



CITY OF KETCHUM, IDAHO

****SPECIAL MEETING** CITY COUNCIL**

Thursday, January 08, 2026, 5:30 PM

191 5th Street West, Ketchum, Idaho 83340

AGENDA

PUBLIC PARTICIPATION INFORMATION

Public information on this meeting is posted outside City Hall.

We welcome you to watch Council Meetings via live stream.

You will find this option on our website at www.ketchumidaho.org/meetings.

If you would like to comment on a public hearing agenda item, please select the best option for your participation:

- Join us via Zoom (*please mute your device until called upon*)

Join the Webinar: <https://ketchumidaho-org.zoom.us/j/88314450423>

Webinar ID:883 1445 0423

- Address the Council in person at City Hall.
- Submit your comments in writing at participate@ketchumidaho.org (by noon the day of the meeting)

This agenda is subject to revisions. All revisions will be underlined.

CALL TO ORDER: By Mayor Peter Prekeges

ROLL CALL: Pursuant to Idaho Code Section 74-204(4), all agenda items are action items, and a vote may be taken on these items.

COMMUNICATIONS FROM MAYOR AND COUNCILORS

1. Public Comments submitted

NEW BUSINESS:

2. Discussion and confirmation of regular Council meeting dates/times and process.
3. Election of Council President.
4. Review and discussion regarding Mayor/Council liaison assignments.
5. Review and discussion regarding roles/responsibilities and communication flow between staff, Mayor and City Council.
6. Review and discussion of strategic priorities for the Mayor/Council, and identification of topics for upcoming strategic planning sessions.

ADJOURNMENT:

Memo

To: Mayor Prekeges and City Council Members

From: Jade Riley

Subject: Agenda Topic #2 – Proposed dates/times for 2026 City Council Meetings

Date: January 6, 2026

Mayor Prekeges is proposing to hold city council meetings on the second and fourth Thursday at 5:30pm. One other Council Member has mentioned the idea of moving to Tuesdays.

The following two attachments visualize these proposals and their impacts to other city boards/commission meetings and the publishing of their respective agendas. Using February as the example month, the visuals show a.) the ‘status quo’ calendar layout at the top of the page (re: council meetings remaining on Mondays) and b.) the alternate layouts on the bottom of the page.

Policy direction items from City Council:

1. Decide on new meeting date and time.
2. Decide on days of agenda publishment.
 - Based on the new date, what is the acceptable timing to release the full agenda packet?
 - For example, should Council meetings move to Thursdays, staff is proposing to issue the agenda packet by close of business on Monday preceding the meeting.
3. Decide on any other format changes to City Council meetings.
 - Some Council Members have mentioned reestablishing ‘Public Comment’ at the start of the meeting on any non-public hearing item or items not on the agenda.

STATUS QUO

FEBRUARY 2026

Monday		Tuesday		Wednesday		Thursday		Friday	
	25	26	CC agenda published	27	HPC agenda published	28	KURA agenda published	29	30
1	City Council – 4pm	2	HPC – 4:30pm	3	KURA Board – 4pm	4	P&Z agenda published	5	6
8		9	P&Z – 4:30pm	10	CC agenda published	11		12	13
15	City offices closed – Presidents’ Day	16	City Council – 4pm	17	MRTA Board retreat – 8:30am BCHA Board – 10:30am ASB Board – 2pm (bimonthly)	18	P&Z agenda published Traffic Authority – 9am KAC – 5pm	19	20
22		23	P&Z – 4:30pm	24	CC agenda published	25	FSVA – 9:30am	26	27
									28

ALTERNATE – THURSDAY COUNCIL MEETINGS

FEBRUARY 2026

Monday		Tuesday		Wednesday		Thursday		Friday	
	25	26		27	City Council – 5:30pm	28	P&Z agenda published	29	30
1		2	P&Z – 4:30pm	3	HPC agenda published	4	KURA agenda published	5	6
8	CC agenda published	9	HPC – 4:30pm	10	KURA Board – 4pm	11	City Council – 5:30pm	12	13
15	City offices closed – Presidents’ Day	16		17	MRTA Board – 8:30am (board retreat) BCHA Board – 10:30am ASB Board – 2pm (bimonthly) P&Z – 4:30pm	18	Traffic Authority – 9am KAC – 5pm	19	20
22		23		24		25	FSVA – 9:30am City Council – 5:30pm	26	27
									28

STATUS QUO

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22		23	P&Z – 4:30pm	24	CC agenda published	25	FSVA – 9:30am	26	27
									28

ALTERNATE – TUESDAY COUNCIL MEETINGS

FEBRUARY 2026

Monday		Tuesday		Wednesday		Thursday		Friday	
	25	26	City Council – 5:30pm	27		28	P&Z agenda published	29	30
1		2		3	P&Z – 4:30pm	4	CC agenda published	5	6
8	HPC agenda published	9	City Council – 5:30pm	10	KURA Board – 4pm	11	HPC – 4:30pm	12	13
15	City offices closed – Presidents’ Day	16		17	MRTA Board retreat – 8:30am BCHA Board – 10:30am ASB Board – 2pm (bimonthly) P&Z – 4:30pm	18	CC agenda published Traffic Authority – 9am KAC – 5pm	19	20
22		23	City Council – 5:30pm	24		25	FSVA – 9:30am	26	27
									28

Memo

To: Mayor Prekeges and City Council Members
From: Jade Riley
Subject: Agenda Topic #4 – Mayor/Council Liaison Assignments
Date: January 6, 2026

Attached are the proposed liaison assignments for 2026.

Policy direction items from City Council:

1. Any changes requested?
2. Ensure all members understand that each liaison needs to loop back at regular City Council meetings during the ‘Communications from Mayor and Councilors’ portion to report on any key items of interest or connect with staff to ensure information transfer.



City Boards & Commissions | Members & Terms

CITY COUNCIL				
NAME	TITLE	Term Limit	Term Began	Term Ends
PETE PREKEGES	MAYOR	4 YEARS	01.05.26	01.05.30
SPENCER CORDOVANO	PRESIDENT	4 YEARS	01.02.24	01.04.28
RANDY HALL	COUNCILMEMBER	4 YEARS	01.05.26	01.05.30
TRIPP HUTCHINSON	COUNCILMEMBER	4 YEARS	01.02.24	01.04.28
MATTHEW MCGRAW	COUNCILMEMBER	4 YEARS	01.05.26	01.05.30

PLANNING AND ZONING COMMISSION (P&Z)				
NAME	TITLE	Term Limit	Term Began	Term Ends
TIM CARTER	COMMISSIONER	3 YEARS	04.03.23	04.03.26**
HANNAH HARRIS	COMMISSIONER	3 YEARS	12.15.25	12.15.28
BRENDA MOCZYGEMBA	VICE CHAIR	3 YEARS	09.08.25	09.08.28*
ALEX MONGE	COMMISSIONER	3 YEARS	12.15.25	12.15.28
JOEY STEVENSON	COMMISSIONER	3 YEARS	12.15.25	12.15.28

HISTORIC PRESERVATION COMMISSION (HPC)				
NAME	TITLE	Term Limit	Term Began	Term Ends
JAKUB GALYCZNSKI	COMMISSIONER	3 YEARS	03.15.24	03.15.27
WENDOLYN HOLLAND	COMMISSIONER	3 YEARS	03.15.24	03.15.27
CLYDE HOLT	CHAIR	3 YEARS	01.11.24	03.15.27
MELISSA RIVELLO	COMMISSIONER	3 YEARS	09.06.25	09.06.28
OPEN				

KETCHUM ARTS COMMISSION (KAC)				
NAME	TITLE	Term Limit	Term Began	Term Ends
CARTER HEDBERG	CHAIR	3 YEARS	10.01.23	09.30.26*
KRISTIN POOLE	COMMISSIONER	3 YEARS	10.01.23	09.30.26
MEREDITH SKILLMAN	COMMISSIONER	3 YEARS	10.01.24	09.30.27*
JEAN PIERRE VEILLET	COMMISSIONER	3 YEARS	10.01.23	09.30.26
WENDAL WIRTH	COMMISSIONER	3 YEARS	10.01.23	09.30.26
ELIZABETH YOUMANS	COMMISSIONER	3 YEARS	10.01.23	09.30.26
OPEN				
OPEN				

KETCHUM URBAN RENEWAL AGENCY (KURA)				
NAME	TITLE	Term Limit	Term Began	Term Ends
CASEY BURKE	COMMISSIONER	4 YEARS	01.03.25	01.03.29
TYLER DAVIS-JEFFERS	COMMISSIONER	4 YEARS	08.15.22	01.07.27
MASON FREDERICKSON	COMMISSIONER	4 YEARS	01.02.24	01.02.28
SUSAN SCOVELL	COMMISSIONER	4 YEARS	01.02.24	01.02.28*
OPEN	COMMISSIONER	4 YEARS		
RANDY HALL	COUNCIL LIAISON	4 YEARS		
OPEN	COUNCIL LIAISON	4 YEARS		

* = end of 2nd term | ** = end of 3rd term

Mayor and Council Liaison Positions | Boards & Terms

BLAINE COUNTY HOUSING AUTHORITY (BCHA) GOVERNMENTAL LIAISONS (+5 voting board members)	
MUFFY DAVIS	TRIPP HUTCHINSON
LISA HOROWITZ	BRIAN PARKER

FLY SUN VALLEY ALLIANCE (FSVA)	
PETE PREKEGES	JACOB GREENBERG
TIM BURKE	MICHELLE GRIFFITH
DICK FENTON	LINDSAY MOLLINEX

KETCHUM COMMUNITY DEVELOPMENT CORPORATION (KCDC)	
CHARLES FRIEDMAN	TRAVIS JONES
PETE PREKEGES	JAMES SATTLE

MOUNTAIN RIDES TRANSIT AUTHORITY (MRTA)	
TOM BLANCHARD	MUFFY DAVIS
PETE PREKEGES	KRISTIN DERRIG
MARTHA BURKE	PETER HENDRICKS
GRADY BURNETT	MELODY MATTSON

SUN VALLEY AIR SERVICE BOARD (ASB)	
PETE PREKEGES	PETER HENDRICKS
MARTHA BURKE	

SUN VALLEY ECONOMIC DEVELOPMENT (SVED)	
SPENCER CORDOVANO	MIKE HIGGS
TATUM CLARK	JIM KEATING
MUFFY DAVIS	KAZ THEA

KETCHUM TRAFFIC AUTHORITY (TA)	
(COUNCIL LIASON)	JADE RILEY (CHAIR)
RAMSY HOEHN	JAMIE SHAW
MORGAN LANDERS	WES WHITESELL
SETH MARTIN	

KETCHUM SUSTAINABILITY ADVISORY COMMITTEE (KSAC)	
REBECCA BUNDY	SCOTT LEWIS
TORY CANFIELD	EVE PREUCIL
COURTNEY HAMILTON	BETSY SIZELL

Memo

To: Mayor Prekeges and City Council Members
From: Jade Riley
Subject: Agenda Topic #5
Date: January 6, 2026

With a new mayor and city council members, staff is proposing a quick discussion on governance. Attached is (1) governance scenarios and (2) background material from the Idaho Association of Cities.

Policy direction items from City Council:

1. Any concerns/questions on the examples cited?
2. Other topics that are not addressed?

Governance Examples

1. I want to place something on the upcoming city council agenda.
What is coming up on the next couple of agendas?

Under Idaho law, the Mayor is tasked with setting the proposed agenda. Please contact the Mayor to have an item placed on the agenda. Staff will provide a long-term calendar on a regular basis showing the pending items for council consideration.

2. I would like to meet with city staff on a topic or I have a question or concern related to a specific city department.

Council members are free to contact the Department Head in question to have an initial scoping discussion. It is important to note that no individual Council Member can direct city staff. Policy direction from the City Council is done as a quorum group and not at an individual level.

3. I received a request from a local non-profit for a grant support letter or requested proclamation.

Outside entities will often request support from the city via a letter or proclamation. Council members are encouraged to contact the Community Engagement Director to understand if something is already underway. Staff will place the letter in question on the consent agenda for full city council approval.

4. I got a call from a member of the media.

While each city council member is individually elected, they are encouraged to first call the Community Engagement Director to ensure they have the latest facts on the topic and whether someone else in the city has already responded to the press inquiry.

5. I just got an email or phone call from an angry constituent.

The city currently utilizes an internal tracking sheet of all reported constituent complaints to ensure resolution of the matter. As part of the new website (in development), we will be offering an app ("See, Click, Fix") for residents/business owners to report and see the resolution of complaints/concerns. Until then, please contact the City Administrator to report an issue or check on the resolution status of an item.

NEWLY ELECTED OFFICIALS MANUAL



ASSOCIATION OF IDAHO CITIES
3100 S VISTA AVE #201
BOISE, IDAHO 83705

(208) 344-8594
IDAHOcities.org



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WELCOME TO CITY GOVERNMENT!

City Government 101

Congratulations on your election! This guide is here to help you understand the basics of city government and the resources available to assist you.

Idaho’s cities are engines of our state’s economy and over 70% of Idahoans live in cities, a percentage that has steadily increased in recent decades. The services and infrastructure necessary for communities including roads, water and wastewater facilities, police, firefighters, ambulances, parks, and libraries are often provided by cities.

Because Idaho is a state that has communities that vary from being urban to very rural, Idaho’s 199 cities are as diverse as our state. Each city has a unique mix of services that are provided that varies depending on the population, citizens’ priorities, and presence of single purpose taxing districts like highway districts, fire protection districts, or library districts.

Cities are different from other types of local governments like counties and special taxing districts because they are created by citizens to provide needed services for the community, have the power to offer a broad array of services, and have the power to pass laws regulating people and property within city limits.

By contrast, counties are created by the state and administer primarily state-mandated functions such as law enforcement and the property tax system at the local level. The services provided by counties are much more uniform. Special purpose taxing districts, like highway districts, library districts, and water/sewer districts, are formed at the request of residents within the geographic area to provide specific services and don’t have power to pass laws.

Forms of City Government

Mayor-Council: The most common form in Idaho.

- Mayor is elected separately from the Council.
- The Council has four or six elected members.
- Some cities hire a City Administrator to help the Mayor.

Council-Manager: Rarely used in Idaho.

- A professional, unelected City Manager serves at the pleasure of the City Council.
- The Mayor is selected by the Council from among its members or may be independently elected.
- The City Manager has most of the executive and administrative powers, and the Mayor’s primary role is chairing Council meetings.

Essential Reading

Every city will have documents specific to that city that will help newly elected officials understand the priorities, goals, and challenges unique to their city. Below are some examples of helpful resources that will assist you getting familiar with your city:

- City ordinances and resolutions
- Recent Council meeting minutes and rules of meeting and public hearing procedures
- Strategic plan
- Capital improvement plan
- Comprehensive plan and land use ordinances and policies
- The city budget and most recent audit report
- Disaster and emergency plan or continuity of operations plan
- Organizational chart and staff rosters
- Personnel policies
- Maps of facilities including parks, buildings, public works, etc.
- Contracts
- Calendar of events

Roles & Responsibilities

Three Branches of City Government

Just like state and federal government, city government has a separation of powers and checks and balances. Separation of powers means responsibilities are divided between the executive, legislative, and judicial branches. Checks and balances mean that each branch is given certain powers and responsibilities to check and balance the others.

Executive Branch – Mayor Powers and Responsibilities:

- › Hiring, firing, and supervising city employees
- › Enforcing ordinances
- › Breaking tie votes of the Council, except where state law requires passage by majority of full Council
- › Initial local disaster declaration effective for up to 7 days
- › Ordering emergency holdbacks in spending
- › Vetoing ordinances, subject to override by majority of full Council
- › Calling special Council meetings
- › Presiding over Council meetings (but the Mayor is not a member of the Council)
- › Appointing and removing members of city boards, commissions, and committees, subject to Council confirmation
- › Nominating and removing city appointed officers, subject to confirmation by majority of full Council
- › Signing official documents, including checks used to pay for goods or services (checks also signed by City Treasurer-or Clerk/Treasurer or Financial Officer)
- › Administering oath of office

Legislative Branch – Council Powers and Responsibilities:

- › Must act as a body
- › Passing local laws (ordinances) effective within city limits
- › Annexing territory by ordinance
- › Extending local disaster declarations beyond first 7 days
- › Adopting comprehensive plans, land use ordinances and policies guiding growth and development
- › Licensing and regulating businesses and occupations
- › Adopting building, residential, energy, and other codes
- › Approving payables, budgets, and tax levies
- › Adopting policies guiding the city’s internal operations by resolution, including records retention, personnel, purchasing, investment, etc.
- › Confirming appointment and removal of city appointed officers by majority of full Council, and confirming appointment and removal of members of city boards, commissions, and committees

Judicial branch (State Courts) – Courts Powers and Responsibilities:

- › Hears cases challenging validity of local laws and policies, and violations of ordinances or laws

“The best piece of advice I have for any newly elected official is to trust your staff. The people who work for your city are professionals who take pride in what they do. They aren’t there to play politics but to make sure their city and their community are taken care of in the best way possible. Lean on them and learn from them.”

Brian Blad
Mayor City of Pocatello

City Appointed Officers

The Mayor, with confirmation by a majority of the full Council, appoints the City Clerk, City Treasurer, City Attorney, and other appointed offices established by local policy. Other positions commonly included as appointed officers include City Administrators, Public Works Directors, Police Chiefs, and Fire Chiefs. The appointed officers have a unique status because their appointment and the removal processes are outlined in state law, not in local personnel policies.

The officers designated by state law—the City Clerk, City Treasurer and City Attorney—have responsibilities for their position that are set in state law and form the core of the city’s operations. The Clerk and Treasurer positions are commonly combined, especially in smaller cities, so that the same person holds both positions.

City Clerk’s Responsibilities

- › Records custodian
- › Issue licenses and permits
- › Point of contact for public and media
- › Meeting notices, agendas, packets, and minutes
- › Handle public records requests
- › Help candidates for Mayor and Council file to run for office
- › Oversee publishing of legally required notices
- › May be risk manager
- › File annual city street finance report with the State Controller’s Office

City Treasurer’s Responsibilities

- › Oversee accounting, financial reporting, and investments
- › Helps facilitate annual audit of city financial reports
- › Publish quarterly financial reports
- › Prepare and give monthly report on city finances to the Council
- › Sign or authorize checks, with the Mayor, to pay for goods or services

City Attorney’s Responsibilities

- › Legal advisor to city
- › Draft and review ordinances, resolutions, policies, and legal notices
- › Interpret federal, state, and local laws and policies
- › Review public records requests or denials according to the Idaho Public Records Act
- › Approve summaries of adopted ordinances before publication to ensure the summary is accurate and provides adequate public notice
- › Prosecute infractions and misdemeanors-often done by contract counsel or contract with county prosecutor
- › Sign off on records proposed for destruction that have met the required retention period



The most important things a newly elected official needs to know:

- How the budgeting process works.
- Importance of saving for a rainy day ... city reserves or “rainy-day funds” are essential.
- You serve the citizens of the city.
- You are not in it for the money, it’s because you want to serve.
- You cannot and will not make everyone happy.
- Minority (loudest voice) does not rule.

Mitchell Hart
Soda Springs Council President

City Boards, Commissions & Committees

Committees play an important role in cities. Committees allow the public to be involved and spread the work that might otherwise fall on already stretched elected officials or city employees. Serving on committees gives the public the chance to actively help with improving their communities and having a say in the strategic direction of their cities. City committees are required to comply with the Idaho Open Meetings Law with advance posting of meeting notice and agenda, and must also have minutes of their meetings, except for groups comprised solely of city staff that are exempt from the Open Meetings Law. Most committees can be categorized as standing or special.

Standing Committees: These are permanent boards, commissions, or committees that meet regularly. Standing committees focus on a particular segment of city government, such as Administration, Finance, Mayor’s Youth Advisory Council, Public Works, Parks and Recreation, etc. Committee members must be appointed by the Mayor and confirmed by the Council, and they may be removed in the same manner. The number and qualifications of members, as well as the authority and responsibility of each committee are defined by ordinance. Standing committees adopt bylaws, set regular meetings, have a chair, and have rules for meetings and operations. The Council can eliminate a standing committee by passing an ordinance to repeal the ordinance establishing the committee.

Special Committees: These are temporary committees or task forces formed to examine and make recommendations concerning specific problems or issues. Special committees may be formed by the Mayor, by the Council, or by the Mayor and Council together. Typically, these groups are charged with reporting the outcome of their deliberations by a specific deadline.

Planning & Zoning Commission: This is a special type of standing committee that has much of its form and responsibilities outlined in state law. Cities may choose to establish a Planning and Zoning Commission by ordinance or may have the City Council handle all planning and zoning related matters without a commission. Planning and Zoning Commissioners are appointed by the Mayor and confirmed by the Council and must have resided in the county for at least 2 years before being appointed and must remain a resident of the county during their service on the commission (even for city planning and zoning commissions). The ordinance establishing the commission sets the number of commissioners (between 3 and 12 voting members) and term of office of commissioners (between 3 and 6 years). Commissioners may be removed for cause by majority vote of the Council. Commissioners serve as volunteers but may be reimbursed for expenses. A majority of currently appointed voting members constitutes a quorum.

Library Board of Trustees: A special type of standing committee in some areas, the Library Board is a unique, semi-independent entity within city government. The five-member Library Board is appointed by the Mayor and confirmed by the Council; however, unanimous Council approval is required to remove a Library Trustee. The Library Board has the power to hire, supervise, and evaluate the Library Director, who serves at the pleasure of the Library Board. The Library Director has the power to hire library employees at the discretion of the Library Board. The Library Board also prepares a budget for review and approval by the Council. The Library Board also approves expenditures of funds budgeted for library purposes. The intent is that libraries will be divorced from politics.

“Take it slow for your first six months or so and allow yourself to get grounded in the job before ‘stirring the pot.’ Study the duties of your office outlined in state code. Stay in your lane. If you are a Councilor, understand and operate in the legislative role. If you are a Mayor, understand and operate in your administrative role (strong form Mayors).”

John Evans
Mayor of Garden City

What Cities Do

Article XII, Section 2 of the Idaho Constitution grants cities the power to “make and enforce, within [their] limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws.”

This is called the Police Power and represents the power of cities to regulate to protect the health, safety, and welfare of the community, if the policy area has not been declared off-limits by the Idaho Legislature.

The power of cities to levy taxes and use debt financing is much more tightly circumscribed by the Idaho Constitution and state law.

Cities have two types of powers: governmental powers and proprietary powers, which are spelled out in state law.

Governmental Powers

- ▶ **Adopt Ordinances** – Cities can pass laws for the promotion and protection of the public health, safety, and welfare
 - Cannot be unreasonable, arbitrary, or discriminatory
 - Only apply within city limits
 - Cannot conflict with state or federal law
 - Can enforce ordinances with fines up to \$1,000 and / or imprisonment for up to 6 months
- ▶ **Annexation** – Cities have the power to add unincorporated territory into the city by ordinance and the process is set out in state law
- ▶ **Building Codes** – Cities can choose to adopt and enforce building codes
- ▶ **Eminent Domain** – Cities have the power to condemn private property for public use upon paying just compensation to the owner
- ▶ **License** – Cities can license businesses, some occupations, and animals
- ▶ **Planning & Regulating Development** – Each city is required to adopt a Comprehensive Plan guiding the future growth and development of their community, and Zoning and Subdivision Ordinances to implement the vision of the Comprehensive Plan
- ▶ **Control Streets** - Cities can regulate encroachments upon sidewalks, streets, and alleys; and remove obstructions from sidewalks, curbs, gutters and crosswalks
- ▶ **Levy Property taxes**—Cities can levy taxes, like the property tax, that are authorized by state law
- ▶ **Establish fees** - Cities may establish fees to pay for the cost of administering and enforcing regulations such as building permit fees, parking meter fees, dog licenses, etc. Fees must be reasonable compared to the actual cost of providing the service for which they are charged

Procedural Requirements for Passing Ordinances

All ordinances must be read at three separate Council meetings, once in full and twice by title, unless a majority of the full Council approves a motion to suspend the reading requirement and have the ordinance be read once, either by title only or in full (if the ordinance is very short).

The Council then approves a roll call vote on the motion to approve the ordinance and each Councilor’s vote is cast individually and recorded individually in the minutes. The ordinance must be published, in full or by summary in the newspaper as a legal notice within 30 days after the Council passes it. Most ordinances take effect upon publication unless there is a specific effective date in the ordinance.

Tip: Don’t pass an ordinance without also considering enforcement – including whether or not you can pay for it!

Resolutions

In addition to passing ordinances, the Council can pass resolutions, which are policy statements of the Council and regulate the city's internal operations. Resolutions are different than ordinances because:

- No reading requirements for resolutions as is the case for ordinances
- Resolutions are equivalent to a motion
- Resolutions are not subject to Mayoral veto
- Resolutions can be superseded by motion
- Resolutions are not required to be published after being passed like an ordinance

Examples of Resolutions

- Set Council meeting procedures
- Set a records retention schedule
- Adopt personnel policies
- Approve contracts with private or public entity
- Set a schedule of fees (e.g. building permit fees, sewer rates, etc.)
- Approve destruction of city records
- Authorize the sale of surplus equipment



Proprietary Powers

Cities can provide certain services to their residents by using the city's own employees, or by contracting with a public or private entity. Examples of commonly provided services include:

- › Water and sewer service
- › Solid waste collection
- › Police, Fire and EMS
- › Streets
- › Parks and libraries
- › Airports



City Services

The Council decides which services will be provided by the city and how they will be provided (staff, contract, service agreement) depending on the size, needs, and resources of the city. The Council approves contracts for services and sets fees for services provided by the city or its contractors. Some examples of services and delivery methods are outlined below.

Law Enforcement

- › City Police Department
- › Contract for Service with County Sheriff
- › Contract for Service with Other City
- › County Sheriff without Contract (enforcing state laws only)

Fire and Emergency Medical Services (EMS)

- › City Fire Department (may provide EMS)
- › Fire District (may provide EMS)
- › County Ambulance District

Streets

- › City owns and maintains streets
- › Countywide highway district owns and maintains streets within city
- › City owns streets and contracts with a city, county or highway district for maintenance

Misdemeanor Prosecution

- › City Prosecutor (city employee)
- › Contract with private law firm or with County Prosecutor

Solid Waste / Waste Diversion / Recycling

- › City provides services using own trucks and employees
- › City contracts with private sector company
- › Solid waste franchise with one or more companies providing service
- › No sanitation service/landfill provided by county

Drinking Water

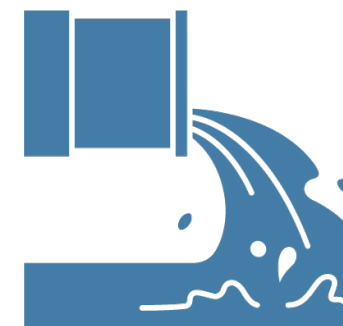
- › City utility owns water supply, distribution system and treatment facility
- › Private company or district owns all or portions of water system
- › Individual wells—no city utility

Wastewater

- › City utility provides collection, conveyance, treatment and/or re-use
- › Private company or district provides all or portions of system
- › Individual septic—no city utility

Stormwater Management

- › City owns separate sewer system and provides drainage services
- › Facility specific drainage management



Disaster Emergencies

Mayors and Councilors have an important role in disasters and emergencies. Planning for the various disasters and responses is key. An emergency plan that is periodically exercised and updated can help to:

- Protect public safety
- Minimize response time and increase uptime after an emergency
- Provide for continuity of operations and services to the public
- Reduce costs associated with the emergency

There may be state or federal assistance available depending on the size, type, and scale of the emergency.

Roles and Responsibilities:
Mayor: May make initial declaration of a disaster emergency for up to seven days
Council: Must vote to sustain local disaster emergency declaration beyond the initial seven-day period following the Mayor's declaration
Disaster Declaration provides the city flexibility to purchase without competitive bidding, additional liability protection, and activates the response and recovery aspects of applicable local or intergovernmental disaster emergency plans.

For more information on disaster planning, see Idaho's Office of Emergency Management website listed on the Additional Resources page

Personnel Management in the Public Sector

To provide services, cities may employ personnel to carry out the various functions. Personnel management in the public sector differs in very important ways from what newly elected officials may have experienced as a supervisor or business owner in the private sector.

Public sector employees have constitutional and legal rights that are unique from employees in the private sector. One of the most significant areas of difference between the public and private sectors is in drug testing. The private sector can have random drug testing, while the public sector can only have random drug testing

for employees with Commercial Drivers Licenses and safety sensitive positions (the public sector does have the ability for pre-employment, for cause, and post-accident drug testing).

The city's appointed officers and employees are knowledgeable, nonpartisan, professional public servants who provide dedicated service to the community. It is important to get to know them and really understand their performance before deciding to make personnel changes.

Newly elected officials sometimes are suspicious of city employees because they faithfully served other elected officials, but that is their job. Most city employees provide outstanding service regardless of who the elected officials are. Please give them the chance to prove their merit before making personnel changes.

In city government, the Mayor is responsible for hiring and firing of employees in compliance with the city's personnel policies. The only exceptions are appointed officers whose appointment or removal by the Mayor must be confirmed by a majority of the full Council, and library employees who are supervised by the Library Director.

The Mayor also directs the day-to-day work of staff and evaluates employee performance and may grant merit-based raises or bonuses to individual employees if there is money in the department budget to fund them.

The Council, as the city's legislative governing body is responsible for adopting policies governing the city's elected and appointed

officials and employees, including personnel policies, vehicle use policies, purchasing and credit card policies, etc. The Council also sets the city budget and decides whether cost of living allowances and pay increases for a city department or city employees will be granted.

The Council exercises its power as a body in public meetings and individual Councilors have no power to supervise, discipline or fire employees. It is imperative for cities to have a regularly updated personnel policy and for the city to understand the policy and follow it. If the elected officials believe there are problems with the personnel policy, fix the policy and don't ignore it!

Idaho Counties Risk Management Program (ICRMP)

The Idaho Counties Risk Management Program (ICRMP) provides property and casualty insurance and risk management for over 900 local governments in Idaho.

ICRMP is a valuable resource for personnel policy guidance, including model personnel policies, and assistance when the city is contemplating undertaking a personnel decision.

Please visit <https://www.icrmp.org/> for more information.



Basics of Budgeting & Fiscal Management

Some of the most significant long-term decisions about a community involve budgeting. Having a financially sustainable community is one of the most challenging aspects of city governance. Budgeting is a process where scarce financial resources are allocated among various programs and priorities. Estimating costs and revenues can be difficult and can be impacted by many factors. Idaho law requires that public funds must be used for public purposes and not private persons or private business interests and that budgets balance. Budgets set priorities both in the long and short term.

Two Types of Budgets

- **Operating Budget:** The operating budget expresses of the vision, goals, objectives, and actions set forth in the strategic plan. It is the regular annual budget for regular revenues and expenditures. Cities set annual budgets to set priorities for the city. The city's fiscal years run from October 1 to September 30 for the annual operating budget. All cities in Idaho are required to have balanced budgets meaning that cities cannot spend more than the revenue collected unless there is an emergency.
- **Capital Budget:** The capital budget is the fiscal expression of the long-term plan. It is for items such as physical structures and equipment of a lifespan of more than one year. Capital improvement planning reflects the vision of the future community growth. It deals with the development of streets, water, sewer, and other assets needed to support residential and commercial development. Capital improvement planning must consider community needs including anticipated population growth, economic development, and enhancement of quality of life. The capital improvement plan helps to realize the vision of the community set forth in the comprehensive plan, and discourages uncoordinated, piecemeal approaches to solving capital and infrastructure needs. Citizen support for these investments is crucial, particularly if voters will be asked to approve a bond to finance the improvements.

Revenues and Expenditures

All expenses must fall within legal parameters for spending. Budgets should relate to the priorities set in the city's strategic plan, provide for continuous service delivery, and balance competing concerns.

Expenditures include items such as personnel, operations (postage, rent, building maintenance) and capital outlay (building construction, land acquisition, larger purchases like vehicles).

Public Participation

Cities spend public money, so the public has a right to participate. Public notice is required for:

- Budget hearings
- New and increased fees
- Quarterly financial statements
- Sale of bonds

Budgeting Roles and Responsibilities

Mayor and Clerk

- Draft the budget
- Prepare budget calendar

Council

- Adopt city financial, investment, purchasing, credit card and other financial policies by resolution
- Responsible for establishing internal controls to protect city funds and assets
- Designate banks and credit unions used as depositories for city funds by ordinance
- Fund the city's financial audit

Treasurer

- Invest city funds as authorized by Council resolution
- Work with the auditors
- Provide a monthly report on city finances to Mayor and Council
- Publish quarterly treasurer's report as legal notice in newspaper or on city website

Public Purchasing Basics

Procedures vary for bidding on public works; for purchasing materials and supplies unrelated to public works; and for purchasing architectural, engineering or landscape architectural services. There are also different thresholds that determine whether a city can make purchases without going out for bid. Cities should establish sound policies and processes in the pursuit of efficient and cost-effective procurement that will result in the most beneficial outcome for the city. Purchasing personnel should be diligent in practicing good stewardship of public resources.

Elected Officials Should Know

- When purchasing over certain thresholds must be bid
- Exceptions from Competitive Bidding
- Requirements for using Licensed Public Works Contractors
- Procurement of Public Works Construction
- Purchasing Equipment & Services
- Penalties for purchasing violations
- Purchasing cards (P-cards) and how they can and cannot be used
- Sales and use tax exemptions for public purchasing

Revenues are received from several sources. There may be restrictions on the types of expenditures that can be made from certain sources. It is important to know how revenues can be used and to forecast future revenues as closely as possible to not overextend in expenditures. It is also important to know if revenues are ongoing or one-time.

Some sources of revenues include:

- Property taxes
- Highway Revenues
- State Liquor Account
- Court Revenues
- Service or User Charges
- Local Option Taxes (resort cities only)
- Impact Fees
- Franchise Fees
- Fines
- Grants and federal funds
- Long-term debt – municipal bonds and other financing mechanisms such as Local Improvement Districts, Business Improvement Districts, and Urban Renewal Agencies



Budgeting Considerations

Elected officials have different priorities. For some, keeping taxes and utility rates low is their primary goal. Others see value in incrementally saving over time to accrue the revenue to help fund reconstructing streets and needed future water and sewer projects.

The outcomes of these decisions often are not immediately known. For example, focusing solely on tax relief and low utility rates can leave a large bill for future generations to pay when the city's roads or utility systems are at the end of their lifespan. This can force raising fees to the level needed to sustainably support the system moving forward. That can cause rate shock among utility customers as the city's rates will increase dramatically over a short period, rather than increasing incrementally over time.



Principles of Financial Management

- Build Reserve Funds to Cope with Unforeseen Situations--Reserves or savings are an essential part of the city's fiscal management, and the Council can adopt policies setting specific levels of reserves to be maintained for various funds. These help cities to weather unforeseen circumstances like a major economic downturn or a disaster or save up money to pay for a capital project.
- Do Not Use One Time Money for Ongoing Expenses--Cities frequently receive nonrecurring revenues because of state or federal policy changes, sale of land or equipment, and grants or donations. It is important to use "one time money" for nonrecurring expenses like building reserve funds, paying down debt, purchasing equipment, and capital projects. Using one time money to pay recurring expenses means that the city will have to find another source of revenue to fund those expenses in future years.
- Maintain a Long-Term Financial Perspective--New programs and services need to be scrutinized to determine the long-term impact on the city budget. Does a dollar invested today save the city money in the future? Can a new program or service generate revenue to offset its costs? What will be the cost of the new program or service when it is fully implemented?

Managing City Finances is an Ongoing Process

The Council plays a critical role in financial management and that is an ongoing process that involves hearing monthly reports on city revenues and expenses from the City Treasurer, approving all bills or payables prior to payment, setting the city's budget and tax levy, and adopting policies governing investing city funds, purchasing, and creating internal controls to prevent fraud, etc.



Internal controls

One of the best ways to prevent theft, fraud and abuse is to establish and maintain a system of internal controls. Like the separation of powers, internal controls vest different functions with different people to ensure that the people's money is being spent the way that it should be. The Council must approve all claims before payment, and the Council is responsible for establishing and maintaining an adequate and reasonable system of internal controls. Payments may be made by check, warrant or by electronic transfer following approval by the Council and must be signed or authorized by the Mayor and Clerk/Treasurer.



Seven Elements of the Internal Control Environment

1. **Integrity and Ethical Values:** All employees should clearly understand the expectations and standards for their behavior, which should be specified in writing. Management leads by example in demonstrating a commitment to integrity and ethical values.
2. **Commitment to Competence:** Every city employee must have a minimum level of competence and training with clear expectations, which should be in writing.
3. **Leadership by Oversight Bodies:** The City Council plays a significant role in establishing and evaluating the control system.
4. **Management Philosophy and Operating Style:** Management's attitude toward internal controls and safeguarding of assets will be followed by others in the organization.
5. **Organizational Structure:** Internal controls require that cities clearly define the duties of each position; and lines of authority and responsibility; and separates duties to avoid issues. Each city should have a procedures manual indicating how each transaction should be initiated, which position should approve it, and which position should record and verify it. Periodically assessing risks internal and external is important.
6. **Assignment of Authority and Responsibility:** It is essential to have clear, concise lines of authority for each transaction.
7. **Human Resource Policies and Practices:** The city's human resource policy reveals its values, ethics, managerial philosophy, and other characteristics that influence the control environment. Policies that establish expected performance levels and require objective documentation of performance show the city's commitment to openness and fairness, as well as expected levels of job performance and behavior. Personnel policies detailing procedures for hiring, orientation, training, supervising, evaluation, counseling, promotion, compensation, and discipline of personnel should be available to all employees.

Planning & Zoning Basics

The Idaho Local Land Use Planning Act governs comprehensive planning and land use regulation in Idaho, setting the statewide policy framework for cities and counties. Regulations are flexible to allow planning to meet local needs. Depending on the size of the city, the Council either handle all the planning and zoning issues or a Planning and Zoning Commission (P&Z) can be established to help the Council avoid some of the detailed, time consuming minutiae of planning and zoning work. The Commission is intended to advise the City Council and can be given power to decide matters that do not require passing an ordinance (like variances and subdivision preliminary plats).

The Comprehensive Plan, adopted by Council resolution, is the community's vision for the future and serves as the foundation for the city's land use ordinances.

The Plan is developed with considerable public input and must cover 17 specific areas including: property rights; population; school facilities and transportation; economic development; land use; natural resources; hazardous areas; public services, facilities, and utilities; transportation; recreation; special areas; housing;

community design; agriculture; implementation; National Interest Electric Transmission Corridors; and public airport facilities.

The city is required to have a Zoning Ordinance that defines acceptable land uses for residential, commercial, and industrial zones within the city that must be in accordance with the Comprehensive Plan. The Zoning Ordinance serves to minimize conflicts and provide buffers between land uses, like between residential and industrial zones. The Zoning Ordinance also ensures that land uses are compatible with infrastructure in the area.

The city is also required to have a Subdivision Ordinance that sets standards for new development, including constructing streets, sidewalks, and other infrastructure.

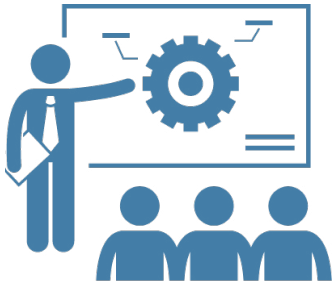
Planning and Zoning Decision Processes

Property development applications can't be arbitrarily decided and must go through a process to protect the constitutional rights of the property owner. The City Council and P&Z Commission must follow procedures, and base decisions on facts in compliance with local policies.

One of the most important requirements is to hold a hearing and direct people with comments about the development proposal to the public hearing, or to request they submit written testimony to the city in advance of the hearing. City Councilors or P&Z Commissioners communicating with the applicant or citizens outside of the hearing process is prohibited.

Hearings need to follow a particular order to ensure that everybody's constitutional rights are protected. For example:

1. Applicant presentation
2. Staff presentation
3. Written correspondence
4. Testimony by supporters
5. Comments by neutrals
6. Opponents speak
7. Rebuttal by Applicant
 - a. Address only points raised by opponents
 - b. No new evidence should be submitted
 - c. If new evidence is presented, hearing should be reopened for limited response to rebut the new evidence
 - d. All comments should be directed through the chairperson



In contrast, P&Z policy decisions that affect broader slices of the community, like adopting a new Comprehensive Plan or redefining permitted uses within a particular zoning district, have more flexibility in terms of how the process is conducted, how public comment is requested and received, and the criteria for decisions does not have to be based solely on facts in the record and in compliance with local policies.

Planning and Zoning

- Establishes a future acquisitions map
- Provides for development agreements
- Allows transfers of development rights
- Establishes hearing examiners
- Regulates planned unit developments
- Provides for enforcement of land use regulations
- Establishes development standards
- Provides for conditional use permits

Powers of Planning and Zoning

- Soliciting funds from federal, state and local governments and from civic and private sources
- Spending funds within the limitations established by the governing board through the budgetary process
- Hiring or contracting with employees and technical advisors, including planners, engineers, architects, and legal assistants
- Overseeing the comprehensive planning process
- Entering private property with the consent of the owner
- Bringing legal action, as necessary
- Making recommendations to the governing board
- Calling meetings and determining the agenda, though the commission is responsible for responding to requests by the governing board

Types of Council Meetings

Regular Meetings: Regularly scheduled meetings of Council, commission, or board

Meeting Notice: regular meeting day, time, and place, posted at City Hall, and on city website and/or social media (if city has website and/or social media)
Agenda: Posted at least 48 hours before meeting at City Hall, and on website and/or social media (if city has these)

Special Meetings: Held to deal with time-sensitive issues and can be called by the Mayor or a majority of the full Council

Meeting Notice and Agenda: Posted at least 24 hours before meeting at City Hall, and on city website and/or social media (if city has these)

Emergency Meeting: Under special circumstances, emergency meetings can be held – see Idaho Code 74-204



Open Meetings

By law, all decisions made by the Council, or city boards, commissions and committees must be made in a meeting in accordance with Idaho’s Open Meetings Law. The Open Meetings Law also covers when, how, and where a meeting notice and agenda must be posted, what can be done in executive session, and more.

Preparing for Council Meetings

Good preparation and a well-organized agenda along with using a form of parliamentary procedure goes a long way toward promoting decorum, keeping meetings productive, and keeping the proceedings legal. Only putting items on the agenda that should be there and adding start and end times can help to regulate the length of meetings/discussions.

A Quorum of the Council is Required to Conduct Business:

- Majority of full Council—participating in person or remotely—is required to transact business
- Mayor is not counted toward the quorum
- If Council President or another Councilor is presiding in the Mayor’s absence, they are counted toward the quorum

Meeting Procedures

Cities can adopt formalized rules by ordinance or create their own rules for conducting meetings. Whatever system is adopted should ensure the rights of citizens to participate and should not conflict with federal or state laws.

Some Helpful Agenda Tips:

- Follow Open Meetings Law
- Identify action items
- Set by Mayor with input from Councilors and city department heads
- Amending the agenda -- if the change is after posting deadline, Council must approve a motion to amend the agenda stating the good faith reason why the item was not on original agenda. No action can be taken on an item added to the agenda after the start of the meeting unless Council passes a motion declaring an emergency with justification in minutes.

Debate should be encouraged. If any one voice consistently dominates the discussion and decisions, the Council may make decisions that do not represent the will of the citizens.

A consent agenda or consent calendar can be used on the Council agenda to handle multiple routine, noncontroversial items like approving minutes and payables, by approving a single motion. Under Idaho Code, any Councilor can ask questions about these items or request to remove a specific item from the list so it can be considered on its own.

Public participation should be encouraged, but the Council and Mayor should:

- Control the meeting
- Insist on decorum
- Possibly limit time so that all interested parties can be heard – particularly on controversial issues
- Sincerely listen to the public to learn and understand
- Be thoughtful and respectful in reactions to criticism
- Recess to restore order if a meeting gets out of hand
- Not allow personal attacks



Voting

- Most issues may be decided by voice vote
- Councilors should declare a conflict if one exists, and speak with legal counsel to determine the best course of action
- Certain actions require each Councilor’s vote be cast individually and recorded individually in the minutes:
 - Passing ordinances
 - When requested by a member
 - Approving contracts, and
 - Motions to go into executive session



Executive Session

Certain topics authorized by Idaho law may be discussed in closed executive session. The discussion must stick to the topic(s) specified in the motion to enter executive session and no other topics can be discussed. Executive session can be held:

- To hire a public officer, employee, staff member, etc.
- To evaluate, dismiss or hear complaints or charges about a public officer, employee, staff member, or individual agent
- To acquire real property not owned by a public agency
- To consider records exempt from public disclosure
- To consider negotiations regarding trade or commerce where the city is in competition with other states or nations
- To communicate with legal counsel on pending litigation
- To communicate with risk managers or insurance providers regarding claims
- To consider labor contract matters

The motion to go into executive session must:

- Be decided by roll call vote recorded in the minutes by individual vote
- Pass by two-thirds vote
- State the specific subsection(s) of Idaho Code 74-206(1) that authorizes the executive session in the minutes and motion

Penalty for Violating Open Meeting Law

Any action occurring at a meeting held in violation of the Open Meetings Law is void. The following fines are paid personally by members of the governing body.

- A \$250 civil fine each for an initial violation.
- A \$1,500 civil fine each for a knowing violation.
- A \$2,500 civil fine each for repeated knowing violations within 12 months.

Undergoing the cure process below protects members of the governing body from the \$250 civil fine, but it does not protect them from liability for knowing violations.



Most Common Open Meeting Law Violations:

- Late posting of notice / agenda
- Discussing a topic not on the agenda or voting on an item not marked as an action item
- Improperly adding a topic to the meeting agenda
- Communication between governing board members outside of public meeting – for example replying to all on emails
- Discussing a topic in executive session that must be discussed in public meeting



Council Meeting Minutes

- The City Clerk ensures accurate minutes are taken of Council meetings that are available to public within reasonable time after the meeting
- City Council must approve the minutes, noting any changes

Minutes Best Practices

- Reflect what was decided at a meeting
- Minutes should be an expanded version of the agenda, but follow the flow of the meeting, so if the agenda is reorganized, minutes should capture the order things happened in
- Minutes provide a valuable record documenting decisions for succeeding generations
- Should not be a verbatim transcript — just a summary



How to Fix a Violation

In the case of a citizen complaint, the city has 14 days to respond and either acknowledge the violation on the record at a Council meeting and express the city's desire to cure it, or state that no violation occurred, and no cure is necessary.

The city may also recognize on its own that a violation has occurred and within 14 days, the Council must acknowledge on the record at a meeting that the law was violated.

Then, Council must declare the action(s) taken at the meeting void and may thereafter proceed to readopt the decision(s) in compliance with the Open Meetings Law.

Minutes Must Contain:

- The date, time, and place of the meeting, and whether it is a regular or special meeting
- The names of the Mayor and Councilors in attendance
- A record of each motion, the person making the motion, the person seconding the motion, and the vote
- All resolutions and ordinances proposed
- Upon request by a single governing board member, the roll call vote on the motion. Roll call vote is also required for motions to approve ordinances, enter executive session, and approve contracts

Executive sessions are excluded from the minutes, except the motion to enter executive session with the statutory authorization, and the time the governing board entered executive session and the time the session ended.

Meeting Roles and Responsibilities

Mayor

- Works with Councilors and department heads to set Council meeting agenda
- Presides over Council meetings — in the Mayor's absence the Council President presides
- Mayor may break tie votes of Council in certain situations, but breaking ties is the only time when the Mayor may vote on a motion

Council

- Read packets to prepare for meeting
- Suggest items for Council agenda
- May approve amendments to the agenda for items that were unforeseen when original agenda posted
- Make decisions by passing motions—usually only required to pass by majority of those present and voting, but sometimes requires majority of full Council (a majority is three Councilors for a four-member Council or four Councilors for a six-member Council)

City Clerk

- Posting the notice and agenda
- Preparing and distributing packets
- Taking minutes and posting in a timely fashion after the meeting

Attorney

- Ensures proper Open Meeting proceedings for example, proper reasons to enter executive session or to add agenda items



Ethical Considerations

Contracting:

Elected officials cannot:

- Be paid to work for the city over and above their salary as an elected official
- Have an interest in a contract with the city
- Sell goods or services to the city
- Purchase surplus property

Bribery & Corruption:

Idaho law prohibits bribery, threats, and improper influence by elected officials, which includes:

- Compensation or retaliation for past actions
- Buying or selling political endorsement
- Using city funds or property for financial benefit
- Using or disclosing confidential information for economic gain



Gifts:

Gifts to city elected officials and staff are prohibited, with the following exceptions:

- Fees that a public servant is legally entitled to receive
- Gifts from family, friends, or business acquaintances
- Trivial gifts under \$50 in value

Idaho Ethics in Government

Elected officials are given the public's trust to use their tax dollars wisely and act on their behalf. The public's confidence in government is only as strong as the integrity displayed by government officials. Public votes as well as private acts of elected officials are scrutinized. Idaho has several laws to enforce ethics in public leadership, but even if officials are always following the law, sometimes an action won't pass "the smell test" or look good on the front page of your local paper. Questions of ethics are often complicated because in addition to the letter of the law, there is also the court of public opinion. Sometimes just the perception of a conflict can damage the public's trust as much as an actual violation.

Most written communication (including emails and texts concerning city government) can be public information and could become part of a court case, so always use caution. If you don't want to see it in the paper, don't write it down. When you do write it down, remember that more than just the person you intended to receive it might eventually read it.

What is a Conflict of Interest?

The law prohibits city officials—elected, appointed, and staff—from taking any official action or making a formal decision or recommendation on any matter where the official has a conflict of interest and has failed to disclose the conflict of interest. Conflict of interest is defined as an action, decision or recommendation by a city official which would financially benefit the city official, a member of their household, or a business with which the city official or a member of their household is associated.



The law provides an exception for situations where the benefit arises from an action that affects the city official in the same way as others engaged in a particular industry or occupation. There is also no conflict of interest on revenue or tax measures when the city official is affected similarly to the public.

The city official should seek advice from the city attorney to determine if a conflict of interest exists. If the city attorney advises that no real or potential conflict of interest exists, the public official may proceed to act and is not subject to the provisions of the Ethics in Government Act.

If the city attorney advises that a real or potential conflict of interest exists, then the official must disclose the conflict as follows:

- An elected city official must disclose the nature of the conflict on the record at a Council meeting before the Council acts on the matter and is subject to any city rules governing conflicts of interest.
- An appointed or employed city official must prepare a written statement to the Mayor and Council describing the matter and the nature of the conflict. The city official is entitled to act on the legal advice of the city attorney.

The law requires recusal in matters involving planning and zoning and urban renewal. A city official (elected, appointed or staff) with a conflict of interest must recuse themselves from participating in deliberations and the decision. In other areas, when the city's ethics policy or state law does not expressly require recusal, the city official has the discretion to decide whether to participate in deliberations and the decision.

The Local Land Use Planning Act prohibits a member of the city Council, a planning and zoning commissioner, or a city employee from participating in any proceeding or action if the person, their employer, business partner or associate, or any person related by blood or marriage within the second degree has an economic interest in the proceeding or action. Any actual or potential conflict must be disclosed at or before the meeting at which the action is to be heard. Knowing violation is a misdemeanor.

Likewise, Idaho law also prohibits any city elected officials, city or urban renewal agency employees, or urban renewal commissioners from voluntarily acquiring any interest in any urban renewal project or property to be included in an urban renewal project, or any contract associated with an urban renewal project. A conflict of interest must be disclosed in writing to the agency and reflected in the urban renewal agency meeting minutes, and the person must recuse themselves from the matter. A violation of the urban renewal conflict of interest prohibition constitutes misconduct in office.

What restrictions apply to gifts received by city officials?

Idaho law prohibits public officials—elected, appointed and staff—from soliciting or accepting any compensation or gift from any person subject to city regulation, inspection, or investigation; from any person known to be interested in or likely to be interested in any contract or purchase; or from any person known to be interested in any administrative matter. There is an exception for trivial gifts and benefits which do not exceed \$50 in value, which are incidental to personal, professional, or business contacts.

Ethical Pitfalls

Over the years, many people have gotten themselves into hot water by misusing some of the following:

- Travel privileges, agency vehicles, agency gas cards and agency credit cards
- Using letterhead, email, phone, fax, computers for personal or political uses
- Using the elected position for personal financial gain or to garner special privileges

Avoiding the Pitfalls

- Follow Idaho's Ethics in Government Act, Idaho Public Records and Open Meeting Laws
- Identify and consult with legal counsel on conflicts of interest
- Always strive for the appearance of fairness
- Spend public funds properly

I May Have a Conflict, What Should I Do?

- Seek advice from your city attorney

Liability Protection for Local Government Officials and Employees

One of the worries that newly elected officials frequently have is that they could be sued because of their public service and potentially face crippling personal losses as a result. Fortunately, Idaho law provides protection for city elected and appointed officials, and staff, if they “stay in their lane” in terms of carrying out their responsibilities.

The Idaho Tort Claims Act allows local governments to be sued for civil damages to the extent that private persons would be liable under Idaho law. Claims may be filed against local governments, elected and appointed officials, employees, and volunteers.

The city is obliged to provide a defense for city officials and indemnify them against claims when the person is acting within the course and scope of their position or employment. Officials will only be personally liable if acting outside of the course and scope, which includes things like sexual misconduct, criminal intent or malice.



Can a Mayor or Councilor be paid for goods or services aside from their compensation as an elected official?

No. It is illegal for the city to pay for goods or services (bookkeeping, purchasing equipment, running the snowplow, etc.) aside from their compensation as an elected official. Violation is a misdemeanor punishable by a fine of up to \$1,000 and one year in jail.



Is it true that relatives of Mayors and Councilors cannot be selected to work for the city?

Yes. Idaho law prohibits any person related to a Mayor or Councilor by blood or marriage within the second degree (parents, children, siblings, grandparents, aunts / uncles, cousins, nieces / nephews, and grandchildren) from being hired, appointed, or selected for any paid work for the city. Violation is a misdemeanor punishable by a fine of up to \$1,000 and one year in jail and potential forfeiture of office.

If a relative of a current employee is elected Mayor or Councilor does this jeopardize the person’s employment with the city?

No. An employee who holds their position prior to their relative’s election is entitled to retain their position and receive cost of living increases, merit increases, and promotions.

Examples of Ethical Breaches

- ▶ Harassment
- ▶ Public records release without authority
- ▶ Destroying or removing public records without authority
- ▶ Open meeting violations
- ▶ Failure to follow bid/public works statutes
- ▶ Inappropriate relationships with employees /co-workers
- ▶ Failure to disclose and step down when necessary in conflict situations
- ▶ Misuse of public funds – embezzlement and other less obvious issues (like use of public gas cards/purchasing cards for personal purchases and overstating expenses – for example claiming meals on a work trip that were provided)
- ▶ Threats and Improper Influence – for example threats of unlawful harm to any person with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter.

Public Records and Records Retention

Public accessibility of government records is a foundation of transparent and ethical government. The definition of public record established by law includes any recorded information, regardless of medium, that relates to the business of city government. Public records can be paper documents, books, maps, pictures, audio/visual recordings, microfiche, or electronic documents (including computer files, text messages and email concerning city business, even when sent using personal accounts and devices).

Records vary in their utility and significance. Ordinances, resolutions, and minutes are important for the day-to-day operation of city government and are historically significant and are not to be destroyed. Many other types of public records should be kept for the applicable retention period and then destroyed.

City Clerks have the responsibility by state law to ensure that a records retention schedule exists. State law also designates certain records to be permanent or semi-permanent or temporary and governs the destruction of records. All city records are property of the city, and no city official, elected, appointed or staff, has any personal or property right to such records. The unauthorized destruction or removal of city records is prohibited. A good records retention policy and program goes a long way toward assisting with responding to public records requests. No records, even if they can be destroyed according to the records retention policy should be destroyed if they are the subject of a public records request, lawsuit, or have historic value.

Public Records Requests

The Idaho Public Records Act establishes the ground rules for those who want to examine or receive copies of public records from state and local government agencies. Citizens and the media have a strong interest in reviewing public records and city officials must respond in a timely manner.

Records custodians (City Clerk) should work with the City Attorney in responding to public records requests. The law provides many exemptions and determining the scope of these exemptions requires the assistance of legal counsel. The City Attorney must also be involved in redacting nonpublic information from public records.

The Public Records Act

- Citizens have a right to examine and/or receive copies of documents
- Requests may be required in writing
- Cities can’t ask why the document is requested



Exempt Records

All records are presumed public unless specifically exempted by state or federal law such as:

- Certain law enforcement investigatory records
- Bids or trade secrets provided by businesses in bids
- Records concerning assistance to businesses looking to locate, invest in or expand operations
- Certain personnel records—there is also personnel info that is public and must be disclosed

Denial of a Request

- Must be done in writing
- City attorney must be involved
- Must state the specific provision of law exempting the records from disclosure
- Must also state the requester’s right to appeal and the timeframe for appealing

Charges for Requests

- First 100 copies and first 2 hours of labor for each request are free but this can be altered for out-of-state requests. The city also has extended response timelines for out of state requests.
- City may recover actual labor and copying costs under certain circumstances and the Council should adopt a fee schedule

Communicating with the Media



As a public official, anything you write, say, or do can now end up on the front page of the paper, on television or on social media spinning virally out of control. However, the media and social media can also be valuable partners in communicating with the public. Some best practices to avoid public embarrassment and to put the city in the best light are:

- Be honest and prepared. Sometimes bad things do happen, so it's best to be open and honest. If you have the luxury of having a spokesperson, utilize their expertise.
- Give a consistent message as much as possible.
- Even if the reporter is your friend, be aware anything you say can end up in the paper.
- Create good relationships and think of the press as your ally instead of as your adversary, as the press can be helpful in getting messages out to the citizens.
- Be open and invite members of the press to events as appropriate. This will also help to build good relationships.
- Be responsive in a timely manner recognizing the deadlines that the press work under.
- Be clear about who in the city has the authority to talk to the press.

Encouraging Public Participation

Mayors and Councilors receive many calls on a variety of issues, concerns, and topics. It is important that officials attend to the concerns of citizens, however, capturing both sides of the issue is important and will allow officials to make informed decisions rather than reacting based on one upset caller.

For example, if a citizen voiced their frustration with a city department, follow-up by speaking with the department and listen to their perspective of what happened. It may be that they were following a city ordinance and didn't have discretion to do what the constituent wanted. In some cases, these concerns may spotlight the need for changes to ordinances or there may be good reasoning behind the established policy.

Having a community relations strategy can be a great way to communicate with citizens. Strategies can include communicating with constituents through city Council meetings, individual meetings, social media, press releases, and newsletters. Involving the community in making decisions by forming boards, commissions, committees, and advisory panels can also be part of the strategy. These areas help bring the perspective of the public to projects and can also help get people involved in their government to help the public understand the issues elected officials face. This may also help create the next generation of leaders. Creating multiple opportunities for citizens to get involved and providing multiple locations, times, and formats can all increase public participation.

Some additional ways to involve the public:

- Conduct surveys of residents
- Create a city service hotline
- Have a social media presence
- Create a mayor's youth advisory council (MYAC) program to involve youth leaders

Benefits of public participation:

- Mayor and Council have a broader range of perspectives to use in making decisions
- Helps the public understand trade-offs required for decisions and the difficult choices elected official must make based on finances, competing land-use needs, environmental factors, etc.
- Ensures that the unique nature of each community is represented
- Increases trust in public officials
- Helps citizens feel that they have a stake in their community



ADDITIONAL RESOURCES

The AIC website contains FAQs, training videos, and more in-depth manuals on most of the items covered in this manual. <https://idahocities.org/>

Additional Resources:

- Department of Environmental Quality <https://www.deq.idaho.gov/>
 - Drinking Water; Groundwater; Waste/Reclaimed Water; Surface Water Quality
- Department of Water Resources <https://idwr.idaho.gov/>
 - Water Rights; Wells; Stream, Dams, Floodplains/Floodways; Water Supply; Spatial Data; Underground Injection Control Program Wells
- Department of Agriculture <https://agri.idaho.gov/main/>
 - Pesticide Certification; Invasive Species; Groundwater Monitoring & Protection; Surface Water Quality
- Division of Occupational and Professional Licensing <https://dopl.idaho.gov/>
 - Plumbing Code; Public Works Contracting
- Idaho Public Utilities Commission <https://puc.idaho.gov/>
 - Rates and Policies for Privately-Held "Public" Drinking Water Utilities
- Idaho Health Districts <https://healthandwelfare.idaho.gov/health-wellness/community-health/public-health-districts>
 - Public Swimming Pools; Septic Systems; Public Health Preparedness
- Idaho Transportation Department <https://itd.idaho.gov/>
 - Highways, streets
- Local Highway Technical Assistance Council (LHTAC) <https://lhtac.org/>
- Idaho's Office of Emergency Management at <https://ioem.idaho.gov/>
- 8 Regional Planning Organizations
 - Community Planning Assn. (COMPASS): Treasure Valley <https://www.compassidaho.org/>
 - Kootenai Metropolitan Planning Org. (KMPO) <https://www.kmpo.net/>
 - Bannock Transportation Planning Org. (BTPO) <https://www.bannockplanning.org/>
 - Lewis-Clark Valley Metropolitan Planning Org. (LCVMPO) <https://lewisclarkmpo.org/>
 - Bonneville Metropolitan Planning Org <https://www.bmpo.org/>
- Office of the Attorney General Transparent and Ethical Government manuals:
 - Idaho Open Meeting Law: <https://www.ag.idaho.gov/content/uploads/2018/04/OpenMeeting.pdf>
 - Ethics: <https://www.ag.idaho.gov/content/uploads/2018/04/EthicsInGovernment.pdf>
 - Public Records: <https://www.ag.idaho.gov/content/uploads/2022/01/PublicRecordsLawManual.pdf>

Mission: To promote excellence in and advocate for city governance, community leadership, and services to citizens to strengthen Idaho cities.

Vision: AIC is the leading resource for effective city governance in Idaho and is the go-to source for city related communication, ideas, education, training, technical assistance, and credible data and research.

What we provide: Advocacy/Training and Education/Technical Assistance

Advocacy -- AIC serves as the cities’ voice with the Idaho Legislature, the Governor and executive branch agencies, state and federal Courts, and Congress.

AIC online Bill Tracker and Bill Summaries help city officials understand and keep track of important policy issues.

Weekly email updates during the legislative session include summaries of legislative activity and recommendations for how city officials can effectively engage on policy issues.

Training and Education -- AIC holds the following annual events:

- › January — City Officials’ Day at the Capitol in Boise
- › January — Water Summit in Boise
- › April — Regional Spring District Meetings
- › June — AIC Annual Conference in Boise
- › September — Idaho City Clerks, Treasurers & Finance Officers Association Institute
- › October — Regional Fall Academies
- › December - Legislative Summit in Boise

Additionally, Frequently Asked Questions, and manuals are available online (ask your city clerk for login information) at idahocities.org

Technical Assistance -- AIC is here to help answer your questions on city governance, budgeting, planning and zoning, purchasing, and many other areas (except personnel).

The Idaho Counties Risk Management Program (ICRMP) is here to help you navigate personnel-related decisions and policy development.

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ROLES AND RESPONSIBILITIES



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Roles & Responsibilities Manual

Last Updated July 2025

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Roles & Responsibilities

Introduction

Just like government at the state and federal levels, municipal government in Idaho has a separation of powers and checks and balances. Separation of powers is the division of responsibility between the executive, legislative, and judicial branches. Checks and balances means each branch has certain powers and responsibilities which are checked by the other branches. The responsibilities of mayors and councilmembers are in state law. Effective city government relies on all officials understanding their roles, the limits of their authority and how their office interacts with others. Understanding responsibilities protects officials and cities from liability and provides citizens with confidence in their governance.

Legislative Branch: Includes Congress, the Idaho Legislature and city councils. Responsible for passing laws and policies, and appropriating money to fund government operations.

Executive Branch: Headed by the President of the United States, Governor of Idaho and city mayors. Responsible for implementing and administering laws and policies adopted by the legislative branch, as well as managing government operations.

Judicial Branch: Includes the United States Supreme Court, Court of Appeals and District Courts; and Idaho Supreme Court, Court of Appeals, and District Courts. Responsible for adjudicating cases and controversies and applying the law in particular circumstances.

There are benefits to dividing power and responsibility among the three branches. The executive branch, headed by a single individual, excels at quick, decisive action. The legislative branch represents diverse communities and balances the demands of a multitude of interests. The judicial branch ensures procedural fairness and protects the rights of individuals. Each branch exists independently but should not operate in isolation.

Our system of checks and balances compels a close working relationship between the mayor and the council—if they are working at cross-purposes the result will be political infighting and governmental paralysis. The most effectively governed cities are those in which the mayor and council work as a team to advance the best interests of their community, with all players understanding their roles.

Executive Authority Vested in Mayor

[Idaho Code 50-602](#) states:

The mayor...shall be the chief administrative official of the city, preside over the meetings of the city council and determine the order of business subject to such rules as the council may prescribe, have a vote only when the council is equally divided, have the superintending control of all the officers and affairs of the city, preserve order, and take care that the ordinances of the city and provisions of [state law] are complied with and enforced.

The powers and responsibilities of the mayor are listed below—please note this section describes mayoral powers under the mayor-council form of government.

Mayoral Powers & Responsibilities

Executive

Supervising city employees and appointed officers, hiring and firing of employees (subject to city personnel policy).¹

May request documents or reports from appointed officers.²

Enforcing laws and policies passed by the council.³

Enforcement of health and quarantine ordinances within city limits.⁴

Declaration of initial local disaster emergencies for up to seven days in duration.⁵

Ordering emergency holdbacks in spending by city departments.

Legislative

May veto ordinances passed by the council, subject to override by a majority of the full council.⁶

May call special meetings of the city council.⁷

Presiding over council meetings and determining the order of business “...subject to such rules as the council may prescribe...”⁸

¹ [Idaho Code 50-602](#).

² [Idaho Code 50-605](#).

³ [Idaho Code 50-602](#).

⁴ [Idaho Code 50-606](#).

⁵ [Idaho Code 46-1011](#).

⁶ [Idaho Code 50-611](#).

⁷ [Idaho Code 50-604](#).

⁸ [Idaho Code 50-602](#).

Breaking tie votes of the council.⁹

Formulating policy recommendations for the council.¹⁰

Appointment & Removal

Nominating persons to serve in appointed offices, subject to confirmation by a majority of the full council.¹¹

Removal of appointed officers, subject to confirmation by a majority of the full council.¹²

Filling vacant council positions, subject to council confirmation.¹³

Appointment and removal of members to city boards, commissions and committees. For permanent boards, commissions or committees, appointment and removal must be confirmed by the council.¹⁴

Miscellaneous

Sign ordinances and resolutions, checks, contracts, bonds and other official documents on behalf of the city.¹⁵

Administering oaths (such as the oath of office).¹⁶

Performing marriage ceremonies within the State of Idaho.¹⁷

Powers and authority as is conferred by the laws of the state of Idaho or as may be conferred by the city council.¹⁸

Ceremonial head of the city for ribbon cuttings, groundbreakings and other events.

Listening and responding to constituent issues and concerns.

Legislative Authority Vested in Council

[Idaho Code 50-701](#) states:

The legislative authority of each city in the state of Idaho...shall be vested in a council consisting of either four (4) or six (6) members, one half (1/2) of whom shall be elected at each general city election.

Councils shall have such powers and duties as are now or may hereafter be provided under the general laws of the state of Idaho.

⁹ [Idaho Code 50-602](#). Note: Idaho law states that certain issues require a majority vote of the full council

¹⁰ [Idaho Code 50-603](#).

¹¹ [Idaho Code 50-204](#); [50-205](#).

¹² [Idaho Code 50-206](#).

¹³ [Idaho Code 50-704](#).

¹⁴ [Idaho Code 50-210](#).

¹⁵ [Idaho Code 50-607](#); [50-1018](#); [57-205](#).

¹⁶ [Idaho Code 50-607](#).

¹⁷ [Idaho Code 32-303](#).

¹⁸ [Idaho Code 50-607](#).

Council Powers & Responsibilities

Legislative

Adopt local laws (ordinances) to protect the public health, safety, and welfare. Ordinances may provide for infraction penalties with a civil fine of up to \$100 and misdemeanor criminal penalties with up to 6 months imprisonment and a fine of up to \$1,000.¹⁹

Annex territory into the city by ordinance.²⁰

Adopt a comprehensive plan by resolution, which serves as the city's plan for growth and development.²¹

Adopt a zoning ordinance to regulate land uses within the city, including permitted, conditionally permitted and prohibited land uses within each zone. The zoning ordinance also outlines application procedures, fees and standards of approval for rezones, conditional use permits, and variances.²²

Adopt a subdivision ordinance setting forth the process for subdivision applications, fees and approval; standards for streets, curb and gutter, water, sewer and other infrastructure; and off-site improvements and other requirements.²³

Negotiate with the county commissioners an area of city impact for future urbanization and annexation into the city and the land use regulations which will apply within the area.²⁴

Creation of an urban renewal agency to plan and undertake economic development projects within specific areas of the city,²⁵ approval of urban renewal plans²⁶ and authorization of revenue allocation financing for urban renewal projects by ordinance.²⁷

A majority of the full council may override mayoral veto of an ordinance.²⁸

Establish the place and time of regular council meetings by ordinance.²⁹

A majority of the full council may call special council meetings.³⁰

Authorizing and holding executive sessions, which are meetings of the council closed to the public, to consider certain topics only as allowed by Idaho Code.³¹

Determine which services should be provided by the city,³² the fees for such services, and whether a service should be provided by the city with its own employees, or by contract with a private entity or another government entity.

¹⁹ [Idaho Code 50-302](#).

²⁰ [Idaho Code 50-222](#).

²¹ [Idaho Code 67-6503](#); [67-6508](#); [67-6509](#).

²² [Idaho Code 67-6511](#); [67-6512](#); [67-6516](#); [67-6518](#); [67-6519](#).

²³ [Idaho Code 67-6513](#); [67-6518](#); [67-6519](#).

²⁴ [Idaho Code 67-6526](#).

²⁵ [Idaho Code 50-2006](#); [50-2007](#).

²⁶ [Idaho Code 50-2008](#).

²⁷ [Idaho Code 50-2906](#).

²⁸ [Idaho Code 50-611](#).

²⁹ [Idaho Code 50-705](#).

³⁰ [Idaho Code 50-706](#).

³¹ [Idaho Code 74-206](#).

³² [Idaho Code Title 50, Chapter 3](#).

Adopt ordinances and regulations to protect public health and prevent contagious diseases, and adopt quarantine laws.³³

Adopt franchise ordinances granting use of public rights-of-way for power, natural gas, water and cable providers and setting franchise fees at a percentage of the utility's gross revenues.³⁴

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

Licensing and regulation of businesses and occupations within the city and setting license fees.³⁵

May adopt building, residential, energy conservation, mechanical and fuel gas codes.³⁶

Regulate, establish license fees up to the maximum allowed by state law and approve licenses for retail sale of liquor by the drink,³⁷ beer³⁸ and wine.³⁹

Vacating streets and public rights-of-way.⁴⁰

Fiscal

Prepare a budget outlining the city's projected revenues and expenditures for the upcoming fiscal year.⁴¹

Approve an appropriations ordinance establishing spending authority for specific funds or departments for the upcoming fiscal year.⁴²

Approve the city's property tax levy for the upcoming fiscal year.⁴³

Receive a monthly report on city finances from the city treasurer.⁴⁴

Examine, at least quarterly, the quarterly treasurer's report providing a detailed account of the city's financial activity.⁴⁵

Provide for audits of the city's financial statements in accordance with [Idaho Code 67-450B](#).⁴⁶

Establish, by ordinance, the place(s) of deposit for city funds.⁴⁷

Approve, by resolution, investment of city funds.⁴⁸

Quasi-Judicial

³³ [Idaho Code 50-304](#).

³⁴ [Idaho Code 50-329](#); [50-329A](#); the Idaho Video Service Act in [Idaho Code Title 50, Chapter 30](#) also covers cable service regulation and video service provider fees.

³⁵ [Idaho Code 50-307](#).

³⁶ [Idaho Code 39-4109](#); [39-4116](#); [54-5001](#).

³⁷ [Idaho Code 23-904](#); [23-916](#); [23-927](#).

³⁸ [Idaho Code 23-1012](#); [23-1016](#).

³⁹ [Idaho Code 23-1315](#); [23-1318](#).

⁴⁰ [Idaho Code 50-1306A](#).

⁴¹ [Idaho Code 50-1002](#).

⁴² [Idaho Code 50-1003](#).

⁴³ [Idaho Code 50-1007](#).

⁴⁴ [Idaho Code 50-208](#).

⁴⁵ [Idaho Code 50-708](#).

⁴⁶ [Idaho Code 50-1010](#).

⁴⁷ [Idaho Code 50-1013](#).

⁴⁸ [Idaho Code 50-1013](#).

Decisions on rezones, conditional use permits, variances, and subdivision preliminary plats.⁴⁹

Denial of licenses for retail sale of beer,⁵⁰ wine and liquor by the drink.

Appointment & Removal

Confirmation of mayoral appointments to, and removal from, permanent city boards, commissions and committees.⁵¹

Confirmation of the mayor's nomination or removal of appointed officers by a majority of the full council.⁵²

Removal of appointed officers by the council, without the mayor's approval, by unanimous vote of the council.⁵³

Fill a mayoral vacancy from within or without the council as deemed in the best interests of the city.⁵⁴

May establish appointed offices in addition to the city clerk, treasurer and attorney.⁵⁵

Miscellaneous

Select a councilmember to serve as president of the council (see "Role of the Council President" below for more information).⁵⁶

Filling vacancies in the event the position of mayor and council president are both vacant. In the event a quorum is not able to be established due to vacancies, the ranking elected official, in order of mayor, council president, and senior member of the council shall nominate a name or names to the governor for appointment sufficient to establish a quorum.⁵⁷

May provide, by ordinance, for the election of councilmembers by seat⁵⁸ or district (districts are required in cities over 100,000 population and optional for smaller cities).⁵⁹ May establish runoff elections for mayor and/or designated council seats.⁶⁰

May, by ordinance, establish permanent city boards, commissions and committees and define their membership, responsibilities, duties and authority.⁶¹

Set compensation for mayor and councilmembers by ordinance.⁶²

Designate by ordinance an official city newspaper for publishing legal notices.⁶³

⁴⁹ *Cooper v. Board of County Commissioners of Ada County*, 101 Idaho 407, 614 P.2d 947 (1980); *Gay v. County Commissioners of Bonneville County*, 103 Idaho 626, 651 P.2d 560 (1982); *Chambers v. Kootenai County Bd. of Comm'rs*, 125 Idaho 115, 867 P.2d 989 (1994); *Idaho Historic Preservation Council v. City Council of Boise*, 134 Idaho 651, 8 P.3d 646 (2000).

⁵⁰ [Idaho Code 23-1016](#).

⁵¹ [Idaho Code 50-210](#).

⁵² [Idaho Code 50-204](#); [50-205](#); [50-206](#).

⁵³ [Idaho Code 50-206](#).

⁵⁴ [Idaho Code 50-608](#).

⁵⁵ [Idaho Code 50-204](#).

⁵⁶ [Idaho Code 50-702](#).

⁵⁷ [Idaho Code 50-704](#).

⁵⁸ [Idaho Code 50-707](#).

⁵⁹ [Idaho Code 50-707A](#).

⁶⁰ [Idaho Code 50-612](#); [50-707B](#).

⁶¹ [Idaho Code 50-210](#).

⁶² [Idaho Code 50-203](#).

⁶³ [Idaho Code 50-213](#).

Request by resolution a “census or enumeration” of the inhabitants of the city.⁶⁴

Sustaining a local disaster emergency declaration beyond the initial seven-day period following the mayor’s declaration.⁶⁵

Approving disposal of surplus real property and leases of city owned real property.⁶⁶

Approving mining leases of city property by ordinance.⁶⁷

Adopt by resolution a record retention schedule listing the minimum retention period for the various types of city records.⁶⁸

Approve by resolution the transfer of permanent records to the State Archives for permanent storage.⁶⁹

Approve a copy fee schedule for public records.⁷⁰

Role of the Council President

[Idaho Code 50-702](#) - election of the council president is one of the tasks performed at the first meeting in January following a general city election after the newly elected and re-elected officials are sworn-in and seated.

[Idaho Code 50-704](#) - if the mayor’s position is vacant, the council president is responsible for nominating a person to fill a council vacancy, which must be confirmed by the council. In the event a quorum is not able to be established due to vacancies, the ranking elected official, in order of mayor, council president, and senior member of the council shall nominate a name or names to the governor for appointment sufficient to establish a council quorum.

[Idaho Code 50-608](#) - In case of a temporary vacancy in the office of mayor due to absence or disability, the president of the council shall exercise the office of mayor during such disability or temporary absence, and until the mayor shall return.

[Idaho Code 50-901](#) states: “...in cases of riot, infections or contagious disease, or other impending danger requiring immediate enforcement, such ordinances shall take effect upon the proclamation of the mayor or president of the council, posted in at least five (5) public places of the city...”

⁶⁴ [Idaho Code 50-214](#).

⁶⁵ [Idaho Code 46-1011](#).

⁶⁶ [Idaho Code Title 50, Chapter 14](#).

⁶⁷ [Idaho Code 50-234](#).

⁶⁸ [Idaho Code 50-907](#).

⁶⁹ [Idaho Code 50-907](#).

⁷⁰ [Idaho Code 74-102](#).

At the first council meeting in January of every even-numbered year, after the officials elected at the November general election are sworn-in and seated, the council proceeds to select one of its members as president of the council. This is done by motion approved by a majority of those present and voting. Although state law provides that selection of the council president occurs every two years, cities could provide by resolution for annual selection. The view of AIC's legal counsel is that the council may replace the president by motion approved by a majority of the councilmembers present and voting. The council president's most significant role is in chairing council meetings, signing documents and supervising city employees in the mayor's absence. While the statute uses the words "exercise the office of mayor," most city attorneys take a much more circumscribed view of the council president's authority in such circumstances. The council president should not make hiring or firing decisions, appointments to fill vacant council positions, or veto ordinances during the mayor's temporary absence. Other responsibilities of the council president may be defined by local policy.

Structure & Jurisdiction of the Idaho Courts

The Idaho judicial system consists of the Supreme Court, Court of Appeals, District Courts and Magistrate Division of the District Courts.⁷¹

Idaho's trial courts—the District Court and Magistrate Division—are organized into seven judicial districts, with each district covering four to 10 counties.⁷² The administration of each district is supervised by an Administrative Judge selected by the district judges of the district.⁷³ Each county has its own District Court, which includes a Magistrate Division.⁷⁴ There are 42 district judges throughout the state who hear felony criminal cases and civil actions involving more than \$10,000, as well as appeals of magistrate decisions. District judges are elected on a non-partisan basis at the May election in even-numbered years for a term of four years.⁷⁵ To serve as a district judge a person must be admitted to practice law, at least 30 years of age, a resident of the state for at least two years preceding his/her election, and a qualified elector of the judicial district.⁷⁶

There are 87 magistrates throughout the state whose jurisdiction includes probate matters, divorce proceedings, juvenile proceedings, criminal misdemeanors, infractions, civil cases involving less than \$10,000, and small

⁷¹ [Idaho Constitution Article V, Section 2.](#)

⁷² [Idaho Code Title 1, Chapter 8.](#)

⁷³ [Idaho Code 1-703; 1-907.](#)

⁷⁴ [Idaho Code 1-701; 1-2201.](#)

⁷⁵ [Idaho Constitution Article VI, Section 7; Idaho Code 1-702.](#)

⁷⁶ [Idaho Constitution Article V, Section 23.](#)

claims cases.⁷⁷ Every four years magistrates are elected by the voters of the judicial district in retention elections held at the November election in even-numbered years.⁷⁸ Each judicial district has a Magistrate Commission comprised of county commissioners, mayors, citizens, lawyers, a sitting magistrate (non-voting) and chaired by the Administrative District Judge.⁷⁹ The commission makes appointments to fill vacancies and evaluates the performance of new magistrates.⁸⁰ The qualifications to serve as a magistrate include: being a qualified elector of the state, residing in the county in which the magistrate serves, being at least 30 years of age, and admitted to practice law for at least five years.⁸¹

The Court of Appeals consists of a chief judge and three judges, sitting in three-judge panels to hear cases.⁸² Judges are elected statewide on a non-partisan basis for a term of six years at the May election in even-numbered years.⁸³ To be qualified to serve as a judge on the Idaho Court of Appeals a person must be: a qualified elector, at least 30 years of age, a resident of Idaho for at least two years preceding his/her election, and admitted to the practice of law for at least 10 years.⁸⁴ Court vacancies are filled by appointment by the Governor from a list of two to four candidates selected by the Idaho Judicial Council. The Court of Appeals' jurisdiction includes civil and criminal cases assigned to it by the Idaho Supreme Court.⁸⁵ Cases invoking the Supreme Court's original jurisdiction, capital murder convictions, and appeals from the Public Utilities Commission and Industrial Commission must be heard by the Supreme Court.

The Idaho Supreme Court consists of the Chief Justice and four Associate Justices elected statewide on a non-partisan basis for a term of six years at the May election in even-numbered years.⁸⁶ To be qualified to serve as a justice on the Idaho Supreme Court a person must be: a qualified elector, at least 30 years of age, a resident of Idaho for at least two years preceding his/her election, and admitted to the practice of law for at least 10 years.⁸⁷ Court vacancies are filled by appointment by the Governor from a list of two to four candidates selected by the Idaho Judicial Council.⁸⁸ The Chief Justice is selected by a majority of the justices to serve a four-year

⁷⁷ [Idaho Code 1-2208](#).

⁷⁸ [Idaho Code 1-2207](#).

⁷⁹ [Idaho Code 1-2203](#).

⁸⁰ [Idaho Code 1-2204](#); [1-2205](#).

⁸¹ [Idaho Code 1-2206](#).

⁸² [Idaho Code 1-2404](#).

⁸³ [Idaho Code 1-2404](#).

⁸⁴ [Idaho Code 1-2404](#).

⁸⁵ [Idaho Code 1-2406](#).

⁸⁶ [Idaho Constitution Article V, Section 6](#); [Article VI, Section 7](#); [Idaho Code 1-201](#).

⁸⁷ [Idaho Code 34-615](#).

⁸⁸ [Idaho Code 1-2102](#).

term, with responsibility of presiding over Court activities.⁸⁹ The Supreme Court’s jurisdiction includes appeals from District Court decisions, as well as orders of the Public Utilities Commission and Industrial Commission.⁹⁰ The Court may also review decisions of the Court of Appeals.⁹¹ The Idaho Supreme Court has the final say in interpreting Idaho law and constitutional provisions, setting precedent which provides direction for the lower courts to follow.

Judicial Authority Vested in Idaho Courts

Article V, Section 2 of the Idaho Constitution states:

The judicial power of the state shall be vested in...a Supreme Court, district courts, and such other courts inferior to the Supreme Court as established by the legislature ...

Powers & Responsibilities of the Idaho Courts

Review of city laws, policies and activities for conformity with state and federal law and constitutional provisions.

Adjudication of cases involving violation of city ordinances and sentencing upon conviction.

Adjudication of tort claims—civil actions for wrongdoing by a local government, elected official, employee or volunteer—and determination of compensable damages.⁹²

Appeals concerning rezones, conditional use permits, variances, subdivision preliminary plats and other land use matters.⁹³

Enforcement of Idaho Open Meetings Law⁹⁴ and Public Records Law.⁹⁵

Judicial confirmation of the validity of indebtedness or multi-year obligations.⁹⁶

Determination of “just compensation” for private property owners in eminent domain cases.⁹⁷

Issuing declaratory judgments, which are used to establish the rights of particular parties and express the opinion of the court on questions of law.⁹⁸

⁸⁹ [Idaho Constitution Article V, Section 6.](#)

⁹⁰ [Idaho Constitution Article V, Section 9.](#)

⁹¹ [Idaho Code 1-2409;](#)

⁹² [Idaho Code Title 6, Chapter 9.](#)

⁹³ [Idaho Code 67-6521.](#)

⁹⁴ [Idaho Code Title 74, Chapter 2.](#)

⁹⁵ [Idaho Code Title 74, Chapter 1.](#)

⁹⁶ [Idaho Code Title 7, Chapter 13.](#)

⁹⁷ [Idaho Code Title 7, Chapter 7.](#)

⁹⁸ [Idaho Code Title 10, Chapter 12.](#)

The Role of City Boards, Commissions & Committees

Committees play an important role in helping the mayor and council make informed policy decisions. At the city level, most committees can be categorized as standing or special.

Standing Committees: Permanent boards, commissions or committees which meet regularly. Standing committees focus on a particular segment of city government, such as Administration, Finance, Public Works, Planning and Zoning, Library, Parks and Recreation, etc. Committee members must be appointed by the mayor and confirmed by the council and may be removed in the same manner.¹⁰⁰ The number and qualifications of members, as well as the authority and responsibility of each committee must be defined by ordinance.¹⁰¹ Every standing committee adopts its own bylaws outlining the date, time and place of the committee's regular meetings, selection of the chair and vice chair, rules of meeting procedure and other operational rules.

Special Committees: Temporary committees or task forces formed to examine and make recommendations concerning specific problems or issues. Special committees may be formed by the mayor, by the council, or by the mayor and council acting in concert. Typically, these groups are charged with reporting the outcome of their deliberations by a specific deadline.

Committees serve several useful purposes, including:

- ☒ Gathering information and diverse perspectives from citizens, business owners, interest groups, etc.
- ☒ Bringing together people with the most desirable combination of education and expertise to work on issues.
- ☒ Particularly for councilmembers, committees offer the ability to develop knowledge and expertise on a specific aspect of city operations.

⁹⁹ [Idaho Code Title 7, Chapter 3.](#)

¹⁰⁰ [Idaho Code 50-210.](#)

¹⁰¹ [Idaho Code 50-210.](#)

- ❑ Constituent concerns can be placated by forming a special committee to study and make recommendations concerning an issue.

Important considerations in ensuring effectiveness of city committees are outlined below.

- ❑ For special committees, it is particularly important to clearly define the committee's jurisdiction and responsibilities and provide committee members with a realistic view of their role **early** in the process. Committee members often have a sense of ownership in the group's recommendations, but the mayor and council are under no obligation to implement the committee's recommendations.
- ❑ Councilmembers should be cautioned to avoid falling into the habit of deferring their judgment to other councilmembers serving on a particular standing committee. Every councilmember's views should be heard and considered, even those who don't serve on the germane committee.
- ❑ City boards, commissions, committees, and task forces are subject to the Idaho Open Meeting Law requirements for meetings to be open to the public, preceded by posted notice and agenda, with minutes available within a reasonable time after the meeting. Additionally, a meeting that is subject to Idaho's Open Meeting Law must also treat consent agendas in a manner similar to Robert's Rules (i.e., one member of the governing body may request that individual items be removed from the consent agenda for further discussion).

City Appointed Officers

[Idaho Code 50-204](#), [50-205](#) and [50-206](#) establish the city clerk, treasurer and attorney as the three appointed officers required for each city and the process of their appointment, confirmation and removal.

The appointed officers are the professionals charged with fulfilling various administrative, fiscal and legal responsibilities set in Idaho law. While each city is required to appoint a clerk, treasurer and attorney, cities may also designate additional appointed officers (these commonly include City Administrator, Fire Chief, Parks & Recreation Director, Police Chief, Public Works Director, etc.).

The process of selecting an appointed officer begins with the mayor's appointment, which should be submitted at a council meeting and reflected in the minutes. At any point after the appointment is submitted for council consideration, the council may decide to confirm or reject the appointee by motion. The mayor's appointee must

be approved by majority vote of the full council—the mayor cannot break a tie vote of the council on confirmation of an appointed officer. If the council votes to confirm the appointee, then the person must swear to and sign the oath of office in the same manner as the elected officials. If the council votes to reject a mayoral appointment, then the mayor has 10 days to submit another appointee for council consideration; if the mayor fails to act within 10 days the appointment falls to the council.

Removal of an appointed officer may be initiated by the mayor with approval of a majority of the full council, or the council (without the mayor’s consent) may remove an appointed officer by unanimous vote of the full council.

It is important to note that the statutory provisions relating to the appointment, confirmation and removal of appointed officers supersede provisions of the city’s personnel policy and that appointed officers serve at-will subject to removal as provided by Idaho Code 50-206 without prior notice or hearing.¹⁰²

Responsibilities of the City Clerk

The city clerk has a variety of responsibilities, some set by statute and others by local policy or practice. The scope of duties for city clerks varies widely from city to city, but the most significant elements follow.

Responsibilities of the City Clerk

Supervision of candidate filing.¹⁰³

Custodian of city ordinances, resolutions, minutes and other records.¹⁰⁴

Fulfilling requests for examination or copying of public records as provided by law.¹⁰⁵

Issuing licenses for businesses and occupations as provided by local ordinance.¹⁰⁶

Issuing animal licenses.¹⁰⁷

¹⁰² In *Boudreau v. City of Wendell* (2009) the Idaho Supreme Court held that the city clerk is subject to removal from office without prior notice or hearing, even though such requirements may be imposed by a city’s personnel policy. “The statutory scheme for appointing and removing an appointive officer is clear and unambiguous that appointive officers are at-will and subject to removal without cause.” “...[I]n Idaho local governments cannot override statutes enacted by the legislature. Thus, once the legislature determined that a municipal appointive officer is at-will and provided for the removal of such an officer without notice or a hearing, the municipality could not alter that status by adopting a Personnel Manual.” See also *Bunt v. City of Garden City*, 118 Idaho 427, 797 P.2d 135 (1990).

¹⁰³ [Idaho Code Title 50, Chapter 4](#);

¹⁰⁴ [Idaho Code 50-207](#); [50-908](#).

¹⁰⁵ [Idaho Code Title 74, Chapter 1](#).

¹⁰⁶ [Idaho Code 50-307](#).

¹⁰⁷ [Idaho Code 50-319](#).

Issuing licenses for sale of package beer,¹⁰⁸ package wine,¹⁰⁹ beer by the drink,¹¹⁰ wine by the drink¹¹¹ and liquor by the drink.¹¹²

Publication of legal notices.¹¹³

Receipt, approval as to form, certification of petition signatures and oversight of elections resulting from citizen petitions for sale of liquor by the drink,¹¹⁴ adoption or discontinuation of the council-manager form of government,¹¹⁵ organization under general laws of the state,¹¹⁶ consolidation of cities,¹¹⁷ and disincorporation.¹¹⁸

Receipt of petitions for creation of local improvement districts,¹¹⁹ formation of community infrastructure districts,¹²⁰ and creation of housing authorities.¹²¹

Filing the annual city street finance report by December 31 of each year. The report lists revenues and expenditures from the past fiscal year used for construction and maintenance of streets and bridges. The report is also published once as a legal notice between January 1 and 15.¹²²

Filing certified copies of annexation ordinances with county auditor, county treasurer, county assessor, and Idaho Tax Commission within 10 days after effective date of the ordinance.¹²³ The city clerk must also submit the legal description of the annexed area and a map prepared “in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such...municipality...as altered,” to be recorded with the county recorder and filed with the county assessor...and with the state tax commission within thirty (30) days” after the effective date of the annexation, but no later than January 10 of the following year.¹²⁴

Certification of delinquent special assessments to the county.¹²⁵

Sale of lots in city cemeteries.¹²⁶

Administering the oath of office to elected and appointed officials, election workers, etc.¹²⁷

Serving as an at-large registrar for voter registration.¹²⁸

Receipt of petitions for vacation of plats.¹²⁹

¹⁰⁸ [Idaho Code 23-1016.](#)

¹⁰⁹ [Idaho Code 23-1315; 23-1318.](#)

¹¹⁰ [Idaho Code 23-1016.](#)

¹¹¹ [Idaho Code 23-1315; 23-1318.](#)

¹¹² [Idaho Code 23-904; 23-916.](#)

¹¹³ For more information on the various Idaho Code provisions requiring publication of legal notices see the *AIC Public Notification Manual*.

¹¹⁴ [Idaho Code 23-917; 23-918; 23-919; 23-920.](#)

¹¹⁵ [Idaho Code Title 50, Chapter 8.](#)

¹¹⁶ [Idaho Code Title 50, Chapter 23.](#)

¹¹⁷ [Idaho Code Title 50, Chapter 21.](#)

¹¹⁸ [Idaho Code Title 50, Chapter 22.](#)

¹¹⁹ [Idaho Code 50-1706.](#)

¹²⁰ [Idaho Code 50-3103.](#)

¹²¹ [Idaho Code 50-1905.](#)

¹²² [Idaho Code 40-708.](#)

¹²³ [Idaho Code 50-223.](#)

¹²⁴ [Idaho Code 50-223; 63-215.](#)

¹²⁵ [Idaho Code 50-1008.](#)

¹²⁶ [Idaho Code 50-320.](#)

¹²⁷ [Idaho Code 50-207.](#)

¹²⁸ [Idaho Code 34-406.](#)

¹²⁹ [Idaho Code 50-1306A.](#)

Serving as the primary point of contact for citizen and media inquiries.

Attesting signatures by the mayor on official documents, including ordinances, resolutions, deeds, bonds, etc.¹³⁰

Acting as the assessor of a municipal irrigation system and assisting the city treasurer in administering such systems, including preparing the assessment book on or before the fourth Monday in January each year listing all lots and parcels in the system, with the owners, acreage within the unplatted portion of the city, and the number of lots and blocks listed for each person. The assessments are entered on the appropriate columns on the assessment roll. The city clerk also provides notice on or before the first day of March each year of the mayor and council meeting to correct the irrigation assessments, published at intervals of not less than six days in the official newspaper. That meeting to correct the assessments must be held by March 20 each year. The assessment books are in the office of the city clerk for inspection by any interested person.¹³¹ Publishing and mailing the notice of hearing on the assessment roll for a local improvement district and assisting the city treasurer with administering local improvement districts.¹³²

Providing staff support for the mayor and council, including preparing meeting packets with information relating to each agenda item. Ensuring accurate minutes are taken at city council meetings. Preparing meeting notices and agendas, and posting these at city hall and on the city website and/or social media, if the city has a website or social media page.¹³³

Other duties prescribed by local policy.

Responsibilities of the City Treasurer

The city treasurer's responsibilities are set by statute and local policy or practice. As with the other appointed officers, the scope of duties for treasurers varies from city to city.

Responsibilities of City Treasurer

Custodian of city revenues, which must be kept at the official place(s) of deposit as provided by ordinance.¹³⁴

Investment of city funds upon resolution of the council.¹³⁵

Investment of sinking funds in excess of the amount required to pay bonds maturing within the current year.¹³⁶

Keeping a separate account of each fund or appropriation showing the debits and credits belonging to each.¹³⁷

Signing or authorizing checks, along with the mayor, issued by the city to pay for goods or services.¹³⁸

¹³⁰ Idaho Code 57-205; 50-1751; 50-1722.

¹³¹ Idaho Code Title 50, Chapter 18; 50-1807.

¹³² Idaho Code Title 50, Chapter 17; 50-1713.

¹³³ [Idaho Code Title 74, Chapter 2.](#)

¹³⁴ [Idaho Code 50-208; 50-1013.](#)

¹³⁵ [Idaho Code 50-1013.](#)

¹³⁶ [Idaho Code 57-601.](#)

¹³⁷ [Idaho Code 50-208](#)

¹³⁸ [Idaho Code 50-1018.](#)

Monthly report to the city council on the city's financial situation within 60 days after the end of each month at a regular council meeting, including the balances of accounts. The treasurer must also make available credit and debit details of all accounts when required by the mayor or action of the city council. ¹³⁹

Publication of quarterly financial statements listing revenues and expenditures for the fiscal year-to-date for each fund or department, as well as expenditures for the fiscal year-to-date as a percentage of the spending authority set in the appropriations ordinance. ¹⁴⁰ The statement must break out expenditures into specific amounts for capital outlay and salaries. The statement must invite citizens to inspect the detailed supporting records of the financial statements. The statement must be published once each quarter as a legal notice within 30 days of the end of the quarter (the final quarter of the fiscal year may be published within 30 days after completion of the annual audit). In lieu of newspaper publication the quarterly treasurer's report may be made available on the city's website within 30 days after the conclusion of each quarter. ¹⁴¹ Failure to publish the quarterly statement is a misdemeanor.

Coordinating the city's financial audit.

Keeping a record of all outstanding bonds, showing the number and amount of each and to whom the bonds were issued; bonds purchased, paid or canceled; and registering the principal amount of bonds at the request of any bondholder. ¹⁴² In an annual report, the treasurer summarizes the bonds issued and sold during the year, the terms of sale, and every item of expense relating to the bonds.

Filing a list of all bonds issued with the county recorder's office within 30 days after sale or delivery. ¹⁴³ The list must include: the amount of bonds issued, the purpose for the bond issue, the dates of issuance, the rate of interest, the length of time the bonds are to exist, the serial numbers of the bonds, and a statement of the amount of bonded indebtedness outstanding. When bonds are redeemed or paid, the treasurer must file a statement with the county recorder's office showing the amount of bonds paid or redeemed and which bonds were paid or redeemed within 30 days after payment or redemption.

Signing bonds. ¹⁴⁴

Supervising billing and administration of municipal irrigation systems. ¹⁴⁵

Supervising billing and administration of local improvement districts. ¹⁴⁶

Collecting special assessments. ¹⁴⁷

Whenever a warrant of the city is not paid for want of funds, the treasurer must endorse thereon "Not paid for want of funds," with the date of presentation and the rate of interest the warrant will draw, and sign their name. ¹⁴⁸

When refunding bonds are sold, the treasurer must deposit the money in a special fund solely for the purpose of payment and retirement of the outstanding bond issue. Any balance remaining after the bonds are paid off may be transferred to the bond interest and sinking fund of the city. ¹⁴⁹

¹³⁹ [Idaho Code 50-208.](#)

¹⁴⁰ [Idaho Code 50-1011.](#)

¹⁴¹ [Idaho Code 50-208.](#)

¹⁴² [Idaho Code 50-208; 57-401.](#)

¹⁴³ [Idaho Code 57-301.](#)

¹⁴⁴ [Idaho Code 57-205.](#)

¹⁴⁵ [Idaho Code Title 50, Chapter 18.](#)

¹⁴⁶ [Idaho Code Title 50, Chapter 17.](#)

¹⁴⁷ [Idaho Code 50-1008.](#)

¹⁴⁸ [Idaho Code 31-2125.](#)

¹⁴⁹ [Idaho Code 57-502.](#)

Responsibilities of the City Attorney

The city attorney provides advice to city officials on interpreting laws and policies, represents the city in court and is often responsible for drafting ordinances, resolutions and policies. The statutory responsibilities of the city attorney are outlined below.

Responsibilities of City Attorney

Legal advisor to the municipal corporation.¹⁵¹

May represent the city in judicial proceedings.¹⁵²

Interpreting provisions of federal, state and local laws and policies.

Often responsible for drafting or reviewing ordinances, resolutions, policies and legal notices.

Approving summaries of adopted ordinances for publication as legal notices in the official city newspaper.¹⁵³

Other duties prescribed by ordinance or resolution.¹⁵⁴

City may employ additional counsel as necessary.¹⁵⁵

Prosecuting violations of city ordinances, state traffic infractions, and state misdemeanors committed within city limits—may be done by contract counsel or by contract with the county prosecutor.¹⁵⁶

Signing off on city records proposed for destruction.¹⁵⁷

Idaho Code 50-602. Idaho law provides that certain issues require a majority vote of the full council—in these instances the mayor's tiebreaking vote is not effective. These issues are listed below.

- ☒ Adoption of a franchise ordinance. Idaho Code 50-329.
- ☒ Confirmation of the mayor's nomination for an appointed office. Idaho Code 50-205.
- ☒ Removal of an appointive officer, such as the city clerk, treasurer or attorney. Idaho Code 50-206.
- ☒ Adoption of an ordinance providing for leasing of city property for mining purposes. Idaho Code 50-234.

¹⁵⁰ Idaho Code 50-208.

¹⁵¹ [Idaho Code 50-208A.](#)

¹⁵² [Idaho Code 50-208A.](#)

¹⁵³ [Idaho Code 50-901A.](#)

¹⁵⁴ [Idaho Code 50-208A.](#)

¹⁵⁵ [Idaho Code 50-208A.](#)

¹⁵⁶ [Idaho Code 50-208A.](#)

¹⁵⁷ [Idaho Code 50-907.](#)

- ☒ Overriding the mayor's veto of an ordinance. Idaho Code 50-611.
- ☒ Calling special meetings of the city council. Idaho Code 50-706.
- ☒ Calling a special election on adoption of the council-manager form of government. Idaho Code 50-802.
- ☒ Dispensing with the requirement for ordinances to be read on three different days with one reading in full. Idaho Code 50-902.
- ☒ Declaring an emergency caused by casualty, accident or act of nature and authorizing short-term borrowing to pay for the costs of repairs or improvements. Idaho Code 50-1006.
- ☒ Authorizing the use of portions of public parks, playgrounds or other grounds for athletic contests, golf links, agricultural exhibits, ball parks, fairs, rodeos, swimming pools and other amusements, and for military units of the state of Idaho or the United States, and making and entering contracts with the appropriate organizations and associations. Idaho Code 50-1409.
- ☒ Initiation of a local improvement district by council resolution. Idaho Code 50-1706.
- ☒ Creation of a local improvement district when the owners of more than two-thirds of the property to be assessed have protested. Idaho Code 50-1709.
- ☒ Sale of property deeded to the city as a result of unpaid local improvement district assessments. Idaho Code 50-1751.
- ☒ Passage of an ordinance providing for disposition of excess revenues in a Local Improvement Guarantee Fund. This action requires three-fourths vote of the full council. Idaho Code 50-1769.
- ☒ Council override of the term limits provision limiting planning and zoning commissioners to no more than two full, consecutive terms. Idaho Code 67-6504(a).

Memo

To: Mayor Prekeges and City Council Members

From: Jade Riley

Subject: Agenda Topic #6 – Strategic Priorities

Date: January 6, 2026

In an effort to reach a consensus with Mayor and City Council policy priorities, staff proposes the following approach:

1. Review attached document during the January 8th meeting to ensure nothing is missing or if there are general questions.
2. Schedule by policy area (e.g. housing, financial) a holistic briefing during upcoming Strategic Planning sessions to arrive at the final policy consensus
3. Based on final direction from city council, add the specific steps to FY26 citywide work plan for staff to execute.

Policy direction items from City Council:

1. Are there any projects missing from your list?
2. Do you have questions for other members regarding their list?
3. Do you support or would you like to see changes to the following briefing schedule?

- **Strategic Planning Sessions**

- **January** | proposed: Thursday, 22nd from 9:30am-1pm
 1. Mobility with an emphasis on planned 2026 construction projects (60 min)
 2. Comp Plan/Land-use City Code overhaul (90 min)
 3. Local Option Tax renewal/vote options and schedule
- **February** | proposed: Thursday, 19th from 9:30am-1pm
 1. Housing
 2. Parking
 3. Operations and Financial/budget development process
- **March** | proposed: Thursday, 19th from 9:30am-1pm
 1. TBD

- **Regular Council Meetings**

- Police – Jan/Feb
- Mountain Rides (demand-based system) – Jan/Feb
- YMCA parking agreement – February

Mayor & Council Policy Priorities | Fiscal Year 2026

Matthew	Pete	Randy	Spencer	Tripp
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LAND USE	Comp Plan & Code Rewrite:	Comp Plan (revisit) & Code Rewrite	Comp Plan (revisit) & Code Rewrite	Comp Plan (revisit) & Code Rewrite	(6-month) Development Moratorium
	Mtn overlay district			Historical district	Anti-chain-store ordinance
	Preservation of the LI			Mtn overlay district	
	Lower FAR for Hotels selling Condo			FAR exceedance	
	FAR exceedance (more for housing)				
	Riparian/floodplain development				
	Historic Preservation				
	Net loss of Commercial units				
	Commercial deed restriction				
	Unit size/impact exceedances				

MOBILITY	Increase safety & connectivity:	2 nd Avenue multi-use path	Revisit: Serenade signal	Sidewalk prioritization	4 th Street east/west pedestrian realm
	Atkinson Park corridor		Revisit: Main Street (parking)	City standards (sidewalks & ROW)	Revisit: Main Street (striping)
	Bike safety on 4 th St. and on Saddle Rd.		Capital Improvement Plan		
	Trail connections: parks & base areas				
	Sidewalks 5 th St. to 8 th St. on Wash Ave.				
	Northwood connection to EH house				
		Grow & expand Mountain Rides			Grow & expand Mountain Rides (2am)

➔ Strategic Session | January 19, 2026 (including Local Option Tax renewal/vote options and schedule)

Mayor & Council Policy Priorities | Fiscal Year 2026

HOUSING	Ownership Preservation Program	Ownership Preservation Program	Identify next project	Ownership Preservation Program	Ownership Preservation Program
	Identify next project (Lift Tower Lodge)	RFP current properties		Revisit: Hyperborean & Bird Dr policies	Revisit: Hyperborean & Bird Dr policies
	Housing mix and higher incomes	Lease to Locals			Identify next project (Lift Tower Lodge)
	Explore restriction by leasehold	New development		Middle-income	New development (misc. City lots)
	Criteria for City-owned properties			Rental Preservation Program	Design-first Housing philosophy
	Criteria for untangling restrictions				Explore land acquisition
					Emergency declaration
					Bring BCHA in-house
					Focus: local deed restriction ownership

INFRASTRUCTURE	Hot spring use and run-off mitigation	Sustainability (recycling/compost)	Capital Improvement Plan	Recreation funding increase (ex: Bigwood rope tow)	
				Forest Service Park	Forest Service Park (Big House)
				Study: Grey water/water use	
	Revisit: parking policy (options)	Revisit: parking ordinance & data collection		Revisit: Parking policy & data collection	

FINANCIALS	LOT focus: May ballot & question added; directed to Housing, services & CIP	LOT focus: ballot	LOT focus: ballot	LOT focus: May ballot	LOT focus: modernize
	County health trust/cafeteria plan			Study: LOT/credit card users	
				County health trust/cafeteria plan	County health trust/cafeteria plan
				Planning & building fees	

OPERATIONS		Arts Commission	Revisit: KFD contract & land lease	City of Ketchum → “Town”	Internal structure: hiring authority
		E-bike enforcement		Traffic Authority & BCHA board	Redo City Hall lighting
		Consultants (review overall spend)		Consultants (review overall spend)	
		Bring Legal in-house		Bring Legal in-house	Bring Legal in-house
		P&B permits & turnaround times		Titles 1-4 & more (code updating)	

PUBLIC SAFETY				Studies: Wildfire & avalanche	
		Ketchum Police Department		Ketchum Police Department	