

CITY ORDINANCE NO. 4842

AN ORDINANCE OF THE CITY OF LEWISTON ENACTING SECTION 1-9 TO DESIGNATE THE LEWISTON TRIBUNE AS THE OFFICIAL NEWSPAPER OF THE CITY OF LEWISTON; REPEALING CHAPTER 2 (ADMINISTRATION) OF THE LEWISTON CITY CODE AND ENACTING A NEW CHAPTER 2 TO REFLECT THE CITY'S CHANGE TO A MAYOR-COUNCIL FORM OF GOVERNMENT; ENACTING A NEW CHAPTER 44 (BUSINESS IMPROVEMENT DISTRICTS); REPEALING SECTION 13-25 (MAYORAL ELECTIONS); UPDATING CROSS-CITATIONS IN SEVERAL SECTIONS; REPLACING "CITY MANAGER" WITH "MAYOR" IN SEVERAL SECTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: A new Section 1-9 is hereby enacted as follows:

Sec. 1-9. Official newspaper.

The "Lewiston Tribune," printed and published in Lewiston, Idaho, shall be the official newspaper of the City of Lewiston. All city ordinances, notices, and publications that are required by law to be published in a newspaper shall be published in the Lewiston Tribune.

SECTION 2: Chapter 2 (Administration) of the Lewiston City Code is hereby repealed in its entirety and the following is enacted in its place; provided, however, Section 2-34 (Council compensation; mayor compensation (effective 1/1/2022)) is hereby deemed retained but re-numbered as Section 2-12 in regards to the Mayor's compensation and Section 2-22 in regards to Council compensation:

**CHAPTER 2
ADMINISTRATION**

- Art. I. General**
- Art. II. Mayor**
- Art. III. City Council**
- Art. IV. Appointive Officers**
- Art. V. Advisory Boards and Commissions**
- Art. VI. Building Reserve and Property Improvement Accounts**
- Art. VII. Comprehensive Liability Plan**
- Art. VIII. City Fees and Special Taxes**

Article I. General

Sec. 2-1. General penalty inapplicable.

Unless otherwise specifically provided in this chapter, any violation of or failure to abide by the provisions of this chapter shall not be subject to the general penalty set forth in section 1-7 of this code.

Sec. 2-2. Phrases.

The following phrases shall have the following meanings when used in this chapter:

- (1) "Full city council" shall mean all city councilors who are duly elected or appointed at the time of a meeting at which a vote is taken.
- (2) "Consent of the city council" shall mean by a majority vote of all city councilors who are present at the meeting at which a vote is taken.
- (3) "Majority vote of the city council" shall mean by a majority vote of all city councilors who are present at the meeting at which a vote is taken.
- (4) "Majority vote of the full city council" shall mean by a majority vote of all city councilors who are duly elected or appointed at the time of a meeting at which a vote is taken.

Sec. 2-3. Personnel rules and regulations; Collective bargaining agreements

(a) The city council is hereby authorized to adopt, by resolution, a system of rules and regulations for the management of city employees, including, but not limited to, job and pay classifications, salaries, working hours and conditions, merit examinations and promotions, vacations and sick leave, disciplinary proceedings, appeal procedure, and any other matter or proceeding related to the efficient regulation of the personnel of the city. Such rules and regulations may be amended, supplemented, replaced, or repealed by resolution duly passed by the city council.

(b) Nothing in the personnel rules and regulations adopted by the city council shall be deemed to supersede the provisions of any collective bargaining agreement entered into by the city with its employees, or any of them, whether such agreement is now in effect or is entered into hereafter, where the provisions of such personnel rules and regulations and the collective bargaining agreement are in conflict.

Secs. 2-4 – 2-10. Reserved.

Article II. Mayor

Sec. 2-11. Qualifications; Election; Term of office; Installation.

(a) *Qualifications.* Pursuant to Idaho Code § 50-601, any person shall be eligible to hold the office of mayor who is a qualified elector of the city at the time such person's declaration of candidacy or declaration of intent is submitted to the city clerk and who remains a qualified elector during such person's term of office.

(b) *Election.* The mayor shall be elected in accordance with the laws of the State of Idaho. Pursuant to Idaho Code § 50-612, the mayor shall be elected by a majority of the votes cast for any candidate running for the office of mayor. If no candidate

receives a majority of the votes cast, then there shall be a runoff election conducted pursuant to Idaho Code § 50-612.

(c) *Term of office.* Pursuant to Idaho Code § 50-601, the term of office of mayor shall be for a period of four (4) years, except as otherwise specifically provided.

(d) *Installation.* Pursuant to Idaho Code § 50-601, the mayor shall take office at the time and in the manner provided for installation of city councilors.

Sec. 2-12. Compensation.

Compensation of the mayor shall be fixed in accordance with Idaho Code § 50-203. The mayor shall receive an annual salary of eighty thousand dollars (\$80,000), payable monthly. Additionally, the mayor shall receive, at his or her option, the same employee benefits as any full-time city employee, except for accrual of vacation and sick leave.

Sec. 2-13. Powers and Duties.

(a) *Chief administrative official.* Pursuant to Idaho Code § 50-602, the mayor shall be the chief administrative official of the city, have 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 Idaho State law governing municipal corporations are complied with.

(b) *Faithful discharge of office.* The mayor shall devote so much of the mayor's time to the duties of the office of mayor as an efficient and faithful discharge thereof may require.

(c) *City council meetings.* Pursuant to Idaho Code § 50-602, the mayor shall preside over the meetings of the city council; determine the order of business subject to such rules as the city council may prescribe; and have a vote only when the city council is equally divided.

(d) *Messages to city council.* Pursuant to Idaho Code § 50-603, the mayor shall, from time-to-time, communicate with the city council such information and recommend such measures as, in the mayor's opinion, may tend to the improvement of the finances, the protection, the health, the security, the ornament, the comfort, and the general welfare and prosperity of the city.

(e) *Special meetings of city council.* Pursuant to Idaho Code § 50-604, the mayor shall have the power to call special meetings of the city council, the object of which shall be submitted to the city council in writing; the call and object, as well as the disposition thereof, shall be entered upon the journal by the city clerk.

(f) *Accounts and reports of officers.* Pursuant to Idaho Code § 50-605, the mayor shall have the power, when the mayor deems it necessary, to require any officer of the city to exhibit such officer's accounts or other papers, and to make written reports pertaining to such officer's office to the city council.

(g) *Police powers.* Pursuant to Idaho Code § 50-606, the mayor shall have such jurisdiction as may be vested in the mayor by ordinance over all places within the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him by

ordinance, except taxation, within the corporate limits of the city and over such properties as may be owned by the city without the corporate limits.

(h) *Signing of contracts.* Pursuant to Idaho Code § 50-607, the mayor is authorized and empowered to: (1) sign officially for and on behalf of the city on all contracts, including deeds, bonds, bills, notes, obligations, and other agreements, documents, and papers to which the city is a party; (2) require that the conditions in said instruments are faithfully performed; and (3) borrow money on the credit of the city when authorized by the city council.

(i) *May require aid in enforcing law.* Pursuant to Idaho Code § 50-609, the mayor is hereby authorized to call on every resident in the city over twenty-one (21) years of age to aid in enforcing the laws.

(j) *Veto power.* Pursuant to Idaho Code § 50-611, the mayor shall have the power to veto or sign any ordinance passed by the city council. The mayor may veto an ordinance by returning the same, unsigned, with his or her objections in writing to the city council at the next regular meeting of the city council. Any ordinance vetoed by the mayor may be passed over his veto by a vote of one-half (1/2) plus one (1) of the members of the full city council notwithstanding the veto. Additionally, should the mayor neglect or refuse to sign any ordinance and return the same with the mayor's objection, in writing, at the next regular meeting of the city council, the same shall become law without the mayor's signature.

(k) *Other powers.* The mayor shall have all other powers granted by the laws of the State of Idaho.

(l) *Other duties.* The mayor shall perform all other duties imposed by laws of the State of Idaho.

Sec. 2-13. Vacancy in office of mayor.

Pursuant to Idaho Code § 50-608, in case of a temporary vacancy in the office of mayor due to absence or disability, the president of the city council shall exercise the office of the mayor during such disability or temporary absence, and until the mayor shall return. When a vacancy occurs in the office of mayor by reason of death, resignation, or permanent disability, the city council shall fill the vacancy from within or without the city council as may be deemed in the best interests of the city, which appointee shall serve until the next general city election, at which election a mayor shall be elected for the full four (4) year term.

Secs. 2-14 – 2-20. Reserved.

Article III. City Council

Sec. 2-21. Number; Qualifications; Election; Term of office; Installation.

(a) *Number designated.* The number of city councilors for the city shall be six (6). The number of city councilors may only be changed in accordance with Idaho Code § 50-703.

(b) *Qualifications.* Pursuant to Idaho Code § 50-702, any person shall be eligible to hold the office of city councilor who is a qualified elector of the city at the time such person's declaration of candidacy or declaration of intent is submitted to the city clerk and who remains a qualified elector during such person's term of office.

(c) *Election.* City councilors shall be elected in accordance with the laws of the State of Idaho. City councilors shall be elected at-large.

(d) *Term of office.* Pursuant to Idaho Code § 50-702, the term of each city councilor shall be for a period of four (4) years, except as otherwise specifically provided. City councilors who are elected at a general city election shall be installed at the first meeting in January following such election.

(e) *Installation.* Pursuant to Idaho Code § 50-702, city councilors who are elected at a general city election shall be installed at the first meeting in January following such election. The manner of conducting that meeting shall be as follows and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly-elected city councilors shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one item of which shall be the election of a member as president of the city council.

Sec. 2-22. Compensation.

City council compensation shall be fixed in accordance with Idaho Code § 50-203. City councilors shall receive as compensation seven hundred dollars (\$700) per month.

Sec. 2-23. Powers and Duties.

(a) *Legislative authority.* Pursuant to Idaho Code § 50-701, the legislative authority of the city is vested in the city council.

(b) *Faithful discharge of office.* City councilors shall devote so much of their time to the duties of their office as an efficient and faithful discharge thereof may require. City councilors shall perform all duties reasonably expected of them by nature of their office, including, but not limited to, the consideration of ordinances and resolutions, as well as investigation and study of work done for the city according to the committees upon which they may be appointed.

(c) *Examination of fiscal accounts.* Pursuant to Idaho Code § 50-708, at least once in each quarter of each year, the city council shall examine by review of a quarterly treasurer's report included upon the city council agenda the accounts and doings subject to the management by the chief financial officer of the city.

(d) *Membership on boards and commissions.* City councilors may serve as city council liaisons to city advisory boards and commissions, as set forth in Article V of this chapter, except for the planning and zoning commission. The city council shall appoint one (1) city councilor to serve on the urban renewal agency board as a voting member and may appoint proxies in accordance with the bylaws of such agency. City councilors may serve on community boards and commissions in their personal capacities without approval from the city council.

(e) *City councilor requests of staff.* A city councilor may request assistance from city staff in accordance with this section. If a request for staff assistance is estimated to require less than one (1) hour of time, such request may be approved by the mayor without city council action. If a request for staff assistance is estimated to require one (1) hour or more of time, such request must be approved by a majority of the city councilors present at the meeting in which the request is made prior to staff time being utilized.

(f) *Sanctions.* In the event that the city council determines that the conduct of the mayor or a city councilor was improper, the city council may censure such official by a two-thirds (2/3) vote of the full city council.

(g) *Other powers.* The city council shall have all other powers granted by the laws of the State of Idaho.

(h) *Other duties.* The city council shall perform all other duties imposed by laws of the State of Idaho.

Sec. 2-24. Council President

(a) *Election.* Pursuant to Idaho Code § 50-702, following each general city election every two (2) years, the city council shall elect a member as president of the council. The council president shall be elected by a majority vote of the city councilors present at the meeting as follows:

(1) The city clerk shall call for nominations by the city council. A nomination shall not require a second. A nominee shall have the right to decline the nomination.

(2) The city clerk shall then, by roll call vote, take the vote of each city councilor. Each city councilor may only cast a vote for one (1) nominee.

(3) If a nominee receives a majority vote of the city councilors present, then such nominee shall be elected as the council president.

(4) If no nominee receives a majority vote of the city councilors present, then a second vote between the two nominees with the most votes shall be taken by roll call vote, and the nominee who receives a majority vote of the city councilors present shall be elected as the council president.

(5) If, following the first vote, more than two nominees receive the same number of votes, then a second vote between such nominees shall be taken by roll call until one nominee receives a majority vote of the city councilors present. Such nominee shall be elected as the council president.

(b) *Powers and duties.*

(1) *Temporary vacancy of mayor.* Pursuant to Idaho Code § 50-608, in case of a temporary vacancy in the office of mayor due to absence or disability, the council president shall exercise the office of mayor during such disability or temporary absence and until the mayor shall return.

(2) *Supervision of employees related to mayor.* In the event that a person is employed by the city prior to the election of a mayor who is related to such person, the council president shall take the place of the mayor for all personnel issues related to such employee. Pursuant to Idaho Code § 18-1359(5), such person shall be entitled to retain his or 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.

(3) *Other powers.* The council president shall have all other powers granted by the laws of the State of Idaho.

(4) *Other duties.* The city council shall perform all other duties imposed by laws of the State of Idaho.

Sec. 2-25. Vacancies on city council.

Pursuant to Idaho Code § 50-704, a vacancy on the city council shall be filled by appointment made by the mayor and confirmed by consent of the city council. Such appointee shall serve until the next general city election at which such vacancy shall be filled for the balance of the original term.

Sec. 2-26. City Council Meetings.

(a) *Time and place of meetings.*

(1) *Regular meetings.* Pursuant to Idaho Code § 50-705, the city council shall hold regular meetings on the second and fourth Mondays of each month. Regular meetings shall be held at the Lewiston City Library and shall begin at 6:00 p.m., or at such other location or time as shall be designated in advance. If a day fixed for a regular meeting falls on a holiday, then such meeting shall be cancelled. Regular meetings may be recessed until further notice.

(2) *Work sessions.* The city council shall hold a work session on the first Monday of each month. Work sessions shall be held at City Hall and shall begin at 3:00 p.m., or at such other location or time as shall be designated in advance. The city council has authority to act on motions and make decisions at work sessions; provided, however, the city council should defer final actions and decisions on substantive policy issues to a city council meeting other than a work session. During a work session, the city council may direct staff to take certain actions in accordance with section 2-23(e) of this code. If a day fixed for a work session falls on a holiday, then such work session shall be canceled.

(3) *Special meetings.* Pursuant to Idaho Code § 50-706, one-half (1/2) plus one (1) of the members of the full city council shall have the power to call special meetings of the city council, the object of which shall be submitted to the city council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal of the city clerk. Pursuant to Idaho Code § 50-705, special meetings may be recessed until further notice. To the extent possible, special meetings should be held on the third Monday of the month, if needed.

(4) *Executive sessions.* Executive sessions may be placed on a meeting agenda by the mayor, council president, or city attorney. Only city council members, the mayor, the city attorney, and persons specifically invited by the city council, the mayor, or the city attorney shall be allowed to attend executive sessions. Matters discussed in executive session shall not be disclosed by any person present during such session.

(b) *Attendance.* City councilors shall attend all meetings of the city council unless excused therefrom by the mayor or a majority of the councilors. When a city councilor is excused from a meeting, such city councilor shall inform the city clerk at least forty-eight (48) hours prior to the meeting, unless the city councilor's absence is an emergency and such notification is not possible.

(c) *Attendance by electronic means.*

(1) *Requirements.* City councilors may attend city council meetings via a telecommunications device, including telephone or video conferencing; provided, that the following conditions are met:

a. The city councilor notifies the mayor at least twenty-four (24) hours prior to the meeting that the city councilor would like to attend via a telecommunications device;

b. At the commencement of the meeting, the presiding officer publicly states for the record that the city councilor is attending the meeting via a telecommunications device;

c. At least one (1) city councilor is physically present at the location designated in the meeting notice;

d. Communications among the city councilor attending via a telecommunications device and the city councilors physically present at the meeting location are audible to the public attending the meeting in person and the city council; and

e. Any other applicable requirement set forth in Chapter 2, Title 74, Idaho Code.

(2) *Presiding officer.* To avoid confusion and promote efficiency, if the mayor will attend a meeting via a telecommunications device, then the council president shall act as the presiding officer for the meeting. If the council president will also attend a meeting via a telecommunications device, then the mayor may select a temporary chairperson to preside over the meeting.

(d) *General decorum.*

(1) *Presiding officer.* The presiding officer shall preserve decorum and decide all points of order, subject to appeal to the city council.

(2) *City councilors.* City councilors shall preserve order and decorum during city council meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or the rules set forth in this article. City councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then

under discussion; shall not engage in personal attacks; shall not impugn the motives of any speaker; and shall, at all times while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

(3) *Staff and public.* City employees and persons attending city council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to city councilors.

(4) *Removal from meeting.* Any person who disrupts a city council meeting by making impertinent, slanderous, or unauthorized remarks, or who becomes disruptive while addressing the city council or attending a city council meeting shall first be warned by the presiding officer that he or she is out of order and that further disruption shall be cause to remove the person from the meeting. If the person continues to cause a disruption after being warned, the presiding officer shall direct the sergeant-at-arms to remove the person. In case the presiding officer should fail to act, any member of the city council may obtain the floor and move to require enforcement; upon affirmative vote of the majority of the city councilors present, the sergeant-at-arms shall be authorized to remove the person, as if the presiding officer so directed.

(5) *Enforcement of decorum.* The **mayor**, or such member or members of the Lewiston police department as the **mayor** shall designate, shall serve as the sergeant-at-arms of the city council meetings and shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum.

(e) *Agendas.*

(1) *Preparation.* The city clerk shall prepare an agenda for regular and special meetings and work sessions. City council approval of agendas shall not be required.

(2) *Agenda packets.* In order to be included in the agenda packet, communications to the mayor and the city council concerning matters on the agenda must be submitted to the city clerk no later than 10:00 a.m. five (5) business days prior to the date of the city council meeting where the matter will be considered. In exceptional circumstances, agenda item materials may be submitted to the city clerk after this time, but in no case later than 12:00 p.m. one (1) business day prior to the date of the city council meeting. Any city councilor may have a communication concerning a matter on the agenda that does not meet the timelines in this subsection included in the record. The city clerk shall distribute materials for regular meetings to the city council no later than three (3) business days preceding the meeting.

(3) *Agenda requests.* City staff shall submit requests for items to be placed on the next city council agenda to the city clerk at least eight (8) business days preceding the meeting. The **mayor** shall review and finalize the agenda. City councilors may place items on the agenda either by approval of the **mayor** or upon a majority vote of the city council.

(4) *Consent agenda.* In order to expedite city council business, approval of minutes and other routine agenda items shall be placed on the consent agenda. The presiding officer shall read the consent agenda, and all items on the consent agenda shall be approved by a single motion unless an item is removed from the consent agenda for further consideration. A city councilor may remove any item from the consent agenda for separate consideration.

(5) *Removal of items from the agenda.* The city council may remove an item from a meeting agenda by majority vote at any time prior to consideration of the active agenda.

(6) *Addition of items to the agenda.* After a meeting has started, the city council may amend the agenda in accordance with Chapter 2, Title 74, Idaho Code (Idaho Open Meetings Law), which requires a good faith reason that the agenda item was not included in the original agenda posting. The city council shall only add items that: (1) were not foreseen when the original agenda was posted, and (2) are urgent matters that require immediate attention by the city council and cannot wait to be addressed until the next city council meeting.

(7) *Postponement of consideration prior to the meeting.* A city councilor may request that consideration of an agenda item be postponed to a subsequent meeting if the city councilor is unable to attend the meeting during which the item has been scheduled for consideration. A city councilor requesting postponement of consideration shall submit a request to the **mayor or city council president** in writing as early as possible. The request to postpone should be honored unless the matter must be acted upon at that meeting due to deadlines or other matters of timing. If the request to postpone an item is made 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, then the city council shall vote on whether to postpone such item.

(8) *Proclamations and awards.* Special recognition, awards given to or by the city of Lewiston, and proclamations that serve to encourage and educate the community may be placed on the agenda at the discretion of the **mayor or city council president**. Requests for proclamations should be submitted in writing to the **mayor or city council president**.

(9) *City council and mayor comments.* Each city councilor and the mayor or his or her designee shall have the opportunity to comment on any item of public interest during new business; provided, however, such comments shall not be related to an item currently before the city council or an item that may come before the city council in the foreseeable future.

(f) *Order of business.* The order of business for regular meetings of the city council shall be as follows; provided, however, that when it appears to be in the best interest of the public, the order of business may be changed for a single meeting by two-thirds (2/3) vote of the city councilors present at the meeting:

(1) Opening exercises (includes call to order, pledge of allegiance, announcements, approval of additions and deletions to the agenda, proclamations, awards, ceremonial presentations, and citizen comments).

(2) Public hearings.

(3) Consent agenda (includes approval of minutes, adoption of routine resolutions, and items of business requiring city council action). Items pulled from the consent agenda at the request of a city councilor will be considered at the end of the active agenda.

(4) Active agenda.

(5) Unfinished and new business.

(6) Executive session, if called for.

(7) Adjournment.

(g) *Presiding Officer.*

(1) *Mayor.* Pursuant to Idaho Code § 50-602, the mayor shall preside at all meetings of the city council.

(2) *Council president.* Pursuant to Idaho Code § 50-608, in the event the mayor is temporarily absent or disabled, the council president shall preside over the city council meeting. Should the mayor arrive, the council president shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the city council.

(3) *Temporary chairperson.* In the event of the temporary absence of the mayor and council president, the city attorney shall call the city council to order. If a quorum is present, those city councilors present shall elect, by majority vote, a temporary chairperson for that city council meeting. Should the mayor or council president arrive, the temporary chairperson shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the city council.

(4) *City councilor privileges not affected by status.* The presiding officer, other than the mayor, may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all city councilors. The presiding officer shall not be deprived of any of the rights and privileges of a city council member by reason of acting as the presiding officer.

(h) *Consideration of business.*

(1) *Quorum.* Pursuant to Idaho Code § 50-705, a majority of the full city council shall constitute a quorum for the transaction of business. A lesser number of city councilors may meet and adjourn, but no final action or decisions shall be taken or made at such meeting.

(2) *Roll call votes.* Roll call votes shall be taken when required by law. Additionally, a roll call vote shall be taken upon any question before the city council upon demand by a city councilor.

(3) *Voting required.* Unless otherwise provided by law or this article, every city councilor present when a question is put forth shall vote for or against the same. Unless excused from voting, if a city councilor refuses or fails to vote, and the result of such refusal or failure creates a tie, that city councilor's vote shall be counted as an "aye." If a city councilor is excused from voting, that city councilor may be counted for purposes of determining a quorum, but shall not be counted toward the minimum number of votes required to pass or reject a motion.

(4) *Tie votes.* Unless otherwise provided by law, the mayor may vote when the city councilor votes are equally divided. If the mayor does not or cannot vote to break a tie, a motion shall fail if the city councilor votes upon such motion are tied; provided, however, if a tie vote among city councilors occurs in the appeal of a quasi-judicial land matter and the mayor does not or cannot vote to break the tie, then the decision by the previous decision-making body shall be affirmed.

(5) *Decisions.* Pursuant to Idaho Code § 50-705, unless otherwise provided by law, a question before the city council shall be decided by a majority of all city councilors who are present at the meeting at which a vote is taken.

(i) *Rules of debate.*

(1) *Recognition by presiding officer.* A city councilor desiring to speak at a city council meeting shall address the presiding officer and, upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

(2) *Interruptions prohibited.* A city councilor, once recognized by the presiding officer, shall not be interrupted when speaking unless it is to be called to order or as otherwise provided herein. If a city councilor, while speaking, is called to order, the city councilor shall cease speaking until the question of order is determined and, if in order, the city councilor shall be permitted to proceed.

(3) *Close of debate.* The city councilor moving for the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(j) *Procedural motions.*

(1) *Motion to lay on the table.* A motion to lay on the table is a motion to temporarily set aside a pending question when something else of urgency has arisen or when something else needs to be addressed before consideration of the pending motion. A motion to lay on the table requires a second, is not debatable, and must be approved by a majority of the city councilors present at the meeting.

(2) *Motion to postpone to a certain time.* A motion to postpone to a certain time is a motion to postpone consideration of a pending motion to a later date. A

motion to postpone to a certain time requires a second, is debatable, and must be approved by a majority of the city councilors present at the meeting.

(3) *Substitute motions.* A substitute motion is a motion that proposes to replace a pending main motion in its entirety. If seconded, debate on the relative merits of the main motion and the substitute motion shall be in order. If approved by a majority of the city councilors present at the meeting, a substitute motion shall stand as the main motion, and the original main motion shall be deemed to have failed. If the substitute motion fails, vote shall proceed to the main motion.

(4) *Motion to reconsider.* A motion to reconsider an action taken by the city council must be made: (1) prior to adjournment of the next regular city council meeting, or (2) prior to an ordinance or resolution that is the subject of the motion to reconsider becoming effective, whichever is earlier. Such motion must be made by a city councilor on the prevailing side, may be seconded by any city councilor, and shall require a vote of the majority of city councilors present at the meeting in which the motion to reconsider is made. A motion to reconsider is debatable, shall have precedence over all other motions, and must be approved by a majority of the city councilors present at the meeting.

(5) *Call for the question.* A motion to call for the question is a motion to end debate. A city councilor may call for the question upon being recognized by the presiding officer. A motion to call for the question requires a second, is not debatable, and must be approved by two-thirds (2/3) of the city councilors present at the meeting. If the motion is so approved, the city council shall immediately vote on the underlying question without further debate.

(k) *Conflicts of interest.*

(1) *In general.* If a city councilor determines he or she has a conflict of interest (as defined in Chapter 4, Title 74, Idaho Code), then such city councilor, prior to deliberating or voting on an issue, shall disclose the nature and extent of his or her conflict. After disclosure, a city councilor may either: (1) request to be excused from debate and voting by a majority vote of the other city councilors present, or (2) proceed with debate and/or voting. If a city councilor is excused, the city councilor shall remain on the telephone or premises for the purpose of maintaining a quorum, if needed.

(2) *Land use actions.* A city councilor shall not participate in any land use proceeding or action in which he or she has a conflict of interest in accordance with the requirements set forth in Idaho Code § 67-6506.

(3) *Urban renewal.* A city councilor shall not participate in any urban renewal action in which he or she has a conflict of interest in accordance with the requirements set forth in Idaho Code § 50-2017.

(l) *Communications.*

(1) *Anonymous communications prohibited.* Anonymous communications shall not be introduced in city council meetings.

(2) *To city council.* Communications to the city council concerning matters not on the agenda shall be provided to the city council upon receipt. A city councilor may briefly present a communication that raises a matter of general interest to the city under new business and, by majority vote of the city councilors present, have such matter placed on a subsequent agenda for discussion by the city council.

(3) *To mayor.* The **mayor** may bring any matter raised by a communication to the attention of the city council as an agenda item; provided, that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the city council and making a recommendation for city council action.

(4) *Electronic communications.* City councilors shall not communicate privately during city council meetings, including through emails, texts, social media, and other similar forms of communication; provided, however, city councilors may respond to personal emergencies during city council meetings. If a city councilor uses an electronic device during a city council meeting to acquire information on a subject pending before the city council, then such city councilor shall inform the other city councilors of the source of information and the information acquired. Additionally, when an email relates to a matter that may come before the city council in the foreseeable future, then a city councilor shall not send an email to a quorum of the city council regarding such matter, nor shall a city councilor “reply all” or reply to a quorum of the city council when he or she receives such an email.

(m) *Public comment.*

(1) *Opportunities to comment.* Public comment shall be allowed at every regular meeting of the city council in accordance with this section. Public comment shall only be received by the city council during citizens’ comments, public hearings, or when authorized by the presiding officer.

(2) *Recognition and identification.* A person shall not provide public comment unless and until recognized by the presiding officer. Persons providing public comment shall identify themselves by their names and by their cities of residence, but shall not be required to disclose their mailing or home addresses.

(3) *Time limit.* Persons making comments during citizens’ comments and public hearings shall be limited to three (3) minutes each, unless additional time is allowed by the presiding officer.

(4) *City councilor questions.* City councilors may, after obtaining the floor, ask questions of speakers during public comment. City councilors shall use restraint when exercising this option, and shall attempt to limit questioning to three (3) minutes. The presiding officer may intervene if a city councilor is violating the spirit of this guideline.

(5) *Audio and visual materials.* Persons providing public comment may utilize audio and visual materials during the time permitted for their comments, and they may utilize city-provided audio or visual equipment located in the city council chambers. It is recommended that persons wishing to utilize audio or visual materials provide such materials to city staff prior to the meeting to avoid a delay or disruption of the meeting.

(6) *Citizens' comments.* During citizens' comments, a person may address an agenda item or any issue of city business, but shall not address matters that are or will likely be the subject of a public hearing. Citizens' comments shall not be used to testify about a quasi-judicial land use matter that has been or is scheduled to be heard by the planning and zoning commission, or to provide additional testimony or information on any matter after the official record of such matter has been closed. Persons commenting may request that items be placed on a future agenda for further discussion; such requests are subject to approval by the **mayor** or a majority vote of the council.

(7) *Comments regarding specific city employees.* Comments regarding the performance of a specific city employee are not appropriate during citizens' comments. Instead, a person wishing to comment on the performance of a specific city employee should schedule a meeting with the **mayor**. The **mayor** may then, in his or her discretion, invite such person to a meeting with the city council in a duly-noticed executive session.

(8) *Repetitive comments.* The presiding officer may determine that comments regarding matters that have been previously heard and/or decided by the city council are not appropriate for citizens' comments.

(n) *Public hearings.*

(1) *When held.* A public hearing shall be held when required by law or upon majority vote of the city councilors present at a meeting. Public hearings shall be duly noticed.

(2) *Identification.* All persons shall, prior to giving testimony, state their full names and indicate whether they are residents of the city of Lewiston. Persons testifying shall not be required to state their home addresses.

(3) *Procedure.* The following order of procedure shall be observed for a public hearing:

a. The presiding officer shall announce the subject of the public hearing as it is set forth on the agenda, inform the public of any time limits that apply to testimony, and then declare the public hearing open.

b. Staff shall present a report to the city council.

c. The applicant, in a quasi-judicial hearing, may testify and/or give a presentation to the city council.

d. The city council shall accept testimony from other members of the public, including affected persons in a quasi-judicial hearing. No person shall testify until the person has been recognized by the presiding

officer. All testimony shall be addressed to the city council as a body and not to an individual city councilor.

e. The city council may ask questions of the city staff, applicant, and anyone providing testimony.

f. The applicant, in a quasi-judicial hearing, may give rebuttal; provided, that such rebuttal shall be limited to the matters introduced in the hearing.

g. The presiding officer shall close the public hearing.

Cross-examination of persons testifying at the public hearing shall not be allowed. An applicant shall be allowed the last communication to the city council before the public hearing is closed. Quasi-judicial land use hearings shall also be subject to the provisions of Chapter 37 of this code.

(4) *Written testimony, exhibits, and evidence.* Written testimony, exhibits, and evidence may be submitted to the city clerk prior to the conclusion of the public hearing. Copies of such written testimony, exhibits, and evidence shall be distributed to the applicant and all city councilors. If an exhibit or piece of evidence is unable to be copied, then the applicant and all city councilors shall have an opportunity to examine such exhibit or piece of evidence. In the event that written testimony, exhibits, or evidence is submitted during a public hearing, the city council shall review such written testimony, exhibits, or evidence and allow sufficient time for the applicant to review such written testimony, exhibits, or evidence. The applicant shall be allowed to address the written testimony, exhibits, and evidence during the applicant's rebuttal. Written testimony, exhibits, and evidence submitted to the city clerk shall be included as part of the record of the public hearing.

(5) *Public records.* Oral testimony, recordings of public hearings, and documents and evidence submitted to the city clerk in the course of public hearings are public records. Therefore, if a person does not wish to have his or her personal information disseminated to the public (such as home address, personal email address, or personal telephone number), then he or she should take care not to include such personal information when testifying or submitting documents or evidence to the city clerk.

(6) *Time limits.* Persons testifying during legislative or administrative hearings shall be limited to three (3) minutes each, or such other time limit fixed by the presiding officer. Persons testifying at quasi-judicial hearings shall be limited to the following time limits, or such other time limit fixed by the presiding officer:

- a. Staff presentation: fifteen (15) minutes;
- b. Applicant testimony/presentation: fifteen (15) minutes;
- c. Affected persons' testimony: three (3) minutes per person;
- d. Council questions: no time limit;

e. Applicant's rebuttal: seven (7) minutes.

A person testifying shall not be interrupted until such time limit has expired or until he or she has finished his or her statement.

(7) *City councilor questions.* City councilors may, after recognition by the presiding officer, ask clarifying or follow-up questions of a person providing testimony after such person has completed his or her testimony. Questions posed by city councilors should seek to clarify a person's testimony and should not be used to lengthen or expand the testimony of such person. Questions by the city council and answers in response thereto shall not be included in the person's time limit. City councilors shall use restraint and be considerate of the meeting time of the city council when exercising this option. The presiding officer may intervene if a city councilor is violating the spirit of this section.

(8) *Continuance.* Prior to closing the public hearing, the city council may continue the public hearing to a date certain or indefinitely upon a majority vote of the city councilors present at the meeting. In the event that additional written testimony is submitted during the continuance period, such written testimony shall be provided to the applicant and all city councilors, and the applicant shall be allowed to address the written testimony during the applicant's rebuttal.

(9) *Deliberations and decision.* Following the closing of a public hearing, the city council may deliberate on the issue and render a decision. During deliberations, each city councilor shall have an opportunity to express his or her opinions.

(o) *Minutes.*

(1) *Compliance with Idaho Code.* Meeting minutes of the city council shall comply with Idaho Code § 74-205.

(2) *Maintained by city clerk.* Meeting minutes shall be maintained by the city clerk in accordance with the city's records retention schedule.

(3) *Contents.* Minutes of regular meetings, special meetings, emergency meetings, and work sessions shall, at a minimum, contain the following information:

- a. The date, time, and place of the meeting or session;
- b. The names of city councilors recorded as either present or absent;
- c. A general description of all matters considered during the meeting or session;
- d. All motions, resolutions, orders, and ordinances proposed and their disposition;
- e. The results of all votes, and if the vote is by roll call or upon the request of a city councilor, the vote of each city councilor by name; and

f. If applicable, a reference to the specific statutory section authorizing an executive session and sufficient detail to identify the purpose and topic of the executive session.

(4) *City councilor protests.* A city councilor shall have the right to have the reason(s) for his or her dissent from, or protest against, an action of the city council entered in the minutes.

(5) *Approval.* Approval of the minutes shall not require reading of the minutes in open meeting prior to approval. Minutes may be revised at any time by the city clerk only to correct spelling, numbering, and other technical or grammatical errors. Prior to approval, a city councilor may request an amendment or correction to the minutes to accurately reflect the substance of any motion, amendment, or matter considered during the meeting to which the minutes pertain. If objection is made by another city councilor to such amendment or correction, the amendment or correction shall only be made upon a majority vote of the city council. If the facts of the minutes are disputed, then the approval of the minutes shall be postponed to the next meeting, and the city clerk shall validate the information from appropriate sources.

(p) *Recordings.* Unless otherwise required by law, city council meetings are not required to be recorded. However, city council meetings may be recorded and, if so, such recording shall be maintained in accordance with the city's records retention schedule.

(q) *Suspension of rules.* Except as otherwise provided herein or required by law, the provisions set forth in this section, or portions thereof, may be temporarily suspended by a vote of two-thirds (2/3) of the city councilors present at a meeting. The vote on any such suspension shall be entered upon the record.

Secs. 2-27 – 2-30. Reserved.

Article IV. Appointive Officers

Sec. 2-31. Officers enumerated.

Pursuant to Idaho Code § 50-204, the appointive officers of the City of Lewiston shall be the City Clerk, City Treasurer/Chief financial officer, and City Attorney. Such officers shall be appointed and removed as provided by Idaho Code §§ 50-204, 50-205, and 50-206.

Sec. 2-32. Officer bonds. Pursuant to Idaho Code § 50-204, the appointive officers herein enumerated shall, before entering upon the duties thereof, execute a bond to the city in such penal sums as set forth below, conditioned on the faithful performance of their respective duties; provided, however, surety bonds, or their equivalent, may be furnished at the expense of the city in lieu of personal bonds:

(1) City clerk: Ten thousand dollars (\$10,000)

(2) City treasurer/Chief financial officer: Fifty thousand dollars (\$50,000)

Sec. 2-33. Liability of officers.

No provision of this code designating the duties of any officer shall be construed as to make such officer liable for any fine or penalty for a failure to perform such duty unless the intention of the city council to impose such fine or penalty on such officer is specifically and clearly expressed in the section creating the duty.

Sec. 2-34. City clerk.

(a) *Creation.* There is hereby created the office of the city clerk.

(b) *Duties.* The city clerk shall:

- (1) attend all meetings of the city council;
- (2) keep a correct journal of the proceedings of the city council;
- (3) be the custodian of all public records, ordinances, resolutions, and orders of the city council, and such other papers and documents as may be delivered into the city clerk's custody;
- (4) have the custody of all laws and ordinances of the city and see that each ordinance is published as required by law;
- (5) be the custodian of the city seal and affix the same to instruments required to be executed by the city clerk under the city's seal;
- (6) sign warrants authorized by the city council;
- (7) make such reports and furnish such data from the records and files of the city clerk's office as may be requested by the mayor or city council; and
- (8) perform such other duties as may be required by Idaho law, ordinances and resolutions of the city, and the city clerk job description.

(c) *Powers.* Pursuant to Idaho Code § 50-207, the city clerk may administer oaths to any person concerning any matter submitted to the city clerk or to the city council. Additionally, the city clerk shall have all other powers granted by the laws of the State of Idaho.

(d) *Deputy city clerk—created.* There is hereby created the office of deputy city clerk. The city clerk is hereby authorized to appoint one or more deputy city clerks with the consent of the **mayor**. The deputy city clerk shall have full authority to act in the place and stead of the city clerk in the event of the city clerk's absence and/or inability to perform the duties of the office.

Sec. 2-35. City treasurer/Chief financial officer

(a) *Creation.* There is hereby created the office of the city treasurer and chief financial officer.

(b) *Duties.* The city treasurer/chief financial officer shall:

- (1) have and fulfill all of the duties established by Idaho Code as they pertain to the city treasurer or the finances of the city;
- (2) supervise the fiscal affairs of the city and manage and conduct the same as prescribed by ordinances and resolutions of the city council;
- (3) be the custodian of all monies belonging to the city;
- (4) deposit and keep all monies belonging to the city in such depositories as are authorized by law;
- (5) account for each fund or appropriation made in the city's annual budget appropriation or otherwise directed by the city council;
- (6) on a monthly basis, and no more than sixty (60) days after the conclusion of each month at a regular meeting of the city council, render an accounting to the city council showing the financial conditions of the treasury at the date of such accounting;
- (7) maintain all city financial records in accordance with the city's record retention schedule and with generally accepted accounting principles for municipalities;
- (8) make available credit and debit details of all city accounts when required by the mayor or by a majority vote of the city council;
- (9) keep a record of all outstanding bonds against the city, showing the number, amount of each, and to whom said bonds were issued; and when any bonds are purchased, paid, or canceled;
- (10) in an annual report, describe particularly the bonds issued and sold during the year and the fiscal terms of the sale, including the expenses related thereto;
- (11) attend, as necessary, meetings of the city council;
- (12) implement financial policies and plans at the direction of the mayor and city council;
- (13) advise the mayor and city council on financial policy considerations and short- and long-range financial planning;
- (14) review and analyze financial methods and performance to find ways to increase effectiveness, improve results, or affect economies in financial activities;
- (15) analyze budget requests for compliance with appropriate rules, regulations, policies, procedures, budget, and capital improvement plan;
- (16) develop the annual budget amendment;

- (17) manage the city's investment portfolio;
- (18) establish and maintain an internal control structure designed to protect the city from loss of public funds due to fraud, error, or actions inconsistent with the requirements of the laws governing allowable public entity investments;
- (19) monitor the financial condition of the city and adherence to the budget;
- (20) ensure the city's budget, financial results, financial transactions, budget calendar, capital improvement plan, annual audit report, and audited financial statements are available to the public; and
- (21) perform such other duties as may be required by Idaho law, ordinances and resolutions of the city, and the city treasurer/chief financial officer job description.

(c) *Powers.* The city treasurer/chief financial officer shall have all powers granted by the laws of the State of Idaho.

(d) *Offices may be held by different persons.* In the discretion of the city council, the offices of city treasurer and chief financial officer may be held by different persons; provided, however, that nothing herein shall be construed as derogating from any of the powers or duties of the city treasurer imposed by the laws of the State of Idaho.

(e) *Deputy city treasurer—created.* There is hereby created the office of deputy city treasurer. The city treasurer/chief financial officer is hereby authorized to appoint one or more deputy city treasurers with the consent of the **mayor**. The deputy city treasurer shall have full authority to act in the place and stead of the city treasurer/chief financial officer in the event of the city treasurer/chief financial officer's absence and/or inability to perform the duties of the office.

Sec. 2-36. City Attorney

(a) *Creation.* There is hereby created the office of the city attorney.

(b) *Duties.* The city attorney shall:

- (1) provide the highest standard of legal ethics, accountability, and responsibility in representing the city;
- (2) advise the mayor and council, as the client, on all legal matters related to the needs of the city;
- (3) prepare all necessary ordinances and resolutions to facilitate the needs of the city;
- (4) attend meetings of the city council;

(5) prosecute, or contract for the prosecution of, violations of county or city ordinances, state traffic infractions, and state misdemeanors committed within the city's limits; and

(6) perform such other duties as may be required by Idaho law, ordinances and resolutions of the city, and the city attorney job description.

(c) *Powers.* Pursuant to Idaho Code § 50-208A, the city attorney may represent the city in all suits or proceedings in which the city is interested. The city attorney may also retain independent legal counsel and any additional legal services when necessary to further and protect the interests of the city. Additionally, the city attorney shall have all other powers granted by the laws of the State of Idaho.

(d) *Deputy city attorney—created.* There is hereby created the office of deputy city attorney. The city attorney is hereby authorized to appoint one or more deputy city attorneys with the consent of the **mayor**. The deputy city attorney shall have full authority to act in the place and stead of the city attorney in the event of the city attorney's absence and/or inability to perform the duties of the office.

Secs. 2-37 – 2-40. Reserved.

Article V. Advisory Boards and Commissions

Sec. 2-41. Advisory boards, commissions, and committees created.

(a) *Creation of city advisory boards, commissions, and committees.* There are hereby established and created the following permanent advisory boards, commissions and committees of the city of Lewiston (hereinafter referred to as “advisory boards and commissions”):

- (1) Cemetery/urban forestry advisory commission.
- (2) Code board of appeals.
- (3) Emergency medical services advisory board.
- (4) Historic preservation commission.
- (5) Library board of trustees.
- (6) Parks and recreation advisory commission.
- (7) Planning and zoning commission.
- (8) Disability advisory commission.
- (9) Public works advisory commission.
- (10) Audit committee.

(b) *Ad hoc committees.* The city council may form ad hoc committees at its discretion for the purpose of making recommendations to the city council on specific issues. Once an ad hoc committee's specific task(s) is completed, such ad hoc committee shall be dissolved. Unless otherwise provided by city resolution, members of ad hoc

committees shall be subject to the same rules and standards as members of advisory boards and commissions, as herein described.

(c) *Recommendations to city council.* In addition to fulfilling the duties set forth in section 2-49 of this article, all other advisory boards and commissions are charged with making recommendations to the city council on issues as may be provided by city resolution, elsewhere in this chapter or code, or Idaho Code. For the purposes of this section, the term “recommendation” shall mean to render an opinion to the city council concerning a decision or course of action. The city council shall not be required to accept or act on the recommendation of an advisory board or commission. The city council may assign additional duties to advisory boards or commissions as it deems necessary.

Sec. 2-42. Terms, appointment, membership, and vacancies.

(a) *Terms.* The terms of the members of the advisory boards and commissions enumerated in section 2-41(a) of this code shall be for three (3) years, except as provided below:

(1) The terms of the members of the planning and zoning commission and the emergency medical services advisory board shall be for four (4) years.

(2) The terms of the members of the library board of trustees shall be for five (5) years.

(b) *Appointment and removal.* All members of the advisory boards and commissions shall be appointed by the mayor with the consent of the city council and may in like manner be removed. City councilors’ spouses and members of their households shall not be appointed to serve on advisory boards or commissions of the city.

(c) *Membership.* Unless otherwise provided by law or elsewhere in this section or code, each advisory board and commission shall choose whether to have five (5), seven (7) or nine (9) members on each advisory board or commission. The public works advisory commission and audit committee shall each have five (5) members, two (2) of whom shall be city councilors. The public works advisory commission may have one (1) additional member who is a high school or college student with a related field of study or interest in public works, which student member shall be appointed by a majority of the public works advisory commission for a term decided by a majority of the public works advisory commission. Such student member may participate in public works advisory commission meetings, but shall not be a voting member or counted for purposes of determining a quorum.

(d) *Vacancies.* All vacancies of advisory boards or commissions will be advertised prior to the expiration of the term or upon receipt of a midterm resignation. Applications will be accepted by the city clerk until the established closing date. Late applications will not be considered. The city clerk will maintain all applications on file for consideration for future vacancies. A subcommittee, appointed by the mayor, shall review applications submitted for vacancies and may interview applicants if desired. After review of the applications and interviews, if desired, the subcommittee shall make a recommendation to the mayor for appointments to fill existing vacancies.

Sec. 2-43. Residency.

Unless otherwise provided by law, elsewhere in this code, or by city resolution, residency in the city of Lewiston is not a requirement for eligibility for membership on an advisory board or commission of the city.

Sec. 2-44. Chairperson, bylaws and compliance.

(a) *Chairperson.* Each advisory board and commission shall elect a chairperson to preside at all meetings.

(b) *Bylaws.* Each advisory board and commission shall adopt bylaws using the bylaws template approved by the city council within six (6) months of the city council's approval of such bylaws template; provided, however, that the library board of trustees shall not be required to adopt bylaws. Meeting times and locations shall be at the discretion of each advisory board or commission. Special meetings may be called as necessary.

(c) *Compliance with laws.* All advisory boards and commissions shall comply with the Idaho Open Meeting Law, as set forth in Idaho Code Title 74, Chapter 2; the Idaho Public Records Act, as set forth in Idaho Code Title 74, Chapter 1; other applicable federal and state laws; and the city's records retention schedule.

Sec. 2-45. Absenteeism.

Except for members of the library board of trustees, each member of an advisory board or commission shall not be absent from any three (3) consecutive advisory board or commission meetings without an excuse acceptable to such advisory board or commission, and shall attend at least seven (7) of the advisory board or commission's preceding twelve (12) regular meetings. In the event a member fails to attend advisory board or commission meetings as required, the advisory board or commission may vote to recommend removal of such member from the advisory board or commission to the mayor and city council.

Sec. 2-46. Compensation.

All members of advisory boards and commissions shall serve without compensation but may be reimbursed actual expense upon the prior approval of the **mayor**.

Sec. 2-47. Council and staff support.

(a) *Staff liaisons.* A city employee shall be designated to serve as a staff liaison for each advisory board and commission. The staff liaison shall be responsible for preparing agendas and minutes, complying with the Idaho Open Meetings Law notice requirements, and transmitting written recommendations from the advisory board or commission to the city council. Staff liaisons may participate in advisory board or commission meetings but shall not vote.

(b) *City council liaisons.* The mayor may appoint, with the consent of the city council, a member of the city council to serve as a council liaison to each advisory board or commission, except the planning and zoning commission. The council liaison may participate in advisory board or commission meetings but shall not vote.

Sec. 2-48. Periodic review of advisory boards and commissions.

At least once every four (4) years, each advisory board and commission shall conduct an internal review of its operations, as related to its powers and duties; provided, however, that the historic preservation commission, planning and zoning commission, code board of appeals, library board of trustees, and audit committee shall only be required to conduct such internal review upon request from the city council. Such review shall be forwarded to the city council for its consideration. Such review shall include, at a minimum:

- (1) Accomplishments and activities completed;
- (2) Activities and action plan for future;
- (3) Analysis of shared responsibilities with other advisory boards and commissions;
- (4) Analysis of activities that may be added to or omitted from such advisory board's or commission's powers and duties; and
- (5) Recommendations regarding continued existence of the advisory board or commission.

Sec. 2-49. Powers and duties.

(a) *Cemetery/urban forestry advisory commission.* The cemetery/urban forestry advisory commission shall have the following powers and duties:

- (1) Support and build awareness regarding the city of Lewiston's urban forestry goals.
- (2) Advise and make recommendations to the parks and recreation department and the city council on issues related to urban forestry and the Normal Hill Cemetery and Arboretum.
- (3) Serve as a sounding board for major projects or initiatives related to urban forestry or the Normal Hill Cemetery and Arboretum and make recommendations to the parks and recreation department and the city council on such projects or initiatives.
- (4) Advise and make recommendations to the parks and recreation department and the city council on the preservation and management of the city of Lewiston's urban tree canopy.
- (5) Promote public interest and development of the Normal Hill Cemetery and Arboretum and the city of Lewiston's urban tree canopy.
- (6) Advocate for and assist the city of Lewiston's urban forestry and Normal Hill Cemetery and Arboretum staff in achieving their work-related goals.
- (7) Assist the city of Lewiston's urban forestry staff in their efforts to involve and inform the citizens of the city of Lewiston on urban forestry issues through public education.

(b) *Code board of appeals.* The code board of appeals shall have the powers and duties set forth in section 10-2(10) of this code.

(c) *Emergency medical services advisory board.* The emergency medical services advisory board shall have the powers and duties set forth in section 7-6 of this code.

(d) *Historic preservation commission.* The historic preservation commission shall have the powers and duties set forth in Idaho Code Title 67, Chapter 46, as may be amended from time to time.

(e) *Library board of trustees.* The library board of trustees shall have the powers and duties set forth in Idaho Code Title 33, Chapter 26, as may be amended from time to time, and in section 20-2 of this code.

(f) *Parks and recreation advisory commission.* The parks and recreation advisory commission shall have the following powers and duties:

(1) Assist the parks and recreation department in its goal of providing recreation services and park facilities for the citizens of the city of Lewiston and surrounding areas.

(2) Assist the parks and recreation department in its efforts to achieve the stated goals of the parks and open space master plan.

(3) Advise and make recommendations to the parks and recreation department and the city council on issues or projects related to the city of Lewiston's parks.

(4) Advise and make recommendations to the parks and recreation department and the city council on what the parks and recreation advisory commission believes to be the best use of parks and recreation department funds that are generated through the exclusive use of shelter rentals throughout the city of Lewiston's park system.

(5) Make recommendations to the city council regarding requests to: (a) name or rename a city of Lewiston park, amenity, or facility; and (b) place memorials on city of Lewiston park property, all in accordance with the Lewiston parks and recreation facility naming and memorial placement policy.

(6) Assist the parks and recreation department and the city council in their efforts to involve and inform the citizens of the city of Lewiston about parks and recreation matters through public education, public meetings, and social media.

(7) Inform and advise the parks and recreation department and the city council when citizens bring forward areas of concern or ideas that affect the parks and recreation department or the city of Lewiston.

(g) *Planning and zoning commission.* The planning and zoning commission shall have the powers and duties set forth in Idaho Code Title 67, Chapter 65, as may be amended from time to time, and in sections 37-181 and 37-183 of this code.

(h) *Disability advisory commission.* The disability advisory commission shall have the following powers and duties:

(1) Advise and make recommendations to the city council and city staff on matters related to Title II of the Americans with Disabilities Act (ADA). Title II of the ADA specifically relates to city of Lewiston programs, activities, and services.

(2) Become familiar with Title II of the ADA and the status of existing city of Lewiston programs, services, and facilities related to the ADA.

(3) Consider concerns and/or issues brought before the disability advisory commission by citizens related to accessibility in the city or the ADA, as related to the city of Lewiston.

(4) Seek opportunities to discuss accessibility issues with citizens and become familiar with citizens' opinions on accessibility issues.

(5) Direct ADA complaints to the appropriate city of Lewiston staff.

(6) Develop relationships with organizations that serve individuals with disabilities, as defined by the ADA.

(7) Assist and actively engage in educational efforts and outreach activities related to Title II of the ADA that are led by the city of Lewiston or its partners.

(8) Develop a work plan that consists of goals and objectives for the disability advisory commission on an annual basis.

(i) *Public works advisory commission.* The public works advisory commission shall have the following powers and duties:

(1) Advise and make recommendations to the public works department and the city council on matters related to public works activities or infrastructure, which could include recommendations regarding potable water services, wastewater treatment and collection, industrial pretreatment, street maintenance and traffic control, sanitation, development, and engineering.

(2) Assist the public works department in reviewing and determining the feasibility of topics related to the public works department, which could include master plans, rate recommendations, and setting improvement priorities.

(3) Serve as a sounding board for the public works department and provide feedback and advice on certain public works agenda items that go before the city council for consideration. It is expected that the public works advisory commission will aid in the filtering and vetting of such items by providing knowledge and depth on the subject matter.

(j) *Audit committee.* The audit committee shall have the following powers and duties:

(1) Make recommendations to city of Lewiston staff and the city council regarding the selection of the city of Lewiston's external auditor.

- (2) Meet with the city of Lewiston’s external auditor prior to commencement of the audit.
- (3) Review and discuss with the city of Lewiston’s external auditor any risk assessment of the city of Lewiston’s fiscal operations.
- (4) Receive and review the draft annual audit report, including the city of Lewiston’s external auditor’s assessment of the city of Lewiston’s system of internal controls. Review accompanying draft management letter, if one exists.
- (5) Make a recommendation to the city council on whether to accept the annual audit report.

Sec. 2-50. Conducting business; consideration of city budget and resources.

(a) *Conducting business.* Each advisory board and commission established herein shall conduct business consistent with the powers, duties, responsibilities, mission, and/or purpose established in Idaho Code specific to such advisory board or commission, if applicable; as set forth in section 2-49 of this article specific to such advisory board or commission; and bylaws adopted by such advisory board or commission in accordance with section 2-44 of this article.

(b) *Consideration of city budget and resources.* In conducting its business, each advisory board and commission shall be considerate of city and departmental budget and staff resources and of priorities, goals, and objectives that have been established by the mayor, city council, and/or department directors. Where competition exists for city or departmental budget and/or staff resources between projects or initiatives of an advisory board or commission and priorities, goals, and objectives that have been established by the mayor, city council, and/or department directors, the decision to assign resources shall rest with the mayor and/or department directors.

Sec. 2-51. Use of city logo.

Members of advisory boards and commissions shall not use the city of Lewiston’s logo without prior permission from the mayor.

Sec. 2-52. Training requirement.

Members of advisory boards and commissions shall attend at least one (1) training related to the Idaho Open Meetings Law within six (6) months of such member’s initial appointment. Such training requirement may be satisfied by attending training either in person or online or by reviewing materials provided by the city attorney’s office.

Secs. 2-53 – 2-60. Reserved.

Article VI. City Capital Assets

Sec. 2-61. Building infrastructure reserve account and general fixed asset fund—created.

(a) *Building infrastructure reserve account.* There is hereby created within the general fund of the city a special account to be designated the building infrastructure reserve account from which the city council may make expenditures for constructing or

remodeling city-owned buildings and properties and on-site and off-site infrastructure needs for such buildings and properties.

(b) *General fixed asset fund.* There is hereby created a special fund to be designated the general fixed asset fund, which houses all general government capital expenditures and major capital assets of the city.

Sec. 2-62. Revenues and expenditures.

(a) *Revenues.* All revenues for the building infrastructure reserve account and the general fixed asset fund shall be at the discretion of the city council during the budget process.

(b) *Expenditures.* Expenditures from the building infrastructure reserve account and the general fixed asset fund shall be made with the express approval of the city council pursuant to annual budget appropriations or by majority vote of the city council.

Secs. 2-63 – 2-70. Reserved.

Article VII. Comprehensive Liability Plan

Sec. 2-71. Compliance with state law.

The city shall provide for a comprehensive liability plan to meet the risk of liability imposed by the Idaho Tort Claims Act.

Sec. 2-72. Risk management policy.

The city's policy with respect to the management of risk of accidental loss shall have as its objectives the following:

- (1) The protection of the city against the financial consequences of accidental losses that are catastrophic in nature.
- (2) The minimization of the total long-term cost to the city of activities related to the identification, prevention, and control of accidental losses.
- (3) The preservation of city assets and public service capabilities from loss, destruction, or depletion.
- (4) Creation of a system of internal procedures to provide a constant reassessment of the exposure to loss and available financial resources, including insurance.
- (5) The establishment, to the extent possible, of an exposure-free work and service environment in which city personnel and members of the public can enjoy safety and security in the course of their daily pursuits.
- (6) Providing for periodic reevaluation of the city's comprehensive liability plan.
- (7) Compliance with federal, state, and local laws, rules, and regulations affecting the city's handling of risk.

Sec. 2-73. Risk retention.

With regard to risks of accidental loss, it shall be the city's policy to self-insure all losses that occur with predictable frequency and that will not have a significant impact on the city's fiscal position. As a general guideline, the city will self-insure progressively upward to the extent that self-insurance is cost effective, does not endanger the city's fiscal stability, and the city's risk management capabilities are more fully developed and demonstrated.

Sec. 2-74. Administrator—designated.

The comprehensive liability plan shall be administered by the mayor or his or her designee.

Sec. 2-75. Responsibility for plan.

It shall be the responsibility of the administrator to provide for a comprehensive liability plan by the purchase of insurance, self-insurance, or no insurance in any combination. All premium costs or loss funds shall be costs of the comprehensive liability plan.

Sec. 2-76. Investigation of claims.

The administrator shall provide for a program of investigation of claims against the city and for claims handling by contract or in-house. Except as provided for by section 2-79 of this article, all costs associated with claims handling shall be costs of the comprehensive liability plan.

Sec. 2-77. Risk management program.

The administrator shall create a program of risk management and safety engineering involving all city employees. The administrator shall conduct training in risk management for all city employees. The comprehensive insurance plan shall fund training and travel costs for employees attending municipal risk management, loss control, or other municipal insurance programs.

Sec. 2-78. Defense of claims.

The administrator shall provide for the defense of all claims against the city. All costs incurred in defending claims against the city, including legal costs, costs of experts, costs for testing and experimentation, filing fees, discovery, copying, exhibit preparation, and mailing, shall be costs of the comprehensive liability plan. If legal counsel outside the city attorney's office is retained by the city to provide for a defense, the retained attorneys shall be supervised by the city attorney.

Sec. 2-79. Costs of plan.

The cost of the operation of a comprehensive liability plan shall not include salary or wage costs incurred by the city.

Secs. 2-80 – 2-90. Reserved.

Article VIII. City Fees and Special Taxes

Sec. 2-91. Purpose.

The purpose of this article is to establish how fees adopted by the city council and special taxes approved by voters are accounted for and allocated.

Sec. 2-92. Definitions.

(a) *Emergency*. An emergency situation is defined as any extraordinary physical or financial disaster; any emergency work required to prepare for a physical disaster; or any action required to safeguard the public health, safety, or welfare in the event of such an emergency.

(b) *Excess funds*. Excess funds are defined as fees or special taxes that are collected and exceed what is usual, proper, or necessary for the purpose for which a fee or special tax is created. Usual, proper, or necessary expenditures of funds shall include the establishment of reasonable reserves as recommended by the Governmental Accounting Standards Board (GASB).

Sec. 2-93. Policy.

Fees or special taxes shall be deposited into such funds as are designated by the city council, and their use shall be restricted to those funds except in the event of an emergency declared by a majority vote of the city council. Excess funds accumulated from fees and special taxes shall be refunded to those who paid such excess fees or special taxes.

Sec. 2-94. Prohibition on transfer of funds.

No elected or appointed city official or officer shall approve or issue any financial instrument that has the effect of transferring or loaning monies from one city fund to another except in the event of an emergency declared by a majority vote of the city council or if required by law.

Secs. 2-95 – 2-100. Reserved.

SECTION 3: Lewiston City Code Chapter 44 is hereby enacted as follows:

Chapter 44 Business Improvement Districts

Sec. 44-1. Declaration of Policy.

Chapter 26, Title 50, Idaho Code, grants to cities the authority to create business improvement districts within the corporate boundaries of the city. Final authority for the creation of a business improvement district rests with the city council, therefore, the city council adopts the following regulations to assist the city in the verification of petitions submitted pursuant to state law.

Sec. 44-2. Contents of petition.

(a) In order for a business improvement district petition to receive city council consideration, the petition's format must be approved by the city clerk and contain the following elements required by Idaho Code:

- (1) A description of the boundaries of the proposed district;
 - (2) The proposed uses and projects to which the proposed special assessment revenues shall be put and the total estimated cost thereof;
 - (3) The estimated rate of levy of special assessment with a proposed breakdown by class of business if such classification is to be used.
- (b) The initiating petition shall also contain the signatures of the persons who operate businesses in the proposed district that would pay fifty percent (50%) or more of the proposed special assessments.
- (c) In addition, each page of the petition shall be consecutively numbered in order to confirm the signatory for the business owner/ operator.

Sec. 44-3. Data sheet.

Anyone wishing to submit a business improvement district petition for consideration by the city council shall submit a business improvement district data sheet (BIDDS) to the city clerk for approval of format prior to obtaining signatures. All businesses located within the proposed district must be listed alphabetically by business name on the BIDDS. The BIDDS shall contain the following data for each business:

- (1) Business name;
- (2) Business address;
- (3) Business owner or operator;
- (4) Contact person;
- (5) Business telephone;
- (6) Method of assessment;
- (7) Proposed assessment;
- (8) Date business signed petition;
- (9) Page number of petition on which business signatory appears.

Sec. 44-4. Time limit for submitting petition.

After approval of the format of the petition and BIDDS, the petitioner shall have one hundred twenty (120) days to obtain the necessary signatures and to submit the petition to the city clerk for validation. The date the petition is submitted to the city clerk will constitute the deadline for determining businesses currently operating with the boundaries of the proposed district.

Sec. 44-5. Validation of petition by city clerk.

- (a) The city clerk shall have thirty (30) days to validate the petition or determine that the petition is invalid.
- (b) Information submitted will be verified by information contained on city business

licenses. If the business is not licensed, the city clerk will attempt to contact the business owner/operator or designated contact person to validate information.

(c) If the petition is determined to be invalid, the petitioner shall be notified immediately in writing. The petitioner shall have an additional fifteen (15) days in which to obtain sufficient signatures to file a valid petition.

Sec. 44-6. Restriction on submission of new petition.

If the petitioner is unsuccessful in obtaining a valid petition, the city council will not consider another petition concerning the identical business improvement district for a minimum of six (6) months.

SECTION 4: Section 13-25 (Mayoral elections) of the Lewiston City Code is hereby repealed in its entirety.

SECTION 5: Sections 7-6(b), 19.5-4, 26-2, 26-42, and 37-181 of the Lewiston City Code are hereby amended as follows to update cross-citations:

Sec. 7-6. Advisory board.

...

(b) The EMSAB shall be comprised of seven (7) members. EMSAB members shall be appointed to four (4) year terms as provided in section ~~2-42(a)181~~ of this code; however, initial appointments shall be made with four (4) members receiving four (4) year terms and three (3) members receiving two (2) year terms. Members shall serve at the pleasure of the city council. One member shall represent the Lewiston fire department. One member shall represent each medical transport service provider operating in the city. One member shall represent St. Joseph Regional Medical Center. One member shall represent the private health care sector. One member shall represent the extended care facility industry. The remaining members shall be from the general public and unaffiliated with the medical care industry. The EMSAB shall meet at least once a year and as necessary throughout the year. Staff support to the EMSAB shall be provided by the administration of the Lewiston fire department.

Sec. 19.5-4. General definitions.

As used in this chapter:

...

Commission shall mean the historic preservation commission created pursuant to section ~~2-41(a)180(a)~~ of this code and Idaho Code, Section 67-4608, as may be

amended from time to time.

...

Sec. 26-2. Parks and recreation advisory commission.

Pursuant to section 2-41(a)~~180~~ of this code there is established and created a commission to be known as the parks and recreation advisory commission. The parks and recreation advisory commission shall have the powers and duties as provided for in sections 2-49(d) ~~2-180 through 2-186~~ of this code.

Sec. 26-42. Urban forestry advisory commission.

Pursuant to 2-41(a)~~180~~ of this code there is established and created a commission to be known as the urban forestry advisory commission. The urban forestry advisory commission shall have the powers and duties as provided for in sections 2-49(d) ~~2-180 through 2-186~~ of this code.

SECTION 6: The following sections of the Lewiston City Code are hereby amended as follows:

Sec. 4-1. Definitions.

...

Control officer: The mayor ~~city manager~~ of the city of Lewiston, Idaho, or his or her designated representative.

...

Sec. 7-12. Emergency waiver.

In the event of a major disaster or major incident requiring the response and use of mutual aid resources from outside the city, the mayor ~~city manager~~ may temporarily waive the requirement to possess a certificate of compliance to provide emergency and nonemergency ambulance services.

Sec. 8-12. Wild or dangerous animals.

...

(c) *Appeal to ~~the mayor~~ city manager.* The animal's owner may appeal the support services commander's declaration of dangerous animal to the ~~city manager~~ mayor by filing a written notice of appeal with the city clerk within five (5) calendar days from the date of receipt of the support services commander's written declaration. The notice of appeal shall specify the grounds for appeal. If an appeal is not filed within five (5) calendar days from the date of receipt of the support services commander's written declaration, then the support services commander's declaration shall be final.

The ~~city manager~~ mayor shall hold a hearing on the appeal within seven (7) calendar days of receipt of the notice of appeal. The appellant shall have the right to be

represented by legal counsel at the hearing and rebut any evidence that is submitted. The formal rules of evidence shall not apply. The ~~city manager's~~ mayor's review of the support services commander's declaration shall be de novo.

The ~~city manager~~ mayor may affirm or reverse the support services commander's declaration. The ~~city manager~~ mayor shall issue a written decision within seven (7) calendar days after the hearing, and such decision shall be final. Such written decision shall be served on the animal's owner and deemed received in the same manner provided by subsection (b) of this section, and such written decision shall include the following information:

- (1) The facts supporting the ~~city manager's~~ mayor's decision;
- (2) The date of the ~~city manager's~~ mayor's decision;
- (3) If the ~~city manager's~~ mayor's decision is to affirm the support services commander's declaration of dangerous animal: (a) notice that, within fourteen (14) calendar days following receipt of the ~~city manager's~~ mayor's decision, the dangerous animal must be removed from the city of Lewiston limits, pursuant to subsection (e) of this section; and (b) notice of the penalties for failing to do so, as described in subsection (f) of this section.

...

Sec. 8-23. License required.

The keeping of any dog within the city is hereby forbidden and unlawful, unless the owner, custodian, keeper or person harboring the dog shall procure a license from the city for such dog. The license shall be obtained from any person authorized by the ~~mayor city manager~~ mayor to act as an agent for the city for the sale and distribution of dog licenses. This provision shall not apply to a dog under six (6) months of age; nor shall it apply to a nonresident keeping a dog within the city for no longer than sixty (60) days; nor shall it apply to the keeping of any dog within a properly licensed kennel, as provided for in section 8-34 of this article. In any prosecution for a violation of this section, the absence of a tag to be appended to a dog, as provided in section 8-27 of this article, excluding dogs used in law enforcement, shall be prima facie evidence that the dog has not been legally licensed. No prosecution for a violation of this section shall be commenced prior to March 1st of any calendar year. Whenever any person, after applying for and receiving a city dog license, shall move from the address named in such application, such person shall, within ten (10) days thereafter, notify the deputy treasurer of the city in writing of such address change.

Sec. 8-45. Vicious dogs.

...

(d) *Appeal to the mayor ~~city manager~~.* The dog's owner may appeal the support services commander's declaration of vicious dog to the ~~city manager~~ mayor by filing a written notice of appeal with the city clerk within five (5) calendar days from the date of receipt of the support services commander's written declaration. The notice of appeal shall

specify the grounds for appeal. If an appeal is not filed within five (5) calendar days from the date of receipt of the support services commander's written declaration, then the support services commander's declaration shall be final.

The ~~city manager~~ mayor shall hold a hearing on the appeal within seven (7) calendar days of receipt of the notice of appeal. The appellant shall have the right to be represented by legal counsel at the hearing and rebut any evidence that is submitted. The formal rules of evidence shall not apply. The ~~city manager's~~ mayor's review of the support services commander's declaration shall be de novo.

The ~~city manager~~ mayor may affirm or reverse the support services commander's declaration. The ~~city manager~~ mayor shall issue a written decision within seven (7) calendar days after the hearing, and such decision shall be final. Such written decision shall be served on the dog's owner and deemed received in the same manner provided by subsection (c) of this section, and such written decision shall include the following information:

- (1) The facts supporting the ~~city manager's~~ mayor's decision;
- (2) The date of the ~~city manager's~~ mayor's decision;
- (3) If the ~~city manager's~~ mayor's decision is to affirm the support services commander's declaration of vicious dog: (a) notice that, within fourteen (14) calendar days following receipt of the ~~city manager's~~ mayor's decision, the vicious dog must be removed from the city of Lewiston limits, pursuant to subsection (f) of this section; and (b) notice of the penalties for failing to do so, as described in subsection (g) of this section.

...

Sec. 12-1. Definitions.

...

(2) *Director* means the mayor ~~city manager~~, who shall be the director of civil defense of the city.

...

Sec. 12-17. Definitions.

As used in this article, the following terms shall have the meanings set forth below:

(1) *Director* means the mayor ~~city manager~~, who shall be the director of civil defense of the city.

Sec. 15-1. International Fire Code adopted; filed copies; enforcement by fire marshal; violation.

...

(c) The International Fire Code shall be enforced by the fire marshal under the direction of the fire chief. The fire marshal shall be appointed by the fire chief with the consent of the mayor ~~city manager~~. The fire marshal shall be the chief of the division of fire prevention. The fire marshal shall investigate and recommend to the fire chief and the mayor ~~city manager~~ such additional ordinances or amendments to the International Fire Code as he/she may deem necessary for safeguarding life and property against fire and explosion. He/she may use discretion to order any violation to be abated: (1) immediately; (2) within twenty-four (24) hours; or (3) within another appropriate timeframe, as based on the urgency of the violation. The fire marshal, his/her assistant, or any member of the fire department may, at all reasonable hours, enter any building or premises within his/her jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this section, he/she deems necessary.

...

Sec. 21-8. License denial of renewal, license suspension, and license revocation.

...

(f) *Notice of appeal.* A decision made by the business licensing coordinator under this section may be appealed to the community development director in accordance with section 21-9 of this chapter. A decision made by the community development director under this section may be appealed to the mayor ~~city manager~~ in accordance with section 21-9 of this chapter. The mayor's ~~city manager's~~ decision may be appealed to the city council in accordance with section 21-9 of this chapter.

...

Sec. 21-9. License decision appeal process.

...

(2) *Appeal to the mayor ~~city manager~~.*

a. An applicant, licensee, or person aggrieved by a written decision of the community development director regarding an initial appeal or the revocation or suspension of a license may appeal such decision to the mayor ~~city manager~~ by filing a written notice of appeal, along with the appeal fee, as set by resolution of the city council, with the mayor ~~city manager~~ within ten (10) calendar days of such written decision. The notice of appeal shall specify the grounds for appeal, which shall be based on the grounds for denial set forth in section 21-4(b) of this article or the grounds for denial of renewal, revocation, or suspension set forth in section 21-8(a) of this article, as applicable, and explain why the appellant believes the

community development director's decision was incorrect based upon such grounds.

If an appeal is not filed within ten (10) calendar days of the community development director's written decision, then the community development director's written decision shall be final.

b. The mayor ~~city manager~~ shall hold a hearing on the appeal within ten (10) calendar days of receipt of the notice of appeal. The appellant shall have the right to be represented by legal counsel at the hearing and rebut any evidence that is submitted. In the event the appellant is someone other than an applicant or licensee, the affected applicant or licensee shall be notified of such hearing and shall have the right to be represented by legal counsel at the hearing and rebut any evidence that is submitted. The formal rules of evidence shall not apply during the hearing. The mayor's ~~city manager's~~ review of the community development director's decision shall be de novo.

c. The mayor ~~city manager~~ shall issue a written decision within ten (10) calendar days after the hearing. The mayor ~~city manager~~ may affirm, reverse, or modify the community development director's decision. Such decision may include conditions that the mayor ~~city manager~~ deems necessary to protect the public health, safety, or welfare. If the decision is to issue or reinstate a license, then the license shall be issued or reinstated, upon receipt of the applicable fee(s), on the next business day.

(3) *Final appeal to the city council.*

a. An applicant, licensee, or person aggrieved by a written decision of the mayor ~~city manager~~ made pursuant to subsection (2)(c) of this section may appeal such decision to the city council by filing a written notice of appeal with the city clerk within ten (10) calendar days of such written decision. The notice of appeal shall specify the grounds for appeal, which shall be based on the grounds for denial set forth in section 21-4(b) of this article or the grounds for denial of renewal, revocation, or suspension set forth in section 21-8(a) of this article, as applicable, and explain why the appellant believes the mayor's ~~city manager's~~ decision was incorrect based upon such grounds.

If an appeal is not filed within ten (10) calendar days of the mayor's ~~city manager's~~ written decision, then the mayor's ~~city manager's~~ written decision shall be final.

b. The city council may either: (1) refuse to accept jurisdiction of the appeal, in which case the mayor's ~~city manager's~~ decision shall be final; or (2) hold a hearing on the appeal within forty-five (45) calendar days of receipt of the notice of appeal.

If the city council holds a hearing on the appeal, then notice of such hearing shall be published at least once in a newspaper of general circulation in the city at least fifteen (15) days prior to the hearing. In the event the appellant is someone other than an applicant or licensee, the affected applicant or licensee shall be notified of such hearing and shall have the right to be represented by legal counsel at the hearing and rebut any evidence that is submitted. The appellant shall also have the right to be represented by legal counsel at the hearing and rebut any evidence that

is submitted. The formal rules of evidence shall not apply during the hearing. The city council's review of the mayor's ~~city manager's~~ decision shall be de novo.

c. If the city council holds a hearing on the appeal, then the city council shall issue a written decision within twenty (20) calendar days after the hearing, and such decision shall be final. The city council may affirm, reverse, or modify the mayor's ~~city manager's~~ decision. Such decision may include conditions that the city council deems necessary to protect the public health, safety, or welfare. If the decision is to issue or reinstate a license, then the license shall be issued or reinstated, upon receipt of the applicable fee(s), on the next business day.

...

Sec. 31-10. Appeals.

...

(c) *Notice of appeal.* A person aggrieved by a written order or decision of the department or director pursuant to this chapter may appeal such written order or decision to the mayor ~~city manager~~. Written notice of the appeal shall be filed with the appeal fee, set by resolution of the city council, paid to the city clerk within fifteen (15) calendar days from the date of the receipt of the written order or decision. The notice of appeal shall specify the grounds for appeal. If an appeal is not filed within fifteen (15) calendar days of receipt of the department or director's written order or decision, then the order or decision of the department or director shall be final.

(d) *Appeal hearing.* The mayor ~~city manager~~ shall hold a hearing on the appeal within ten (10) calendar days of receipt of the notice of appeal. The appellant shall have the right to be represented by legal counsel at the hearing and rebut any evidence that is submitted. The formal rules of evidence shall not apply. The mayor's ~~city manager's~~ review of the department or director's order or decision shall be de novo. The mayor ~~city manager~~ may affirm, reverse, or modify the order or decision of the department or director. The mayor ~~city manager~~ shall issue a written decision within seven (7) calendar days after the hearing, and such decision shall be final.

...

Sec. 31-132. Alternative use permits.

...

(j) *Appeal.* The public works director's decision regarding an application for an alternative use permit may be appealed to the mayor ~~city manager~~ by the applicant or any property owner entitled to notice by mail pursuant to this section on a form provided by the city. Written notice of the appeal shall be filed with the appeal fee, set by resolution of the city council, and paid to the city clerk within fifteen (15) calendar

days from the date of the public works director's written decision. The notice of appeal shall specify the grounds for appeal.

The ~~mayor city manager~~ shall hold a hearing on the appeal within ten (10) calendar days of receipt of the notice of appeal. The applicant shall have the right to be represented by legal counsel at the hearing and rebut any evidence that might be submitted. The formal rules of evidence shall not apply during the hearing. The ~~mayor's city manager's~~ review of the public works director's decision shall be de novo. The ~~mayor city manager~~ shall issue a written decision within seven (7) calendar days after the hearing, and such decision shall be final.

Sec. 35-185. Officials to be notified.

Upon the issuance of a public assembly permit, the public works director shall send a copy thereof to the chief of police, fire chief, community development director, ~~mayor city manager~~, and other persons or city staff, as appropriate.

Sec. 35-191. Appeals.

(a) An applicant for a public assembly permit shall have the right to appeal the public works director's conditional approval or denial of a public assembly permit to the ~~mayor city manager~~ within forty-eight (48) hours after receipt of the notice of denial or conditional approval. An applicant must file a written notice of appeal with the city clerk setting forth the specific bases of appeal. The ~~mayor city manager~~ may hold a hearing on the appeal or issue a decision without holding a hearing based on the application materials submitted; comments from city staff including, but not limited to, the chief of police, fire chief, and community development director; the written decision of the public works director; and the notice of appeal. The ~~mayor city manager~~ shall issue a decision prior to the planned date and time of the public assembly and, in any event, within seven (7) business days from the date the notice of appeal is filed with the city clerk. The ~~mayor's city manager's~~ decision shall be final and binding.

(b) A permittee who has been issued a public assembly permit, which public assembly permit has been revoked pursuant to section 35-188 of this code, shall have the right to appeal such revocation to the ~~mayor city manager~~ within forty-eight (48) hours after receipt of written notice of revocation. An applicant must file a written notice of appeal with the city clerk setting forth the specific bases of appeal. The ~~mayor city manager~~ may hold a hearing on the appeal or issue a decision without holding a hearing based on the application materials submitted; comments from city staff including, but not limited to, the chief of police, fire chief, and community development director; the written decision of the public works director to issue the public assembly permit; the written notice of revocation; the evidence relied upon in deciding to revoke the public assembly permit; and the notice of appeal. The ~~mayor city manager~~ shall issue a decision prior to the planned date and time of the public assembly and, in any event, within seven (7) business days from the date the notice of appeal is filed with the city clerk. The ~~mayor's city manager's~~ decision shall be final and binding.

Sec. 35-209. Officials to be notified.

Upon the issuance of a permit for a parade, the public works director shall send a copy thereof to the chief of police, fire chief, community development director, ~~mayor city~~

~~manager~~, and other persons or city staff, as appropriate.

Sec. 35-216. Appeals.

(a) An applicant for a parade permit shall have the right to appeal the public works director's conditional approval or denial of a permit to the ~~mayor city manager~~ within forty-eight (48) hours after receipt of the notice of denial or conditional approval. An applicant must file a written notice of appeal with the city clerk setting forth the specific bases of appeal. The ~~mayor city manager~~ may hold a hearing on the appeal or issue a decision without holding a hearing based on the application materials submitted; comments from city staff including, but not limited to, the chief of police, fire chief, and community development director; the written decision of the public works director; and the notice of appeal. The ~~mayor city manager~~ shall issue a decision prior to the planned date and time of the parade and, in any event, within seven (7) business days from the date the notice of appeal is filed with the city clerk. The ~~mayor's city manager's~~ decision shall be final and binding.

(b) A permittee who has been issued a parade permit, which permit has been revoked pursuant to section 35-212 of this code, shall have the right to appeal such revocation to the ~~mayor city manager~~ within forty-eight (48) hours after receipt of written notice of revocation. An applicant must file a written notice of appeal with the city clerk setting forth the specific bases of appeal. The ~~mayor city manager~~ may hold a hearing on the appeal or issue a decision without holding a hearing based on the application materials submitted; comments from city staff including, but not limited to, the chief of police, fire chief, and community development director; the written decision of the public works director to issue the permit; the written notice of revocation; the evidence relied upon in deciding to revoke the permit; and the notice of appeal. The ~~mayor city manager~~ shall issue a decision prior to the planned date and time of the parade and, in any event, within seven (7) business days from the date the notice of appeal is filed with the city clerk. The ~~mayor's city manager's~~ decision shall be final and binding.

Sec. 36-58. Domestic water conservation.

...

(b) The ~~mayor city manager~~ in consultation with the public works director is hereby authorized and directed to formulate in writing rules and regulations for the conservation of domestic water within the city of Lewiston, including, but not limited to, the limitation of use of water for lawn, garden, and other irrigation purposes. Such rules and regulations, when approved by the city council, shall have the full force and effect of law. Copies of such rules and regulations shall be kept at the office of the public works director and the city clerk and shall be available for inspection by the public during normal business hours. In addition, such rules and regulations, when promulgated and approved by the city council, shall be published not less than once in the local paper. Such rules and regulations may, from time to time, be amended by the city council, and any such amendment shall likewise be available for public inspection and published in the local paper.

(c) The water division shall provide such inspection and enforcement services and

procedures as the mayor city manager may direct.

(d) Two (2) or more willful violations of any rules or regulations so promulgated shall constitute grounds for discontinuing water service to the premises of the person or persons so violating such rules and regulations, in which event the service shall not be reconnected until ordered by the mayor city manager. No service shall be disconnected except upon order of the mayor city manager after written notice to the owner of the premises concerned.

...

Sec. 36-103. Septic tanks, cesspools, etc., prohibited; exception.

...

(b) Should the legal description of any property which encompasses more than the minimum lot size provided above, including public right-of-way, but less than the minimum lot size when the right-of-way is excluded, the owner of real property may request a variance from the above requirement by submitting an application to the mayor city manager. The application shall be reviewed by a committee comprised of the city's public works department, the wastewater district wherein the real property is located, the North Central District Health Department and the State of Idaho Department of Environmental Quality. The committee shall make a recommendation to the mayor city manager, who shall grant or deny the application.

Sec. 36-107. City to make connection when owner fails to do so.

In the event the building wastewater line and connection required by the preceding section are not made within the time provided for following the notice, the public works director shall authorize the connection to be made and file a statement of the cost thereof with the city clerk.

A warrant shall be issued under the direction of the mayor city manager against the wastewater fund for the payment of such cost. Such amount, together with penalty and interest as established by city council, shall be assessed against the property upon which such building wastewater line and connection has not been placed as required and shall become a lien on that property as provided by this article. Such total amount, when collected, shall be paid into the wastewater fund.

Sec. 36-116. No-fault wastewater back-up property protection.

...

(8) The mayor city manager, or his/her designee, may establish regulations sufficient to provide for the handling of such claims and disbursement of those funds which are set aside for payment of claims under this section.

...

(10) Applications for reimbursement received by the city clerk shall be referred to the

department of public works for investigation and recommendation. The department's report shall be forwarded to the mayor city manager for determination of whether the incident meets the criteria of this section.

...

Sec. 36.5-20. Appeals.

Upon written request by the customer, a hearing concerning computation of the amount owed and/or whether the service should be terminated shall be held before the mayor city manager. Service shall not be discontinued before the hearing has been conducted, unless service was disconnected before the hearing was requested. If the mayor city manager finds that the computation was in error, the mayor city manager shall adjust the amount of the service charge. If the mayor city manager finds that the computation was correct, the mayor city manager shall determine the service charges to be correct and shall set a date for payment. If the mayor city manager determines that the amount owed on the account has not been paid by the time set after the hearing, then the mayor city manager shall set a date for termination of service. The decision of the mayor city manager is final. If the person requesting the hearing does not appear at the scheduled hearing, the mayor city manager shall enter an order declaring the service charges to be correct and when due and/or when the service shall be terminated if unpaid.

In cases where the customer is unable to pay the bill because of short-term problems or an emergency, the mayor city manager or his/her representative shall have the discretion to renew or continue service to a delinquent account upon receipt of an acceptable plan for payment of past due amount.

Sec. 36.5-29. Utility assistance program.

...

(g) *Appeal.* A decision by the city's utility billing division regarding approval for, cancellation of, or disqualification from the utility assistance program may be appealed to the mayor city manager within two (2) weeks after the date of notice of denial, cancellation, or disqualification. A customer must file a written notice of appeal with the city clerk setting forth the specific bases of appeal. The mayor city manager may hold a hearing on the appeal or issue a decision without holding a hearing based on the application materials, the written decision of the city's utility billing division, evidence of whether the applicant is or is not qualified for the utility assistance program, and the written notice of appeal. The mayor city manager shall issue a decision within seven (7) business days from the date the notice of appeal is filed with the city clerk. The mayor's city manager's decision shall be final and binding.

...

SECTION 7: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of January 2022.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Kari J. Ravencroft, City Clerk