

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 Department Heads, 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 Department Heads, as provided by Idaho law. *See* Idaho Code § 50-602.

Department Heads 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, Department Heads, 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; and
3. Constituent concerns, provided no direction is given to staff.

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

5. Agenda Items; Department Head 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 agendized by the Mayor or the Council excluding consent agenda items, public hearings, and Department Head or departmental reports to update council.

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

5.C. Department Head and Legal Counsel Review. Department Heads 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 Department Head'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. Department Head 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 Department Head 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 Department Head 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, Department Heads, 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 Department Head 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 Department Heads 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 Department Heads. *See* Idaho Code § 50-602. The Mayor is responsible for:

1. Providing administrative direction to Department Heads;
2. Communicating Council actions and priorities to staff;
3. Ensuring that Department Heads 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. Department Head Responsibilities

Department Heads 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 the event of emergency, operational control in emergency matters remains with the Mayor or designated authority. All communications related to emergency matters should come to and from the Mayor or designated authority as soon as practicable.

11. Compliance

Failure to comply with this policy may result in 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 suspicion-less third-party review of staff, Department Head, 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. An active criminal investigation conducted by the Police Chief or designated law enforcement personnel;
4. IT security, system administration, or technical maintenance functions;
5. Legal hold or litigation preservation obligations; or
6. 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 Legal Counsel and the Department Head of the department of the employee whose communications are being accessed. In the event that a Department Head's own communications are being accessed, notice shall be provided to the Council President in lieu of or in addition to the relevant Department Head.

The documentation and notice requirements of this section do not apply to access conducted pursuant to subsection 3. Nothing in this section limits or restricts the lawful investigative authority through lawful means of the Sandpoint Police Department or any law enforcement agency with jurisdiction.

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.