

TITLE 50
MUNICIPAL CORPORATIONS

CHAPTER 8
COUNCIL-MANAGER PLAN

50-801. CITIES MAY ADOPT PLAN. Any city within the state of Idaho, organized under the general laws of the state, special chapter, or a general incorporation act, may adopt the council-manager plan of government by proceedings as herein provided.

[50-801, added 1967, ch. 429, sec. 140, p. 1249; am. 1984, ch. 156, sec. 1, p. 381.]

50-802. INSTITUTING ELECTION, PETITION -- RESOLUTION. Procedure for instituting a special election on adoption of the council-manager plans shall be by petition of electors as provided for initiative in section [34-1801B](#), Idaho Code, or by resolution passed by one-half (1/2) plus one (1) of the members of the full council.

[50-802, added 1967, ch. 429, sec. 141, p. 1249; am. 1984, ch. 156, sec. 2, p. 381; am. 2015, ch. 285, sec. 4, p. 1158.]

50-803. TIME FOR HOLDING SPECIAL ELECTION ON PROPOSITION. Within ten (10) days after the filing of such petition or resolution with the city clerk, the mayor shall, by proclamation, establish a date for holding a special election on the question of adopting the council-manager plan, such date to be determined as follows:

(1) When the petition or resolution is filed with the city clerk during a year when no general city election is to be held, such election shall be held on the date authorized in section [34-106](#), Idaho Code, that is nearest to but not less than sixty (60) days following filing of such petition or resolution;

(2) When the petition or resolution is filed with the city clerk during a year when a general city election is to be held, such election shall be held on the date for holding general city elections.

[50-803, added 1967, ch. 429, sec. 142, p. 1249; am. 1984, ch. 156, sec. 3, p. 382; am. 2009, ch. 341, sec. 125, p. 1056.]

50-804. PROPOSITION TO BE VOTED. At such election the proposition to be submitted to the electors shall be: "Shall the City of adopt the council-manager plan of government, as set forth in sections [50-801](#) through [50-812](#), Idaho Code?"

[50-804, added 1967, ch. 429, sec. 143, p. 1249; am. 1984, ch. 156, sec. 4, p. 382.]

50-805. GOVERNING BODY -- SIZE. The governing body of any city governed by the provisions of sections [50-801](#) through [50-812](#) shall consist of five (5) or seven (7) councilmen. Should the proposition be adopted under section [50-804](#), the governing body shall consist of a council equal in number to the councilmen plus the mayor under the existing form of government, unless subsequently changed as provided by section [50-703](#).

[50-805, added 1967, ch. 429, sec. 144, p. 1249.]

50-806. ELECTION OF OFFICIALS FOLLOWING ADOPTION -- DETERMINING SUCCESSFUL CANDIDATES -- DESIGNATION OF SEATS. (1) When the proposition is submitted to the electors under section [50-803](#)(1), Idaho Code, officials shall be elected at the same election during which the proposition is submitted to the voters; when the proposition submitted to the electors under subsection (2) of section [50-803](#), Idaho Code, officials shall be elected at the same general city election. If any proposition submitted to the electors under section [50-803](#), Idaho Code, fails to receive a favorable vote, the election of officials at the same election shall be declared null and void.

Determination of successful candidates at either a special or general election shall be as herein provided: A. When the council is to consist of five (5) members, the three (3) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and two (2) to serve two (2) year terms or so much thereof as remains; B. When the council is to consist of seven (7) members, the four (4) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and three (3) to serve two (2) year terms or so much thereof as remains. At each general city election thereafter, councilmen shall be elected to fill the unexpired terms.

(2) By ordinance, the city may assign a number to each council seat. In that event candidates will file for a designated seat and the candidate receiving the largest number of votes for the seat he has filed for shall be declared elected.

[50-806, added 1967, ch. 429, sec. 145, p. 1249; am. 1981, ch. 158, sec. 1, p. 270.; am. 2009, ch. 341, sec. 126, p. 1056.]

50-807. EFFECTIVE DATE FOLLOWING ADOPTION OF PLAN. The effective date of the council-manager plan shall be not more than seventy-five (75) days following the election of officials, to be determined by the incumbent council.

[50-807, added 1967, ch. 429, sec. 146, p. 1249; am. 1984, ch. 156, sec. 5, p. 382.]

50-808. POWERS -- DUTIES OF THE COUNCIL. The council shall have all powers delegated under general law, appoint a chief administrative officer to be known as the city manager, and confirm all appointments of department heads made by the city manager.

[50-808, added 1967, ch. 429, sec. 147, p. 1249.]

50-809. MAYOR. (1) At the time of installing and swearing in the councilmen following each general city election, or special election called for the purpose of electing officials, the council shall elect one (1) of their members to be designated the mayor. He shall serve for a period of two (2) years unless sooner removed by the council or becomes disqualified.

(2) By ordinance, a city may provide for the direct election of the mayor by the voters. When direct election is permitted, the mayor's position on the ballot shall replace that of one (1) councilman. Prior to the opening of the filing for candidacy for mayor, the term of the direct elected mayor shall be designated, by ordinance, as two (2) years or four (4) years.

The direct elected mayor shall have no changes in his powers as defined in section [50-810](#), Idaho Code.

[50-809, added 1967, ch. 429, sec. 148, p. 1249; am. 1975, ch. 203, sec. 1, p. 564.]

50-810. POWERS OF THE MAYOR. The mayor shall preside at the meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote on all matters coming before the council, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts of the purposes of serving civil processes, and by the governor for military purpose. He may use the title of mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of this state may so require, but this shall not be construed as conferring upon him administrative powers or functions of a mayor under the general laws of the state.

[50-810, added 1967, ch. 429, sec. 149, p. 1249.]

50-811. CITY MANAGER -- DUTIES. The council shall appoint a city manager to be the administrative head of the city government under the direction and supervision of such council and who shall hold office at the pleasure of the majority of the members thereof. Before entering upon the duties of his office, such city manager shall take the official oath for the support of the government and the faithful performance of his duties, and shall execute a bond in favor of the city in such sum as may be fixed by the council. He shall:

1. Have general supervision over the business of the city.
2. See that the ordinances and policies of the city are complied with and faithfully executed.
3. Attend all meetings of the council at which his attendance is required by that body.
4. Recommend for adoption to the council such measures as he may deem necessary or expedient.
5. Make the appointment of all department heads, subject to such civil service regulations as may relate thereto.
6. Prepare and submit to the council such reports as may be required by that body, or as he may deem advisable.
7. Keep the council fully advised of the financial condition of the city and its future needs.
8. Prepare and submit to the council a tentative budget for the next fiscal year.
9. Perform such other duties as the council may establish by ordinance or resolution.
10. Possess such powers as are vested in the mayor as provided in section [50-606](#).

[50-811, added 1967, ch. 429, sec. 150, p. 1249.]

50-812. DISCONTINUANCE OF COUNCIL-MANAGER PLAN -- PROPOSITION TO BE VOTED. Any city which shall have operated for more than six (6) years under the provisions of sections [50-801](#) through [50-812](#), Idaho Code, may resume operation under sections [50-601](#) through [50-708](#), Idaho Code, by proceedings held as sections [50-801](#) through [50-812](#), Idaho Code, provide for adoption of

the council-manager plan. The proposition to be submitted shall be: "Shall the City of retain its organization under the 'council-manager plan'?"

[50-812, added 1967, ch. 429, sec. 151, p. 1249; am. 1984, ch. 156, sec. 6, p. 382.]

50-813. CALCULATION FOR NUMBER OF REQUIRED SIGNATURES. In cases where a city is operating under the council-manager plan, if there is no direct mayoral election, and a statute provides for petitions or elections based upon the total number of votes cast for mayor at the last preceding city election, the calculation of signatures or votes necessary under state law shall be based upon the total number of votes cast for the city councilman who received the highest number of votes at the last preceding city election.

[50-813, added 1978, ch. 257, sec. 1, p. 562; am. 1984, ch. 156, sec. 7, p. 382.]