

AGENDA
SPECIAL CITY COUNCIL MEETING
HELD ON MAY 10th, 2024
AT 10:30 A.M.
AT THE MOUNTAIN HOME CITY HALL
160 SOUTH 3RD EAST STREET

CALL MEETING TO ORDER/ESTABLISH A QUORUM

TOPIC

- 1) Action Item: Approve Resolution #12-2024R on disallowing political campaign activity in/on city owned buildings/property.
- 2) Action Item: Golf Concessioner agreement.

ADJOURN



MINUTES OF THE SPECIAL MEETING OF THE
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
HELD ON MAY 10th, 2024
AT 10:30 A.M.
AT THE MOUNTAIN HOME CITY HALL
160 SOUTH 3RD EAST STREET

The Council of the City of Mountain Home, Elmore County, Idaho, met at Mountain Home City Hall, 160 South 3rd East, Mountain Home, Idaho on May 10th, 2024. A quorum was established with, Councilwoman Garvey, Councilman Harjo, Councilwoman Wirkkala, and Councilman Brennan being present. Mayor Sykes was absent.

PUBLIC COMMENT

Stan Podesick came forward to ask if the Mayor had planned an event that was not open to the public.

Sawyer Crenshaw spoke to the Council about the necessity of the proposed resolution on the agenda today. He said there is currently a lot of case law addressing public and free speech on government property and there is a difference in traditional forums and designated forums. He said the council has the right to restrict campaign speech reasonably in an area like this. He said there is some concern about unintended consequences of this resolution.

Alice Carlson said she appreciated the Council returning her emails and said she disagreed with what Sawyer said to the Council in his comments.

Misty Pierce addressed the Council saying she agreed with Alice in her comments and said in regard to the Golf Concessioner agreement the local rent rates should be taken into consideration when setting the rent fees for the building.

TOPIC

1)Action Item: Approve Resolution #12-2024R on disallowing political campaign activity in/on city owned buildings/property.

Councilman Brennan said he wouldn't speak for the Mayor, however, from what the Council had been told there would be no public access to the proposed political forum that had been suggested.

Councilwoman Wirkkala read state statute 74-603 Transparent and Ethical Government. She said she received a call from a Constitutional candidate expressing his concern he was not asked to participate in the forum and because of this she was worried this might lead to the city being involved in a lawsuit.

Councilwoman Garvey said her issue was not with City Hall hosting an event, but with the Mayor hosting it and it being closed doors without all candidates invited.

Councilman Harjo said he believes there are aspects of this agenda topic that could infringe on free speech.

Councilwoman Wirkkala read the proposed resolution.

The Council discussed the proposed Resolution and suggested some changes to the ordinance as written.

Councilwoman Garvey made a motion to table the Resolution #12-2024R on disallowing political campaign activity in/on city owned buildings/property until the next City Council Meeting on May 14, 2024.

Councilman Harjo seconded the motion.

Councilman Brennan said he felt this issue could be worked out today with only two items on the agenda.

Paul Fitzer, City Attorney said the Council could pass an interim Resolution until a final Resolution could be drafted.

Councilwoman Garvey amended her motion through interlineation 12-2024R on disallowing political campaign activity in/on city owned buildings/property as an interim resolution with an expiration date of May 22, 2024. Councilman Harjo amended his second.

Councilman Brennan asked if there was anything preventing the Council from completing this ordinance today.

Councilwoman Garvey said she would like to strike Item 1 from the resolution, as she feels it is too restrictive. She said it should read something in line with City Hall can host events as long as City Staff is not being utilized or paid for their hours. If the venue will not hold everyone the doors be open, first come first serve.

Paul asked if they are not using city equipment or staff why is the city telling another entity how to run their debate.

Councilwoman Garvey said with that in mind they may need to table this.

Councilman Harjo said pushing this through with language we have yet to draft without taking in the best considerations of the tax payer dollars.

Councilman Brennan said for the record he isn't trying to ramrod anything through today.

The following vote was recorded:

| | |
|-----------------------|-----|
| Councilman Brennan | NAY |
| Councilwoman Wirkkala | NAY |
| Councilman Harjo | AYE |
| Councilwoman Garvey | AYE |

The vote being a tie, the motion died.

Council President Brennan suspended Roberts Rules of Order.

Councilman Harjo said 74-604 states neither a public entity nor its employees nor a public official make or authorize an expenditure from public funds to advocate for or against a candidate or ballot measure. He asked what an expenditure of public funds means to everyone.

Councilman Brennan proposed the resolution read #1 Organized political campaign activity shall only occur with the prior written approval of City Council when City Staff will utilize City resources or time. #2 This does not include voting.

Councilman Brennan made a motion to approve resolution #12-2024R declaring the City Council of Mountain Home does hereby declare effective immediately organized political campaign activity shall only occur with the prior written approval of City Council when City staff will utilize city resources or time. This does not include the employee's ability to vote. There was no second and the motion died.

Tiffany Belt, City Clerk asked the Council to be specific about the use of city equipment and whether or not they would charge for use of a city building, because if there were to be a fee for use of a building there would need to be a public hearing for the new fee.

Councilwoman Garvey said she thought when city staff will utilize city resources or time should be struck because you don't want just anyone roaming around City Hall by themselves.

Councilman Harjo asked if what has been stated could be voted on as an interim resolution.

Councilman Brennan made a motion to approve Resolution #12-2024R to read organized political campaign shall only be allowed with written approval of City Council. This does not restrict the employee's ability to vote. Councilwoman Wirkkala seconded the motion.

The following vote was recorded:

| | |
|-----------------------|-----|
| Councilman Brennan | AYE |
| Councilwoman Wirkkala | AYE |
| Councilman Harjo | AYE |
| Councilwoman Garvey | AYE |

The vote being unanimous, the motion was carried and so ordered.

The Council recessed from 11:45 a.m. to 11:48 a.m. and the meeting continued.

2) Discussion: Golf Concessioner agreement.

Councilman Harjo gave a presentation on the data he had collected in regard to the Golf Concessioner agreement for the golf course restaurant.

The Council discussed options including the concessioner agreement paying for their own utilities.

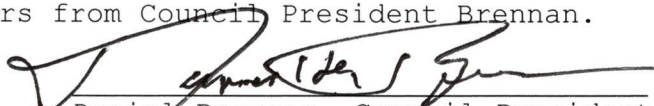
Councilman Brennan said he does not believe there should be a financial discussion until the Council had discussed all of the details about what would be offered for tenant in the space.

Councilwoman Garvey left the meeting at 1:03 p.m. and the meeting continued.

The Council discussed the language they would like to see included in the new contract to be brought back to the Council.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 1:22 P.M. by orders from Council President Brennan.


Daniel Brennan, Council President

ATTEST:


Tiffany Belt, City Clerk



