

CHAPTER 6 COUNCIL

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1-6-1: **REGULAR MEETINGS:** Two (2) regular meetings of the City Council shall be held each month, respectively on the second and fourth Thursdays of each month, except the second meeting in November shall be on the Tuesday preceding the fourth Thursday. The regular meeting place shall be the City Council Chambers located in the City Hall Annex building at 680 Park Avenue, Idaho Falls, Idaho. Regular meetings shall commence at 7:30 p.m. The Mayor shall have the power to recess any meeting to a different place or time upon giving lawful notice thereof.

1-6-2: **SPECIAL MEETINGS:** Any four (4) Council members may call a special meeting of the Council provided the object of which shall be submitted to the Council in writing, and the call and object of the meeting and all minutes required to be kept by law shall be entered upon the journal kept by the Clerk.

1-6-3: **OPEN MEETINGS:** All regular and special meetings of the Council shall be open to the public, except the Council may retire into a closed executive session upon a two-thirds roll-call vote recorded in the minutes of the meetings after the presiding officer has identified the statutory authorization for such meeting under the provisions of the Idaho Code. The Clerk shall record the vote of Council to retire into executive session and the Clerk shall state in the minutes the general purpose for such session. The Clerk or any other person appointed by the Mayor shall keep such minutes as will indicate the general tenor of the meeting, which minutes shall be recorded in the Clerk's journal. No final decision for which an affirmative vote of a majority of the Council is required by law, may be made while the Council is in executive session. For the purposes hereof, the term "meeting" shall mean any convocation of the members of the Council for the purpose of making a decision or deliberating toward a

decision on any matter. Nothing herein shall apply to any convocation of less than a quorum of the members of the Council. (Ord. 2771, 8-14-08; Ord. 3012, 7-9-2015; Ord. 3365, 1-14-2021)

1-6-4: OATH; TERM OF OFFICE: The Council members shall take office after ascribing to the oath of office and upon receipt of their certificates of election. Subscription to the oath of office and delivery of the certificates of election shall be done at the first regular Council meeting in January of the year following a general election. Newly elected members shall be sworn into office in the same order as the number of votes cast for each member at the same election, with the member receiving the most votes to be sworn first. Each member shall serve for a term of four (4) years, or until his or her successor is elected and sworn, whichever is longer.

1-6-5: COMPENSATION OF COUNCIL MEMBERS: In addition to compensation for which a City employee is eligible (health coverage, PERSI contribution, cost of living increases, travel reimbursement, and the like) the Council members shall receive a bi-weekly salary of four hundred eighty dollars and seventy-seven cents (\$480.77), provided such salary shall be increased upon the effective date set forth below, as follows:

Effective Date	Amount of Bi-weekly Salary
January 1, 2016	\$480.77
January 1, 2017	\$500.00

(Ord. 2310, 2-25-99; Ord. 3015, 8-13-2015)

1-6-6: PRESIDENT OF THE COUNCIL: At the first regular Council meeting in January of the year following a general election, the Council shall elect one of the Council members as President of the Council. The President of the Council shall preside at all meetings in the absence of the Mayor. During any temporary absence or disability of the Mayor, the President of the Council shall exercise the office of the Mayor until the Mayor shall return or the disability is removed. In case of vacancy in the office of Mayor, the President shall exercise the office of Mayor until such vacancy is filled. In the temporary absence of the Mayor and the President of the Council, the senior member of the Council, as determined from the date and order of swearing in, shall temporarily serve as the President of the Council until the Mayor or President returns.

1-6-7: CONSENT AGENDA: Whenever the Mayor considers an item to be routine and non-controversial, he or she may place the same on the consent agenda for consideration at any regular meeting of the Council, provided, however, any action which may be taken only by ordinance may not be placed on the consent agenda. Items of business on the consent agenda may include, but need not be limited to the following: approval of minutes; approval of citizen appointments; referrals to committees; approval of reports; approval of authorization of communications; approval of resolutions or other items which had been considered by the Council at earlier meetings and setting of public hearings. The consent agenda may be considered by the Council as a single item and may be introduced by a motion to approve the consent agenda. On objection to the inclusion of any item on the consent agenda by any member

of the Council, that item shall be removed from the consent agenda and may be considered at any time in the meeting which the Mayor deems appropriate. Neither a formal motion nor a second is necessary to remove an item from the consent agenda. Such objections shall be recorded prior to taking the vote to approve the consent agenda. There shall be no debate or discussion of any item on a consent agenda beyond asking questions for a simple verification. Passage of the consent agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution or other item of business thereon as if each item thereon had been acted upon individually. Approval of the motion must be by a roll call vote. The Clerk shall record in the Council minutes each item passed under the consent agenda, individually and in full. (Ord. 3365, 1-14-21)

1-6-8: FUNDS CONTROLLED BY COUNCIL: All monies and funds belonging to or controlled by the City shall be controlled and administered by the Mayor and Council in the manner required by law and subject to all ordinances and rules and regulations adopted by the Council as may be necessary for the efficient and prudent use and protection of the same.

1-6-9: ELECTION OR APPOINTMENT BY COUNCIL SEAT: All members of the Council shall be elected or appointed to a designated seat on the Council. The Clerk shall assign a permanent number from one to six for each council seat. Candidates for odd-numbered seats shall stand for election in one biennial election and candidates for even-numbered seats shall stand for election in the next biennial election. The Clerk shall maintain a written record of the numbers assigned to each seat and the identity of the Council member occupying the same. The Clerk shall provide a copy of such record upon request of any person during the regular office hours of the Clerk. (Ord. 3365, 1-14-21)

1-6-10: DECLARATION OF CANDIDACY: Each candidate shall file a Declaration of Candidacy with the Clerk before any Petition of Nomination is signed or circulated. Such declaration shall be in substantially the following form:

DECLARATION OF CANDIDACY

I, the undersigned, being a qualified elector of the City of Idaho Falls, State of Idaho, hereby declare myself to be a candidate for the office of City Councilmember, Seat No. _____, for a term of four (4) years, to be voted for at the election to be held on the _____ day of _____, 20____, and certify that I possess or will possess the legal qualifications to fill said office, and that my mailing address is _____, Idaho Falls, Idaho _____.

(Signed)
Candidate

STATE OF IDAHO)
 : ss.
County of Bonneville)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Notary Public for Idaho
Residing at: _____
My commission expires: _____

1-6-11: INCUMBENTS; MULTIPLE DECLARATIONS PROHIBITED: Any person who is a member of the Council at the time his or her Declaration of Candidacy is filed shall seek election only for the council seat for which he or she was previously elected or appointed. A candidate for election may not seek election for more than one seat at any general election.

1-6-12: ELECTIONS AND PETITIONS FOR NOMINATION: All elections shall be non-partisan in nature and shall be conducted in the manner provided in Chapter 4, Title 50, Idaho Code. Candidates for election to the Council shall be nominated by petition in the manner provided by law and in accordance with this Chapter. The number of qualified electors required to sign a petition shall be one (1) per each one hundred (100) population or fraction thereof, but in no event more than forty (40). A qualified elector may sign no more than one nominating petition for any council seat up for election. Any such duplicate signature shall be void for all petitions signed in violation of this section.

1-6-13: FORM OF PETITION: Petitions of Nomination shall be in substantially the same form as follows:

PETITION OF NOMINATION

We, the undersigned, do hereby join in a petition for the nomination of _____, whose residence is at (street address) _____, Idaho Falls, Idaho, for the office of City Councilmember, Seat No. _____, for the term of four (4) years, to be voted at the general City election to be held in the City of Idaho Falls on the _____ day of _____, 20____, and do further certify that we are registered qualified electors and are not at this time the signers of any other petitions nominating any other candidate for the council seat designated above.

(Signed)	(Name--printed)	(Address)	(Date)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This petition of nomination, if found insufficient, shall be returned to (name) _____, at (address) _____, Idaho.

1-6-14: **VALIDITY OF SIGNATURES:** The number of the council seat for which nomination is sought shall be stated upon the Petition for Nomination before any signature is affixed thereon. All persons who sign the petition shall record thereon the correct date on which they sign the petition. Any signatures obtained in violation of this section shall be void.

1-6-15: **RUN-OFF ELECTIONS CITY COUNCIL SEATS:** A majority of the votes cast for the office of city council member shall be required for election of any candidate to that office. In the event no candidate in any City Council seat race, receives a majority of the votes cast at any general election, a run-off election shall be held between the two (2) candidates receiving the highest number of votes cast. In the event of a tie between the candidates receiving the second and third highest number of votes cast, selection of the candidate to oppose the candidate receiving the highest number of votes, shall be decided by the toss of a coin. Such run-off election shall be conducted in the same manner as for a general election and within thirty (30) days of the general election, and shall not be subject to the limitations upon elections set forth in Idaho Code Sections 34-106 and 50-429. The first notice of election shall be published by the Clerk in the official newspaper not less than twenty (20) days next preceding any run-off election, and the designation of polling places shall be made by the Clerk prior to such publication. The results of such run-off election shall be subject to any change in outcome as a result of a recount of the ballots pursuant to Idaho Code Section 50-416. If, as a result of such recount, a candidate receives a majority of the votes cast and such recount becomes final at least forty-eight (48) hours prior to the commencement of such run-off election, the run-off election may be canceled by order of the City Council. (Ord. 3365, 1-14-21)