



AGENDA

Agendas may be amended*

JOIN ZOOM MEETING:

<https://us02web.zoom.us/j/6273122357?pwd=ekFEckpSQUF6RnVFUFpGYWNjd29Zdz09&omn=89671200311>

MEETING ID: 627 312 2357

PASSCODE: 606XKf

ONE TAP MOBILE

+1-253-215-8782 US (Tacoma)

+1-346-248-7799 US (Houston)

PLEASE MUTE YOUR CALL: PLEASE TURN OFF ALL CELL PHONES EXCEPT FOR EMERGENCY PERSONNEL.

CALL TO ORDER

ROLL CALL

1. **NOTICE OF AGENDA COMPLIANCE (PER IDAHO CODE §74-204): ACTION ITEM**
Finding that the regular meeting notice and agenda were posted in accordance with Idaho Code §74-204 within forty-eight (48) hours prior to the meeting at: the City of Bellevue City Hall, Post Office, and on the City's website on January 8, 2025. Suggested Motion: Move that the notice for the January 13, 2025, meeting was completed in accordance with Idaho Code, Section §74-204.
2. **CALL FOR CONFLICT (AS OUTLINED IN IDAHO CODE §74-404): ACTION ITEM**
3. **MAYOR AND COUNCIL REPORT**
4. **PUBLIC COMMENT: FOR ITEMS OF CONCERN NOT ON THE AGENDA – (COMMENTS ARE LIMITED TO 3-5 MINUTES)**
5. **CONSENT AGENDA: ACTION ITEMS**
 - a. Approval of Claims: December 23, 2024, through January 13, 2025: Shelly Shoemaker, Treasurer
 - b. Approval of Minutes: December 23, 2024, Regular Meeting Minutes: Amy Phelps, City Clerk
 - c. Department Head Reports
6. **OATH OF OFFICE: ACTION ITEM**
Swearing in of Newly Elected Aldermen: Amy Phelps, City Clerk
7. **APPOINTMENT OF ALDERMAN: ACTION ITEM**
Council Approval and Appointment of New Alderman to Fill Sixth Council Seat Vacancy, as Recommended by Mayor Christina Giordani, with Term expiring January 2026: Christina Giordani, Mayor
 - a. Swearing in of Newly Appointed Alderman: Amy Phelps, City Clerk
8. **ELECTION OF COUNCIL PRESIDENT: ACTION ITEM**
9. **PRESENTATION**
Roles and Responsibilities of Common Council: Brian Parker, Community Development Director, Rick Allington, Legal Council
10. **NEW BUSINESS**
 - a. Discussion and Consideration of Resolution No. 2402 Appointing Genoa Beiser to the City of Bellevue Planning and Zoning Commission: **ACTION ITEM**
 - b. Discussion and Consideration of Resolution No. 2403 Authorizing the Mayor to sign an Agreement for Payment Processing Services with Xpress Bill Pay: Shelly Shoemaker, Treasurer: **ACTION ITEM**

- c. Discussion and Consideration of Resolution No. 2404 Authorizing the Mayor to sign a Service order for ClearGov, a Cloud Based Budget Process and Management Software: Christina Giordani, Mayor | **ACTION ITEM**
- d. Request for Funds for Hydrogen Sulfide and Ammonia sensors for the Wastewater Plant: Chris Johnson, Public Works Director | **ACTION ITEM**

11. Public Hearing: ACTION ITEM

Public Hearing to Consider a City-initiated Text Amendment to Bellevue City Code Chapters 10-7: B Business District and 10-24: Planned Unit Developments (PUDs) to permit multiple family dwellings through planned unit development applications and to reduce the minimum lot size required to submit a planned unit development application.

12. ADJOURNMENT: ACTION ITEM

❖ *If you would like to submit written comment on a public hearing agenda item: Submit your comments to aphelps@bellevueidaho.us (by noon the day of the meeting)*



CONSEJO COMÚN
CIUDAD DE BELLEVUE, IDAHO
LUNES 13 DE ENERO DE 2025 17:30
115 E. PINE STREET, BELLEVUE, IDAHO 83313

ORDEN DEL DÍA
Las agendas pueden ser modificadas*

ÚNASE A LA REUNIÓN ZOOM:

<https://us02web.zoom.us/j/6273122357?pwd=ekFEckpSQUF6RnVFUFpGYWNjd29Zdz09&omn=89671200311>

ID DE REUNIÓN: 627 312 2357

CONTRASEÑA: 606XKf

MÓVIL DE UN TOQUE

+1-253-215-8782 US (Tacoma)

+1-346-248-7799 US (Houston)

POR FAVOR SILENCIO SU LLAMADA: APAGUE TODOS LOS TELÉFONOS CELULARES EXCEPTO EL PERSONAL DE EMERGENCIA.

LLAMAR AL ORDEN

PASAR LISTA

1. AVISO DE CUMPLIMIENTO DE LA AGENDA (SEGÚN EL CÓDIGO DE IDAHO §74-204): ARTÍCULO DE ACCIÓN

Determinar que el aviso de la reunión regular y la agenda se publicaron de acuerdo con el Código de Idaho §74-204 dentro de las cuarenta y ocho (48) horas anteriores a la reunión en: el Ayuntamiento de la Ciudad de Bellevue, la Oficina de Correos y en el sitio web de la Ciudad en 13 de Enero de 2025. **Moción sugerida:** *Proponer que el aviso para la reunión ordinaria del 13 de Enero de 2025 se complete de acuerdo con el Código de Idaho, Sección §74-204.*

2. LLAMADO A CONFLICTO (COMO SE DESCRIBE EN EL CÓDIGO DE IDAHO §74-404): ARTÍCULO DE ACCIÓN

3. INFORME DEL ALCALDE Y DEL CONSEJO

4. COMENTARIO PÚBLICO (PARA TEMAS DE PREOCUPACIÓN QUE NO ESTÁN EN LA AGENDA – (LOS COMENTARIOS SE LIMITARON A 5 MINUTOS)

5. AGENDA DE CONSENTIMIENTO: ARTÍCULOS DE ACCIÓN

- a. Aprobación de reclamaciones: 23 de diciembre de 2024 al 13 de enero de 2025: Shelly Shoemaker, Tesorera
- b. Aprobación del Acta: 23 de diciembre de 2024, Acta de la reunión ordinaria: Amy Phelps, Secretaria Municipal
- b. Informes del jefe de departamento

6. JURAMENTO DEL CARGO: ARTÍCULO DE ACCIÓN

Juramentación de los concejales recién elegidos: Amy Phelps, secretaria municipal

7. NOMBRAMIENTO DE CONCEJAL: ARTÍCULO DE ACCIÓN

Aprobación del Consejo y nombramiento de un nuevo concejal para cubrir el sexto puesto vacante en el Consejo, según lo recomendado por la alcaldesa Christina Giordani, cuyo mandato expira en enero de 2026: Christina Giordani, alcaldesa

- a. Juramentación de los concejales recién elegidos: Amy Phelps, secretaria municipal

8. ELECCIÓN DE LA PRESIDENTA DEL CONSEJO: PUNTO DE ACCIÓN

9. PRESENTACIÓN

Funciones y responsabilidades del consejo común: Brian Parker, director de desarrollo comunitario, Rick Allington, consejo jurídico

10. NUEVOS NEGOCIOS

- a. Discusión y consideración de la Resolución No. 2402 que nombra a Genoa Beiser para la Comisión de Planificación y Zonificación de la Ciudad de Bellevue: ARTÍCULO DE ACCIÓN

- b. Discusión y Consideración de la Resolución No. 2403 que autoriza al Alcalde a firmar un Acuerdo para Servicios de Procesamiento de Pagos con Xpress Bill Pay: Shelly Shoemaker, Tesorera: ARTÍCULO DE ACCIÓN
- c. Discusión y Consideración de la Resolución No. 2404 que autoriza al Alcalde a firmar una Orden de Servicio para ClearGov, un software de gestión del ciclo presupuestario: Christina Giordani, Alcaldesa | ARTÍCULO DE ACCIÓN
- d. Solicitud de fondos para sensores de sulfuro de hidrógeno y amoníaco para la planta de aguas residuales: Chris Johnson, Director de Obras Públicas | ARTÍCULO DE ACCIÓN

11. Audiencia pública: ARTÍCULO DE ACCIÓN

Audiencia pública para considerar una enmienda de texto iniciada por la ciudad al Código de la ciudad de Bellevue Capítulos 10-7: Distrito comercial B y 10-24: Desarrollos de unidades planificadas (PUD) para permitir viviendas familiares múltiples a través de aplicaciones de desarrollo de unidades planificadas y reducir el tamaño mínimo del lote requerido presentar una solicitud de desarrollo de unidad planificada.

12. APLAZAMIENTO: ARTÍCULO DE ACCIÓN

- ❖ *Si desea enviar un comentario por escrito sobre un tema de la agenda de una audiencia pública: envíe sus comentarios a aphelps@bellevueidaho.us (antes del mediodía del día de la reunión)*



City of Bellevue

City of Bellevue
Regular Common Council Meeting
January 13, 2025

Agenda Item 5a: Approval of Claims

December 23, 2024 through January 13, 2025

Action Item: Shelly Shoemaker, Treasurer

Note:

Suggested Motion: Move to approve the Consent Agenda as: amended, corrected, or as presented.

Attachment(s): Claims payable report

City of Bellevue
Claims Payable by Vendor
 January 13, 2025

Date	Num	Memo	Class	Open Balance
Advanced Control Systems, LLC.				
01/13/2025	39997	Chantrelle Well and Lift Station Switch	20 - Water	1,500.00
Total Advanced Control Systems, LLC.				1,500.00
Allington, Frederick				
01/13/2025	122324	Monthly Payment - January	01 - Admin	1,854.00
Total Allington, Frederick				1,854.00
BDE Water Professionals				
01/13/2025	BDD-24-12-1	Water Operations - Dec	20 - Water	16,492.50
01/13/2025	BDE-24-12-1	Wastewater Operations - Dec	30 - Wastewater	10,335.00
Total BDE Water Professionals				26,827.50
Century Link				
01/13/2025	122224	Internet Service - Wastewater Treatment Plant	30 - Wastewater	163.40
Total Century Link				163.40
Christensen Inc. dba United Oil				
01/13/2025	CL75909	Acct. #1001448 - Fuel - Marshal's Dept.	08 - Marshal	593.35
01/13/2025	CL75911	Acct. #10014451 - Fuel - Streets	10 - Streets	645.40
01/13/2025	CL75910	Acct. #1001449 - Fuel - Streets - Equipment	10 - Streets	150.32
01/13/2025	CL75908	Acct. #1001447 - Fuel - Wastewater	30 - Wastewater	109.48
Total Christensen Inc. dba United Oil				1,498.55
Clear Creek Disposal				
01/13/2025	0001779193	City Hall - December	09 - B & G	74.62
01/13/2025	0001779196	Fire Station - 517 2nd St. N.- Dec	09 - B & G	29.14
01/13/2025	0001779195	Shop - 91 Martin Lane - Dec	09 - B & G	146.81
01/13/2025	0001779194	31 Alyson Lane - Dec	30 - Wastewater	4.00
Total Clear Creek Disposal				254.57
Clearwater Landscaping				
01/13/2025	3978	Winterize irrigation at City Hall and Library	09 - B & G	85.00
Total Clearwater Landscaping				85.00
Digline Inc.				
01/13/2025	0075602-IN	Monthly Fee	01 - Admin	74.90
Total Digline Inc.				74.90
DL Evans - Fire Dept.				
01/13/2025		Fire CC	05 - Fire	1,606.42
Total DL Evans - Fire Dept.				1,606.42
DL Evans - Library				
01/13/2025	122224	Library CC	07 - Library	303.13
Total DL Evans - Library				303.13
DL Evans - Mayor				
01/13/2025	122224	Mayor CC	01 - Admin	994.00
Total DL Evans - Mayor				994.00
Easy Towing, LLC.				
01/13/2025	3612	Two F250 truck from Magic to Bellevue	10 - Streets	300.00
Total Easy Towing, LLC.				300.00
Enviro-Clean Equipment, Inc.				
01/13/2025	24-64575C	Driveline SLP - no installed on 24-64146R	30 - Wastewater	-1,162.33
Total Enviro-Clean Equipment, Inc.				-1,162.33

First Net

City of Bellevue
Claims Payable by Vendor
January 13, 2025

<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Class</u>	<u>Open Balance</u>
01/13/2025	122024	Account #287294656845 - Nov -Dec 2024	01 - Admin	993.10
Total First Net				993.10
Garrison, Shane				
01/13/2025	250101A	Reso #2288 - Water System Management Services	20 - Water	5,210.00
Total Garrison, Shane				5,210.00
Go-Fer It Express Inc.				
01/13/2025	133476	Sample deliveries to Magic Valley Labs	30 - Wastewater	81.90
Total Go-Fer It Express Inc.				81.90
Great America Financial Services				
01/13/2025	38149321	Konica Copier - Standard Payment	01 - Admin	439.53
Total Great America Financial Services				439.53
Idaho Lumber				
01/13/2025	15674	Rodent Chaster 3 pk	05 - Fire	32.99
Total Idaho Lumber				32.99
Idaho Mountain Express				
01/13/2025	12686041	Legals - P&Z Text Amendment	03 - P & Z	42.32
Total Idaho Mountain Express				42.32
Idaho Power				
01/13/2025	122324	Acct. #2203628603 - Main Acct.	01 - Admin	2,205.47
01/13/2025	122024	Acct # 2227225774 - Water Acct.	20 - Water	2,779.89
01/13/2025	122124	Acct. #2227225816 - Sewer Acct.	30 - Wastewater	3,165.05
Total Idaho Power				8,150.41
Intermountain Gas				
01/13/2025	122324	Gas Services	09 - B & G	610.22
Total Intermountain Gas				610.22
Intermountain Gas - Strahorn Pump Station				
01/13/2025	122024	Acct. #131 596 2484 3 - Strahorn Pump Station	20 - Water	17.74
Total Intermountain Gas - Strahorn Pump Station				17.74
L.L. Green's Hardware				
01/13/2025	A758386	Snow Shovels	10 - Streets	97.98
Total L.L. Green's Hardware				97.98
Lease Servicing Center, Inc				
01/13/2025	Lease 3358382	2021 Ford F-150 Lease Payment - Fire	05 - Fire	7,514.33
Total Lease Servicing Center, Inc				7,514.33
Micro Tech System, LLC.				
01/13/2025	84128	Backup for desktops	01 - Admin	13.25
01/13/2025	84440	Monthly Service - January 2025- Reso #2366	01 - Admin	1,312.25
Total Micro Tech System, LLC.				1,325.50
Minert & Associates, Inc.				
01/13/2025	337132	Annual Fee	10 - Streets	175.00
Total Minert & Associates, Inc.				175.00
Napa Auto Parts				
01/13/2025	211177	12 volt battery for tilt deck trailer	10 - Streets	241.47
Total Napa Auto Parts				241.47
Oxarc				

City of Bellevue
Claims Payable by Vendor
 January 13, 2025

<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Class</u>	<u>Open Balance</u>
01/13/2025	0061928846	Oxygen & Acetylene	10 - Streets	9.61
		Total Oxarc		9.61
Quill Corporation				
01/13/2025	41922686	Cleaning Supplies	01 - Admin	9.99
		Total Quill Corporation		9.99
Roberts Electric				
01/13/2025	12741	East Pine St. fixed conductors	10 - Streets	396.27
		Total Roberts Electric		396.27
Rocky Mountain Valves & Automation				
01/13/2025		206 -PR 12" Reduce Port Pressure Reducing Valve.	20 - Water	16,229.00
		Total Rocky Mountain Valves & Automation		16,229.00
Rumbles Documents Solutions LL				
01/13/2025	5032580807s	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	10 - Streets	527.01
01/13/2025	5032580807w	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	20 - Water	527.02
01/13/2025	5032580807	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	30 - Wastewater	527.02
		Total Rumbles Documents Solutions LL		1,581.05
South Valley Storage Company LLC				
01/13/2025	123124	Jan Rent - Unit #F-13	01 - Admin	63.00
		Total South Valley Storage Company LLC		63.00
State Insurance Fund				
01/13/2025	29447416	WC Premium FY25- Policy #30180 to be paid online	Combined	2,735.00
		Total State Insurance Fund		2,735.00
Sun Valley Valuations				
01/13/2025	Slaughterhouse	Appraisal of 61 Acres Slaughterhouse Canyon	01 - Admin	2,500.00
		Total Sun Valley Valuations		2,500.00
Thatcher Company				
01/13/2025	2024100119203	Calcium Hypo Tabs - Sewer Plant	20 - Water	9,888.74
		Total Thatcher Company		9,888.74
The Bancorp Bank, N.A.				
01/13/2025	670907	2023 Chev Silverado 5500 Lease - 1/3 pmt - Jan	10 - Streets	608.66
01/13/2025	670907w	2023 Chev Silverado 5500 Lease - 1/3 pmt.- Jan	20 - Water	608.66
01/13/2025	670907s	2023 Chev Silverado 5500 Lease - 1/3 pmt. - Jan	30 - Wastewater	608.66
		Total The Bancorp Bank, N.A.		1,825.98
ToreUp				
01/13/2025	64843	Shredding Bin - 1/7/2025	01 - Admin	45.00
		Total ToreUp		45.00
Two Way Direct, Inc.				
01/13/2025	102774	Radio Charger - 6-shot-slim	05 - Fire	379.74
		Total Two Way Direct, Inc.		379.74
Water Dynamics, LLC dba Magic Valley Labs				
01/13/2025	33748	Drinking Water Samples	20 - Water	146.00
01/13/2025	33749	Coliform, Nitrate, Nitrite, Phosphorus, Chloride Samples	30 - Wastewater	787.00
		Total Water Dynamics, LLC dba Magic Valley Labs		933.00
White Cloud Communications, Inc.				
01/13/2025	107993	Radio Service - Public Works Dept. - Jan 2025	01 - Admin	60.00

City of Bellevue
Claims Payable by Vendor
January 13, 2025

<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Class</u>	<u>Open Balance</u>
Total White Cloud Communications, Inc.				60.00
Workman and Company, PLLC				
01/13/2025	FY2024 Audit...	FY2024 Audit	01 - Admin	2,673.33
01/13/2025	FY2024 Audit...	FY2024 Audit- Water	20 - Water	2,673.33
01/13/2025	FY2024 Audit...	FY2024 Audit- Sewer	30 - Wastewater	2,673.34
Total Workman and Company, PLLC				8,020.00
TOTAL				103,908.01

City of Bellevue
CLAIMS PAYABLE BY CLASS
January 13, 2025

01/08/25

Date	Num	Name	Memo	Class	Amount
01 - Admin					
01/13/2025	122324	Allington, Frederick	Monthly Payment - January	01 - Admin	-1,854.00
01/13/2025	122324	Allington, Frederick	Monthly Payment - January	01 - Admin	1,854.00
01/13/2025	41922686	Quill Corporation	Cleaning Supplies	01 - Admin	-9.99
01/13/2025	41922686	Quill Corporation	Cleaning Supplies	01 - Admin	9.99
01/13/2025	FY2024 Audit- G...	Workman and Company, PLLC	FY2024 Audit	01 - Admin	-2,673.33
01/13/2025	FY2024 Audit- G...	Workman and Company, PLLC	FY2024 Audit General Fund	01 - Admin	2,673.33
01/13/2025	122024	First Net	Account #287294656845 - Nov -Dec 2024	01 - Admin	-993.10
01/13/2025	122024	First Net	Clerk - 208-309-6430	01 - Admin	45.23
01/13/2025	122024	First Net	Treasurer - 208-309-5081	01 - Admin	44.03
01/13/2025	122324	Idaho Power	Acct. #2203628603 - Main Acct.	01 - Admin	-2,205.47
01/13/2025	84128	Micro Tech System, LLC.	Backup for desktops	01 - Admin	-13.25
01/13/2025	84128	Micro Tech System, LLC.	backups	01 - Admin	13.25
01/13/2025	84440	Micro Tech System, LLC.	Monthly Service - January 2025- Reso #2366	01 - Admin	-1,312.25
01/13/2025	84440	Micro Tech System, LLC.	Reso #2366 - Monthly Service - January	01 - Admin	1,312.25
01/13/2025	Slaughterhouse	Sun Valley Valuations	Appraisal of 61 Acres Slaughterhouse Canyon	01 - Admin	-2,500.00
01/13/2025	Slaughterhouse	Sun Valley Valuations	Appraisal of 61 Acres Slaughterhouse Canyon	01 - Admin	2,500.00
01/13/2025	122224	DL Evans - Mayor	Mayor CC	01 - Admin	-994.00
01/13/2025	122224	DL Evans - Mayor	MSFT	01 - Admin	115.50
01/13/2025	122224	DL Evans - Mayor	MSFT	01 - Admin	113.93
01/13/2025	122224	DL Evans - Mayor	Zoom	01 - Admin	40.00
01/13/2025	122224	DL Evans - Mayor	Intuit - T-Sheets	01 - Admin	204.00
01/13/2025	122224	DL Evans - Mayor	Survey Monkey subscription	01 - Admin	468.00
01/13/2025	122224	DL Evans - Mayor	New council nameplates	01 - Admin	33.51
01/13/2025	122224	DL Evans - Mayor	Casey's birthday	01 - Admin	19.06
01/13/2025	29447416	State Insurance Fund	Admin	01 - Admin	36.61
01/13/2025	107993	White Cloud Communications,...	Radio Service - Public Works Dept. - Jan 2025	01 - Admin	-60.00
01/13/2025	38149321	Great America Financial Servi...	Konica Copier - Standard Payment	01 - Admin	-439.53
01/13/2025	38149321	Great America Financial Servi...	Standard Payment	01 - Admin	439.53
01/13/2025	0075602-IN	Digline Inc.	Monthly Fee	01 - Admin	-74.90
01/13/2025	123124	South Valley Storage Compan...	Jan Rent - Unit #F-13	01 - Admin	-63.00
01/13/2025	123124	South Valley Storage Compan...	Jan Rent - Unit #F-13 - 1/2 Price	01 - Admin	63.00
01/13/2025	337132	Minert & Associates, Inc.	Annual Fee	01 - Admin	175.00
01/13/2025	64843	ToreUp	Shredding Bin - 1/7/2025	01 - Admin	-45.00
01/13/2025	64843	ToreUp	Shredding Bin - 1/7/2025	01 - Admin	45.00
Total 01 - Admin					-3,032.60
03 - P & Z					
01/13/2025	122024	First Net	Comm Dept. Director - 208-309-8949	03 - P & Z	45.23
01/13/2025	29447416	State Insurance Fund	CD	03 - P & Z	25.87
01/13/2025	29447416	State Insurance Fund	P&Z	03 - P & Z	2.35
01/13/2025	12686041	Idaho Mountain Express	Legals - P&Z Text Amendment	03 - P & Z	-42.32
01/13/2025	12686041	Idaho Mountain Express	Legals - P&Z Text Amendment	03 - P & Z	42.32
Total 03 - P & Z					73.45
04 - Parks					
01/13/2025	29447416	State Insurance Fund	Parks	04 - Parks	31.82
Total 04 - Parks					31.82
05 - Fire					
01/13/2025	122024	First Net	Fire Dept.	05 - Fire	50.27
01/13/2025	Lease 3358382	Lease Servicing Center, Inc	2021 Ford F-150 Lease Payment - Fire	05 - Fire	-7,514.33
01/13/2025	Lease 3358382	Lease Servicing Center, Inc	2021 Ford F-150 Lease Pay - Approved at Dec-14-2...	05 - Fire	7,514.33
01/13/2025		DL Evans - Fire Dept.	Fire CC	05 - Fire	-1,606.42
01/13/2025		DL Evans - Fire Dept.	Misc. Expense	05 - Fire	477.74
01/13/2025		DL Evans - Fire Dept.	Small Tools & Equipment	05 - Fire	96.38
01/13/2025		DL Evans - Fire Dept.	Snow Shovels	05 - Fire	203.98
01/13/2025		DL Evans - Fire Dept.	Small Tools & Equipment	05 - Fire	224.33
01/13/2025		DL Evans - Fire Dept.	Small Tools & Equipment	05 - Fire	572.00
01/13/2025		DL Evans - Fire Dept.	Repellant	05 - Fire	31.99
01/13/2025	29447416	State Insurance Fund	Fire	05 - Fire	339.12
01/13/2025	102774	Two Way Direct, Inc.	Radio Charger - 6-shot-slim	05 - Fire	-379.74
01/13/2025	102774	Two Way Direct, Inc.	Safety Equipment	05 - Fire	379.74
01/13/2025	15674	Idaho Lumber	Rodent Chaster 3 pk	05 - Fire	-32.99
01/13/2025	15674	Idaho Lumber	Misc. Expense	05 - Fire	32.99
Total 05 - Fire					389.39
07 - Library					
01/13/2025	122024	First Net	Library	07 - Library	45.23
01/13/2025	122224	DL Evans - Library	Library CC	07 - Library	-303.13
01/13/2025	122224	DL Evans - Library	New books	07 - Library	89.53
01/13/2025	122224	DL Evans - Library	Library Programs	07 - Library	111.20
01/13/2025	122224	DL Evans - Library	Christmas program	07 - Library	15.21
01/13/2025	122224	DL Evans - Library	Family Dollar	07 - Library	87.19

City of Bellevue
CLAIMS PAYABLE BY CLASS

01/08/25

January 13, 2025

Date	Num	Name	Memo	Class	Amount
01/13/2025	29447416	State Insurance Fund	Library	07 - Library	11.20
Total 07 - Library					56.43
08 - Marshal					
01/13/2025	122024	First Net	481-0126 Deputy Marshal	08 - Marshal	45.23
01/13/2025	122024	First Net	1 Laptop - 208-309-3737	08 - Marshal	40.09
01/13/2025	122024	First Net	5 Laptop - 208-309-8876	08 - Marshal	40.09
01/13/2025	122024	First Net	City of Bellevue FN - 208-309-8877	08 - Marshal	40.09
01/13/2025	122024	First Net	3 Laptop - 208-309-8878	08 - Marshal	40.09
01/13/2025	122024	First Net	2 Laptop - 208-309-8879	08 - Marshal	40.09
01/13/2025	29447416	State Insurance Fund	Marshal	08 - Marshal	1,689.28
01/13/2025	CL75909	Christensen Inc. dba United Oil	Acct. #1001448 - Fuel - Marshal's Dept.	08 - Marshal	-593.35
01/13/2025	CL75909	Christensen Inc. dba United Oil	Fuel - Card #263953/Gaston	08 - Marshal	165.28
01/13/2025	CL75909	Christensen Inc. dba United Oil	Fuel - Card #263954/Shelamer	08 - Marshal	157.46
01/13/2025	CL75909	Christensen Inc. dba United Oil	Fuel - Card #263955/Thayer	08 - Marshal	131.68
01/13/2025	CL75909	Christensen Inc. dba United Oil	Fuel - Card #263956/Rawson	08 - Marshal	138.93
Total 08 - Marshal					1,934.96
09 - B & G					
01/13/2025	122324	Idaho Power	115 Pine St. - City Hall	09 - B & G	153.55
01/13/2025	122324	Idaho Power	117 Pine St. - Library	09 - B & G	87.27
01/13/2025	122324	Idaho Power	206 N. Main St - Museum	09 - B & G	43.12
01/13/2025	122324	Idaho Power	517 N. 2nd St.	09 - B & G	91.69
01/13/2025	122324	Idaho Power	89 Martin Ln. - Shop	09 - B & G	239.61
01/13/2025	122324	Intermountain Gas	Gas Services	09 - B & G	-610.22
01/13/2025	122324	Intermountain Gas	Fire Station - 517 N. 2nd	09 - B & G	113.77
01/13/2025	122324	Intermountain Gas	206 N. Main St. - Museum	09 - B & G	15.45
01/13/2025	122324	Intermountain Gas	City Hall	09 - B & G	219.91
01/13/2025	122324	Intermountain Gas	Shop - Martin Lane	09 - B & G	148.46
01/13/2025	0001779193	Clear Creek Disposal	City Hall - December	09 - B & G	-74.62
01/13/2025	0001779193	Clear Creek Disposal	City Hall - 115 E. Pine St. - Dec	09 - B & G	74.62
01/13/2025	0001779196	Clear Creek Disposal	Fire Station - 517 2nd St. N. - Dec	09 - B & G	-29.14
01/13/2025	0001779196	Clear Creek Disposal	Fire Station - 517 2nd St. N. - Dec	09 - B & G	29.14
01/13/2025	0001779195	Clear Creek Disposal	Shop - 91 Martin Lane - Dec	09 - B & G	-146.81
01/13/2025	0001779195	Clear Creek Disposal	Shop - 91 Martin Lane - Dec	09 - B & G	146.81
01/13/2025	3978	Clearwater Landscaping	Winterize irrigation at City Hall and Library	09 - B & G	-85.00
01/13/2025	3978	Clearwater Landscaping	Winterize irrigation at City Hall and Library	09 - B & G	85.00
Total 09 - B & G					502.61
10 - Streets					
01/13/2025	A758386	L.L. Green's Hardware	Snow Shovels	10 - Streets	-97.98
01/13/2025	A758386	L.L. Green's Hardware	Snow Shovels	10 - Streets	97.98
01/13/2025	12741	Roberts Electric	East Pine St. fixed conductors	10 - Streets	-396.27
01/13/2025	12741	Roberts Electric	East Pine St., fixed conductors	10 - Streets	396.27
01/13/2025	122024	First Net	Streets - 208-309-6895	10 - Streets	62.23
01/13/2025	122324	Idaho Power	100 N. 8th St. - Park	10 - Streets	35.26
01/13/2025	122324	Idaho Power	114 Elm St. - PED	10 - Streets	34.91
01/13/2025	122324	Idaho Power	116 Pine St. - PED	10 - Streets	46.67
01/13/2025	122324	Idaho Power	1461 S. Main St. - Light	10 - Streets	33.61
01/13/2025	122324	Idaho Power	161 Cowcatcher Loop Lite	10 - Streets	3.06
01/13/2025	122324	Idaho Power	218 N. Main St. - Light	10 - Streets	6.48
01/13/2025	122324	Idaho Power	300 E. Cedar Sts. - Park	10 - Streets	26.34
01/13/2025	122324	Idaho Power	318 Cedar St. - Park	10 - Streets	26.34
01/13/2025	122324	Idaho Power	508 Broadford Rd. - Light	10 - Streets	27.99
01/13/2025	122324	Idaho Power	714 Main St. - Light	10 - Streets	29.62
01/13/2025	122324	Idaho Power	921 Riverside Drive - Light	10 - Streets	2.46
01/13/2025	122324	Idaho Power	Street Lights	10 - Streets	1,291.15
01/13/2025	122324	Idaho Power	Street Lights	10 - Streets	26.34
01/13/2025	5032580807s	Rumbles Documents Solution...	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	10 - Streets	-527.01
01/13/2025	5032580807s	Rumbles Documents Solution...	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	10 - Streets	527.01
01/13/2025	29447416	State Insurance Fund	Streets	10 - Streets	474.35
01/13/2025	29447416	State Insurance Fund	Streets - snow	10 - Streets	15.86
01/13/2025	CL75911	Christensen Inc. dba United Oil	Acct. #10014451 - Fuel - Streets	10 - Streets	-645.40
01/13/2025	CL75911	Christensen Inc. dba United Oil	Fuel - Streets Driver #81916656	10 - Streets	645.40
01/13/2025	CL75910	Christensen Inc. dba United Oil	Acct. #1001449 - Fuel - Streets - Equipment	10 - Streets	-150.32
01/13/2025	CL75910	Christensen Inc. dba United Oil	Fuel - Streets - Casey #263139	10 - Streets	-150.32
01/13/2025	107993	White Cloud Communications,...	Radio Service - Public Works Dept.	10 - Streets	20.00
01/13/2025	670907	The Bancorp Bank, N.A.	2023 Chev Silverado 5500 Lease - 1/3 pmt - Jan	10 - Streets	-608.66
01/13/2025	670907	The Bancorp Bank, N.A.	1/3 Chevy 5500 lease/Jan	10 - Streets	608.66
01/13/2025	0061928846	Oxarc	Oxygen & Acetylene	10 - Streets	-9.61
01/13/2025	0061928846	Oxarc	Oxygen & Acetylene	10 - Streets	9.61
01/13/2025	337132	Minert & Associates, Inc.	Annual Fee	10 - Streets	-175.00
01/13/2025	211177	Napa Auto Parts	12 volt battery for tilt deck trailer	10 - Streets	-241.47
01/13/2025	211177	Napa Auto Parts	12 volt battery for tilt deck trailer	10 - Streets	241.47
01/13/2025	3612	Easy Towing, LLC.	Two F250 truck from Magic to Bellevue	10 - Streets	-300.00

City of Bellevue CLAIMS PAYABLE BY CLASS

01/08/25

January 13, 2025

Date	Num	Name	Memo	Class	Amount
01/13/2025	3612	Easy Towing, LLC.	Two F250 truck from Magic to Bellevue	10 - Streets	300.00
Total 10 - Streets					1,987.67
11 - City Council					
01/13/2025	122024	First Net	Alderman & Mayor	11 - City Council	316.61
01/13/2025	29447416	State Insurance Fund	Mayor and Council	11 - City Council	3.34
Total 11 - City Council					319.95
20 - Water					
01/13/2025	FY2024 Audit- W...	Workman and Company, PLLC	FY2024 Audit- Water	20 - Water	-2,673.33
01/13/2025	FY2024 Audit- W...	Workman and Company, PLLC	FY2024 Audit- Water	20 - Water	2,673.33
01/13/2025	122024	First Net	PW - On-call phone - Water - 208-309-6733	20 - Water	45.23
01/13/2025	122024	First Net	IBR600 4	20 - Water	43.09
01/13/2025	122024	Idaho Power	Acct # 2227225774 - Water Acct.	20 - Water	-2,779.89
01/13/2025	122024	Idaho Power	100 Slaughterhouse - Pump House	20 - Water	124.43
01/13/2025	122024	Idaho Power	32 Muldoon Rd. - WTNK	20 - Water	41.75
01/13/2025	122024	Idaho Power	400 Muldoon Rd.	20 - Water	84.11
01/13/2025	122024	Idaho Power	805 Chestnut St. - Pump	20 - Water	155.88
01/13/2025	122024	Idaho Power	90 1/2 Tendoy St. - Well	20 - Water	39.50
01/13/2025	122024	Idaho Power	90 Tendoy St Well	20 - Water	2,334.22
01/13/2025	33748	Water Dynamics, LLC dba Ma...	Drinking Water Samples	20 - Water	-146.00
01/13/2025	33748	Water Dynamics, LLC dba Ma...	Drinking Water Samples	20 - Water	146.00
01/13/2025	5032580807w	Rumbles Documents Solution...	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	20 - Water	-527.02
01/13/2025	5032580807w	Rumbles Documents Solution...	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	20 - Water	527.02
01/13/2025	122024	Intermountain Gas - Strahorn ...	Acct. #131 596 2484 3 - Strahorn Pump Station	20 - Water	-17.74
01/13/2025	122024	Intermountain Gas - Strahorn ...	Strahorn Pump Station	20 - Water	17.74
01/13/2025	250101A	Garrison, Shane	Reso #2288 - Water System Management Services	20 - Water	-5,210.00
01/13/2025	250101A	Garrison, Shane	Water System Management - Nov	20 - Water	2,890.00
01/13/2025	250101A	Garrison, Shane	December License	20 - Water	800.00
01/13/2025	250101A	Garrison, Shane	16 hours contract labor for December	20 - Water	1,520.00
01/13/2025	29447416	State Insurance Fund	Water	20 - Water	79.84
01/13/2025	107993	White Cloud Communications,...	Radio Service - Public Works Dept.	20 - Water	20.00
01/13/2025	670907w	The Bancorp Bank, N.A.	2023 Chev Silverado 5500 Lease - 1/3 pmt.- Jan	20 - Water	-608.66
01/13/2025	670907w	The Bancorp Bank, N.A.	2023 Chev Silverado 5500 Lease - 1/3 pmt.- Jan	20 - Water	608.66
01/13/2025	0075602-IN	Digiline Inc.	Monthly Fee	20 - Water	37.45
01/13/2025	BDD-24-12-1	BDE Water Professionals	Water Operations - Dec	20 - Water	-16,492.50
01/13/2025	BDD-24-12-1	BDE Water Professionals	Monthly Retainer - Dec	20 - Water	3,000.00
01/13/2025	BDD-24-12-1	BDE Water Professionals	Monthly Backup RC Operator	20 - Water	600.00
01/13/2025	BDD-24-12-1	BDE Water Professionals	Fully Licensed Operator - 125 hrs @ \$65.00 per hr.	20 - Water	8,125.00
01/13/2025	BDD-24-12-1	BDE Water Professionals	Hourly rounds help - 38 hrs @ \$50.00 per hr.	20 - Water	1,900.00
01/13/2025	BDD-24-12-1	BDE Water Professionals	Contract Labor	20 - Water	2,867.50
01/13/2025	2024100119203	Thatcher Company	Calcium Hypo Tabs - Sewer Plant	20 - Water	-9,888.74
01/13/2025	2024100119203	Thatcher Company	Calcium Hypo Tabs - Sewer Plant	20 - Water	6,196.50
01/13/2025	2024100119203	Thatcher Company	Shipping	20 - Water	542.24
01/13/2025	2024100119203	Thatcher Company	CYL Deposit	20 - Water	3,150.00
01/13/2025		Rocky Mountain Valves & Aut...	206 -PR 12" Reduce Port Pressure Reducing Valve.	20 - Water	-16,229.00
01/13/2025	39997	Advanced Control Systems, L...	Chantrelle Well and Lift Station Switch	20 - Water	-1,500.00
01/13/2025	39997	Advanced Control Systems, L...	Chantrelle Well and Lift Station Switch (1/2 of total)	20 - Water	750.00
01/13/2025		Rocky Mountain Valves & Aut...	Rebuild kits for well air valves	20 - Water	16,229.00
Total 20 - Water					-524.39
30 - Wastewater					
01/13/2025	FY2024 Audit- S...	Workman and Company, PLLC	FY2024 Audit- Sewer	30 - Wastewater	-2,673.34
01/13/2025	FY2024 Audit- S...	Workman and Company, PLLC	FY2024 Audit- Sewer	30 - Wastewater	2,673.34
01/13/2025	122024	First Net	Public Works - 208-309-1609	30 - Wastewater	50.27
01/13/2025	122124	Idaho Power	Acct. #2227225816 - Sewer Acct.	30 - Wastewater	-3,165.05
01/13/2025	122124	Idaho Power	1269 Glen Aspen Drive - Lift	30 - Wastewater	42.51
01/13/2025	122124	Idaho Power	130 Riverview Drive - Lift	30 - Wastewater	216.17
01/13/2025	122124	Idaho Power	31 Alyson Rd. - Lagoon	30 - Wastewater	782.81
01/13/2025	122124	Idaho Power	31 Alyson Rd. - Main	30 - Wastewater	1,927.82
01/13/2025	122124	Idaho Power	80 Honeysuckle Lift	30 - Wastewater	31.10
01/13/2025	122124	Idaho Power	88 Martin Ln. - Lift	30 - Wastewater	124.80
01/13/2025	122124	Idaho Power	90 Tendoy St. - Lift	30 - Wastewater	39.84
01/13/2025	33749	Water Dynamics, LLC dba Ma...	Coliform, Nitrate, Nitrite, Phosphorus, Chloride Sam...	30 - Wastewater	-787.00
01/13/2025	33749	Water Dynamics, LLC dba Ma...	Coliform, Nitrate, Nitrite, Phosphorus, Chloride Sam...	30 - Wastewater	787.00
01/13/2025	122224	Century Link	Internet Service - Wastewater Treatment Plant	30 - Wastewater	-163.40
01/13/2025	122224	Century Link	Internet Service - Wastewater Treatment Plant	30 - Wastewater	163.40
01/13/2025	5032580807	Rumbles Documents Solution...	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	30 - Wastewater	-527.02
01/13/2025	5032580807	Rumbles Documents Solution...	Bobcat Toolcat - UW53 - 12/15/24 - 1/14/25	30 - Wastewater	527.02
01/13/2025	122324	Intermountain Gas	130 Riverview	30 - Wastewater	112.63
01/13/2025	29447416	State Insurance Fund	Sewer	30 - Wastewater	25.36
01/13/2025	CL75908	Christensen Inc. dba United Oil	Acct. #1001447 - Fuel - Wastewater	30 - Wastewater	-109.48
01/13/2025	CL75908	Christensen Inc. dba United Oil	Fuel - Wastewater - Card #263140	30 - Wastewater	109.48
01/13/2025	107993	White Cloud Communications,...	Radio Service - Public Works Dept.	30 - Wastewater	20.00
01/13/2025	670907s	The Bancorp Bank, N.A.	2023 Chev Silverado 5500 Lease - 1/3 pmt. - Jan	30 - Wastewater	-608.66
01/13/2025	670907s	The Bancorp Bank, N.A.	2023 Chev Silverado 5500 Lease - 1/3 pmt. - Jan	30 - Wastewater	608.66

01/08/25

City of Bellevue
CLAIMS PAYABLE BY CLASS
 January 13, 2025

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Class</u>	<u>Amount</u>
01/13/2025	0001779194	Clear Creek Disposal	31 Alyson Lane - Dec	30 - Wastewater	-4.00
01/13/2025	0001779194	Clear Creek Disposal	31 Alyson Lane - Dec	30 - Wastewater	4.00
01/13/2025	0075602-IN	Digline Inc.	Monthly Fee	30 - Wastewater	37.45
01/13/2025	24-64575C	Enviro-Clean Equipment, Inc.	Driveline SLP - no installed on 24-64146R	30 - Wastewater	1,162.33
01/13/2025	24-64575C	Enviro-Clean Equipment, Inc.	Driveline SLP - no installed on 24-64146R	30 - Wastewater	-1,162.33
01/13/2025	BDE-24-12-1	BDE Water Professionals	Wastewater Operations - Dec	30 - Wastewater	-10,335.00
01/13/2025	BDE-24-12-1	BDE Water Professionals	Monthly License Fee - November	30 - Wastewater	4,000.00
01/13/2025	BDE-24-12-1	BDE Water Professionals	Hourly Apprentice - 43 hrs @ \$65.00 per hr.	30 - Wastewater	2,795.00
01/13/2025	BDE-24-12-1	BDE Water Professionals	Hourly response chg. - 27 hrs @ \$90.00 per hr.	30 - Wastewater	2,430.00
01/13/2025	BDE-24-12-1	BDE Water Professionals	Hourly Apprentice Helper - 18.5 hrs. @ \$60.00 per hr.	30 - Wastewater	1,110.00
01/13/2025	133476	Go-Fer It Express Inc.	Sample deliveries to Magic Valley Labs	30 - Wastewater	-81.90
01/13/2025	133476	Go-Fer It Express Inc.	Sample deliveries to Magic Valley Labs	30 - Wastewater	81.90
01/13/2025	39997	Advanced Control Systems, L...	Chantrelle Well and Lift Station Switch (1/2 of total)	30 - Wastewater	750.00
Total 30 - Wastewater					995.71
Combined					
01/13/2025	29447416	State Insurance Fund	WC Premium FY25- Policy #30180 to be paid online	Combined	-2,735.00
Total Combined					-2,735.00
TOTAL					0.00

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City of Bellevue

City of Bellevue
Regular Common Council Meeting
January 13, 2025

Agenda Item 5b: Approval of Minutes

Regular Meeting Minutes – December 23, 2024

Action Item: Amy Phelps, City Clerk

Note:

Suggested Motion: Move to approve the Consent Agenda as: amended, corrected, or as presented.

Attachment(s): Regular Meeting Minutes – December 23, 2024



The Common Council of the City of Bellevue, Idaho, met in a Regular Meeting, on, Monday, December 23, 2024, at 5:30 p.m. in the Council Chambers of the City of Bellevue Offices, located at 115 E. Pine Street, Bellevue, ID 83313.

Call to Order: Mayor Giordani called the Regular Meeting to order at 5:30 p.m.

Roll Call:

Members Present

Christina Giordani, Mayor
John Carreiro, Council Member
Robin Leahy, Council Member
Diane Shay, Council Member
Jessica Obenauf, Council Member
Shaun Mahoney, Council Member – *Via Zoom*

Staff Present:

Greg Beaver, Fire Chief
Kirtus Gaston, Marshal
Shelly Shoemaker, City Treasurer
Amy Phelps, City Clerk
Brian Parker, Community Development Director

Others in Attendance: Jeff Pfaeffle, Suzanne Wrede (24 Muldoon Canyon Road), Tony Evans (Idaho Mountain Express- *Via Zoom*), Chad Stoesz (Wood River Land Trust- *Via Zoom*)

1. Notice of Agenda Compliance:

The posting of this regular meeting agenda complied with Idaho Code §74-204. The regular meeting agenda was posted within forty-eight (48) hours prior to the meeting at the Bellevue City Hall, Post Office, and on the City website on *December 19, 2024*.

Motion: **Council Member Shay** moved that the agenda notice was in compliance with Idaho Code §74-204. **Council Member Leahy** seconded, and the motion passed unanimously.

2. Call for Conflict as Outlined in Idaho Code §74-404:

Mayor Giordani called for conflict from any Council Member or staff member with any agenda item. No conflict was noted.

3. MAYOR AND COUNCIL REPORT

Mayor Giordani thanked the City staff and contractors for bringing her up to speed on pertinent information for the position as Mayor. She touched on snow removal reminding residents not to park in the right of way over night to help our snowplow drivers work effectively. She also acknowledged the water pressure issue in the Chantrelle Subdivision and explained that the cause is being investigated. Mayor Giordani went on to thank Robin Leahy and John Carreiro for serving on the Bellevue Common Council. Lastly, she spoke about the opening on the Planning and Zoning Commission and the opening on the Common Council.

4. **Public Comment:** (for Items of Concern Not on the Agenda)

The Mayor opened the meeting for public comment at 5:35 pm.

No comments were brought to the meeting at this time.

Public Comment was closed at 5:35 pm.

Mayor Giordani made a request to remove item d from the consent agenda and table it. She explained that upon further investigation into the amount owed, there was a bit of discrepancy found, and she didn't feel comfortable, in good faith, advising the council to move forward with the payment until more information could be provided.

5. **CONSENT AGENDA: ALL ACTION ITEMS**

- a. Approval of Claims: December 10, 2024, through December 23, 2024
- b. Approval of Minutes: December 9, 2024, Regular Meeting Minutes, and December 16, 2024, Special Meeting Minutes
- c. Approval of Resolution No. 2402 authorizing the Mayor to execute an agreement, on behalf of the City of Bellevue, to enter into a contract with a Public Works Director
- ~~d. Project Update and Request for Funds: Payment Application #9 for the Lagoon Liner Replacement Project in the amount of \$20,000, payable to JC Constructors, Inc~~
- e. Treasurer Report – Financial Statements as of November 30, 2024: Shelly Shoemaker, Treasurer
- f. Department Head Reports

Council Member Shay asked to make a modification to the December 9th regular meeting minutes. The minutes stated that she “commented that there should be language in the agenda stating cutoff times for public comment”. The minutes should have clarified this cutoff time is specifically for **written** public comment only. She stated that she didn't intend for this to have the appearance that we are limiting public comment.

Council Member Obenauf asked for clarification on the claims item listed as “Caterpillar Financial Services”. Shelly Shoemaker, Treasurer, explained that this is a payment for a loader that was authorized by the previous council.

Council Member Leahy stated that she would like to see department head reports for all departments every time.

Motion: Council member Shay moved to approve the Consent Agenda as amended. Council Member Carreiro Seconded the Motion. Council Members Voting Aye: President Giordani, Council Member Leahy, Council Member Obenauf, Council Member Carreiro, Council Member Shay, Council Member Mahoney. Council Members Voting Nay: None. The Motion Passed unanimously.

6. **NEW BUSINESS**

- a. Discussion and Consideration of Options with Respect to 61.01 Acres of City Owned Property, Blaine County Parcel Number RPB04170000B0 (North of Cowcatcher Loop and East of Slaughterhouse Road) Brian Parker, Community Development Director | **ACTION ITEM**

Brian Parker, Community Development Director, explained that the City received the appraisal on the sixty-one acre parcel that we own at the far end of the Strahorn Development. The appraisal was roughly two million dollars. He put together a memo with potential options so the Council could discuss how to maximize revenue and give staff direction going forward.

Council Member Obenauf wondered if a property exchange would be a viable option. She stated concern that the property is situated in a flood plain, and subject to avalanches, and fires.

Chad Stoesz, Wood River Land Trust, said they have used the Land and Water Conservation Fund which is money the Federal Government has made available to help the BLM acquire different properties around the state.

Rick Allington asked how much buildable acreage is in the parcel. Parker said it was dependent on what one would consider buildable in the floodplain.

Jeff Pfaffle shared his experience with the property, suggesting it would be better as open space. Discussion was had about exchanging the property for the water tower site. The council agreed to provide direction for the next steps, considering the value of the property and its intended uses.

7. Adjournment:

With no further business coming before the Common Council at this time, Council Member Carriero moved to adjourn the meeting. Council Member Obenauf seconded the motion. The meeting adjourned at 6:09 p.m. The motion passed unanimously.

Christina Giordani, Mayor

Attest:

Amy Phelps, City Clerk



City of Bellevue

City of Bellevue
Regular Common Council Meeting
January 13, 2025

Agenda Item 5c: Department Head Reports

Action Item: None: Information only

Note:

Attachment(s): Public Works Director Report
Bellevue Marshals Office Report
Fire Department Report



Public Works Department Report January 13, 2025:

Streets:

Plowing and cleanup continues. The last set of storms were unfortunate timing. Plowing operations are difficult during the daytime traffic. The traffic compresses the snow and by the time we can get the plows out there is already a layer of ice and snow. We have been taking advantage of the sunny weather this last week to chip away and scrape down as best as possible to the surface. We ask residents to remember that parking is prohibited on the right of way. We would also like to remind residents that blowing or plowing snow back into the streets is prohibited. We have had increased problems with private plows cleaning driveways and leaving snow on the roadway then residents complain we haven't plowed their streets this is especially problematic in the Cowcatcher Loop area. There have been some vehicles that had some maintenance issues, and we continue to work to keep them serviceable and ready for the next snow event.

Water:

We are aware there are complaints about low pressure in the Chantrelle Subdivision. The pressure on the city side of the meters remains pretty constant at 80 PSI. There are some fluctuations during peak use, but it remains above 65 PSI. The area has traditionally been a high-pressure zone in the 90-110 psi range. The homes had pressure relief valves installed when they were built 25 years ago. DEQ is pushing for water systems to operate at a max of 80 PSI. As we adjust our delivery to meet the 80 PSI pressure requirements the pressure relief valves in the homes may need to be adjusted. They may also need to be replaced or some maintenance, they are made of a mechanical spring and diaphragm that can wear out over time and can also get calcium build-up from our hard water. Flows can also be reduced from build up in your showerheads and faucet screens. We are working with our engineers to examine the hydro model to assess if the extension to the development north of Kirtley Street could have any effect on the area.

Cassell is our current hold-up on our billing upgrade and our meter projects. We then need to verify that our meter numbers and lot numbers are properly matched up. Once we have Cassell online we can import the billing data into Neptune which is the meter data collection program. Once in the Neptune 360 program we might need to adjust some meter information such as sizing, but we should be able to start reading residential meters along with our commercial meters. The challenge right now will be meter access. With snow on the ground, it will be difficult to locate the vaults and then time consuming to remove the snow and open the lids.

Two other projects we will be working on is estimating the current number of EDUs we are using and developing an asset management plan/GIS database. We have completed the 2024 consumer confidence report and once approved by DEQ it will be posted on the city website and at city hall.

Wastewater:

Electricians will begin replacing the wiring and control panels on the 13th. They estimate it will be a 4-week process. Once completed we will be able to test the pumps and equipment in the basement and the mixers outside the plant. We have submitted a Letter of Interest for the DEQ State Revolving Fund (SRF) program to help offset the costs to bring the plant back online and potential updates. We are still managing the lagoons as best we can but still have reports of odor from adjacent properties. We have replaced the chlorine manifolds, and we are back to normal operation. We have ordered Hydrogen Sulfide and Ammonia sensors to ensure we are operating at safe levels and not potentially endangering employees or neighboring properties.

Bellevue Marshal's Office



115 E Pine Street
PO Box 825
Bellevue, ID 83313
Phone: 208-788-3692
Fax: 208-788-8526

City Council Report

Date:01/06/2025

December Report

The Bellevue Marshal's Office responded to 271 calls for service (CFS) resulting in 22 case reports, 55 citations, 11 arrests. December was an eventful month with the ski season upon us it will probably continue. Deputy Rawson went to CIT training in December that was held at Blaine County Sheriff's Office. I was able to teach a multi-agency EVOG class last month to help ensure that all Officers in the valley could keep their certification.

If you ever have questions, please feel free to contact me.

Year to Date

Call for service	3,909
Case Reports	346
Citations	924
Arrests	139

Last 5 years

	2024	2023	2022	2021	2020
Calls for Service	3909	3981	3668	2708	2337
Case Reports	346	247	162	109	145
Citations	924	948	850	326	128

Thank you,

K. Gaston



Bellevue Marshal's Office
115 E Pine Street
PO Box 825
Bellevue, ID 83313
208-7883692

Cases by Month

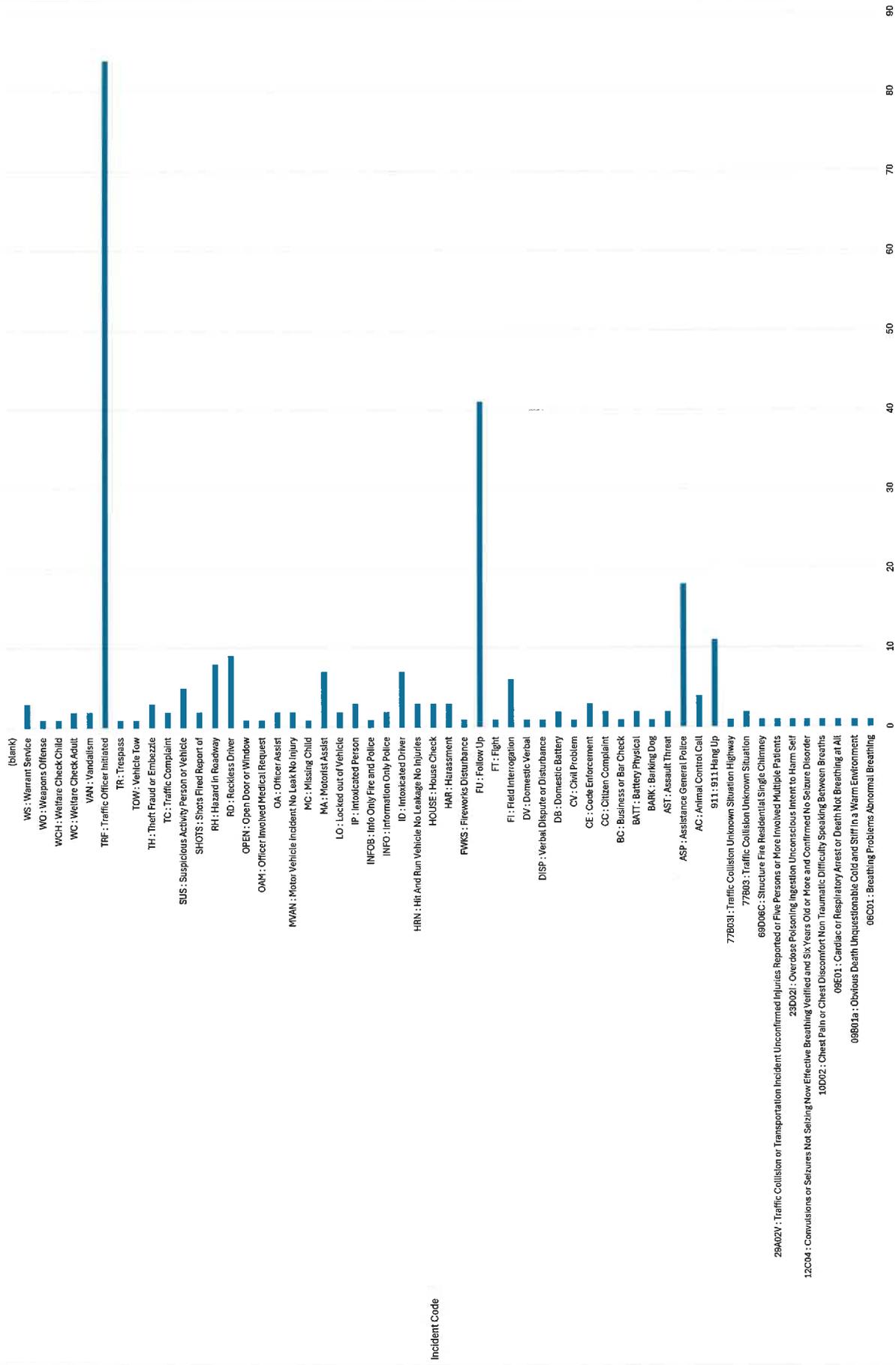
Printed on January 6, 2025

	Start Date/Time	Primary Officer	Statutes/Offenses	Disposition
BMO20240346	12/29/24 21:30	Thayer, Joseph	ASSIST - AGENCY ASSIST	ASSIST - AGENCY
BMO20240342	12/26/24 18:14	Rawson, Justin	18-6101 - RAPE	18-6101 - RAPE
BMO20240341	12/25/24 02:35	Thayer, Joseph	49-301 - MOTOR VEHICLES -	49-301 - MOTOR
BMO20240343	12/27/24 19:18	Thayer, Joseph	49-1301 - MOTOR VEHICLES -	49-1301 - MOTOR
BMO20240345	12/28/24 00:52	Thayer, Joseph	49-227 - MOTOR VEHICLES -	49-227 - MOTOR
BMO20240344	12/27/24 21:28	Thayer, Joseph	18-7034 - UNLAWFUL ENTRY -	18-7034 - UNLAWFUL
BMO20240340	12/23/24 09:57	Gaston, Kirtus	UNATT - UNATTENDED DEATH	UNATT -
BMO20240334	12/16/24 19:09	Rawson, Justin	10-50 WILDLIFE - TRAFFIC	10-50 WILDLIFE -
BMO20240336	12/18/24 07:46	Shelamer, Mike	49-1301 - MOTOR VEHICLES -	49-1301 - MOTOR
BMO20240337	12/18/24 08:47	Shelamer, Mike	OFF-WELFARE - OFFICER	OFF-WELFARE -
BMO20240338	12/20/24 09:42	Shelamer, Mike	18-907 - AGGRAVATED BATTERY	18-907 -
BMO20240339	12/20/24 22:59	Rawson, Justin	49-1301 - MOTOR VEHICLES -	49-1301 - MOTOR
BMO20240333	12/15/24 18:33	Rawson, Justin	UNATT - UNATTENDED DEATH	UNATT -
BMO20240335	12/17/24 00:10	Rawson, Justin	18-705 - RESISTING AND	18-705 - RESISTING
BMO20240329	12/14/24 17:54	Thayer, Joseph	OFF-THEFT - OFFICER REPORT -	OFF-THEFT - OFFICER
BMO20240330	12/14/24 20:25	Thayer, Joseph	10-50 - TRAFFIC ACCIDENT	10-50 - TRAFFIC
BMO20240331	12/15/24 02:33	Thayer, Joseph	OFF-BATTERY - OFFICER	OFF-BATTERY -
BMO20240332	12/15/24 08:53	Gaston, Kirtus	49-1401(3) - MOTOR VEHICLES -	49-1401(3) - MOTOR
BMO20240328	12/13/24 22:15	Thayer, Joseph	18-8004(1)(A) (M) - DUI IN STATE	18-8004(1)(A) (M) - DUI
BMO20240322	12/06/24 08:47	Shelamer, Mike	49-1401(1) - MOTOR VEHICLES -	49-1401(1) - MOTOR
BMO20240323	12/06/24 16:24	Shelamer, Mike	OFF-JUVENILE - OFFICER	OFF-JUVENILE -
BMO20240325	12/08/24 10:42	Shelamer, Mike	OFF-CIVIL - OFFICER REPORT -	OFF-CIVIL - OFFICER
BMO20240324	12/08/24 09:29	Shelamer, Mike	19-512 - WARRANT ARREST MIS;	19-512 - WARRANT
BMO20240326	12/08/24 15:19	Shelamer, Mike	49-1401(1) - MOTOR VEHICLES -	49-1401(1) - MOTOR
BMO20240320	12/03/24 14:10	Shelamer, Mike	OFF-BATTERY - OFFICER	OFF-BATTERY -
BMO20240321	12/03/24 19:15	Rawson, Justin	OFF - OFFICER REPORT	OFF - OFFICER
BMO20240327	12/13/24 12:48	Gaston, Kirtus	18-2202 - COMPUTER CRIME -	18-2202 - COMPUTER

Total Records: 27

Count of Disposition

Count of Disposition





Bellevue Marshal's Office
115 E Pine Street
PO Box 825
Bellevue, ID 83313
208-7883692

BMO Citation - By Officer, By Offense

Printed on January 6, 2025

[Citation->Issued Date/Time] is between '2024-12-01 00:00:00' and '2024-12-31 23:59:59' and
[Involvement->Case->Primary Officer->Agency->Name] is in this list 'E'Bellevue Marshal's Office"

Ticket #

Gaston, Kirtus

BEP350-0625

BEP350-0619

MOTOR VEHICLES - DRIVERS LICENSE FAIL TO PURCHASE/INVALID Total: 2

BEP350-0619

MOTOR VEHICLES - FAIL TO PROVIDE PROOF OF INSURANCE - infraction Total: 1

BEP350-0619

MOTOR VEHICLES - FAIL TO YIELD TO PEDESTRIAN IN CROSSWALK Total: 1

BEP350-0621

MOTOR VEHICLES - INATTENTIVE DRIVING Total: 1

BEP350-0622

BEP350-0620

BEP350-0623

BEP350-0624

BEP350-0625

MOTOR VEHICLES - SPEED - EXCEED MAXIMUM SPEED LIMIT Total: 5

Gaston, Kirtus Total: 10

Rawson, Justin

BEP375-0372

BATTERY Total: 1

BEP375-0373

MOTOR VEHICLES - DRIVERS LICENSE FAIL TO PURCHASE/INVALID Total: 1

BEP375-0374

MOTOR VEHICLES - FAIL TO STOP ACCIDENT INVOLVING DAMAGE/LEAVE SCENE Total: 1

BEP375-0371

BEP375-0376

BEP375-0375

BEP375-0369

BEP375-0370

MOTOR VEHICLES - SPEED - EXCEED MAXIMUM SPEED LIMIT Total: 5

BEP375-0372

RESISTING AND OBSTRUCTING OFFICERS Total: 1

3506

Ticket #

VIOLATION OF NO CONTACT ORDER - misdemeanor Total: 1

Rawson, Justin Total: 10

Shelamer, Mike

BEP365-0676

BEP365-0675

BEP365-0680

MOTOR VEHICLES - DISTRACTED DRIVING Total: 3

BEP365-0687

BEP365-0685

MOTOR VEHICLES - DRIVERS LICENSE - INFRACTION Total: 2

BEP365-0679

MOTOR VEHICLES - DRIVERS LICENSE - MISDEMEANOR Total: 1

BEP365-0682

BEP365-0675

MOTOR VEHICLES - FAIL TO PROVIDE PROOF OF INSURANCE - infraction Total: 2

BEP365-0677

BEP365-0681

MOTOR VEHICLES - RECKLESS DRIVING Total: 2

BEP365-0689

BEP365-0678

BEP365-0688

BEP365-0683

BEP365-0684

MOTOR VEHICLES - SPEED - EXCEED MAXIMUM SPEED LIMIT Total: 5

Shelamer, Mike Total: 15

Thayer, Joseph

bep370-0464

DRIVING UNDER THE INFLUENCE - misdemeanor Total: 1

3483

DRIVING UNDER THE INFLUENCE - under age 21 1st offense Total: 1

BEP370-0461

DUI IN STATE 1ST Total: 1

BEP370-0462

BEP370-0459

BEP370-0458

bep370-0464

BEP370-0466

MOTOR VEHICLES - DRIVERS LICENSE FAIL TO PURCHASE/INVALID Total: 5

BEP370-0462

BEP370-0300

BEP370-0463

Ticket #

MOTOR VEHICLES - FAIL TO PROVIDE PROOF OF INSURANCE - infraction Total: 3

3483

MOTOR VEHICLES - OPERATING WITHOUT OWNERS CONSENT - misdemeanor Total: 1

BEP370-0462

BEP370-0463

MOTOR VEHICLES - REGISTRATION - FAIL TO REGISTER ANNUALLY Total: 2

BEP370-0463

BEP370-0462

BEP370-0458

BEP370-0460

MOTOR VEHICLES - SPEED - EXCEED MAXIMUM SPEED LIMIT Total: 4

BEP370-0300

MOTOR VEHICLES - VIOLATIONS OF REGISTRATION PROVISIONS Total: 1

#3482

UNLAWFUL ENTRY - misdemeanor -attempted Total: 1

Thayer, Joseph Total: 20

Total Records: 55



Bellevue Fire Department

115 East Pine St. • P.O. Box 825 • Bellevue Idaho, 83313
Phone (208) 788-9277 • Fax (208) 788-2092

01-06-25
Bellevue Fire Dept.
Council report for 01-27-25

Incident Type for 2024 - 119

Incidents from 01-01-24 to 12-31-24
Average Turnout per Incident is 3
Overall Average Response Time is **06:88**.

Incident Type for 2024

37 Fires
2 Overpressure Rupture
35 Rescue & Emergency Medical Service
12 Hazardous Condition (no fire)
4 Service Call
15 Good Intent Calls
12 False Alarms & False Call
2 Severe Weather & Natural Disaster
We had 119 Total Incidents in 2024

Total Incidents for 2025 are 2

Looking Forward to a excellent 2025.

If you know anyone that lives in Bellevue and is interested in giving back to their community, send them my way.

Sincerely

Greg Beaver
Bellevue Fire Chief



Basic Incident Type Code And Description (FD1.21)	Total Incidents	Total Incidents Percent of Incidents	Total Property Loss	Total Content Loss	Total Loss	Total Loss Percent of Total
Incident Type Category (FD1.21): 1 - Fire						
114 - Chimney or flue fire, confined to chimney or flue	2	25.00%	0.00	0.00	0.00	
118 - Trash or rubbish fire, contained	1	12.50%				
131 - Passenger vehicle fire	1	12.50%				
Total: 4		Total: 50.00%	Total: 0.00	Total: 0.00	Total: 0.00	Total: 0.00%
Incident Type Category (FD1.21): 3 - Rescue & Emergency Medical Service Incident						
324 - Motor vehicle accident with no injuries.	3	37.50%				
Total: 3		Total: 37.50%	Total: 0.00	Total: 0.00	Total: 0.00	Total: 0.00%
Incident Type Category (FD1.21): 4 - Hazardous Condition (No Fire)						
440 - Electrical wiring/equipment problem, other	1	12.50%				
Total: 1		Total: 12.50%	Total: 0.00	Total: 0.00	Total: 0.00	Total: 0.00%
Total: 8		Total: 100.00%	Total: 0.00	Total: 0.00	Total: 0.00	Total: 0.00%



City of Bellevue

City of Bellevue
Regular Common Council Meeting
January 13, 2025

Agenda Item 7: Oath of Office

Administration: City Clerk

Note:

Attachment(s): Sample Oath of Office

Susan Wrede: Term Expiring January 2027

Tammy E. Davis: Term Expiring January 2027

Jessica Obenauf: Term Expiring January 2027

Appointed Alderman/Alderwoman: Term Expiring January 2026

OATH OF OFFICE

STATE OF IDAHO)

) SS

County of Blaine)

I, _____, do solemnly swear and affirm that I will support the Constitution of the United States, the Constitution of the State of Idaho, and the Laws and Ordinances of the City of Bellevue, and that I will to the best of my ability, faithfully perform the duties of the office of Alderman/Alderwoman in the City of Bellevue, Blaine County, Idaho, during my continuance therein.

Mayor

Subscribed and sworn to before me this ____ day of January 2025.

City Clerk



Memorandum

To: Bellevue Common Council

From: Brian Parker, Community Development Director
Rick Allington, City Attorney

Re: Newly Elected Officials Training & Resources

Date: January 13, 2025

Overview

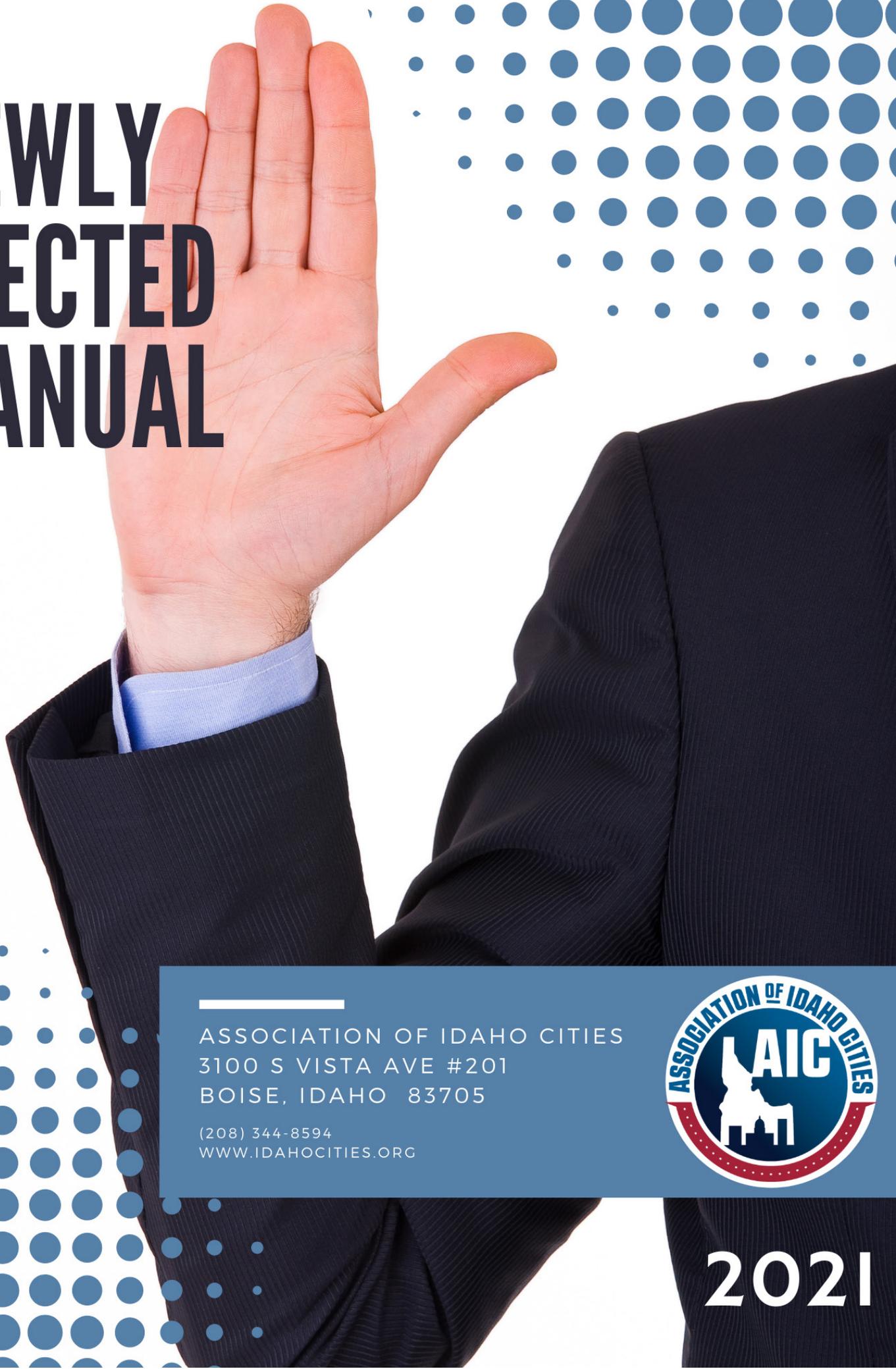
It is important to periodically review the legal requirements and best practices of municipal governance to ensure that the Council is enabled to lead the City in the best direction. Staff and the City Attorney will briefly review the following topics:

- Roles of Mayor, Council, and Staff
- Open Meetings

Enclosures

1. Training Resources from the Association of Idaho Cities

NEWLY ELECTED MANUAL



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

(208) 344-8594
WWW.IDAHO CITIES.ORG



2021

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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

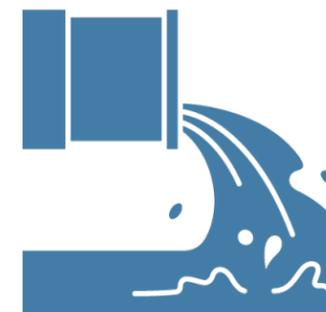
- › City utility owns water supply, distribution system and treatment facility
- › Private company or district owns all or portions of water system
- › Individual wells—no city utility

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

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.



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!

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

- Basic requirements for purchasing, such as purchases over \$50K 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. 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



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

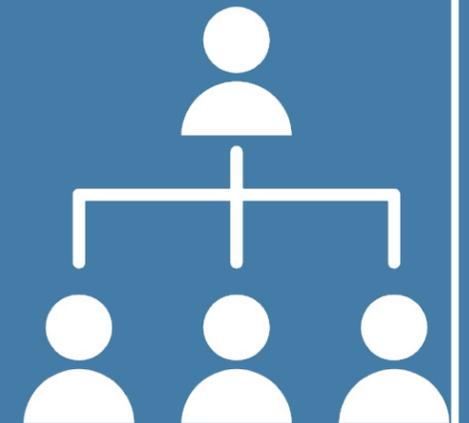
- Read packets to prepare for meeting
- Suggest items for Council agenda
- May approve amendments to the agenda for items that were unforeseen when original agenda posted
- Make decisions by passing motions—usually only required to pass by majority of those present and voting, but sometimes requires 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



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.

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 let to 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
- 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/2018/04/PublicRecordsLaw.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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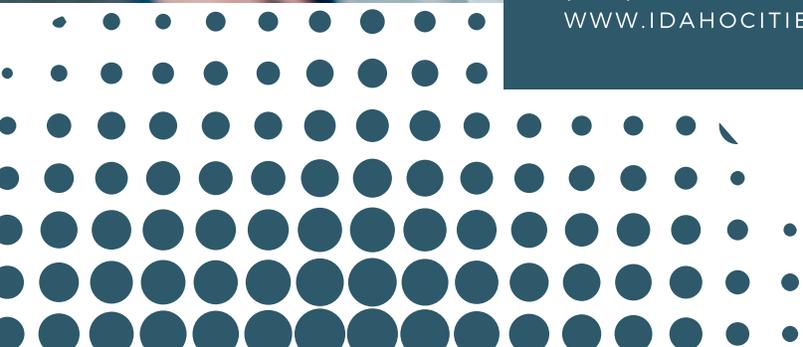
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ROLES AND RESPONSIBILITIES



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2023

Roles & Responsibilities Manual

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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.

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

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

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](#).

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](#).

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

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

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](#).

¹³⁰ [Idaho Code 57-205](#); [50-1751](#); [50-1722](#).

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

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

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.](#)

¹³⁹ [Idaho Code 50-208.](#)

¹⁴⁰ [Idaho Code 50-1011.](#)

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

Upon notice from the state controller, complying with the accounting and fiscal reporting requirements set forth in the uniform accounting manual for local government entities.¹⁵⁰

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](#).

¹⁵⁰ Idaho Code 50-208.

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

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.](#)

TRANSPARENT & ETHICAL GOVERNMENT



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2024

Idaho Transparent and Ethical Government Manual

2024

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INTRODUCTION

The actions, writings and decisions of elected officials are in the public eye. This guide will discuss the laws regarding public records, open meetings, and ethics, which set the minimum bar for ethical standards and transparency for the public. This document is an overview and is not a substitute for reading the statutes pertaining to these topics or for consulting with legal counsel. Also, just because something may be legally permissible, it may not reflect well on a leader so, asking how an action or document would appear on the front page of the paper can also help leaders avoid issues.

Transparent and ethical government is a cornerstone of democracy and Idaho's laws governing these can be found in Title 74 and include:

- Chapter 1: Public Records Act
- Chapter 2: Open Meetings Law
- Chapter 4: Ethics in Government
- Chapter 5: Prohibitions Against Contracts with Officers
- Chapter 6: Public Integrity in Elections Act

The Idaho Office of the Attorney General also provides guidance and helpful questions and answers regarding common issues at:

Public Records: <https://www.ag.idaho.gov/content/uploads/2018/04/PublicRecordsLaw.pdf>

Open Meeting: <https://www.ag.idaho.gov/content/uploads/2018/04/OpenMeeting.pdf>

Ethics in Government: <https://www.ag.idaho.gov/content/uploads/2018/04/EthicsInGovernment.pdf>

PUBLIC RECORDS ACT INTRODUCTION

Idaho Code states that a city shall designate a custodian or custodians for all public records and that all requests to review records must be made to the custodian. How the city goes about this will depend largely on its size and how it normally responds to public records requests. In smaller cities, typically the city clerk/treasurer is the records custodian for the entire city. Larger cities may have separate custodians for different city departments. Typically, police or law enforcement will have their own records custodian. Cities should adopt resolutions designating the custodian(s) by title and not name so the resolution doesn't need to be revised each time there is a change in personnel. Cities also need to designate alternate custodians to serve in the case that the primary custodian is out of the office or otherwise not available to work on requests. If the city or entity has a website, the agency shall list the custodian's name and contact information on the website and update it when it changes.

Records custodians often need to work with the city attorney in responding to public records requests. The exemptions set forth in the Public Records Act are many and determining the scope of these exemptions requires the assistance of legal counsel. The attorney must also be involved in redacting nonpublic information from public records. A best practice is providing access to the most-commonly requested public records (minutes, the comprehensive plan, etc.) on the city's website. This saves the city the work of responding to public records requests and allows this important information to be accessed by citizens on demand.

Most written communication (including emails and texts) is public information, but public information can include things like voicemails and other electronic communication as well. All

writings from emails to hand-written notes (unless only used for personal use and not shared) to official documents may be public record and could become part of a court case, so always use caution – even communication on a personal device can be public record.

Right to Access & Receive Copy of Records

The Idaho Public Records Act¹ states every person has a right to examine and take a copy of any public record. There is a presumption that all public records in Idaho are public.² All records are perceived to be open to the public unless exempted.

What State and Local Governments are Required to Comply with the Public Records Act?

The law applies to any public agency, including a city, school district, municipal, public health district, political subdivision, or any commission or committee of a local agency.³ The law also applies to independent public entities like housing authorities and urban renewal agencies.

What is a Public Record for the Purposes of the Public Records Act?

Public records include any writing relating to the conduct or administration of the public's business prepared, owned, used, or retained regardless of physical form or characteristics.⁴ Public records include paper documents, electronic files, emails, text messages, audio and video recordings, maps, plats, building plans, etc.,⁵ even when sent using personal accounts and devices.

Unwarranted Invasion of Personal Privacy

The 2023 Legislature added a section to Idaho Code 74-101(16) to clarify that information cannot be used to identify or harass a juvenile, a victim of an alleged crime or a victim of physical or sexual abuse. However, release of information regarding a deceased person shall not constitute an invasion and shall be disclosed unless otherwise exempt.

Public Record Requests to be in Writing: The public agency may, as part of its public records policy, require that records requests be submitted in writing including the requester's name, mailing address, email address and telephone number.⁶

In-Person Examination of Public Records: Requesters can examine public records in-person at the public agency office during regular working hours or pay reasonable compensation for an employee to be present during the examination if not during regular hours.⁷ The custodian can and should monitor the examination to ensure the records are not altered, damaged or stolen.⁸ The custodian is prohibited from scrutinizing any notes, photographs, etc. made by the requester during the examination.⁹

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

² [Idaho Code 74-102\(1\).](#)

³ [Idaho Code 74-101\(8\).](#)

⁴ [Idaho Code 74-101\(13\).](#)

⁵ [Idaho Code 74-101\(16\).](#)

⁶ [Idaho Code 74-102\(4\).](#)

⁷ [Idaho Code 74-102\(8\).](#)

⁸ [Idaho Code 74-102\(7\).](#)

⁹ [Idaho Code 74-102\(6\).](#)

Using Public Records for Mailing or Telephone Lists Prohibited: The law prohibits using public records for mailing and telephone lists.¹⁰ However, a person can compile their own list by examining or copying public records.¹¹ The public records request form must include a certification from the requester that the records will not be used for mailing or telephone lists.

Charges for Public Records Requests: The first two hours of labor in responding to a public records request, as well as the first 100 pages of copies of paper records, must be provided free of charge to the requester.¹² The agency may charge to recover actual labor and copying costs associated with locating and copying documents for requests:

- Involving more than 100 pages of paper records,
- Where nonpublic information must be redacted from records, or
- Where the actual labor exceeds two hours.¹³

Cities should adopt a fee schedule, but fees may not exceed the actual cost of copying the record including costs for converting and duplicating electronic records and labor involved.¹⁴ Charges to recover costs for legal counsel to redact nonpublic information must meet certain requirements.¹⁵ Fees must be waived when the requester shows they meet all elements of **certain** criteria.¹⁶ When fees are charged, the public agency must provide an itemized statement to the requester showing the per page costs for copies and the number of employees and hours worked.¹⁷ The public agency may require advance payment of fees.¹⁸

Responding to Public Records Requests: The public agency must either grant or deny a person's request to examine or receive copies of public records within three working days.¹⁹ If the public agency determines that a longer period is needed, the public agency must notify the requester in writing (email or mail), and the records must be provided within 10 working days for residents and 21 working days for non-residents of the date that the request was received by the public agency. If the public agency does not respond, the request is deemed to be denied within 10 working days.²⁰

If the public agency denies part or all of the request for records, the person legally responsible for administering the public agency (mayor or city manager) or their designee (city clerk or other records custodian) must notify the requester in writing of the denial or partial denial.²¹

The notice of denial or partial denial must include the following information.²²

- That the legal counsel for the public agency has reviewed the request **or** that the public agency has had an opportunity to consult with its legal counsel concerning the request and has chosen not to do so.

¹⁰ [Idaho Code 74-120\(1\)\(b\).](#)

¹¹ [Idaho Code 74-120\(2\).](#)

¹² [Idaho Code 74-102\(10\).](#)

¹³ [Idaho Code 74-102\(10\)\(b\).](#)

¹⁴ [Idaho Code 74-102\(10\).](#)

¹⁵ [Idaho Code 74-102\(10\)\(e\).](#)

¹⁶ [Idaho Code 74-102\(10\)\(f\).](#)

¹⁷ [Idaho Code 74-102\(10\)\(g\).](#)

¹⁸ [Idaho Code 74-102\(12\).](#)

¹⁹ [Idaho Code 74-103\(1\).](#)

²⁰ [Idaho Code 74-103\(2\).](#)

²¹ [Idaho Code 74-103\(3\).](#)

²² [Idaho Code 74-103\(4\).](#)

- The provision(s) of Idaho Code authorizing the denial of the records request.
- The requester’s right to appeal the denial and the time frames for appealing.²³

Appealing the Denial of a Public Records Request: Any requester who wishes to appeal the denial of a public records request must file a lawsuit in the District Court of the county where the records are located within 180 calendar days from the date the public agency mailed the notice of denial or partial denial.²⁴ The public agency must keep all documents or records in question until the expiration of the appeal period, until a decision has been rendered on the petition, or as otherwise statutorily provided, whichever is longer.²⁵

EXEMPT RECORDS

Some examples of public agency records exempt from public disclosure are summarized below. This list is not complete and is not intended to be a substitute for reviewing the exemptions in the Public Records Law with your city attorney.

- **Archeological Sites** Maps and other records identifying the location of archaeological or geophysical sites or endangered species, if not already known to the general public.²⁶
- **Buildings & Facilities** Records other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes.²⁷
- **Business & Trade Secrets** Trade secrets provided by businesses in response to public agency requests for proposal, requests for information, etc.²⁸ Production records, housing production, rental and financing records, sale or purchase records, mortgage portfolio loan documents, or similar business records of a private concern or enterprise required by law to be submitted to or inspected by a public agency.²⁹
- **Corrections & Jails**
 - Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.³⁰
 - Voting records of the Sexual Offender Classification Board.³¹
 - Records of the financial status of prisoners provided pursuant to section [20-607](#), Idaho Code, concerning prisoner reimbursement to the county.³²
- **Courts** Certain records in court files of judicial proceedings where disclosure is prohibited by or under rules adopted by the Idaho Supreme Court.³³

²³ [Idaho Code 74-115\(1\).](#)

²⁴ [Idaho Code 74-115\(1\).](#)

²⁵ [Idaho Code 74-115\(2\).](#)

²⁶ [Idaho Code 74-108\(1\).](#)

²⁷ [Idaho Code 74-105\(4\)\(b\).](#)

²⁸ [Idaho Code 74-107\(1\).](#)

²⁹ [Idaho Code 74-107\(2\).](#)

³⁰ [Idaho Code 74-105\(14\).](#)

³¹ [Idaho Code 74-105\(5\).](#)

³² [Idaho Code 74-106\(16\).](#)

³³ [Idaho Code 74-104\(2\).](#)

- **Economic Development** Records gathered by a local agency or the Idaho Department of Commerce, for the specific purpose of assisting a business to locate, maintain, invest in, or expand operations in the State of Idaho.³⁴
- **Employment & Personnel** Records of a current or former public official are exempt from disclosure with the exception of the following information, which is public record: the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency.³⁵ Items that shall not be disclosed to the public without the employee's or applicant's written consent are: names of applicants to classified or merit system positions (except as part of a background check). Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.
- **Financial**
 - Records of personal debt filed with a public agency pursuant to law.³⁶
 - Personal bank records compiled by a public depositor for the purpose of public funds transactions.³⁷
 - Records of ownership of financial obligations and instruments of a public agency.³⁸
 - Records regarding the ownership of, or security interests in, registered public obligations.³⁹
- **General** Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation.⁴⁰
- **Idaho Counties Risk Management Program** Records of any risk retention or self-insurance program (such as the Idaho Counties Risk Management Program—ICRMP) prepared in anticipation of litigation or for analysis of or settlement of potential or actual money damage claims against a public entity and its employees except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records include claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents and correspondence. At the time a claim is concluded, statistical data and actual amounts paid in settlement shall be deemed a public record.⁴¹
- **Judicial Address** Records providing addresses of judicial officers including legal descriptions of real estate.⁴²
- **Juvenile Corrections** Records of juveniles under the Juvenile Corrections Act⁴³ and records of the Custody Review Board of the Idaho Department of Juvenile Corrections.⁴⁴
- **Law Enforcement**
 - Records of the sheriff relating to applicants or licensees for concealed weapons permitting, carrying of concealed firearms by qualified retired law enforcement officers, and enhanced concealed weapons licenses.⁴⁵

³⁴ [Idaho Code 74-107\(6\).](#)

³⁵ [Idaho Code 74-106\(1\).](#)

³⁶ [Idaho Code 74-106\(4\)\(a\).](#)

³⁷ [Idaho Code 74-106\(4\)\(b\).](#)

³⁸ [Idaho Code 74-106\(4\)\(c\).](#)

³⁹ [Idaho Code 74-106\(4\)\(d\).](#)

⁴⁰ [Idaho Code 74-104\(1\).](#)

⁴¹ [Idaho Code 74-107\(11\).](#)

⁴² Idaho Code 19-6201

⁴³ [Idaho Code 74-105\(2\).](#)

⁴⁴ [Idaho Code 74-105\(3\).](#)

- Criminal history records and fingerprints compiled by the Idaho State Police.⁴⁶
- Records relating to DNA databases and databanks.⁴⁷
- Residential street addresses and telephone numbers of law enforcement officers.⁴⁸
- Investigatory records compiled by law enforcement for law enforcement purposes if records would:
 - Interfere with enforcement proceedings;
 - Deprive a person of a right to a fair trial or an impartial adjudication;
 - Constitute an unwarranted invasion of personal privacy;
 - Disclose the identity of a confidential source and, confidential information furnished only by the confidential source;
 - Disclose investigative techniques and procedures; or
 - Endanger the life or physical safety of law enforcement personnel.⁴⁹
- Inactive investigatory records must be disclosed unless the disclosure would violate any of the provisions of [Idaho Code 74-124\(1\)\(a\)](#) through (f) (see list above).⁵⁰
- Investigatory record.⁵¹
- **Libraries & Museums**
 - The records of a library which, when examined alone, or when examined with other public records, would reveal the identity of the library patron checking out, requesting, or using an item from a library.⁵²
 - The material of a library, museum or archive that has been contributed by a private person, to the extent of any limitation that is a condition of the contribution.⁵³
- **Licensing & Certification**
 - Any personal records, other than names, business addresses and business phone numbers, submitted to any public agency pursuant to a statutory requirement for licensing, certification, permit or bonding.⁵⁴
 - Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records.⁵⁵
- **Medical** Records, including prescriptions, and drug orders, that specifically identifies an individual patient and records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment.⁵⁶
- **Personal**
 - Vital statistics records of a personal nature.⁵⁷
 - Military records as described in and pursuant to section [65-301](#), Idaho Code.⁵⁸
 - Records pertaining to the Confidentiality for Victims of Violence Program.⁵⁹
- **Procurement & Purchasing**

⁴⁵ [Idaho Code 74-105\(6\).](#)

⁴⁶ [Idaho Code 74-105\(12\).](#)

⁴⁷ [Idaho Code 74-106\(17\).](#)

⁴⁸ [Idaho Code 74-106\(30\).](#)

⁴⁹ [Idaho Code 74-124\(1\).](#)

⁵⁰ [Idaho Code 74-124\(3\).](#)

⁵¹ [Idaho Code 74-124\(3\).](#)

⁵² [Idaho Code 74-108\(3\).](#)

⁵³ [Idaho Code 74-108\(4\).](#)

⁵⁴ [Idaho Code 74-106\(8\).](#)

⁵⁵ [Idaho Code 74-106\(9\).](#)

⁵⁶ [Idaho Code 74-106\(13\).](#)

⁵⁷ [Idaho Code 74-106\(4\)\(e\).](#)

⁵⁸ [Idaho Code 74-106\(4\)\(f\).](#)

⁵⁹ [Idaho Code 74-106\(27\).](#)

- Records relating to the appraisal of real property, timber or mineral rights prior to its acquisition, sale or lease by a public agency.⁶⁰
 - An estimate of the cost of a project until such time as disclosed or bids are opened, or upon award of the contract for construction of the project.⁶¹
 - **Public Employee Retirement System of Idaho** Certain information maintained by the Public Employee Retirement System of Idaho, including retired employees' and retired public officials' home addresses and telephone numbers.⁶²
 - **Taxation** Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax.⁶³
 - **Technology** Computer programs developed or purchased by an agency for its own use and associated documentation and source material that explain how to operate the program.⁶⁴
 - **Transportation**
 - Personal information contained in motor vehicle and driver records.⁶⁵
 - Information between the Idaho Transportation Department and insurance companies.⁶⁶
 - **Unclaimed Property** Personal information including property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers.⁶⁷
- Cybersecurity** Records, other than public expenditure records, relating to the nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communications systems against terrorist or other attacks.

PENALTIES FOR VIOLATION

Any public official who is found by the court to have “deliberately and in bad faith improperly refused a legitimate” public records request may be fined up to \$1,000. This fine is payable by the official personally, not the public agency.⁶⁸

GOOD FAITH PROTECTION

The law provides immunity for custodians, public officials and public agencies from liability for “any loss or damage based upon the release of a public record” if the custodian, public official or public agency acted in good faith in attempting to comply with the law.⁶⁹ Consulting the city attorney is a key aspect of demonstrating good faith under this provision.

QUESTIONS & ANSWERS

Can public agencies respond to public records requests via email?

⁶⁰ [Idaho Code 74-107\(3\).](#)

⁶¹ [Idaho Code 74-107\(4\).](#)

⁶² [Idaho Code 74-106\(2\).](#)

⁶³ [Idaho Code 74-106\(5\).](#)

⁶⁴ [Idaho Code 74-107\(15\).](#)

⁶⁵ [Idaho Code 74-106\(15\).](#)

⁶⁶ [Idaho Code 74-106\(31\).](#)

⁶⁷ [Idaho Code 74-106\(33\).](#)

⁶⁸ [Idaho Code 74-117.](#)

⁶⁹ [Idaho Code 74-118.](#)

Yes. The records can be emailed to the requester.

What is the process for denying a public records request?

The agency must notify the requester in writing of the denial or partial denial and include:⁷⁰

- That the legal counsel for the public agency has reviewed the request **or** that the public agency had an opportunity to consult with legal counsel and chose not to do so.
- The provision(s) of Idaho Code authorizing the denial of the records request.
- The requester's right to appeal the denial and the time frames for appealing. Any requester who wishes to appeal the denial of a public records request must file a lawsuit in the District Court of the county where the records are located within 180 calendar days from the date the public agency mailed the notice of denial or partial denial.

Are personnel records exempt from public disclosure?

Personnel records of a current or former public official are exempt from disclosure with the exception of: the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency.⁷¹

What are the penalties for violating the Public Records Law?

Any public official who is found by the court to have “deliberately and in bad faith improperly refused a legitimate” public records request may be fined up to \$1,000. This fine is payable by the official personally, not the public agency.⁷²

Are emails and text messages of city elected officials and staff considered public record?

Yes. Emails and text messages are considered public record when they deal with the business of city government, even if the elected officials or staff use their personal cell phone or email account. It's the content that matters, not the medium used to transmit or record the information.

Are draft council meeting minutes public record?

Yes. A 1990 Idaho Supreme Court case⁷³ held that handwritten notes by the county clerk taken as draft minutes of commission meetings were public record, despite the fact that the minutes had not yet been officially approved by the county commissioners. If a public record request is made for draft meeting minutes, the city clerk should indicate that the minutes are in draft form and must still be approved by the city council.

Who is the public records custodian for the city and what are their responsibilities?

The city council is required to designate by resolution public records custodians and alternates (usually the city clerk, deputy city clerk, and police records custodian) to respond to public records

⁷⁰ [Idaho Code 74-103\(3\) and \(4\).](#)

⁷¹ [Idaho Code 74-106\(1\).](#)

⁷² [Idaho Code 74-117.](#)

⁷³ *Fox v. Estep*, 118 Idaho 454 (1990).

requests and answer questions from the public and media about records. Typically, the resolution designates the custodians by job titles rather than listing persons by name since that would have to be updated when there is turnover in city staff. All requests to examine public records shall be made to the designated custodian of such records as defined in section 74-101(3), Idaho Code. A public agency, a public official, or an employee of a public agency shall have no obligation and shall not be deemed to have assumed any obligation to respond to a public records request that fails to comply with the requirements of this subsection. A public records request must clearly indicate that it is a public records request. And further, if a public agency has a website, the agency shall note the name and contact information of its custodian of records on its website and shall promptly update such information when it changes.

When a document includes nonpublic as well as public information, can the document be disclosed in a public records request?

When a public records request includes a record that has both nonpublic and public information, the public agency may redact the nonpublic portions of the record and make the public portions available.⁷⁴ It is critical for the city attorney to be involved whenever nonpublic information must be redacted from records.

What rights does a person have to inspect and copy records of the public agency that pertain to that person? Can the person request that such records be corrected?

A person may inspect and copy records of an agency pertaining to that person, even if the record is exempt from public disclosure.⁷⁵ The person may make a written request for an amendment to any record pertaining to them. Within 10 days of receipt of the request, the agency must:

- Make the correction of any portion of the record that the person establishes is not accurate, relevant or complete, or
- Inform the person in writing that the public agency refuses to amend the record, setting forth the reasons for the refusal and noting that the person has the right to appeal the refusal and the time period for doing so. Any person who wishes to appeal the denial of a request to amend records pertaining to that person must file a lawsuit in the District Court of the county where the records are located within 180 calendar days from the date the public agency mailed the notice of denial.

The right to inspect and amend records pertaining to oneself does not include the right to review the following.

- Otherwise exempt investigatory records of a public agency if the investigation is ongoing.
- Information that is compiled in reasonable anticipation of a civil action or proceeding that is not otherwise discoverable.
- Information relating to adoption records.
- Information that is otherwise exempt from disclosure by statute or court rule.
- Records of a prisoner maintained by the state or local agency having custody of the prisoner, or formerly having custody of the prisoner, or by the Commission of Pardons and Parole.

⁷⁴ [Idaho Code 74-112.](#)

⁷⁵ [Idaho Code 74-113.](#)

OPEN MEETINGS INTRODUCTION

The Idaho Open Meetings Law sets forth basic requirements concerning public accessibility of meetings, advance posting of the meeting notice and agenda, and drafting of meeting minutes. Aside from the legal considerations, meetings represent an important opportunity to inform and engage the public.

Open meetings of the city council and city boards, commissions and committees increase the public's confidence in government by allowing them to see the deliberations and decision making of these governing bodies. Open meetings also promote accountability on the part of local officials by ensuring that their decisions are made in the light of day.

UNDERSTANDING MEETING BASICS

Meetings Open to the Public: The Idaho Open Meetings Law requires that all meetings of a governmental entity be open to the public.⁷⁶ The sole exception to the requirement for open meetings involves executive sessions, which have specific and narrow requirements.⁷⁷

Meeting Location: The Open Meetings Law prohibits holding of meetings at any place where discrimination is practiced.⁷⁸

What is a Public Agency for the Purposes of the Open Meetings Law? The Open Meetings Law applies not only to the city council, but also to city boards, commissions and committees created by city ordinance or resolution, and to independent entities such as housing authorities and urban renewal agencies.⁷⁹

What is a Governing Body for the Purposes of the Open Meetings Law? The Open Meetings Law defines a governing body as “the members of any public agency which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter.”⁸⁰

What is a Meeting for the Purposes of the Open Meetings Law? The requirements of the Open Meetings Law apply when a quorum of the council or a city board, commission or committee meets for the purpose of deliberating and/or making decisions on issues related to city government.⁸¹ Questions often arise as to whether workshops, work sessions, study sessions or public input sessions constitute meetings under the Open Meetings Law. Regardless of what the meeting is called, if a quorum is present to discuss issues relating to city government, the city must comply with the requirements of the Open Meetings Law.

⁷⁶ [Idaho Code 74-203\(1\).](#)

⁷⁷ [Idaho Code 74-206.](#)

⁷⁸ [Idaho Code 74-203\(4\).](#)

⁷⁹ [Idaho Code 74-202\(4\).](#)

⁸⁰ [Idaho Code 74-202\(5\).](#)

⁸¹ [Idaho Code 74-202\(6\); 74-202\(1\) & \(2\).](#)

Advance Posting of Meeting Notice & Agenda: The Law requires that notice of an upcoming meeting and an agenda must be physically posted in a prominent place at the principal office of the city or, if the city does not have an office, it is posted at the place where the meeting will be held, as well as electronically posted on the city’s website or social media if the city has an online presence.

Assembling the Agenda: Normally, the mayor coordinates drafting the agenda, collecting suggestions from councilors, city department heads, appointed officers, and staff. Once the agenda is set, the city clerk posts the paper copy on the bulletin board for city hall and on the city's website and/or social media (if the city has a website and/or social media). Idaho law states that the mayor presides at council meetings and determines the order of business “subject to such rules as the council may prescribe...”⁸² Setting the agenda is a shared responsibility and takes cooperation between the mayor and councilors.

The agenda must include the following:

- The name of the city.
- The name of the governing body that is convening the meeting.
- The date, time, and place (street address) of the meeting.
- All issues that are expected to be discussed summarized in sufficient detail to allow a citizen to understand what will be discussed.
- If an executive session will be held, the authorization under Idaho Code [74-206\(1\)](#) for holding the executive session.
- All agenda items that need a decision must be clearly marked as action items.⁸³ See the example below:

Resolution 2018-36: A Resolution Supporting Enhanced State Transportation Funding for Local Highway Jurisdictions. **ACTION ITEM.**

When drafting the agenda, avoid using acronyms, jargon and other language that is impossible for the general public to understand.

Quorum: The quorum required for the transaction of business at a regular or special council meeting is a majority of the members of the full council.⁸⁴ It is important to note that ***council vacancies do not reduce the number required for a quorum.***⁸⁵ The mayor is not counted for the quorum. If the council president or another councilor is chairing the meeting they are counted for quorum purposes. Non-participation of a councilor by reason of conflict of interest does not disqualify the councilor for quorum purposes.

Presiding Officer: The mayor presides over city council meetings.⁸⁶ In the mayor’s absence, the council president presides over the meeting. If both the mayor and council president are absent, the

⁸² [Idaho Code 50-602.](#)

⁸³ If the city uses a consent agenda or consent calendar to approve a number of routine items in one motion, the agenda description should note that all of the following items are action items (each consent agenda item does not have to be listed as an action item individually since they normally handled as a single action).

⁸⁴ [Idaho Code 50-705.](#)

⁸⁵ McQuillin, Eugene. *The Law of Municipal Corporations.* Volume 4, 3rd Edition Revised, Clark Boardman Callaghan, 2001, p. 818. “In determining the legal quorum of a municipal governing body, ordinarily the whole membership of the body is to be counted. Where vacancies occur, the whole number entitled to membership must be counted and not merely the remaining members.”

⁸⁶ [Idaho Code 50-602.](#)

council may designate one of the members in attendance as temporary chair (some cities select a council vice president or president pro tempore to serve as the backup if the council president is unavailable). When the council president or other councilor presides over the meeting, they retain their rights and responsibilities as a councilor: they can vote as a councilor and are counted for the quorum (but cannot break tie votes of the council, which is reserved exclusively for the mayor).

Duties of the Clerk: The city clerk is required by law to keep a journal of proceedings of the council.⁸⁷ The journal consists of the city council minutes, as well as ordinances and resolutions passed by the council.

Remote Participation: Councilors and members of other governing bodies may participate and be part of the quorum in meetings remotely by speakerphone or video conferencing.⁸⁸ The mayor, city manager, or a member of the governing body must be present in person at the meeting location to ensure the meeting is open to members of the public.

Who Gets to Speak? The public has the right to attend meetings, but opportunities for the public to speak are generally limited to designated public comment periods and to public hearings. Many cities provide a public comment period on the agenda of regular council meetings. This provides an important opportunity to hear from the public, but there should be reasonable sideboards: issues must be relevant to city government, no repetitive or abusive comments, complaints about city staff should be made in private, time should be limited to 3-5 minutes per speaker, and any issue requiring council action must be put on the agenda of a future council meeting. No person has the right to disrupt a meeting; the presiding officer can order the removal of any person who is disruptive. Declaring a temporary recess can be an effective way to establish order.

REGULAR MEETINGS

Meeting Day, Time & Location: Regular council meetings “shall be held each month at such place and times as the council may establish by ordinance.”⁸⁹ For city boards, commissions and committees, the regular meeting day, time and location may be set by resolution or motion of the board/commission/committee.

Meeting Notice: A city can satisfy the meeting notice requirement by.⁹⁰

- Notice may be posted at least five calendar days before the meeting in a prominent place at the city’s principal office, or if the city has no principal office at the place where the meeting will be held, as well as on the city’s website or social media account (if the city has an online presence).
- The regular meeting day(s) may be posted in a prominent place at the city’s principal office, or if the city has no principal office at the place where the meeting will be held, as well as on the city’s website or social media account (if the city has an online presence).

⁸⁷ [Idaho Code 50-207.](#)

⁸⁸ [Idaho Code 74-203\(5\).](#)

⁸⁹ [Idaho Code 50-705.](#)

⁹⁰ [Idaho Code 74-204\(1\).](#)

Agenda: The agenda for a regular meeting must be posted at least 48 hours prior to the meeting in a prominent place at the city’s principal office, or if the city has no principal office, at the place where the meeting will be held, as well as on the city’s website or social media.⁹¹

All agenda items that need a decision must be clearly identified as action items on the agenda.⁹² Identifying an agenda item as an action item does not require the governing board to vote on the item at that meeting.

The agenda may be amended to add unanticipated issues arising after the original agenda is posted, but a good faith effort must be made to ensure the original agenda includes all issues that will likely be discussed.⁹³ The revised agenda must be posted as soon as possible, if the change is made prior to the meeting. If the change is made less than 48 hours before a regular meeting, or at the meeting, the governing body must pass a motion to amend the agenda stating the purpose and the good faith reason why the item was not listed on the original agenda. Final action may not be taken on an agenda item added after the start of a meeting unless there is an emergency situation that is reflected in the motion to add the item to the agenda and the minutes. Amending the agenda should be used sparingly and only when the issue can’t wait until the next meeting. The process for amending the agenda only applies to items added to the agenda—items can be removed from the agenda as determined appropriate by the governing board.

SPECIAL MEETINGS

Meeting Day, Time & Location: Special meetings are held on dates and times other than prescribed by city ordinance for regular council meetings.

Business Specified in Written Call: Special meetings are held for the conduct of business specified in a written meeting call, to deal with certain issues that generally need to be resolved before the next regular meeting, or when a regular meeting is rescheduled due to lack of quorum. There is no restriction on the number of items that can be on the agenda for a special meeting.

Method of Call: Special council meetings can be held at the call of the mayor or by a majority of the full council. The bylaws or policies governing city boards, commissions and committees establish the method for calling special meetings.

Written Notice to Council: Regardless of whether the special council meeting is called by the mayor or the council, the councilors must be notified of the date, time, place and issue(s) to be considered at the special meeting in writing, and the written meeting notice and the disposition of the issues must be entered in the council minutes.⁹⁴

Meeting Notice & Agenda: Meeting notice and agenda for special meetings must be posted at least 24 hours prior to the meeting (except in emergencies, see below) in a prominent place at the city’s principal office, or if the city has no principal office at the place where the meeting will be held, as well as on the city’s website or social media account (if the city has an online presence).⁹⁵ The city

⁹¹ [Idaho Code 74-204\(1\).](#)

⁹² [Idaho Code 74-204\(4\).](#)

⁹³ [Idaho Code 74-204\(4\).](#)

⁹⁴ Idaho Code [50-604](#); [50-706](#).

⁹⁵ [Idaho Code 74-204\(2\).](#)

clerk or other city staff are required to maintain a list of news media requesting notice of meetings and must make a good faith effort to provide advance notice of the time and place of each special meeting. The procedures are the same for agendas as for regular meetings.⁹⁶

Emergency Meetings: The Open Meetings Law provides that “No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists.”⁹⁷ In the case of emergency meetings, the city must post notice and the agenda as soon as possible and the city clerk must make a good faith effort to notify members of the news media who have requested notification of meetings. The law defines an emergency as “a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage or loss, when the notice requirements of this section would make such notice impracticable, or increase the likelihood or severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting.”

VOTING

Who Gets to Vote? Councilors vote on issues. The mayor does not vote except in the case of breaking tie votes of the council.⁹⁸ Rules on voting by members of city boards, commissions and committees can be found in the bylaws and other city policies governing these bodies.

Methods of Voting: Two methods of voting may be used in meetings. In a voice vote, the presiding officer asks all those in favor of the motion to say “aye,” and all those opposed to say “no.” Voice voting is often the default method of voting unless a roll call vote is requested by a member of the governing body or required by state law or local policy. The disposition of a voice vote is recorded in the minutes (i.e., motion carried, or motion failed) along with any members who wish to have their vote recorded in the minutes.

In a roll call vote, the clerk announces the name of each member of the governing body, who replies by saying “yes” or “no” on the motion. The roll call vote is recorded in the minutes (i.e., motion carried, or motion failed) ***with the vote of each member listed separately***. A roll call vote may be requested by a single member of the governing body.⁹⁹ Idaho law requires a roll call vote for specific issues, including:

- ✓ The motion to go into executive session.¹⁰⁰
- ✓ Approving ordinances.¹⁰¹
- ✓ Approving contracts.¹⁰²

Some city councils have a policy to have all matters decided by roll call vote, which is more convenient than having to remember all the specific items for which a roll call vote is required and effectively prevents accidentally voting by the wrong method.

The Open Meetings Law expressly prohibits voting by secret ballot.¹⁰³

⁹⁶ [Idaho Code 74-204\(4\).](#)

⁹⁷ [Idaho Code 74-204\(2\).](#)

⁹⁸ [Idaho Code 50-602.](#)

⁹⁹ [Idaho Code 74-205\(1\)\(c\).](#)

¹⁰⁰ [Idaho Code 74-206\(1\).](#)

¹⁰¹ [Idaho Code 50-902.](#)

¹⁰² [Idaho Code 50-902.](#)

Threshold for Approval: Most issues can be decided by a simple majority.¹⁰⁴ However, some issues specifically require other votes to pass. The following actions require approval by:

Majority of the Full Council (50% +1)

- Adopting a franchise ordinance.¹⁰⁵
- Confirming the mayor’s nomination for an appointed office, such as the city clerk, treasurer, attorney or other appointed positions established by local policy.¹⁰⁶
- Confirming the mayor’s removal of an appointed officer, such as the city clerk, treasurer, attorney or other appointed positions established by local policy.¹⁰⁷
- Adopting an ordinance providing for leasing of mineral rights.¹⁰⁸
- Overriding the mayor’s veto of an ordinance.¹⁰⁹
- Calling special meetings of the city council.¹¹⁰
- Calling a special election on adopting the council-manager form of government.¹¹¹
- Dispensing with the requirement for ordinances to be read on three separate days.¹¹²
- Declaring an emergency after the appropriation ordinance for the year has been approved and authorizing short-term borrowing to pay for the costs of repairs or improvements.¹¹³
- 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.¹¹⁴
- Initiation of a local improvement district by council resolution.¹¹⁵
- Creation of a local improvement district when the owners of more than two-thirds of the property to be assessed have protested.¹¹⁶
- Sale of property deeded to the city because of unpaid local improvement district assessments.¹¹⁷

Two-Thirds of the Council

- Approving a motion to go into executive session.¹¹⁸
- Council override of the term limits provision limiting planning and zoning commissioners to no more than two full, consecutive terms.¹¹⁹

¹⁰³ [Idaho Code 74-203\(1\).](#)

¹⁰⁴ [Idaho Code 50-705.](#)

¹⁰⁵ [Idaho Code 50-329.](#)

¹⁰⁶ [Idaho Code 50-205.](#)

¹⁰⁷ [Idaho Code 50-206.](#)

¹⁰⁸ [Idaho Code 50-234.](#)

¹⁰⁹ [Idaho Code 50-611.](#)

¹¹⁰ [Idaho Code 50-706.](#)

¹¹¹ [Idaho Code 50-802.](#)

¹¹² [Idaho Code 50-902.](#)

¹¹³ [Idaho Code 50-1006.](#)

¹¹⁴ [Idaho Code 50-1409.](#)

¹¹⁵ [Idaho Code 50-1706.](#)

¹¹⁶ [Idaho Code 50-1709.](#)

¹¹⁷ [Idaho Code 50-1751.](#)

¹¹⁸ [Idaho Code 74-206.](#)

¹¹⁹ [Idaho Code 67-6504\(a\)\(3\).](#)

Three-Fourths of the Full Council

- Passing an ordinance providing for disposition of excess revenues in a Local Improvement Guarantee Fund.¹²⁰

EXECUTIVE SESSIONS

The Open Meetings Law provides that specific topics may be considered in closed executive session at regular or special council meetings.¹²¹ The motion to go into executive session must be decided by roll call vote recorded in the minutes by individual vote, and the motion must be approved by two-thirds vote to pass. Cities should consult their attorney to be sure they are discussing items allowed in executive session. The motion must state the specific subsection(s) of Idaho Code [74-206\(1\)](#) that authorize(s) the executive session summarized below:

- (a) To make hiring decisions
- (b) To evaluate employee performance, hear complaints, and discipline employees
- (c) To acquire an interest in real property not owned by a public agency
- (d) To consider records that are exempt from disclosure as provided in [chapter 1, title 74](#), Idaho Code;
- (e) To negotiate matters of trade or commerce
- (f) To communicate with legal counsel regarding litigation
- (i) To communicate with a representative of the public agency's risk manager or insurance provider
- (j) To consider labor contract matters.

Who Can Attend Executive Sessions? The mayor and council have discretion to determine who needs to attend the executive session and can summon and excuse these individuals as necessary. The city clerk does not need to attend the executive session unless requested by the council. A mayor or councilor with a declared conflict of interest can be excluded.

Minutes: Minutes are not kept in executive session, but the minutes of the council meeting must reflect: the motion to go into executive session citing the specific subsection(s) of [Idaho Code 74-206\(1\)](#) authorizing the executive session; the roll call vote on the motion with every councilor's vote recorded individually. If notes do need to be taken, they should be taken by your city attorney, so they are protected by attorney-client privilege and are protected from public disclosure.

Prohibited Conduct: No executive session may be held for the purpose of taking any final action or making any final decision.¹²² Changing the subject within executive session to one not identified in the motion to enter or to any topic for which executive sessions are not allowed constitutes a violation of the Open Meetings Law.¹²³

Open Collective Bargaining Legislation: All negotiations between a governing body and a labor organization must occur in meetings open to the public preceded by notice.¹²⁴ Open meetings are

¹²⁰ [Idaho Code 50-1769.](#)

¹²¹ [Idaho Code 74-206.](#)

¹²² [Idaho Code 74-206\(3\)](#)

¹²³ [Idaho Code 74-206\(2\)](#)

¹²⁴ [Idaho Code 74-206A.](#)

also required for any meetings with any labor negotiation arbitrators, mediators or other facilitators. The city council may hold an executive session to consider labor contract offers or formulate counteroffers, as well as receive information about a specific employee, when the information has a direct bearing on the issues being negotiated and the release of the information would violate the employee's right to privacy.

All documentation exchanged between the parties during negotiations, including offers, counteroffers, and meeting minutes is public record. The city must post notice of the negotiation sessions "at the earliest possible time practicable" by putting the notice on the front page of the city's website and posting notice within 24 hours on the bulletin board at city hall. If public testimony will be allowed at the meeting, it must be posted as an agenda item.

MINUTES

The city clerk is responsible for ensuring that accurate minutes are taken of every meeting of the city council.¹²⁵ Minutes must also be prepared for meetings of city boards, commissions, and committees. The council or governing body should approve the minutes by motion. After approval, the minutes should be signed by the city clerk.

What Must be Included in Minutes? The Open Meetings Law provides that minutes must be "available to the public within a reasonable time after the meeting" and must include, at a minimum, the following information:¹²⁶

- ✓ The date, time and place of the meeting;
- ✓ The members of the governing body in attendance;
- ✓ All motions, resolutions, orders, or ordinances proposed and their disposition; and
- ✓ The results of all votes.

Executive Session: Minutes are not taken in executive session, but the meeting minutes must include the motion to enter executive session with the specific subsection(s) of Idaho Code authorizing the executive session and roll call vote on the motion.¹²⁷

What Level of Detail is Required for Minutes? The level of detail in the minutes involves tradeoffs. More detail provides a more useful account of the meeting for future generations, but the minutes should be a summary and do not have to reflect what a person says word for word. A recording or verbatim transcript of the meeting is not required; however, cities are required to have audio recordings of public hearings, deliberation and decisions on site-specific land use issues that are retained for at least six months after the final decision.¹²⁸

PENALTIES FOR VIOLATION & CURE PROCESS

Many public entities have found themselves on the front page of the paper recently for Open Meeting violations. Many of the violations were inadvertent and most can generally be cured, but

¹²⁵ [Idaho Code 50-207.](#)

¹²⁶ [Idaho Code 74-205.](#)

¹²⁷ [Idaho Code 74-205\(2\).](#)

¹²⁸ [Idaho Code 67-6536.](#)

public trust may be hurt in the process. Still, going through the curing process goes further to restore the public trust than ignoring the violation.

QUESTIONS & ANSWERS

What are the 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

What is penalty for Violations and How can they be Fixed? The most significant penalty for violating the Open Meetings Law is that any action occurring at a meeting held in violation of the Open Meetings Law is void.¹²⁹

The law also sets forth fines for members of the governing body for violating the Open Meetings Law. These fines are paid personally by the members of the governing body, not the city.

- A \$250 civil fine for a member of the governing body who conducts or participates in a meeting that violates the Open Meetings Law.¹³⁰
- A \$1,500 civil fine for knowing violation of the Open Meetings Law.¹³¹
- A \$2,500 civil fine for repeated knowing violations of the Open Meetings Law within 12 months.¹³²

The Open Meetings Law allows the governing body to “cure”¹³³ a violation and avoid penalties by acknowledging the procedural defect and re-doing the action in compliance with the law.¹³⁴ After acknowledgement that a violation has occurred, the governing body has 14 days to declare the action occurring at or resulting from the unlawful meeting void. The governing body may proceed to reconsider the decision in compliance with the Open Meetings Law.

¹²⁹ [Idaho Code 74-208\(1\).](#)

¹³⁰ [Idaho Code 74-208\(2\).](#)

¹³¹ [Idaho Code 74-208\(3\).](#)

¹³² [Idaho Code 74-208\(4\).](#)

¹³³ [Idaho Code 74-208\(7\)\(d\).](#)

¹³⁴ [Idaho Code 74-208\(7\).](#)

IDAHO ETHICS IN GOVERNMENT ACT INTRODUCTION

The public's confidence in government is only as strong as the integrity displayed by government officials. When the public and media judge the legacy of a public official, a single lapse in judgment can outweigh years or even decades of faithful public service.

Idaho has several statutes governing ethics and conflict of interest that apply to city officials: the Ethics in Government Act; prohibitions on contracts with officers; the Bribery and Corrupt Influence Act; and specific laws relative to conflicts of interest for planning and zoning, urban renewal agencies and local improvement districts. It is critical to work with your city attorney to determine the appropriate course of action when conflicts arise.

The Idaho Ethics in Government Act provides that “the position of a public official at all levels of government is a public trust” and this public trust requires the law to:

- Protect the integrity of government throughout the state of Idaho while at the same time facilitating recruitment and retention of personnel needed within government;
- Assure independence, impartiality and honesty of public officials;
- Inform citizens of the existence of personal interests which may present a conflict of interest between an official's public trust and private concerns;
- Prevent public office from being used for personal gain contrary to the public interest;
- Prevent special interests from unduly influencing governmental action; and
- Assure that governmental functions and policies reflect the public interest.¹³⁵

The Ethics in Government Act applies to cities and state and local boards and commissions (including planning and zoning commissions).¹³⁶ The act applies to public officials, including mayors and councilors, individuals appointed to public office (appointed city officers include the city clerk, treasurer, attorney and any others designated by local policy); and employees or consultants of state or local government.¹³⁷ The law prohibits public officials 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 as required by law.**¹³⁸

Conflict of interest is defined as:

“Any official action¹³⁹ or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit¹⁴⁰ of the person or a member of the person's household,¹⁴¹ or a business¹⁴² with which the person or a member of the person's household is associated.”¹⁴³

¹³⁵ [Idaho Code 74-402.](#)

¹³⁶ [Idaho Code 74-403\(6\).](#)

¹³⁷ [Idaho Code 74-403\(10\).](#)

¹³⁸ [Idaho Code 74-404.](#)

¹³⁹ [Idaho Code 74-403\(1\).](#)

¹⁴⁰ Pecuniary benefit means financial or monetary benefit.

¹⁴¹ [Idaho Code 74-403\(7\).](#)

¹⁴² [Idaho Code 74-403\(3\).](#)

¹⁴³ [Idaho Code 74-403\(4\).](#)

In order to determine if a conflict of interest exists and what steps to take if one does, the public official should seek advice from the city attorney. If the city attorney advises that a real or potential conflict of interest may exist, then the official must disclose the conflict.

- An elected city official must disclose the nature of the conflict on the record at a council meeting **prior to acting on the matter** and is subject to any city rules governing conflicts of interest. The Act mandates disclosure of conflicts of interest but does not require elected officials to abstain from debating and voting (other provisions of Idaho law, such as the ethics provisions for planning and zoning, require elected officials to recuse themselves from participating in, debating and voting once a conflict of interest has been declared). A councilor who decides to abstain is still counted for quorum purposes.¹⁴⁴ If a councilor asks to be excused from voting on an issue that involves a conflict or potential conflict of interest, and the council does not excuse the individual from participating, the councilor is exempt from civil or criminal liability.¹⁴⁵
- 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 official is entitled to act on the legal advice of the city attorney.¹⁴⁶

Cities may establish rules concerning whether a councilor may be permitted to debate and vote or whether other city officials may act where there is a conflict of interest, and if so, under what circumstances (e.g., subject to the advice of counsel). The policy of the Ethics in Government Act is to require disclosure and allow each city's policy to determine whether an official may act where there is a conflict.

Cities may establish their own Ethics Commission to perform the duties and responsibilities prescribed under the Ethics in Government Act, including:

- Issuing advisory opinions upon the request of a city official.
- Investigating possible unethical conduct of city officials and conducting hearings, issuing findings, and making recommendations for disciplinary action to the mayor and council.
- Accepting complaints of unethical conduct from the public and taking appropriate action.

Any public official who intentionally fails to disclose a conflict of interest is guilty of a civil offense, with a fine not to exceed \$500. Cities may establish additional penalties at the council's discretion (such penalties cannot include removal from office). Violations of the Ethics Act do not preclude additional prosecution and conviction for criminal violations (see below for information on the Bribery and Corrupt Influence Act and prohibitions on contracts with officers).

PROHIBITIONS ON CONTRACTS WITH OFFICERS

Idaho's laws prohibiting self-interested contracts date back to before statehood. The current law, found in [Idaho Code Title 74, Chapter 5](#), states that city officials must not be interested in any contract made by them in their official capacity.

¹⁴⁴ [Idaho Code 74-404\(4\)](#).

¹⁴⁵ [Idaho Code 74-404\(4\)](#).

¹⁴⁶ [Idaho Code 74-404\(5\)](#).

Violation of the prohibition on contracts with city officers is a criminal misdemeanor with a fine of up to \$1,000 and up to 1 year in jail.¹⁴⁷ Disclosure of a conflict of interest does not protect a city official from conviction and criminal penalties. Furthermore, any contract made with an officer in violation of the law may be declared void by the courts at the insistence of any party except the officer interested in the contract.¹⁴⁸ If the city official has a remote interest and violates the prohibition on influencing or attempting to influence the decision, the contract is void.¹⁴⁹

Contracts prohibited by law include any compensation for goods or services from a city official over and above their city salary. This includes:

- A city that pays a mayor or councilor extra compensation to run the snowplow.
- A city that buys parts or has a vehicle repaired at a shop owned by a mayor or councilor.

As Idaho is a community property state, the prohibition on contracts with officers also prohibits a city from contracting with the spouse of a city elected official for goods or services.¹⁵⁰

A public officer is not deemed to be interested in a contract if he/she has a remote interest, if the existence and extent of the interest is disclosed on the record at a council meeting and reflected in the meeting minutes, and the council proceeds to authorize the contract by majority vote (without counting the vote of the officer with the remote interest).¹⁵¹ An official with a remote interest is prohibited from influencing any other official to enter into the contract.

Another exception exists allowing non-compensated public officials to contract with the city.¹⁵² The process is outlined in the bullets below:

- The contract is competitively bid, and the public official must submit the low bid.
- The public official may not take any part in the preparation of the contract or bid specifications and must recuse him/herself from debating and voting on the contract or bid specifications.
- The public official must provide full disclosure in writing to the city council of his/her interest in the contract and their intention to bid.
- The public official must not have violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

In addition to the prohibition on self-interested contracts, city officers must not be purchasers at any sale nor vendors at any purchase made by them in their official capacity. A common issue that comes up regarding this section involves purchase of surplus property by city officials. The law clearly prohibits councilors, the city clerk and city employees from purchasing city surplus property. A city official found guilty of violating this section is guilty of a criminal misdemeanor and may be punished by a fine of up to \$1,000 and up to a year in the county jail.¹⁵³

¹⁴⁷ [Idaho Code 74-509.](#)

¹⁴⁸ [Idaho Code 74-504.](#)

¹⁴⁹ [Idaho Code 74-502\(2\).](#)

¹⁵⁰ *Nuckols v. Lyle*, 8 Idaho 589, (1902).

¹⁵¹ [Idaho Code 74-502.](#)

¹⁵² [Idaho Code 74-510.](#)

¹⁵³ [Idaho Code 74-509.](#)

BRIBERY & CORRUPT PRACTICES ACT

The Bribery & Corrupt Practices Act applies to counties, cities, school and other special districts, and state and local boards and commissions (including planning and zoning commissions).¹⁵⁴

Public servants covered by the act include elected officials, appointed city officers and employees (including consultants).¹⁵⁵ The act prohibits the following:

- **Bribery:**
 - Any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or
 - Any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding;
 - Any benefit as consideration for a violation of a known legal duty as public servant or party official.”¹⁵⁶

- **Threats and Improper Influence:**
 - Threatens 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; or
 - Threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or
 - Threatens harm to any public servant or party official with purpose to influence him to violate his known legal duty; or
 - Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding with purpose to influence the outcome based on considerations other than those authorized by law.”¹⁵⁷

- **Compensation for Past Official Behavior:** “A person commits a misdemeanor if he solicits, accepts, or agrees to accept any pecuniary benefit as compensation for having as public servant, given a decision, opinion, recommendation or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his duty. A person commits a misdemeanor if he offers, confers, or agrees to confer, compensation, acceptance of which is prohibited by this section.”¹⁵⁸

- **Retaliation for Past Official Action:** “A person commits a misdemeanor if he harms another by any unlawful acts in retaliation for anything lawfully done by the latter in the capacity of public servant.”¹⁵⁹

¹⁵⁴ [Idaho Code 18-1351\(3\).](#)

¹⁵⁵ [Idaho Code 18-1351\(8\).](#)

¹⁵⁶ [Idaho Code 18-1352.](#)

¹⁵⁷ [Idaho Code 18-1353.](#)

¹⁵⁸ [Idaho Code 18-1354.](#)

¹⁵⁹ [Idaho Code 18-1355.](#)

- **Gifts to Public Servants:** The following public servants are prohibited from soliciting, accepting, or agreeing to accept pecuniary benefits from persons or entities subject to their authority or interested in any transaction:
 - Public servants working in departments or agencies that exercise regulatory, inspection or investigatory authority, or responsible for litigation.
 - Public servants having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the city.
 - Judicial or administrative officials, or employees of a court or other tribunal having such authority or participating in the enforcement of its decisions.¹⁶⁰

There are a few exceptions:

- Fees prescribed by law to be received by a public servant, or any other benefit for which the recipient to which he is otherwise legally entitled; or
 - Gifts or other benefits given by family or based on personal, professional, or business relationships independent of the official status of the receiver; or
 - Trivial benefits not to exceed a value of fifty dollars (\$50.00) incidental to personal, professional, or business contacts and involving no risk of undermining official impartiality.
- **Compensating Public Servant:** “A public servant commits a misdemeanor if he solicits, accepts or agrees to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has or is likely to have an official discretion to exercise.”¹⁶¹
 - **Selling Political Endorsement:** A person commits a misdemeanor if he solicits, receives, agrees to receive, or agrees that any political party or other person shall receive any pecuniary benefit as consideration for approval or disapproval of an appointment or advancement in public service, or for approval or disapproval of any person or transaction for any benefit conferred by an official or agency of the government.¹⁶²
 - **Other Trading in Special Influence:** “A person commits a misdemeanor if he solicits, receives, or agrees to receive any pecuniary benefit as consideration for exerting special influence upon a public servant or procuring another to do so. ‘Special influence’ means power to influence through kinship, friendship or other relationship apart from the merits of the transaction.”¹⁶³
 - **Paying for Endorsement or Special Influence:** “A person commits a misdemeanor if he offers, confers or agrees to confer any pecuniary benefit, receipt of which is prohibited by this section.”¹⁶⁴

¹⁶⁰ [Idaho Code 18-1356.](#)

¹⁶¹ [Idaho Code 18-1357\(1\).](#)

¹⁶² [Idaho Code 18-1358\(1\).](#)

¹⁶³ [Idaho Code 18-1358\(2\).](#)

¹⁶⁴ [Idaho Code 18-1358\(3\).](#)

- **Using Public Position for Personal Gain:** Public servants are prohibited from:
 - Using public funds or property to obtain a pecuniary benefit.¹⁶⁵
 - Soliciting, accepting, or receiving a pecuniary benefit as payment for services, advice, assistance or conduct customarily exercised in the course of their official duties (excludes gifts valued under \$50 incidental to personal, professional, or business contacts and with no substantial risk of undermining impartiality).¹⁶⁶
 - Using or disclosing confidential information gained during, or by reason of, the official’s position or activities, with the intent to obtain a pecuniary benefit for himself or any other person or entity in whose welfare he is interested, or with the intent to harm the city.¹⁶⁷
 - Being interested in any contract made by him in his official capacity or by any body or board of which he is a member.¹⁶⁸
 - Hiring, appointing or contracting with any relative of a mayor or councilor by blood or marriage within the second degree¹⁶⁹ to any paid city job, appointed office or employment.¹⁷⁰ However, a person employed by a city prior to the election of a relative within the second degree is entitled to retain his/her position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions.¹⁷¹ Other public officials such as the Chief of Police are also prohibited from hiring relatives within the second degree.

- **No Defense:** The act precludes public officials from defending any illegal behavior by claiming they weren’t in office yet, or they lacked jurisdiction.

- **Penalties:** Any public servant found guilty of violating the provisions of the Bribery & Corrupt Practices Act is guilty of a misdemeanor and may be punished by a fine not exceeding one thousand dollars (\$1,000) and incarceration in the county jail for up to one (1) year. Additionally, any person found guilty of violating the act may be required to forfeit their office and may be ordered to make restitution to the city.¹⁷²

PLANNING & ZONING CONFLICTS OF INTEREST

The Local Land Use Planning Act provides specific requirements concerning conflicts of interest in planning and zoning matters. [Idaho Code 67-6506](#) strictly prohibits participation¹⁷³ by city councilors, planning and zoning commissioners or staff “in any proceeding or action when the

¹⁶⁵ [Idaho Code 18-1359\(1\)\(a\).](#)

¹⁶⁶ [Idaho Code 18-1359\(1\)\(b\).](#)

¹⁶⁷ [Idaho Code 18-1359\(1\)\(c\).](#)

¹⁶⁸ [Idaho Code 18-1359\(1\)\(d\).](#)

¹⁶⁹ Relatives by blood or marriage within the second degree include: spouses, parents, siblings, children, grandparents, grandchildren, cousins, aunts and uncles, nieces and nephews.

¹⁷⁰ [Idaho Code 18-1359\(3\).](#)

¹⁷¹ [Idaho Code 18-1359\(5\).](#)

¹⁷² [Idaho Code 18-1360.](#)

¹⁷³ Participation is defined by [Idaho Code 67-6506](#) as “engaging in activities which constitute deliberations pursuant to the Open Meeting Act.” The Open Meeting Law defines deliberation as: “the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature which do not specifically relate to a matter then pending before the public agency for decision.” [Idaho Code 74-202\(2\).](#)

[person] or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree¹⁷⁴ has an economic interest in the procedure or action.” A knowing violation of this section is a misdemeanor, punishable by a fine of up to \$1,000 and six-months imprisonment in the county jail.

Any actual or potential conflict of interest involving a planning and zoning matter must be disclosed at a meeting on the record before the proceedings begin. The decision as to whether a conflict of interest exists is made by the person with the assistance of the city attorney. The potential conflict must be disclosed in open meeting before the proceedings begin. If it is determined that a conflict of interest exists, the person must recuse him/herself from any participation in the proceedings or voting at the outset of the process.

CONFLICTS OF INTEREST & LOCAL IMPROVEMENT DISTRICTS

Many city elected officials in Idaho are business owners and an elected official’s business interests can lead to potential conflicts of interest. In the case of local improvement districts (LIDs), the Idaho Supreme Court has held that ownership of property in an LID does not disqualify a councilor from participating in proceedings to form the district or levy assessments on properties.¹⁷⁵ The Court cited three reasons for this rule.

- To the extent that any benefit accrues to property within an LID, there is a special assessment imposed to pay the cost. Councilors benefitting from LID improvements pay assessments to fund the project, just like other property owners.
- The councilor is not the sole beneficiary of the improvements; the project benefits other property owners in the district.
- Disqualification of public officials who own property in a proposed LID “...would often have the effect of prohibiting a governing body from performing its statutory functions because of the absence of a necessary quorum or majority.”

City officials owning property within the boundaries of a proposed local improvement district should follow the disclosure requirements of [Idaho Code 74-404](#).

URBAN RENEWAL CONFLICTS OF INTEREST

Idaho’s urban renewal law specifically prohibits city and urban renewal agency officials (including elected officials, urban renewal commissioners, and staff of the city and urban renewal agency) from voluntarily acquiring any direct or indirect personal interest in an urban renewal project or property included or planned to be included in an urban renewal project, or in any contract or proposed contract in connection with an urban renewal project.¹⁷⁶

The law requires city officials to disclose conflicts of interest relating to urban renewal projects.

- Where the person involuntarily acquires an interest in property that would be affected by an urban renewal project, the person must disclose the interest in writing

¹⁷⁴ Relatives “by affinity or consanguinity within the second degree” includes relatives by blood or marriage, including: spouses, parents, siblings, children, grandparents, grandchildren, cousins, aunts and uncles, nieces and nephews.

¹⁷⁵ *Simmons v. City of Moscow*, 111 Idaho 14, 720 P.2d 197 (1986).

¹⁷⁶ [Idaho Code 50-2017](#).

to the urban renewal agency board and the disclosure is entered in the meeting minutes.

- If any person owns or controls, or owned or controlled within the preceding two years, any direct or indirect interest in any property that is known to be included or planned to be included in an urban renewal project, the interest must be disclosed in writing to the urban renewal agency board and entered in the meeting minutes. The law requires the person to not participate in any action by the city or urban renewal agency affecting the property.

Any violation of the provisions of [Idaho Code 50-2017](#) constitutes misconduct in office.

INCOMPATIBILITY OF OFFICE

The common law doctrine of incompatibility of office prevents a person from simultaneously holding two inherently incompatible offices, for example where one office is subordinate to another, or where the duties of the offices clash, or where one holds power of appointment or removal over the other.

So, a mayor or councilor cannot simultaneously serve as city clerk, attorney, treasurer, city administrator, or police chief. Likewise, a mayor or councilor could not serve simultaneously as a member of the city or county planning and zoning commission¹⁷⁷ or on the board of county commissioners.¹⁷⁸ Examples where incompatibility has been found not to exist include city attorney and state legislator, and mayor and state legislator.¹⁷⁹

MISCELLANEOUS LAWS DEALING WITH CONFLICTS OF INTEREST

In addition to the laws outlined above Idaho Code includes several other conflict of interest provisions of interest to city officials.

- **[Idaho Code 19-5109](#)**: The Peace Officer Standards & Training Council may decertify any officer who violates the standards of conduct as established by the POST Council's code of ethics.
- **[Idaho Code 20-804](#)**: The city council may not contract with a private prison contractor in which the mayor, a councilor, any appointed peace officer or other city official has an interest pursuant to [Idaho Code Title 74, Chapter 5](#). Any contract made in violation of this section may be declared void by the courts.
- **[Idaho Code 39-7408B](#)**: A person nominated to represent a city on a site review panel formed under the Idaho Solid Waste Facilities Act shall not have a conflict of interest¹⁸⁰ or derive any economic gain¹⁸¹ from the location or siting of the proposed commercial solid waste facility.

¹⁷⁷ Attorney General's Opinion 6-18-1987(a) addresses the question of a county planning and zoning commission member simultaneously serving on the city council.

¹⁷⁸ Attorney General's Opinion 8-28-2003.

¹⁷⁹ Attorney General's Opinion 4-30-1991.

¹⁸⁰ The law provides the definition of conflict of interest mirrors that found in [Idaho Code 74-403\(4\)](#)

¹⁸¹ Economic gain is defined by [Idaho Code 74-403\(5\)](#): an "increase in pecuniary value from sources other than lawful compensation as a public official."

- [Idaho Code 39-7908](#): A person nominated to represent a city on a site review panel formed under the Local Option Swine Facilities Siting Act shall not have a conflict of interest¹⁸² or derive any economic gain¹⁸³ from the location of the proposed or expanding swine facility.
- [Idaho Code 50-2705](#): A director, officer, agent, or employee of a municipal industrial development corporation is prohibited from having any direct or indirect financial interest in any property to be included in or any contract for property, services, or materials to be furnished or used in connection with any industrial development facility. Violation of this section is a misdemeanor.

QUESTIONS & ANSWERS

Why does Idaho have laws governing conflicts of interest, contracts with officers, bribery, etc.?

The purpose of these laws is to establish a baseline for conduct by public officials. However, questions of ethics are often much more complicated. This is because public officials are tried in courts of public opinion as well as courts of law. Courts of public opinion do not look kindly on public officials who attempt to rationalize ethically questionable activity. Public office is a public trust, and the public has the right to expect the highest ethical behavior from public servants.

Nepotism: Is an existing city employee’s job in jeopardy if a close family member is elected mayor or councilor?

Under [Idaho Code 18-1359\(5\)](#), an existing employee is entitled to retain their position when a relative within the second degree is elected to city office. The employee may also “receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions.”

Conflict of Interest: What action is required if a city official believes he/she has a conflict of interest?

To determine if a conflict of interest exists, the public official should seek advice from the city attorney. If the city attorney advises that no real or potential conflict of interest exists, the 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 may exist, then the official must disclose the conflict.

- An elected city official must disclose the nature of the conflict on the record at a council meeting **prior to acting on the matter** and is subject to any city rules governing conflicts of interest. The Ethics in Government Act mandates disclosure of conflicts of interest but does not require elected officials to abstain from debating and voting on the matter (other provisions of Idaho law, such as the ethics provisions for planning and zoning, require elected officials to recuse themselves from debating and voting once a conflict of interest has been declared). A councilor who decides to abstain from debate and voting on a matter is still counted for quorum purposes.¹⁸⁴ If a councilor asks to be excused from voting on an

¹⁸² [Idaho Code 74-403\(4\)](#)

¹⁸³ [Idaho Code 74-403\(5\)](#)

¹⁸⁴ [Idaho Code 74-404\(4\)](#).

issue that involves a conflict or potential conflict of interest, and the council does not excuse the individual from participating, the councilor is exempt from civil or criminal liability.¹⁸⁵

- 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 official is entitled to act on the legal advice of the city attorney.¹⁸⁶

Conflict of Interest: Are there exceptions to the definition of “conflict of interest” in the Ethics in Government Act?

Yes. The act provides there is no conflict of interest if the pecuniary (financial or monetary) benefit to a public official arises out of:

- An interest or membership in a particular business, industry, occupation, or class required by law as a prerequisite to the holding by the person of the office or position (e.g., a city attorney’s membership in the state bar);
- Any action in the person’s official capacity that affects the official, a member of the official’s household, or a business with which the official is associated in the same manner as others engaged in the industry or occupation (e.g., a councilor who is also a building contractor could vote to raise building permit fees, if the fees apply to all contractors across the board);
- Any interest that the person has by virtue of his profession, trade, or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade, or occupation; or
- Any action by a public official upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the public are affected by the outcome of the action in a substantially similar manner and degree.

Contracts: Are there any circumstances where a city official or a relative of a city official can contract with the city for goods or services?

A city official—elected or staff—or a relative of a city official (within the second degree, by blood or marriage) can contract with the city if the following conditions are met:

- The contract is reasonably necessary to respond to a disaster; or
- The contract is competitively bid, and the public official (or his/her relative) submits the low bid. Neither the public official nor the relative may take any part in the preparation of the contract or bid specifications, and the public official must recuse him/herself from voting on the contract and bid specifications. The public official must provide full disclosure in writing to the city council of his/her or his/her relative’s interest in the contract and their intention to bid. The public official or relative must not have violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

Contracts: Can the employers of a city elected official contract with the city?

The answer is yes under certain circumstances, such as when the official’s interest is defined as remote under [Idaho Code 74-502](#), meaning the elected official is:

¹⁸⁵ [Idaho Code 74-404\(4\)](#).

¹⁸⁶ [Idaho Code 74-404\(5\)](#).

- A non-salaried officer of a nonprofit corporation.
- An employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary.
- A landlord or tenant of a contracting party.
- A holder of less than one percent (1%) of the shares of a corporation or cooperative that is a contracting party.

The remote interest must be disclosed to the mayor and city council at a council meeting prior to any discussion of the matter, noted in the minutes of the meeting, and the official with the remote interest must recuse himself from any participation or voting on the matter. The council must approve the contract by a vote sufficient for it to pass without the vote of the official with the remote interest. The official with the remote interest must not attempt to lobby any decision maker concerning the contract.

Planning & Zoning: I currently serve as a councilor and am also employed by a business that has a conditional use permit application that will be considered by the city council on which I serve. Should I follow the provisions of the Ethics in Government Act (disclose and then participate) or should I follow the conflict of interest law specific to planning and zoning issues (that requires disclosure and nonparticipation)?

The Ethics in Government Act covers many conflict of interest situations, but the major exceptions are where state law provides specific conflict of interest provisions, most commonly for planning and zoning issues and urban renewal. In this situation you need to follow the provisions of [Idaho Code 67-6506](#), which requires the conflict to be disclosed on the record and the official with the conflict must recuse themselves from any participation or voting on the matter at the outset of the proceedings.

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Memorandum

To: Bellevue Common Council

From: Christina Giordani, Mayor
Brian Parker, Community Development Director

Re: Appointment of Genoa Beiser to the Bellevue Planning & Zoning Commission

Date: January 13, 2025

Background

The Bellevue Planning & Zoning Commission currently has one (1) vacant seat. Bellevue City Code Section 10-3-2(B)(2) establishes that Commission members shall be appointed by the Mayor and confirmed by the Council.

The vacancy was noticed in the *Idaho Mountain Express* on December 18, 2024. One (1) letter of interest was submitted from Genoa Beiser. The Mayor and Community Development Director have both met with the applicant and find that she is well qualified and suited for the position.

Recommendation

The Council should vote to confirm the appointment of Genoa Beiser to a three (3) year term.

Enclosures

1. Letter of Interest from Genoa Beiser

GENOA BEISER

Bellevue, Idaho | (208) 596-1482 | genoagail@gmail.com

City of Bellevue

Attn: Amy Phelps, City Clerk

115 Pine Street | PO Box 825

Bellevue, ID 83313

Dear Mayor, Council, and City Staff,

I am interested in filling the vacancy in the Bellevue Planning and Zoning Commission. I am excited at the opportunity to lend my time bimonthly, or as needed, in making recommendations and decisions on building & land use applications and to collaborate on long range planning projects.

I have practical knowledge about the roles, responsibilities, and expectations of the commission through my occupation as a Zoning Technician in the Ketchum Planning and Building Department. As a resident in our gateway community for almost five years and a homeowner here for two and a half, I am invested in the long-term success and stability of Bellevue. We live in a beautiful and desirable valley; growth is inevitable. I want to make sure that growth is not at a detriment to our community character. Our future success depends on increased support for our existing infrastructure, businesses, and residents, while also acknowledging and being thoughtful about laying the groundwork for inevitable population increase and expanding city limits. If we plan for the future now, I have no doubt that Bellevue can weather any coming storm in the next 20 years.

I love our small town and want to serve however I can. My passion to do so was reflected in my recent candidacy for City Council. I strongly believe in everyone's participation in governance when we have the capacity to do so. I have time now to give back. With my knowledge and experience as a resident and as staff in the Ketchum Planning and Building Department, I make an excellent candidate for the current vacancy.

Thank you for your time and consideration.

Sincerely,
Genoa Beiser

**CITY OF BELLEVUE
RESOLUTION NO. 2402**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF
THE CITY OF BELLEVUE, IDAHO, CONFIRMING THE APPOINTMENT OF
GENOA BEISER, TO THE BELLEVUE PLANNING AND ZONING COMMISSION**

WHEREAS, the Mayor of the City of Bellevue, by and with the advice and consent of the Bellevue Common Council is responsible for appointing Board members and their terms pursuant to Bellevue Code Title 10 §10-3-2B and Idaho Code Title 67 §67-6504; and,

WHEREAS, a vacancy exists in the Planning and Zoning Commission.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF BELLEVUE, IDAHO, AS FOLLOWS:

Section 1: That the above statements are true and correct.

Section 2: That the Mayor and Common Council, confirm and appoint the following individual to the Planning and Zoning Commission for the identified term.

Genoa Beiser: 3-year- term, expiring January 13, 2028

Section 3: That following the initial term, the commissioner(s) shall be appointed and/or reappointed to serve a three (3) year term.

Section 4: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED AND ADOPTED by the City of Bellevue Common Council, Idaho, this 13th day of January 2025.

Christina Giordani, Mayor

ATTEST:

Amy Phelps, City Clerk



MEMORANDUM

TO: Mayor Giordani and City Council Members

FROM: Shelly Shoemaker, Finance Manager / Treasurer

RE: Xpress Bill Pay

DATE: January 13, 2025

Background

The City has been utilizing QuickBooks for processing all credit/debit card transactions except for payments made from the City's website. The cost for processing those payments is 3% plus a small per transaction fee. The City currently absorbs those transaction fees. For an average utility payment of \$130.55, the current fee is \$4.04. Total transaction fees for FY24 were \$13,774.

As we transition out of QuickBooks to Caselle, a new merchant processor compatible with Caselle is the most efficient and effective process moving forward with card payments. Xpress Bill Pay (Xpress) is very popular because it integrates well with Caselle.

Xpress Bill Pay Features

- Real-time sync of payments
- All services the city offers can be paid through Xpress
- No manual entry – payments automatically upload to Caselle
- Customers can go paperless (offering savings on printing and postage)
- Direct email to customers and notifications of bills with link to view statement
- Online eBills
- Phone Payments (IVR and operator assisted)
- Real-time reporting

The City has two options for the handling transaction fees with Xpress, as follows:

Option 1:

The first option is to absorb the transaction fees. Xpress offers a discount if the city absorbs the fees. For an average utility payment of \$130.55, the transaction fees would be approximately \$2.59 which is comprised of a merchant services fee of \$1.85 plus the Xpress Bill Pay fee of \$0.74. For eChecks, the amount is also reduced to a flat rate of \$0.74 per transaction.

Option 2:

The second option is to pass the fee to the customer. For an average utility payment of \$130, the customer would incur a fee of \$4.55 on cards, calculated as 3% of the transaction amount, plus \$0.65. For eChecks, the customer would pay a flat fee of \$2.00.

Xpress Bill Pay Contract Terms

- Initial term of 36 months
- Monthly fee based on number of accounts – approx. \$129/month
- Card reader for payment window - \$85 one-time cost
- Xpress can change fees at any time with 30 days' notice
- City can cancel services at any time with 30 days' notice to Xpress with no penalty

Recommendation

I recommend the City contract with Xpress Bill Pay.

The question is whether the city is to continue to absorb card processing fees or pass the fees directly to the customer.

Integrated solutions for all your payment needs

CASELLE[®]

xpress
BILL PAY

Xpress Bill Pay is an Authorized Payment Provider for Caselle



Online Payments



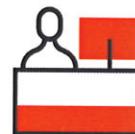
Mobile apps



Auto Pay



Guest Checkout



Point of Sale



IVR



Text



Lockbox



Ebill



Integration

ee

Three ways we are different

1 INTEGRATION IS EVERYTHING

We understand your world. Many of our employees used to work for municipalities and utility districts; they were **you**. We understand your daily routines, and we've built our systems with **you** in mind. Whether it's easily processing payments, seamlessly integrating your data, or simplifying your back-office processes, we have solutions built for **you**. Online payments have always been convenient for your customers, but we've made them convenient for **you!** Built for your customers. Built for you!

2 READY, SET, RECONCILE!

We make bank reconciliation easier than ever. Our reconciliation reports group your payments together in the same way they deposit to your bank. No more adding and subtracting. Simply match the report with your bank statement and general ledger. That's it!

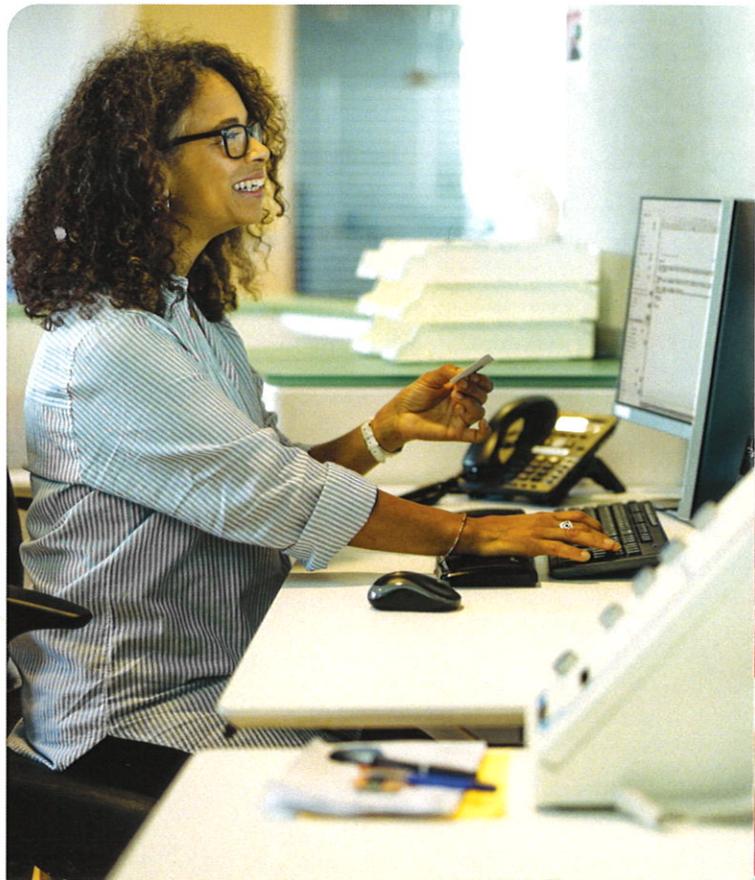
3 FOCUSED ON PEOPLE

Your customers are important to us. While it's easy for them to view their bills online and make payments, sometimes they have questions and just want to talk to someone. Our highly-rated Customer Support Team is always a phone call, or email, away. That's right. We still pick up the phone, which seems to be a dying art these days. You and your customers are not a burden to our work; you are the focus of it!

“

Xpress Bill Pay is Caselle's authorized and preferred provider for online and electronic payment services. Xpress Bill Pay is undoubtedly the best companion payment system for Caselle on the market today. Caselle and Xpress Bill Pay work seamlessly together. Our customers love using Xpress Bill Pay!

—SCOTT COOK
Caselle Executive Vice President





INTEGRATED SOLUTIONS

- eBilling
- Online Payments: Credit, Debit, and eCheck
- Guest Checkout
- Mobile App Payments: iOS and Android
- Pay by Text
- Phone Payments: IVR and Operator Assisted
- Online Registration and Payment Forms
- Bank Bill Pay Consolidation
- Remote Deposit (Check Scanning)
- Lockbox (Mailed Payments)
- Payment APIs

BENEFITS FOR YOUR CUSTOMERS

- Self-Service Portal
- Paperless Billing
- Auto Pay
- One-Time Payments
- Scheduled Payments
- Notifications: Text and Email
- Exceptional Customer Support: Phone and Email, English and Spanish

Simple and Effective Tools

BENEFITS FOR YOU

- Point of Sale Payments
- All Receipt Types:
 - Utility Bills
 - Licenses
 - Permits
 - AR Invoices
 - Court Citations and Fines
 - Property Taxes
 - Sales Taxes
 - Recreation
 - And anything else you've got!
- Real-Time Reports
- Real-Time Integrations
- Marketing Assistance
- Exceptional Customer Support: Phone and Email, English and Spanish

Wish we had something you aren't seeing here? Ask us, it may already be on its way!



WE ARE AUTHORIZED AND SECURE

Our innovative online payment system is an authorized payment gateway for the country's leading financial software providers.

Xpress Bill Pay undergoes rigorous audits and control procedures to ensure reliability and security. We are both PCI Level 1 Compliant and SSAE 16 SOC1 certified.



Our customers would like a word with you...

"Xpress Bill Pay has been the easiest part of our billing transition. Our trainer was absolutely wonderful. I would highly recommend it to any company. Very user-friendly and excellent customer service. We LOVE Xpress Bill Pay."

Michelle

Kentucky Frontier Gas, **KY**

"We have had great success integrating Xpress Bill Pay with our accounting software, providing a valuable service to our customers, as well as, great internal reporting for staff. Xpress Bill Pay has provided great and personable customer support always in a timely manner. We expect our long relationship with them to only continue."

Brian

Snyderville Basin Water Reclamation District, **UT**

"The Xpress Bill Pay support teams take time to fully answer questions. They are very patient with my team, as well as our customers. They know their software, and even know my accounting software. Xpress Bill Pay is always so helpful!"

Riley

Kearns Improvement District, **UT**

"When we first started taking credit card payments online, we went with one of Xpress Bill Pay's competitors and found their service to be less than desirable. When we switched to Xpress Bill Pay, we saw a huge number of our customers begin to use their services. We are extremely pleased that we made the switch to Xpress Bill Pay."

Crystal

Willcox City, **AZ**

"Xpress Bill Pay has been awesome to work with. They have great customer service and are always there to answer any questions we may have. Their features are easy to use, and it sure makes reconciliation easier than other companies we have used in the past. They are always striving to make work easier for their customers - great company!!!"

Jody

Stansbury Park Improvement District, **UT**

"We absolutely LOVE Xpress Bill Pay. It takes care of so much that it allows us more time to focus on other areas of work. The customer service at Xpress Bill Pay is great, always helpful, always courteous, and with fast response times. We've used Xpress Bill Pay for a couple of years now and my staff and I still comment to each other about how great it is to have!"

Sarah

City of Jefferson, **OR**

"I appreciate the ease in which Xpress Bill Pay's daily and monthly balancing procedures interface with our accounting software like a glove. It is a perfect fit!"

Janey

Town of Silt, **CO**

We're different...let us show you!
View a free demo!



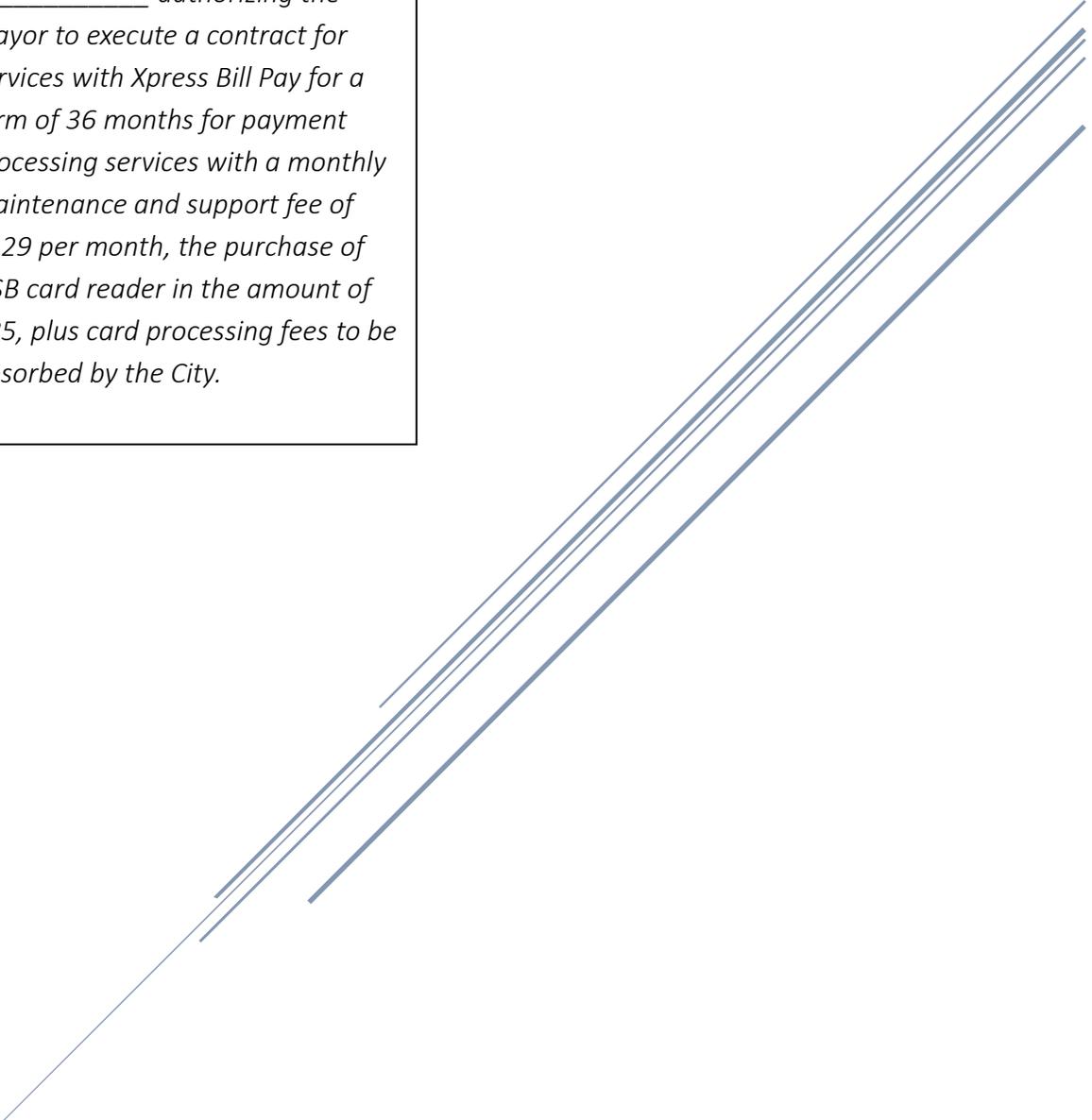
xpress BILL PAY
XPRESS BILL PAY
demo@xpressbillpay.com
800-768-7295, ext. 3
www.xpressbillpay.com

CASELLE CASELLE
marketing@caselle.com
800-228-9851
www.caselle.com

XPRESS BILL PAY RESOLUTION

Option 1: City to absorb the monthly card processing fees

Suggested motion: I move to approve Resolution No. _____ authorizing the mayor to execute a contract for services with Xpress Bill Pay for a term of 36 months for payment processing services with a monthly maintenance and support fee of \$129 per month, the purchase of USB card reader in the amount of \$85, plus card processing fees to be absorbed by the City.



CITY OF BELLEVUE, IDAHO
RESOLUTION NO. 2403

RESOLUTION OF THE CITY OF BELLEVUE, IDAHO, TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH XPRESS BILL PAY. FOR PAYMENT PROCESSING SERVICES WITH A MONTHLY MAINTENANCE AND SUPPORT FEE OF \$129 PER MONTH AND THE PURCHASE OF USB CARD READER IN THE AMOUNT OF \$85, PLUS CARD PROCESSING FEES.

WHEREAS, Bellevue is implementing new software for all accounting and billing and phasing out QuickBooks for those functions.

WHEREAS, with the new software, a new payment processing vendor is necessary to replace QuickBooks payment processing.

WHEREAS, Xpress Bill Pay is qualified to provide merchant credit card processing for the City of Bellevue.

WHEREAS, Xpress Bill Pay integrates with Caselle software.

WHEREAS, card processing fees may be absorbed by the City, or passed through Xpress Bill Pay directly to the customer.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BELLEVUE, IDAHO, AS FOLLOWS:

The City of Bellevue, Idaho, shall authorize the Mayor to execute a contract with Xpress Bill Pay in an amount not to exceed \$129 per month for maintenance and support, plus the purchase of a USB card reader for \$85 and to absorb the monthly card processing fees.

PASSED by the Bellevue Common Council and signed by the Mayor this _____ day of _____, 2025.

Christina Giordani, Mayor

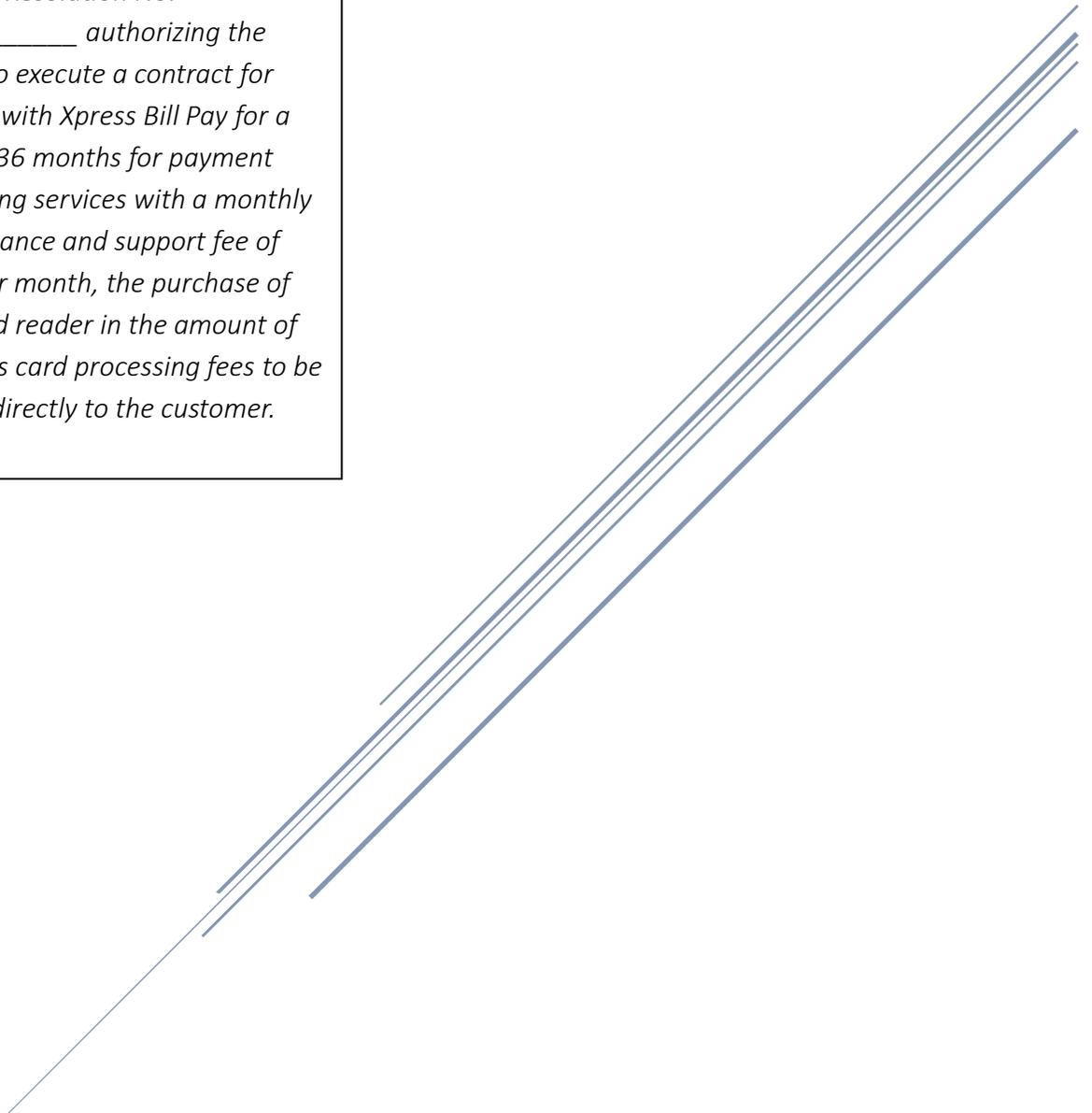
ATTEST:

Amy Phelps, City Clerk

XPRESS BILL PAY RESOLUTION

Option 2: Pass card processing fees directly to the customer

Suggested motion: I move to approve Resolution No. _____ authorizing the mayor to execute a contract for services with Xpress Bill Pay for a term of 36 months for payment processing services with a monthly maintenance and support fee of \$129 per month, the purchase of USB card reader in the amount of \$85, plus card processing fees to be passed directly to the customer.



CITY OF BELLEVUE, IDAHO
RESOLUTION NO. _____

RESOLUTION OF THE CITY OF BELLEVUE, IDAHO, TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH XPRESS BILL PAY FOR PAYMENT PROCESSING SERVICES WITH A MONTHLY MAINTENANCE AND SUPPORT FEE OF \$129 PER MONTH AND THE PURCHASE OF USB CARD READER IN THE AMOUNT OF \$85, PLUS CARD PROCESSING FEES.

WHEREAS, Bellevue is implementing new software for all accounting and billing and phasing out QuickBooks for those functions.

WHEREAS, with the new software, a new payment processing vendor is necessary to replace QuickBooks payment processing.

WHEREAS, Xpress Bill Pay is qualified to provide merchant credit card processing for the City of Bellevue.

WHEREAS, Xpress Bill Pay integrates with Caselle software.

WHEREAS, card processing fees may be absorbed by the City, or passed through Xpress Bill Pay directly to the customer.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BELLEVUE, IDAHO, AS FOLLOWS:

The City of Bellevue, Idaho, shall authorize the Mayor to execute a contract with Xpress Bill Pay in an amount not to exceed \$129 per month for maintenance and support, plus the purchase of a USB card reader for \$85 and to pass the card processing fees directly to the customer.

PASSED by the Bellevue Common Council and signed by the Mayor this _____ day of _____, 2025.

Christina Giordani, Mayor

ATTEST:

Amy Phelps, City Clerk

Order Form: Q-32496-1
Date: 10/1/2024, 11:43 AM
Expires On: 2/28/2025



Phone: (800) 768-7295
Email: info@xpressbillpay.com

Ship To:
Shelly Shoemaker
City of Bellevue
PO Box 825
Bellevue, Idaho 83313
sshoeemaker@bellevueidaho.us

Bill To:
City of Bellevue
115 East Pine Street
Bellevue, Idaho 83313

Gateway Services Master Agreement

This Gateway Services Master Agreement (this "**Agreement**") is entered into by and between Xpress Solutions, Inc. DBA Xpress Bill Pay ("**Xpress**") and Customer identified on the Order Form ("**Customer**"), together referred to as the "Parties" and each individually as a "**Party**."

WHEREAS, Xpress offers a program that enables its customers, including Customer, to use the proprietary technology offered by Xpress (the "**Xpress Services**"), along with the banking and payments services of its financial institution partner, Zions Bancorporation, National Association or such other financial institution partner identified by Xpress from time-to-time ("**ODFI**") (the "**Banking Services**"), to accept Automated Clearing House ("**ACH**") payments from Customer's clients (each, a "**Payor**") for goods and services provided by Customer, as well as certain Additional Services (defined below) in connection with the same (the "**Xpress Program**"); and

WHEREAS, Customer desires to, and Xpress agrees to permit, Customer to participate in the Xpress Program subject to the terms and conditions of, this Agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and the receipt of consideration, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1.0 Term and Renewal: The Initial Term (the "**Initial Term**") of this Agreement shall be thirty-six (36) months from the date on which this Agreement is executed by the Parties. This Agreement shall automatically renew for an additional thirty-six (36) months at the end of the Initial Term or any subsequent renewal term by the Customer upon the receipt by Xpress of the applicable Fees (defined below) and under the same terms and conditions set forth herein, so long as the Customer is not and has not been in default in any term or condition of this Agreement. If Customer is a political subdivision, the Parties agree that an automatic renewal cannot occur if Customer's governing board does not budget for payment of the Fees set forth in Section 2.0 in any given fiscal year of Customer.

2.0 Fees and Payments: Customer shall pay to Xpress a one-time set-up Fee, monthly maintenance, support, transaction and hosting Fees, and various additional Fees as set forth in the Order Form and Exhibit A (collectively the "**Fees**"). Xpress reserves the right to change the Fees at any time so long as Customer is provided no less than thirty (30) days advance notice of a change. Customer authorizes Xpress to initiate an electronic ACH Debit Entry from Customer's bank account provided in Exhibit B (the "**Customer Account**") on or about the 5th day of each month for the amount of all Fees that accrued during the prior month for any Fee that is due as described in Exhibit A. If there are insufficient funds in Customer Account to cover the Fees, Xpress will contact Customer for resolution which will include resubmission up to three (3) times, subject to the Rules and Regulations (defined below). Any outstanding Fees that are not paid when due shall bear interest at the rate of 18% per annum until the outstanding balance and all accrued interest are paid in full.

3.0 Services Provided; Obligations of Customer:

A. Customer shall be subject to "know your customer" and related due diligence requirements established by Xpress and ODFI (the "**Onboarding Requirements**"). Customer must satisfy the Onboarding Requirements at all times during the Term in order to be eligible to use the Xpress Services or the Additional Services and shall provide to Xpress all information requested by Xpress or ODFI for such purpose. Customer represents and warrants that any information that Customer provides to Xpress or that Xpress otherwise obtains pursuant to this Agreement for purposes of complying with the Onboarding Requirements is accurate and complete, and Customer will notify Xpress in connection with any changes to this information.

B. In addition to the Xpress Services, Xpress will provide Customer with the additional services described below (together, the "**Additional Services**"):

1. Xpress has developed a web-based payment gateway interface that can be used by Customer for accepting payments from Customer's clients via ACH, electronic funds transfer ("EFT"), or credit cards (the "**Gateway Services**"). If desired by Customer, Xpress will, through an affiliate and pursuant to separate terms, facilitate the acquisition of the necessary processing services for the acceptance of credit cards.

2. Xpress has engaged Zions Bank to provide electronic funds transfers (EFT), Bank Bill Pay (BBP), and Lockbox services using its established banking relationships (the "**Check Services**"). Customer hereby authorizes Xpress to endorse checks and other payment items on behalf of Customer into the Program Account (defined below) and deposit funds as necessary for the clearing of payments received for Customer. Customer acknowledges that in order to use the services described in this section, it must maintain a bank account and third-party processing relationships approved by Xpress.

C. To initiate an ACH transaction through the Xpress Services (a "**Transaction**"), Customer will submit Transaction instructions to Xpress containing all information required by the payment platform provided by Xpress. Transactions are placed through Xpress as a third-party sender of ACH transactions with Customer as the "originator" of those Transactions under the Rules and Regulations. Xpress will send all transactions through ODFI all in accordance with the terms of this Agreement, the Operating Rules and Guidelines of the National Automated Clearing House Association (NACHA) and the applicable federal statutes and regulations governing ACH transactions (collectively the "**Rules and Regulations**"). As between the Parties, Customer is solely responsible for ensuring Transactions are consistent with the instructions of the Payor and shall bear all liability associated with any errors, including incorrect account information, included in the Transaction instructions.

D. ODFI will remit ACH and check Transaction funds to an ODFI-owned account established by ODFI and Xpress for the benefit of all Program customers (the "**Program Account**"). Customer acknowledges as a part of the Program Account, Xpress and ODFI participate in a sweep program (the "**Sweep Program**") through which ODFI acts as Customer's agent to automatically deposit or "sweep" all Customer funds from the Program Account into sweep program bank partners, up to applicable Sweep Program limits. Funds held in such Sweep Program may generate fees or interest. Customer assigns any of its right, title or interest in such fees or interest to Xpress as consideration for the provision of the Xpress Services pursuant to this Agreement, in addition to the Fees as described herein. Upon Customer's withdrawal request, ODFI will effect withdrawal of the relevant Transaction funds from the Program Account to the Customer Account. For avoidance of doubt, Customer hereby designates ODFI as its agent for purposes of sweeping Customer funds from the Program Account to the Sweep Program, and otherwise participating in the Sweep Program as set forth herein.

4.0 Support Services and Service Levels; Errors:

A. Xpress will provide technical support services, including telephone, email (seven days a week), or other technology support implemented by Xpress, from 7:00 am to 6:00 pm (MST or MDT) for Customer and Payors within the United States. The maximum response time for service shall not exceed 5:00 pm (Customer local time) of the next business day following the request for service by Customer. This support will be limited to the actual use of the Xpress internet payment system.

B. Customer must contact Xpress immediately at 1-800-768-7295 if Customer believes that: (i) a Transaction has been initiated without Customer or Payor's authorization; (ii) a Transaction has occurred that neither Customer nor Payor authorized; (iii) a Transaction has been processed incorrectly to or from the Program Account; or (iv) a Payor informs Customer that its transaction history contains an error, or Customer finds that the Program Account history contains an error (each, an "**Error**"). For clarity, if Customer gave a third party access to the relevant Program Account, and that person conducts transactions that neither Customer nor the Payor anticipated, these transactions do not constitute Errors. Customer must notify Xpress within the period required by the Rules and Regulations after any such Error first appeared in Customer or a Payor's transaction history, with such notification including all information as requested by Xpress, in order for Customer to be eligible for a remedy. Xpress will determine whether an Error has occurred as soon as reasonably practicable after Customer notifies Xpress. Xpress will inform Customer of the results of its investigation as soon as reasonably practicable after completing its investigation. Liability for Errors shall be as set forth in Section 10.

5.0 Software or Hardware: Customer will not receive any hardware or software from Xpress under this Agreement except as specified in Exhibit A. Customer will use its own computers and agrees to have internet services through an internet service provider. Customer agrees that the computers it uses will have sufficient memory and capacity to run at least Google Chrome, Microsoft Edge, or Mozilla Firefox.

6.0 Customer Account Authorization: Customer hereby authorizes Xpress, or its designees, to initiate Debit and/or Credit Entries to the Customer Account in accordance with this Agreement. Xpress' authority will remain in full force and effect until either (a) 90 days after Xpress has received written notification from Customer of the termination of this Agreement to provide Xpress reasonable opportunity to act upon any outstanding liabilities; or (b) all obligations of the Customer to Xpress that have arisen from this Agreement have been paid in full, including, but not limited to, those obligations described in this Agreement.

7.0 Accepting Transactions: Xpress will accept all completed batches from the Customer. Xpress is responsible for accepting and processing only those Transactions that have been received in a proper format and on a timely basis. Any Transaction returned to Xpress will be represented in accordance with the Rules and Regulations.

8.0 Returned Entries: Xpress will apply returned Transactions to the Program Account when they are received. All returns will be processed and available through Xpress software, or by other means, as agreed to by Xpress and the Customer. With respect to each Notification of Change ("**NOC**") Entry or Corrected Notification of Change ("**Corrected NOC**") Entry transmitted by Xpress, the parties shall ensure that changes requested by the NOC or Corrected NOC are made by, or on behalf of, the Customer within six (6) banking days of Xpress receipt of the NOC information from the ODFI or prior to initiating another Transaction to the Receiver's account, whichever is later.

9.0 Reports: Xpress will provide a detailed report of all funds transfers collected for the Customer's account. All reporting will be via the Internet.

10.0 Limits of Xpress Liability: Xpress will be responsible for Xpress' performance of the Xpress Services and the Additional Services in accordance with the terms of this Agreement, and applicable Rules and Regulations. Xpress does not accept responsibility for Errors, acts or the failure of others to act, including, and among other entities, banks, communications carriers or clearing houses through which ACH or check Transactions may be originated or Xpress receives or transmits information in connection with the Xpress Services or the Additional Services. Xpress shall not be responsible nor bear any loss, liability or delay caused by fires, earthquakes, wars, civil disturbances, power surges or failures, acts of government or God, labor disputes, failures in communication networks, legal constraints or other events beyond Xpress' control.

11.0 Representations and Warranties Regarding Payors: Customer warrants that it will provide Xpress with relevant billing information for Payors. Customer agrees to indemnify and hold Xpress harmless from any claim or liability relating to any inaccuracy in billing information provided to Xpress. Customer further represents and warrants with respect to all ACH and check Transactions processed for Customer by Xpress that: (a) each Payor has authorized the debiting and/or crediting of his, her, or its account, (b) each ACH and check Transaction is for an amount agreed to by the Payor, (c) each ACH and check Transaction is in accordance with the Rules and Regulations and properly authorized in all other respects, (d) Payors are U.S. persons and are not the target of economic or financial sanctions imposed by any government authority. Customer agrees to comply with Xpress' requests for record retention and signature authorization. Customer hereby grants to Xpress or its designee the right to audit these authorizations and Customer's record retention compliance, at no expense to Xpress. Customer agrees to defend, indemnify, and hold Xpress and all its agents harmless for any losses, liabilities, legal action costs or expenses incurred by Xpress as a result of any breach of these representations and warranties either intentionally or unintentionally by Customer. Customer shall cease initiating ACH and check Transactions immediately upon receiving actual or constructive notice of the termination or revocation by the Payor of authority. Customer must provide Xpress immediate notice if Client detects illegal, fraudulent, deceptive or suspicious activity associated with a Payor.

12.0 Regulatory Compliance:

A. Customer will use its best efforts, and bears the final responsibility to ensure that Customer's policies and procedures meet the requirements of all applicable Rules and Regulations pertaining to ACH and check transactions of any kind. Customer hereby agrees to, and otherwise assumes, all obligations under the Rules and Regulations as an originator to the ODFI with respect to all ACH Transactions, which includes without limitation the unconditional obligation of Customer to pay and indemnify the ODFI for all ACH Transactions that are returned by any Receiving Depository Financial Institution (RDFI) for whatever reason. Without limiting the obligations of Customer to the ODFI under this Agreement and the Rules and Regulations for the payment of all returned ACH Transactions, Customer agrees to execute an origination agreement with the ODFI if required by the Rules and Regulations.

B. Customer acknowledges that XBP is a technology provider and not a bank or financial institution, and – as such – the holding and movement of Customer funds as necessary for the Xpress Services or Additional Services are undertaken solely by Zions Bank. XBP is not an FDIC-insured institution. FDIC insurance protects only against the failure of insured depository institutions and not the failure of nonbanks like XBP and its affiliates.

13.0 Record Keeping: Customer agrees to keep full and accurate data and records of its utilization of Xpress Services, the Check Services, and of ACH and check Transactions for at least two (2) years after the date of the relevant Transaction, or such longer period as required by the Rules and Regulations. Customer understands that Xpress and the ODFI will be required to participate in certain audits of Customer in connection with the Xpress Services. Customer agrees to cooperate with Xpress and ODFI in the performance of such audits, including providing information reasonably required in the course of such audits.

14.0 Compliance: Customer represents and warrants that all products and services offered, sold, or provided by Customer are offered, sold, or provided in compliance with all applicable laws and regulations. Customer will not use the Xpress Services or the Check Services, nor permit such services to be used by Payors (i) to facilitate ACH or check Transactions that are inconsistent with the limitations on the amount, velocity, or other limitations as may be established by Xpress or ODFI from time to time; (ii) to facilitate ACH or check Transactions that are inconsistent with Xpress' Acceptable Use Policy as required by the Payment Card Industry Data Security Standard (PCI DSS) as provided in [Exhibit C](#); or (iii) in any manner that gives rise to fraud or violates, or that causes Xpress or ODFI to violate, the Rules and Regulations. Xpress will comply with all applicable compliance requirements as required by current and future Payment Card Industry (PCI) rules of operation as well as the Rules and Regulations. For avoidance of doubt, all Banking Services, including the holding and transfer of funds in connection with the Program, are performed solely by ODFI; the functions performed by Xpress in support of the Program are limited to providing technology and related to enable Customer to access the Program, including the Banking Services.

15.0 Termination: This Agreement may be terminated by either party upon not less than 30 days' written notice to the other party specifying the effective date thereof. In the event this Agreement is terminated by Customer through no fault of Xpress, Xpress shall be paid for all services performed up to the date of termination.

16.0 Governing Law; Attorneys' Fees: This Agreement shall be governed by and construed under the laws of the State of Utah. In the event suit or action is instituted to interpret or enforce the terms of this Agreement, the prevailing party shall be entitled to recover from the other party such sum as a court may adjudge reasonable as Attorneys' fees at trial, on any appeal, and on any petition for review, in addition to other sums provided by law.

17.0 Independent Contractors: Both Customer and Xpress are acting hereunder as independent contractors and under no circumstances shall any of the employees of one party be deemed the employees of the other for any purpose. This Agreement shall not be construed as authority for either party to act for the other party in any agency or other capacity, or to make commitments of any kind for the account of or on behalf of the other, except to the extent and for the purposes provided for herein.

18.0 No Warranty: Xpress makes no warranty, expressed or implied, including warranties of merchant ability and fitness for a particular purpose. Xpress shall have no liability with respect to its obligations under this agreement for consequential, special, direct, exemplary, punitive, or incidental damages to Customer or to third parties dealing with Customer even if Xpress has been advised of the possibility of such damages.

19.0 Entire Agreement: This Agreement and the exhibits hereto constitute the entire understanding and agreement among the parties with respect to the subject matter hereof, and there are no other agreements or understandings among the parties other than those contained herein. In the event any provision of this Agreement shall be held to be invalid, the same shall not affect in any respect the validity of the remainder of this Agreement.

20.0 Successors and Assigns; Third Party Beneficiary: This Agreement shall be binding upon and inure to the benefit of the parties, and their respective heirs, successors and assigns. Neither party may assign its interest under this Agreement without the prior written consent of the other; provided, that no such consent shall be required in connection with an assignment by Xpress to an affiliate. The parties hereby agree that the ODFI is a third-party beneficiary of this Agreement, and shall have the right to enforce this Agreement directly and independently against Customer including the enforcement of Customer's liability to the ODFI as an originator under the Rules and Regulations.

21.0 Waiver: Failure of either party at any time to require performance of any provision of this Agreement shall not limit the parties' right to enforce the provision. Waiver of any breach of any provision shall not be waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

By signing below, Customer and Xpress shall be legally bound and agree to the terms of this Agreement and all of its Attachments.

Accepted by:
Xpress Solutions, Inc.

Accepted by:
City of Bellevue

Signature: _____

Signature: _____

Name (Print): _____

Name (Print): _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A
Fees

Initial Configuration Fees		
PRODUCT	DESCRIPTION	RATE
Payment System - Setup & Configuration	Payment System - Setup & Configuration - Online Payment Module, Auto Pay Module, Card Swipe Module	Already Purchased from Caselle
Training - Onsite Per Day	Training - Onsite Per Day - Does not include travel. You shall reimburse roundtrip airfare and hotel stay.	Already Purchased from Caselle

Transaction Fees	
PRODUCT	RATE PER TRANSACTION
*Credit/Debit Card Transactions	USD 0.74
EFT Transactions	USD 0.74
EFT Returned Item Basic - Invalid account number or unable to locate account	USD 7.00
EFT Return NSF or Account Closed	USD 14.00
EFT Return Stop Payment or Charge Back	USD 30.00
Toll Free Operator Assisted Surcharge	USD 2.00
XBP Deposit Account Withdrawals (6 Free Per Month then \$6.25)	USD 6.25
Bank Bill Pay Transactions	USD 0.25
Toll Free IVR Surcharge	USD 1.25

Maintenance & Support
PRODUCT
Monthly Support & Hosting - \$0.02 per customer bill. Minimum \$100.
Monthly Account Maintenance Fee - \$29 - Waived if you keep a \$25,000.00 minimum balance in your Xpress Deposit Account

Hardware				
PRODUCT	DESCRIPTION	RATE	QTY	NET PRICE
USB Card Reader	USB Card Reader	USD 85.00	1	USD 85.00

**Additionally, merchant services will be needed for card processing. Merchant service fees will be billed directly from the merchant service provider.*

Special Order/Invoicing Terms (if any):

EXHIBIT B
Customer Account Information

Please provide the following information regarding Customer's bank account to which the debit entries will be directed for the payment of the Fees:

Name on Account: _____

Account Type: _____

Routing Number: _____

Account Number: _____

Bank Name: _____

Federal ID #: _____

EXHIBIT C ACCEPTABLE USE POLICY

Introduction

Xpress Bill Pay is committed to providing high-quality payment services for its customers. This Acceptable Use Policy (the "Policy") is designed to assist in protecting the Service, our Users, and the Internet community as a whole from improper and/or illegal activity over the Internet. By using the Service, you acknowledge that you and your Users are responsible for compliance with the Policy. You are responsible for violations of this Policy by any User that accesses the Services through your account. The Policy will be updated and revised occasionally and posted to the Xpress Bill Pay website. The Company reserves the right to modify this Policy at any time, effective upon posting at <https://secure.xpressbillpay.com/mktg/AcceptableUsePolicy.pdf>.

Purpose/Scope

The purpose of this Policy is to help protect the Company's network, each of the Company's clients and third-party users of the Internet, generally from harassing, deceptive, irresponsible and/or illegal activities.

The scope of this policy is all the Company's clients.

Policy

This Policy governs the usage of the Company's network by any person (regardless of whether that person is a Customer). Each person utilizing the Company network in any manner is responsible for complying with this Policy, and for providing assistance to the Company in furtherance of the objectives hereof, as the Company may request from time to time. The Company's Clients will be held solely responsible for the actions (or inactions) of any of their customers, downstream users, or third-party agents that use the Company's Network.

1.1 Prohibited Actions

It shall be prohibited by this Policy to utilize the Company network in any manner which, in the sole discretion of the Company, is (A) illegal, disruptive, harassing or deceptive, or (B) a risk to the Company's network, its stability or security, or (C) inconsistent with this Policy and/or the Company's Rules and Regulations and/or any rules or policies of upstream Company network service providers. Set forth below, is a non-exclusive list of certain actions, omissions, etc., which are expressly prohibited under this Policy:

- Transmitting, distributing or storing any material in violation of applicable law, code or regulation is prohibited. This includes, without limitation, material protected by copyright, trademark, trade secret, protective order, contract, or other intellectual property right used without proper authorization. Also prohibited is material that is obscene, libelous, defamatory, constitutes an illegal threat, and/or violates export control laws.
- Sending unsolicited bulk email messages and/or other advertising material to individuals who did not specifically request such material. This includes, but is not limited to, messages sent as email, "Spam," ICQ traffic, instant message traffic, GSM/GPRS data, or posting the same or similar message to one or more news groups (excessive cross-posting or multiple-posting). The Company's accounts or services may not be used to solicit customers from, or collect replies to, messages sent from another Internet Service Provider where those messages violate this Policy or the policy of the other provider. The Company reserves the right, in its sole discretion, to determine whether commercial email on the Company's Network complies with this Policy.
- Utilizing the Company's network (or any relay, proxy or other network element in conjunction with the Company network) to (A) forge the signature, IP address or other identifying mark or code of any other person, (B) impersonate or assume the identity of any other person, or (C) engage in any other activity (including "spoofing") to attempt to deceive or mislead other persons regarding the true identity of the user, including system identification information.
- Unauthorized attempts by a user to gain access to any account or computer resource not belonging to that user (e.g., "hacking" or "cracking"). This includes providing, or assisting in the provision of names, passwords or access codes to persons not authorized to receive such materials by the operator of the system requiring the password or access code.
- Obtaining or attempting to obtain service by any means or device with intent to avoid payment, violate policies or violate law. If a user is restricted or terminated from the Company's network, it is prohibited for a customer to make such services available to such user in an indirect manner.
- Unauthorized access, alteration, destruction, or any attempt thereof, of any information of the Company or any of the Company's clients or end-users by any means or device. This includes any deliberate or other attempt or activity to distribute or post any virus, worm, Trojan Horse, or computer code intended to disrupt services, destroy data, destroy or damage equipment, or disrupt the operation of the Company's network or the network of a third-party;

- Knowingly engaging in any activities that will cause a denial-of-service (e.g., synchronized number sequence attacks) to users whether on the Company's network or on another provider's network.
- Advertising, transmitting, or otherwise making available any software, program, product, or service that is designed to violate this Policy or the Policy of any other Internet Service Provider, which includes, but is not limited to, the facilitation of the means to send e-mail spam, initiation of pinging, flooding, mail-bombing, denial of service attacks, and piracy of software.
- Using the Company's network in any manner which interferes with the use of the Company's network by other customers or authorized users.
- Utilize the Company's network in any manner that might subject the Company to unfavorable regulatory action, subject the Company to any liability for any reason, or adversely affect the Company's public image, reputation or goodwill, including, without limitation, sending or distributing obscene, hateful, vulgar, racially, ethnically or otherwise objectionable materials as determined by the Company in its sole discretion.
- Using the Company's network to host, access, promote or otherwise distribute any child pornography or obscenity.
- Causing or allowing the Company's network and/or the customer, its IP space or other elements of identification to be placed on so-called "SPAM Block Lists," "Spam Early Warning Systems," or other directories of spam or unsolicited bulk email originators and/or network abusers. It shall be incumbent upon each of the Company's Clients to monitor and modify their usage, and that of their users and customers, to ensure compliance with this Policy generally, and also of this provision specifically.

1.2 Enforcement

The Company reserves the right, with or without notice, to restrict, block, modify or terminate services to any Client or user upon the threat or occurrence of a violation to the Policy. The Company reserves the right to cooperate with any court, law enforcement agency, investigator or network service provider in the investigation of threats to the integrity, stability, reliability and/or legality of the products and services offered by the Company and of any violations to the Policy.

1.3 Client Duties

Each Client is obligated to assist the Company in the investigation of any threatened, alleged or actual violation of this Policy. The Client shall cooperate with designees of the Company in this regard. Clients of the Company are responsible for immediately reporting to the Company any issue which could compromise the stability, service or security of any user or system connected to the Company's network.

1.4 Client Password Policy

The Company's clients are required to follow the payment industry's user identification (User ID) and password best practices to protect the Company's sensitive credit card data. Client User IDs and passwords must meet the following requirements:

- User IDs must be unique to an individual and forever connected with a single user to whom it has been assigned.
- User must never share their IDs and/or passwords.
- Users must choose easily remembered passwords that are, at the same time, difficult for unauthorized parties to guess.
- Passwords are required to have a minimum of seven (7) characters.
- Passwords must meet strong password requirements. Passwords will contain both alphabetic and numeric characters. Passwords will also utilize upper and lower case letters and symbols.

1.5 Reports and Complaints

Any reports or complaints about the use or misuse of the Company's products or services should be directed to:

Xpress Solutions, Inc.
108 South 700 East
American Fork, UT 84003
800-768-7295
security@xpressbillpay.com

1.6 Digital Millennium Copyright Act

Xpress Solutions, Inc. maintains a separate policy on the handling of complaints under the Digital Millennium Copyright Act, which may be requested by sending an email to info@xpressbillpay.com.

1.7 Handling Charges

The Company reserves the right to assess a handling fee, at its usual emergency project labor rate, to respond to abuse complaints incurred by the Company relating to a client and/or to handle, address, clean up and/or correct damage done to the operation of the Company's Network and business operations supported thereby. The fees will be billed in one (1) hour minimum increments. The Company hereby agrees to waive such fee for the first instance per customer of any such complaint, but shall impose the fee from and after the second such complaint.



City of Bellevue

City of Bellevue
Regular Common Council Meeting
January 13, 2025

Agenda Item 10c: Discussion and Consideration of Resolution No. 2404 Authorizing the Mayor to Execute a Service order for ClearGov: a Cloud-Based Budget Process and Management software Suite

Action Item: Christina Giordani, Mayor

Suggested Motion: Move to approve resolution No. 2404 Authorizing the Mayor to Sign a Service order for ClearGov software Suite.

Attachment(s): ClearGov Client Proposal for Bellevue, Idaho
ClearGov Service Order for Bellevue, Idaho



Software Proposal

PREPARED ON

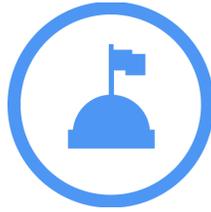
1/8/25

PREPARED FOR

Christina Giordani
Mayor
City of Bellevue, ID

PREPARED BY

Kristin Fine
ClearGov, Inc.
kfine@cleargov.com
972-948-2999



OUR MISSION

**We Create Easy-to-Use Software
to Help local governments Plan and
Budget Better**

**NACo endorses ClearGov Budget Cycle Management as the
budgeting solution of choice for local agencies.**



"ClearGov's commitment to modernizing the government budgeting process with affordable, easy-to-use software has saved counties countless hours by streamlining and automating the annual budget process. After our rigorous evaluation process, we are pleased to share ClearGov's innovative solutions with our members."

Paul Terragno
Financial Services Center Managing Director
NACo



1/8/25

Christina Giordani
Mayor
City of Bellevue, ID
115 Pine Street
Bellevue, ID 83313

Dear Christina,

Per our discussions, I am pleased to provide you and your team at Bellevue with the attached software proposal for your consideration

Our mission at ClearGov is to create easy-to-use, modern software to help local governments plan and budget better. We make it easy for local governments like yours to operate more efficiently and communicate more effectively. Our solutions are easy to afford, implement, and use. They don't cause a lot of upheaval, and they don't force you to reinvent the wheel. ClearGov solutions are designed to be just right for local governments like Bellevue.

We fully appreciate the demands on your time, so I'd like to thank you in advance for the time that you and your team will spend reviewing this proposal. If you have any questions or need additional information of any kind, please do not hesitate to ask.

ClearGov is the leading provider of budgeting and planning solutions for local government agencies, so I am confident that you and your team will be impressed by the ClearGov solutions and even more impressed by how hard we will work to make you happy.

We look forward to working with you.

Sincerely yours,

Kristin Fine
ClearGov, Inc.
kfine@cleargov.com
972-948-2999



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Mission

ClearGov is the leading provider of budgeting and planning solutions for local government agencies. ClearGov's mission is to create easy-to-use, modern software that helps local governments plan and budget better. We believe that every local government should have the opportunity to leverage technology to operate more efficiently and communicate more effectively. We pursue this mission by carefully designing solutions that are clear, collaborative, compelling and cost-effective to fuel better budgeting and drive community support.

Solutions Overview

Based on our conversations with Bellevue and our understanding of your key needs and objectives, we are proposing the following ClearGov solutions:

ClearGov Operational Budgeting

- A robust, yet simple-to-use budgeting solution that is specifically tailored to the needs of local governments to streamline the budgeting process.
- Enables finance teams to easily collaborate in real time
- Eliminates spreadsheet errors
- Provides visual dashboards for all funds summary and budget to actuals
- Enables end-of-year projections and fund balance analytics
- Ability to forecast revenues and expenses for up to 10 years into the future.

ClearGov Digital Financial Reporting

- Streamline the process for creating and publishing your Annual Consolidated Financial Report
- Pre-built templates are easy to configure for all common financial statements
- Enables collaboration with internal and external stakeholders
- Dynamic figures automatically update your numbers throughout your narrative
- Delivers a next-generation online presentation via ClearDocs publishing platform
- Built to GFOA guidelines, optimized to ADA standards and designed to be mobile-friendly

ClearGov ClearPlans

- An elegant solution that streamlines the process for building, executing and managing any kind of local strategic, comprehensive or departmental plan.
- Create and track progress on strategic plans, comprehensive plans, economic development plans, climate action plans, ARPA plans, infrastructure capital plans, etc.
- Automated workflows to create and collaborate on focus areas, goals and action items.
- Connect your strategic objectives directly to your budget.
- The ClearPlans Dashboard summarizes progress to date and highlights upcoming action items.

ClearGov Transparency

- Transforms complex government financials into easy-to-understand infographics
- Publishes fiscal information in a uniquely compelling way that drives understanding and support throughout your community
- Includes simple but powerful tools that enable you to offer residents a window into capital projects and department performance

Investment

ClearGov offers solutions that are affordable for local governments of all shapes and sizes. A summary of your investment in the ClearGov Solutions proposed herein includes:

Setup Service Fees (One time investment)	
Setup Fee: Includes - Full activation and setup; Data onboarding; Client training	\$3,600.00
Setup Discount: If signed by 1/15/25	(\$1,600.00)
Total Setup Service Fees	\$2,000.00

Annual Subscription Service Fees (Annual investment)	
ClearGov Operational Budgeting	\$9,600.00
ClearGov ClearPlans	\$5,500.00
ClearGov Digital Financial Reporting	\$5,500.00
ClearGov Transparency	\$4,800.00
Bundle Discount	(\$14,400.00)
Total Annual Subscription Service Fees	\$11,000.00

Implementation Plan

You will be assigned an Implementation Manager (IM), who will develop a plan to get your team up and running that is based on your specific goals and timeline. The ClearGov Onboarding Process will have a big impact on your overall success with our platform, and as such, it is a team effort between you and ClearGov that includes four key components:

General Ledger Data Mapping

- A ClearGov Sr. Data Advisor will format, upload and map your financial data (i.e. revenue and expense data). Your role is to provide us with a complete set of data files as well as guidance on how you would like to view the data, and to review and provide feedback along the way. This is the most important onboarding step as it enables the full use of the budgeting applications.

Training

- Our products are designed to be intuitive and easy to use, but ClearGov provides a robust set of self-directed training resources, as well as live custom workshops to share best practices and help you get the most from our solutions.

Configuration

- Once trained, you can easily configure the ClearGov platform to meet your specific needs - for example - by customizing capital request forms; creating wage schedules; selecting the panels to include in your Transparency Center; etc.

Timeframe

- We have learned that different customers have different priorities, so the onboarding process usually takes between 60 - 90 days. If you have a specific deadline, please let me or your Implementation Manager know, and we'll get back to you quickly to let you know if it's possible, as well as what needs to happen - by when - to achieve that deadline.

Conclusion

In the pages that follow, we'll explain how and why ClearGov solutions not only offer the best value for Bellevue, but also make your day-to-day operations more efficient, productive, and impactful.

As the leading provider of budgeting and planning solutions, ClearGov is committed to helping local governments like yours “make democracy work better”. And while that may sound lofty, “democracy” is simply what you do every day. We just want to help you do it in a modern, data-driven way — a way that makes your job easier, lightens your load, showcases all the good work that you do, and ultimately helps you better serve your community.

ClearGov already works with hundreds of local governments, schools, counties and other agencies across the country, and we'd be delighted to welcome Bellevue into the fold. If you have questions or concerns as you review this proposal, please do not hesitate to reach out. Thank you for your consideration.

Action Plan

We are excited to begin working with Bellevue as soon as you are ready. Per our discussions, I believe the following represents the key next steps to moving forward. At any point in the process, please let me know ASAP if any of these dates are incorrect or seem unreasonable.



Budget Cycle Management Overview

We know that you're working hard to make your local government run better, and you know that technology can help you get it done. Unfortunately, most of the gov-tech software on the market right now is designed for sprawling megacities or state and federal government — not local agencies like yours. So, these platforms are often complicated, expensive, and loaded with bells and whistles that you'll never use. You don't need a chainsaw to carve a turkey. You simply need the right tool for the job.

ClearGov, the leader in modern budgeting and planning solutions, is built from the ground up specifically for local governments. It does everything you need it to do. It's just-right software for agencies that are looking to take that critical next step toward modernizing their budget process. Therefore, all ClearGov solutions are:



CLEAR AND EASY TO USE

At ClearGov, everything we do is designed to make complex government data easy to understand and easy to use, internally and by the public at large. We present data in readily-understood infographic form, and offer an interface for our internal tools that's easy for every staff member to learn and use.



CLOUD-BASED

Web-based software requires no installation, no maintenance and is always up-to-date. Plus, it gives local governments the ability to quickly adjust to evolving input and changing dynamics. We host our software and our data with Amazon Web Services, which ensures data security and world-class software performance.



CONNECTED

All ClearGov solutions share a common data set and work together seamlessly. Plus, when you're ready to implement, we do all the heavy lifting for you. To get started, all you have to do is send us an Excel file with your financial data, and we'll onboard it for you.



COLLABORATIVE

ClearGov solutions are designed to improve collaboration and efficiency by automating processes and outcomes. Streamlining the collaborative process is vital to prevent key items from falling through the cracks. Centralization and remote access to documents, systems and processes is mission-critical.



COST EFFECTIVE

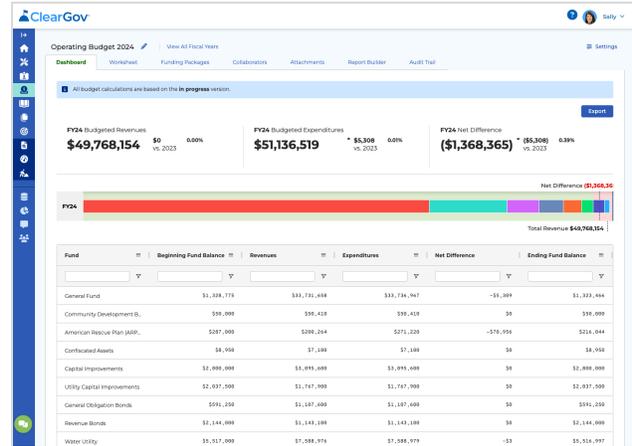
ClearGov is built and priced for local governments. Our packages are all-inclusive, so you'll never be charged extra for per-seat licenses, never be surprised with hidden fees, and never pay for support or product updates...never.

Our goal is to delight our customers with unbeatable value in everything we do.

A budgeting solution your department heads will thank you for.

ClearGov Operational Budgeting is a suite of flexible, cloud-based budgeting, forecasting and fund balance modules designed to leverage your existing financial data into a more efficient and collaborative budget building process that streamlines communication with department heads and other budget stakeholders.

It is a one-stop shop to dynamically forecast what-if scenarios, build a budget and communicate budgeting rationale. Designed specifically for local governments, ClearGov Operational Budgeting is a giant step forward from building your budgets and forecasts with Excel or the legacy accounting system budgeting tools.



[Watch a 5 minute micro-demo here](#)

- ✓ **Budget Dashboard**
- ✓ **Departmental Collaboration**
- ✓ **All Funds Summary**
- ✓ **End of Year Projections**
- ✓ **Automated Audit Trail**
- ✓ **Integrated Report Builder**
- ✓ **Budget to Actuals Charts**
- ✓ **Fund Balance Metrics**
- ✓ **Unlimited Budgets**
- ✓ **Multi-Year Forecasting, and more...**

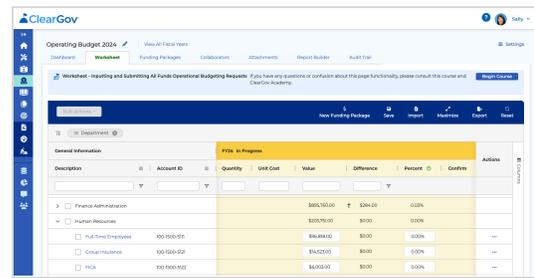


"Having the budget online eliminates version control issues and lets everyone know where we are in the process. Instead of calling or emailing department heads, I can just go into ClearGov and access all the requests and supporting documentation in one spot."

Sean O'Brien
Special Assistant to the Finance Director
Town of Natick, MA

Budget Builder

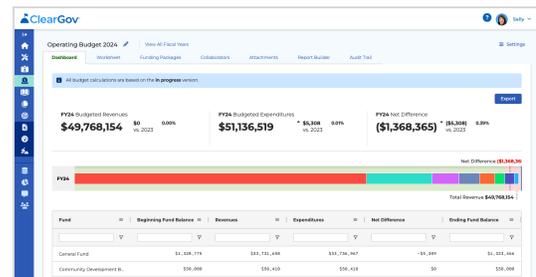
ClearGov's Budget Builder helps your staff budget better, together. Using a single, shared online workspace, financial executives, committee members, and department heads can collaborate on building a budget using an efficient tool that's been designed specifically to meet the budgeting needs of local governments.



- **Choose your baseline:** Base your budget on last year's data, a simple-to-generate forecast, or take a fresh approach with zero-based budgeting.
- **Budget worksheet:** Get a complete view of all your funds and track budget versions with ease. Collaboratively edit line items, save versions, and add notes or attachments for justification. Seamlessly integrate with Personnel and Capital Budgeting for a streamlined process.
- **Collaborate effectively:** Invite team members to collaborate and edit portions of the budget in real-time, while maintaining full control with adjustable access levels.
- **Create unlimited budgets:** Create multiple budgets every year across different funds or for the same fund, with the option to budget annually or biennially. You can even build out what-if scenarios to explore various outcomes and make informed decisions.
- **Keep a thorough audit trail:** Automatically track every change, comment, and version so you always know who changed what and when.
- **Build custom reports with a click:** Create and export custom reports with ease to share your operational budget with internal and external stakeholders, and integrate them into existing systems.
- **Operational Budget Dashboard:** Monitor your budget-building progress at a glance with the operational dashboard. Filter current and historical financial data, and automatically aggregate all budget requests in one place for a complete overview.

All Funds Summary

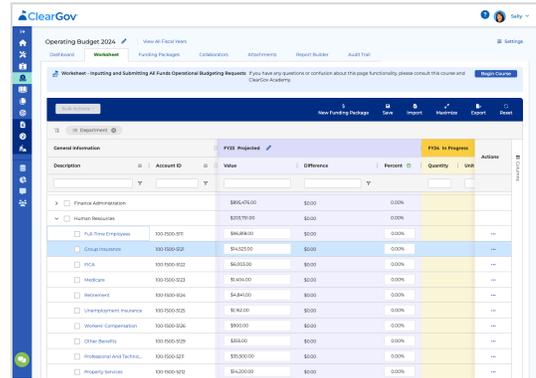
With ClearGov's automated All Funds Summary dashboard, you can easily review your holistic budget. No more switching between spreadsheet tabs or scrolling screen by screen to get the full picture.



- **Automated summary:** View your budget across all funds via an interactive, visual dashboard.
- **Toggle your views:** Filter and sort functionality is built-in. You can toggle your view by fund, department or object.
- **All funds summary export:** Online collaborators will have access to the All Funds Dashboard, and with one click, you can export a full report to Excel or CSV.

End of Year Projections

As your fiscal year progresses or as the fiscal year-end approaches, your collaborators can submit end-of-year projections. ClearGov automatically updates your projected fund balances to help you make more informed decisions for next year's budget.



The screenshot shows the ClearGov interface for 'Operating Budget 2024'. It features a navigation sidebar on the left and a main content area with a table of budget items. The table has columns for 'Description', 'Account ID', 'Value', 'Difference', 'Percent', 'Quantity', and 'Unit'. The data is organized into a tree view with expandable categories like 'Finance Administration', 'Human Resources', and 'Group Insurance'. The 'Value' column shows various dollar amounts, and the 'Difference' column shows zero for all items, indicating they are on budget.

Description	Account ID	Value	Difference	Percent	Quantity	Unit
Finance Administration		\$86,475.00	\$0.00	0.00%		
Human Resources		\$29,770.00	\$0.00	0.00%		
Full-Time Employees	101-500-01	\$84,880.00	\$0.00	0.00%		
Group Insurance	101-500-02	\$14,230.00	\$0.00	0.00%		
PCA	101-500-03	\$6,000.00	\$0.00	0.00%		
Medicare	101-500-02	\$1,400.00	\$0.00	0.00%		
Retirement	101-500-04	\$4,600.00	\$0.00	0.00%		
Unemployment Insurance	101-500-05	\$1,600.00	\$0.00	0.00%		
Medical Compensation	101-500-06	\$80.00	\$0.00	0.00%		
Other Benefits	101-500-08	\$30.00	\$0.00	0.00%		
Industrial Inj. Settles.	101-500-07	\$28,000.00	\$0.00	0.00%		
Property Services	101-500-09	\$4,200.00	\$0.00	0.00%		

- **EOY collection:** Seamlessly include an “End-of-Year Projection” column in your budget workspace. Default to previous year’s numbers or zero-balance.
- **Fund balance analysis:** Utilize interactive charts to give your finance team new perspectives and insights on your projected Fund Balances.
- **Pin your chart:** Your collaborators can pin their fund balance chart to their workspace to see live updates as they work through their budget requests entry.

Why does Bellevue need this?

- **Improve accuracy:** Nearly 9 out of 10 spreadsheets contain errors. Finding those mistakes and fixing them can be frustrating and wastes precious time. But ClearGov is cloud-based, so everybody works on the same error-free master file vs. a multiple spreadsheet monster that has to be managed and merged manually.
- **Collaborate more effectively:** ClearGov allows everyone involved to work from the same platform, share comments and suggestions, and immediately see the impact across the organization — in real time — as budget development unfolds.
- **Free up time and resources:** Preparing the annual budget consumes a big chunk of your time, but it's not the only thing you do. Modernizing your budgeting process will free up your time and talent to focus on other critical projects as well.
- **Make better budgeting decisions:** ClearGov’s dynamic, graphical interface helps you clearly visualize historical trends — at a glance — so you can readily identify areas that are consistently under or over budget and make adjustments accordingly.
- **Plan for the long term:** Access to an AI-driven forecasting tool enables you to better assess how budget decisions made today will impact revenues and expenditures down the road. Create multiple forecasts to better plan for “best case” or “worst case” scenarios.
- **Identify areas of potential overspend:** With instant, easy access to benchmarking data, you can uncover areas for savings quickly and adjust your budget accordingly.



Financial Reporting Made Easy

Creating financial reports and ACFRs can be a complex and time-consuming process. From data collection and formatting to ensuring accuracy and data consistency, it's a significant undertaking that often involves multiple stakeholders. The process can be tedious with challenges arising from collaboration between various teams, individuals and even external auditors.

ClearGov Digital Financial Reporting simplifies this process by empowering your organization with a purpose-built solution. Streamline your report creation with intuitive templates, automatic data updates, and seamless collaboration tools. Simplify formatting and present your financial information with a polished, web-based document that is ADA compliant.

	General Fund	State Tax Capital Project Fund	Nonmajor Governmental Funds	Total Governmental Funds
Assets				
Cash and cash equivalents	\$ 134,899,212	\$ 18,931,890	\$ 9,770,208	\$ 9,770,208
Capital assets in depreciable	\$ 9,275,213	-	27,052,949	27,052,949
Accumulated depreciation and capital equipment	\$ 7,762,218	-	-	-
Taxes and receivables, net	\$ 3,849,678	-	842,393	842,393
Accounts receivables, net	\$ 2,444,202	\$ 3,123,828	840,000	840,000
Due from other funds	\$ 3,822,212	-	884,155	884,155
Due from other governments	\$ 1,899,481	-	2,121,225	2,121,225
Inventory	\$ 184,343	-	17,343	17,343
Prepaid items	\$ 353,037	-	-	-
Total Assets	\$ 153,889,134	\$ 22,815,818	\$ 48,388,874	\$ 81,482,727
LIABILITIES, DEFERRED INFLOWS, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES				
Liabilities				
Accounts Payable	\$ 8,378,905	\$ 493,134	\$ 2,882,973	\$ 11,654,912
Accrued liabilities	\$ 2,234,480	\$ 393,800	\$ 73,367	\$ 2,521,547
Due to other funds	\$ 23,586,211	-	\$ 2,401,299	\$ 27,487,509
Due to other governments	\$ 14,208,112	-	\$ 52,202	\$ 2,200,410
Unearned revenues	\$ 4,454,221	\$ 27,002	\$ 892,139	\$ 892,202

- ✓ Pre-built Templates
- ✓ Built-in GFOA Award Checklist
- ✓ Ensure ADA Compliance Online
- ✓ Web, Mobile & PDF Versions
- ✓ Stay Updated with Dynamic Figures
- ✓ Build Reusable Statements
- ✓ Streamline Collaboration
- ✓ And more...



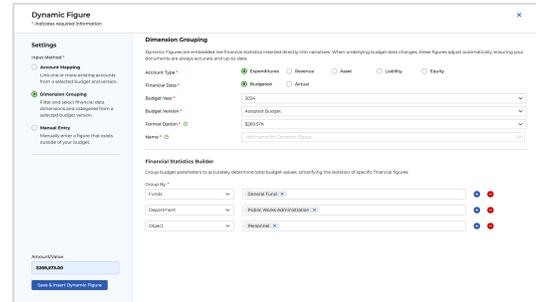
"ClearGov was remarkably easy for our team to start using. After the training, we barely had any questions; everyone just understood it and was eager to jump in and start using it. It's intuitive and easy to use for both city staff and residents alike."

Bernadette Harvill
Assistant City Manager
Milton, GA
Population: 41,029

Supercharge Your Financial Reports

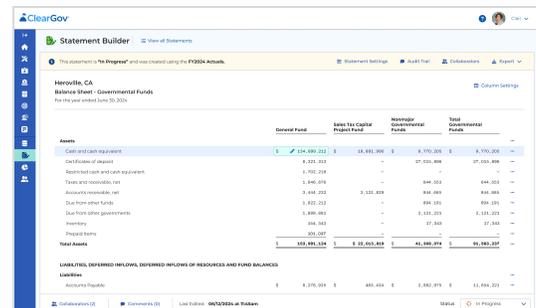
ClearGov's Digital Financial Reporting solution supercharges your financial reporting process, making it more efficient and collaborative. With a suite of powerful features, your financial report preparation is transformed into a streamlined, professional and compliant process. Built-in features ensure that your report is not only comprehensive but also easy to create and manage.

- **Integrated Financial Statements:** Directly incorporate financial statements from the Statement Builder, ensuring consistency across your financial report.
- **Dynamic Figures:** Enjoy automatic updates throughout the document, so your figures are always current and reliable.
- **Seamless Collaboration:** Centralize communication between teams and auditors, accelerating approvals and allowing multiple stakeholders to contribute and review effortlessly.
- **GFOA Award Checklist:** Ensure your ACFR meets and exceeds the standards set by GFOA with an integrated award checklist.



Statement Builder

Designed to simplify a traditionally cumbersome process, the Statement Builder offers intuitive templates and a user-friendly interface that makes it easy to construct professional financial statements. Whether you're starting from scratch or importing existing data, the Statement Builder provides the flexibility and power needed to streamline your financial report and ACFR preparation.



- **Pre-Built Templates:** The most common financial schedules are included as pre-built templates to help you save time and ensure that you meet all necessary criteria and standards effortlessly.
- **Intuitive Data Mapping:** Quickly map your financial data to the statements, with automatic updates ensuring your figures are always up-to-date throughout your narrative.
- **Effortless Customization:** Easily change row names, reorganize and add new rows or columns to tailor each statement to your specific needs, leaving the tedious formatting tasks to ClearGov.
- **Annually Reusable:** Once you've built your statements, most can be automatically updated on an annual basis with only minor tweaks if your account structure has changed.

Next Generation Online Presentation

Your built-in ClearDocs platform transforms how you present and share your financial reports and ACFR. ClearDocs enables you to publish an online and/or PDF version of your report, to exceed public expectations for optimal viewing. Designed to be easily viewable on any device, compliant with accessibility standards, and enriched with interactive elements, the tool ensures that your financial information is effectively communicated to all stakeholders.

	General Fund	Sales Tax Capital Program Fund	November Fund	Total Governmental Funds
Assets				
Cash and cash equivalents	\$ 114,800,102	\$ 18,850,000	\$ 9,791,100	\$ 143,441,202
Investments	9,200,100	-	87,850,000	97,050,100
Receivable and other assets	1,700,218	-	-	1,700,218
Due from other governments	3,488,476	-	-	3,488,476
Accounts receivable net	3,441,210	3,335,000	814,400	7,590,610
Due from other funds	1,800,000	-	200,000	2,000,000
Due from other governments	1,800,000	-	1,000,000	2,800,000
Inventory	100,000	-	27,000	127,000
Prepaid items	300,000	-	-	300,000
Total Assets	\$ 134,950,106	\$ 19,185,000	\$ 11,893,500	\$ 165,928,606
LIABILITIES, DEFERRED INFLUENS, DEFERRED INFLUENS OF RESOURCES AND FUND BALANCES				
Liabilities				
Accounts Payable	\$ 4,274,000	\$ 800,000	\$ 2,800,000	\$ 7,874,000
Accrued liabilities	1,200,000	800,000	200,000	2,200,000
Due to other funds	10,000,000	-	1,400,000	11,400,000

- **Responsive Design:** Designed for all screen sizes, ensuring a seamless viewing experience on desktops, tablets and mobile devices.
- **ADA Optimization:** Fully ADA-optimized, making your web-based financial reports accessible to all constituents.
- **Interactive Charts:** Enhance user engagement with interactive charts that allow users to drill down into metrics and data points.
- **PDF Export:** Easily export your web-based financial reports to a PDF, maintaining the integrity and formatting of your document.
- **Auto-translate:** Built-in Google Translate functionality will automatically translate your narrative into Spanish, French, Portuguese or more than 100 other languages.

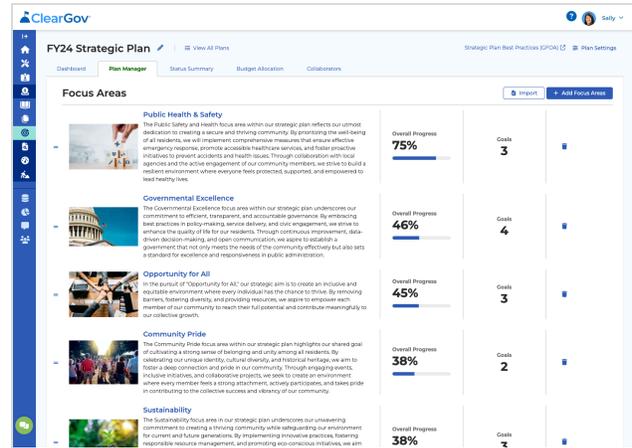
Why does Bellevue need this?

- **Building financial reports or an ACFR has never been easier:** Simplify report creation and save time with pre-built templates. Ditch tedious Excel and Word struggles and formatting frustrations.
- **Collaboration is the key:** Collaboration with stakeholders and auditors has never been more seamless. With ClearGov's Digital Financial Reporting, all communication happens within the platform, eliminating the need for lengthy email threads or chats. The intuitive UI allows for easy updates from all parties, and automated workflows keep everyone on track.
- **Tell your story:** ClearGov's publishing tools enable you to create a beautiful—yes, beautiful—online and/or PDF version of your financial report or ACFR that can be linked directly to your website. Drive confidence with your constituents by showing them exactly how their tax dollars are being managed and utilized for the benefit of your community.
- **Ongoing updates:** The one constant of a financial report is change. The dynamic figures feature allows your financial data to update automatically wherever it appears in the document. This keeps your data up-to-date, providing reliable information at all times.
- **ClearGov's financial reporting tool is for first-timers and experienced financial officers alike:** Whether you're building your first or your fiftieth financial report or ACFR, you'll appreciate ClearGov's modern, intuitive platform and you'll be impressed with how it streamlines your reporting process from start to publish.

Create, Manage, and Execute Any Plan

Building a strategic plan - or any kind of plan - can be a complex, difficult process. And, building the plan is just the beginning. Then, you have to execute, manage and track the plan to achieve your key objectives.

ClearGov's ClearPlans provides a modern solution to help you and your team easily collaborate, build, and execute any type of plan. Powerful dashboards highlight your activities and progress to give you the insight you need to stay on track. And, a built-in publishing platform helps you bring your plans to life for both internal stakeholders and the community at large.



[Watch a 5 minute micro-demo here.](#)

- ✓ Metrics Dashboard
- ✓ Plan Manager
- ✓ Team Collaboration
- ✓ Progress Tracking

- ✓ Budget Allocation
- ✓ Web, Mobile & PDF Versions
- ✓ NACo Award Checklist for Counties
- ✓ And more...



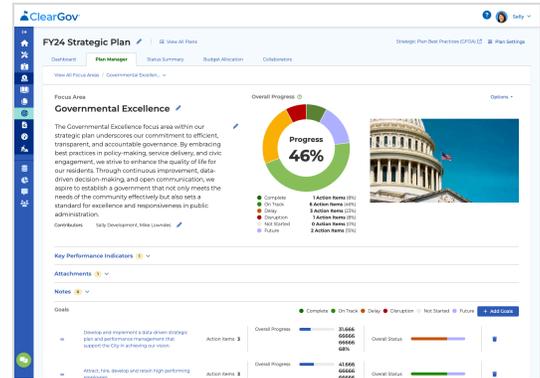
"ClearPlans gives us a real opportunity to have the public realize all the great planning that's going on in the city that they live in that may not always be visible to them.... having them see that in the form of a tool that's easy to use and it's graphic and it's easy to follow, we think will really benefit the public."

Ron Hogan
Chief Strategy and Innovation Officer
Malden, MA

Plan Manager

The Plan Manager module helps your team streamline the process of building **any** type of multi-tier plan. ClearPlans offers a flexible framework to help you track initiatives and next steps toward any objectives - from the highest to lowest levels. Build your plans collaboratively using modern web apps that streamline the steps from start to publish.

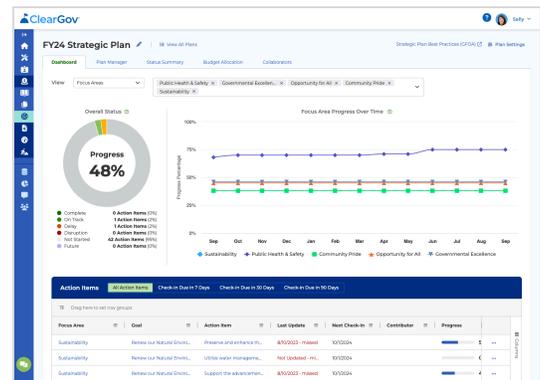
- **Collaborate in the Cloud:** Invite department heads and other stakeholders to create, update and document progress for each component of your plan via automated workflows.
- **Budget Allocation:** Connect your plan to specific funds to understand the impact, identify gaps and communicate clearly with constituents.
- **Built-In Best Practices:** Accelerate your planning process with crowd-sourced suggestions for key initiatives and objectives.
- **Monitor Impact with KPIs:** Monitor the impact of each goal as you progress by including charts and graphs tracking Key Performance Indicators.
- **NACo Award Checklist:** A built-in checklist helps counties create an award-winning Strategic Plan easily to ensure they meet all of the criteria for the NACo EDGE Excellence in Strategic Planning Award.



Planning Dashboard

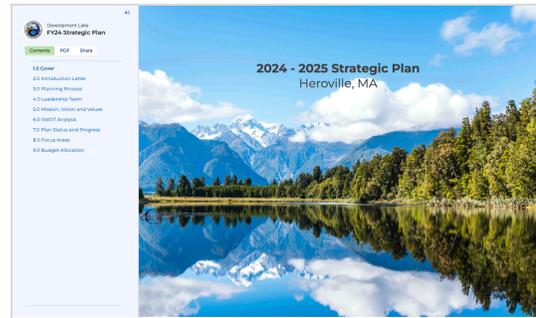
The ClearPlans Dashboard gives you a birds-eye view of your overall plan and helps you visualize your progress toward key objectives. Built-in filters enable you to drill-down into specific focus areas and goals. Share your Dashboard with internal stakeholders and/or the community at large to keep everyone informed and show your results.

- **Track Progress:** Easily track and communicate the status of each initiative through scheduled check-ins with flexible frequency updates. Show overall progress and drill-down into specific action items.
- **Manage Your Plan:** Use built-in filters to drill-down into specific focus areas and goals to better understand the status. Identify areas of the plan that are behind schedule and get them back on track.
- **Automate Plan Management:** ClearPlans provides an automated notification schedule that automatically reminds and enables action plan owners to easily provide updates on a periodic basis. All updates are automatically rolled into the Dashboard, which also includes a summary of key next steps.



Present Your Plan

The built-in ClearDocs platform enables you to publish an online and/or PDF version of your plan. Easy-to-use tools and templates help you create a world-class presentation without any special technical skills or design expertise.



- **Prepopulated and preformatted:** Start with a core framework and pre-built templates for all of the key parts of your plan. Your key initiatives, action plan and dashboard are automatically updated in your plan website/document.
- **Highly customizable:** Add images, select templates, choose colors, and select styles to reflect your civic brand.
- **Optimized Publication:** Flexible publishing capabilities deliver professional-looking websites, complete with mobile & ADA optimizations, as well as print to PDF functionality. Constituents can also request email alerts for plan changes and updates.
- **Better end product:** Produce a polished piece that is ADA-Optimized and built from the ground up to meet local government best practices.
- **Auto-translate:** Built-in Google Translate functionality will automatically translate your plan narrative into Spanish, French, Portuguese or more than 100 other languages.

Why does Bellevue need this?

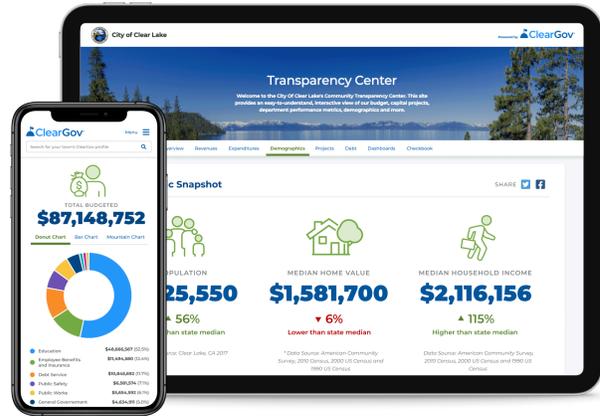
- **Building a plan has never been easier:** ClearPlans provides a simple, multi-tier framework and the collaborative, cloud-based tools you need to quickly build the insightful plan you need to help you achieve your objectives. Whether you're building a plan for the first time or updating your annual plan, ClearPlans has you covered.
- **Execution is the key:** A plan that sits on the shelf doesn't do anyone any good. ClearPlans also includes automated workflows to help you execute your plan and stay on track. An intuitive UI makes it easy for stakeholders to provide updates, and built-in reminders help the plan owner keep everyone on track. All progress is automatically summarized in a ClearPlans dashboard.
- **Tell your story:** ClearPlans publishing tools enable you to create a beautiful - yes...beautiful - online and/or .PDF version of your plan that can be linked directly to your website. Drive confidence with your constituents by showing them exactly how their tax dollars are being put to work for the benefit of your community.
- **Ongoing updates:** The one constant of planning is change. As your plans and priorities evolve over time, ClearPlans makes it easy to add, update and modify any component of your plan. Changes are automatically reflected in your master document and dashboard.
- **ClearPlans is for first-timers and professional planners alike:** Whether you're building your first strategic plan or you're AICP certified, you'll appreciate ClearPlan's modern, intuitive platform and you'll be impressed with how ClearPlans streamlines your planning process from start to publish.



Transparency is the foundation that trust is built upon

Tell your financial story using our simple-to-navigate transparency center. Easy-to-understand infographics help you share financial information, departmental goals and results in a way that informs and engages your community.

ClearGov Transparency is a suite of cloud-based solutions designed to remove the static from your communications efforts, so you can keep your community in the loop with the solid work you and your team are doing. With innovative, turnkey transparency profiles, project pages and department dashboards ClearGov Transparency helps you tell your story and show your work.



[Watch a 5 minute micro-demo here](#)

- ✓ **Fiscal Transparency**
- ✓ **Department Dashboards**
- ✓ **Peer Comparison**
- ✓ **Custom Chart Builder**
- ✓ **Open Checkbook**
- ✓ **Performance Metrics**
- ✓ **Capital Project Pages**
- ✓ **And more...**



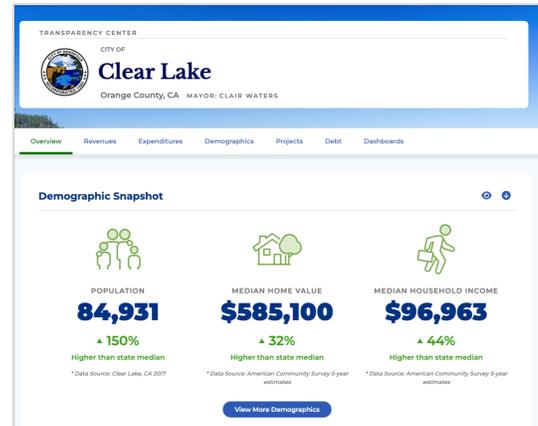
"We were impressed with the ClearGov solution from the start, especially the clean, simple interface. They are experts at presenting complex information in an easy-to-understand and visually-appealing way. And, as our partners, they have been responsive and professional.."

Christopher Bradbury
Village Administrator
Rye Brook, NY

Financial Transparency

Build community trust and support by publishing your financial data in an online profile that's feature-rich, easy to use, and easy to understand. It's an instant best-in-class transparency center that's miles ahead of the usual complex spreadsheets and static PDFs.

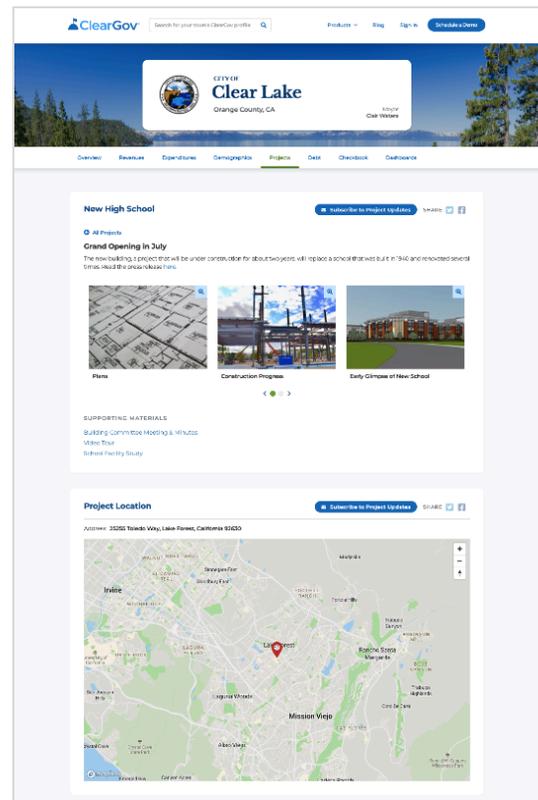
- **Easy-to-understand infographic format:** Help citizens and other stakeholders easily visualize and interpret important metrics.
- **Context features that make transparency meaningful:** Add explanatory notes that tell the story behind the numbers. Allow users to compare data side-by-side with similar communities near you.
- **Budget vs. actuals:** Clearly show how funds are collected and allocated. Reveal trends by showing historical data as well.
- **Open checkbook:** If desired, you can provide searchable, check-level detail revealing line-item spend.



Capital Project Communications

Keep citizens in the loop with key data and updates about all of your key projects. Project Pages take only minutes to populate and allow you to share photos, timelines, funding sources, and more — all in one centralized location. If you're also using ClearGov Capital Budgeting you can publish capital requests from department heads directly to project pages in just one click.

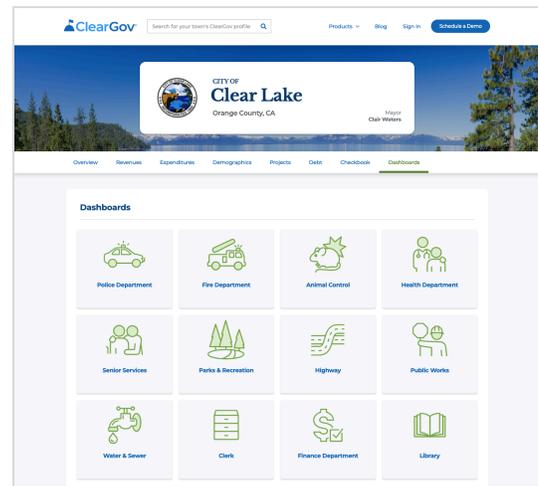
- **Share project finances:** Post your project's budget, funding sources and track expenditures along the way.
- **Share images:** Bring your project's story to life by posting photos and architectural renderings.
- **Allow citizens to subscribe:** Visitors to your Project Pages can subscribe to receive automatic email updates every time you make a change.
- **Citizen Engagement:** Provide constituents with a place to comment on your ongoing activities and spending, in a platform that allows you to control the narrative and what the public can see.



Department Dashboards

Tell your organization's whole story by publishing updates detailing department-level performance metrics. Showcase KPIs for any and all departments, from animal control to the zoning board.

ClearGov Department Dashboards are extremely flexible and point-and-click easy to assemble. You can use Department Dashboards to display any metric you like. Plus, the ClearGov solution makes sure that your data is presented in a way that's easy for your residents to interpret and understand.



- **Customize:** Display department-specific KPIs. Add the department head's name, title, picture, and a brief intro letter.
- **Create panels:** Select the appropriate template for each section you want to display. If you like, add commentary or explanatory text.
- **Add charts:** Pull in existing graphics from the ClearGov Chart Builder App or easily create new ones specific to your dashboard.

Why does Bellevue need this?

- **Drive community support:** By sharing critical facts and figures with citizens, you can foster a climate of trust and understanding that helps drive public support for key initiatives.
- **Dispel public misconceptions:** MIT research shows that false news travels faster, farther, and deeper than true news, particularly through social media. In the age of misinformation, readily accessible and easily understood facts are your best defense against public misconceptions.
- **Reduce inquiries:** Research by the Sunlight Foundation indicates that municipal transparency programs reduce citizen information requests by 30 percent. The more data you share with constituents now, and the clearer you make it, the fewer inquiries and record requests you'll field on an ongoing basis.
- **Promote value:** Where else can the average citizen go to find out about police response times or annual fundraising efforts? Department Dashboards let every division tell its own unique story.
- **Hold departments accountable:** They say that what gets measured is what gets done. ClearGov dashboards are a simple and effective way to track department performance against goals and to promote a culture of performance and transparency agency-wide.
- **Shine a spotlight on community development:** A good chunk of every tax dollar funds important CIPs in your community — things like new construction, improvements to infrastructure, and other key initiatives. Keep residents (and the press) informed about the issues they care about most.



In the interest of transparency, we want to provide guidance around the scope of usage that is included with each ClearGov solution. The tables below do not provide a detailed list of every feature and/or function included in the product. These tables provide a summary of the key things that you can do with each solution once your account has been activated.



ClearGov Operational Budgeting - Product Scope

Once your data has been onboarded, ClearGov Operational Budgeting enables Bellevue team members to execute a variety of tasks, as outlined in the table below. ClearGov products are designed to be easy to use and intuitive, and with the training we provide, you should have all the expertise you need to fully leverage the platform.

Service Description	In Scope
Create Forecasts: Auto generate one or more forecasts for each of your funds. Modify forecasts based on what-if scenarios adjust parameters as needed.	Unlimited forecasts
Create Budgets: Create one or more budgets for each of your applicable funds. Invite collaborators, iteratively build the budget and share with reviewers.	Unlimited budgets
Export Budgets to ERP: Export your final budget(s) from ClearGov in order to import directly into your accounting system / ERP. NOTE: Depending on your ERP, your export file may require formatting prior to import.	Export Format:Excel; .CSV file



ClearGov ClearPlans - Product Scope

Once your ClearPlans subscription has been activated, Bellevue team members can immediately begin to collaborate and build a plan. If you wish to allocate your budget to specific objectives, you will need to have your data onboarded, but you don't have to wait for data onboarding to start building your plan. The ClearGov training programs and your CSM will provide advice and suggest best practices to help you optimize your own plan documents.

Description	In Scope
Plan Manager: Create comprehensive multi-tier plans for any planning purpose. Each plan may have an unlimited number of focus areas, goals and actions items.	Unlimited plans of any type
Published Plans: Fill out and publish templated sections of your plan using ClearGov's toolset, and/or create new pages with your own content, images, tables, etc. as needed.	Unlimited pages
Printed Plans: ClearGov's ClearPlans solution includes print to .PDF functionality. It automatically creates .PDF documents of the full plan or selected sections.	Unlimited



ClearGov Digital Financial Reporting - Product Scope

Once your data has been onboarded, ClearGov Digital Financial Reporting enables Bellevue team members to execute a variety of tasks, as outlined in the table below. The ClearGov training programs and your CSM will provide advice and suggest best practices to help you optimize your own financial reports and ACFR.

Description	In Scope
Digital Financial Reports: Create comprehensive digital financial reports and ACFRs based on onboarded financial data and the narrative added by you.	Unlimited Financial Report Versions
Digital Statements: Fill out templated sections of your report using ClearGov's Statement Builder functionality and GFOA guidelines embedded in the product, and/or create new statements as needed.	Unlimited Statements
Printed Financial Reports: ClearGov's Digital Financial Reporting solution includes print to .PDF functionality. It automatically creates .PDF documents of the full financial report/ACFR or selected sections.	Unlimited



ClearGov Transparency - Product Scope

Once your data has been onboarded, ClearGov Transparency enables Bellevue team members to execute a variety of tasks, as outlined in the table below. The ClearGov training programs and your Client Success Manager will provide advice and suggest best practices to help you optimize your ClearGov Transparency implementation.

Description	In Scope
Project Pages: Create and publish website-based Project Pages to communicate capital projects and other community projects. Share project status, milestones, timeline, budget and other updates with your constituents.	Unlimited Project Pages
Department Dashboards: Using ClearGov's easy to learn and intuitive toolset, including custom charting, you can create Department Dashboards to communicate key performance metrics to your constituents.	Unlimited Department Dashboards
Transparency Profile Launch: Promote your transparency profile to residents through a press release, your website and social media.	ClearGov provides a release template and a customer banner for your Website.
Data Updates: You may regularly update your financial data at your discretion by sending new files to ClearGov. For example, you may post current FY budget and update periodically with actual spending.	You have two choices when it comes to updating your financial data. You may update your actuals as often as you like using our financials application or you can submit a request to our data update team. Open Checkbook data can be uploaded weekly by submitting a request to our data update team.



Investment

Our pricing model matches our products - simple, straightforward and built for local governments.

Setup Fee:

- A **one-time investment** that covers setup, activation, data onboarding and initial training — everything you need to get launched.

Solution Subscription:

- A flat **annual investment** covers unlimited access and usage of your ClearGov solution and includes unlimited support from your dedicated Client Success Manager.

That's it. We don't charge extra for seat licenses or updates or ongoing support or professional services or anything else, so there are absolutely no hidden fees. See the table below for a complete breakdown of what's included.

Setup Service Fees (One time investment)	
Setup Fee: Includes - Full activation and setup; Data onboarding; Client training	\$3,600.00
Setup Discount: If signed by 1/15/25	(\$1,600.00)
Total Setup Service Fees	\$2,000.00

Annual Subscription Service Fees (Annual investment)	
ClearGov Operational Budgeting	\$9,600.00
ClearGov ClearPlans	\$5,500.00
ClearGov Digital Financial Reporting	\$5,500.00
ClearGov Transparency	\$4,800.00
Bundle Discount	(\$14,400.00)
Total Annual Subscription Service Fees	\$11,000.00



Overview

The ClearGov onboarding process is designed to activate and set up your ClearGov solution. We have designed the process to be as straightforward as possible. Yes - there are some things you'll have to do, but the effort is likely to be much less than other software implementations you have experienced in the past. With your specific goals and budget timeline in mind, your Implementation Manager will develop a plan and guide you through what needs to be done to get you and your team up and running. The Implementation Manager will work with you and ClearGov's internal experts to achieve onboarding milestones.



"From the first meeting to finalizing the budget, it really was a remarkable experience. While the product is truly great, it wouldn't have been so successful if it weren't for the ClearGov team! The customer service has been phenomenal."

Tiffany Barnett
Accounting Manager
Hemet, CA

Roles & Responsibilities

Effectively and efficiently completing the onboarding process requires a small group of people - from both ClearGov and Bellevue - with specific roles and responsibilities, as follows. NOTE: For some customers, one person may play multiple roles.

Bellevue Team

- **Executive Sponsor:** Champions the implementation and rollout of ClearGov inside Bellevue. Removes roadblocks and acts as the escalation point if the onboarding process stalls.
- **Primary Contact:** Go-to person at Bellevue who is the main liaison with ClearGov's Implementation Manager. Responsible for scheduling meetings and ensuring the right people from the organization attend.
- **Data Exporter:** The person responsible for exporting financial data from your ERP / Accounting System and providing Account ID structure information.
- **Data Reviewer:** The person responsible for reviewing and approving data maps and how your data displays within the ClearGov platform.

ClearGov Team

- **Implementation Manager (IM):** Overall Project Manager for onboarding. Responsible for driving meetings as required and guiding you through the onboarding process. Ensures alignment with what needs to be done and who needs to do it.
- **Sr. Data Advisor:** ClearGov's full-service Data Advisor team is made up of **former local government finance officials**, so they have been in your shoes. Your Sr. Data Advisor is responsible for uploading and categorizing your financial data. They will work closely with the Data Reviewer to complete data mapping.

- **Training & Enablement Specialist:** A ClearGov team member who is deeply familiar with ClearGov products and has developed on-demand educational material available in ClearGov's Support Center. This person will lead training workshops as necessary for users.
- **Client Success Manager (CSM):** Your Client Success Manager is responsible for making sure you achieve your objectives and have ongoing success using the ClearGov platform.
- **ClearGov Support Team (support@cleargov.com):** Everyone on this team understands how ClearGov products work and can answer questions to help you complete a task. The ClearGov Support team is available for technical assistance for all ClearGov customers.
- **ClearGov Data Team (data@cleargov.com):** The ClearGov Data Team is responsible for adding new or updating existing data after the initial onboarding is complete. NOTE: **Most members of our Data Team are former financial officials as well.**



ClearGov's Award-Winning Onboarding Process

*"ChurnZero, a leading customer success platform proclaimed ClearGov an **Onboarding Hero** award winner. ClearGov implemented a new process which reduced average client onboarding time by 26% while earning a post-onboarding customer satisfaction rating of 100%."*

Data Onboarding Timeline

We have successfully onboarded over a thousand customers, so we know that different organizations have different objectives and deadlines. Some of our customers want/need to implement as quickly as possible and make ClearGov their #1 priority. Other customers take a more relaxed approach and fit ClearGov in among other projects. As a result, the onboarding process typically stretches across 60 - 90 days, which allows enough time for us to collaborate and complete the important tasks mentioned in the next section.

Typical Onboarding Timeline



IMPORTANT - Meeting Your Deadline: We are happy to work at whatever pace fits your needs, and we recognize that in certain circumstances, you may require an expedited onboarding process. If you have a specific deadline in mind, please inform your Solutions Advisor or Implementation Manager as soon as possible. We will do our best to meet your deadline (we don't miss many of them), and we'll let you know exactly what we need from you - and when - in order to hit your objective.

Data Onboarding Phases & Tasks

The onboarding process has six phases, as outlined below. Some of these phases overlap and can occur concurrently to reduce the duration of onboarding. Furthermore, once your product subscriptions are activated you are able to use the product(s) immediately to complete various setup & configuration tasks while your general ledger data is being uploaded and mapped.

Phase 1: Discover

The Discover phase is the initial period when you and ClearGov develop a shared understanding of your goals, specific data requirements & structure, budget cycle timeline, and onboarding plan. Depending upon schedules and availability, the Discover phase - in conjunction with the Prepare phase - usually lasts 2 to 4 weeks, starting when you sign the ClearGov service order and your Solutions Advisor connects you with your Implementation Manager.

The key objectives during the Discover phase include:

- **Share Goals:** During the Kickoff call, your Implementation Manager will review and verify the goals you discussed with the Solutions Advisor during the sales process.
- **Confirm Key Milestones & Dates:** This information will be used as input to the onboarding project plan and to ensure that everyone has common expectations.
- **Define Launch Requirements:** The Implementation Manager will guide you through exactly what needs to be completed prior to launching ClearGov applications.

Task	Responsibility	Notes
Product subscription activation	ClearGov	ClearGov will activate your subscription in accordance with the Start Date listed in your Service Order. ClearGov will create your Client Admin user, who can then access the platform and add additional (unlimited) users as necessary.
Kickoff & Data Discovery calls	ClearGov & Client	The IM will schedule two separate 30 - 60 minute Zoom sessions with your team. The first call is to discuss key objectives and the timeline for onboarding. Your Primary Contact along with anyone else who would like to be involved should attend this meeting. The second is with a ClearGov Sr. Data Advisor to understand your financial data and collect information for categorizing that data. Your Primary Contact, Data Exporter, and Data Reviewer should attend this meeting.
Complete Implementation Worksheet	ClearGov & Client	The IM will share a worksheet with a few questions to help us better understand your specific needs and timeline.
Assemble teams and resources	ClearGov & Client	Identify and assemble the necessary individuals - on both teams - to participate in onboarding.
Create project plan with timeline	ClearGov	The IM will develop the timeline and project plans and will review these with your Primary Contact.

Phase 2: Prepare

The Prepare phase focuses mainly on helping ClearGov understand how you categorize your financial data and what changes may be necessary in order to display data the way you prefer within the ClearGov platform. During the Prepare phase, we will ask you to export financial data from your ERP or accounting system and provide information on your account code structure.

Task	Responsibility	Notes
Data Onboarding learning path	Client	We will share material to help you understand the ClearGov data onboarding requirements, as well as how certain choices will affect how your data can be displayed within the ClearGov platform.

Scope data implementation	ClearGov	We will ask you to verify how many years of historical data you wish to include in the platform along with which budget and actual versions you want to onboard.
Export Financial Data	Client	We will ask you to export financial data from your ERP / accounting system, and we will provide data format requirements.
Provide mapping information	Client	We will ask you to provide guidance about how to categorize line items based on the structure of your Account IDs, i.e. help us understand your Account ID segment codes.
Review and clarify data	ClearGov	ClearGov will review your data files let you know if we have clarifying questions.

Phase 3: Map & Review

ClearGov offers a full-service data onboarding process that includes formatting, uploading, and mapping your financial (i.e. general ledger revenue and expense) data. This is the most important step of the onboarding process because that data is what enables the full use of our budgeting applications. The Sr. Data Advisor will complete the onboarding work while relying on you to provide a complete set of data files and your feedback along the way. We will need you to attend a few calls, review the mapping and provide timely feedback. It is our goal to make sure your financial data is presented through the ClearGov applications in the way you want.

Task	Responsibility	Notes
Upload and map financial data	ClearGov	ClearGov full-service data onboarding includes formatting and uploading your financial (revenue and expense) data and mapping each line item into categories such as fund, department, revenue source, objects, etc.
Review initial mapping	ClearGov & Client	We will review your initial mapping in a Mapping Review call and develop a strategy for you to provide feedback.
Provide feedback and iterate initial mapping	ClearGov & Client	If necessary, we will create a mapping feedback form for you to fill out and return to us. We will make mapping revisions based on your feedback.
Review mapping in-product	ClearGov & Client	We will review how data flows into key product areas and how you can change how your data looks using product settings. If no initial mapping revisions are required, this process can happen in the initial Mapping Review call.
Product-specific settings	ClearGov & Client	During the in-product review, we will discuss how specific product settings can impact the presentation of your data, e.g. Digital Budget Book best practices for creating department pages with a consistent look.

Phase 4: Train & Configure

Administrators can begin learning how to use ClearGov as well as configure application settings while your data is being mapped. We have developed comprehensive courses that provide you with step-by-step instructions on how to configure ClearGov. Your IM will recommend a custom learning path based on the products you have purchased.

Task	Responsibility	Notes
Administrators & editors begin	ClearGov & Client	Your IM will recommend and enroll you in ClearGov Academy courses to help you meet your goals. Courses are broken

learning path and explore help resources		down into a variety of product-specific educational elements (e.g. videos, articles, quizzes) for easy consumption. Login to ClearGov Academy and begin your learning path, and log in to ClearGov and explore our Support Center resources.
Admin & Editor Workshops	ClearGov & Client	Schedule and complete product workshops, as required. (See note below for additional details.) This is custom, instructor led training, so please come prepared with specific workflow questions.
Configure applications	Client	Complete configurations in selected applications, including adding non-general ledger data, e.g. capital requests and employee information. See below for an outline of application-specific configurations that you can utilize to customize your ClearGov experience. Your IM will provide you with guidance and best practices on how to utilize these configurations.
Add users to the system	Client	In the User Management application, add all potential users to the system. Adding all users here makes it easy to select the appropriate people when it comes time to request budget input and review from your team.

ClearGov Workshops Overview

ClearGov's products are designed to be easy to use and our learning resources are robust. As a result, you may not need a Workshop for all products. If you want one, here are our guidelines:

- ClearGov will provide a Workshop for each product in your subscription.
- ClearGov Workshops may be attended by both Administrators and Editors.
- ClearGov Workshops are designed to answer your specific questions about how to use ClearGov's solutions to meet your specific needs. Therefore, it is **highly recommended that you complete the ClearGov Academy courses prior to attending a ClearGov Workshop.**
- All Workshops are recorded for your ongoing reference and team access.

Phase 5: Promote & Educate

ClearGov products are built to foster collaboration during the budget development process. So, we want to make sure your entire team knows how to get the most from our platform.

Task	Responsibility	Notes
Introduce ClearGov to colleagues	ClearGov & Client	Your IM will work with you to customize materials (email messaging and supporting materials) to send to key stakeholders in your organization.
Department Heads complete learning paths	Client	Your IM will recommend ClearGov Academy courses for your Department Heads and other users of ClearGov based on the products included in your subscription. Your IM will also recommend other resources available through our learning center to ensure your Department Heads are set up for success with ClearGov.
Department Head Workshop	ClearGov & Client	Schedule and complete product workshops, as required. (See note above for additional details.) This is custom, instructor led training, so please come prepared with specific workflow questions.

Phase 6: Ready to Go

With your onboarding process complete, the Bellevue team will be well-prepared to build and present your budget. At this point, your Implementation Manager will introduce your ClearGov Client Success Team, including your Client Success Manager, who will provide ongoing support.

Task	Responsibility	Notes
Client Success Manager assigned	ClearGov	ClearGov will assign a dedicated Client Success Manager (CSM). Your CSM will become your primary point of contact to provide coaching, share best practices, and ensure continued success with your ClearGov platform.
Post-Onboarding Review call	ClearGov & Client	Your IM will coordinate a call with your new CSM and your Primary Contact to do a final review of any outstanding onboarding tasks as well as to gather your feedback to highlight if any part of the process could have been executed better.
Communicate Support & Data Request process	ClearGov	Your IM will provide instructions on how to contact our Support Team if you have questions or run into a technical issue as well as instructions on how to submit data uploads or modification requests to the Data Team.

Application-Specific Configuration

Below is a summary of the key elements that can be configured by Bellevue for each applicable ClearGov product. Product configuration is your opportunity to customize the ClearGov application to your specific needs and preferences. We have done our best to make each process as intuitive as possible, and we'll be there to show you how, if you have questions..

Operational Budgeting

- **Contributors:** Assign budget categories and line items to applicable department heads to kick-off your annual budget request process.
- **Reviewers:** Assign and give review access to key stakeholders, i.e. board members, finance committee, etc.

Digital Financial Reporting

- **Financial Report Design:** Utilize the point-and-click solution to configure the look and feel of your financial report to meet your needs and preferences.
- **Contributors:** Assign specific sections to contributors for collaboration and editing on your financial reports and ACFRs.

Transparency

- **Transparency Center Design:** Customize your Transparency Center look and feel by uploading a background image, adding your logo/seal, etc.
- **Department Dashboards:** Create and configure key performance metric dashboards for any applicable department(s).
- **Project Pages:** Create and configure project pages and provide project updates, as necessary.

ClearPlans

- **Contributors:** Assign full plan or specific sections to contributors for collaboration and editing.

Data Requirements

ClearGov's Onboarding process is focused on getting your most complex data up and running on the ClearGov platform. In a nutshell, this means your financial data (i.e. general ledger, assets, liabilities, expenses, revenue, etc.) - both current and historical information. This data should be readily exportable from any accounting/ERP system. We have partnered with some vendors to include an "Export to ClearGov" button in their solutions and for some others we can provide detailed export instructions. Your IM will let you know what is available based on the accounting/ERP system you use. Your IM will also provide you with a more detailed document explaining data requirements. The highlights are outlined below.

Data Onboarding Requirements by Product

Product	Chart of Accounts	Revenue & Expenditure Data		Checkbook Detail
		Actual	Budgeted	
Operational Budgeting	✓	✓	✓	N/A
Digital Financial Reporting	✓	✓	✓	N/A
ClearPlans*	✓	✓	✓	N/A
Transparency	✓	✓	✓	✓

*NOTE: For ClearPlans, Data Onboarding is only required if you intend to allocate budget categories to specific objectives within your plan.

Data Onboarding Detail

Actual Revenues, Expenditures, Assets, Liabilities, Equities, and Cash

- The majority of clients sent us 4 to 6 years, however, there is no limit.
- By providing more years, trend charts will be more robust.
- Current FY budget data is used as the basis to create the next FY budget.

Budgeted Revenue & Expenditures

- Current and upcoming
- Past years to display budget-to-actuals (optional)

Check Level Detail (ClearGov Transparency Only, Optional)

- If you wish to use the Open Checkbook feature in ClearGov Transparency
- Your data must include check-level detail for the most recent fiscal year with as much historical data as you prefer

Line Item Detail File(s)

- Line-item level revenue, expense, asset, equity, and liability data. Depending on which accounting system you use, all years may be exported in one file or there may be a file created for each year.
- Each line item should include full account number, account description, fund and dollar amount. We will also need to know the associated fiscal year and if the line item is tied to revenue or expense.
- Depending upon which accounting system you're using, this is often referred to as the Trial Balance Report; Account Inquiry Report; or Budget-to-Actual Report.

Account Number Key

- This is simply an explanation of your account number structure.
- An account number is made up of segments and for each segment we need to know its purpose (i.e. whether it refers to a fund, a department, an object, etc.).
- Most accounting systems enable you to run a report to generate this information. It's often called a Segment Report or Chart of Accounts. If yours does not, just let us know. The ClearGov data team has successfully uploaded data for hundreds of clients and will work with you to determine the best options.

How much data should we provide?

In short, it depends on which product(s) you plan to use:

- **Operational Budgeting:** Should provide budgeted data for the current fiscal year and any historical budgeted/actual data you would like to be able to view/compare when you are building your next budget.
- **Digital Financial Reporting:** should provide budgeted and actual data - including assets and liabilities - for any fiscal year that you wish to present in your financial reports/ACFR statements.
- **ClearPlans:** If you intend to allocate budget to specific objectives, you should provide budgeted data for the fiscal year that you wish to present in your applicable plan.
- **Transparency:** Provide any budgeted and actual data for fiscal years that you wish to present within your Transparency profile. Generally, we recommend presenting at least 4 years of data to be able to show trend analysis over time, but we can upload as many years as you provide.



ClearGov solutions are designed to be intuitive and easy-to-use. With that said, ClearGov's training materials and support channels are designed to ensure that you and your team can successfully launch, adopt and optimize the value you receive from the ClearGov platform. We will share how to accomplish tasks, key insights and best practices.



"The ClearGov client success team has been incredible — patient, understanding, and responsive — every step of the way."

Jodi Cuneo, CGA
Town Accountant
Walpole, MA

Training

For starters, we have developed comprehensive courses that provide you with step-by-step instructions on how to configure and use ClearGov. Your Implementation Manager (IM) will recommend and enroll you and your team in ClearGov Academy courses to help meet your goals. Courses are broken down into a variety of product-specific educational elements (e.g. videos, articles, quizzes) for easy consumption.

ClearGov Workshops

In addition, instructor led training is available in workshop format. ClearGov Workshops are designed to answer your specific questions about how to use ClearGov's solutions to meet your specific needs. Therefore, it is highly recommended that Workshop Attendees complete the ClearGov Academy courses prior to attending a ClearGov Workshop. ClearGov will provide a remotely-delivered Workshop for each product in your subscription. ClearGov Workshops may be attended by both Administrators/Editors and Department Heads/Contributors. All Workshops are recorded for future reference and to train new hires.

Support Center

All ClearGov users have access to a frequently updated online Support Center filled with hundreds of how-to articles, video tutorials and information sheets. The ClearGov Support Center is easy to navigate and has a robust search engine to quickly find help on a specific topic.

Client Success Manager

When the onboarding process is complete, the IM will introduce you to your Client Success Manager (CSM). Your CSM is available by phone and email and will work with you to get the most out of ClearGov's platform. CSMs are generally available 9:00AM to 5:00PM, Monday through Friday (excluding holidays). Your CSM will inform you of their specific availability. Our CSMs are committed to responding to all inquiries within one business day, and in most cases, you will receive a same-day response.

ClearGov Support & Data Team

For questions on how to use ClearGov or to report a technical issue, you will be able to reach a Support Specialist via support@cleargov.com during business hours (Monday through Friday, 8:00AM to 8:00PM Eastern). Our Support Team is committed to responding to all inquiries within one business day, and in most cases, you will receive a same-day response.

For data updates, you can update your own statistics through our financials application or you can submit a request to our data team via this [request form](#). Our standard lead time to complete an update is five business days. However, if you need an update completed sooner to meet a deadline, just let us know. Straightforward uploads or changes often are completed within one or two business days.

Product Enhancement Requests

We absolutely love hearing from our Customers - especially when they have ideas that would make our products better. In fact, we meet weekly to go over all the feedback we've received to provide key input to our product roadmap. Many of the applications and features in ClearGov's solution are the direct result of client feedback. When you have a request for a product enhancement, please submit your idea(s) to support@cleargov.com or inform your CSM and they will bring it up at our weekly meeting. We prioritize product enhancements primarily based on the number of clients who are requesting similar functionality, so we can't guarantee that your ideas will go to the top of the list, but we promise that we'll always listen, and we work hard to make 100% of our customers happy.



ClearGov Hosting Platform

The ClearGov platform is hosted by Amazon Web Services (AWS), the world leader in cloud computing as a service. Used by the Departments of Justice, Defense, and Homeland Security, AWS is one of only three vendors that have been granted government authorization to store highly sensitive federal data on its cloud-computing servers.

AWS handles systems, network architecture, and security, enabling ClearGov to focus on what it does best — developing world-class solutions for local governments. With ISO 27001 and FISMA-certified data centers, AWS has made platform security its highest priority in order to protect customers' critical information and applications. Another key advantage of hosting on the AWS cloud is that it allows ClearGov to easily scale and innovate, while maintaining all security protections across the entire infrastructure.

How secure is ClearGov?

Hosting with AWS ensures that ClearGov maintains the highest security standards in the world:

- Web application firewalls control access to the underlying code
- AWS has built technologies to protect against distributed denial of service (DDoS) attacks to ensure network availability and application uptime.
- AWS's SQL Server RDS uses server-side encryption to protect sensitive data.

In addition to AWS's secure hosting environment, ClearGov has implemented a number of extra software security features:

- **Secure Socket Layer (SSL):** SSL establishes an encrypted link between AWS servers and the web browser to ensure that all data transfers remain private and integral.
- **SQL Injection Protection:** ClearGov has built protection against SQL injection attacks where hackers attempt to insert nefarious server requests into web forms.
- **Access Rights:** ClearGov has implemented strict permission settings based on roles, which limit access to specific data and application functions. This ensures that internal users are restricted from accessing sensitive data based on privileges assigned by your administrator.
- **Password Authentication:** ClearGov does not store passwords explicitly, but rather "hashes" (encrypts) them so they are not compromised.
- **Single Sign On (SSO):** ClearGov offers Single Sign On capabilities as an optional authentication method. The system is integrated with a leading authentication aggregator which provides integration with the majority of authentication providers.
- **Logging and Monitoring:** ClearGov employs monitoring features that quickly identify vulnerabilities and provide immediate alerts if action is required.

Where are ClearGov data centers located?

AWS replicates the ClearGov application and data across multiple geographically dispersed data centers to ensure redundancy and availability.

What sort of disaster recovery plan is in place?

One of the reasons we selected AWS is because they provide state-of-the-art disaster recovery. ClearGov databases are duplicated in real-time across multiple AWS servers, and the entire ClearGov platform is backed up daily across the AWS network. So, even in the event of a catastrophic system failure, 24 hours of data loss would be the maximum impact.

Is the ClearGov platform designed to scale to meet demand bursts?

Yes. One of the key factors behind selecting AWS as our hosting provider is their ability to scale rapidly. AWS has automated solutions in place that automatically scale ClearGov's platform for normal peaks and valleys in demand, and can be rapidly (and remotely) scaled to meet sustained demand increases.

Does ClearGov leverage AWS Virtual Private Cloud features?

Yes. ClearGov utilizes the AWS Virtual Private Cloud functionality so that our platform is hosted on a logically isolated section of the AWS Cloud and not commingled with any third-party applications.

How do I learn more about ClearGov's hosting solution?

You can learn more about AWS data centers and security measures via the following link:

- <https://aws.amazon.com/security/?hp=tile>

Security FAQs

How is client data stored within the ClearGov platform?

All client data is stored in a single data repository with proper authentication and access control built into the system to ensure that users may only access the data applicable to their organization.

Is the ClearGov platform SOC 2 compliant?

Our hosting provider, AWS, is fully compliant with SOC 2 requirements, and ClearGov can provide a copy of the most recent AWS SOC 2 compliance/audit report upon request.

How often is the ClearGov platform reviewed for adherence to security standards and how actively is the ClearGov platform monitored?

ClearGov performs quarterly security reviews to ensure that processes are being followed and standards are being met. The ClearGov platform is monitored continuously - 24 x 7 - for performance, security and auditing.

Does ClearGov Support SSO?

ClearGov is integrated with a leading authentication aggregator which provides integration with the majority of authentication providers such as OpenID Connect and SAM. Examples of SSO providers using these protocols include Microsoft Azure, OneLogin, and Okta.

Service Level FAQs

What level of service availability does ClearGov support?

All ClearGov solutions are available on a 24/7 basis, and ClearGov is committed to 99.9% uptime. As a cloud-based solution product patches and upgrades are completed in real-time, without impact to system performance. On occasion, as necessary, larger upgrades that may require planned system downtime are announced in advance and completed over the weekend and/or after working hours.

What is your standard practice for security patch management?

ClearGov conducts ongoing audits of third-party packages for vulnerabilities. Patches for critical vulnerabilities are released as soon as possible, otherwise, patches are released as part of regular bi-weekly software releases.

How often does ClearGov schedule planned outages for system upgrades?

The ClearGov platform and applications are architected so that the system does not require downtime during regular maintenance, product upgrades, or emergency patches. On occasion, as necessary, larger upgrades that may require planned system downtime are announced in advance and completed over the weekend and/or after working hours.



General Questions

Q: Do we need to dedicate resources for ClearGov implementation?

- A: Ideally, we would like to have one point person on your end with whom we can coordinate logistics. We generally require no more than a few hours of that person's time for the entire setup/onboarding process. Typically, that same person is responsible for delivering regular data updates (usually quarterly) , which requires only a few minutes of their time once per quarter. (See Project Management section for more details.)

Q: Does ClearGov provide training?

- A: The ClearGov platform is designed to be simple and intuitive. With that said, ClearGov will provide whatever training you and your team need during the kick-off process. And, the ClearGov team is available for unlimited support and/or training on an ongoing basis. ClearGov also provides video tutorials, online help, and other support materials as well. (See Training and Support section for more details.)

Q: How much effort is required to import our data?

- A: During implementation, your Sr. Solutions Advisor will upload your financial data. Post-implementation you have two choices when it comes to updating your financial data. You may update your actuals as often as you like using our financials application or you can submit a request to our data update team.

Q: Can ClearGov help us communicate our finances internally?

- A: Absolutely. ClearGov is a powerful tool for not only communicating with residents, but also internal stakeholders. ClearGov can act as a central reporting platform that offers clear and easy-to-understand infographics that can be used for presentations and reports both internally and externally.

Q: How will ClearGov store our data? Is it secure?

- A: ClearGov utilizes a full suite of solutions from Amazon Web Services (AWS) to host and deliver the data for the ClearGov platform. We specifically selected AWS as our solutions provider because the AWS infrastructure puts strong safeguards in place to help secure and protect customer data. All data is stored in highly secure AWS data centers, and you can learn more about AWS security measures via the following link: <https://aws.amazon.com/security/?hp=tile>. See Security Overview section above for more details.

Q. Are there any accounting systems that are not compatible with ClearGov?

- A: The short answer is "No" — we work with everybody. We're not actually doing a direct integration with your accounting system; we just need a simple report, and every accounting system we've ever met can easily produce that report. We've worked with enough of them now that we can probably tell you which report to print, and if it's a new one, we'll help you figure out which report is right.

Q: Does ClearGov provide a real-time integration with any eFinance or ERP systems?

- A: The short answer is...No...and this is by design. ClearGov takes a different approach when it comes to integrating your data onto our platform. In short...we do the work for you. You simply

send us a report from your accounting system whenever you like, and we'll upload it - and there is never any additional charge for this.

- The reason we take this approach is that system integrations sound like a good idea on paper, but in reality...they are painful, expensive and extremely difficult to maintain. The key problem is that every time the software changes on either end of the integration, the connection breaks and requires significant effort to re-integrate. In fact, that's how our competitors make a lot of their money, because they charge professional service fees every time you ask them to re-establish the integration. Bottom line, the extra costs of supporting and maintaining a real-time integrated solution far outweigh the minimal incremental benefits of real-time data transfer.

Q: Does the ClearGov platform support single sign-on functionality?

- A: Yes. ClearGov supports single sign-on functionality using Microsoft Azure Active Directory. We are happy to support other single sign-on platforms/APIs as well. Please just let us know what you need.

Operational Budgeting Questions

Q: With ClearGov's benchmarking intelligence module, how do we know we are comparing "apples to apples"?

- A: ClearGov consolidates and normalizes the fiscal data for all of the municipalities within your state into a standardized national chart of accounts in order to enable a direct apples-to-apples comparison. ClearGov also enables you to select the filter criteria that are most important to the comparison you're trying to make. For example, if you're comparing snow removal costs, you want towns with similar road miles, whereas if you're comparing public safety costs, you'll likely use population and average household income as your filters.

Q: Can I export from ClearGov Operational Budgeting into my ERP system?

- A: Yes, once you've created your budget, you can choose any combination of data to export to Excel and then import this directly into your ERP system.

ClearPlans Questions

Q: What kinds of plans can I create with ClearPlans?

- A: You can create any type of multi-tier (three level) plan with unlimited Focus Areas, Goals and Action Items. The tier categories can be renamed based on whatever terminology you choose.

Q: Do I have to allocate budget categories in order to create a plan?

- A: No. Allocating budget categories to the objectives in your plan is optional.

Digital Financial Reporting Questions

Q: Can I customize my statement templates?

- A: Yes, the pre-built templates are fully customizable. You can easily change row names, reorganize data, and add new rows or columns to tailor each statement to your specific needs.

QQ: Is Digital Financial Reporting ADA-compliant?

- A: Yes, the Digital Financial Reporting public-facing communication tool is ADA-compliant, ensuring that your online financial reports are accessible to all constituents.

Q: Can you guarantee that we will win a GFOA award?

- A: As we have designed and built the ClearGov Digital Financial Reporting solution, we have double-checked the GFOA guidelines every step of the way. We have also actively reviewed the solution with GFOA reviewers and members of the GFOA staff. With that said, we cannot

guarantee that you will win an award, in part, because the narrative content is still up to you. In other words, all of the core components are included, but you still need to fill in the blanks in a way that meets with GFOA approval.

Q: I understand the benefits of digital, but I still need to produce a printed version. How will that work?

- A: You're not alone. Old habits die hard and paper is still a must-have for many local governments. In addition to presenting your financial reports online, the ClearGov Digital Financial Reporting solution includes functionality that enables users to create a .PDF, which can then be printed to generate a hard-copy of your financial report or ACFR. Also, the Print-to-PDF functionality enables you to print specific sections of your document and/or the entire report.

Q: Can I reuse the statements I created last year?

- A: Yes, once your statements are set up, they can be effortlessly updated each year with minimal adjustments, making the process efficient and saving you time in subsequent years.

Transparency Questions

Q: Where does ClearGov get its financial data?

- A: ClearGov sources its financial data from various entities including state departments of revenue; state education departments; etc. ClearGov also compiles complementary data, such as demographic information, home values, road miles, etc. from various public sources including the U.S. Census Bureau.

Q: How does ClearGov determine the default peer group for peer analysis?

- A: ClearGov uses four primary factors to create the ClearGov Default peer Group for each municipality:
 1. ClearGov looks for municipalities with similar populations.
 2. ClearGov looks for municipalities with similar median home values as determined by census data.
 3. ClearGov looks for municipalities with similar commercial assessments to differentiate between rural and urban municipalities.
 4. ClearGov dynamically searches for the closest ten municipalities that meet population, median home values and commercial assessment deviations. The figures from these municipalities are combined to create a peer average.
- **NOTE:** As a ClearGov Transparency customer, you will have the opportunity to create and publish your own custom peer groups, based on whatever criteria is most important to you.

Q: Won't publishing a transparency profile generate a lot of incoming inquiries?

- A: On the contrary, our customers find that a ClearGov profile helps the community find the answers they seek more easily and consistently. Plus, you can add commentary that tells the story behind your numbers and provides additional context.
- Prior to launch you will want to identify the components of your data that would benefit from some additional context. ClearGov enables you to add commentary to these sections of the profile which will actually reduce the number of inbound public information requests.
- Finally, if you do get an influx of inquiries, you will generally find a consistent pattern to the questions. So, you can use those questions to inform and further enhance your commentary.

Q: What about inciting "community activists"?

- A: It seems that every municipality has a small population of what we call "CAVE People" (**Citizens Against Virtually Everything**), and unfortunately, we don't have a direct solution for that. However, a large portion of the most aggressive community activism is generally caused by a misinterpretation of the facts, or simply taking the facts out of context. We have found that

ClearGov can drastically change both the tone and substance of the conversation by showing that your local government has nothing to hide, and by delivering not just data, but the stories behind the numbers to help everyone have a more informed and empirically accurate conversation.



“I’ve enjoyed working with ClearGov. I really am impressed with how the products have been built. It’s amazing that they know very well what we need. Not many do.”

Will Fuentes, CPFO, MBA
Finance Director
Campbell, CA



Service Order

2 Mill & Main; Suite 630; Maynard, MA 01754

Created by	Kristin Fine
Contact Phone	972-948-2999
Contact Email	kfine@cleargov.com

Order Date	Jan 8, 2025
Order valid if signed by	Jan 16, 2025

Customer Information			
Customer	City of Bellevue, ID	Contact	Christina Giordani
Address	115 Pine Street	Title	Mayor
City, St, Zip	Bellevue, ID 83313	Email	cgiordani@bellevueidaho.us
Phone		PO # (If any)	

The Services you will receive and the Fees for those Services are...		
Set up Services		Tier/Rate
ClearGov Setup: Includes activation, onboarding and training for ClearGov solutions	Tier 1	\$ 3,600.00
ClearGov Setup: BCM Bundle Discount - Discount for bundled BCM solutions	Tier 1	\$ (1,600.00)
Total ClearGov Setup Service Fee - Billed ONE-TIME		\$ 2,000.00
Subscription Services		Tier
ClearGov BCM Operational Budgeting - Civic Edition	Tier 1	\$ 9,600.00
ClearGov BCM Transparency - Civic Edition	Tier 1	\$ 4,800.00
ClearGov BCM ClearPlans - Civic Edition	Tier 1	\$ 5,500.00
ClearGov BCM Digital Financial Reporting - Civic Edition	Tier 1	\$ 5,500.00
ClearGov BCM Bundle Discount: Discount for bundled BCM solutions	Tier 1	\$ (14,400.00)
Total ClearGov Subscription Service Fee - Billed ANNUALLY IN ADVANCE		\$ 11,000.00

ClearGov will provide your Services according to this schedule...			
Period	Start Date	End Date	Description
Setup	Jan 1, 2025	Jan 1, 2025	ClearGov Setup Services
Pro-Rata	Jan 1, 2025	Jun 30, 2025	ClearGov Subscription Services
Initial	Jul 1, 2025	Jun 30, 2028	ClearGov Subscription Services

To be clear, you will be billed as follows...		
Billing Date(s)	Amount(s)	Notes
Jan 1, 2025	\$ 2,000.00	One Time Setup Fee
Jan 1, 2025	\$ 5,500.00	6 Month Pro-Rata Subscription Fee
Jul 1, 2025	\$ 11,000.00	Annual Subscription Fee
Additional subscription years and/or renewals will be billed annually in accordance with pricing and terms set forth herein.		
Billing Terms and Conditions		
Valid Until	Jan 16, 2025	Pricing set forth herein is valid only if ClearGov Service Order is executed on or before this date.
Payment	Net 30	All invoices are due Net 30 days from the date of invoice.
Initial Period Rate Increase	3% per annum	During the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.
Rate Increase	6% per annum	After the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.

General Terms & Conditions

Customer Satisfaction Guarantee	During the first thirty (30) days of the Service, Customer shall have the option to terminate the Service, by providing written notice. In the event that Customer exercises this customer satisfaction guarantee option, such termination shall become effective immediately and Customer shall be eligible for a full refund of the applicable Service Fees.
Statement of Work	ClearGov and Customer mutually agree to the ClearGov Service activation and onboarding process set forth in the attached Statement of Work. Please note that ClearGov will not activate and/or implement services for any Customer with outstanding balance past due over 90 days for any previous subscription services.
Taxes	The Service Fees and Billing amounts set forth above in this ClearGov Service Order DO NOT include applicable taxes. In accordance with the laws of the applicable state, in the event that sales, use or other taxes apply to this transaction, ClearGov shall include such taxes on applicable invoices and Customer is solely responsible for such taxes, unless documentation is provided to ClearGov demonstrating Customer's exemption from such taxes.
Term & Termination	Subject to the termination rights and obligations set forth in the ClearGov BCM Service Agreement, this ClearGov Service Order commences upon the Order Date set forth herein and shall continue until the completion of the Service Period(s) for the Service(s) set forth herein. Each Service shall commence upon the Start Date set forth herein and shall continue until the completion of the applicable Service Period. To be clear, Customer shall have the option to Terminate this Service Order on an annual basis by providing notice at least sixty (60) days prior to the end of the then current Annual Term.
Auto-Renewal	After the Initial Period, the Service Period for any ClearGov Annual Subscription Services shall automatically renew for successive annual periods (each an "Annual Term"), unless either Party provides written notice of its desire not to renew at least sixty (60) days prior to the end of the then current Annual Term.
Agreement	The signature herein affirms your commitment to pay for the Service(s) ordered in accordance with the terms set forth in this ClearGov Service Order and also acknowledges that you have read and agree to the terms and conditions set forth in the ClearGov BCM Service Agreement found at the following URL: http://www.ClearGov.com/terms-and-conditions . This Service Order incorporates by reference the terms of such ClearGov BCM Service Agreement.

Customer	
Signature	
Name	Christina Giordiani
Title	Mayor

ClearGov, Inc.	
Signature	
Name	Bryan A. Burdick
Title	President

Please e-mail signed Service Order to Orders@ClearGov.com or Fax to (774) 759-3045

Customer Upgrades (ClearGov internal use only)			
This Service Order is a Customer Upgrade	No	If Yes: Original Service Order Date	

Statement of Work

This Statement of Work outlines the roles and responsibilities by both ClearGov and Customer required for the activation and onboarding of the ClearGov Service. ClearGov will begin this onboarding process upon execution of this Service Order. All onboarding services and communications will be provided through remote methods - email, phone, and web conferencing.

ClearGov Responsibilities

- ClearGov will activate ClearGov Service subscription(s) as of the applicable Start Date(s). ClearGov will create the initial Admin User account, and the Customer Admin User will be responsible for creating additional User accounts.
- ClearGov will assign an Implementation Manager (IM) responsible for managing the activation and onboarding process. ClearGov IM will coordinate with other ClearGov resources, as necessary.
- ClearGov IM will provide a Kickoff Call scheduling link to the Customer's Primary Contact. Customer should schedule Kickoff Call within two weeks after the Service Order has been executed.
- If Customer is subscribing to any products that require data onboarding:
 - ClearGov IM will provide a Data Discovery Call scheduling link to the Customer's Primary Contact. Customer should schedule Data Discovery Call based on the availability of Customer's staff.
 - ClearGov will provide Customer with financial data requirements and instructions, based on the ClearGov Service subscription(s).
 - ClearGov will review financial data files and confirm that data is complete, or request additional information, if necessary. Once complete financial data files have been received, ClearGov will format the data, upload it to the ClearGov platform and complete an initial mapping of the data.
 - After initial mapping, ClearGov will schedule a Data Review call with a ClearGov Data Onboarding Consultant (DOC), who will present how the data was mapped, ask for feedback, and address open questions. Depending upon Customer feedback and the complexity of data mapping requests, there may be additional follow-up calls or emails required to complete the data onboarding process.
- ClearGov will inform Customer of all training, learning, and support options. ClearGov recommends all Users attend ClearGov Academy training sessions and/or read Support Center articles before using the ClearGov Service to ensure a quick ramp and success. As needed, ClearGov will design and deliver customized remote training and configuration workshops for Admins and one for End Users - via video conference - and these sessions will be recorded for future reference.
- ClearGov will make commercially reasonable efforts to complete the onboarding/activation process in a timely fashion, provided Customer submits financial data files and responds to review and approval requests by ClearGov in a similarly timely fashion. Any delay by Customer in meeting these deliverable requirements may result in a delayed data onboarding process. Any such delay shall not affect or change the Service Period(s) as set forth in the applicable Service Order.

Customer Responsibilities

- Customer's Primary Contact will coordinate the necessary personnel to attend the Kickoff and Data Discovery Calls within two weeks after the Service Order has been executed. If Customer needs to change the date/time of either of these calls, the Primary Contact will notify the ClearGov IM at least one business day in advance.
- If Customer is subscribing to any products that require data onboarding:
 - Customer will provide a complete set of requested financial data files (revenue, expense, chart of accounts, etc.) to ClearGov in accordance with the requirements provided by ClearGov.
 - Customer's Primary Contact will coordinate the necessary personnel to attend the Data Discovery and Data Review calls. It is recommended that all stakeholders with input on how data should be mapped should attend. Based on these calls and any subsequent internal review, Customer shall provide a detailed list of data mapping requirements and requested changes to data mapping drafts in a timely manner, and Customer will approve the final data mapping, once completed to Customer's satisfaction.
- Customer will complete recommended on-demand training modules in advance of customized training & configuration workshops.
- Customer shall be solely responsible for importing and/or inputting applicable text narrative, custom graphics, performance metrics, capital requests, personnel data, and other such information for capital budget, personnel budget, budget books, projects, dashboards, etc.

**CITY OF BELLEVUE, IDAHO
RESOLUTION NO. 2404**

A RESOLUTION OF THE CITY OF BELLEVUE, IDAHO, AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT WITH CLEARGOV, INC. FOR A CLOUD-BASED BUDGET PROCESS AND MANAGEMENT SOFTWARE SUITE.

WHEREAS, the City of Bellevue, Idaho (“City”), is a duly organized municipal corporation under the law of the State of Idaho, pursuant to § 50-101; and

WHEREAS, the City desires to enter into an Agreement with ClearGov, Inc. to provide a cloud-based budget process and management software suite; and

WHEREAS, the City seeks to increase transparency through the City’s website with a program that allows for the budget to be presented through the City’s website to provide dates, information related to the financial plans and projects, as well as other information as determined by the City.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Bellevue, Idaho, as follows:

The Common Council of the City of Bellevue, Idaho Authorized the Mayor to Execute a Service Agreement with ClearGov, Inc. for a Cloud-Based Budget Process and Management Software Suite.

PASSED by the Bellevue Common Council and signed by the Mayor this 13th day of JANUARY, 2025.

Christina Giordani, Mayor

ATTEST:

Amy Phelps, City Clerk

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City of Bellevue

City of Bellevue
Regular Common Council Meeting
January 13, 2025

Agenda Item 7b: Request for Funds

Public Works Department

Funds Requested for One (1) Beacon 200 Fixed Gas 2-Channel Controller, One (1) 115/220 VAC Beacon Direct Connect Hydrogen Sulfide H₂S Sensor 0-100 ppm, and One (1) Beacon Direct Connect Ammonia NH₃ Sensor 0-75 ppm

Action Item: Chris Johnson, Public Works Director

Note:

Suggested Motion: Move to Approve the request for funds

Attachment(s): Product Details
Quote



+ Hover to zoom | Click to enlarge

RKI Beacon™ 200 Fixed Gas 2-Channel Controller, 115/220 VAC w/ Strobe Light

Item number 332614

Brand Name	RKI Instruments Inc
Catalog Page	1320
Net weight	10
Condition	New

\$2,315.00 price per each excl. tax

Call for availability

- 1 +

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Need Help? Call 800-548-1234

Product Details

- Accepts any 4-20 mA transmitter input (24 VDC)

The RKI Beacon 200 system lets you configure the ideal fixed gas detection setup for your application—simply combine a controller with your choice of sensors and transmitters. Easy to install and operate, microprocessor-based Beacon controllers monitor gases using any combination of direct-connect sensors or sensor/transmitters (sold separately).

The Beacon 200 controller is a powerful, low-cost fixed-system controller for two points of gas detection. It features 10-amp relays, which are strong enough to actuate most external alarms and horns without using subordinate relays. The backlit digital display shows gas type and concentration simultaneously. A wall mounting kit (included) makes installation easy.

Controller features built-in audible and visual alarms, as well as a 4-20 mA transmitter to output signals to external devices. An exterior reset switch allows you to silence the integral alarm without opening the housing.

Includes: wall mounting kit.

Tech Specs:

Alarms: audible (94 dB) and visual (4 LEDs per channel)

Controller inputs: direct-wired sensors; 4-20 mA (24 VDC, 2 or 3 wire)

Controller relay outputs: 7 relays and 4-20 mA (max 1000 Ω impedance per channel)

Display: backlit alphanumeric LCD

Power: 115/220 VAC or 24 VDC

Enclosure: NEMA 4X

Operating conditions: -4 to 122°F

Dimensions (W x D x H): 8.5" x 6.3" x 10.5" (attached strobe light adds 1" to height)

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RKI Beacon™ Direct Connect Hydrogen Sulfide H2S Sensor 0-100 ppm

Item **332624**
number

Brand Name	RKI Instruments Inc
Catalog Page	1320
Net weight	2
Condition	New

\$469.95 price per each
excl. tax

[Call for availability](#)

[-](#) [1](#) [+](#)

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Need Help? Call 800-548-1234

Product Details

- Use with Beacon fixed-gas detection system controllers
- Suitable for indoor and outdoor use

Direct-connect sensors are an economical option when the sensor will be located near the controller.

Includes: cast-aluminum junction box. Note: A calibration cup is required but not included; order stock # 332642 separately.

Tech Specs:

Compliance: Class I, Div. 2, Groups B-D, no certification

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**RKI
Beacon™
200 Fixed
Gas 2-
Channel
Controller,
115/220
VAC w/
Strobe
Light**

Item No.
332614

\$2,315.⁰⁰

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RKI Beacon™ S2 Ammonia NH3 Sensor/Transmitter 0-75 ppm

Item number **332631**

Brand Name	RKI Instruments Inc
Catalog Page	1320
Net weight	5
Condition	New

\$1,116.⁹⁵ price per each excl. tax

[Call for availability](#)

- 1 +

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Need Help? Call 800-548-1234

Product Details

- Use with Beacon fixed-gas detection system controllers
- Suitable for indoor and outdoor use

S2 sensor/transmitters require less wiring, simplifying installation. Calibrate them directly at the sensor head. S2 sensor/transmitters can also interface directly with PLC/DCS system controllers.

Includes: cast-aluminum junction box. Note: A calibration cup is required but not included; order stock # 332642 separately.

Tech Specs:

Compliance: Class I, Div. 2, Groups B-D, no certification

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RKI Beacon™ Direct Connect Hydrogen Sulfide H2S Sensor 0-100 ppm

Item No. 332624

\$469.⁹⁵



RKI Beacon™ 200 Fixed Gas 2-Channel Controller, 115/220 VAC w/ Strobe Light

Item No. 332614

\$2,315.⁰⁰

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QUOTE

DATE	1/2/2025
QUOTE	QUOT1120048-1
ACCOUNT NUMBER	930098
QUOTED TO	Bryson Ellsworth
QUOTED BY	Luke
PAGE NUMBER	1 of 1

USE THIS QUOTE# **QUOT1120048-1** ON PO's!

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BELLEVUE, CITY OF
115 E PINE ST
BELLEVUE, ID 83313
USA

B
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BELLEVUE CITY OF
PO Box 825
Bellevue, ID 83313
USA

CUSTOMER PO #	EXPIRES	SALES PERSON	TERMS	SHIP FROM	SHIP VIA
	2/1/2025	Luke	Net 30 days	IL	FEDEXGRND

ITEM #	DESCRIPTION	QTY	U/M	PRICE	EXTENSION
332613	Beacon 200 Fixed Gas 2-Channel Controller, 115/220 VAC	1	ea	\$1,919.00	\$1,919.00
332624	Beacon Direct Connect Hydrogen Sulfide H2S Sensor 0-100 ppm	1	ea	\$446.45	\$446.45
332622	Beacon Direct Connect Ammonia NH3 Sensor 0-75 ppm	1	ea	\$826.45	\$826.45

MERCHANDISE	MISCELLANEOUS	FREIGHT	TAX	TOTAL
\$3,191.90	\$ 0.00	\$ 26.70	\$0.00	\$3,218.60

Authorized Signature

PO (If Required)

Please note that your order may be subject to applicable taxes based on current rates at the time your order is completed.

This quote and all sales by HD Supply Facilities Maintenance, LTD. d/b/a USABlueBook shall be governed exclusively by the Terms & Conditions available at usabluebook.com/termsconditions

TO ORDER:For your convenience, you may simply sign and return via email to customerservice@usabluebook.com. We will process your order promptly and email a confirmation so you know we have it. If you prefer to call your order in or have additional questions or concerns, you may contact our Customer Service Department at (800) 548-1234. Please note any changes to the quantities or shipping address.

Thanks for choosing USABlueBook.



City of Bellevue
115 E Pine Street
PO Box 825
Bellevue, ID 83313
208-788-2128 Fax 208-788-2092
www.bellevueidaho.us

TA-24-02 – PUD Minimum Size

City Initiated Text Amendment

Background

There has been interest in recent months to provide more flexibility in the allowable uses and configuration of development in the B – Business Zone, specifically in relation to mixed use development with a residential component. Bellevue City Code already has a chapter with a stated purpose to encourage “flexibility and creativity in the development of land in order to improve the design, character, and quality of new development,” specifically Chapter 10-24: Planned Unit Developments (PUDs). The impediments to doing so under the current ordinance are as follows:

- Multifamily housing in excess of one (1) accessory dwelling unit (ADU) for each six thousand (6,000) square feet of lot area is prohibited in the B – Business Zone (Bellevue City Code Section 10-7-2)
- Bellevue City Code Section 10-7-5(B) requires a minimum of fifty feet (50’) of street frontage and six thousand (6,000) square feet in area for an individual lot in the B- Business Zone. This is prohibitive to the development of platted townhouses or condominiums.
- In order to apply for a PUD, a developer must have a minimum of one (1) acre of contiguous land, with the use of parcels separated by intervening streets discouraged. Much of the Zone is laid out in fifty foot (50’) wide by 120 foot deep parcels within 300 foot wide (6 parcels) by 265 foot deep (two (2) parcels separated by a twenty five foot (25’) wide alley) blocks. The resulting lot area contained within a block being 72,000 square feet, or 1.65 acres. Of the original townsite blocks within the B – Business Zone, none have an undeveloped area in excess of one (1) acre, and the only contiguous undeveloped areas in excess of one (1) acre are “below the bench” within the one percent (1%) floodplain, within the Bellevue Business Park Subdivision, or at the far north end of the zone (and City).



Undeveloped Parcels within the B - Business or LB/R - Limited Business/Residential Zones

Proposed Amendment

A complete draft ordinance is attached to this application, but to summarize the proposed amendment:

- Modify Bellevue City Code Section 10-7-4 to include “Multiple family dwellings, including townhomes and condominiums as part of a mixed used development and approved through a planned unit development application” as a conditionally permitted use within the B – Business Zone.
- Modify Bellevue City Code Section 10-7-5(B) to permit lesser lot widths and sizes through the planned unit development entitlement process.

- Modify Bellevue City Code Section 10-24-4(A)(1) to allow PUD applications on contiguous areas greater than ½ acre in all zones except for GR – General Residential and T -Transitional Zones.

Analysis

The 2017 Bellevue Comprehensive Plan includes the following Goals:

- Economic Development Goal 4.5-1: Maintain the downtown core while preserving the small town character of Bellevue
 - Action Item #7: Adopt strategies and ordinances to revitalize and develop the downtown core.
 - Action Item #9: Develop ordinances and policies that promote the development of vacant and undeveloped properties in the downtown core.
- Chapter 5 – Land Use – 5.2 Current Conditions – Business (B):

“As of September, 2015, there were approximately 65 Business zoned acres in Bellevue. This inventory includes: 138 lots ranging in size from 0.068 acres to 8.46 acres; 22 vacant lots totaling a little over 16 acres; and 22 legally non-conforming properties on approximately 8 acres that the city desires to be redeveloped for business purposes. A non-conforming use is any use existing prior to the effective date of the zoning ordinance that does not conform to the regulations of the ordinance or any amendments thereto. Combined, Bellevue has in excess of 24.565 acres (or 37.6%) of business zoned property that is either vacant or under-developed.”

- Land Use Goal 5.5-1: Work to retain and support expansion of existing independent small local businesses in its downtown and business areas.
 - Action Item #2: Promote infill (creation of new buildings on vacant sites in a built-up area), and redevelopment (more intensive use of existing underused buildings and sites) in the downtown business zone.
 - Action Item #7: Ensure that new development fits in with Bellevue’s historic small-town character and maintains its quality of life.
- Land Use Goal 5.5-3: Ensure land uses that encourage a balance of business, light industrial, residential, recreational uses throughout the community.
 - Action Item #1: Explore investment and creative zoning opportunities in the downtown core.

Recommendation

At their regularly scheduled December 2, 2024 meeting, the Bellevue Planning & Zoning Commission unanimously voted to recommend approval of the subject Text Amendment.

CITY OF BELLEVUE, IDAHO
SUMMARY OF ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, AMENDING BELLEVUE'S CITY CODE BY AMENDING TITLE 10, ZONING REGULATIONS, CHAPTER 10-7: B BUSINESS DISTRICT TO CONDITIONALLY PERMIT MULTIFAMILY DWELLINGS AS PART OF MIXED USE, PLANNED UNIT DEVELOPMENTS AND TO PROVIDE STANDARDS FOR MIXED USE DEVELOPMENTS; 10-24: PLANNED UNIT DEVELOPMENTS (PUDs), REDUCING THE MINIMUM DEVELOPMENT SIZE TO ONE HALF (1/2) ACRE IN ALL ZONES EXCEPT GR AND T; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

The City of Bellevue has adopted Ordinance 2025-_____, amending the zoning ordinance to allow multifamily dwellings within the B – Business zoning district if permitted as part of a mixed use development within a planned unit development (PUD). Additionally, the ordinance establishes standards for mixed use development within the B – Business zone and reduces the minimum development size to apply for a approval of PUD application from 1 acre to ½ acre, except in the GR – General Residential and T – Transitional zoning districts. The ordinance is effective upon passage on January 13, 2025.

The complete ordinance is available at Bellevue City Hall at 115 East Pine Street, Bellevue, Idaho 83313.

The undersigned City of Bellevue City Attorney, having reviewed the subject ordinance and ordinance summary, have determined that the summary is true and complete and that it provides adequate notice to the public of the identity and principal provisions of the ordinance.

Frederick Allington, City Attorney

CITY OF BELLEVUE, IDAHO
ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, AMENDING BELLEVUE'S CITY CODE BY AMENDING TITLE 10, ZONING REGULATIONS, CHAPTER 10-7: B BUSINESS DISTRICT TO CONDITIONALLY PERMIT MULTIFAMILY DWELLINGS AS PART OF MIXED USE, PLANNED UNIT DEVELOPMENTS AND TO PROVIDE STANDARDS FOR MIXED USE DEVELOPMENTS; 10-24: PLANNED UNIT DEVELOPMENTS (PUDs), REDUCING THE MINIMUM DEVELOPMENT SIZE TO ONE HALF (1/2) ACRE IN ALL ZONES EXCEPT GR AND T; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, provide authority for the City of Bellevue to adopt ordinances establishing land use standards, procedures, and uses; and

WHEREAS, Idaho Code §67-6511 and §67-6518 authorizes the city to set standards for private and public development and zoning standards for buildings and structures, where in accord with the adopted comprehensive plan; and

WHEREAS, the Bellevue Comprehensive Plan encourages development and redevelopment within the Business zone, and calls for increased flexibility in land use permitting.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, IDAHO, AS FOLLOWS:

SECTION 1

Title 10, Chapter 7: B Business District of the Bellevue City Code is hereby amended as follows:

CHAPTER 7
B BUSINESS DISTRICT

10-7-1: PURPOSE:

It is the purpose of the Business District to designate space for business.

10-7-2: PERMITTED USES:

Permitted uses for this district are limited to the following:

Business, professional, public or social services offices.

Gas stations, restaurants, bars, theaters, banks, motels, tourist homes, hotels, and car washes.

Nursery for children, nursing homes.

One accessory dwelling unit for each six thousand (6,000) square feet of lot area; provided, that it is: a) in the same building as the business use of the property; b) clearly ancillary and secondary to the business use which shall, by application, be the primary use of the property; c) of less square footage than the business use of the building; and d) in the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available. Accessory dwelling units shall be subject to administrative design review approval.

Public utility business offices, repair, and storage facilities.

Recreational facilities, including bowling alleys.

Repair and personal services.

Retail stores and related storage, including commercial nursery and building supply outlets.

Wireless communication facilities (WCFs) (see additional requirements in section 10-23-7 of this title).

10-7-3: ACCESSORY USES:

The accessory uses for this district include, but are not limited to, the following:

Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work.

10-7-4: CONDITIONAL USES:

Conditional uses for this district are limited to the following:

Churches.

Governmental emergency service WCFs.

Motor vehicle sales and leasing with no use of banners, flags, balloons and other display techniques except signage which complies with this title.

Multiple family dwellings, including townhomes and condominiums as part of a mixed used development and approved through a planned unit development application.

Parking lots and garages.

Public facilities.

Small engine repairs and maintenance incidental to the primary use.

Buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area, up to a maximum floor area not to exceed thirty-six thousand (36,000) square feet in gross floor area.

10-7-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:

The dimensional, bulk, and building coverage standards and requirements for this district are the following:

- A. Maximum Building Height: The maximum height of a building shall be forty feet (40').
- B. Minimum Lot Width And Area: The minimum lot width shall be fifty feet (50'), and the minimum lot area shall be six thousand (6,000) square feet, unless a reduced lot width and size is approved by the City through a planned unit development.
- C. Parking Requirements: For parking requirements, refer to chapter 21 of this title.
- D. Maximum Floor Area:

1. The gross floor area for buildings in the B zone shall not exceed thirty six thousand (36,000) thousand square feet. All buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area per lot or parcel shall apply for and obtain a conditional use permit, pursuant to chapter 10-15 of this Code. All buildings in excess of twenty-eight thousand (28,000) square feet shall have a minimum setback of ten feet (10').
 2. Exemptions: Public facilities, as defined in chapter 10-2, shall be exempt from the maximum floor area provision.
- E. Mixed Use Developments: Multiple family dwellings, including townhomes and condominiums are allowed as part of a mixed use development, subject to the following conditions:
1. For multi-story structures, the commercial space shall be provided at the primary street level of the development with residential uses above.
 2. For single-story structures, the commercial space shall be provided in front of the residential uses.
 3. In all cases, a minimum of fifty percent (50%) of the total conditioned ground floor area shall be utilized as commercial space.

SECTION 1

Title 10, Chapter 24: Planned Unit Developments (PUDs) of the Bellevue City Code is hereby amended as follows:

CHAPTER 24 PLANNED UNIT DEVELOPMENTS (PUDs)

10-24-1: TITLE, PURPOSE AND INTERPRETATION:

- A. Title: This chapter shall be known and may be cited as the BELLEVUE PLANNED UNIT DEVELOPMENT OR PUD ORDINANCE.
- B. Authority And Purpose: The City of Bellevue recognizes that strict adherence to the bulk regulations set forth in traditional zoning ordinances is not always the most effective manner in which to carry out the intent of such ordinances or the goals and objectives of the Bellevue Comprehensive Plan. The planned unit development (PUD) process encourages flexibility and creativity in the development of land in order to improve the design, character, and quality of new development. Specific purposes of the planned unit development process include: promoting flexibility in the type, design, and siting of structures; encouraging more efficient use of land, public streets, utilities, and government services; avoiding or mitigating hazardous areas; preserving open space for the benefit of residents of planned unit developments, as well as the community in general; and, achieving a compatible relationship between the uses in the planned unit developments, surrounding areas and the community in general.

This chapter is adopted pursuant to authority granted by Idaho Code sections 67-6501, et seq., including without limitation sections 67-6512, 67-6515, and 67-6513, and article 12, section 2 of the Idaho Constitution. The PUD permit required under this chapter is a special use permit authorized under Idaho Code 67-6512 and this chapter shall be deemed part of the Bellevue zoning regulations. The provisions for planned unit developments contained in this chapter are intended to encourage the total planning of developments. In order to provide the flexibility necessary to achieve the purposes of this chapter, waivers or modifications to standard zoning requirements may be permitted subject to the granting of a PUD permit. The review process prescribed in this chapter is intended to assure

compatibility and harmonious development between a PUD and surrounding properties and the City at large.

This chapter is enacted for the general purposes of promoting the public health, safety, comfort, and general welfare of the City of Bellevue and its inhabitants; to conserve and protect property and property values; to secure the most appropriate use of lands; to control the density of population; to prevent undue traffic congestion; to preserve the scenic, historic, and aesthetic values of Bellevue; to insure the economical provision of adequate public improvements and facilities; to protect and enhance important historical and environmental features; to protect natural resources and wildlife habitat; to avoid undue concentrations of population and the overcrowding of land; to ensure that development of land is commensurate with the physical characteristics of the land; to protect life and property in areas subject to natural hazards; to avoid undue water and air pollution; and, to implement the goals and policies set forth in the Bellevue Comprehensive Plan, this title, and the Bellevue subdivision ordinance.

- C. **Minimum Requirements:** The provisions of this chapter are the minimum requirements for PUDs. Except for waivers and modifications as specifically provided for in this chapter, whenever the requirements of any other lawfully adopted ordinance, rule, regulation or resolution apply, the most restrictive or highest standards shall govern. In addition, it may be determined appropriate by the commission or the Common Council to apply reasonable requirements greater than the minimum standards due to special physical characteristics of the land or characteristics of the development. Subjects not covered in this chapter shall be governed by other applicable ordinances, rules and regulations.

10-24-2: DEFINITIONS:

As used in this chapter, each of the following words shall have the meaning set forth below. For the interpretation and administration of this chapter, when not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural; the masculine shall include the feminine and neuter; the word "shall" is mandatory, and the word "may" indicates the use of discretion in making a decision.

All of the definitions set forth in this title, as amended, and the Bellevue subdivision ordinance 91-01, as amended, are each hereby adopted by reference as if fully set forth in this section. All definitions set forth herein or adopted herein by reference shall apply whether or not the defined words or terms have the first letter of each word capitalized or in lower case letters.

ACTIVE RECREATIONAL USES: Means improved parks, play fields, swimming pools, equestrian centers, golf courses, recreational bike paths and trails, skate parks, tennis courts, recreation centers and similar recreation facilities in accordance with the City Park Master Plan. Only twenty five percent (25%) of the required active recreational uses may be located within an avalanche area.

ADJACENT: Means parcels of real property which are separated only by intervening public right-of-way, easement or waterway.

ADMINISTRATOR: Means the Planning and Zoning Administrator of the City of Bellevue, Idaho.

BELLEVUE SUBDIVISION ORDINANCE: Means Bellevue ordinance 91-01 and amendments thereto.

CITY: Means the City of Bellevue, Idaho.

COMMISSION: Means the Bellevue Planning and Zoning Commission.

COMPREHENSIVE PLAN: Means the Bellevue Comprehensive Plan and amendments thereto.

CONDITIONAL USE: Means a use or occupancy of land permitted only upon the issuance of conditional use permit, and subject to the limitations and restrictions specified in such permit. A conditional use is also referred to as a special use permit under Idaho Code section 67-6512.

CONTIGUOUS AND ADJOINING: Mean parcels of real property which have a common property line.

COUNCIL: Means the Common Council of Bellevue, Idaho.

DULY NOTICED PUBLIC HEARING: Means a public hearing with notice as required by the applicable laws of the State of Idaho.

NATURAL RESOURCES: Means wetlands, riparian areas, wildlife habitat, wildlife migration corridors, significant existing trees and significant geological features.

NET LAND AREA: Means all lands within a proposed PUD except land: a) with a slope of more than fifteen percent (15%) or laying above such slope line or b) within a floodway or c) within streets or parking areas.

OWNER: Means the individual, firm, association, syndicate, partnership, corporation, or other entity having an interest in the real property proposed for development as a PUD by ownership or option to purchase.

PARKING AREA: Means the entire parking and vehicular circulation area(s) associated with the planned unit development, including parking spaces, access drives and aisles, and loading areas.

PERMITTED USE: Means an authorized use in a particular zone district which does not require a conditional use permit, but which is subject to the restrictions particular to that district.

PLANNED UNIT DEVELOPMENT OR PUD: Means development of land in which the standard land use regulations may be modified or waived in order to promote beneficial development of an entire tract of land in conformance with an approved PUD permit and development plan accentuating useable open space, recreational uses, public amenities, and harmonious development with surrounding properties and the City at large.

RESIDENTIAL DEVELOPMENT DENSITY: Means the total number of residential dwelling units permitted under this title within the net land area of the PUD, but excluding the areas proposed for commercial, light-industrial and other non-residential uses.

USEABLE OPEN SPACE: Means green belts and landscaped common areas devoid of buildings, streets, parking areas, or structures. Useable open space shall not include the area within any floodway, or the riparian setback of the Big Wood River or the area with a slope of greater than fifteen percent (15%). The areas of active recreational uses shall also be included in the calculation of useable open space.

10-24-3: PLANNED UNIT DEVELOPMENT PERMITS AND APPLICATIONS:

- A. PUD Is A Conditional Permit Within All Zoning Districts: A planned unit development shall be a conditional use within all zoning districts within the City.
- B. A PUD Permit And A Conditional Use Permit Are Required: Any owner wishing to develop a planned unit development shall comply with the requirements of this chapter and also shall apply for and obtain a PUD permit under this chapter and a conditional use permit under chapter 15 of this title. The PUD permit application shall be submitted and reviewed concurrently as the conditional use permit application as required by chapter 15 of this title and any other application as may be required by this chapter, such as a large block plat preliminary plat application. The applicant may also concurrently file other appropriate land use applications affecting the same piece of property the

applicant desires subject to the approval of the Administrator. Decisions on concurrent applications shall be voted separately by the commission and the Council.

- C. PUD Application And Development Plan: An applicant for a PUD permit shall file with the Administrator each of the following:
1. PUD Permit Application: The PUD permit application shall be made upon forms furnished by the Administrator, and as part thereof shall include ten (10) copies of the PUD application, PUD development plan, large block subdivision plat, and supporting exhibits. Also, a conditional permit application under chapter 15 of this title shall be simultaneously filed with the Administrator. A PUD application shall not be deemed filed with the City until all required plans, plats information, documents and concurrent applications have been filed with and all required fees paid to the Administrator. The Administrator shall certify the date when a PUD permit application and the conditional use permit application are each deemed complete and filed with Bellevue. The original application shall be kept on file at Bellevue City Hall and a copy of the certified application form shall be given to the applicant. The PUD permit application shall consist of the following:
 - a. PUD Application: The application shall contain the following information and exhibits:
 - (1) Name, address and telephone number of applicant.
 - (2) Legal description of the property.
 - (3) A vicinity map at a scale approved by the Administrator, showing property lines, streets, existing zoning and such other items as the Administrator may reasonably require.
 - (4) A current title report together with a copy of the owner's recorded deed to said property or copy of the document establishing the applicant's interest in the subject property. If the applicant is acting as the agent of the owners, a written and notarized appointment as agent of the owner(s) of record of said real property shall be filed. If the owner is a partnership or limited liability company or closely held corporation the name and address of each person having an interest therein.
 - (5) Proposed schedule for the development of the project and construction of infrastructure.
 - (6) A map showing the lots and parcels of land within three hundred feet (300') of the exterior boundaries of the property in question, together with a list of the names and addresses of the property owner and residents of each parcel within the three hundred feet (300') together with stamped envelopes addressed to each of the names on said list.
 - (7) Payment of the applicable fees established by resolution of the Council.
 - (8) Additional studies and information may be reasonably required prior to or during the review process by the Administrator, Commission or Council of the social, economic, fiscal or environmental effects of the proposed development.
 - b. PUD Development Plan: As part of the application, a PUD Development Plan shall be submitted which shall contain the following:
 - (1) The scale, northpoint and date;
 - (2) The name of the proposed development;
 - (3) The name, address, mailing address and telephone number of each engineer, surveyor, or other person preparing the development plan and/or accompanying information or documents;

- (4) The scaled location of existing buildings, water bodies and courses, adjacent streets, alleys, and easements, public and private, and exterior boundary lines of the property together with dimensions; and, the location of existing structures on adjacent properties;
- (5) Location of zoning district lines within the proposed project and within the immediate vicinity;
- (6) The location of existing and proposed street rights-of-way, including dimensions and proposed street names, lots and lot lines, and easements (public and private);
- (7) The location, size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed development;
- (8) The preliminary design, location, size and type of sanitary and storm sewers, water mains and facilities, culverts, utilities, street improvements, street lighting, curbs, gutters, sidewalks, private irrigation systems, and all other existing and proposed utilities and other surface or subsurface structures within, immediately adjacent to, or proposed to serve the development. Except for the large block subdivision plat, these plans need not be construction level drawings, but shall be prepared by an Idaho licensed engineer;
- (9) The boundaries of the floodplain, floodway, wetlands, and avalanche hazard areas within or affecting the development;
- (10) Proposed lot area of each lot;
- (11) A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at a maximum interval of five feet (5') to show the existing and proposed configuration of the land together with the documentation upon which such contour maps were prepared;
- (12) A survey plat of the property;
- (13) General building design standards for each phase or housing type within the project. This shall include elevations and floor plans showing the general design elements of building types proposed within the PUD, including, without limitation, approximate square footages, heights and materials. A PUD or portion thereof limited to construction of single family dwellings on lots meeting the minimum lot size, need not submit elevations and floor plans, but general building design standards to prevent construction of homes of substantially similar design. This does not constitute a design review application and any design review application and approval will be subject to the ordinances in effect at the time of such application;
- (14) A general drainage plan showing the location, size and direction of all water courses and drainage flows, all drainage canals and structures, the proposed method of disposing of runoff water, and the approximate location and size of all drainage easements, whether they are located within or outside of the proposed development;
- (15) A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and conceptually showing the location, and a list of the size and type of proposed landscaping of the project;
- (16) Tabulation of the anticipated average percentage of lot coverage by proposed buildings, and percentage of lot coverage by proposed parking areas shown by uses together with the total square footage of the parcel of property. A PUD or portion thereof limited to construction of single family dwellings on lots meeting the minimum lot size, need not submit such information;

- (17) A map showing existing vegetation, significant wildlife habitat, migration corridors, breeding areas and critical winter range within the property;
 - (18) Studies may be reasonably required prior to or during the review process by the Administrator, Commission or Council of the social, economic, fiscal environmental or other impacts or effects of the proposed development;
 - (19) Additional information as reasonably required at the discretion of the Administrator, Commission or Council prior to or during the review process.
- c. PUD Large Block Subdivision Plat: As part of the application, a preliminary large block subdivision plat shall be prepared in accordance with the requirements of this chapter and the Bellevue subdivision ordinance of all large blocks proposed within the PUD. In addition, the large block plat shall include for each large block the maximum allowable residential densities and housing types, square footages of structures thereon, non- residential uses, location of required building envelopes, location of all streets, alleys, pathways, easements, open spaces, parks, and other recreational facilities, public spaces and lands. As a condition of final PUD permit approval, the applicant shall prepare a final large block subdivision plat in accordance with the requirements of the Bellevue subdivision ordinance and the PUD permit approval, and cause the same to be recorded in the Office of the Blaine County Recorder.
 - d. Waivers And Modifications: Waiver or modification of any of the requirements of the bulk, setback, lot size or other physical standards of this title or Bellevue subdivision ordinance may be granted as the Council deems appropriate on a case-by-case basis under the standards and criteria of this chapter and chapter 15 of this title subject to such conditions, limitations and/or additional development standards as the Council may prescribe: 1) to mitigate adverse impact thereof, 2) to further the land use policies of the City, 3) to ensure that the benefits derived from the development justify a departure from the traditional zoning and subdivision regulations, 4) to meet the intent of this chapter, 5) protect the public health, safety and welfare, and/or 6) not be detrimental to property owners and residents of the immediate area or the City. As part of the PUD permit application, an applicant shall file a written list of waivers or modifications requested for the proposed PUD. This list may be modified to reflect any changes in the application during the review process. The granting of any requested waiver or modification shall be expressly stated in the written PUD permit to be valid and shall be subject to such conditions as the Council determines are appropriate.
 - e. Phased Development Schedule And Agreement: The development of the PUD may be planned in phases provided that as part of the PUD permit application a development schedule is submitted by the applicant and such schedule approved by the Council as part of a Phased Development Agreement between the applicant and City. The development schedule shall contain a detailed statement of which large blocks are within each phase and the time schedule for the construction of infrastructure improvements, amenities, recreational facilities, open space, useable open space and improvements, and public facilities and dedications in each phase. Each phase shall be planned with regard to infrastructure, public services and facilities to be self-sufficient and not dependent on later phases and so that failure to proceed to the subsequent phases of a PUD will not have any adverse impacts on the PUD, the surrounding area or the community in general.
 - f. Fees: The applicant shall pay to the City the PUD permit application fee set by resolution of the Council to reimburse the City for the reasonable costs to administer and review the application.

10-24-4: STANDARDS AND CRITERIA:

A. Application Of Standards And Criteria: The standards and criteria set forth in this chapter shall apply to review of all PUD permit applications. The standards and criteria shall be used to review and evaluate the proposed PUD in comparison to the manner of development and effects of permitted uses and standard development allowed on the property in question. Modification or waiver from certain standard zoning and subdivision requirements may be permitted pursuant to subsection 10-24-3C1d of this chapter. In order for a PUD permit application to be approved, the Council shall make a positive finding that each of the following evaluation standards and criteria have been met. The evaluation standards and criteria are as follows:

1. The tract or parcel of land proposed for PUD development shall be at least one acre in size in the General Residential and Transitional zones and at least ½ acre in size in all other zones and be under one ownership or the subject of an application filed jointly by the owners of all the property included therein. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, under appropriate circumstances, commission and the Council may consider lands that include intervening streets on a case by case basis;
2. That the proposed PUD will not be detrimental to the present and permitted uses of surrounding areas;
3. That the proposed PUD will have a beneficial effect not normally achieved by standard subdivision development;
4. The PUD shall be in harmony with the surrounding area;
5. Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided the residential development density of units and the total aggregate gross floor area of uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the Council may grant additional density bonus above the aggregate overall allowable density pursuant to subsection B of this section or permit certain limited uses not otherwise permitted pursuant to subsection C of this section;
6. That the proposed vehicular and non-motorized transportation system:
 - a. Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties.
 - b. Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD.
 - c. Is designed to provide automotive and pedestrian safety and convenience, and connectivity with existing streets, bike paths and other public pathways.
 - d. Is designed to provide adequate snow removal and storage.
 - e. Is designed so that traffic ingress and egress will have minimum impact on adjacent residential uses except where connecting to existing streets is determined by the Council to be appropriate. This includes design of roadways and access to connect to arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses.
 - f. Includes the use of landscape buffers or other physical separations to buffer vehicular movement and parking areas from adjacent uses or significant public view corridors.

- g. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized.
 - h. Includes bikepaths, trails and sidewalks that create an internal circulation system and connect to surrounding bikepaths, trails and walkways.
 - i. In each case where a PUD is located adjacent to public lands, public easements to those lands shall be provided;
7. That the development plan promotes the purposes and goals of the Bellevue Comprehensive Plan, this title, and other applicable ordinances of the City;
 8. That the development plan preserves the site's significant natural resources;
 9. Substantial buffer planting strips or other barriers are provided where no natural buffers exist;
 10. Adequate useable open space shall be provided for the PUD. The following minimum requirements shall apply to usable open space:
 - a. Not less than ten percent (10%) of the total net land area shall be usable open space in a configuration useable and convenient to the residents of the PUD and the public.
 - b. The applicant shall dedicate the useable open space and improvements to the homeowners or to the City or other appropriate public entity as determined appropriate by the Council.
 - c. Provision shall be made for adequate and continuing management and funding of all useable open spaces and all common facilities to ensure proper operation and maintenance;
 11. Location of buildings, parking areas and common areas shall seek to provide adequate privacy within the PUD and in relationship to adjacent properties and reasonably protect solar access to adjacent properties;
 12. In addition to the useable open space set forth in subsection A10 of this section, adequate public and private recreational facilities shall be provided. The public active recreational uses shall be in accordance with the City's Comprehensive Plan and its Park Master Plan. Only twenty five percent (25%) of required active recreational uses may be located within an avalanche area. Provision of adequate on-site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the City for development of additional active park facilities;
 13. There is an adequate project center or building of sufficient size to provide for offices for homeowner administrative functions and meetings, and for weddings, reunions and other special events for the residents of the project. If the Common Council determines that the PUD is of insufficient size to create the demand for such a facility, the Common Council may waive this requirement;
 14. There shall be special development objectives and special characteristics or physical conditions of the site that justify the granting of the PUD permit;
 15. That public services, facilities and utilities are adequate to serve the proposed PUD and anticipated development within the appropriate service areas;
 16. That the PUD will be adequately served by essential public services and facilities, such as police, fire, schools, water and sewer, transportation and recreation without substantial costs to the public;
 17. All utilities, including telephone and electrical systems, shall be installed underground;

18. The proposed development can be completed within one year of the date of approval or in the case of a phased development that each phase contains all the necessary elements and improvements to exist independently from proposed future phases of the PUD and a Phasing Agreement has been entered between the applicant and the Council;
 19. That the application complies with each of the standards of evaluation and approval for a conditional use permit under chapter 15 of this title;
 20. That the project complies with all applicable ordinances, rules and regulations of the City of Bellevue, Idaho, including but not limited to this title and the Bellevue subdivision ordinance, except as modified or waived as permitted under this chapter;
 21. Prior to and as a condition of issuance of a building permit for each single family home constructed within the project, the application shall be reviewed by the City Planning and Zoning Administrator, Building Official and Chairman of the Planning and Zoning Commission, which three (3) member group is herein referred to as the "PUD Design Review Conformance Committee" ("DRCC"). The DRCC shall review all building permit applications and approve or deny same based upon the standard of: do the plans conform to the General Constructions Standards and the PUD permit. All decisions of the DRCC shall be in writing. A decision of the DRCC is subject to appeals in the manner and within the time limits as set forth in subsection 10-24-5N of this chapter;
 22. The project is designed to reflect traditional neighborhood interaction and values, and to be connected to and integrated with the community.
- B. Density Bonus: An application that meets all of the requirements of subsection A of this section, may be granted the following maximum increases in residential development density as the Council deems appropriate based upon the specifics of the project:
1. Ten percent (10%) if a recreational resource such as tennis courts, ball fields, swimming pool or gymnasium (including land, improvements, regulation of prices, and provision for appropriate long-term funding) are dedicated to the City or made available to the general public under an agreement accepted by the Council;
 2. Five percent (5%) for incorporation of alternative energy, energy saving design, construction and materials;
 3. Ten percent (10%) for public transportation facilities or other public buildings provided to the City by the applicant;
 4. Five percent (5%) for the restoration or improvement of natural resources, particularly streams and wetlands; and/or
 5. Ten percent (10%) for provision of community housing above that which is then required.
- C. Additional Uses May Be Allowed: In addition to the permitted uses allowed by this title within the PUD, up to ten percent (10%) of the net land area may be directed to other commercial, industrial, and public uses that are not allowed within the zoning district upon the Council finding each of the following:
1. That the uses are appropriate with the permitted and primary uses within the PUD and nearby properties;
 2. That the uses are intended to serve principally the residents of the PUD;
 3. That the uses are planned as an integral part of the PUD and appropriately phased during the build out of the PUD;

4. That the uses are located and designed as to provide direct access to a collector or arterial street without creating congestion or traffic hazards; and
5. That the uses are not detrimental to the nearby properties, the existing non-residential zoning districts with the City or existing economic base of the City.

10-24-5: PROCEDURES FOR REVIEW; CONDITIONS, AMENDMENT, REVOCATION OF PERMITS; APPEALS; FEES:

- A. Pre-Application Meeting: Prior to filing an application, the applicant shall confer with the Administrator to allow the applicant and the City staff to informally review the general proposal. The topics of discussion may include, but not be limited to:
 1. Characteristics of the site and surrounding area; significant natural and man-made features; natural hazards, resources or other special considerations of the site; services to and accessibility of the site; surrounding development and land uses; and existing zoning;
 2. The nature of the development proposed, including proposed land use, coverages and densities; the placement of proposed buildings and other improvements; the location, type and method of maintenance of common open space or treatment of public use areas; the preservation of natural features; proposed parking areas and internal circulation system, including easements; types of water and sewage treatment systems proposed;
 3. Community policy considerations including the review process and likely conformity of the proposed development with the policies and regulations of applicable ordinances;
 4. Applicable regulations, review procedures and submission requirements.
- B. Administrative Review: The Administrator upon receiving a PUD permit application and fees shall have thirty (30) days to certify same as complete or submit in writing to the applicant all deficiencies that exist with regard to such application not being so certified as complete. The applicant shall have thirty (30) days to cure such deficiencies. If such deficiencies are not cured within such time period, the application shall be deemed denied on the basis of an incomplete application subject to appeal of that administrative decision as provided in this chapter.
- C. Commission Action: Upon certification of a PUD permit application, the Administrator shall refer the application and information to the appropriate City departments and other governmental agencies for their review and comment. Such departments and agencies shall have thirty (30) days to review and respond with written comments. Thereafter, the Administrator shall have thirty (30) days to review such application and prepare for the first public hearing, including publishing of notice of such public hearing. The Administrator shall place the PUD permit application and concurrent applications on the agenda of the commission for consideration and at least one duly noticed public hearing. The commission shall review the application, all supporting documents and plans, and public comments before making its recommendation to the Council. Within sixty (60) days from date of the first public hearing the commission shall make written findings and recommendations to the Council to approve, conditionally approve, or disapprove the application and appropriate conditions to place upon any approval, unless the commission makes a finding that due to the complexity of the project or changes in the proposed project or the need for additional information or due to weather conditions, adequate review of the project is not possible and additional review time is necessary. The length of such extension shall be determined by the commission based upon relevant factors and evidence before the commission. Thereafter, the PUD permit application together with the record and recommendations of the commission shall be forwarded to the Council for final action.
- D. City Council Action: Upon receiving the recommendations of the commission, the PUD permit application and the concurrent permit applications shall be placed upon the agenda of a regular

Council meeting. The Council shall hold at least one duly noticed public hearing and review the application, the supporting plans and documentation, the entire record before and recommendations of the commission, and comments from the public. The Council may require additional information, including, but not limited to matters not addressed by the commission. Thereafter, the Council may approve, or approve with conditions, or deny the application within sixty (60) days from the date of the Council's first duly noticed public hearing meeting, unless the Council makes a finding that due to the complexity of the project, or changes in the proposed project, or the need for additional information or due to weather conditions adequate review of the project is not possible, additional review time is necessary. The length of the extension shall be determined by the Council based upon relevant factors and evidence before the Council.

1. If the Council finds a substantial error in the information presented to the commission or new information is presented which may make a material difference in the recommendation made by the commission, the Council may remand the application to the commission for further review and recommendations.
 2. Within ten (10) days of its being signed, the Administrator shall transmit a copy of the Council's decision to the appellant and any affected person who has requested a copy in writing.
 3. No applicant for a PUD which has been denied shall be resubmitted until the expiration of one year from the date of such denial, unless the Administrator makes a determination that there have been significant changes to the application or proof of changed conditions sufficient to justify such new application.
- E. Conditions Of Approval: In order to make any of the required findings for approval of a PUD permit or any of the concurrent applications, the Council may impose reasonable conditions on approval, including, but not limited to, the following:
1. Minimize adverse impact on surrounding properties, developments, or public services, facilities or utilities.
 2. Control the sequence and time of development.
 3. Establish the duration of development.
 4. Assure that development is maintained properly.
 5. Require the provision for on-site or off-site public improvements, facilities, or services when the proposed development is found to create a significant adverse impact on off-site public streets, facilities, utilities, or services, including but not limited to bridges, intersections, road, traffic control devices, water mains, sewer mains, fire equipment, transit system and recreational facilities.
 6. Require methods or manner of construction to minimize impact on adjacent properties or to prevent erosion or runoff and similar environmental impacts.
 7. Require dedications of land or cash in lieu thereof for public streets, services, parks, transit or similar uses.
 8. Require additional plans or engineering revision for any aspect of the development plan, or require submission of a revised development plan to incorporate changes made therein during the review process.
 9. Require written agreements executed by the developer to secure performance of any requirement or condition to be imposed as part of the approval including, but not limited to, development, services, or annexation agreements.

10. Require recordation of documents with the Blaine County Recorder including, but not limited to, those required pursuant to subsection E9 of this section, Declarations of Covenants, Conditions and Restrictions, easements, management agreements and similar documents.
 11. Dedications of land or cash in lieu of dedications of land for street, park, transit and/or similar uses.
 12. Such other reasonable conditions as the Council may deem appropriate with regard to the proposed PUD.
- F. **Bonding Requirements:** The Council may require the applicant, as a condition of the PUD permit approval, to construct certain improvements, private and/or public utilities, services, facilities, recreation or other amenities, and landscaping or in lieu to post an irrevocable letter of credit from a bank with a local branch office in Blaine County, Idaho, at which the letter of credit may be drawn or certified funds in a form approved by the City Attorney in the amount of one hundred fifty percent (150%) of the bona fide estimate of cost of construction as established by the City Engineer.
 - G. **Design Review Approval Required:** Each structure within a PUD which is subject to design review approval under this title, including subsequent amendments thereto, and shall comply therewith. Single family residences shall comply with the requirements of subsection 10-24-4A21 of this chapter. All PUD subdivision plats shall contain a plat note stating design review approval required.
 - H. **General Permit Provisions:** A PUD permit shall be issued in writing. The issuance shall not be considered a binding precedent for the issuance of other PUD permits or conditional use permits. A PUD permit is not transferable from one parcel of land to another.
 - I. **Fee Schedules:** The Council by resolution shall establish, and may from time to time amend, a schedule of fees to be paid by each applicant for processing a PUD application. Said fees shall be in amounts reasonably calculated to reflect the cost of administering and regulating this chapter and the review and processing of said applications and appeals.
 - J. **Subsequent Subdivision Plat Approvals:** At the time of filing of the PUD application, an applicant may file preliminary subdivision applications for preliminary plat approval for resubdivision of the large block(s) which will be the first phase of the project. Such preliminary plat application shall be processed at the same time as the PUD application. After issuance of a PUD permit and recordation of the final PUD large block subdivision plat, the applicant shall file a preliminary plat and final plat for each phase of the PUD in conformance with the approved PUD permit and development plan pursuant to the Bellevue subdivision ordinance and other applicable ordinances. Subsequent subdivision plats shall be subject to the ordinances in effect at the time the application therefor is filed with the City.
 - K. **Expiration And Extension Of Approval Period:** A PUD permit shall expire and be null and void for any of the following:
 1. Upon receiving a PUD conditional use permit, an applicant shall have one year or such other time (longer or shorter) as the Council deems appropriate from the date of issuance to record in Office of the Blaine County Recorder the final large block PUD subdivision plat or to begin construction of structures within the PUD, whichever is in accordance with the construction schedule. Failure to do so within said time period shall cause the PUD conditional use permit to be null and void ab initio.
 2. For good cause shown by the applicant in writing filed with the Administrator prior to the expiration of such one year period, the Council, without a public hearing, may grant an extension of the time limitations set forth in subsection K1 of this section, or may grant an extension of the time limits imposed by the development schedule.

3. If a PUD permit application does not receive final approval from the Common Council within eighteen (18) months of the date of its filing, it and all applications filed concurrently therewith shall be deemed denied. An applicant may request to the Council for a reasonable extension of this time period for final action. Such a request shall be submitted in writing to the City Clerk prior to the expiration of the initial eighteen (18) month period.
- L. Amendments To PUD Permit, Conditional Permit Or Development Plan: The PUD permit holder may make application for an amendment to the PUD permit, conditional use permit for the PUD or the PUD development plan. All such requests shall be in writing and supported by such information, plans, plats and other documentation as reasonably required by the Administrator. Minor changes in the PUD Development Plan may be approved by the Administrator. Minor changes shall be limited to changes that: 1) do not require changes to the approved PUD large block plat, 2) do not increase dwelling unit density or change building type or General Design Standards, 3) are consistent with any written agreement between the applicant and the City, and 4) do not reduce any public or private active recreational use or amenity. If the Administrator determines that the proposed amendment represents a significant change to the PUD, the Council shall consider the request as an amendment to the PUD permit under the same procedures as required for issuance of the original PUD permit set forth in this chapter. Minor changes in the location, siting, or design of buildings and structures may be authorized by the Administrator. All amendments and modifications shall comply with the ordinances of the City in effect at the time such amendment or modification is granted.
- M. Revocation: Failure to comply with any condition or term of the PUD permit or any permit concurrently granted therewith shall cause such permit to be void ab initio. The Council may revoke a PUD permit for any violation of this chapter or violation of the conditions of the permit. If the Council finds that probable cause exists for revocation of the permit, written notice thereof shall be provided the permittee. A PUD conditional use permit may be revoked at any time for violation of the permit or any condition thereof by motion of the Council after a due process hearing upon a minimum of thirty (30) days' written notice to the holder of the PUD permit ("permittee"). The permittee shall have the right to be represented by legal counsel and to present evidence on the permittee's behalf. The Council shall enter its decision in the form of written findings of fact and conclusions of law.
- N. Appeals: The decision of the Administrator and of the commission are subject to appeals in the manner and within the time limits as set forth in section 10-3-3 of this title, hereby adopted by reference, except as follows:
1. Time For Filing Appeal: The written notice of appeal shall be filed with the City Clerk before five o'clock (5:00) P.M. of the twentieth (20th) calendar day after the order, requirement, decision or determination of the Administrator has been made or after written findings of fact and decision have been approved and signed by the commission, whichever is applicable. The failure to physically file a notice of appeal with the City Clerk within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal.
 2. Notice Of Appeal - Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the Office of the Administrator, which shall require to be set forth with specificity all basis for appeal, including the particulars regarding any claimed error or abuse of discretion.
 3. Fee For Appeals: In addition to other required fees with regard to an appeal, a fee equal to the expense of preparing the transcript of the proceedings and giving notice as required by this chapter shall be paid by the applicant to the City within two (2) days, after receipt of notice of the amount thereof by the applicant from the Administrator. In the event the fee is not paid as required, the appeal shall not be deemed not to have been timely filed.

10-24-6: PENALTIES:

A. Penalties And Enforcement: The provisions of this chapter shall be enforced in the following manner: (Ord. 2006-15, 8-10-2006)

1. A violation of this chapter shall be a misdemeanor, punishable as provided in section 1-4-1 of this Code. Each day that such a violation continues shall constitute a separate criminal offense. Each landowner, tenant, subdivider, builder or other person who commits, participates in, assists in or maintains such violation is guilty of such a violation. (Ord. 2006-15, 8-10-2006; amd. 2018 Code)
2. In addition to the criminal sanctions, whenever it appears that any person has engaged or is about to engage in any act or practice violating any provision of this chapter or of the PUD permit or the conditional use permit granted for the PUD or any other permit issued with regard to the PUD, the City may institute a civil action to enforce compliance with this chapter. (Ord. 2006-15, 8-10-2006)

SECTION 3: EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED by the CITY OF BELLEVUE, IDAHO this _____ day of _____ 2025.

Christina Giordani, Mayor

ATTEST:

Amy Phelps, City Clerk