

HISTORIC PRESERVATION COMMISSION  
Wednesday, February 1, 2017 - 6:00 p.m.  
City Council Chambers  
911 N. 7<sup>th</sup> Avenue  
Pocatello, ID

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Dave Hunt at [dhunt@pocatello.us](mailto:dhunt@pocatello.us); 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

**AGENDA ITEM #1: ROLL CALL**

**AGENDA ITEM #2: DISCLOSURE OF CONFLICT OF INTEREST AND EX-PARTE CONTACT**

Disclose financial or personal interests in items on the agenda and disclose who was talked to, the basic substance of the conversation and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit and what was seen.

**AGENDA ITEM #3: APPROVAL OF MINUTES**

The Commission may wish to approve the minutes from the December 7, 2016 regular meeting and January 17, 2017 special presentation.

**AGENDA ITEM #4: ELECTIONS**

The Commission may wish to elect a new chair and vice-chair.

**AGENDA ITEM #5: PROJECT UPDATE**

- A. Old Town Update
- B. Newsletter
- C. Greyhound Bus Depot repairs and cleanup
- D. Student Interns – Stephanie Christelow
- E. 2017 HP Conference
- F. Monthly Programs

**AGENDA ITEM #6: OTHER ITEMS FROM STAFF AND COMMISSION**

**AGENDA ITEM #7: CALENDAR OF EVENTS**

- February 3 – First Friday Art Walk
- February – Woodmen of the World presentation

**\*\*ADJOURN TO WORK SESSION FOR OPEN MEETING LAW REFRESHER\*\***



Municipal Building, P.O. Box 4169, Pocatello, ID 83205  
PHONE (208) 234-6184 - FAX (208) 234-6586

**AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER**

HISTORIC PRESERVATION COMMISSION  
Minutes for December 7, 2016 - 6:00 p.m.  
Paradise Conference Room, Municipal Building  
911 N. 7<sup>th</sup> Avenue, Pocatello, ID

AGENDA # 3

The meeting began at 6:06 PM.

**AGENDA ITEM #1: ROLL CALL**

**PRESENT:** Jacquee Alvord, Latecia Herzog (arrived at 6:14 PM), Mary Kuehler, Nick Nielson, Paul Sivitz and Kelsey Stenersen.

**EXCUSED:** Stephanie Christelow.

**STAFF:** Aceline McCulla and Terri Neu.

**AGENDA ITEM #2: DISCLOSURE OF CONFLICT OF INTEREST AND EX-PARTE CONTACT**

Disclose financial or personal interests in items on the agenda and disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit and what was seen.

None of the Commission members had anything to report.

**AGENDA ITEM #3: APPROVAL OF MINUTES**

The Commission may wish to approve the minutes from the regular meeting on November 2, 2016, and the Brady Chapel open house on November 11, 2016.

It was Motioned, Seconded, and Carried (**MSC**) (**Alvord, Sivitz**) to approve the minutes from the regular meeting on November 2, 2016, and the minutes from the Brady Chapel open house on November 11, 2016. Those in favor Alvord, Kuehler, Nielson, Sivitz, and Stenersen.

**AGENDA ITEM #4: CERTIFICATE OF APPROPRIATENESS**

Sign Up Signs and Graphics, representing The Bridge, requests a Certificate of Appropriateness for new window and awning signs at 230 W. Bonneville Street, within the Downtown Historic District.

**Shane Martin** with Sign Up Signs and Graphics, 3275 Highway 30 West, Pocatello, ID, was requesting approval for new window and awning signage at 230 West Bonneville Street. There are five windows and the signage would be vinyl graphics, facing South Main Street and West Bonneville, with white and red logo on top of the window and white text on the bottom. The awning sign, on West Bonneville, would be Plexiglas with black and red logo and attached to the existing awning.

**Terri Neu**, assistant planner with the City of Pocatello, presented some background on the building and an analysis of Municipal Code Sections 15.38.130(C) and 15.20.230. Neu stated that staff recommends approval of the proposal.

It was **MSC** (**Kuehler, Sivitz**) to approve the sign request as presented and have Chair Nielson sign the Certificate of Appropriateness. Those in favor Alvord, Kuehler, Nielson, Sivitz, and Stenersen.

**Alvord** stated she received the article from Darren Parry on the Bear River Massacre.

With no other business, **Nielson** adjourned the meeting to Uncle Jim's Restaurant for the holiday celebration at 6:30 PM. Those in favor Alvord, Herzog, Kuehler, Nielson, Sivitz, and Stenersen.

Attendance at Uncle Jims: Alvord, Herzog, McCulla, Nielson, Neu, and Sivitz, no business was discussed.

Submitted by: \_\_\_\_\_ Approved on: \_\_\_\_\_

Aceline McCulla, Secretary

**HISTORIC PRESERVATION COMMISSION  
Minutes for January 17, 2017 – 6:00 p.m.  
City Council Chambers**

**PRESENT:** Jacquee Alvord, Nick Nielson and Paul Sivitz

The HPC hosted and attended a presentation on the Bear River Massacre by Darren Parry of the Northwest Band of Shoshone Nation. There was not a quorum of members in attendance and no business was conducted.

There were approximately 75 people in attendance. Event ended at 7:00 p.m.

Submitted by: \_\_\_\_\_ Approved on: \_\_\_\_\_  
Terri Neu, Staff Liaison



**City of Pocatello, Idaho**

**ANSWERS TO COMMONLY ASKED QUESTIONS:**

**A Policy Guide for Members of City Boards,  
Commissions and Committees**



## INTRODUCTION

The *Answers to Commonly Asked Questions: A Policy Guide for Members of City Boards, Commissions and Committee* handbook was created to help you in your assignment as a volunteer board member for the City of Pocatello. It explains City policies and procedures, as well as State of Idaho Codes, for issues such as attendance, the Open Meeting Law, conflicts of interest and other important topics.

Citizen advisory boards, commissions and committees are an important part of local government and our community. These boards provide an opportunity for citizens to actively participate in the decision making process, which is a critical element for an open and responsive government.

Thank you for your willingness to volunteer your time and efforts. We truly appreciate your commitment, interest and expertise.

**ANSWERS TO COMMONLY ASKED QUESTIONS:  
A Policy Guide for Members of City Boards, Commissions and Committees**

**WHAT IS YOUR RELATIONSHIP WITH THE CITY COUNCIL?**

City boards, commissions and committees serve in an advisory capacity to the Mayor and City Council. It is the Council's role to consider the advice and recommendations offered by numerous sources and to make decisions to the best of their ability. Please remember that because the board's recommendations are *advisory* in nature the Council may not always follow the recommendations made by individual boards.

**WHAT IS THE ROLE OF A CITY COUNCIL LIAISON?**

Almost every board or commission is assigned a City Council liaison. The role of the City Council Member assigned to your board or commission is to assist in promoting communication between the Mayor and City Council and the board or commission. While your City Council liaison is allowed to participate in discussions and to answer questions, s/he cannot attempt to influence the board or commission's decision nor can s/he vote on board or commission agenda items.

In addition, due to the demand placed on their time, City Council liaisons are not required to regularly attend your board or commissions meetings. If your board or commission needs a liaison to attend in order to respond to a particular issue, to provide needed support or to provide policy guidance, you should make a special effort in advance to arrange attendance with your City Council liaison.

**WHAT IS YOUR RELATIONSHIP WITH CITY STAFF LIAISONS?**

City staff act as liaisons and are non-voting members of the board, commission, or committee. They are assigned to help facilitate and enhance your board's operation and effectiveness. Your staff liaison should always be your first point of contact for any questions, concerns or ideas.

Staff liaisons have many responsibilities. For example, they ensure the board complies with the Open Meeting Law, provide technical expertise, answer questions related to City policies and procedures and coordinate the involvement of other departments as needed. In some cases, City staff is assigned to record the minutes of the board's meetings.

**WHO APPOINTS BOARD MEMBERS?**

Standing board members are appointed to boards by the Mayor with City Council confirmation. Members serve until their term expires, they resign, or they are removed by the Mayor for reasons such as lack of attendance, inappropriate behavior, etc. Appointments occur when terms expire or vacancies occur. If an individual is appointed to fill a vacancy, s/he will serve for the remainder of the unexpired term.

### **WHAT IS MY TERM OF OFFICE?**

Your term of office can vary depending upon which board you are appointed to, and the ordinance or resolution creating the board, commission or committee will list the term of office for that board. In addition, ad-hoc committees can be established by the Mayor rather than by City Council ordinance or resolution, and ad-hoc committee members typically serve as long as the committee is active. Generally, but not always, the terms on each board are staggered to ensure continuity on the board, and occasionally, the length of terms may vary among members sitting on the same body.

Please note that members do not serve until a replacement is found. Once your term expires, you are no longer a member of the board. The two exceptions to this policy are for the Housing Authority of Pocatello and the Pocatello Development Authority. In these instances, State Code 50-1910 and 50-2006(c) respectively state that members of these boards will serve until their replacement is appointed.

In order to give interested individuals an opportunity to serve, the City of Pocatello's practice is to limit membership to no more than two consecutive terms or a total of eight (8) years, whichever is longer. In some cases, exceptions will be made for boards or commissions that require a certain field of expertise or have certain membership criteria that are not easily filled. Members who have served two terms or 8 years are welcome to reapply after they have been off the board for a full term period.

Each board or commission secretary should keep track of terms and vacancies, but the Mayor's Office will officially notify the board or commission of upcoming term expirations and the status of reappointment eligibility.

### **ARE THERE ATTENDANCE REQUIREMENTS?**

Board and commission members are expected to attend all regularly scheduled meetings and should make every effort to do so. The Mayor appointed you for your experience, background, and perspective in a particular area and wants the benefit of your consideration and judgment. The Mayor and City Council place more value on recommendations from a full committee than a mere quorum.

The minutes taken at each meeting will reflect attendance. The City's attendance policy for members of boards, committees and commissions is that if a member has three (3) unexcused absences within any consecutive twelve-month period the Mayor may declare the seat vacant and appoint a replacement.

Excused absences may also become excessive, which can be a problem for the efficient functioning of your boards. If many of your members have excessive absences, consider voting to change the date and/or time of your meeting. If it is only a member or two missing meetings, the Mayor may declare the seat vacant and appoint a replacement.



### **WHAT CONSTITUTES A QUORUM?**

A quorum is a majority of officers or members of a body that when duly assembled is legally competent to transact business. This is normally considered one-half plus one, excluding any vacant seats, unless stated otherwise in the ordinance or resolution that established the board or committee.

A quorum is no longer present for the purpose of conducting business if one (or more) board, committee or commission member leaves during a meeting and one-half plus one of the members are no longer present, excluding vacant seats. If this occurs, the board cannot vote on the current agenda item under consideration nor vote on any remaining agenda items. The remaining items may be discussed by the board members present, but the items must be rescheduled to a future meeting for an official vote. The minutes of the meeting must also reflect the time the board member(s) left and note that a quorum was no longer present.

Please note that anytime a quorum of your board or committee is present it constitutes a public meeting. Such a meeting, whether it's a work session, social gathering of the board or other non-business meeting, must be noticed to the media as an open public meeting.

It is also possible to create what is known as a "serial meeting quorum," which is a violation of the Open Meeting Law unless properly noticed. A serial meeting quorum exists when less than a quorum of committee or commission members discuss a current or future agenda item outside of a noticed meeting and then those members discuss the topic with the remaining members. It can be as simple as two (2) members discussing an item and then those two members discuss the topic with two (2) additional members and so on. Please make sure that all discussions regarding current or future agenda items occur during properly noticed meetings.

### **CAN I NAME A PROXY IF I CANNOT ATTEND A MEETING?**

Proxy votes cannot be used by public bodies to conduct business. However, Idaho Code, Section 74-203(5) does allow meetings to be conducted using telecommunications devices, such as telephone or video conferencing devices, with some restrictions. (See Appendix A.)

While meetings using telecommunications devices can be used, the City of Pocatello's boards, commissions and committees are strongly encouraged to use this option only when absolutely necessary and not as a regular business practice. Members are expected to attend each meeting in person at the specified meeting location except in cases of extreme hardship. Any committee wishing to have a member participate by using a telecommunications device must first have the permission of the Mayor.

### **CAN I SEND MY VOTE BY E-MAIL?**

Advisory board members are required to attend meetings in person to vote (or via telecommunications devices as described above). E-mail voting for official board or commission business is not permitted. Members must be present to hear all testimony and/or evidence presented and then make their decisions based on this information.

## **WHAT IS THE OPEN MEETING LAW?**

As with many other states, the State of Idaho requires all public bodies (including their subcommittees) to conduct their meetings openly after at least a 48-hour agenda is posted which indicates the meeting's time, date, and location, and items for discussion. Detailed information on the Open Meeting Law is available in the Idaho Code, Sections 74-201 through 74-208. (See Appendix A.) For the City of Pocatello, this includes all of our advisory boards and any advisory board subcommittees that are created.

Each committee meets the notification requirement as long as the committee meets on its regularly scheduled date and time. The Mayor's Office sends a weekly meeting list to the local media, and your regular meetings are included. We also list your yearly meeting schedule on the City's website. Special meetings can be called, and the Mayor's Office will assist you in sending out a special meeting notice as required. If subcommittees are created, all subcommittees must also comply with the Open Meeting Law.

Boards, commissions and committees should strive to maintain the board's established meeting time and date. This does not preclude you from occasionally changing individual meetings to accommodate scheduling conflicts; however, if possible, you should consider making "permanent" changes to meeting times and dates only every two years when the Council Liaison assignments change. You are helping your Council Liaison, new appointees, and citizens interested in conducting business with your board if you follow a set schedule.

Please note that Section 74-208 deals specifically with violations of the Open Meeting Law. It includes civil penalties of \$250 for those who may not know they violated the law and \$1,500 for those who knowingly violate the law. If a second, knowing violation occurs within 12 months, the civil penalty will be \$2,500. (See Appendix A.) Anytime a quorum of committee or subcommittee members meet, regardless of the type of meeting (work session, social gathering, etc.), the City must comply with the Open Meeting Law by sending a notice of the meeting/event to the media. Minutes of the meeting/event must also be kept anytime a quorum is present. If a violation occurs, all fines are to be paid by the individual and will not be paid by the City of Pocatello.

A 2011 clarification from the Idaho Attorney General's Office also addresses discussions by telephone, computer, cell phone (including texting) or other electronic media. These types of discussions between two or more members of a board or commission on an agenda topic, whether current or upcoming, **are not exempt from the Open Meeting Law**. In addition, all e-mail and text messages are subject to public records requests and must be kept. (See Appendix E.) We strongly encourage you to only conduct discussions at your advertised meetings. If it is necessary to discuss by e-mail or text message issues that are currently before or may come before the board or commission, please make sure to copy a member of the Mayor's Office staff. The Mayor's Office is the official custodian of advisory board documents. Contact the Mayor's Office to find out who should receive your information.

### **HOW ARE THE MEETINGS CONDUCTED?**

*Robert's Rules of Order* is generally used as the basis for conducting all board meetings. There is, however, an exception to Robert's Rules that is used by the City of Pocatello in most cases, whereby the Chairperson *is* allowed to vote on all motions. Please check with your board's secretary or staff liaison to determine if this applies to you.

### **ARE AGENDAS AND MINUTES REQUIRED?**

Agendas should be created to help guide your meetings and inform the public of items to be addressed. (See Appendix A.) However while Idaho Code allows agendas to be amended after they are published, it is the City's practice not to allow items to be added after advisory board, commission or committee agendas have been published. Agendas are considered to be published if they have been sent to your board members, posted for the public and/or sent to individuals who have items on your agenda. Items can be pulled from an agenda by the Chair Person announcing at the beginning of the meeting that a specific item has been pulled at the staff/board/individual's request.

Full and accurate minutes are required of all advisory board and subcommittee meetings, whether they are regular meetings or special meetings. Minutes must also be taken if it was announced that there was the possibility of a quorum being present. It is important that minutes be done for all regular, special or possibility of a quorum meetings, even if a quorum was not established.

If the board, commission or committee's secretary is absent from the meeting, another member must be assigned to take the official minutes. If no other member is willing to take this assignment, the staff liaison is required to do so.

Minutes must include attendance, projects planned, accounts of motions made and votes taken. (See Appendix A.) The purpose of minutes is to help members and the general public understand what you did and your reasoning for decisions, as well as to be a record of any activities, problems and progress your board makes. While minutes take time to compile, they help the general public and your members stay informed.

### **DOES THE PUBLIC HAVE ACCESS TO RECORDS OF BOARD MEETINGS?**

All agendas, minutes and backup material for committees and subcommittees must be available for public inspection and copying. Committee secretaries are responsible for providing these documents to the Mayor's Office for official filing.

According to the City's Records Policy, agendas and adopted meeting minutes of the city council and city boards and commissions are considered permanent records and must be kept in perpetuity.

In addition to minutes, the public has a right to access all correspondence sent to and created by an advisory board. This includes written and electronic (e-mail and text) communications between board members if current and future agenda items are discussed. Chair persons and

secretaries are responsible for making sure these items are sent to the Mayor's Office for official filing. The Mayor's Office staff is the official records custodian for most (but not all) advisory boards.

According to the City's Records Policy, correspondence is considered a semi-permanent record and must be kept on file for five years.

### **HOW DOES THE CONFLICT OF INTEREST LAW APPLY TO BOARD MEMBERS?**

Conflict of interest laws are designed to protect trust and promote the integrity of government. The City of Pocatello has regulations governing conduct of the City's public officials, City employees, and City public bodies. Officials, employees or public body members are any persons elected, appointed, employed, or retained by the City whether paid or unpaid and whether part-time or full-time. (See Appendix B.) The State of Idaho, however, exempts non-compensated public officials under Title 74, Chapter 4, Section 74-405. (See Appendix C.) Regardless of this exception, we expect our volunteer board members to carryout their duties ethically and responsibly.

Please note that members of the Planning & Zoning Commission and Pocatello Development Authority are not exempt from the State's conflict of interest laws. We encourage these individuals to review Idaho Statutes Ethics in Government Title 74, Chapter 4. Planning & Zoning members are also specifically governed by Idaho Title 67, Chapter 65, Section 67-6506. (See Appendix D.)

### **DO I HAVE LIABILITY INSURANCE?**

All City employees are insured under the City's insurance program through ICRMP when acting within the scope of their employment. As a duly-appointed board or commission official, you too are insured against third-party liability when acting within the scope of your appointment.

### **WILL I RECEIVE REIMBURSEMENT FOR EXPENSES INCURRED DURING MY TENURE AS A BOARD MEMBER?**

Normally, members of a commission or board for the City of Pocatello do not receive reimbursement for expenses. However, there are occasional exceptions requiring prior approval where excessive travel or training is required. Your staff liaison will inform you of the requirements to gain permission and request reimbursement, as well as assist in processing reimbursement requests.

### **HOW ARE PUBLIC RELATIONS HANDLED?**

The City has a Media Relations Policy and a Social Media Policy for its employees. Advisory board, commission and committee members are also expected to comply with both policies, as you are duly-appointed officials. Both policies are included in their entirety as Appendix F and Appendix G respectively.

Basically, the Media Relations Policy requires that if in your capacity as an advisory board member you speak with the media or the media is present at an event where you are speaking, you must notify the Mayor and Public Information Officer (PIO) immediately. If time permits, we would like you to contact the PIO prior to giving the interview in order to discuss and prepare for the interview. Please notify the Mayor by calling 234-6163 or e-mailing [mayor@pocatello.us](mailto:mayor@pocatello.us) and notify the PIO by calling 234-6280 or e-mailing [lmcdougall@pocatello.us](mailto:lmcdougall@pocatello.us). We also ask that you notify your staff liaison as a courtesy.

As for the Social Media Policy, there is one difference between employees, departments and advisory boards. That difference is that advisory boards, commissions and committees are not allowed to create their own social media accounts. However, advisory boards are welcome to post information and pictures to the City's Facebook, Instagram and Twitter accounts, whether it's the main City accounts or the accounts of the departments to which the advisory board is assigned. As with news releases and articles, social media posts are overseen by the PIO.

Advisory board and committee members should note that the Social Media Policy also has guidelines for personal posts as they relate to the City of Pocatello. (Specifically, see Sections E(1) and E(6) of Appendix G.)

### **DOES THE COMMITTEE HAVE A BUDGET?**

Other than providing for monthly mailings of agendas, minutes and notices, the City does not automatically allocate funding for advisory boards or committees. Most boards do not need funding to study issues and make recommendations to the City Council.

Occasionally, there may be times when a board or committee wants to undertake a special project and funds are needed. In these instances, plans should be made well in advance to allow the City Council time to approve the project and allocate funds during their budgeting process. Your staff liaison knows the timeline for budget requests and the project approval process.

If the board wishes to apply for a grant, a board member and staff liaison must appear before the City Council for permission to apply for the grant and for authorization to spend the grant if awarded. (This will be one item on the agenda so that you do not have to return for permission to spend the grant.) Permission from the City Council must be received before the grant application is submitted.

The **Mayor** must sign the grant application and all related documents as the City's authorized agent. Your staff liaison can help guide you through these processes, as well as purchasing/bid requirements for municipal agencies.

While boards, commissions and committees are allowed to fund raise, the City does not allow the use of crowdfunding platforms whether online, such as GoFundMe, Kickstarter, etc., or other methods. Please work with your Staff Liaison for approved fund raising methods.

It is important to note that boards and committees should ***not*** have bank accounts separate from the City. There are a few exceptions for boards or committees that have become 501(c)(3)

agencies. Boards and committees are part of the City as a whole, and any grants received or funds raised must be reported in our annual reports.

**WHO CAN I CALL FOR MORE INFORMATION?**

If you have questions regarding City polices, your duties as a board member or any other advisory board issues, please contact the Staff Liaison assigned to your board or commission.

If your Staff Liaison is not able to assist you (or you do not have a Staff Liaison), you or your Staff Liaison are welcome to contact the Mayor’s Office at 234-6163 or the Legal Department at 234-6148.

*Note: Material from the City of Phoenix, Arizona’s “City Boards, Commissions, and Committees New Member Handbook” has been used extensively throughout this Handbook.*

Updated January 2017; December 2015; January 2015; December 2014; January 2014; March 2013; January 2012; January 2011; March 2008; February 2007; June 2005



# Appendix A



## Idaho Statutes

### TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

#### CHAPTER 2 OPEN MEETINGS LAW

74-201. FORMATION OF PUBLIC POLICY AT OPEN MEETINGS. The people of the state of Idaho in creating the instruments of government that serve them, do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret.



## Idaho Statutes

### TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

#### CHAPTER 2 OPEN MEETINGS LAW

74-202. OPEN PUBLIC MEETINGS -- DEFINITIONS. As used in this chapter:

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with this chapter.

(2) "Deliberation" means 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.

(3) "Executive session" means any meeting or part of a meeting of a governing body which is closed to any persons for deliberation on certain matters.

(4) "Public agency" means:

- (a) any state board, commission, department, authority, educational institution or other state agency which is created by or pursuant to statute, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;
- (b) any regional board, commission, department or authority created by or pursuant to statute;
- (c) any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho;
- (d) any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act.

(5) "Governing body" means 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.

(6) "Meeting" means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.

(a) "regular meeting" means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.

(b) "special meeting" is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.



# Idaho Statutes

## TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

### CHAPTER 2 OPEN MEETINGS LAW

74-203. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1) Except as provided below, all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.

(2) Deliberations of the board of tax appeals created in [chapter 38, title 63](#), Idaho Code, the public utilities commission and the industrial commission in a fully submitted adjudicatory proceeding in which hearings, if any are required, have been completed, and in which the legal rights, duties or privileges of a party are to be determined are not required by this act to take place in a meeting open to the public. Such deliberations may, however, be made and/or conducted in a public meeting at the discretion of the agency.

(3) Meetings of the Idaho life and health insurance guaranty association established under [chapter 43, title 41](#), Idaho Code, the Idaho insurance guaranty association established under [chapter 36, title 41](#), Idaho Code, and the surplus line association approved by the director

of the Idaho department of insurance as authorized under [chapter 12, title 41](#), Idaho Code, are not required by this act to take place in a meeting open to the public.

(4) A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced.

(5) All meetings may be conducted using telecommunications devices which enable all members of a governing body participating in the meeting to communicate with each other. Such devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment. Participation by a member of the governing body through telecommunications devices shall constitute presence in person by such member at the meeting; provided however, that at least one (1) member of the governing body, or the director of the public agency, or the chief administrative officer of the public agency shall be physically present at the location designated in the meeting notice, as required under section [74-204](#), Idaho Code, to ensure that the public may attend such meeting in person. The communications among members of a governing body must be audible to the public attending the meeting in person and the members of the governing body.



## Idaho Statutes

### TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

#### CHAPTER 2 OPEN MEETINGS LAW

74-204. NOTICE OF MEETINGS -- AGENDAS. (1) Regular meetings. No less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice shall be given unless otherwise provided by statute. Provided however, that any public agency that holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule. The notice requirement for meetings and agendas shall be satisfied by posting such notices and agendas in a prominent place at the principal office of the public agency, or if no such office exists, at the building where the meeting is to be held.

(2) Special meetings. No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. An emergency is 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. The notice required under this section shall include at a minimum the meeting date, time, place and name of the public agency calling for the meeting. The secretary or other designee of each public agency shall maintain a

list of the news media requesting notification of meetings and shall make a good faith effort to provide advance notification to them of the time and place of each meeting.

(3) Executive sessions. If an executive session only will be held, a twenty-four (24) hour meeting and agenda notice shall be given according to the notice provisions stated in subsection (2) of this section and shall state the reason and the specific provision of law authorizing the executive session.

(4) An agenda shall be required for each meeting. The agenda shall be posted in the same manner as the notice of the meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion.

(a) If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.

(b) If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body votes to amend the agenda.

(c) An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting.



## Idaho Statutes

### TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

#### CHAPTER 2 OPEN MEETINGS LAW

74-205. WRITTEN MINUTES OF MEETINGS. (1) The governing body of a public agency shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, resolutions, orders, or ordinances proposed and their disposition;
- (c) The results of all votes, and upon the request of a member, the vote of each member, by name.

(2) Minutes pertaining to executive sessions. Minutes pertaining to an executive session shall include a reference to the specific statutory subsection authorizing the executive session and shall also provide sufficient detail to identify the purpose and topic of the executive session but shall not contain information sufficient to compromise the purpose of going into executive session.



## Idaho Statutes

### TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

#### CHAPTER 2 OPEN MEETINGS LAW

74-208. VIOLATIONS. (1) If an action, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the provisions of this chapter, such action shall be null and void.

(2) Any member of the governing body governed by the provisions of this chapter, who conducts or participates in a meeting which violates the provisions of this act shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250).

(3) Any member of a governing body who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500).

(4) Any member of a governing body who knowingly violates any provision of this chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (3) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(5) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this act, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose as provided in section [31-2603](#), Idaho Code.

(6) Any person affected by a violation of the provisions of this chapter may commence a civil action in the magistrate division of the district court of the county in which the public agency ordinarily meets, for the purpose of requiring compliance with provisions of this act. No private action brought pursuant to this subsection shall result in the assessment of a civil penalty against any member of a public agency and there shall be no private right of action for damages

arising out of any violation of the provisions of this chapter. Any suit brought for the purpose of having an action declared or determined to be null and void pursuant to subsection (1) of this section shall be commenced within thirty (30) days of the time of the decision or action that results, in whole or in part, from a meeting that failed to comply with the provisions of this act. Any other suit brought under the provisions of this section shall be commenced within one hundred eighty (180) days of the time of the violation or alleged violation of the provisions of this act.

(7) (a) A violation may be cured by a public agency upon:

(i) The agency's self-recognition of a violation; or  
(ii) Receipt by the secretary or clerk of the public agency of written notice of an alleged violation. A complaint filed and served upon the public agency may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the governing body shall have fourteen (14) days to respond publicly and either acknowledge the open meeting violation and state an intent to cure the violation or state that the public agency has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation for purposes of proceeding with any enforcement action.

(b) Following the public agency's acknowledgment of a violation pursuant to paragraph (a)(i) or (a)(ii) of this subsection, the public agency shall have fourteen (14) days to cure the violation by declaring that all actions taken at or resulting from the meeting in violation of this act void.

(c) All enforcement actions shall be stayed during the response and cure period but may recommence at the discretion of the complainant after the cure period has expired.

(d) A cure as provided in this section shall act as a bar to the imposition of the civil penalty provided in subsection (2) of this section. A cure of a violation as provided in subsection (7)(a)(i) of this section shall act as a bar to the imposition of any civil penalty provided in subsection (4) of this section.



# Appendix B

## POCATELLO MUNICIPAL CODE TITLE 2 ADMINISTRATION AND PERSONNEL

### **CITY CODE 2.06.040 CONDUCT OF PUBLIC OFFICERS AND EMPLOYEES**

A. General Conduct: Elected and appointed city officials, members of city boards and commissions, and city employees shall conduct themselves in accordance with applicable regulations set forth in Idaho Code chapter 7, title 59.

B. Fair And Equal Treatment: No officer, employee or board member shall grant or make available to any person any consideration, treatment, advantage, information, or favor beyond that which it is in the general practice to grant or make available to the public at large under similar circumstances. No officer, employee, or board member shall request, use, or permit the use of any publicly owned or publicly supplied property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is in the general practice to make available to the public at large under similar circumstances or which are provided as a matter of public policy for the use of officers or employees in the conduct of official business. (Ord. 2645 § 4, 1999)

# Appendix C



## Idaho Statutes

### TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

#### CHAPTER 4 ETHICS IN GOVERNMENT

74-405. NONCOMPENSATED PUBLIC OFFICIAL -- EXCEPTION. When a person is a public official by reason of his appointment or election to a governing board of a governmental entity for which the person receives no salary or fee as compensation for his service on said board, he shall not be prohibited from having an interest in any contract made or entered into by the board of which he is a member, if he strictly observes the procedure set out in section [18-1361A](#), Idaho Code.



## Idaho Statutes

### TITLE 18 CRIMES AND PUNISHMENTS

#### CHAPTER 13 BRIBERY AND CORRUPTION

18-1361A. NONCOMPENSATED APPOINTED PUBLIC SERVANT -- RELATIVES OF PUBLIC SERVANT -- EXCEPTION. When a person is a public servant by reason of his appointment to a governmental entity board for which the person receives no salary or fees for his service on said board, it shall not constitute a violation of the provisions of subsection (1)(d) or (e) of section [18-1359](#), Idaho Code, for a public servant or for his relative to contract with the public body of which the public servant is a member if the procedures listed below are strictly observed. For purposes of this section, "relative" shall mean any person related to the public servant by blood or marriage within the second degree.

(1) The contract is competitively bid and the public servant or his relative submits the low bid; and

(2) Neither the public servant nor his relative takes any part in the preparation of the contract or bid specifications, and the public servant takes no part in voting on or approving the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest or that of his relative and of his or his relative's intention to bid on the contract; and

(4) Neither the public servant nor his relative has violated any provision of Idaho law pertaining to competitive bidding or improper solicitation of business.

# Appendix D



## Idaho Statutes

### TITLE 67 STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 65 LOCAL LAND USE PLANNING

67-6506. CONFLICT OF INTEREST PROHIBITED. A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberations pursuant to the open meeting act. No member of a governing board or a planning and zoning commission with a conflict of interest shall participate in any aspect of the decision-making process concerning a matter involving the conflict of interest. A knowing violation of this section shall be a misdemeanor.

# Appendix E

*IDAHO OPEN MEETING LAW MANUAL* EXCERPT

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ISSUED BY IDAHO ATTORNEY GENERAL'S OFFICE 2011

**Question No. 26: Are discussions conducted via telephones, computers, cell phones (including texting) or other electronic means exempted from the Open Meeting Law?**

**Answer:** As discussed in this manual, the Open Meeting Law applies to the deliberations and discussions between two or more members of a board or commission on some matter which foreseeably will come before that board or commission for action. The use of a telephone to conduct such discussions does not remove the conversation from the requirements of the Open Meeting Law.

Similarly, members of a public board may not use computers or texting to conduct private conversations among themselves about board business. A one-way e-mail or text communication from one city council member to another, when it does not result in the exchange of council members' comments or responses on subjects requiring council action, does not constitute a meeting subject to the Open Meeting Law; however, such e-mail or text communications are public records and must be maintained by the records custodian for public inspection and copying.

# Appendix F

## CITY OF POCA TELLO MEDIA RELATIONS POLICY Adopted October 5, 2015

### **Section I – Purpose**

To add and define the role of the Public Information Officer (PIO) to the existing Media Relations policy and to describe the media services the City will provide to City departments, City Advisory Committees and City events.

### **Section II - Policy**

Through the Public Information Officer, the City regularly provides media outlets with information about the operations of the City. Information of interest to the public may include department operations and announcements, advisory committee work, and official City events.

#### **A. City Departments**

City departments who wish to provide information directly to any media outlet may do so upon notifying the Public Information Officer and the Mayor's office in advance.

The PIO will assist in the preparation and distribution of written Information provided to a media outlet, including, but not limited to, news releases, letters to the editor, and commentaries.

When requested by a media outlet, department heads or supervisors are authorized and expected to promptly provide interviews relevant to their department operations or to refer to the appropriate department head. If time permits, department heads or non-supervisory personnel granted permission to provide interviews by their supervisor are to contact the PIO before the interview to discuss the topic and prepare for the interview. Any employee interviewed by the media must immediately notify the Public Information Officer and the Mayor's office.

Members of the media may request and receive copies of City documents in accordance with the City's Records Policy; however, will not be charged a fee.

#### **B. City Advisory Committees**

City Advisory Committees that wish to provide any information to a media outlet to highlight the work of the Committee should contact the Mayor's office or their staff liaison. The Mayor's office will have the City's Public Information Officer assist in the preparation of written Information intended for a media outlet, including, but not limited to, news releases, letters to the editor, and commentaries and will distribute on the City's official letterhead.



### **C. Other Committees**

Committees that include a City representative but are not City Advisory Committees and that wish to provide information directly to any media outlet must do so independently of the City. The official City letterhead will not be used to disseminate the information.

### **D. Official City Events**

An official City event is one that is organized by the City under the direction of an elected official or City employee.

The Public Information Officer will assist in the preparation of written Information intended for a media outlet, including, but not limited to, news releases, letters to the editor, and commentaries and will distribute on the City's official letterhead.

### **E. Events Financially Benefiting the City**

Events that financially benefit the City or City Departments are ones that are organized by an outside individual or group and the proceeds from the event are donated to the City or a City Department.

Organizers of these events are free to provide information directly to any media outlet to highlight the event. In addition, the Public Information Officer may assist in the preparation of written Information intended for a media outlet, including, but not limited to, news releases, letters to the editor, and commentaries and will distribute on the City's official letterhead.

### **F. Non-City Events**

The City may occasionally provide monetary or non-monetary support to a city-wide event that is not an official City event. Event organizers of non-official City events who wish to provide information directly to any media outlet must do so independently of the City. The official City letterhead will not be used to disseminate the information.

### **G. Event Advertising and Advertising Campaigns**

City departments who wish to advertise a specific official city event may do so upon discussing the advertising plan with the PIO in advance.

City departments who wish to develop a new advertising campaign, including hiring an outside advertising or marketing agency, will first consult with the PIO.

# Appendix G

## CITY OF POCA TELLO SOCIAL MEDIA POLICY Adopted December 7, 2015

### **Section I – Purpose**

The social media policy will define social media, clarify expectations in regards to employee access to social media, and establish accountability in creating and maintaining City of Pocatello department accounts. This policy will also provide guidelines for appropriate use, in regards to both personal and business purposes.

### **Section II – Policy Language**

#### **Section A. XIII - SOCIAL MEDIA POLICY**

##### **A. Definition of Social Media**

For purpose of this policy, social media is broadly understood to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others. This policy applies to professional use of social media on behalf of the City of Pocatello as well as personal use of social media when referencing the City of Pocatello.

##### **B. Impact to Other City Policies**

City employees must adhere to all City policies that are relevant to the use of social media, including, but not limited to, the Electronic Media Policy, Discriminating Harassment Policy, and the City’s Rules of Conduct, when using social media on behalf of or posting information that has reference to the City of Pocatello. Employees should use good judgment when posting content on social media sites and consider the public nature of all postings. Any questions should be addressed with Human Resources, Legal, or the Department Head.

##### **C. Social Networking**

1. When using the City’s computer systems, use of social media for City business purposes is allowed, i.e., Facebook, Twitter, LinkedIn, etc.
2. Personal use of social media, during work hours, should be limited to incidental use during breaks and lunch time. Individual employees and their supervisors are responsible for monitoring personal use of social media during business hours.
3. Personal, for-profit, business via social media during work hours is prohibited.
4. Social media use will not interfere with employees’ responsibilities at the City of Pocatello.
5. City of Pocatello e-mail addresses should not be used to register on any social networks, blogs, or other online tools utilized for personal use.

#### **D. Department Accounts**

1. All social media accounts representing the City of Pocatello or its departments will be requested through, and administered by the City's Webmaster in the IT Department.
2. Departments are responsible for establishing, publishing and updating approved pages on social media sites.
3. The CIO or PIO will monitor content on each department's page to ensure (1) a consistent city-wide message is being conveyed and (2) adherence to this policy.
  - a. The CIO and PIO reserve the right to direct departments to modify social media content based on best practices and industry norms.
4. City Department accounts should be kept separate from personal accounts.

#### **E. Posting Information**

1. Employees are not to publish, post, or release any information that is considered confidential or not public.
2. Be honest and accurate when posting information.
  - a. Mistakes should be corrected as soon as possible.
  - b. Information posted or published may become public information
3. Appropriate permission must be obtained before referencing or posting images of:
  - a. Current employees
  - b. Former employees
  - c. Citizens
  - d. Vendors
  - e. Suppliers
  - f. Copyrighted material
4. Posting personal identifying information of City of Pocatello employees, other than one's own, such as social security numbers, birthdays, home addresses, and phone numbers, is prohibited.
5. Prohibited social media conduct on City of Pocatello social media sites includes, but is not limited to, posting comments, content, or images that may be considered:
  - a. Defamatory
  - b. Pornographic
  - c. Proprietary
  - d. Harassing
  - e. Libelous; or postings that
  - f. Create a hostile work environment
  - g. Violate City policy and procedure
6. Content published on personal social media sites that involves work or subjects associated with the City of Pocatello should be accompanied by a disclaimer
  - a. Example: "The postings on my site are my own, and do not represent the views of the City of Pocatello."
7. Content that generates press or media attention, or legal questions should be referred to an authorized City of Pocatello spokesperson.