

TITLE 2 ADMINISTRATION

Title 2 sets forth the creation, procedures, functions, powers and duties of the various administrative positions of the City government.

CHAPTER 2.01 MAYOR*

*Note to Chapter 2.01: For Statutory provisions concerning the composition and powers of the mayor, see [Idaho Code §50-6](#).

2.01.010 Office of Mayor

The mayor, except as provided in Idaho Code, sections 50-801 through 50-812, shall be the chief administrative official of the city, preside over the meetings of the city council and determine the order of business subject to such rules as the council may prescribe, have a vote only when the council is equally divided, have the superintending control of all the officers and affairs of the city, preserve order, and take care that the ordinances of the city and provisions of this act are complied with and enforced ([Idaho Code §50-602](#)).

The Mayor shall be the Supervising Executive and Administrative Officer of the City government, shall enforce the laws of the City and require the faithful performance of all administrative duties.

2.01.020 Qualifications to hold the office of Mayor

Any person shall be eligible to hold the office of mayor who is a qualified elector of the city at the time his declaration of candidacy or declaration of intent is submitted to the city clerk and remains a qualified elector during his term of office ([Idaho Code §50-601](#)).

2.01.030 Term of office

The term of office of mayor shall be for a period of four (4) years except as otherwise specifically provided. He shall take office at the time and in the manner provided for installation of councilmen ([Idaho Code §50-601](#)).

2.01.040 Vacancy in the office of Mayor

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

2.01.050 Duties of Mayor

- 1) Appointment and dismissal. Appoint competent, qualified officers and employees to the administrative service, and shall have the power to dismiss, suspend and discipline, in

accordance with the Personnel Handbook, all officers and employees in the administrative service under his control. He also shall have the power to authorize a department head or officer responsible to him to appoint and remove subordinates serving under that department head or officer.

- 2) Appointment to acting capacity. Designate himself or some other officer or employee to perform the duties of any office or position in the administrative service under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.
- 3) Annual report. Prepare and present to the Council an annual report of the City's affairs, including a summary of reports of department heads, and such other reports as the Council shall require.
- 4) Budget report. In collaboration with the Director of Finance, the Mayor shall assemble estimates of the financial needs and resources of the City for each ensuing year, and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and analyses.

2.01.060 Powers of Mayor

- 1) Assignment of employees. Have the power to assign any employee of the City to any department or branch thereof requiring services appropriate of the employee so assigned.
- 2) Prescribe rules. Have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service by whomever prescribed.
- 3) Investigate. Have the power, either by himself or by any officer or person designated for the purpose by him, to investigate and to examine or inquire into the affairs or operation of any department, division, bureau, or office; and when so authorized by the Council, he shall have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.
- 4) Overrule officials. Have the power to set aside any action taken by a department head and may supersede him in the functions of his office.
- 5) Delegate duties. Have the power to direct any department, division or bureau to perform the work for any other department, division or bureau.
- 6) Coordinate departments. Be responsible for the coordination of the administrative heads of each department of City government and for the review and analysis of the operation and administration of all departments, boards and commissions established by the administrative ordinance.
- 7) Accounts and Reports. Have the power to require all appointed administrative officers and administrative employees of the City to furnish any information connected with or related to their official or assigned duties. Annually, at the request of the Chief Executive, all heads of

departments, boards and commissions shall provide the Chief Executive with a comprehensive report analyzing the conditions and operations of the department, shall recommend measure, and shall project need for the ensuing fiscal year. The mayor shall have the power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers, and to make written reports pertaining to his office to the council.

2.01.070 Police powers of the Mayor

The mayor shall have such jurisdiction as may be vested in him by ordinance over all places within five (5) miles of 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 one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without the corporate limits. ([Idaho Code §50-606](#)).

The mayor is authorized to call on every resident in the city over twenty-one (21) years of age to aid in enforcing the laws. ([Idaho Code §50-609](#)).

2.01.080 Special meetings of Council, calling

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

2.01.090 Messages to the Council

The mayor shall, from time to time, communicate to the city council such information and recommend such measures as, in his 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. ([Idaho Code §50-603](#)).

2.01.100 Mayor Salary

The Mayor shall receive an annual salary in the sum of Sixty Seven Thousand Five Hundred Ninety Two Dollars (\$67,592), and shall be paid Five Thousand Six Hundred Thirty Three dollars (\$5,633) monthly. ([Ord. 1102, §1, 2013](#)).

CHAPTER 2.02 CITY COUNCIL*

*Note to Chapter 2.02: For Statutory provisions concerning the composition and powers of the City Council, see [Idaho Code 50-7](#).

2.02.010 Regular meetings – Time and place

The Council shall hold regular meetings the first and third Wednesday of the month at 7:00 p.m. at City Hall at 35 North 1st East Street. The City Clerk shall provide forty-eight (48) hour agenda notice prior to each meeting, however, additional agenda items may be added to the agenda by the Mayor and City Council up to an including the hour of the meeting, provided a good faith effort is made to include in the notice all agenda items known at the time to be probable items of discussion. Meeting and agenda notices shall be posted on the bulletin board at City Hall and on

www.rexburg.org. The regular meeting schedule may be altered, and meetings may be added to the regular schedule by an action of the Council. ([Resolution No. 2011-14 §1C](#))

A quorum of the actual membership, excluding vacancies, shall be necessary to conduct business and take official action. A majority of the actual membership physically present shall constitute a quorum. The Mayor shall not be counted in determining a quorum. ([Resolution No. 2005-06 §1B](#))

All meetings of the City Council except as provided in Resolution No. 2005-06 §1E, shall be open to the public in compliance with Idaho Open Meeting Law Act ([Idaho Code 67-2340 through 67-2347](#)).

2.02.020 Special meetings – Procedure

A special meeting of the Council may be called at any time by the Mayor or a majority of the members of the full Council. Meeting and agenda notice shall be made at least twenty-four (24) hours prior to any special meeting, unless an emergency exists. In the event of an unexpected circumstance that requires immediate attention of the Council, the Mayor may call an emergency meeting of the Council. Only those items relative to the emergency and requiring immediate attention may be considered at an emergency meeting. If an emergency meeting is called, all reasonable efforts shall be made to notify the public. ([Resolution No. 2005-06 §1D](#)).

2.02.030 Executive session

Executive session shall mean any meeting or part of a meeting of the City Council which is closed to any persons for deliberation on any of the below listed matters. Upon a two-thirds (2/3) roll call vote of the full Council, the Council shall meet in executive session, after the presiding officer has identified the specific authorized purpose for the executive session, as listed below. No executive session may be held for the purpose of taking any final action or making any final decision.

- 1) To consider hiring a public officer, employee, staff member or individual agent, but not appointment to a vacancy in an elective office;
- 2) To consider the evaluation, dismissal, disciplining or hearing complaints or charges against a public officer, employee, staff member or agent;
- 3) To conduct deliberations concerning labor negotiations, or to acquire an interest in real property which is not owned by a public agency;
- 4) To consider records that are exempt by law from public inspection;
- 5) To consider preliminary negotiations involving matters of trade or commerce in which the City Council is in competition with governing bodies in other states or nations;
- 6) To consider and advise legal representatives in pending litigation or where there is a general public awareness of probable litigation;

- 7) To conduct labor negotiations if either side requests closed meetings. ([Resolution No. 2005-06 §1A](#)).

2.02.040 Agenda

An item may be placed on the agenda only by the Mayor or a member of the City Council. To be included on the agenda, an item must be received by the City Clerk two (2) working days in advance of the subject meeting. A consent calendar may be used for common and non-controversial items. An item on the agenda may be discussed without preceding motion. Any citizen or group wishing to address the Council may be placed on the agenda by the Mayor or a member of the City Council. The Mayor may provide for a public comment period on any agenda. ([Resolution No. 2005-06 §2A](#)).

2.02.050 Minutes

The City Clerk shall take full and accurate minutes of all Council proceedings. Minutes shall contain the roll call of the Council; all motions by verbatim, resolutions, orders, or ordinances proposed; the Council Members moving and seconding each question; the disposition of each question; and the results of all votes. Minutes shall include the motion and roll call vote to convene an executive session, and the specific authorized purpose for the executive session, as listed in Section 1, Subsection E of this Resolution. Minutes shall be available for public inspection during normal office hours within a reasonable time after each meeting. ([Resolution No. 2005-06 §2B](#)).

2.02.060 Presiding officer

The Mayor shall preside at all meetings of the City Council, and control the order of the agenda. In the absence of the Mayor, the Council President shall preside. When any member is about to speak in debate or deliver any matter to the Council, he/she shall respectfully address the presiding officer, and shall confine him/herself to the question in debate and shall not make personal comments or criticisms addressed to any individual.

The presiding officer has the power to:

- 1) Control the floor and grant permission to speak;
- 2) Rule motions in or out of order;
- 3) Determine whether a speaker has gone beyond reasonable standards of courtesy, and rule a member out of order on this ground;
- 4) Entertain and rule on questions of procedure;
- 5) Call a brief recess at any time;
- 6) Adjourn in the case of an emergency. ([Resolution No. 2005-06 §3](#)).

2.02.070 Substantive motions

A motion may be made by any Council Member. A motion requires a second from another Council Member. A member may make only one motion at a time. Only one substantive motion may be considered at a time. A motion may be adopted only by majority vote of Council

Members present. A roll call vote shall be taken upon the request of any member. The presiding officer shall state the motion, and then open the floor for Council discussion and debate according to the following principals:

- 1) A member must be recognized by the presiding officer in order to speak.
- 2) The maker of the motion is entitled to speak first.
- 3) A member who has not spoken on the issue shall be recognized prior to one who has previously spoken on the issue.
- 4) To the extent possible, debate shall alternate between proponents and opponents of the issue. ([Resolution No. 2005-06 §4A](#)).

2.02.080 Procedural motions

A procedural motion takes precedence over a substantive motion, and may interrupt deliberations on a substantive motion. A procedural motion is debatable and may be amended. In order of priority, allowable procedural motions are:

- 1) Motion to Appeal a Ruling of the Presiding Officer. A ruling of the presiding officer may be appealed. A motion to appeal the ruling of the presiding officer shall only be in order immediately following the ruling in question and prior to any further action. The member making this motion need not be recognized by the presiding officer, and, if timely made, can not be ruled out of order.
- 2) Motion to Adjourn. A member may move to adjourn prior to completion of the agenda, providing no other motion is pending and the motion to adjourn does not interrupt deliberations.
- 3) Motion to Recess. A member may move to take a brief recess, providing it follows consideration of a substantive action and does not interrupt deliberations. If passed, the presiding officer shall establish the duration of the recess.
- 4) Motion to Suspend the Rules. A member may move to suspend the rules. The motion must state the rule(s) being suspended. Rules imposed by state or federal law may not be suspended.
- 5) Motion to Convene an Executive Session. A member may move to close deliberations to the public and convene an executive session. The reason for the executive session, as listed in Section 1, Subsection E of this Resolution, must be stated in the motion. Substantive motions are not in order in executive session.
- 6) Motion to Leave Executive Session. The Council must leave executive session and return to open session prior to adjournment. This must be done by motion and voted upon.
- 7) Motion to Divide the Question. A member may move to divide a question under deliberation. The division must be stated in the motion.

- 8) Motion to Defer Consideration. A member may move to defer consideration of a substantive motion or other matter before the Council. The motion to defer may state a time certain. If it is not revived prior to achieving the stated time, the substantive motion which has been deferred expires. If no time certain is stated in the motion to defer, and the issue is not revived, the deferred substantive motion expires in 180 days. If consideration of a motion has been deferred and the deferral remains pending, a new motion having substantially the same effect is not in order.
- 9) Motion to Revive. A member may move to revive consideration of a substantive motion, which has been deferred regardless of whether that member made the motion to defer. A motion to revive shall not be in order in the same meeting in which a motion to defer has passed on the same question.
- 10) Motion to Call the Previous Question. A member may move to call for a vote on the previous question. A motion for the previous question is not in order until every member who wishes to speak has had the opportunity to speak at least once.
- 11) Motion to Refer to Committee. A member may move to refer a matter before the Council to a committee for study and review. Thirty days after a matter before the Council has been referred to a committee, the maker of the original substantive motion may move the original motion again regardless of action or lack thereof by the committee.
- 12) Motion to Amend. A member may move to amend a substantive motion before the Council. A motion to amend must be pertinent to the original motion. A motion to amend is out of order if the effect of the amendment is the same as rejecting the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is decided on by vote. An amendment shall be reduced to writing before the vote on the amendment.
- 13) Motion to Substitute. A member may move to substitute completely different wording for a motion currently under deliberation.
- 14) Motion to Reconsider. A member on the prevailing side of a vote may move to reconsider the outcome of that vote. The motion to reconsider is only in order at the meeting at which the original vote was taken. The motion cannot interrupt deliberations on a pending matter, but is in order at any time prior to final adjournment of the meeting.
- 15) Motion to Repeal. A member may move to rescind or repeal any earlier action of the Council. The motion is not in order if rescission or repeal would violate by state or federal law.
- 16) Motion to Prevent Reintroduction. A member may move to prevent reintroduction of a matter before the Council for up to six months. This motion shall be in order immediately following defeat of a substantive motion and at no other time. ([Resolution No. 2005-06 §4B](#)).

2.02.090 Withdrawal of a motion

The maker of the motion may withdraw a motion, either substantive or procedural, at any time before it is amended or the presiding officer puts it to a vote. ([Resolution No. 2005-06 §4C](#)).

2.02.100 Renewal of a motion

A substantive motion that is defeated may be reintroduced at a later meeting unless a motion to prevent reconsideration has been adopted. ([Resolution No. 2005-06 §4D](#)).

2.02.110 Physical presence

A member must be physically present to vote. Proxy voting is not allowed. ([Resolution No. 2005-06 §4G](#)).

For the purpose of holding regular or special meetings a number less than a majority may compel the attendance of absent members in such manner and under such penalties as the council may, by ordinance, have previously prescribed. Regular or special meetings of the council may be recessed until further notice. ([Idaho Code §50-705](#)).

2.02.120 Duty to vote

A member may not abstain from voting unless a conflict of interest is declared, and the nature of the conflict is described in open session. A member declaring a conflict of interest for the purpose of abstaining from a vote may be compelled to vote by a majority vote of the remaining members. ([Resolution No. 2005-06 §4H](#)).

2.02.130 Classifications of bills, ordinances and resolutions

All actions of the Council involving the exercise of the City's legislative and police power functions, or actions otherwise required by law to be in ordinance form, shall be designated upon final passage as Ordinances and appear in form required by law. Upon first reading and prior to final passage, all ordinances shall be issued a Bill number.

All other actions of the Council relating to the administrative business of the City and requiring written findings or statements shall be designated as resolutions. ([Resolution No. 2005-06 §6A](#)).

2.02.140 Reading of bills and resolutions

- 1) Bills: Prior to final passage, all bills shall be read on three (3) different days, two (2) readings of which may be by title only and one reading of which shall be in full, unless a majority of the members of the full Council shall dispense with the rule.
- 2) Resolutions: Prior to final passage, all resolutions shall be read on one day, the reading of which may be by title only. ([Resolution No. 2005-06 §6B](#)).

2.02.140 Boards, commissions and committees

The Council may establish citizen boards, commissions, and committees to assist and advise it in its work. Bylaws, organization, membership, scope and jurisdiction, and procedural rules of such committees shall be established by the Council. ([Resolution No. 2005-06 §7](#)).

2.02.150 Unresolved questions

Questions not resolved by rules established by the Council shall be settled by the current edition of Roberts Rules of Order, so long as it does not conflict with Idaho law. ([Resolution No. 2005-06 §8](#)).

2.02.160 Council Member salary

Commencing January 1, 2014, the salaries of the members of the Rexburg City Council shall be as follows: Each member of the City Council shall receive an annual salary in the sum of Seventy Two Hundred dollars (\$7,200), and shall be paid Six Hundred Dollars (\$600.00) monthly. ([Ordinance 1102 §2, 2013](#)).

2.02.170 Qualifications to hold the office of city Council Member

Any person shall be eligible to hold the office of councilman of his city who is a qualified elector at the time his declaration of candidacy or declaration of intent is submitted to the city clerk, and remains a qualified elector under the constitution and laws of the state of Idaho. Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council. ([Idaho Code §50-702](#)).

2.02.180 Term of office for City Council Members

For additional information please see [Idaho Code §50-702](#).

2.02.190 President of the Council, election of

For additional information please see [Idaho Code §50-702](#).

2.02.200 President of the Council, Election of

For additional information please see [Idaho Code §50-702](#).

2.02.210 Vacancies on the Council and appointment to the Council

A vacancy on the council shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term. ([Idaho Code §50-704](#)).

2.02.220 Powers of the Council

The legislative authority of each city in the state of Idaho, except those operating under the provisions of section[s] 50-801 through 50-812 shall be vested in a council consisting of either four (4) or six (6) members, one half (1/2) of whom shall be elected at each general city election. Councils shall have such powers and duties as are now or may hereafter be provided under the general laws of the state of Idaho. ([Idaho Code §50-701](#)).

2.02.230 Change in number of Council Members

1) Any city may change to the greater or lesser number of councilmen after an election instituted by resolution of the council or by petition as provided for initiative in sections 50-502 through 50-517, Idaho Code, such election to be held not less than sixty (60) days before any general city election. When the proposition submitted to the electors shall receive a

favorable vote, officials shall be elected at the succeeding general city election, provided however, that should such election be conducted in a year when no general city election is to be held, such new positions shall be filled by appointment within thirty (30) days.

- a) When the number of councilmen to be elected is to be reduced from six (6) to four (4), there shall be elected one (1) councilman, to serve a term of four (4) years. At the next succeeding general city election, there shall be elected two (2) councilmen, each to serve a term of four (4) years, and one (1) councilman to serve a term of two (2) years.
 - b) When the number of councilmen to be elected is to be increased from four (4) to six (6), there shall be elected three (3) councilmen, each to serve a term of four (4) years, and one (1) councilman to serve a term of two (2) years.
- 2) Any city operating under the city manager form of government may change to the greater or lesser number of councilmen after an election instituted under subsection (A).
- a) When the number of councilmen to be elected is to be reduced from seven (7) to five (5);
 - i) If there are four (4) councilmen up for election at the next general city election, there shall be elected two (2) councilmen, each to serve a term of four (4) years.
 - ii) If there are three (3) councilmen up for election at the next general city election, there shall be elected one (1) councilman, to serve a term of four (4) years. At the next succeeding general city election, there shall be elected three (3) councilmen, each to serve a term of four (4) years and one (1) councilman, to serve a term of two (2) years.
 - b) When the number of councilmen to be elected is to be increased from five (5) to seven (7);
 - i) If there are two (2) councilmen up for election at the next general city election, there shall be elected four (4) councilmen, each to serve a term of four (4) years.
 - ii) If there are three (3) councilmen up for election at the next general city election, there shall be elected four (4) councilmen, each to serve a term of four (4) years and one (1) councilman to serve a term of two (2) years. ([Idaho Code §50-703](#)).

2.02.240 Examination of accounts of fiscal officers

At least once in each quarter of each year, the council shall examine, either in open session or by committee, the accounts and doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city ([Idaho Code §50-708](#)).

CHAPTER 2.03 APPOINTIVE OFFICERS

2.03.010 Table of departments and heads

The following officers are appointed by the Mayor and ratified by the City Council:

Department	Officer
Financial Management	City Treasurer
Customer Support Services	City Clerk
Emergency Services	Chief of Emergency Services
Legal	City Attorney
Police	Chief of Police
Parks and Recreation	Recreation Director
Public Works	Public Works Director
* The GIS Coordinator is appointed jointly by the city and county.	

2.03.020 Oaths of office*

*Note to §2.07.020: Rexburg’s Official Oath is adapted from [Idaho Code §59-401](#).

- 1) Persons Required to take Oath of Office. Each of the following officers and employees in the Administrative Service shall be required to take an oath of office before entering upon the discharge of his duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the City Clerk.
 - a) Officers: The mayor, city council, city attorney and each appointed officer.
 - b) Policemen: Every member of the Department of Police (including private, auxiliary, special, temporary or substitute policemen, which the City might find necessary to appoint).
- 2) Official Oath: “I, (insert name) do solemnly swear (or affirm) that I will support the Constitution of the United States, and the State of Idaho, and the Laws and Ordinances of the City of Rexburg, and that I will to the best of my ability, faithfully discharge the duties of the office of (insert office) in the city of Rexburg, Madison County, Idaho, during my continuance therein, so help me God.”

(Signature of person taking oath)
 Subscribed and sworn to before me this (date)
(Signature of City Clerk)

ARTICLE I CITY TREASURER*

*Note to Article I: For statutory provisions requiring the mayor to appoint a city treasurer, see [Idaho Code §50-204](#). For provisions concerning the duties of a city treasurer, see [Idaho Code §50-208](#).

2.03.030 One person

The office of treasurer shall be held by one person, who shall perform all of the duties of city treasurer as prescribed and required by the laws of the state and the ordinances of the city, and such other duties as the city council may designate and require. ([Ord. 619 §3, 1980](#)).

2.03.040 Appointment of Director

The Director of the Department of Financial Management shall be appointed by the Mayor with the consent of the Council, and shall be in the unclassified service of the City.

2.03.050 Powers and duties

In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the Director of Financial Management to act to promote, secure and preserve the financial and property interests of the City, subject to the supervision and control of the Mayor. The Director of Financial Management shall:

- 1) Fiscal supervision over Officers. Exercise general supervision over all officers of the City regarding the proper management of the fiscal concerns of their respective offices
 - a) Standard accounting practices. The Director of Financial Management shall keep controlling accounts with every department, agency and bureau of City government, and with all activities whatever owned or controlled by the city or in which the City has any pecuniary interest. The head of the Department of Financial Management is hereby authorized and directed, from time to time, to prepare forms of accounts, vouchers, reports, bills, orders, receipts, checks and other necessary forms to be used by the several city departments, agencies and bureaus in the transaction of all parts of public business as concerns the City's finances. He shall prescribe and issue the forms herein named to all City departments, agencies and bureaus to be used in the parts of public business which concern the City's finances.
 - b) Report delinquent payments and financial reports. See that officers receiving money pay the same into the City Treasury, when thereto required, and that all necessary financial reports are made by officers, and shall report all delinquents in such payments or reports to the Executive and Council.
- 2) Duty upon default of officer. Report the default of any officer of the City to the Mayor who shall direct the City Attorney to take immediate legal measures for the recovery of the amount for which such officer may be in default
- 3) Responsibility for proceeds of bonds. Deposit the proceeds of all sales of bonds with the City Treasurer immediately after he shall have received the same, and, until such deposit, he shall be responsible for the amount thereof.
- 4) Payments of money from special trust funds. Pay out to the persons duly entitled thereto, on warrant of the Director of Finance and Management Services, without appropriation by the Council, any money paid into the Treasury pursuant to condemnation proceedings, or for the redemption of property sold for taxes, or arising from special assessments for public

improvements, park fund certificates, condemnation fund certificates and all special trust funds.

ARTICLE II CITY CLERK*

*Note to Article II: For statutory provisions requiring the mayor to appoint a city clerk, see [Idaho Code §50-204](#). For statutory provisions outlining the duties of a city clerk, see [Idaho Code §50-207](#).

2.03.060 One person

The office of city clerk shall be held by one person, who shall perform all of the duties of the city clerk as prescribed and required by the laws of the state and the ordinances of the city, and such other duties as the city council may designate and require. ([Ord. 619 §2, 1980](#)).

2.03.070 Appointment

The City Clerk shall be appointed by the Mayor with the advice and consent of the Council, and such individual shall be qualified by training and experience to perform the duties of the office.

2.03.080 Powers and duties

The City Clerk shall:

- 1) Keep records of the Council. Maintain and preserve the minutes and records of the proceedings of the Council in accordance with the Charter and the proceedings of all Council committees.
- 2) Record ordinances. Record in full, uniformly and permanently, all ordinances and be the legal custodian of the same.
- 3) Publish Council action. Publish daily all adopted ordinances and resolutions of the Council, and all legal notices required by law or ordinance.
- 4) Serve meeting notices. Cause all notices of regular and special meetings of the Council to be served in accordance with state statutes, Charter provisions, City ordinances and the rules of the Council, and as directed by the Chair of the Council.
- 5) Maintain City seal. Have custody of the seal of the City and affix it to such documents as may be required and authorized pursuant to law.
- 6) Keep election records. Keep and maintain all election records and have custody of all property used in connection with elections.
- 7) Keep vital statistics. Prepare, attest and report on the vital statistics of the City.
- 8) Permits and licenses. Issue all permits and licenses except those which are required by ordinance to be issued by a particular department or office.

- 9) Custodian of bonds, contracts, etc. Be charged with the custody of the official bonds of City employees, except his own, which shall be in the custody of the City Treasurer, and with the custody of all deeds, mortgages, contracts, judgments, notes, debts, and chooses in action. He shall keep and administer all securities, bonds, or other forms of negotiable instruments owned by or belonging to the City.
- 10) Custodian of City documents. The Department of Finance and Management Services shall be the custodian of all official and surety bonds, deeds, insurance policies, contracts, agreements and such other instruments of a similar nature, except as may be otherwise provided in the City Charter.
- 11) Notice of expiration of term. Notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, said notice to be given at least 30 days before such expiration.

ARTICLE III CHIEF OF EMERGENCY SERVICES*

*Note to Chapter 2.10: For statutory provisions authorizing the mayor to appoint a chief of emergency services see [Idaho Code §50-204](#).

2.03.090 One person

The Emergency Services Department shall consist of a chief of emergency services, and other assistant chiefs as appointed by the chief of emergency services. ([Ord. 380 §2, 1952](#)).

2.03.100 Powers and duties

The chief of emergency services shall be the chief executive officer of the Emergency Services Department and shall be invested with the following authority and duties:

- 1) To have direct control, management and direction of all officers and men of the Emergency Services Department and the power to detail any of them to such public service as he may see fit, looking to the best interests and efficiency of the department;
- 2) To carry out strictly the enforcement of the rules and regulations of the department and be able to suspend or remove from service any officer or employee for cause in such manner as is provided in these regulations;
- 3) To exercise supreme command over the department at emergencies and over all equipment belonging to it;
- 4) To cause to be resolved all emergencies with the least possible damage to life and property and prevent unnecessary damage;
- 5) To see that the premises on which fires occur are left in such condition that they will not rekindle and cause further damage to life and property;

- 6) To observe the general condition of the department and apparatus and make a quarterly report to the supervisory body concerning same along with a complete report of the activities of the department;
- 7) To make a complete investigation of appropriate fires, keeping the record of and determining the cause to the best of the department's ability, and report fires to the National Fire Incident Reporting Service;
- 8) To keep complete records of the attendance of every employee to training, schools and meetings. ([Ord. 380 §3\(a\), 1952](#)).

It shall be the duty of the Emergency Services Board to have complete supervision of the fire department and require the chief of emergency services to make a complete annual report concerning the department in general, giving the description of the condition of the department, making suggestions and recommendations for major improvements, and telling of the activities during the year.

The chief of emergency services shall be directly responsible to the Emergency Services Board in his capacity as head of the Emergency Services Department. ([Ord. 380 §1, 1952](#)).

2.03.110 Assistant Chiefs of Emergency Services

The assistant chiefs of emergency services shall rank next to the chief of emergency services and shall have similar qualifications. One assistant chief shall be over emergency medical services. The other assistant shall be over the fire department. The assistant chiefs shall take complete charge in the absence of that officer and be invested with the same authority and duties while so acting. ([Ord. 380 §3\(b\), 1952](#)).

ARTICLE IV CITY ATTORNEY*

*Note to Article IV: For statutory provisions requiring the mayor to appoint a city attorney, see [Idaho Code §50-204](#). For statutory provisions outlining the duties of a city attorney, see [Idaho Code §50-208A](#).

2.03.120 Appointment

The City Attorney shall be appointed by the Mayor with the advice and consent of the Council and shall, prior to such appointment, be admitted to practice before the Supreme Court of the State of Idaho. ([Ord. 58 §38, 1903](#)).

2.03.130 Powers and duties

The City Attorney shall represent the City in all causes in which the City is interested and shall have full and complete charge of the legal business of the City. The City Attorney shall be the legal advisor to the Mayor, to the Council and to all departments and agencies of the City except as may be otherwise provided by the Code. The City Attorney shall prosecute and defend actions and proceedings by and against the City and every department and agency thereof. In the furtherance of these general powers, the City Attorney shall:

- 1) Advise officers. Advise the Mayor, the Council or its committees, and the heads of all departments, agencies, boards, and commissions on all matters relating to their official powers, duties and functions
- 2) Verify ordinances. Be responsible for the verification of all ordinances and resolutions as requested by the Mayor or the Council. The City Attorney shall advise the Council as to the form and sufficiency of all ordinances prior to their adoption, and no ordinance shall be introduced until it shall either have been approved as to form by the City Attorney or until the City Attorney has filed with the City Clerk a statement of reasons why the ordinance is defective.
- 3) Give opinions. Render legal opinions upon any question of law submitted by the Chief Executive, the Council, or the heads of all departments, agencies, boards, or commissions.
- 4) Attend Council meetings. Attend in person or by designee all Council meetings in their entirety for the purpose of giving the Council any legal advice requested by its members, and, at the request of the presiding officer, attend committee meetings of the Council.
- 5) Prepare legal instruments. Prepare, review and approve all contracts, deeds, documents and instruments prior to the execution thereof by or on behalf of the City, its departments and agencies.
- 6) Prosecute offenders and defend officials. Prepare, when authorized by the Council, all charges and complaints against the City and appear in the appropriate court in the prosecution of, every person charged with the violation of a City ordinance or of any regulations adopted under authority of the Code or ordinances, or with the commission of a misdemeanor as declared by the Code or by virtue of its authority.
- 7) Appeals. Conduct and prosecute appeals from orders, decisions or judgments affecting any interest of the City as the City Attorney may, in the exercise of discretion, determine to be necessary or desirable.
- 8) Settlement of claims. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters of favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed \$5000 and with the permission of the Mayor may do likewise in matters not involving or requiring payment to exceed \$25,000, provided the money to settle claims generally has been appropriated and is available therefore.
- 9) Make reports:
 - a) Prompt report of decision. Promptly report the outcome of any litigation in which the City has an interest to the Executive and Council.
 - b) Annual report of pending litigation. Make an annual report, to the Executive and Council, as of the 1st day of January, of all pending litigation in which the City has an interest and the condition thereof.

- 10) Workers' compensation. Prepare and approve all workers' compensation payrolls and investigate all cases in which workers' compensation is involved and be responsible for the filing of all documents and papers required by the Workers' Compensation Act of the State
- 11) Rates and utilities. Be responsible for representing the City in all causes, hearings, trials, and administrative or judicial review concerning rates, franchises, valuations, utility conducts, or other issues involving the City and the public utilities which affect it or are under its control, including, but not limited to, telephone, telegraph, radio, television, cable television, lighting, heating, water, sewer and transportation. In so doing, the City Attorney may retain a rate expert or experts to ensure proper review, analysis, study and recommendations on all utility matters, which expert shall prepare for submission to the Chief Executive and the Council, upon request, such reports and recommendations as may assist them in resolving rate determinations and other utility matters.
- 12) Keep records:
 - a) Suits. Keep a complete record of all suits in which the City had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.
 - b) Opinions and titles. Keep a complete record of all written opinions furnished by him.
- 13) Deliver records to successor. Deliver all records, documents and property of every description in his possession, belonging to his office or to the City, to his successor in office, who shall give him duplicate receipts therefore, one of which he shall file with the City Auditor
- 14) Professional assistants. The City Attorney may appoint deputy assistants and such other assistants as in his judgment are needed to carry on the legal business of the City.
- 15) Special counsel. In case of special or unusual circumstances or in any case where the City Attorney by reason of interest cannot represent the City, the Council, upon the request of the City Attorney, may by resolution appoint special counsel and fix his or her compensation.

ARTICLE V CHIEF OF POLICE*

*Note to Article V: For statutory provisions authorizing the mayor to appoint a chief of police see [Idaho Code §50-204](#).

2.03.140 Appointment

The Chief of Police shall be appointed by the Chief Executive with the consent of the Council, in accordance with the provisions of the City Charter, and shall serve for the term specified therein.

2.03.150 Powers and duties

The Chief of Police shall be accountable to the Chief Executive and, subject to his supervision and control, shall have the following duties:

- 1) Administer the affairs of the Department.
- 2) Have general authority and control over all departmental staff and oversee the proper fulfillment of all tasks and duties assigned to the Department.
- 3) Prescribe such rules and regulations as he deems necessary or expedient for the proper operation of the Department and to that end keep himself informed of the latest administrative practices.
- 4) Take all personnel actions, including hiring, assigning and reassigning employees, including supervisory personnel, within his Department and shall supervise their performance.

ARTICLE VI RECREATION DIRECTOR*

*Note to Article VI: For statutory provisions authorizing the mayor to appoint a recreation director see [Idaho Code §50-204](#).

2.03.160 Powers and duties

The Director of Recreation shall plan, promote, organize and supervise a comprehensive municipal recreation program and administer the same in the interest of the entire community, and shall:

- 1) Design all parks, parkways and public grounds.
- 2) Provide for the care, maintenance and landscaping of all public lands, including parks, parkways, golf courses and playgrounds.
- 3) Provide for the care, trimming and removal of all trees and shrubberies on all public lands and the maintenance, for assessment purpose, of accurate records pertaining to tree trimming.
- 4) Provide for the administration and maintenance of an arboreal disease control program, pest control program, and all reforestation and nursery programs.
- 5) Organize and program all recreational activities involving general public participation in a comprehensive and diversified program, including municipal athletics, senior citizen programs, arts and crafts, and other such programs.
- 6) Manage and coordinate public recreational and educational activities available for general public participation for which fees are charged, including such activities as golf, tennis, swimming, boating, biking, skiing, stadium use, concessions and other special entertainment or seasonal activities.

- 7) Preserve and maintain various forms of domesticated animals and wildlife for general exhibition, and the care, feeding and sheltering of the same.

The City designates the Mayor in cooperation with the Rexburg Arts Council to be responsible for the conservation and maintenance for all works of art in the public art program. ([Ord. 1086, 1.10.040\(A\), 2012](#); [Ord. 937, 1.10.040\(A\), 2005](#)).

ARTICLE VII PUBLIC WORKS DIRECTOR*

*Note to Article VII: For statutory provisions authorizing the mayor to appoint a public works director see [Idaho Code §50-204](#).

2.03.170 Appointment

The Public Works Director of the Department of Public Works shall be appointed by the Mayor with the consent of the Council, and shall be in the unclassified service of the City.

2.03.180 Powers and duties

The Public Works Director shall be accountable to the Mayor and, subject to his supervision and control, shall have the following duties:

- 1) Administer the affairs of the Department.
- 2) Have general authority and control over all departmental staff and oversee the proper fulfillment of all tasks and duties assigned to the Department.
- 3) Prescribe such rules and regulations as he deems necessary or expedient for the proper operation of the Department and to that end keep himself informed of the latest administrative practices.
- 4) Take all personnel actions, including hiring, assigning and reassigning employees, including supervisory personnel, within his Department and shall supervise their performance.

CHAPTER 2.04 RECORDKEEPING*

*Note to Chapter 2.04: For provisions regarding the requirements for recordkeeping, see [Idaho Code §50-9](#).

2.04.010 Retention of permanent records

The city clerk shall be responsible for the retention of all municipal records for Rexburg. The purpose of “destruction or removal” of all municipal records is strictly prohibited. ([Idaho Code §50-908](#)).