

**MINUTES  
PAYETTE CITY COUNCIL  
Work Session  
March 9, 2016**

**4:30 PM – Work Session**

A work session of the Payette City Council was called to order at 4:30 PM by Mayor Jeff Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

**ROLL CALL**

Members Present: Mayor Williams, Ray Wickersham, Lee Nelson, Nancy Dale, Craig Jensen, Alan Massey and Kathy Dodson

Members Absent: None

Staff Present: Mary Cordova, City Clerk; Randy Fales, Park Superintendent; Jake Hust, Water Superintendent; Jamie Couch, Street Superintendent; Jack McElravy, Parks Department; Mark Clark, Chief of Police; and Bobbie Black, Deputy City Clerk.

**AGENDA ITEMS**

**Training for Council Members and Mayor on roles and responsibilities.**

Mayor Williams introduced Jerry Mason, an attorney for AIC who conducted the training. His presentation was on understanding roles & responsibilities of City Officials. He asked each Councilor to introduce themselves, and how long they have been on City Council. Mr. Mason told the Council information about himself. He stated one of the things they tackle each year is educating Council members and Mayors. He talked about branches of government, legislative, executive and quasi-judicial. Payette is a Mayor-Council form of government. The Council also performs quasi-judicial functions. The whole point of the system is there is some tension, it is built in. Tension between branches is intentional; some duties are clearly assigned to one branch, and other duties are meant to be shared. Accountability is essential to inform voters, without losing the relationship of the stability to make it work. When the law says to do it that way, you do it that way. There is a reason behind all of these. The responsibilities have to be fulfilled in accordance with the law. We all know that individual people make a difference.

Mason discussed Mayoral powers & responsibilities. State statute says the Mayor appoints a City Clerk, City Treasurer and City Attorney; more positions can be created by ordinance. The Mayor presides over City Council meetings, but is not a member of the body. The Mayor is the one that makes the call on enforcing the local ordinances and tasks he might ask of the departments. The Council does not have that authority, but can control through budget allocations. The Mayor can request documents or reports from appointed officers; and may break tie votes of Council and veto ordinances – veto subject to override by majority of full Council. Mayor can delegate these responsibilities to anyone. Tie vote works on all, except on an appointment, then it is half plus one.

The Legislative branch; the council powers & responsibilities: Pass laws and policies that must not conflict with state or federal law or constitutional provisions; approves budget & property tax levy; approves payment of city bills and receives reports & examines fiscal accounts – oversight

responsibility. Mason talked about user's fees. Statute is clear on what it says about approving; most cities process claims which are presented before Council and authorized to pay. Council determines if it is a legitimate charge against the City. Council should receive a monthly report from finance officer; quarterly report is published, and have the ability to oversee if departments are working properly. Authority of individual council members: the Council sets policy for the City and exercises its authority as a single body, operating in public meetings preceded by a posted notice & agenda. Councilors have authority when acting at public meetings – not otherwise. Some cities appoint Council members to serve as liaisons to City Departments to improve communication and an individual council member has no legal authority to supervise, discipline or fire City employees – even if a Mayor consents. If the Council wants something it should be a request of the entire Council, not one individual Council person. Gather information & diverse perspectives from citizens, business owners, interest groups; bring together people with the most desirable combination of education & expertise; Council members can develop knowledge & expertise on a particular area of City operations; constituent concerns can be placated by forming a committee to study & make recommendations on an issue. Mr. Mason asked about Admin & Finance Committee and stated that was unusual to have public members on the committee. Dale asked about attending Admin & Finance Committee since it has a posted agenda. Dale stated she is trying to understand the role that she is supposed to be doing. Committees make recommendation to City Council. Mason stated one of his observations on having committees is you have citizens that you have to teach how government works. He is a fan of being a unified Council, but does not recommend having sub-committees. He wouldn't recommend Council members attending the committee meetings if not on committee. He can see how having the committees is a challenge, and creates a heavy workload on staff. He has never run into a City that has so many committees, and has citizen members. His first impression is that it causes him concern. Jensen stated he always feels administration is bringing employee policies and things that have a financial impact and being expected to make a decision. Mason explained that the overhead that you have with all the committees is putting a lot on the staff's plate. Jensen asked about issues that went to committee and was tabled; he asked when and does it come back to Council. Mr. Mason asked if this gets as much exposure to the public. Dale stated it seems if didn't have committees you might have more input during Council meetings. Mr. Mason stated this is a very labor intense process for a very small community.

Dale asked about the library liaison, and it really has gotten muddy. We have a Library Board of trustees who were unaware of library law and there were things that they were not addressing that the City had to address. They are trying to be responsible for things that the City has been doing, that they are now wanting to take control of. Mr. Mason stated as a general rule Councils should not have to worry about libraries. Council members shouldn't have to deal with a lot of issues regarding the library. They should try to strive for independence and funds are in the City Treasurer's control and Treasurer is responsible for that. The Council is kept out of it for first amendment reasons. Generally, it is not an issue. The liaison discusses with Mayor to get problem resolved. Mayor Williams stated he is working on getting that accomplished through Administration. Mr. Mason stated the Mayor has chain of command, and with committees it can comprise that authority. Mayor Williams talked about engaging committees, and that is part of reason why we are here. He wanted to form committee when elected, but it is a training ground.

It is building better leaders he feels. Mason suggested that maybe it is time to make changes. Mayor Williams stated he has heard from the Council that he needs to take more responsibility. We are here tonight because we are not functioning as good as we could be. Nelson asked about library budget and they are close to their levy, and said we aren't funding due to going over levy. Mason stated it is ultimately the Council's call. Dale stated adjustments were made and not taken back to the board. Another tension with library to keep Council at arm's length on how they are spending money allocated to them.

Massey asked about Council members acting as individuals. He has had citizens call him to call department heads to ask for something to be done. Mason stated that in that situation, Massey should call the Mayor or have the citizen call the Mayor. Legally it is the Mayor that oversees the employees. Massey asked about gathering information from the department heads. Mason explained it is not a problem if it goes through the Mayor, but the better thing to do is to ask department head to come to a Council meeting and explain to entire Council. Everyone should be in communication with entire Council, you are serving everyone. There are always open meeting law obligations; the more you can do on the record the better you are. People make the difference, have different opinions, but work together to come to a decision.

Jensen asked about citizens coming to him asking for help, and Mason replied that you need to go through the Mayor. It is not the City Council's authority to fix problems. If there is a problem with Mayor, get a new mayor at next election. Don't become the Mayor and try to fix it. Don't be offended when someone says we can do this better. Dodson stated we have been lied to about when we can have an executive session. Mr. Mason stated you can have an executive session on numerous items. Dale asked about her role as a council member; is it primarily financial. Dale asked about clarity on receiving reports. Mason stated you get information as a whole Council, not as an individual. Mason said anytime a Council person asks to place something on the agenda, it has to be prepared, it can be placed on agenda if it has documentation to go with it. You can bring it up if Mayor doesn't want on agenda at Council meeting and it can be placed on next agenda. When taking steps to resolve the issues on your own as a Council member, remember that it should be done with entire Council. Dale state the Library is her concern about funding. They asked the auditor to come to their meeting and the Mayor stopped him from coming. She stated the library board is not getting reports, especially payroll reports on employees and not getting training. They should be able to go to staff but can't, because there is no trust. Mason stated in his world he would include Dale in meeting with Library Board.

Dale asked about executive session item (d) To consider records that are exempt from disclosure as provided in. Mason stated you could use "D" as disciplinary action. Dale asked if staff can give us the action plan on individual records, Mason replied no. He did not know of any reason why a Council should be in any employee's personnel file. Mason discussed about appointed officers, if mayor thinks appointee is appointment last until appointment is removed. Mason explained that elected officials come and go, but running the City and all tasks involved continue to go on. Some have appointment for years, but one thing that can happen is the appointment can be expired for several days. If appointee has to live on the edge of being appointed every two years, that is not very productive. He stated they could be just fulfilling their duties as asked. Massey asked if there is a statute that says appointment has to be made

before a certain time, Mason stated no, except for if the position is vacant, it must be filled in ten days. The appointment is perpetual until removed. Massey stated if code states the new Mayor has to appoint and he doesn't. Mr. Mason replied that he would question if the Council has the right to tell the Mayor when he needs to appoint, if at all. If Council has consensus they can remove appointed officials. Mason stated the appointment just continues; you are married until you are divorced.

Responsibilities of City Clerk, keeper of city records; master of elections; responsible meeting agendas and minutes (of all committee and commissions); issuer of license and permits and often shapes day to day impression of city. Mason discussed what should be included in minutes; who was there, motion and approval of items and general discussion. Mason talked about expediting licenses, why go before City Council, and might want to evaluate. The Council can set the standards and staff can implement the procedure. If waiving fees for everyone, why are you charging fees on anyone. Responsibilities of City Treasurer: Custodian of city revenues, oversees investments, monthly account of city finances to Council; prepares quarterly financial report, published as a legal notice in the official newspaper; assists with financial audit; administers bonds & local improvement districts. Mason recommended that the Council can meet with auditor in executive session for report without City Treasurer. Responsibilities of City Attorney: legal advisor to the City; represents City in court; draft & review ordinances, resolutions & legal notices; cities may contract for prosecution of ordinance violations. The Bottom Line: respect the duties of all City officials; discuss avenues to report misconduct – have a plan and a route to accountability; act with good will toward even those with whom you don't agree; recognize that tension between branches is intentional and practice the golden rule.

Mayor stated it should not be a practice for committees to direct staff to act, such as the request to gather information on bike lanes. Mason said it should go to Mayor for discussion to be placed on website. Massey stated staff was involved in the meeting and was told Matea would be the one to go to. Jensen asked what authority do we have on a committee, Mason stated none. Mason said having committees can exclude people that might have great ideas and aren't being heard.

Mason talked about the Council agenda and amending the agenda. When posting agendas, post two business days prior. It used to be you could amend agenda anytime, but now there must be a good faith reason stated to amend agenda. The reason cannot be you didn't know item wasn't going to pop up and it doesn't hurt anyone. In his world the moment staff found out about it, it should be penciled in on posted agenda. When the Council convenes, you amend agenda then add the item. If you want to have an executive session, it should always be on the agenda. People see your agenda and make their decision on what they are going to do. Nothing good can come from amending agenda. On executive sessions, only amend if something very important just came up and can't possibly wait until the next meeting. Mason suggested not to put and executive session on every agenda whether you plan to have one or not. Mayor asked about Council writing job descriptions for personnel. Mason stated that is not the job of the Council; they can fund according to what job description might be. Dodson stated that job descriptions are handled by statute. Mr. Mason stated it depends if Council wants to fund new job functions. Mason states he likes to keep the appropriation ordinance very simple.

He always advocates that City keeps more detail in the final documents. Mayor stated this body voted to eliminate current job description of City Coordinator and wanted to write a new job description. Down the road if just says Mayor prerogative how does it play out later. Mason stated when this started you wrote job description as detailed as possible and now the appropriate is to identify only what is essential. That is the Mayor's duty. Jensen stated we needed to clean up things being done at City Hall and make things more efficient for citizens. Mason pointed out that it is ultimately the Mayor to identify duties of staff, not the Council.

Dale asked about the Council preparing the budget, there is nothing in statues that says the Mayor responsible. Mason replied that there is nothing that says the Governor or the President prepares the budget either, but remember that it is an inherent duty of the Mayor. During the budget ask the department heads how they can reduce the budget. Dale stated the process is to meet with the department heads and then Admin/Finance and then to City Council.

Ms. Cordova stated asked Mason to explain how the Council should act on quasi- judicial issues. Mason explained to the Council that when they know things are happening or a development is beginning, you should not talk to the applicants. Think of it like being a judge; it would not be a good situation if the just was talking to the defendant prior to the trial. On legislative issues, the Council can talk to citizens. If they speak to applicants on planning & zoning issues, the Councilor would then need to disclose on the record that they have talked to the applicant and what was said when it comes before Council. The impulse as a public official is to try and help, but tell them to come to public hearing or submit comments.

Byron Dale asked what was in play when asked City Council to not talk to city employees.

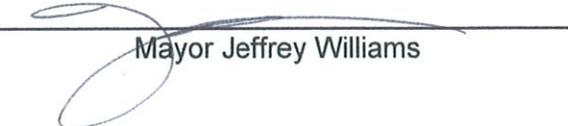
**MAYORS COMMENTS**

None

**ADJOURNMENT**

The work session adjourned at 7:32 PM

Signed this 3/26 day of, 2016.

  
\_\_\_\_\_  
Mayor Jeffrey Williams

ATTEST:

  
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Bobbie Black  
Deputy City Clerk