

ORDINANCE NO. 475

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, REPEALING ORDINANCE NUMBER 425 AND ANY RELATED RESOLUTIONS TO THAT ORDINANCE OR DECISIONS MADE AND RECORDED IN THE MINUTES OF CITY COUNCIL MEETINGS; DECLARING OWNERSHIP OF THE MACKAY RODEO ARENA AND ASSOCIATED FACILITIES AND FOR USE BY CITIZENS; ALLOWING THE MACKAY RODEO COMMITTEE USE OF SAID FACILITIES IN EXCHANGE FOR MAINTENANCE; ESTABLISHING A PROCEDURE TO ALLOW OTHER ORGANIZATIONS USE OF SAID FACILITIES WITHOUT CHARGE; PROVIDING FOR THE SECURITY OF THE MACKAY RODEO ARENA AND ASSOCIATED FACILITIES; PROVIDING THAT VIOLATION OF THIS ORDINANCE IS TRESPASSING; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO:

SECTION 1: Ordinance of the City of Mackay No. 425 is repealed in its entirety rather than edit the ordinance which proved to be cumbersome due the number of items needing to be changed. Also repealed are any resolutions or decisions recorded in the minutes of the City Council related to Ordinance No. 425.

SECTION 2: The City of Mackay (City), Custer County, Idaho owns and maintains the Mackay Rodeo Arena and adjacent facilities including but not limited to a cooking facility and restrooms, for the use and benefit of all citizens of Mackay and Custer County.

SECTION 3: Wildest Mackay Rodeo Advisory Committee.

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3-1: Establishment

The Wildest Mackay Rodeo Advisory Committee ("Committee") is hereby established. The Mayor, with the consent of the Council, shall appoint five (5) voting members to the Committee. Those appointed should be individuals with a demonstrated interest, competence, or knowledge of various rodeo, western, and rodeo-related interests. Members shall be selected without regard to political affiliation, race, color, national origin, gender, family status, sex, handicap, sexual orientation, gender identity/expression or religion. Committee members shall serve without compensation. The Mayor may appoint, with the

consent of the Council, additional persons with interest, expertise, and experience to be non-voting ex-officio members of the Committee.

3-2: Purpose

The purpose of the Committee is to advise and assist the Director of Parks and Recreation, the Mayor, and the Council in preserving, developing, planning, promoting, managing, directing, and producing Idaho's Wildest Rodeo, the Mackay Rodeo and to suggest improvements to City facilities, properties, and programs related to it.

3-3: Duties

The Committee shall have the following powers, duties, and responsibilities:

- A. Advise the Director of Parks and Recreation regarding the preservation, development, planning, promotion, management, directing, and production of the Mackay Rodeo.
- B. Study the physical condition, maintenance, operation, viability, and use of City rodeo programs and facilities and make recommendations to the Director of Parks and Recreation concerning their improvement and efficient use; and
- C. Suggest ways to create, sustain, and enhance the cultural and economic viability of the Mackay Rodeo and
- D. Identify, engage, and collaborate with organizations for the purpose of planning, organizing, and executing programs and events relating to the Mackay Rodeo.
- E. Identify, engage and collaborate with organizations for the purpose of planning, organizing and executing programs and events relating to the Mackay Rodeo.

3-4: Organization

During the first meeting of each calendar year, the Committee shall elect from its membership, by majority, a person to act as Chair and a person to act as Vice-Chair. The Chair and Vice Chair shall serve until replaced or re-elected. The Chair shall preside at all meetings. If the Chair is absent or unable to act at any meeting, the Vice Chair shall preside.

3-5: Term of Office

Each Committee member shall be appointed to serve a term of three (3) years, except that the terms of the initial members may be less than three years as necessary to provide for staggered terms of office. Terms of no more than three (3) members shall expire in any calendar year. Committee members may be reappointed.

3-6: Removal

A Committee member may be removed from the Committee by the Mayor and at the Chair's request, following two (2) consecutive meeting absences unexcused by the Chair or at any time by the majority vote of the Council.

3-7: Vacancy

The Mayor, with the consent of the Council, shall appoint a qualified member to fill any unexpired term of a Committee member in the event of a vacancy.

3-8: Attendance

A quorum of Committee members shall be present for purposes of conducting the business of the Committee. Non-voting members present at meetings shall not be considered in determining the number required for a quorum or whether a quorum is present.

3-9: Open Meetings

The Committee shall meet as often as deemed necessary by the Director of Parks and Recreation. All meetings of the Committee shall be open to the public and shall follow the requirements of TITLE 2, CHAPTER 4 – CIVIL SERVICES COMMISSION 2 The Idaho Open Meetings Law. The Director of Parks and Recreation shall keep minutes and other appropriate records pursuant to the Idaho Code.

3-10: Minutes

The Committee shall keep minutes of its proceedings, including the vote of each member on every presented issue. The meeting minutes and other records of the Committee shall be open to the public. The Committee shall provide an annual report, as approved by the Director of Parks and Recreation, to the Council in within sixty (60) days of the conclusion of the annual Mackay Rodeo, which report shall include activities and accomplishments, a financial report, and any recommendations for subsequent Rodeos. The Mayor or the Council may also require special reports, as deemed necessary.

3-11: Funding and Donations

The Committee is authorized to seek outside funding and in-kind donations for City projects, including programs and capital improvements, as may be approved by the Council and in accordance with City budget procedures.

The Committee must operate by not incurring any debt. All costs to operate the Mackay Rodeo and any capital improvements, are to be paid using funds raised by the Committee or the applicable organization organizing the Mackay Rodeo.

SECTION 4: The City establishes the following procedure to allow the Mackay Rodeo Arena/Facility's use by organizations other than the City; and to provide for the security and maintenance of the City owned property.

4-1: Locking and Securing Facilities: The Mackay Rodeo Arena and Cooking Facilities shall be locked and secured at all times when there are no events scheduled in the said Arena. Restroom facilities shall be unlocked during events and during those months of the year when the water to those facilities is not subject to freezing

4-2: Use of Facilities: Use of the Mackay Rodeo Arena and/or Cooking Facilities may be reserved for short term (less than five (5) days) events by completing an application available from the City Clerk for Use Permit for use of said facilities. The request shall be submitted to the Mayor for approval a minimum of seven (7) working days prior to the event taking place.

- A. The Mackay High School Rodeo Club, members of the Mackay High School Chapter of Future Farmers of America (FFA), members of Custer County 4H Clubs, and other youth organizations are not subject to this requirement.
- B. Leaders/Advisors of the organizations listed in Section 4, (B), (1) are required to notify the City Clerk of their need to use the Mackay Rodeo Arena/Facilities one (1) day in advance of said use and obtain a key to the desired facility(ies) to be used. Permission will be granted by the City Clerk if no other scheduled events are to take place during the requested use period.

4-3: Insurance and Waivers: Users desiring a Use Permit shall, in addition to completing the application for permit and executing any required use agreement provided and approved by the City, provide proof of insurance for the event/activity being conducted in the amount of one million dollars (\$1,000,000.00), listing the City as an additional insured and submit objective evidence that all participants, third-party vendors, and/or stock contractors involved in said activity or event have either provided proof of insurance to the Permit Holder or signed waivers holding the Permit Holder, and the City of Mackay blameless and indemnify the City against any and all claims arising out of participation in the permitted event/activity.

4-4: Committee's Obligation Regarding Proof of Insurance and Waivers: When the Use Permit relates to the Mackay Rodeo, the Committee described in Section 3 shall ensure that each proof of insurance and waiver referenced in Section 4.3 (B) above are obtained and provide sufficient protection for the City of Mackay.

4-5: Indemnification by Users: Users desiring a Use Permit shall also agree to indemnify, defend and hold harmless the City of Mackay and its officers, agents and employees from and against all claims, losses, actions or judgments for damages, losses or injury to persons or property arising out of or in conjunction with the acts and/or any performances or activities of a Permit Holder. Permit Holder's agents, employees, or representatives under this Ordinance.

4-6: Damage Deposit: The City of Mackay shall charge no fee for the use of the Mackay Rodeo Arena, Cooking Facilities, and Restrooms. However, to ensure those who use those facilities show respect for public property, a damage deposit of two hundred dollars (\$200.00) shall be included with the request for use permit. This deposit shall be returned upon inspection by the City, and it is determined the facilities used are in as good or better condition than when the event/activity was held.

4-7: Found or Better Condition: Those that use the Mackay Rodeo Arena, Cooking Facilities, and Restrooms and are not subject to a use permit, are under obligation to leave the said facilities in as found or better condition or use of said facilities will be denied in the future.

4-8: Cancellation by the City: The City reserves the right to cancel or reschedule any and all events, schedule events, and use the Mackay Rodeo Arena and associated facilities as the Mayor and City Council see fit for the betterment of the community.

SECTION 5: Any violation of the terms of this Ordinance shall be deemed Trespassing and subject to injunction under the Laws of the State of Idaho and the Ordinances of the City of Mackay.

SECTION 6: This Ordinance shall be in full force and effect immediately upon its passage and publication according to law; the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS ____ DAY OF April 2026.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By: Richard Mangum
Richard Mangum, Mayor

ATTEST: Cynthia Smith
Cynthia Smith, City Clerk