & 35)
 - The Process for Preparing Legislation or Policies for Adoption needs to be revised and made more clear. (pg 27)
 - Organizational meeting of the Council (pg 30)

Discuss Council-Directed Revisions

- Council Thoughts and Direction for Revision

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



City of McCall

Resolution No. 13-23

Adopted December 19, 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 Councilors, 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 uses 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.

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.

Use of Rules by Council

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

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.

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.

Respectfully submitted,

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

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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 often as possible.

1.1.3. City Leaders Lead and Reason Together

Councilors 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

The Mayor is to be recognized as the Official head of the City for all ceremonial purposes, by the courts for the purposes of serving civil processes, and by the Governor for military purpose. The Mayor may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the State of Idaho may require, but this shall not be construed as conferring upon the office administrative powers or functions of a Mayor under the general laws of the state per Idaho Code. 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. 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. See IC 50-809 and Title 1, Chapter 8, for a complete description of the duties of the Mayor.

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

Councilors select the Council President, who presides at meetings and coordinates with City Manager when the Mayor is unavailable or absent.

1.3.6. Service on Regional Bodies is Shared Among Councilors

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

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. Councilors Have Opportunity to be Leaders and Innovators

One or more Councilors 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 Work 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 Work 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 Council. The next Council Meeting Agenda will be discussed at the end of each meeting to provide 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 may empower 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 Councilors 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 Councilors (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 Councilors 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 Councilors, 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 “sun-setting” 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) Councilor 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 Councilors, the City Manager (or designee), and the City Clerk. The Councilor(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.

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 Councilor 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 Councilor 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 Councilor 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 Councilor Liaisons to four types of organizations:

2.2.6.1. A county-wide or regional policy or governing body or intergovernmental organization (such as the Valley County Economic Development Council);

2.2.6.2. A community organization (such as an arts, business or social service organization, such as the McCall Chamber of Commerce);

2.2.6.3. A governing or inter-agency board functioning in the City (such as the McCall Redevelopment Agency); and

2.2.6.4. 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

Special Meetings are Council Meetings 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:

2.3.3.1. To study, deliberate or review one or more topics or emerging issues for potential action at a future date,

2.3.3.2. To vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply,

2.3.3.3. To engage in public comment or dialog, or

2.3.3.4. To participate in presentations with City staff or other subject matter experts.

In general, final votes are not taken at a Work Session, but there are commonly procedural votes on the disposition of various matters.

Any Regular or Special Council Meeting may contain 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. 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 4.7 (Respect and Decorum) and 8.11 (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 Councilors, 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 Councilors 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, is 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:

- 3.1.1.** Association of Idaho Cities (AIC) and several publications issued by the Attorney General of the State.
- 3.1.2.** AIC “The Nature and Powers of Cities” Manual
- 3.1.3.** AIC “Conflict of Interest and Ethics Guidelines” Manual
- 3.1.4.** AIC “Roles and Responsibilities” Manual
- 3.1.5.** “IC”: Idaho Code, as revised.
- 3.1.6.** “MCC”: Codified Ordinances of the City of McCall (or McCall City 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 Councilor, 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: (i)Public Officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government, (ii)Public Officials be independent, impartial and fair in their judgment and actions; (iii)Public office be used for the public good, not for personal gain;

and (iv) 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 (iii) 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 Councilor 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)*".

- 3.6.1.1.** Using one's City Official position to obtain special privileges for oneself or others;
- 3.6.1.2.** Giving or receiving a gift in connection with a City matter;
- 3.6.1.3.** Accepting employment or engaging in a business that would require disclosing confidential information gained as a City Official; and
- 3.6.1.4.** 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:

- 3.6.1.5.** Is a very small gift, such as a coffee, small enough as to be "de minimus" and therefore not intended to be prohibited?
- 3.6.1.6.** Should a gift from an out of town dignitary be handed over from an Official to the City as a whole?
- 3.6.1.7.** 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:

- 3.6.2.1.** 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.

3.6.2.2. 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.

3.6.2.3. 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 him or her 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.

3.7.3.1. 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.

3.7.3.2. 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.

3.7.3.3. 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 City Manager or a majority of Councilors. 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, sexual orientation, gender identity, 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.” (See Exhibit E)

Councilors 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 Councilor 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.

3.8.2.1. 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, Councilors shall:

3.8.2.1.1. 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

3.8.2.1.2. 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

3.8.2.1.3. Establish an automatic reply message on any email service previously used for a Councilor’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 Councilor at the City-provided email address.

3.8.2.1.4. Each Councilor 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 abide by the City’s Email Retention Policy.

3.8.2.2. Policies on Email Practices

It is hereby the policy of the City that with respect to any email sent by a Councilor 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 Councilor (so as not to violate the Open Public Meetings Act), and any Councilor who receives such an email shall not forward the email to any other Councilor.

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.

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps "1" and "2" 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.
4. Prior to completing steps "1" through "3", 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 Councilor 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 elect 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: (i) to separately account for each of the funds; and (ii) 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 Councilor 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 Councilors), 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 Councilor 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 Councilors 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 — Duties (“Mayor”)

Biennially at the first meeting of the new Council, the members shall choose by majority vote a Mayor from amongst the members. The Mayor shall preside at meetings of the Council. In addition to the powers conferred upon the Councilor 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.

4.5. Presiding Officer

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.

4.6. Quorum

As provided under IC, the quorum required for the transaction of business at a Regular or Special Council Meeting is a majority of the members of the full Council. It is important to note that Council vacancies do not reduce the number required for a quorum. The Mayor, under the Council/Manager form of government, is counted for quorum purposes. If the Council President or another Councilor is chairing the meeting, they are counted for quorum purposes. For the City of McCall, all meetings of the Council, three (3) Councilors shall constitute a quorum for the transaction of business.

In the absence of a quorum, there can be no meeting, so the meeting is cancelled. The agenda for the meeting will be reposted for the next scheduled Regular Council Meeting unless a Special Meeting is called by the Council.

4.7. Respect and Decorum

It is the duty of the Presiding Officer and Councilors to maintain dignity and respect for their offices, City staff, and the public. While the Council is in session, the Councilors 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. Councilors and the public shall obey the proper orders of the Presiding Officer of the meeting and as stated in the Rules of Order adopted by the Council.

4.7.1. 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.

4.7.2. Permission Required to Address the Council

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

4.7.3. 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”

4.8. Telephonic Participation from a Remote Location

Councilors may participate in meetings remotely by speakerphone or video conferencing, as long as the Councilor(s) participating remotely can clearly hear those in attendance at the meeting and those in attendance can clearly hear the Councilor(s) participating remotely. Councilors participating by speakerphone or video conference are counted for quorum purposes and can vote just as if they were physically present at the meeting (IC 67-2342(5))

Such a remote participation by any, or all, Councilors will be permitted when: all documents and exhibits are clearly visible or readable for all participants; 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 the City Manager, or designee, and the City Clerk, or designee, are in attendance at the location designated in the meeting notice. The cost of

such remote connectivity shall be paid by the Councilor requesting remote connectivity, unless waived by majority vote of the Council.

4.9. 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 Councilor. If a member of the Council finds that it is necessary to miss a scheduled meeting, then so advising the City Manager or another Councilor would be the polite and civil path to follow.

4.10. 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 Councilor.

4.11. 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. 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 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 City Code. 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, Councilors 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 Councilor.

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 Councilors

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 Councilors

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilor, or in a Council Meeting or committee meeting, the Council or Councilor should then refer the matter directly to the City Manager for review and/or action. The individual Councilor 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 Councilors 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 Work Sessions and quasi-judicial proceedings are optional unless so requested by any Councilor. 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.

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: (i) overhead projection summaries or PowerPoint bullet points; (ii) flow charts or box diagrams to illustrate complex organizations, sequences or systems; (iii) bullet point or summary handouts for the public and the press, when appropriate; (iv) projector or video clips to show actual situations or settings; (v) large maps to help pinpoint specific locations or parcels; (vi) use of color to highlight important elements; (vii) white board for illustration; and/or (viii) configuring the room/display so as to allow the public to follow and understand issues.

Article 7: COUNCIL MEETINGS

7.1. Council Meeting Agendas

It is the City Clerk's responsibility to assemble the agenda for Council Meetings, collecting suggestions from the Mayor, Councilors, City Manager, and City Staff. It is important to remember these are Council Meetings and Councilors should be able to request that items be included on the agenda, with the exception of frivolous and/or unnecessarily repetitive requests. Setting the agenda is a shared responsibility and takes cooperation between the Mayor, Councilors, City Manager, and Staff. (ref; AIC Idaho Open Meeting Law Manual 2009)

The City Clerk maintains an ongoing Meeting Schedule that shows a 3 month window of scheduled Council Meetings. The Mayor, Councilors, City Manager, and City Staff can add items to the Meeting Schedule through the City Clerk to ensure all needed items are added. The Meeting Schedule is distributed to the Council at each Regular Meeting. The City Clerk also distributes the scheduled items to the Mayor, Councilors, City Manager, and City Staff two weeks prior to the next meeting to ensure timely additions or deletions for the next meeting agenda.

During the process of creating the Agenda for the Council's review the City Clerk creates the "**Official Agenda**" from the Meeting Schedule. Copies of the "Official Agenda" shall be posted on the City website and outside of City Hall at least 48 hours prior to the Council Meeting and shall be subject to the notice provisions stated in IC 67-2343.

7.2. Consent Agenda

The City Clerk or City Manager, in consultation with the Mayor and Council, may place matters on the consent agenda which: (i) have been previously discussed by the Council; or (ii) based on the information delivered to members of the Council by Administration, can be reviewed by a Councilor without further explanation; (iii) are so routine, technical or "housekeeping" in nature, that passage without discussion is likely; or (iv) 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 Councilor 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.

7.4. Work Session Agendas

Any Regular or Special Council Meeting may contain a "Work Session" 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:

7.5.1. Introduction

Introduce the subject and give background information;

7.5.2. Goal

Identify the discussion goal;

7.5.3. Focused discussion

Act as facilitator to keep the discussion focused toward the goal; and

7.5.4. Call for consensus or a motion

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.

7.6.1.1. “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.

7.6.1.2. “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:

7.6.2.1. Proposing an Ordinance

Councilor The Mayor, Councilors, City Manager, and City Staff in open session, may request as part of the agenda 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. This would be considered the first touch.

7.6.2.2. Sponsorship Encouraged

When a Councilor 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.

7.6.2.3. Three (3) Readings

Ordinances shall be read on three (3) different days, two (2) readings of which may be by title only and one (1) reading of which shall be in full. (IC 50-902)

Although State Law permits only one reading in some cases, all City ordinances controversial in nature, shall normally have at least three (3) separate readings at separate Council Meetings. Not later than the date of the meeting at which the final reading occurs, the full text of the draft ordinance shall be posted on the City website. A printed copy of the proposed and adopted ordinance shall be made available by the City upon request by a member of the public.

7.6.2.4. Waiver

Idaho Code allows a waiver of the three readings rule. A majority of the members of the full Council may dispense with the rule. “Councilor A moves to read by title only one time only, ordinance bill number...”

The provision requiring three (3) 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.

7.6.2.5. Motion failure

When a motion to read the ordinance a second time fails, the ordinance shall be considered lost, unless a subsequent motion directs the revision of the ordinance and resubmission to a second reading at a subsequent meeting

7.6.2.6. 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.

7.6.2.7. Passage of Ordinances

The passage or adoption of every ordinance shall be by roll call of the Council with the yea or nay of each being recorded, and to pass or adopt any ordinance a majority of the full Council shall be required. An ordinance number should be assigned by the City Clerk, during the motion to adopt the ordinance. A proposed ordinance can be referred to as “Council bill number ____.” A number should never be used twice.

7.6.3. Preparation of Resolutions

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, other than as noticed on a meeting agenda. 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). Even though the subject matter of an action may appear to be administrative, and therefore a proper subject for a resolution, sometimes state statute or even a City’s own ordinance requires that certain actions be established by ordinance. See Exhibit G for examples as defined by AIC.

7.6.4. Passage of Resolution

The passage or adoption of every resolution or order to enter a contract shall be by roll call of the Council with the yea or nay of each being recorded and to pass or adopt any resolution or order to enter a contract a majority of the full Council is required. A printed copy of the resolution shall be made available, upon request, to any member of the public.

7.7. Council Packets

Councilors 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. The packet shall be available by 5:00 pm on the Friday preceding the regular Council Meeting. Councilors and affected staff should read the agenda material and ask clarification questions prior to the Council Meeting, when possible. In the event a Councilor 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 second 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 Rules of Order as defined, with nominations from members of the Council, followed by a voice vote for each office, the office of Mayor to be determined first. The duties of the Mayor and President shall be as outlined in Section 1.8 of Title 1 of the MCC. 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, the meeting is cancelled. The agenda for the meeting will be reposted for the next scheduled Regular Council Meeting unless a Special Meeting is called by the Council.

8.2. Parliamentary Procedure

Rules of order not specified by statute, ordinance, or this Manual shall be governed by Rules of Procedures as adopted by Council (Exhibit A). 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. These procedures have been modified to better fit the Rules of Order of the McCall City Council.

8.3. Motions and Discussion

There is nothing more important than how the Council talks about an issue. Dialog, discussion, and deliberation are the most vital parts of Council decision-making. Thus, barriers to robust deliberation – whether they are procedural, information-based, or interpersonal – should be removed.

While Robert Rules present discussion after a motion is made, the Council is best served when enough discussion precedes a motion to ensure sound decision-making. The Mayor, in the role as Presiding Officer, is encouraged to facilitate sufficient discussion and deliberation prior to the introduction of a motion, after which further discussion is certainly appropriate

All items of business placed before the Council that requires 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. For example a motion in the affirmative would be: “I move to approve...” as opposed to the negative: “I move not to approve...” Discussion of an item for consideration will take place prior to a motion to ensure that the entire Council understands what is being considered.

8.4. 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. Approval of the Agenda
3. First Meeting of the month
 - a. Reports by City Manager and Staff
 - b. Committee Minutes
4. Second Meeting of the month
 - a. 30 Minute Work Session
5. Pledge of Allegiance
6. Public Hearings (as Posted)
7. Public Comment Period
8. Proclamations (as Posted)
9. Presentations (as Posted)
10. Business Agenda (unfinished, followed by new)
11. Consent Agenda
12. Executive Session Agenda (as Posted)
13. Emerging Issues for future Council discussion
14. Adjournment

8.5. 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.

8.6. Conduct of Meetings

8.6.1. Chair

As the Presiding Officer, 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.

8.6.2. Recognition to Speak

Those members of the City Council wishing to speak shall first be recognized by the Presiding Officer to speak, and each person who speaks shall address the Council as a whole. Discussion will take place prior to a motion 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 ask for a motion from the Council on the item to be adopted or approved. Once a motion is made and seconded, the City Council may have further debate for, or against, the matter at hand. Once it is determined that there is no further debate, or that time for debate has expired, on the motion, the Chair will call for the vote on the question.

The public will generally have an opportunity to speak during Work Sessions and periods set aside for public comment; however, public comment is normally not appropriate during the business agenda of a Regular Meeting. It shall be predetermined by a vote of the Council whether an item to be adopted or approved by the Council will receive public comment. If the Council wishes to hear from the public on an item, then the opportunity for public comment will be posted on the Council Agenda.

Predetermined by Rules of Procedures as adopted by Council see 8.11) will set the rules for public comment in general as well as public comment on items to be adopted or approved by Council. Also included within the Rules of Procedures is a designated time limit for each speaker. Other persons in attendance at the meeting shall not speak unless recognized by the Chair. 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.

8.6.3. Disorderly Conduct at Meetings

The Presiding Officer 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 may be removed from the meeting. Furthermore, any member of the City Council or City staff who fails to conduct himself or herself in an orderly manner at any meeting shall be may also be removed and asked to leave.

8.6.4. 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.

8.6.5. Roll Call Votes

In all roll call votes, the names of the members of the Council shall be called in order, with the first called the member who has made a motion for adoption and the second

called the member who has seconded such motion, and the remainder shall be called alphabetically in each vote. Any Councilor 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.

8.6.6. Requests for Remarks to Be Included in Minutes

Any City Councilor 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 Councilor, 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 Councilor wishes to be included as part of the Official record, shall likewise be provided in writing by the Councilor making the comments to the City Clerk.

8.7. Public Hearings

8.7.1. 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 on the topic. Any person not on the sign-in form by the beginning of the Hearing may not speak until after all those who have done so.

8.7.2. Time Limits

Speaker time limits should be preset so that those who wish to participate know the time limits and rules for the Public Hearing. The time limits will be based on the number of those desiring to speak and the time allotted in aggregate, including time for all applicants for the item under consideration. The Presiding Officer is authorized to otherwise control presentations to avoid repetition. The Presiding Officer should announce the order of speakers so as to have testimony presented in like groupings (proponents, opponents, neutral, etc.).

8.7.3. 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.

8.7.4. 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:

8.7.4.1. The Presiding Officer of the Council announces the purpose of the public hearing.

8.7.4.2. 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.

8.7.4.3. 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.

8.7.4.4. 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.

8.7.4.5. 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.

8.7.4.6. 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.

8.7.4.7. 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.

8.7.4.8. 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.

8.8. 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 2.3.3

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

8.8.1. Public comment period

In general, because a Work 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. At Council Work Sessions, it may be predetermined and posted on the agenda 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.

8.8.2. Vetting of Agenda Items

A Work 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 Work 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.

8.8.3. Study of Emerging Issues

A Work 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.

8.8.4. First Touch and Second Touch Updates

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

8.8.5. Referral to Committee for further Public Process

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

8.9. Workshops

The purpose of a Workshop (i.e., a single-topic Work Session) is to allow Councilors to do concentrated preliminary work with the 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.

8.10. 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 Councilors shall immediately leave the meeting area.

8.11. Procedures for Public Comment at Business Meetings

8.11.1. 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). At any time the Council, by the vote of the Council, 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. 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. 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 Council may request that those wishing to comment assign a spokesperson who will speak for all those with the same, or similar, position.

8.11.2. Subjects – Whether or Not on the Current 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; however, this is not a time for debate. The public may be allowed to comment on specific agenda items during that time in the meeting; however, a comment on the subject that is covered by a public hearing at that meeting must be made during the appropriate period of the public hearing.

8.11.3. 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.

8.11.4. 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.

8.11.5. 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 Councilors present.

8.12. 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.”

8.12.1. 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.

8.12.2. Obligations of Councilors in Quasi-Judicial Proceeding

In the event of a quasi-judicial proceeding of the Council, a Councilor should immediately disclose any interests that may appear to constitute a conflict of interest. Councilors 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 Councilor's business associate, or a member of the Councilor'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 Councilor's employer with the proponents or opponents, announced

predisposition, and the like. Prior to any quasi-judicial hearing, each Councilor 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 Councilor should disclose such fact to the City Attorney.

Anyone seeking to challenge a Councilor 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 Councilor 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 Councilor to excuse him/herself on the basis of an Appearance of Fairness violation. Further, if two Councilors believe that an Appearance of Fairness violation exists; such individuals may move to request a Councilor to excuse him/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilors shall give due regard to the opinion of the City Attorney.

8.12.3. Avoid Ex Parte Communications with Quasi-Judicial Parties

During the pendency of any quasi-judicial proceeding, no Councilor may engage in *ex parte* communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilor: (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.

EXHIBIT A: SIMPLIFIED SUMMARY OF PARLIAMENTARY PROCEDURE

PARLIAMENTARY PROCEDURE AT A GLANCE					
To do this:	It's recommended you say this:	May you interrupt speaker?	Must be seconded?	Is motion debatable?	Vote required
Adopt or Approve business	"I move that ..."	NO	YES	YES	MAJORITY
Amend a motion	"I move to amend this motion"	NO	YES	YES	MAJORITY
Request information	"Point of information"	YES	NO	NO	NO VOTE
Suspend further discussion	"I move we table it" (until when?)	NO	YES	NO	MAJORITY
End debate	"I move the previous question ..."	NO	YES	NO	MAJORITY
Postpone discussion	"I move we postpone this matter until ..." (when?)	NO	YES	YES	MAJORITY
Have something further studied by a committee	"I move we refer ..."	NO	YES	YES	MAJORITY
Ask for a vote count to verify a voice vote	"I call for a division of the house"	NO	NO	NO	NO VOTE
Object to considering some matter	"I object to consideration"	YES	NO	NO	MAJORITY
Take up a matter previously tabled	"I move to take from the table ..."	NO	YES	NO	MAJORITY

Reconsider something already disposed of	“I move we reconsider action on ...” (time-date?) But see note 1.	YES	YES	YES	MAJORITY
Consider something in unscheduled order	“I move we suspend the rules and ...”	NO	YES	NO	MAJORITY
Vote on a ruling by the chair	“I appeal the chair’s decision”	YES	YES	YES	MAJORITY
Object to procedure or personal affront--chair decides	“Point of order”	YES	NO	NO	NO VOTE
Recess the meeting	“I move that we recess until ...”	NO	YES	NO	MAJORITY
Adjourn the meeting	“I move that we adjourn”	NO	YES	NO	MAJORITY

Notes:

1. This motion may only be made by a Councilor who voted in the affirmative to adopt the original motion and must be made at the same meeting or the next regular scheduled meeting.
2. The City Council, with five members, including the Mayor, operates in an informal manner as compared with a larger assembly, such as the United States Senate, with 100 members.

Therefore:

- a. In order for a Councilor to obtain the floor to speak, whether in debate or during general discussion, one only needs to secure the attention of the Chair by raising their hand or simply being recognized visually by the Chair. Each Councilor may then speak from his chair and is not required to stand or speak from the lectern.
- b. The Chair may also request the advice or opinion of each Councilor in turn to speak on an agenda item.
- c. When extended debate on an issue is expected, the Chair may, in advance of the debate, allot specific time periods for members to speak in support or opposition of the issue.
- d. Motions to adopt a Resolution or an Ordinance, or other matter on the agenda, should normally be made after presentation by a member of the Staff who has prepared the document and after preliminary discussion by the Council, either within the Council

or as in a colloquy with members of the Staff. In this way a more complete and adequate understanding of the matter is achieved. When the Chair determines that sufficient preliminary discussion has occurred on the matter, it will then be appropriate for a Motion for adoption or approval, followed by a sufficient second. Then further debate may occur, with Councilors to speak in favor of, or in opposition to, the matter. Also, amendments to the matter may also be introduced, seconded, and voted upon. Finally, the question on the main motion is put by the Chair, or the question is moved to cease debate and either adopted or defeated, wherein further debate may occur.

- e. In our Council, with five members, the typical requirement for a 2/3 vote is not logical; thus, in those cases (such as for limiting debate), a majority vote of the full Council (three of the five) is required.

3. The rules of parliamentary procedure practice as contained in ***ROBERT'S RULES OF ORDER*** shall govern the McCall City Council in all cases to which the rules are applicable, provided that the rules are not in conflict with this Manual, with the ordinances and Codes of the City of McCall, or with State or Federal law. The Presiding Officer of the Council shall interpret and apply the rules of parliamentary procedure, and the Presiding Officer's interpretation and application shall be final and conclusive unless overturned by a majority vote of the City Council.

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

See the MCC, Title 1, for a complete and current listing. **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

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 align="center">Straightforward issue</p> <ul style="list-style-type: none"> • Information only • Low controversy • One-time event 	<p align="center">Ad Hoc Committee (2.1.3, 2.1.9)</p> <ul style="list-style-type: none"> • Staff “expert” • Communications Coordinator <li style="padding-left: 40px;">❖ A few E-mails 	<p align="center">Information (2.4.6)</p> <ul style="list-style-type: none"> • Press release • Calendar announcement • Post on the City Web
<p align="center">More complex issue</p> <ul style="list-style-type: none"> • Multiple public “touches” • Public input helpful • Low controversy • Longer term impact 	<p align="center">Ad Hoc Committee (2.1.3, 2.1.9)</p> <ul style="list-style-type: none"> • Director/designee • Staff “expert” • Communications Coordinator <li style="padding-left: 40px;">➤ One or more meetings 	<p align="center">Small-scale campaign</p> <p>May include above, plus:</p> <ul style="list-style-type: none"> • Display ad • ListServ notification • FAQ • Presentations to Key Influencers (i.e., Rotary, Chamber, 2.4.3)
<p align="center">Complex, and/or controversial issue</p> <ul style="list-style-type: none"> • Lasting policy and/or land use impacts • High interest for multiple community elements • Public input desired • Longer process 	<p align="center">Small Task Force (2.1.7, 2.1.9)</p> <ul style="list-style-type: none"> • City Council liaison • City Manager/designee • Director/designee • Staff “experts” • Communications Coordinator 	<p align="center">Longer, more complex strategy</p> <p>may include above, plus:</p> <ul style="list-style-type: none"> • Multiple press releases/announcements • Targeted outreach to potential stakeholders • Stakeholder meetings (2.4.3) • Neighborhood meetings (2.4.5) • One or more public forums (2.4.4) • Built-in, iterative feedback loop to evaluate results and alter course

<p>Extremely complex, significant and/or controversial issue</p> <ul style="list-style-type: none"> • Lasting policy and/or land use impacts • Engage broad range of community interests • Significant public input required • Long process 	<p>Public Process Steering Group (2.1.6, 2.1.9)</p> <ul style="list-style-type: none"> • City Council liaison • City Manager/designee • Director/designee • Staff “experts” • Communications Coordinator • Citizen(s) • A series of meetings over months or years 	<p>Large-scale, long-term PR campaign may include above, plus:</p> <ul style="list-style-type: none"> • 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
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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](#), 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 Councilor 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 Councilors 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:

1. Adoption of Council procedures
2. Adoption of a personnel policy
3. To authorize the Mayor to sign a contract on behalf of the City
4. To authorize a schedule of fees
5. To authorize the destruction of records (the schedule of which would be set by ordinance)
6. To authorize the sale of surplus equipment
7. Adoption of a financial policy

EXHIBIT H: Examples of when to use an Ordinance

1. To regulate people and their actions
2. To regulate property (zoning, subdivisions)
3. To grant franchises
4. To authorize bond issues
5. To adopt the annual budget
6. To adopt a records retention schedule

Acknowledgements and Referenced Documents

The City of Bainbridge Islands “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). 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 (11th Edition)