

CHAPTER 2.02 CITY COUNCIL*

*Note to Chapter 2.02: For Statutory provisions concerning the composition and powers of the City Council, see Idaho Code 50-7.

2.02.010 Regular meetings – Time and place

The Council shall hold regular meetings the first and third Wednesday of the month at 7:00 p.m. at City Hall at 35 North 1st East Street. The City Clerk shall provide forty-eight (48) hour agenda notice prior to each meeting, however, additional agenda items may be added to the agenda by the Mayor and City Council up to an including the hour of the meeting, provided a good faith effort is made to include in the notice all agenda items known at the time to be probable items of discussion. Meeting and agenda notices shall be posted on the bulletin board at City Hall and on www.rexburg.org. The regular meeting schedule may be altered, and meetings may be added to the regular schedule by an action of the Council. (Resolution No. 2011-14 §1C)

A quorum of the actual membership, excluding vacancies, shall be necessary to conduct business and take official action. A majority of the actual membership physically present shall constitute a quorum. The Mayor shall not be counted in determining a quorum. (Resolution No. 2005-06 §1B)

All meetings of the City Council except as provided in Resolution No. 2005-06 §1E, shall be open to the public in compliance with Idaho Open Meeting Law Act (Idaho Code 67-2340 through 67-2347).

2.02.020 Special meetings – Procedure

A special meeting of the Council may be called at any time by the Mayor or a majority of the members of the full Council. Meeting and agenda notice shall be made at least twenty-four (24) hours prior to any special meeting, unless an emergency exists. In the event of an unexpected circumstance that requires immediate attention of the Council, the Mayor may call an emergency meeting of the Council. Only those items relative to the emergency and requiring immediate attention may be considered at an emergency meeting. If an emergency meeting is called, all reasonable efforts shall be made to notify the public. (Resolution No. 2005-06 §1D).

2.02.030 Executive session

Executive session shall mean any meeting or part of a meeting of the City Council which is closed to any persons for deliberation on any of the below listed matters. Upon a two-thirds (2/3) roll call vote of the full Council, the Council shall meet in executive session, after the presiding officer has identified the specific authorized purpose for the executive session, as listed below. No executive session may be held for the purpose of taking any final action or making any final decision.

- 1) To consider hiring a public officer, employee, staff member or individual agent, but not appointment to a vacancy in an elective office;
- 2) To consider the evaluation, dismissal, disciplining or hearing complaints or charges against a public officer, employee, staff member or agent;
- 3) To conduct deliberations concerning labor negotiations, or to acquire an interest in real property which is not owned by a public agency;
- 4) To consider records that are exempt by law from public inspection;
- 5) To consider preliminary negotiations involving matters of trade or commerce in which the City Council is in competition with governing bodies in other states or nations;
- 6) To consider and advise legal representatives in pending litigation or where there is a general public awareness of probable litigation;
- 7) To conduct labor negotiations if either side requests closed meetings. (Resolution No. 2005-06 §1A).

2.02.040 Agenda

An item may be placed on the agenda only by the Mayor or a member of the City Council. To be included on the agenda, an item must be received by the City Clerk two (2) working days in advance of the subject meeting. A consent calendar may be used for common and non-controversial items. An item on the agenda may be discussed without preceding motion. Any citizen or group wishing to address the Council may be placed on the agenda by the Mayor or a member of the City Council. The Mayor may provide for a public comment period on any agenda. (Resolution No. 2005-06 §2A).

2.02.050 Minutes

The City Clerk shall take full and accurate minutes of all Council proceedings. Minutes shall contain the roll call of the Council; all motions by verbatim, resolutions, orders, or ordinances proposed; the Council Members moving and seconding each question; the disposition of each question; and the results of all votes. Minutes shall include the motion and roll call vote to convene an executive session, and the specific authorized purpose for the executive session, as listed in Section 1, Subsection E of this Resolution. Minutes shall be available for public inspection during normal office hours within a reasonable time after each meeting. (Resolution No. 2005-06 §2B).

2.02.060 Presiding officer

The Mayor shall preside at all meetings of the City Council, and control the order of the agenda. In the absence of the Mayor, the Council President shall preside. When any member is about to speak in debate or deliver any matter to the Council, he/she shall respectfully address the presiding officer, and shall confine him/herself to the question in debate and shall not make personal comments or criticisms addressed to any individual. The presiding officer has the power to:

- 1) Control the floor and grant permission to speak;
- 2) Rule motions in or out of order;
- 3) Determine whether a speaker has gone beyond reasonable standards of courtesy, and rule a member out of order on this ground;
- 4) Entertain and rule on questions of procedure;
- 5) Call a brief recess at any time;
- 6) Adjourn in the case of an emergency. (Resolution No. 2005-06 §3).

2.02.070 Substantive motions

A motion may be made by any Council Member. A motion requires a second from another Council Member. A member may make only one motion at a time. Only one substantive motion may be considered at a time. A motion may be adopted only by majority vote of Council Members present. A roll call vote shall be taken upon the request of any member. The presiding officer shall state the motion, and then open the floor for Council discussion and debate according to the following principals:

- 1) A member must be recognized by the presiding officer in order to speak.
- 2) The maker of the motion is entitled to speak first.
- 3) A member who has not spoken on the issue shall be recognized prior to one who has previously spoken on the issue.
- 4) To the extent possible, debate shall alternate between proponents and opponents of the issue. (Resolution No. 2005-06 §4A).

2.02.080 Procedural motions

A procedural motion takes precedence over a substantive motion, and may interrupt deliberations on a substantive motion. A procedural motion is debatable and may be amended. In order of priority, allowable procedural motions are:

- 1) Motion to Appeal a Ruling of the Presiding Officer. A ruling of the presiding officer may be appealed. A motion to appeal the ruling of the presiding officer shall only be in order immediately following the ruling in question and prior to any further action. The member making this motion need not be recognized by the presiding officer, and, if timely made, can not be ruled out of order.
- 2) Motion to Adjourn. A member may move to adjourn prior to completion of the agenda, providing no other motion is pending and the motion to adjourn does not interrupt deliberations.

- 3) Motion to Recess. A member may move to take a brief recess, providing it follows consideration of a substantive action and does not interrupt deliberations. If passed, the presiding officer shall establish the duration of the recess.
- 4) Motion to Suspend the Rules. A member may move to suspend the rules. The motion must state the rule(s) being suspended. Rules imposed by state or federal law may not be suspended.
- 5) Motion to Convene an Executive Session. A member may move to close deliberations to the public and convene an executive session. The reason for the executive session, as listed in Section 1, Subsection E of this Resolution, must be stated in the motion. Substantive motions are not in order in executive session.
- 6) Motion to Leave Executive Session. The Council must leave executive session and return to open session prior to adjournment. This must be done by motion and voted upon.
- 7) Motion to Divide the Question. A member may move to divide a question under deliberation. The division must be stated in the motion.
- 8) Motion to Defer Consideration. A member may move to defer consideration of a substantive motion or other matter before the Council. The motion to defer may state a time certain. If it is not revived prior to achieving the stated time, the substantive motion which has been deferred expires. If no time certain is stated in the motion to defer, and the issue is not revived, the deferred substantive motion expires in 180 days. If consideration of a motion has been deferred and the deferral remains pending, a new motion having substantially the same effect is not in order.
- 9) Motion to Revive. A member may move to revive consideration of a substantive motion, which has been deferred regardless of whether that member made the motion to defer. A motion to revive shall not be in order in the same meeting in which a motion to defer has passed on the same question.
- 10) Motion to Call the Previous Question. A member may move to call for a vote on the previous question. A motion for the previous question is not in order until every member who wishes to speak has had the opportunity to speak at least once.
- 11) Motion to Refer to Committee. A member may move to refer a matter before the Council to a committee for study and review. Thirty days after a matter before the Council has been referred to a committee, the maker of the original substantive motion may move the original motion again regardless of action or lack thereof by the committee.
- 12) Motion to Amend. A member may move to amend a substantive motion before the Council. A motion to amend must be pertinent to the original motion. A motion to amend is out of order if the effect of the amendment is the same as rejecting the original motion. A motion may be amended, and that amendment may be amended, but no

further amendments may be made until the last-offered amendment is decided on by vote. An amendment shall be reduced to writing before the vote on the amendment.

- 13) Motion to Substitute. A member may move to substitute completely different wording for a motion currently under deliberation.
- 14) Motion to Reconsider. A member on the prevailing side of a vote may move to reconsider the outcome of that vote. The motion to reconsider is only in order at the meeting at which the original vote was taken. The motion cannot interrupt deliberations on a pending matter, but is in order at any time prior to final adjournment of the meeting.
- 15) Motion to Repeal. A member may move to rescind or repeal any earlier action of the Council. The motion is not in order if rescission or repeal would violate by state or federal law.
- 16) Motion to Prevent Reintroduction. A member may move to prevent reintroduction of a matter before the Council for up to six months. This motion shall be in order immediately following defeat of a substantive motion and at no other time. (Resolution No. 2005-06 §4B).

2.02.090 Withdrawal of a motion

The maker of the motion may withdraw a motion, either substantive or procedural, at any time before it is amended or the presiding officer puts it to a vote. (Resolution No. 2005-06 §4C).

2.02.100 Renewal of a motion

A substantive motion that is defeated may be reintroduced at a later meeting unless a motion to prevent reconsideration has been adopted. (Resolution No. 2005-06 §4D).

2.02.110 Physical presence

A member must be physically present to vote. Proxy voting is not allowed. (Resolution No. 2005-06 §4G).

For the purpose of holding regular or special meetings a number less than a majority may compel the attendance of absent members in such manner and under such penalties as the council may, by ordinance, have previously prescribed. Regular or special meetings of the council may be recessed until further notice. (Idaho Code §50-705).

2.02.120 Duty to vote

A member may not abstain from voting unless a conflict of interest is declared, and the nature of the conflict is described in open session. A member declaring a conflict of interest for the purpose of abstaining from a vote may be compelled to vote by a majority vote of the remaining members. (Resolution No. 2005-06 §4H).

2.02.130 Classifications of bills, ordinances and resolutions

All actions of the Council involving the exercise of the City's legislative and police power functions, or actions otherwise required by law to be in ordinance form, shall be designated upon final passage as Ordinances and appear in form required by law. Upon first reading and prior to final passage, all ordinances shall be issued a Bill number.

All other actions of the Council relating to the administrative business of the City and requiring written findings or statements shall be designated as resolutions. (Resolution No. 2005-06 §6A).

2.02.140 Reading of bills and resolutions

- 1) Bills: Prior to final passage, all bills shall be read on three (3) different days, two (2) readings of which may be by title only and one reading of which shall be in full, unless a majority of the members of the full Council shall dispense with the rule.
- 2) Resolutions: Prior to final passage, all resolutions shall be read on one day, the reading of which may be by title only. (Resolution No. 2005-06 §6B).

2.02.140 Boards, commissions and committees

The Council may establish citizen boards, commissions, and committees to assist and advise it in its work. Bylaws, organization, membership, scope and jurisdiction, and procedural rules of such committees shall be established by the Council. (Resolution No. 2005-06 §7).

2.02.150 Unresolved questions

Questions not resolved by rules established by the Council shall be settled by the current edition of Roberts Rules of Order, so long as it does not conflict with Idaho law. (Resolution No. 2005-06 §8).

2.02.160 Council Member salary

Commencing January 1, 2008, the salaries of the members of the Rexburg City Council shall be as follows:

Each member of the City Council shall receive an annual salary in the sum of forty eight hundred dollars (\$4,800), and shall be paid four hundred dollars (\$400.00) monthly. (Ordinance 941 §1, 2007).

2.02.170 Qualifications to hold the office of city Council Member

Any person shall be eligible to hold the office of councilman of his city who is a qualified elector at the time his declaration of candidacy or declaration of intent is submitted to the city clerk, and remains a qualified elector under the constitution and laws of the state of Idaho. Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as

may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council. (Idaho Code §50-702).

2.02.180 Term of office for City Council Members

Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council. (Idaho Code §50-702).

2.02.190 President of the Council, election of

Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council. (Idaho Code §50-702).

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2.02.210 Vacancies on the Council and appointment to the Council

A vacancy on the council shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term. (Idaho Code §50-704).

2.02.220 Powers of the Council

The legislative authority of each city in the state of Idaho, except those operating under the provisions of section[s] 50-801 through 50-812 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. (Idaho Code §50-701).

2.02.230 Change in number of Council Members

- 1) Any city may change to the greater or lesser number of councilmen after an election instituted by resolution of the council or by petition as provided for initiative in sections 50-502 through 50-517, Idaho Code, such election to be held not less than sixty (60) days before any general city election. When the proposition submitted to the electors shall receive a favorable vote, officials shall be elected at the succeeding general city election, provided however, that should such election be conducted in a year when no general city election is to be held, such new positions shall be filled by appointment within thirty (30) days.
 - a) When the number of councilmen to be elected is to be reduced from six (6) to four (4), there shall be elected one (1) councilman, to serve a term of four (4) years. At the next succeeding general city election, there shall be elected two (2) councilmen, each to serve a term of four (4) years, and one (1) councilman to serve a term of two (2) years.
 - b) When the number of councilmen to be elected is to be increased from four (4) to six (6), there shall be elected three (3) councilmen, each to serve a term of four (4) years, and one (1) councilman to serve a term of two (2) years.
- 2) Any city operating under the city manager form of government may change to the greater or lesser number of councilmen after an election instituted under subsection (A).
 - a) When the number of councilmen to be elected is to be reduced from seven (7) to five (5);
 - i) If there are four (4) councilmen up for election at the next general city election, there shall be elected two (2) councilmen, each to serve a term of four (4) years.
 - ii) If there are three (3) councilmen up for election at the next general city election, there shall be elected one (1) councilman, to serve a term of four (4) years. At the next succeeding general city election, there shall be elected three (3) councilmen, each to serve a term of four (4) years and one (1) councilman, to serve a term of two (2) years.
 - b) When the number of councilmen to be elected is to be increased from five (5) to seven (7);
 - i) If there are two (2) councilmen up for election at the next general city election, there shall be elected four (4) councilmen, each to serve a term of four (4) years.

- ii) If there are three (3) councilmen up for election at the next general city election, there shall be elected four (4) councilmen, each to serve a term of four (4) years and one (1) councilman to serve a term of two (2) years. (Idaho Code §50-703).

2.02.240 Examination of accounts of fiscal officers

At least once in each quarter of each year, the council shall examine, either in open session or by committee, the accounts and doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city (Idaho Code §50-708).