

City of Sandpoint
Council-Staff Communication Policy
Revised Draft – March 2026

1. Purpose

This policy establishes clear guidelines for communication and administrative direction between City Council members, City Directors, Legal Counsel, City Clerk, and the Mayor to ensure compliance with Idaho law and to promote efficient, transparent, and accountable governance.

2. Authority

This policy is adopted under the authority of Idaho law, with particular reference to Idaho Code §§ 50-601 *et. seq.*, and 50-701 *et. seq.*, and the City's adopted mayor-council form of government. It is intended to clarify roles and does not expand, or limit authority granted by statute, charter, or ordinance.

3. Governing Principles

The City Council acts only as a body through motions, resolutions, policies, or ordinances adopted at duly noticed public meetings. Individual Council Members have no independent authority to administer city staff or city operations. Day-to-day administration is the responsibility of the Mayor and City Directors, as provided by Idaho law. *See* Idaho Code § 50-602.

Directors and appointed officials serve the City by supporting both the legislative and executive branches of municipal government. While they operate with professional independence in carrying out their assigned duties, they do so within the framework of authority established by Idaho law and City Council policy.

4. Communications Between Mayor, Council Members, Department Heads, Legal Counsel and Appointed Staff

Council Members have the right to information necessary to fulfill their responsibilities. Council Members, Directors, Legal Counsel and appointed staff may communicate directly, without notice to the Mayor, for the following purposes:

1. Requests for factual information or clarification on agenda items, policy, budget, resolutions, and/or ordinances;
2. Inquiries regarding public records;
3. Constituent concerns, provided no direction is given to staff; and
4. Information reasonably necessary for Council Members to fulfill their legislative and oversight responsibilities.

Such communications are informational in nature only. No individual Council Member may, through any such communication, direct, supervise, evaluate, or otherwise instruct Directors or staff regarding city operations.

5. Agenda Items; Director and Legal Counsel Review

In order to promote efficient Council Meetings, informed decision-making, and coordinated administrative review the following procedures will be implemented into the staff report and agenda publishing process:

5.A. Applicability. This section applies to all action items not designated for the consent agenda. Items placed on the consent agenda do not require Director or Legal Counsel comment under this section.

5.B. Agenda Routing. All non-consent action items presented by the Council or the Mayor shall be routed to all Directors and Legal Counsel for the opportunity to comment prior to the Council meeting.

5.C. Director and Legal Counsel Review. Directors and Legal Counsel may review agenda items for the following:

1. Operational, fiscal, legal, and policy implications. Potential impacts on staffing, budget, workload, and existing Council direction;
2. Informational written comment, where appropriate, should be provided. A "no comment" response is considered an adequate reply where no material concerns exist, or the agenda item falls outside the Director's area of responsibility;
3. Review under this section is advisory and informational in nature. It does not constitute approval authority over whether an item is placed on the agenda; and/or
4. Any other matter reasonably related to implementation of, or material to, the Council's consideration of the agenda item.

5.D. Submission of Comments to Council. Director and Legal Counsel comments prepared under this section shall be submitted directly to the City Clerk for inclusion in the Council meeting packet. The City Clerk shall ensure that all timely submitted comments are included in the packet and made available to all Council Members prior to the meeting. Comments are not required to be routed through or approved by the Mayor prior to submission to the Clerk.

This direct submission process reflects the City Council's authority to establish procedural rules governing the preparation of Council meeting materials, see Idaho Code § 50-602, and ensures that Council has access to complete and candid administrative information necessary to fulfill its legislative oversight responsibilities under Idaho Code § 50-701.

5.E. Requesting Party Review. The requesting party may review Director and Legal Counsel comments before final submission for agenda placement and may elect to:

1. Proceed with the agenda item as submitted;
2. Modify the agenda item and resubmit for Director and Legal Counsel review; or
3. Withdraw the agenda item.

5.F. Purpose. The intent of this section is to:

1. Ensure the Council, Mayor, and staff are informed of administrative and fiscal implications prior to discussion and decision making;
2. Streamline Council Meetings by identifying implementation considerations in advance; and
3. Ensure transparency, professionalism, and efficient governance;

Nothing in this section limits a Council Member's right to request that an item be placed on a properly noticed public meeting agenda.

6. Permitted Communications Between City Personnel and Legal Counsel

Any City personnel, including the Mayor, Council Members, Directors, appointed officials, employees, and board or committee members, may contact Legal Counsel as they deem reasonably necessary to perform their duties and responsibilities. All communications between Legal Counsel and City personnel are governed by applicable privileges and the Idaho Rules of Professional Conduct. Legal Counsel may inform the Mayor or relevant Director of any communications or requests that are inappropriate or unduly burdensome.

7. Role of Council Members

Individual Council Members serve a legislative function within the City's mayor-council form of government. Council Members act collectively as a body to establish policy, adopt ordinances and resolutions, approve budgets, and exercise oversight of city government consistent with Idaho Code §§ 50-701 *et seq.* and 50-601 *et seq.* Individual Council Members have no independent administrative authority over city staff or operations.

7.A. Prohibited or Restricted Communications

Council Members shall not, individually or informally:

1. Direct, supervise, or evaluate Directors or staff;
2. Request changes to enforcement priorities, staffing decisions, or operational matters; or
3. Instruct staff to initiate investigations, projects, or work not previously authorized by formal Council action or the Mayor.

Any request for action or operational change must occur through one of the following:

4. Formal action of the City Council at a duly noticed public meeting; or
5. Authorization from the Mayor.

8. Role of the Mayor

The Mayor serves as the City's Chief Administrative Official and is responsible for the execution of Council policy and the administration of city operations through the Directors. *See* Idaho Code § 50-602. The Mayor is responsible for:

1. Providing administrative direction to Directors;
2. Communicating Council actions and priorities to staff;
3. Ensuring that Directors and city staff are able to communicate with the City Council as provided in this policy;
4. Preventing conflicting or unauthorized instructions to staff;
5. Exercising superintending control over officers and affairs of the City, subject to the rules and policies prescribed by the City Council; and
6. Ensuring that the ordinances of the City and the provisions of Idaho law are complied with and enforced.

The Mayor's administrative authority is exercised within the statutory framework and subject to the checks and balances established by Idaho law and Council policy.

9. Directors' Responsibilities

Directors shall:

1. Provide timely and accurate information to Council Members upon request, consistent with Section 4 of this policy.
2. Decline requests from individual Council Members that constitute unauthorized direction under Section 7.A. of this policy.
3. Maintain professionalism in all communications with Council Members, the Mayor, and the public.

10. Emergencies

In matters involving an immediate threat to public health or safety, Council Members may communicate concerns directly to Directors. Operational control in emergency matters remains with the Mayor or designated authority. All such communications shall be reported to the Mayor as soon as practicable.

11. Compliance

Failure to comply with this policy may result in administrative or legislative corrective action consistent with City policy and applicable Idaho law.

12. City Email and Electronic Communications

City email and electronic communication systems are essential tools for the conduct of city business. Routine, indiscriminate or suspicionless third-party review of staff, Director, or official

email communications is not a recognized administrative function under this policy. No appointed or elected city official, employee, or administrative official may authorize or conduct access to City personnel email or electronic communications except in accordance with the permitted purposes set forth in this section. Access to City personnel email or electronic communications is limited to the following legitimate purposes:

1. Response to a public records request pursuant to Idaho Code Title 74;
2. An active personnel investigation conducted pursuant to established City policy and procedures;
3. IT security, system administration, or technical maintenance functions;
4. Legal hold or litigation preservation obligations; or
5. Other legitimate legal purposes.

All third-party access to City personnel email or electronic communications shall be documented at the time of access, including the identity of the person authorizing and conducting the access, the date and scope of access, and the stated purpose. Written notice of such access shall be provided promptly to the City Clerk, Legal Counsel and the Director of the department of the employee whose communications are being accessed. In the event that a Director's own communications are being accessed, notice shall be provided to the Council President in lieu of or in addition to the relevant Director.

This policy applies to the email and electronic communications of current City personnel. Access to the email and electronic communications of former City employees or officials is not governed by this section.

Notwithstanding any of the foregoing, this section does not authorize review of communications protected by the attorney-client privilege or the work product doctrine, regardless of the stated purpose. Communications between City personnel and Legal Counsel made in the course of the attorney-client relationship retain their privileged character and may not be accessed, reviewed, or disclosed through any administrative mechanism inconsistent with the Idaho Rules of Professional Conduct and applicable privilege law.

13. Construction

Nothing in this policy grants any individual Council Member or the Mayor authority beyond that provided by Idaho law or formal Council action. This policy shall be construed consistently with the Idaho municipal code, applicable case law, and the City's adopted form of government.