

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. All regular meeting of the Council shall be held at City Hall, 101 South Emerson Street, Shelley, Idaho. The first meeting shall be held on the second Tuesday of the month, and the second meeting shall be held on the fourth Tuesday of the month. 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 due notice thereof.

1-6-2: SPECIAL MEETINGS: One half plus one members of the full Council may call a special meeting 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 as permitted by State law. The City 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 any meeting of the Council (at which a quorum is present) for the purpose of making a decision or deliberating toward a decision on any matter of public business.

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: SALARY OF COUNCIL MEMBERS: Each Council member shall receive a salary of \$5,400.00 annually, payable in bi-weekly installments.

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 or 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 City Clerk shall record in the Council minutes each item passed under the consent agenda, individually and in full.

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: All members of the Council shall be elected at large or appointed in the manner provided by law. At any general election, the candidate or candidates to receive the highest number of votes shall be declared the winner(s) and no candidate shall be required to receive a majority of the votes cast at the election.

1-6-10: DECLARATION OF CANDIDACY: Each candidate shall file a Declaration of Candidacy with the City Clerk and a \$40 filing fee or a Petition of Candidacy. Such declaration shall be in substantially the following form:

DECLARATION OF CANDIDACY

I, the undersigned, affirm that I am a qualified elector of the City of Shelley, State of Idaho, and that I have resided in the city for at least thirty (30) days. I hereby declare myself to be a candidate for the office of City Council member (Mayor) for a term of four (4) years, to be voted for at the election to be held on the ____ day of _____, -_____, and certify that I possess the legal qualifications to fill said office, and that my residence address is _____, Shelley, Idaho, _____.

(Signed)

Candidate

STATE OF IDAHO)

) ss.

County of Bingham)

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

Notary Public for Idaho
Residing at _____
My cmn exprs: _____

1-6-11: FORM OF PETITION: Petitions of Candidacy shall be in substantially the following form:

PETITION OF CANDIDACY

OF _____

(NAME OF CANDIDATE)

FOR OFFICE OF _____

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eighth Friday nor later than 5:00 p.m. on the sixth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the appropriate city.

I, the undersigned, being a qualified elector of the City of Shelley, in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the petition of _____, a candidate for the office of City Council member (Mayor) to be voted at the election to be held on the ____ day of _____, _____.

Signature of Petitioner	Printed Name	Residence Address	Date Signed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

STATE OF IDAHO)
County of Bingham) ss.

I, _____, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name, residence address correctly, that each signer is a qualified elector of the State of Idaho, and the City of Shelley.

Signed _____
Address _____

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

Notary Public for Idaho
Residing at _____
My cmn exprs: _____
(Notary Seal)

1-6-12: TIME AND MANNER OF FILING DECLARATION: All declarations of candidacy for elective city offices shall be filed with the city clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday, immediately preceding election day. Signatures on petitions of candidacy shall be verified by the county clerk in the manner described in section 34-1807, Idaho Code, except that the city clerk shall stand in place of the secretary of state. Before any declaration of candidacy and filing fee or petition of candidacy mentioned in section 50-431, Idaho Code, can be filed, the city clerk shall ascertain that it conforms to the provisions of chapter 4, title 50, Idaho Code. The city clerk shall not accept any declarations of candidacy after 5:00 p.m. on the ninth Friday immediately preceding election day. Write-in candidates shall be governed by section 34-702A, Idaho Code, but shall file the declarations required in that section with the city clerk.

1-6-13: QUALIFICATION OF COUNCILMEN – TERMS – INSTALLATION: 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.

1-6-14: VACANCIES – APPOINTMENT: 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.