



AGENDA
Special Meeting - Retreat
January 28, 2022 at 9:00 AM
Spring Mountain Ranch Clubhouse
1300 Spring Mountain Blvd
McCall, ID
AND MS TEAMS Virtual

ANNOUNCEMENT:

Due to McCall's commitment to stay healthy in response to the COVID-19 Emergency and ensuring that the City's Business continues, this will be both an in person and virtual meeting. The Spring Mountain Clubhouse 6-foot social distancing Occupancy Capacity is 25. The Council Members and staff who are anticipated to be in attendance is 10 The first 15 persons who appear will be allowed to be present in the meeting location. **Social distancing and masking will be enforced.**

Due to this being an offsite meeting and training in nature, the meeting will not be live streamed. It will be recorded and added to the City's YouTube channel at <https://www.youtube.com/cityofmccall>

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

WORK SESSION

McCall City Council Retreat

- 9:00 a.m. Welcome, set the stage for desired outcomes
- 9:05 a.m. City Clerk Review of the Governance Manual
- 9:30 a.m. Public Hearing Training by Bill Nichols
- 11:30 a.m. Reflection on 2021 – Annual Report Presentation
- 12:00 p.m. Lunch Break
- 12:30 p.m. 2022 Priorities
- 1:00 p.m. Core Values Index and Communication training for Council by Blaine Bergeson
- 3:00 p.m. Closing thoughts/Wrap Up
- 3:15 p.m. Adjourn

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, please contact City Hall at 634-7142 at least 48 hours prior to the meeting.

Governance Manual Review

FUNCTIONING OF CITY COUNCIL

Council Liaison (page 3 of the Governance Manual)

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

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

➤ **Staff has discussed with Council previously about adding to the monthly report section of the Agenda an avenue for "Council" Reports. This would give the Council an opportunity to share information regarding any liaison committees they have attended as well as any meetings or trainings they may have participated in such as the Officials Day at the Capitol or any other AIC Sponsored events. This would also give the Mayor an opportunity to share information regarding any activities they have participated in. This would give all Council the opportunity to hear and share for full transparency. Staff would like to hear from the Council their recommendations as it relates to this item.**

LEGAL CONSIDERATIONS

Policies on Email Practices (page 11 of the Governance Manual)

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

➤ **Staff is suggesting some added language to the Governance Manual that will make it clear that the use of email for city business must only be via the city issued accounts. This makes it easier for retention purposes and protects the Council's personal emails from being subject to records requests.**

Suggested added Language:

Council Members shall only use the City email account assigned to them when conducting any city business. Council Members shall not set an automatic forward from their city email accounts

to their personal accounts. This includes the receipt of email from constituents and staff and any response to constituents and staff.

COUNCIL MEETING AGENDAS AND PACKETS

(page 20 of the Governance Manual)

An agenda shall be required for each meeting. It is the City Clerk's responsibility to assemble the agenda for Council Meetings, collecting suggestions from the Mayor, Council Members, City Manager, and City Staff. It is important to remember these are Council Meetings and Council Members 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, Council Members, City Manager, and Staff.

- **There has been some confusion as to how Council Members may add topics to the Agenda. Staff is recommending that during the "Upcoming Meetings Schedule" on every regular meeting agenda, that if a Council Member has a topic they would like the Council's action on, they would bring it up during this discussion to see if the rest of the Council is interested in the topic being added to a future agenda. Staff would like to hear from the Council their recommendations as it relates to this item.**

Order of Agenda:

- **Below is the current order staff is using for the Council's Regular Meetings. Staff would like to hear from Council as to whether this order is acceptable to them or if they would like to modify the order of the meeting. Staff would also like some feedback from Council regarding the packets:**
 - **Are the packets timely?**
 - **are the packets complete enough?**
 - **does the Council need additional information?**
 - **does the Council want less information?**
 - **Paper vs digital**

Call to Order and Roll Call

Pledge of Allegiance

Approve the Agenda

Consent Agenda

Public Comment

Presentation

Reports

Public Hearing

Work Session

Business Agenda

Executive Session

Return to Open Session

Adjournment

Public Comments

- **Staff would like to hear from Council regarding public comments received. Is the process used to relay public comments to Council sufficient? Is there anything different Council would like for staff to do regarding public comments?**

Additional Topics for future Consideration

- **Staff would like to hear from Council if they would like a review of any other areas of the Governance Manual at a future meeting.**

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



City of McCall

Resolution No. 13-23

Adopted December 19, 2013

Resolution No. 16-18

**Revised and Adopted
July 14, 2016**

Resolution No. 21-08

**Revised and Adopted
February 25, 2021**

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.

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FUNCTIONING OF CITY COUNCIL

Values

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. Council and staff should make the maximum effort to collaborate in every endeavor, seeking consensus as often as possible. Council Members should individually, and collectively, demonstrate the ability to lead and reason together. City leaders exhibit respect for the professionalism and ethical conduct of the City Manager and staff. 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.

Council Members

Any person shall be eligible to hold the office on the city council who is a qualified elector of the city at the time their declaration of candidacy or declaration of intent is submitted to the city clerk and remains a qualified elector during their term of office. The council shall have all powers delegated under general law, appoint a chief administrative officer to be known as the city manager, and confirm all appointments of department heads made by the city manager.

The Council consists of five (5) Officials, each elected to four (4) year terms. The terms are staggered with two (2) or three (3) having terms expiring at the end of odd-numbered years. Individual Council Members do not have governing power as individuals, but only when meeting as a Council, when a quorum (three or more) is present. The City shall comply with the Open Meeting Act under Idaho law.

Biennially at the first meeting of the new Council, the members shall choose by majority vote a Mayor from amongst the members and select the Council President, who presides at meetings and coordinates with the City Manager when the Mayor is unavailable or absent. In the absence of both of the Mayor and Council President, the meeting will be presided over by a member of the Council selected by a majority of the Council Members at such meeting. The Council also selects individual Council liaison roles based on the desire, qualifications, and skills of interested Council Members.

It is a duty of staff and Council who represent the City to advocate positions that are consistent with City policies, projects, and plans. Council approves liaison duties to community organizations for arts, human services, business community, tourism organizations, etc., based on desire and qualifications. One or more Council Members may "sponsor" an ordinance or resolution, including amendments to any City codified ordinance. 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.

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 Council Member.

McCall City Code 1.8.8: PROCEDURES FOR FILLING VACANCIES ON COUNCIL:

In the event a vacancy exists in the membership of the Council, the Council shall adopt a motion to meet as a Committee of the Whole. The Committee of the Whole shall consider the matter of an appointment to fill such vacancy, make a recommendation to the Mayor and adjourn. The Council then having been called back into its session; the Mayor shall appoint such person as was recommended by the Committee of the Whole; the Mayor may vote against confirmation of that appointment if the Mayor chooses to do so.

Committee of the Whole Defined:

The entire membership of a legislative body, sitting in a deliberative rather than a legislative capacity, for informal debate and preliminary consideration of matters awaiting legislative action.

Process after the interview of each candidate:

- Mayor will ask for a motion to meet as a committee of the whole, motion will require a roll call vote
- The City Clerk will act as facilitator.
- The Council will:
 - Discuss the merits of each applicant.
 - Make nominations of candidates to fill the vacancy, there may be multiple nominations
 - Discuss the merits of each nomination
 - Come to a consensus of one candidate to be appointed
- Mayor will call the Council back into Session

Once the Council is back into regular session the Mayor will then call for a motion of appointment, motion will require a roll call vote.

Mayor Duties (“Mayor”)

The Council-selected Mayor presides at Regular and other Meetings of the Council. Serving as Mayor of the meeting shall not in any way abridge the right of the Mayor to vote on matters coming before the Council at such meeting; however has no veto power. In addition to the powers conferred upon them as a Council Member, 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. 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.

Mayor Selection

- The City Clerk will act as facilitator
 - A review of the Mayoral Duties will be provided and discussed
 - Poll each Council Member with the question “Would you like to serve as Mayor and why?”
- The Council will:
 - Discuss the merits of each interested person
 - Make nominations of candidates to fill the position of Mayor, there may be multiple nominations
 - Discuss the merits of each nomination
 - Come to a consensus of one candidate to be appointed
- The Clerk will then call for a motion of appointment, motion will require a roll call vote.

Council President

Biennially at the first meeting of a the 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.

Council President Selection

- The Mayor will act as facilitator
 - A review of the Council President Duties will be provided and discussed
 - Poll each Council Member with the question “Would you like to serve as Council President and why?”
- The Council will:
 - Discuss the merits of each interested person
 - Make nominations of candidates to fill the position of Council President, there may be multiple nominations
 - Discuss the merits of each nomination
 - Come to a consensus of one candidate to be appointed
- The Mayor will then call for a motion of appointment, motion will require a roll call vote.

Council Liaison

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

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

CITY ADMINISTRATION

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

The City Manager shall attend all meetings of the City Council, unless excused by the Mayor 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 Mayor 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.

Role of City Attorney

The City Attorney's ultimate client is the City itself – a municipal corporation. The City Attorney is contracted by the City Council. 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 attends all Regular Council Meetings.

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 contracted to handle specific cases because of the nature of the case.

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.

Role of the City Clerk

The City Clerk shall adhere to the requirements of Idaho Code, 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, 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 Council Member. 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.

Any City Council Member may request to have his or her written and submitted comments printed as part of the Official record of the Council Meeting. Any member of the Council may also request that extraneous written remarks from the public, City staff, committees, boards, or commissions also be included in the record of the meeting. If there is no objection by a Council Member, the comments or written remarks shall be included by the City Clerk in the minutes of the meeting. If there is an objection to such printing of the comments, the City Council shall decide the matter by majority vote. Oral comments, which the Council Member wishes to be included as part of the Official record, shall likewise be provided in writing by the Council Member making the comments to the City Clerk.

RELATIONSHIP BETWEEN COUNCIL, CITY MANAGER, STAFF, AND PUBLIC

Council establishes budgetary authority for departments and positions, but does not interfere with the City Manager's management of City employees. City Council will adhere to the separate and distinct policy and management roles of Council and the City Manager. Administrative policy and complaints are handled by the City Manager and Department Heads; legislative policy is established by Council.

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

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 and city codes or applicable code sections, County property data, and any applicable history concerning the matter at hand. Council Members 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. However, Council Members should be careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager's directives. City staff should provide their supervisor with the same information shared with Council Members. In recognition of the limitations of staff time and resources, the Council will not request unnecessary information. An exceptionally time-consuming request of staff by the Council may require a majority vote at a regular meeting of the Council, such as for a specific action item or resolution.

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.

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

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

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

Contract Administration

Prior to issuing a request for proposals or a request for qualifications the City Manager, or designee, will, as a first touch to the Council, initiate a discussion to receive initial direction and feedback for contract development and negotiations. The City manager shall conduct or oversee all preliminary development and negotiations with the other party, including the scope of services to be performed and the compensation for those services.

TYPES OF GOVERNING ACTIONS

Rules of Order

Rules of order not specified by statute, ordinance, or this Manual shall be governed by Rules of Procedures as adopted by Council. ROBERT'S RULES OF ORDER procedures have been modified to better fit the Rules of Order of the McCall City Council.

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, in order for a Council Member to obtain the floor to speak, whether in debate or during general discussion, one only needs to secure the attention of the Mayor by raising their hand or simply being recognized visually by the Mayor. Each Council Member may then speak from his chair and is not required to stand or speak from the lectern.

The Mayor may also request the advice or opinion of each Council Member in turn to speak on an agenda item. When extended debate on an issue is expected, the Mayor may, in advance of the debate, allot specific time periods for members to speak in support or opposition of the issue.

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 conversation with members of the Staff. In this way a more complete and adequate understanding of the matter is achieved.

When the Mayor determines that sufficient preliminary discussion has occurred on the matter, it will then be appropriate to call for a Motion for action, followed by a sufficient second. Then further debate may occur, with Council Members to speak in favor of, or in opposition to, the matter. While Robert's 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 is encouraged to facilitate sufficient discussion and deliberation prior to the introduction of a motion, after which further discussion is certainly appropriate; however should be limited. Also, amendments to the matter may also be introduced, seconded, and voted upon. Finally, the question on the main motion is put by the Mayor, or the question is moved to cease debate and either adopted or defeated, wherein further debate may occur.

For the McCall City 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.

The rules of parliamentary procedure practice as contained in ROBERT'S RULES OF ORDER may guide 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 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.

Motion

A 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, 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.

Proclamation

A Proclamation is a public or official announcement by the City Council, especially one dealing with a matter of great importance. Some examples of annual proclamations are Arbor Day Proclamation, Fair Housing Proclamation, and Fire Prevention Week Proclamation. Proclamations may also be initiated by the public to honor a citizen or business within the community. Citizens may make a request of the Council, City Manager, or City Clerk for a consideration of a proclamation. Once the request has been vetted with the Council staff members will prepare a proclamation to be proclaimed by motion of the Council.

Resolution

An adopted resolution is an administrative act and is a statement of 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 policy that is more comprehensive or more meticulously worded than a just a motion. A resolution is approved by a motion of the Council in which the title of the resolution is the motion voted upon by the Council. The "Three Touch Rule" may apply where the Council should have three touches on the policy being proposed for adoption prior to adoption. 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).

A policy is a document that outlines what a government is going to do and what it can achieve for the society as a whole. It also outlines any and all methods and principles that the government or any entity, for that matter, will use to achieve its directive. Essentially, a policy sets out the goals and planned activities of an entity, whereas a law may be needed to pass to enable government to put in place the necessary institutional and legal frameworks to achieve their aims as set out in the policy. A policy is an informal document that just lists and states what must be done and what is intended to be done in the future.

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.

Legislation is another term meaning statutory law. These laws have been enacted by a legislature or, in the case of a city, by the Council. Legislation can also mean the process of making the law. In order for the Council to adopt an ordinance there are steps that need to be taken, the “Three Touch Rule”. First the idea of the ordinance will be presented to the Council to ensure that the Council is in favor of developing such an ordinance. Second the first draft of the ordinance is presented to Council for review. Third the ordinance is brought to the Council for adoption. For some complex issues or lengthy ordinances step two may happen over two or three meetings of the Council. In order for the Ordinance to be adopted it must be voted on by the majority of the Council and approved by the majority of the vote.

There are instances where the Council will be asked to approve an ordinance the first time they see it, primarily planning and zoning issues since these issues are first vetted through the Planning and Zoning Commission.

GOVERNING ACTIONS BY ORDINANCE

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 and Zoning 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.

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.

The Capital Improvement Plan CIP is a five (5) 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.

Quasi-Judicial Ruling

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.

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 and the second called the member who has seconded such motion, and the remainder shall be called alphabetically in each vote. Any Council Member may request a roll call vote; normally, roll call votes are taken if the motion involves the approval of a document requiring a signature such as, but not limited to, an ordinance, resolution, or contract.

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.

LEGAL CONSIDERATIONS

Immunity and Indemnification of Officials for Individual Actions in Good Faith

City Officials, appointed or elected, 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 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 tortious conduct of its Officials or members of the governing body.

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.

Process for Officials to Question the Legality of City Actions

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.

Conduct of Officials with Regard to Litigation brought against City

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

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.

Policies on Email Practices

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

COUNCIL MEETINGS

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

Respect and Decorum

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

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.

Regular 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.

Public Comment

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 Mayor and may address the full Council on any public issue. Unless Council determines otherwise, there will be no responses from Council or Administration during the Public Comment Period. Public comment is normally not appropriate during the business agenda of a Regular Meeting except during the designated Public Comment Period. 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.

Council will set the rules for public comment in general as well as public comment on items to be adopted or approved by Council. These rules will be presented on each Council Agenda, also included is a designated time limit for each speaker. Other persons in attendance at the meeting shall not speak unless recognized by the Mayor. When the Mayor 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.

Special Meeting

A “Special” Council Meeting is a meeting other than a “Regular” Meeting, which may be called by the City Manager or a majority of Council Members. The notice of a Special Meeting must be posted at least twenty-four (24) hours prior to the meeting, and must state the items of business on the agenda. Unless an exception applies, the Council may not add to the agenda of a Special Meeting without giving twenty-four (24) hours’ notice of the added item.

Executive Session

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 74-206: “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.” Council Members shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

Unintended Meetings

An unintended meeting may occur in violation of the Open Meetings Law if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion, conducts an interactive email discussion of City business or conducts a “serial” meeting in which a Council Member meets or discusses with another member in sequential fashion, one after another.

Remote Participation

Council Members may participate in meetings remotely by speakerphone or video conferencing, as long as the Council Member(s) participating remotely can clearly hear those in attendance at the meeting and those in attendance can clearly hear the Council Member(s) participating remotely. Council Members 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 74-203(5))

Such a remote participation by any, or all, Council Members 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 Council Member requesting remote connectivity, unless waived by majority vote of the Council.

Council Attendance

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

Work Session

Regular or Special Meetings of the Council, or portions thereof, may be designated as a Work Session. A Work Session is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example:

1. To study, deliberate or review one or more topics or emerging issues for potential action at a future date,
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,
3. To engage in public comment or dialog, or
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.

In general, because a Work Session is more informal and more interactive than a Business Meeting, the Mayor may have greater latitude to seek public comment on the issue under discussion. In this way, the Mayor 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.

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 consensus to determine whether the item shall be advanced to a future meeting of the Council.

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.

Interactive Dialog with the Public at Work Sessions

At Council Work Sessions, the Mayor 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 Mayor may allow more flexibility in accommodating comments and dialog on agenda matters under discussion than is generally allowed at a Regular Meeting, and the Mayor may allow responses and interactive dialog with Council Members, the Administration and/or other presenters.

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.

Public Hearings – Legislative

A formal public hearing as is required by statute or City ordinance as a portion of the prescribed public process for the Council's action on 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 pertaining to general governmental policy or ordinance, or a comprehensive, community, or neighborhood plan. 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.

Public Hearings - Quasi-Judicial

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. 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.

In the event of a quasi-judicial proceeding of the Council, a Council Member should immediately disclose any interests that may appear to constitute a conflict of interest. Council Members should recognize that the Ethics in Government Act does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve a Council Member's business associate, or a member of the Council Member'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 Council Member's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Council Member should give consideration to whether a potential conflict of interest exists. If the answer is in the affirmative, no matter how remote, the Council Member should disclose such fact to the City Attorney and be reflected in the minutes.

Anyone seeking to challenge a Council Member from participating in a decision on the basis of conflict of interest must raise the challenge as soon as the basis for the challenge is made known, or reasonably should have been made known. The party seeking to challenge the Council Member shall state, with specificity, the basis for the challenge and the Clerk shall so note in the minutes of the proceedings.

In the case of the Council sitting as a quasi-judicial body, the Mayor shall have authority to request a Council Member to excuse him/herself on the basis of conflict of interest violation. Further, if two Council Members believe that a conflict of interest violation exists; such individuals may move to request a Council Member to excuse him/herself on the basis of that conflict of interest violation. In arriving at this decision, the Mayor or other Council Members shall give due regard to the opinion of the City Attorney.

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

Conduct of Public Hearings

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

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

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.

5. When, after calling for public comments three (3) times, the Mayor determines that there are no other public comments to be received on the matter at hand and closes the public hearing.
6. 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. The Council may set a time limit for the rebuttal.
7. The public hearing will normally be held in context with a specific agenda item; the Council will consider the public testimony and those of the party, or representative, as the Council proceeds with debate and consideration of the proposal or matter at hand.

Anyone wishing to state their position on the topic of the public hearing must sign up on the sign-in sheet and indicate whether they are in favor, neutral, or in opposition to the application. All people who testify must state their name, address and whether or not they are for or against the application. The public may appoint a spokesperson to represent a group of people. Public testimony is limited to 3 minutes and cannot be deferred to another. The public is expected to treat all people with respect: No booing, hissing, or cheering; show respect for all opinions; and only those who are recognized by the Mayor are allowed to speak.

Public Forum

When major public policy development warrants, and after adequate preparation of issues and alternatives, the Council 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.

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.

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.

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>Straightforward issue</p> <ul style="list-style-type: none"> • Information only • Low controversy • One-time event 	<p>Ad Hoc Committee</p> <ul style="list-style-type: none"> • Staff “expert” • Communications Coordinator ❖ A few E-mails 	<p>Information</p> <ul style="list-style-type: none"> • Press release • Calendar announcement • Post on the City Web
<p>More complex issue</p> <ul style="list-style-type: none"> • Multiple public “touches” • Public input helpful • Low controversy • Longer term impact 	<p>Ad Hoc Committee</p> <ul style="list-style-type: none"> • Director/designee • Staff “expert” • Communications Coordinator ❖ One or more meetings 	<p>Small-scale campaign may include above, plus:</p> <ul style="list-style-type: none"> • Display ad • ListServ notification • FAQ • Presentations to Key Influencers (ie., Rotary, Chamber)
<p>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>Small Task Force</p> <ul style="list-style-type: none"> • City Council liaison • City Manager/designee • Director/designee • Staff “experts” • Communications Coordinator 	<p>Longer, more complex strategy may include above, plus:</p> <ul style="list-style-type: none"> • Multiple press releases/announcements • Targeted outreach to potential stakeholders • Stakeholder meetings • Neighborhood meetings • One or more public forums

		<ul style="list-style-type: none"> 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</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

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

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

A Public Process Steering Group typically consists of one or two Council Members, the City Manager (or designee), and the City Clerk. The Council Members 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).

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.

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 Council Member is chairing the meeting, they are counted for quorum purposes. For the City of McCall, all meetings of the Council, three (3) Council Members shall constitute a quorum for the transaction of business.

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.

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.

Disorderly Conduct

The Mayor 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 relevant to a subject under consideration, 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 him or herself in an orderly manner at any meeting may also be removed or asked to leave.

Adjournment Due to Emergency or Disruption

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

COUNCIL MEETING AGENDAS AND PACKETS

An agenda shall be required for each meeting. It is the City Clerk's responsibility to assemble the agenda for Council Meetings, collecting suggestions from the Mayor, Council Members, City Manager, and City Staff. It is important to remember these are Council Meetings and Council Members 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, Council Members, City Manager, and Staff.

The agenda shall be posted in the same manner as the notice of the meeting. 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.

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.

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.

The City Clerk maintains an ongoing Meeting Schedule that shows a 3 month window of scheduled Council Meetings. The Mayor, Council Members, City Manager, and City Staff may 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, Council Members, 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 74-204.

Consent Agenda

The City Clerk or City Manager 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 Council Member 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 Council Member may request that the agenda be amended to remove that item from the Consent Agenda to be discussed and considered separately.

Council Packets

Council Members shall personally pick up their agenda packets from their individual mailboxes, provided by the City Clerk, unless otherwise arranged by the member or further directed by Council. The packet shall be available by 5:00 pm on the Friday preceding the regular Council

Meeting. Council Members and affected staff should read the agenda material and ask clarification questions prior to the Council Meeting, when possible. In the event a Council Member 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.

