

**AGENDA OF THE  
HAILEY CITY COUNCIL MEETING  
Monday March 2, 2015 \* Hailey City Hall Meeting Room**

**\*Late added item**

**5:30 p.m. CALL TO ORDER -** Open Session for Public Concerns

**CONSENT AGENDA:**

<b><u>CA 064</u></b>	Motion to approve Resolution 2015-05, authorizing an amendment to Hailey’s Personnel Handbook to add policies governing the use of social media by city employees and volunteers, and other minor housekeeping amendments .....	1
<b><u>*CA 065</u></b>	<i>Motion to approve Resolution 2015-06, authorizing repairs to City Hall restrooms in the amount of \$5,940 by Conrad Brothers .....</i>	36
<b><u>*CA 066</u></b>	<i>Motion to approve Resolution 2015-07, authorizing repairs to City Hall restrooms in the amount of \$6,030 by Precision Plumbing.....</i>	40
<b><u>*CA 067</u></b>	<i>Motion to approve Resolution 2014-08, ratifying the Mayor’s signature on Hawley Graphics Welcome sign agreement for a total cost of \$9,885 .....</i>	44
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<b><u>CA 069</u></b>	Motion to approve special event, Northern Rockies Music Festival, to be held at Hop Porter Park (Friday, July 31 <sup>st</sup> , 2015 from 5:00 pm-10:00 pm & Saturday, August 1 <sup>st</sup> , 2015 from 1:00 pm – 10:00 pm) .....	52
<b><u>CA 070</u></b>	Motion to approve special event, Hailey Main Street Antique Show, to be held at 810 N. Main St. (July 3 <sup>rd</sup> – July 5 <sup>th</sup> , 2015 from 9:00 am-7:00 pm) .....	58
<b><u>CA 071</u></b>	Motion to approve minutes of February 9, 2015 and to suspend reading of them .....	65
<b><u>CA 072</u></b>	Motion to approve claims for expenses incurred during the month of February 2015, and claims for expenses due by contract in March, 2015 .....	74

**PROCLAMATIONS & PRESENTATIONS:**

PP 073 Pat Rainey 25-Year Service Award

**APPOINTMENTS & AWARDS**

<b><u>AA 074</u></b>	Hailey Planning and Zoning Commission appointment to fill expiring term of Jay Cone (Dec 2014).....	86
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**PUBLIC HEARING:**

<b><u>PH 075</u></b>	Nuclear Waste Storage discussion with Idaho Governor’s office .....	97
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<b><u>PH 079</u></b>	Hailey Infrastructure Improvements – Report with prioritization discussions and LOT Funding Report .....	124

**NEW BUSINESS:**

<b><u>NB 080</u></b>	Consideration of proposals and costs from consultants for annexation and development impact fee study updates with adoption of Resolution 2015-09, authorizing consultant services agreement.....	129
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<b><u>NB 083</u></b>	Discussion of Non-Discrimination Ordinance .....	193
<b><u>NB 084</u></b>	Report from attorney regarding regulations pertaining to drones .....	254

**OLD BUSINESS:**

<b><u>OB 085</u></b>	3 <sup>rd</sup> Reading of Ordinance No. 1171 amending Hailey Municipal Code Chapter 12 to clarify that the possession and use of tobacco and alcohol by minors is prohibited in all city parks.....	258
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**STAFF REPORTS:** Staff Reports                      Council Reports                      Mayor’s Reports

<a href="#"><u>SR 086</u></a>	Correspondence between Seagraves Foundation and Mayor Haemmerle re: donation of \$5,000 to Hailey Volunteer Fire Association’s Burn Out Fund .....	262
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<a href="#"><u>SR 089</u></a>	Draft Agenda for March 16, 2015 City Council Meeting .....	268

**EXECUTIVE SESSION:**

**Matters & Motions from Executive Session or Workshop**

Next Ordinance Number - 1172    Next Resolution Number- 2015-11

**AGENDA ITEM SUMMARY**

**DATE:** 3/02/2015

**DEPARTMENT:** Admin

**DEPT. HEAD SIGNATURE:** HD

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**SUBJECT:** Personnel Handbook revisions include:

- the addition of a policy about the use of social media,
- clarification and amendments of policies surrounding the use of electronic devices,
- clarification and amendments to the policy on retention of city records on both city and personal electronic devices.
- the addition of a Health & Wellness Section

Also included are some minor housekeeping amendments.

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**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

The amendments to the existing 2012 policy are shown in the redlined sections O, P, and Q, attached. Sections O and P are revised, Section Q is a new section.

Other housekeeping amendments to the 2012 policy include the renumbering of some sections, renumbering the Table of Contents, updating the cover page and mayor's introductory letter to today's date, March 2, 2015. The redlined language in the attached pages 1,2, 3 and 13 show very minor amendments.

A more substantial element is the addition of Section X with the language below:

**X. Health and Wellness Programs.** Employees are encouraged to utilize wellness programs available to them personally or through City programs and insurances. Employees should seek permission from their supervisors to participate in wellness activities offered during the work day.

Finally, a fully codified, clean version of the new 2015 policy is attached.

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**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

At the last city council meeting, I was directed to amend the policy to show that a supervisor's ability to monitor a computer was limited to a city owned computer and to show that only public records in a personally owned electronic device was subject to the public records law. I believe those changes are now incorporated in the paragraph O of the policy. The changes are shown in the in the first attachment, a redlined version of paragraph O from that viewed last meeting.

Ned

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**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Motion to approve the amendments to the Hailey Personnel Policy and Resolution No. \_\_\_\_\_ and to authorize the mayor to execute the resolution.

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**ACTION OF THE CITY COUNCIL:**

Date : \_\_\_\_\_

City Clerk \_\_\_\_\_

**CITY OF HAILEY  
RESOLUTION NO. 2015-05**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY  
AUTHORIZING THE REVISION OF THE PERSONNEL HANDBOOK TO DEFINE  
PARAMETERS FOR GOVERNING SOCIAL MEDIA, AND OTHER HOUSEKEEPING  
ITEMS.**

WHEREAS, the City of Hailey desires to repeal the previous version of the Personnel Handbook and replace with version dated March 2, 2015.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO,** that the City of Hailey approves the Personnel Handbook revisions as presented and authorizes the Mayor is to execute this Resolution No. 2015-05,

Passed this 2<sup>nd</sup> day of March, 2015.

City of Hailey

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Fritz X. Haemmerle, Mayor

ATTEST:

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Mary Cone, City Clerk

**O. City Records.** City records comprise all files, written documents, computer documents, and e-mail stored in City archives, City file cabinets, and offices, and City computers. All City records, except those protected under Idaho law as exempt, are public records and may be scrutinized by the public. Employees who use their personal electronic devices may be required to disclose public records in their personal electronic devices, unless exempt under Idaho's public records law. An ~~Ne~~ employee may not alter, destroy, distribute, delete or remove any portion of City records unless in compliance with Hailey's records retention policy set forth in Hailey Resolution No. 2011-56, as amended, and after receiving direction from his/her supervisor. Supervisors have the right to read all contents stored on an ~~employees's computer~~ a City owned electronic device at any time and for any purpose. Deleted files or messages remain in the system memory and can easily be retrieved.

Employees shall know and comply with departmental policies that reflect state law about making records available to the public. Employees shall know which specific City records are confidential and may not be released without the written approval of the employee's supervisor, or an order from a court of competent jurisdiction. An employee may not ~~verbally share~~ confidential information verbally, electronically, or in writing unless his/her supervisor has given explicit consent to do so. City employees shall at all times respect the privacy of their co-workers and citizens when managing or processing a public record in which individuals are identified.

**P. Use of Electronic Devices.** Employee use of City-owned telephones, faxes, and computer software and equipment, and any other electronic device shall be chiefly related to City business. Excessive personal calls or media-use during work, regardless of the device used and regardless of whether it is City owned or personally owned, interfere with productivity and can be distracting to others. Employees are to exercise discretion in making or receiving personal phone calls, texts or other media use while at work. Excessive personal calls or media use during a work-shift are prohibited. Cell phones given to City employees, and the minutes billed to them, are City property. ~~-To the extent that any City electronic devices, regardless whether it is City owned or personally owned, is~~ are used for personal reasons, such use must be limited in length, infrequent, and preferably take place during the lunch hour. Personal long distance or cell phone calls at City expense are prohibited at all times.

Cell phones, computers or electronic devices given to City employees, and the minutes and data billed to them, are City property. Employees shall not intentionally use personally owned electronic devices during an Employee's work period or use City owned electronic devices at any time to view websites containing sexually explicit or illegal material, violence advocacy, gambling or other inappropriate content (unless it is necessary in the performance of an employee's duties, such as law enforcement investigation). All passwords on personal computers are the property of the City. ~~Employees shall not install or modify passwords without written approval from their supervisor.~~ Employees shall not install personally-owned software or hardware on City-owned computers. Costs to adjust or repair the City computer technology due to unauthorized alterations or downloads will be paid by the person causing the need for repairs. Computer hacking is prohibited.

Employees do not have an expectation of privacy or confidentiality in the use of City owned electronic devices and should expect that any information created, transmitted, downloaded or exchanged on such an electronic device may be accessed by the City at any time without prior notice to the employee.

## Q. Use of Social Media.

1. Introduction. Social Media provides a valuable means of assisting the City and its personnel in community outreach and communication. The City also recognizes the role that social media tools play in the personal lives of City personnel. The personal use of social media can have a bearing on the City and its departments and personnel in their official capacities.

### 2. Definitions.

2.1 "City Websites" shall mean all websites that are owned, maintained, or controlled by the City on which information is posted for public viewing or use.

2.2 "Social Media" shall mean forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. Social Media pages are hosted by websites that authorize multiple users to establish, post content on and operate their own individual social media page. Technologies associated with Social Media pages often include picture and video sharing, wall postings, e-mail, instant messaging and music sharing. Examples of websites that host Social Media pages include, but are not limited to, Google and Yahoo Groups (reference, social networking), Wikipedia (reference), MySpace and Facebook (social networking), YouTube (social networking and video sharing), Flickr (photo sharing) and Twitter (social networking and microblogging).

3. Official Use of City Websites. The City Administrator or Department Heads will authorize the use of City Websites for specific public purposes. Social Media sites used by the City shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence, and shall link to the City's official website. Social Media content shall adhere to applicable federal, state and city laws, ordinances, regulations and policies, including all information technology and records management policies. Content is subject to public records laws, and must be managed, stored and retrieved to comply with open records laws. Sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. The sites shall state that opinions expressed by visitors to the pages do not reflect the opinions of the City, and shall also indicate that the City reserves the right to remove obscenities, personal attacks or off-topic comments. Personnel assigned to represent the City or monitor content shall identify themselves as a City representative and conduct themselves at all times as City representatives by adhering to City standards of conduct. Such personnel shall not post, transmit, or otherwise disseminate confidential information, photographs or videos, and shall not conduct political activities or private business therein. Personnel shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

Any hyperlink leading to a site that is hosted by a party other than the City of Hailey must contain the following disclaimer:

*By clicking this link you are now exiting the City of Hailey (or other City Department) website. The City of Hailey is not responsible for and has not confirmed the accuracy of the content of the linked website. By continuing on to the linked website, you are*

*acknowledging that the City of Hailey is not liable for any damage resulting from your visit to the linked website.*

4. Personal Use of Social Media. City personnel are free to express themselves as private citizens on Social Media sites to the degree that their speech does not impair working relationships of the City or its officials, interfere with an employee's work performance, impede the performance of the employee's duties, or negatively affect the public perception of the City or its departments. Personal use of Social Media during an employee's work shift should be limited, infrequent and take place during lunch or scheduled breaks. Personnel are cautioned that content posted or viewed on Social Media, made on or off duty, pursuant to their official duties – *that is, that owes its existence to the employee's duties and responsibilities* – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the City. Speech through Social Media will reflect upon the official capacity of personnel. Employees shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment, nor shall they publish materials that could reasonably be considered to represent the views or positions of the City, without written permission from their supervisor. Employees shall not post information pertaining to any other City officials or personnel, without their permission. Employees shall not display City logos, uniforms, badges, or similar items which will identify them with the City, where any part of the Social Media site or page may contain any inappropriate materials, photos or language. Within the use of Social Media, employees' speech shall not contain obscene or sexually explicit language, images or acts, or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, religion, gender or gender orientation, or any protected class of individuals. Employees should expect that any information created, transmitted or downloaded, exchanged or discussed on Social Media may be accessed by the City at any time without prior notice and that employees do not have an expectation of privacy in such content posted or viewed on Social Media. The misuse of Social Media by personnel, in any manner outside the rules of the City's Personnel Handbook or its Department Policies, may be grounds for discipline or termination.

## I. City of Hailey Government

**A. Organizational Structure.** The City of Hailey is authorized by Idaho Code and the Idaho Constitution to provide public services to its citizens. The citizens elect a Mayor and four city council members to govern the City. Department Heads are hired and supervised by the Mayor to manage the delivery of public services. The Mayor may also hire a City Administrator to assist him/her in managing the business affairs of the City. For the purposes of this Personnel Handbook, any policies or decisions in which Mayoral discretion is involved may be delegated by the Mayor to a City Administrator. The Mayor (or City Administrator) may utilize risk management resources to assist in decisions, which resources include the City Attorney, insurance providers and contractors, and professional associations.

**B. Employee Classifications.** Individuals are considered employees of the City of Hailey when they receive a regularly scheduled salary or hourly wage from the City. They are grouped into four classifications according to the number of regularly scheduled hours in a workweek and the length of service commitment. Other City benefits and overtime pay/compensatory time are granted according to an employee's classification. Employee classifications include the following:

1. "Exempt employees" are those who are exempt from the provisions of the Fair Labor Standards Act. They are ineligible for overtime pay or compensatory time off for hours worked beyond their regularly scheduled workweek, but may be eligible for other city benefits. This category consists of elected and appointed officials, volunteers, and Department Heads, and other employees qualifying as exempt employees under the Federal Labor Standards Act.

2. "Full-time non-exempt employees" are those covered by the Fair Labor Standards Act. They are paid on an hourly basis and regularly work at least 30 hours per week. They are eligible for all City benefits as well as overtime pay/compensatory time for hours worked over forty (40) hours in a workweek, except for qualifying law enforcement and fire protection employees.

3. "Part-time non-exempt employees" are those who regularly work less than 30 hours per week. They are not eligible for city benefits, except certain benefits specifically designed and approved by the city council for this class of employees. They are subject to the wage and hour limits of federal law.

4. "Temporary/seasonal employees" are those who work full-time for no more than five (5) months. They are not eligible for City benefits except certain benefits specifically designed and approved by the city council for this class of employees. They are subject to wage and hour limits of federal law, including overtime pay for hours worked over forty (40) hours in a workweek.

All of the above categories are eligible for worker's compensation, as are non-paid members of appointed boards or commissions.

**C. The Personnel Handbook.** The City of Hailey's Personnel Handbook explains the City's key personnel policies and thereby provides an orientation to how the City works. The Handbook reflects City policy at the time of its distribution. All employees are expected to know, understand and follow these policies. The City, in its sole discretion, reserves the right to change, revise and amend any provision, benefit or personnel policy in this Personnel Handbook at any



time without advance notice to employees. Employees will, however, be immediately notified of any material policy change.

Potential employees are asked to read this Handbook prior to hiring in order to understand what the City expects of its employees. Individuals who accept employment with the City are required to sign an Acknowledgment of Receipt of the Personnel Handbook. (See "Acknowledgment Receipt," item A in the Appendix). The Acknowledgement will be placed in the employee's personnel file. If Handbook policies or guidelines are materially changed at any time, an Acknowledgment Receipt may again be required. Redistribution of the entire Personnel Handbook, revised pages, or certain sections may occur periodically to provide ongoing reinforcement of the policies in general and/or certain programs specifically.

**Any violations of City personnel policies are subject to disciplinary action by the employee's supervisor up to and including termination.**

**D. Department Manuals.** Department Heads may establish department policies that specify the requirements of state laws as well as work standards and procedures particular to their department's operations. These policies will often be more thorough in their detail pertaining to rules and regulations of each department. All department manuals are subject to the approval of the Mayor, with current copies distributed to the mayor's office. Employees must know, understand and follow their department's policies in addition to those set forth in the Personnel Handbook. If there is a perceived disagreement between the Handbook and Department policies, the employee should request clarification from his/her Department Head. If the employee is not satisfied with the Department Head's explanation, he/she may request in writing that the disagreement be taken to the Mayor (or City Administrator) for resolution. Individuals who accept employment within a department having adopted department policies are required to sign an Acknowledgment of Receipt of the Department Policies. (See "Acknowledgment Receipt of Department Policies," item B in the Appendix.) The Acknowledgement will be placed in the employee's personnel file. If Department policies or guidelines are materially changed at any time, an Acknowledgment Receipt may again be required. Any violations by a departmental employee of his/her department's policies are subject to disciplinary action by the employee's supervisor up to and including termination.

## II. General Policies

**A. Goals for Employee Relations.** The City endeavors to:

- Treat all employees fairly and with respect for individual capabilities
- Employ and promote on a performance basis
- Maintain fair and competitive salary programs
- Afford opportunities for advancement and professional development
- Promote and support collaboration between employees

**B. Goals for Customer Relations.** Our customers are the citizens who pay our salaries and elect our officials. The goodwill and confidence of our citizens is essential to municipal government. Therefore, it must be the goal of all City employees to:



- Deal fairly and honestly with citizens
- Handle citizen requests promptly and cheerfully
- Exercise tact, patience, and courtesy at all times
- Protect our citizens' rights to privacy and confidentiality
- Ensure that citizens receive full value in every service the City provides

Your consistent effort to make a favorable impression on citizens benefits us all. Every employee's manner and appearance, in addition to his/her technical expertise, contributes to the overall confidence the general public has in City government. Wherever an employee is, everything he/she does or says, whether on or off duty or City premises, can contribute to or detract from the City's professional reputation.

**C. Employment-At-Will.** All non-elected employees of the City of Hailey are employees-at-will. Employment-at-will generally means that an employee has voluntarily entered into employment with the City of Hailey and is free to resign for any reason at any time, and that the City may terminate an employee's employment for any reason at any time unless doing so is unlawful. By accepting and continuing employment with the City, an employee acknowledges that he/she is an employee-at-will. Your employment with the City is completely voluntary, is for an indefinite term and may be terminated by you or the City at any time for any or no reason and with or without notice. Your status as an employee-at-will may not be changed or modified by any practice or procedure of the City or other entities, or by any other document issued by the City, except by a written employment contract.

**D. Equal Employment Opportunity.** The City of Hailey is an Equal Employment Opportunity Employer. All employment decisions, including hiring, job classification, compensation, discipline, transfer, and discharge, will be made without discrimination based on a person's race, ethnicity, religion, marital status, gender, sexual orientation, age, political affiliation, national origin or disability. The City values a diverse workforce and makes every attempt to hire from all segments of its population base. The City will attempt to accommodate individuals with disabilities unless the needed accommodation is unreasonable, would create undue financial hardship to the City, or risk harm to others.

**E. Conflict of Interest.** It is essential that City employees avoid conflicts of interest at all times. A conflict of interest occurs when a City employee, or a member of his/her household, might derive personal gain in carrying out the duties of his/her City employment. Employees are prohibited from using City property, equipment, supplies or services in ways that may promote their own gain or that of others. Nor may they promote their personal or family business interests while on the job. The rules governing conflicts of interest are established by Title 59, Chapter 7, Idaho Code, for general city purposes and Idaho Code §67-6506 for land use matters. An employee must disclose any potential conflict of interest to his/her supervisor, who may then consult with the City Attorney for advice on the matter and the supervisor shall file documentation regarding that advice to the employee's personnel file.

**F. Outside Employment.** An employee engaged in secondary employment must notify his/her supervisor of the scope of work and declare any perceivable conflicts of interest. The situation shall be reviewed by the City Attorney and, if he/she determines that a conflict of interest exists, the employee may not pursue the secondary employment. If the City Attorney

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**B. Health, Dental and Vision Insurance Coverage.** The City of Hailey provides comprehensive health, dental and vision insurance to full-time non-seasonal employees who regularly work 30 hours per week or more, as well as to elected officials. Spouse and dependent coverage is optional at the employee's expense. Insurance coverage begins on the first day of the month following the employee's first 30 days employment, if enrollment documents have been fully completed by the employee. Employees are responsible for oversight of their claims. Continued health coverage is available to former employees at their own cost pursuant to federal law (COBRA).

then -

**C. HRA/VEBA Benefit.** The City of Hailey provided a Health Reimbursement Account (HRA) for ~~eligible employees~~ employees hired prior to February 1, 2012, by contributing The City contributed an equal amount for each eligible employee to a Volunteer Employment Benefit Account (VEBA). The accounts are intended for use by employees under IRS 231 regulations, and remain the employee's property even after the individual is no longer employed with the City of Hailey. This program has been suspended due to budgetary constraints since 2012. When the benefit is active. Contributions for eligible employees are made during the last week of January and July. Eligible employees must have completed five or more consecutive months of employment prior to the month in which the benefit is paid, and must also, on the first of the month during which the benefit is paid, be members of the city's comprehensive health insurance group.

**D. Worker's Compensation Coverage.** Worker's compensation insurance covering job-related injuries is provided for all employees through the State Insurance Fund. An employee entitled to worker's compensation may simultaneously receive payments from the City for previously accrued, eligible Paid Time Off (PTO) or Short Term Leave (STL). Return to work will be authorized on a case-by-case basis following consultation between the employee, relevant medical personnel, the employee's supervisor and the State Insurance Fund.

**E. Additional Benefits.** The City of Hailey may provide access to but not pay for other benefits. The City may also provide paid benefits in addition to these listed at the discretion of the City Council. A schedule of optional benefits, both paid and unpaid, available to employees is available from the City Clerk's office.

**F. Retirement.** Employees who work 20 hours or more per week for five or more consecutive months are eligible for the Public Employee Retirement System of Idaho (PERSI) benefit program. The employee's assessment consists of a percent (set by PERSI) of the employee's gross pay. The assessment is deducted from employee's paycheck beginning with their first date of pay and is exempt from Federal and State income taxes. The City also contributes to PERSI for each employee at a percentage set by PERSI. If the employee does not complete five consecutive months of employment, both the employee and the employer may request a contribution refund from PERSI.

**G. Holidays.** The City observes twelve (12) holidays during the year as follows: New Year's Day, Idaho Human Rights Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the Friday following Thanksgiving, Christmas Eve and Christmas Day. In addition, all employees receive one personal holiday to be used at their discretion following the first six months of their employment. City offices will be





# City of Hailey

## Personnel Handbook

ADOPTED March 2, 2015

**THE POLICIES IN THIS PERSONNEL HANDBOOK NEITHER CREATE NOR IMPLY A CONTRACT BETWEEN THE CITY AND ITS EMPLOYEES. NOR DO THEY GRANT ANY RIGHT TO GUARANTEED OR CONTINUED EMPLOYMENT.**

This version of the Handbook supersedes and replaces all previous Personnel Handbooks and/or personnel policies followed by the City of Hailey.

Previous Personnel Handbooks were Adopted:

1993

1999

January 1, 2005

March 14, 2005

December 13, 2010

August 6, 2012

October 10, 2012

March 2, 2015

Dear Prospective Employee (or employee),

This Handbook is intended to acquaint you with the employment practices of the City of Hailey. It is intended to assist you in carrying out your duties with the City by explaining the policies and procedures that affect your work, compensation, advancement, and daily routine. While it is not intended to be a restrictive set of regulations, this Handbook does establish certain policies that will ensure fair and equitable treatment of all concerned.

City officials wish to support the welfare and personal development of all City employees. We also desire to assist you in realizing your professional potential as you perform your City duties. We hope this handbook will help prepare you for the opportunities available to you through your affiliation with the City of Hailey.

From time to time, all employees will undoubtedly have questions about their duties or City policy. Please ask your Department Head or any other person in authority. You are also encouraged to offer your suggestions for improving our public services, simplifying our operations, saving materials or time, preventing accidents, reducing costs, or anything else that will enhance the City as both a municipality and a work place.

It is imperative that each prospective and current employee review this handbook carefully in order to understand what is expected of him/her, and also what he/she can expect of the City. Certain information is subject to change; revised pages will be distributed as changes occur for insertion into your personal Handbook.

The City appreciates the opportunity to work with you. The Mayor and your Department Head will do their best to provide a satisfying work environment for you. In turn, they count on you to remember that the City's success and public relations depend upon you, your attitude, your cooperation, and your performance. Together we will work to serve our community to the highest possible standard.

Fritz X. Haemmerle  
Mayor, City of Hailey

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## I. City of Hailey Government

**A. Organizational Structure.** The City of Hailey is authorized by Idaho Code and the Idaho Constitution to provide public services to its citizens. The citizens elect a Mayor and four city council members to govern the City. Department Heads are hired and supervised by the Mayor to manage the delivery of public services. The Mayor may also hire a City Administrator to assist him/her in managing the business affairs of the City. For the purposes of this Personnel Handbook, any policies or decisions in which Mayoral discretion is involved may be delegated by the Mayor to a City Administrator. The Mayor (or City Administrator) may utilize risk management resources to assist in decisions, which resources include the City Attorney, insurance providers and contractors, and professional associations.

**B. Employee Classifications.** Individuals are considered employees of the City of Hailey when they receive a regularly scheduled salary or hourly wage from the City. They are grouped into four classifications according to the number of regularly scheduled hours in a workweek and the length of service commitment. Other City benefits and overtime pay/compensatory time are granted according to an employee's classification. Employee classifications include the following:

1. "Exempt employees" are those who are exempt from the provisions of the Fair Labor Standards Act. They are ineligible for overtime pay or compensatory time off for hours worked beyond their regularly scheduled workweek, but may be eligible for other city benefits. This category consists of elected and appointed officials, volunteers, and Department Heads, and other employees qualifying as exempt employees under the Federal Labor Standards Act.

2. "Full-time non-exempt employees" are those covered by the Fair Labor Standards Act. They are paid on an hourly basis and regularly work at least 30 hours per week. They are eligible for all City benefits as well as overtime pay/compensatory time for hours worked over forty (40) hours in a workweek, except for qualifying law enforcement and fire protection employees.

3. "Part-time non-exempt employees" are those who regularly work less than 30 hours per week. They are not eligible for city benefits, except certain benefits specifically designed and approved by the city council for this class of employees. They are subject to the wage and hour limits of federal law.

4. "Temporary/seasonal employees" are those who work full-time for no more than five (5) months. They are not eligible for City benefits except certain benefits specifically designed and approved by the city council for this class of employees. They are subject to wage and hour limits of federal law, including overtime pay for hours worked over forty (40) hours in a workweek.

All of the above categories are eligible for worker's compensation, as are non-paid members of appointed boards or commissions.

**C. The Personnel Handbook.** The City of Hailey's Personnel Handbook explains the City's key personnel policies and thereby provides an orientation to how the City works. The Handbook reflects City policy at the time of its distribution. All employees are expected to know, understand and follow these policies. The City, in its sole discretion, reserves the right to change, revise and amend any provision, benefit or personnel policy in this Personnel Handbook at any

time without advance notice to employees. Employees will, however, be immediately notified of any material policy change.

Potential employees are asked to read this Handbook prior to hiring in order to understand what the City expects of its employees. Individuals who accept employment with the City are required to sign an Acknowledgment of Receipt of the Personnel Handbook. (See "Acknowledgment Receipt," item A in the Appendix). The Acknowledgement will be placed in the employee's personnel file. If Handbook policies or guidelines are materially changed at any time, an Acknowledgment Receipt may again be required. Redistribution of the entire Personnel Handbook, revised pages, or certain sections may occur periodically to provide ongoing reinforcement of the policies in general and/or certain programs specifically.

**Any violations of City personnel policies are subject to disciplinary action by the employee's supervisor up to and including termination.**

**D. Department Manuals.** Department Heads may establish department policies that specify the requirements of state laws as well as work standards and procedures particular to their department's operations. These policies will often be more thorough in their detail pertaining to rules and regulations of each department. All department manuals are subject to the approval of the Mayor, with current copies distributed to the mayor's office. Employees must know, understand and follow their department's policies in addition to those set forth in the Personnel Handbook. If there is a perceived disagreement between the Handbook and Department policies, the employee should request clarification from his/her Department Head. If the employee is not satisfied with the Department Head's explanation, he/she may request in writing that the disagreement be taken to the Mayor (or City Administrator) for resolution. Individuals who accept employment within a department having adopted department policies are required to sign an Acknowledgment of Receipt of the Department Policies. (See "Acknowledgment Receipt of Department Policies," item B in the Appendix.) The Acknowledgement will be placed in the employee's personnel file. If Department policies or guidelines are materially changed at any time, an Acknowledgment Receipt may again be required. Any violations by a departmental employee of his/her department's policies are subject to disciplinary action by the employee's supervisor up to and including termination.

## **II. General Policies**

**A. Goals for Employee Relations.** The City endeavors to:

- Treat all employees fairly and with respect for individual capabilities
- Employ and promote on a performance basis
- Maintain fair and competitive salary programs
- Afford opportunities for advancement and professional development
- Promote and support collaboration between employees

**B. Goals for Customer Relations.** Our customers are the citizens who pay our salaries and elect our officials. The goodwill and confidence of our citizens is essential to municipal government. Therefore, it must be the goal of all City employees to:

- Deal fairly and honestly with citizens
- Handle citizen requests promptly and cheerfully
- Exercise tact, patience, and courtesy at all times
- Protect our citizens' rights to privacy and confidentiality
- Ensure that citizens receive full value in every service the City provides

Your consistent effort to make a favorable impression on citizens benefits us all. Every employee's manner and appearance, in addition to his/her technical expertise, contributes to the overall confidence the general public has in City government. Wherever an employee is, everything he/she does or says, whether on or off duty or City premises, can contribute to or detract from the City's professional reputation.

**C. Employment-At-Will.** All non-elected employees of the City of Hailey are employees-at-will. Employment-at-will generally means that an employee has voluntarily entered into employment with the City of Hailey and is free to resign for any reason at any time, and that the City may terminate an employee's employment for any reason at any time unless doing so is unlawful. By accepting and continuing employment with the City, an employee acknowledges that he/she is an employee-at-will. Your employment with the City is completely voluntary, is for an indefinite term and may be terminated by you or the City at any time for any or no reason and with or without notice. Your status as an employee-at-will may not be changed or modified by any practice or procedure of the City or other entities, or by any other document issued by the City, except by a written employment contract.

**D. Equal Employment Opportunity.** The City of Hailey is an Equal Employment Opportunity Employer. All employment decisions, including hiring, job classification, compensation, discipline, transfer, and discharge, will be made without discrimination based on a person's race, ethnicity, religion, marital status, gender, sexual orientation, age, political affiliation, national origin or disability. The City values a diverse workforce and makes every attempt to hire from all segments of its population base. The City will attempt to accommodate individuals with disabilities unless the needed accommodation is unreasonable, would create undue financial hardship to the City, or risk harm to others.

**E. Conflict of Interest.** It is essential that City employees avoid conflicts of interest at all times. A conflict of interest occurs when a City employee, or a member of his/her household, might derive personal gain in carrying out the duties of his/her City employment. Employees are prohibited from using City property, equipment, supplies or services in ways that may promote their own gain or that of others. Nor may they promote their personal or family business interests while on the job. The rules governing conflicts of interest are established by Title 59, Chapter 7, Idaho Code, for general city purposes and Idaho Code §67-6506 for land use matters. An employee must disclose any potential conflict of interest to his/her supervisor, who may then consult with the City Attorney for advice on the matter and the supervisor shall file documentation regarding that advice to the employee's personnel file.

**F. Outside Employment.** An employee engaged in secondary employment must notify his/her supervisor of the scope of work and declare any perceivable conflicts of interest. The situation shall be reviewed by the City Attorney and, if he/she determines that a conflict of interest exists, the employee may not pursue the secondary employment. If the City Attorney



determines that there is no conflict of interest, the supervisor shall put a written notice approving the secondary employment in the employee's file based on the Attorney's finding. This notice may be withdrawn at any time that a conflict is subsequently found.

With the type of services that the City performs, including emergency and disaster response and mitigation, it is expected to be necessary to call workers back to work before and after normal work hours have started or ended. Having an outside job could hinder an employee's ability to give needed care to his/her primary job with the City of Hailey. Because of this, outside employment is discouraged.

**G. Anti-Harassment Policy.** The City of Hailey does not condone and will not permit harassment, sexual or otherwise, on its premises. No employee shall harass a fellow employee, members of the public, vendors, contractors or representatives from other agencies or any other person interacting with a City employee during the workday. Respect for another person's race, marital status, age, religion, ethnicity, national origin, sexual orientation, political affiliation, disability and gender is expected at all times.

1. Definition of Harassment. Harassment consists of conduct that has the purpose or effect of unreasonably and adversely impacting the performance of an employee in a protected class or creating an environment that is intimidating, hostile or offensive to a protected class. Harassment includes verbal, non-verbal or physical conduct of an abusive nature; written or electronic communications that may reasonably be considered harassing; unwelcome remarks that show disrespect; or other behavior that may be reasonably viewed as inappropriate or offensive.

2. Sexual Harassment. Sexual harassment is unacceptable. Sexual harassment is found when a person in authority requires sexual favors of a subordinate as a basis of employment decisions. It is also found when there is any type of sexually oriented conduct by an employee that unreasonably affects another employee's work performance or creates an environment that is experienced as sexually intimidating, hostile or offensive. Examples of such conduct may include but are not limited to requests or demands for sexual favors; unwelcome sexual advances; engaging in sexually oriented conversations, jokes, requests, demands, attentions, or physical contacts; or displaying sexually oriented visual materials, or other behavior that may be reasonably viewed as inappropriate or offensive.

3. Reporting Harassment. Any employee who believes he or she has been subjected to or witnessed unlawful harassment is urged to immediately ask the offending person to stop the unwanted behavior. If the situation is not thereby resolved, the employee should immediately inform his/her supervisor. If an employee is unable or afraid to confront the offending person, he/she should immediately seek assistance from his/her supervisor, the Mayor, the City Attorney, or others listed in the Appendix of this Handbook regarding the situation. (See "List of Approved Persons for Receiving Harassment Complaints," item C in the Appendix.) The employee may be requested to put the complaint in writing by the person to whom he/she reports the incident.

4. Harassment Investigation. A verbal or written report of harassment that is made to a Department Head, the Mayor, or the City Attorney will be promptly, impartially, and thoroughly investigated and documented. The City of Hailey prohibits retaliation against any person who, reasonably and in good faith, reports an incident of harassment or participates in an

investigation of such. All complaints and personnel actions will be kept confidential to the extent possible. If harassment is found, appropriate corrective and disciplinary measures will follow.

**H. Drug and Alcohol Free Workplace.** The City of Hailey is committed to a work environment free from problems originating from alcohol and drug abuse. To that end, employees shall adhere to the following:

- Employees shall not possess, distribute, sell, trade, use or be under the influence of alcohol, illegal drugs, or unlawfully obtained prescription drugs while on the job.
- Employees taking lawfully prescribed drugs or over-the-counter drugs that may adversely affect their performance in any way must inform their supervisor. Supervisors may, at their discretion, require such employees to take sick time during the period in which their performance is affected by taking the drug.
- Employees enrolled and participating in a supervised rehabilitation program, or who have completed such, and are no longer engaging in the use of alcohol or drugs while on the job shall be protected from discrimination and harassment through the Americans with Disabilities Act of 1990.

In a good faith effort to maintain a drug free workplace, Hailey will:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establish an on-going drug-free awareness program to inform employees about –

- (a) The dangers of drug abuse in the workplace;
- (b) The City's policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (d) The penalties that may be imposed upon employees for drug abuse violations

occurring in the workplace.

3. Notify employees in the statement required by paragraph (1), above, that, as a condition of employment, the employee will –

- (a) Abide by the terms of the statement; and
- (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

4. Upon receipt of the notice under subparagraph (3)(b), above, employee's supervisor shall provide notice to the City Clerk of the name and position of the employee who has been convicted for the sole purpose of complying with any applicable grant.

5. Take one of the following actions within 30 calendar days of receiving notice under subparagraph (3)(b), with respect to any employee who is so convicted –

(a) Taking appropriate personnel action against such an employee, up to and including termination; and/or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

**I. Unlawful Behavior by Employees.** City employees shall not engage in unlawful activity of any kind while on duty. Unlawful behavior by an employee while off duty that would undermine the trust placed in him/her by his/her supervisor and the public cannot be tolerated and may be cause for termination.

If an employee is charged with a misdemeanor or a felony, he/she must immediately report the event in writing to his/her supervisor. The supervisor may determine if an investigation is required and will determine his/her response from the City's point of view. The supervisor retains the discretion to discipline or terminate the employee based on his/her findings. An employee's failure to notify his/her supervisor of such a situation provides grounds for immediate termination.

**J. Preventing Workplace Violence.** The City of Hailey is committed to maintaining a safe workplace. Any manner of threats or acts of violence by an individual toward another on City property will not be tolerated and must be reported immediately to the employee's supervisor and the Mayor (or City Administrator). All reasonable reports of potential or actual incidents of workplace violence will be investigated and documented promptly, thoroughly and impartially. However, nothing in this policy shall prevent an employee from lawfully defending him/herself or others in appropriate circumstances.

**K. Safety Standards.** The City of Hailey is committed to a safe work environment for all employees. Each employee is responsible for complying with all safety standards, rules and policy that are established by the City, his/her supervisor and/or relevant outside agencies. Employees may be given job safety training relevant to their work responsibilities in accordance with state and federal law. Employees are asked to use and care for City property so as to safeguard themselves, their colleagues and the public. They are asked to be alert to and immediately notify their supervisor about any perceived unsafe conditions regarding City buildings, grounds or vehicles. (See Appendix D, City of Hailey Safety/Loss Prevention Policy.)

**L. Safety Drills, Exercises, and Emergency Preparedness.** Fire drills may be conducted periodically to ensure employees know the proper response for their own safety and the safety of members of the public who may be in the public buildings during a fire or emergency event. In case of fire, a rendezvous place outside of and at a distance from the public building shall be designated by each employee's supervisor. City employees shall be periodically trained in other emergency response drills and exercises for the benefit of their own safety and that of the general public. (See Appendix E, Hailey Emergency Operations Plan.) City employees are expected to undertake emergency preparedness steps personally and to have clearly defined family emergency plans, so that they will be able to respond to their public assignments during an emergency or disaster event.

**M. On-the-Job Injuries.** An employee must report any on-the-job injury immediately to his/her supervisor first, or the City Administrator, so that an accident report and worker's compensation claim may be quickly filed. The employee may be required to sign a medical release form so that the City may process his/her claim. All employees are expected to report job-related accidents of which they are aware even if the accident does not involve them directly. In the event of an injury or fatality, the supervisor or City Administrator shall immediately notify the Mayor. The injured's name shall not be released to the media until the family has been notified.

**N. Security.** City employees are issued keys, security combinations, and passwords for City property at the discretion of their supervisor. Accordingly, it is an employee's responsibility to safeguard such items and to secure City property after him/herself. If an employee compromises the security of City property at any time, he/she shall immediately notify his/her supervisor first, or the City Administrator.

**O. City Records.** City records comprise all files, written documents, computer documents, and e-mail stored in City archives, City file cabinets, and offices, and City computers. All City records, except those protected under Idaho law as exempt, are public records and may be scrutinized by the public. Employees who use their personal electronic devices may be required to disclose public records in their personal electronic devices, unless exempt under Idaho's public records law. An employee may not alter, destroy, distribute, delete or remove any portion of City records unless in compliance with Hailey's records retention policy set forth in Hailey Resolution No. 2011-56, as amended, and after receiving direction from his/her supervisor. Supervisors have the right to read all contents stored on a City owned electronic device at any time and for any purpose. Deleted files or messages remain in the system memory and can easily be retrieved.

Employees shall know and comply with departmental policies that reflect state law about making records available to the public. Employees shall know which specific City records are confidential and may not be released without the written approval of the employee's supervisor, or an order from a court of competent jurisdiction. An employee may not share confidential information verbally, electronically, or in writing unless his/her supervisor has given explicit consent to do so. City employees shall at all times respect the privacy of their co-workers and citizens when managing or processing a public record in which individuals are identified.

**P. Use of Electronic Devices.** Employee use of City owned telephones, faxes, computer software and equipment, and any other electronic device shall be chiefly related to City business. Excessive personal calls or media-use during work, regardless of the device used and regardless of whether it is City owned or personally owned, interfere with productivity and can be distracting to others. Employees are to exercise discretion in making or receiving personal phone calls, texts or other media use while at work. Excessive personal calls or media use during a work-shift are prohibited. To the extent that any electronic device, regardless whether it is City owned or personally owned, is used for personal reasons, such use must be limited in length, infrequent and preferably take place during scheduled breaks. Personal long distance or cell phone calls at City expense are prohibited at all times.

Cell phones, computers or electronic devices given to City employees, and the minutes and data billed to them, are City property. Employees shall not intentionally use personally owned electronic devices during an Employee's work period or use City owned electronic

devices at any time to view websites containing sexually explicit or illegal material, violence advocacy, gambling or other inappropriate content (unless it is necessary in the performance of an employee's duties, such as law enforcement investigation). All passwords on City computers are the property of the City. Employees shall not install personally owned software or hardware on City owned computers. Costs to adjust or repair the City computer technology or electronic devices due to unauthorized alterations or downloads will be paid by the person causing the need for repairs. Computer hacking is prohibited.

Employees do not have an expectation of privacy or confidentiality in the use of City owned electronic devices and should expect that any information created, transmitted, downloaded or exchanged on such an electronic device may be accessed by the City at any time without prior notice to the employee.

## **Q. Use of Social Media.**

1. Introduction. Social Media provides a valuable means of assisting the City and its personnel in community outreach and communication. The City also recognizes the role that social media tools play in the personal lives of City personnel. The personal use of social media can have a bearing on the City and its departments and personnel in their official capacities.

### 2. Definitions.

2.1 "City Websites" shall mean all websites that are owned, maintained, or controlled by the City on which information is posted for public viewing or use.

2.2 "Social Media" shall mean forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. Social Media pages are hosted by websites that authorize multiple users to establish, post content on and operate their own individual social media page. Technologies associated with Social Media pages often include picture and video sharing, wall postings, e-mail, instant messaging and music sharing. Examples of websites that host Social Media pages include, but are not limited to, Google and Yahoo Groups (reference, social networking), Wikipedia (reference), MySpace and Facebook (social networking), YouTube (social networking and video sharing), Flickr (photo sharing) and Twitter (social networking and microblogging).

3. Official Use of City Websites. The City Administrator or Department Heads will authorize the use of City Websites for specific public purposes. Social Media sites used by the City shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence, and shall link to the City's official website. Social Media content shall adhere to applicable federal, state and city laws, ordinances, regulations and policies, including all information technology and records management policies. Content is subject to public records laws, and must be managed, stored and retrieved to comply with open records laws. Sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. The sites shall state that opinions expressed by visitors to the pages do not reflect the opinions of the City, and shall also indicate that the City reserves the right to remove obscenities, personal attacks or off-topic comments. Personnel assigned to represent the City or monitor content shall identify themselves as a City representative and conduct themselves at all times as City

representatives by adhering to City standards of conduct. Such personnel shall not post, transmit, or otherwise disseminate confidential information, photographs or videos, and shall not conduct political activities or private business therein. Personnel shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

Any hyperlink leading to a site that is hosted by a party other than the City of Hailey must contain the following disclaimer:

*By clicking this link you are now exiting the City of Hailey (or other City Department) website. The City of Hailey is not responsible for and has not confirmed the accuracy of the content of the linked website. By continuing on to the linked website, you are acknowledging that the City of Hailey is not liable for any damage resulting from your visit to the linked website.*

4. Personal Use of Social Media. City personnel are free to express themselves as private citizens on Social Media sites to the degree that their speech does not impair working relationships of the City or its officials, interfere with an employee's work performance, impede the performance of the employee's duties, or negatively affect the public perception of the City or its departments. Personal use of Social Media during an employee's work shift should be limited, infrequent and take place during lunch or scheduled breaks. Personnel are cautioned that content posted or viewed on Social Media, made on or off duty, pursuant to their official duties – *that is, that owes its existence to the employee's duties and responsibilities* – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the City. Speech through Social Media will reflect upon the official capacity of personnel. Employees shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment, nor shall they publish materials that could reasonably be considered to represent the views or positions of the City, without written permission from their supervisor. Employees shall not post information pertaining to any other City officials or personnel, without their permission. Employees shall not display City logos, uniforms, badges, or similar items which will identify them with the City, where any part of the Social Media site or page may contain any inappropriate materials, photos or language. Within the use of Social Media, employees' speech shall not contain obscene or sexually explicit language, images or acts, or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, religion, gender or gender orientation, or any protected class of individuals. Employees should expect that any information created, transmitted or downloaded, exchanged or discussed on Social Media may be accessed by the City at any time without prior notice and that employees do not have an expectation of privacy in such content posted or viewed on Social Media. The misuse of Social Media by personnel, in any manner outside the rules of the City's Personnel Handbook or its Department Policies, may be grounds for discipline or termination.

**R. Use of City Vehicles.** Employee use of any City vehicle is intended for City business and requires approval by the employee's supervisor. Operators of a City vehicle must have a valid Idaho Driver's License.

At no time shall an employee operate a City vehicle while under the influence of alcoholic beverages, illegal drugs, or medication that impairs his/her ability to operate a vehicle, nor shall any employee consume any such alcoholic beverages, illegal drugs or medications eight

(8) hours before the employee intends on operating or is scheduled to operate a City vehicle or while operating a City vehicle. Employees are required to observe all traffic laws at all times and to wear a seat belt when their vehicle is in motion. Employees are prohibited from texting while driving a City vehicle. For the purpose of this section, texting means engaging in the review of, or manual operation preparation and transmission of, written communications via handheld wireless devices, but does not include voice-operated or hands free devices that allow the user to review, prepare and transmit a text message without the use of either hand, except to activate, deactivate or initiate a feature or function. Any traffic-related violations or crimes, fines, court costs, or court assessments incurred while using a City vehicle are an employee's responsibility, except those arising from a condition of the vehicle or a vehicle malfunction not caused by the employee. If an employee is involved in an accident involving a City vehicle, he/she must immediately report the accident to his/her supervisor first, or the City Administrator, (unless there are extenuating circumstances), notify the local police and readily exchange information with other parties. Personal property in a City vehicle is the responsibility of the property's owner, not the City.

If a major breakdown occurs on the road requiring repairs that total more than \$500.00, the employee is required to contact his/her supervisor first, or the city mechanic, before authorizing the repair.

**S. Parking.** Parking near public buildings where employees work is prioritized first for the disabled, then for general customer access and activities, then for safety of employees and/or equipment, and lastly for the convenience of employees. Employees are encouraged to walk, bike, car-share, or utilize public transportation to travel to and from their workplace. Employees are required to comply with posted time limits in the parking lot or at posted areas on City streets, and with other limitations that may be set by their supervisor.

**T. Environmental Awareness.** The City of Hailey supports business practices that help protect the environment. The City urges employees to recycle products, reuse items, and reduce consumption of disposable goods and environmental resources when possible. The City provides recycling containers for aluminum cans, glass, plastic, and paper at each of its buildings. Thermostats are generally set at temperatures to neither excessively heat nor cool the working spaces of employees. (See Appendix F, City of Hailey Sustainability Guidelines.)

**U. Individual Work Area.** Every employee is expected to maintain his/her workspace in a reasonably clean and neat manner. Confidential work should be protected before leaving the office. Employees should exercise discretion toward others who may be impacted by the work area. The City will accept no liability for personal property taken from City premises.

**V. Dress.** Dress standards for employees are set by their supervisor. In the absence of stated dress standards, clothing must be appropriate for the employee's responsibilities and shall present a professional appearance to the public. If uniforms are provided they should be kept neat, clean and mended at all times. Uniforms should be worn when an employee is on the job but not otherwise. Uniforms provided by the City are considered the property of the City, and shall be returned to the City at the end of their useful life or when no longer needed by the employee for performance of their duties.

**W. Smoke-Free Workplace.** Idaho State law prohibits smoking in any public building. Smokers are requested to smoke only on breaks and then only outside, at a distance 20 feet from doorways.

**X. Health and Wellness Programs.** Employees are encouraged to utilize wellness programs available to them personally or through City programs and insurances. Employees should seek permission from their supervisors to participate in wellness activities offered during the work day.

**Y. Disagreements.** Disagreements refer to conflict situations between employees or between an employee and his/her supervisor that are not considered harassment, i.e. are not related to a protected class. The City would like disagreements to be resolved promptly and, if possible, informally. An employee involved in a disagreement is expected to make a sincere effort to amicably and satisfactorily resolve the disagreement.

The first step in resolving a disagreement is for the employee to discuss it with the person with whom there is a disagreement, whether that person is a colleague or his/her supervisor. In the case of an unresolved disagreement with a colleague, the employee should ask his/her supervisor to resolve the disagreement. In the case of an unresolved disagreement with his/her supervisor, the employee and his/her supervisor may take the issue to the Mayor for resolution. Although the Mayor may consult with risk management resources and/or the City Council, the Mayor's decision will be final.

**Z. Duty to Report.** Employees have a duty to report specific matters, as described throughout this Handbook, to their supervisors. Any employee fulfilling his/her duty to report shall not be subject to retaliation or recrimination for submitting such reports.

### III. Compensation Policy

**A. Overview.** Compensation levels for City employees are established through the annual budget process and may be subject to increase, reduction or status quo maintenance for any time period based on the availability of funds. The final decision regarding compensation levels rests with the Mayor. Employees are not necessarily compensated at budgeted compensation levels. Individual compensation is based on good performance and experience.

**B. Hours of Work.** Business hours for the City of Hailey are variable according to each department's needs. The workweek extends from 12:01 a.m. Friday through 11:59 p.m. Thursday. Employees shall be prompt, regular in their attendance and follow the work schedule set by their supervisor. Regular departmental business hours and work schedules may be adjusted during emergencies and disasters with assigned emergency response work schedules.

**C. Pay Periods.** There are 26 pay periods in a given year. Paychecks are distributed one week following the end of each pay period (Thursday) prior to 5:00 p.m. When that day is a holiday, the City may distribute paychecks on the day prior to the holiday. Employees are responsible for submitting documented hours worked during each pay period to their supervisor first, or the City Clerk, on the designated day for approval. Time sheets require the employee's and the supervisor's signature to be processed. Employees are expected to monitor the accuracy of their



paychecks and report any inaccuracies they believe have occurred.

**D. Payroll Deductions.** Certain deductions are automatically taken from an employee's paycheck, including Federal Income Tax, State Withholding Tax, Social Security (FICA), and State Public Employee Retirement withholdings. Other optional benefits may be authorized by employees for automatic payroll deductions, provided that the benefit has been approved for use city-wide. At no time will payroll deductions be made from an employee's paycheck unless authorized by the employee or required by law.

**E. Overtime and Compensatory Time.** In general, the City discourages overtime worked beyond an employee's regularly scheduled shift because of budget impacts and employee burnout. However, there will be cases where overtime is necessary to ensure the efficient and cost-effective operation of a City department. In all cases, overtime occurs only with prior supervisory approval, except in clear emergencies. Unauthorized overtime may subject an employee to corrective action.

The City prefers that employees recover overtime only through compensatory time off in order to minimize budget impacts. Days of compensatory time off should be requested at least one week in advance and may be taken only with supervisor approval. Exempt employees are not entitled to recover overtime.

Overtime accrual is capped at 100 hours per year for non-exempt employees. Employees are encouraged to request compensatory time off when their accrued hours exceed 40, in order to leave room under the cap for emergency response and unexpected workloads.

Overtime pay and compensatory time off accrue at 1 1/2 hours for each hour worked above 40 hours. Employees who normally work less than 40 hours per week receive straight compensatory time off or straight hours worked above their regularly scheduled workweek up to 40 hours. If an employee is required to work on a holiday, the holiday is considered a workday and the equivalent of one day is added to the employee's normally scheduled work week. Supervisors may require employees to take compensatory time off during a week in which a holiday adds a work day to the employee's normally scheduled work week.

Qualifying law enforcement and fire protection employees are subject to different rules for the calculation of overtime and compensatory time, which are described in their respective department policies.

In general, the Fair Labor Standards Act, available in the City Clerk's office, will serve as the governing document regarding overtime and compensatory time policies.

## **IV. Benefits Policy**

**A. Overview.** The City wishes to provide employees with benefits that support personal and family needs and promote preventative health measures. Benefit packages reflect the City's fiscal situation and the changing costs of benefit offerings. They are therefore subject to change based on market trends and availability of City funds.

**B. Health, Dental and Vision Insurance Coverage.** The City of Hailey provides comprehensive health, dental and vision insurance to full-time non-seasonal employees who regularly work 30 hours per week or more, as well as to elected officials. Spouse and dependent coverage is optional at the employee's expense. Insurance coverage begins on the first day of the month following the employee's first 30 days employment, if enrollment documents have been fully completed by the employee. Employees are responsible for oversight of their claims. Continued health coverage is available to former employees at their own cost pursuant to federal law (COBRA).

**C. HRA/VEBA Benefit.** The City of Hailey provided a Health Reimbursement Account (HRA) for employees hired prior to February 1, 2012. The City contributed an equal amount for each then-eligible employee to a Volunteer Employment Benefit Account (VEBA). The accounts are intended for use by employees under IRS 231 regulations, and remain the employee's property even after the individual is no longer employed with the City of Hailey. This program has been suspended due to budgetary constraints since 2012. When the benefit is or becomes active, contributions for eligible employees are made during the last week of January and July. Eligible employees must have completed five or more consecutive months of employment prior to the month in which the benefit is paid, and must also, on the first of the month during which the benefit is paid, be members of the city's comprehensive health insurance group.

**D. Worker's Compensation Coverage.** Worker's compensation insurance covering job-related injuries is provided for all employees through the State Insurance Fund. An employee entitled to worker's compensation may simultaneously receive payments from the City for previously accrued, eligible Paid Time Off (PTO) or Short Term Leave (STL). Return to work will be authorized on a case-by-case basis following consultation between the employee, relevant medical personnel, the employee's supervisor and the State Insurance Fund.

**E. Additional Benefits.** The City of Hailey may provide access to but not pay for other benefits. The City may also provide paid benefits in addition to these listed at the discretion of the City Council. A schedule of optional benefits, both paid and unpaid, available to employees is available from the City Clerk's office.

**F. Retirement.** Employees who work 20 hours or more per week for five or more consecutive months are eligible for the Public Employee Retirement System of Idaho (PERSI) benefit program. The employee's assessment consists of a percent (set by PERSI) of the employee's gross pay. The assessment is deducted from employee's paycheck beginning with their first date of pay and is exempt from Federal and State income taxes. The City also contributes to PERSI for each employee at a percentage set by PERSI. If the employee does not complete five consecutive months of employment, both the employee and the employer may request a contribution refund from PERSI.

**G. Holidays.** The City observes twelve (12) holidays during the year as follows: New Year's Day, Idaho Human Rights Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the Friday following Thanksgiving, Christmas Eve and Christmas Day. In addition, all employees receive one personal holiday to be used at their discretion following the first six months of their employment. City offices will be closed on holidays, and if a holiday falls on a weekend, City Hall will be closed the preceding Friday or following Monday as posted by State or Federal Banks. Other days during the year may

be declared legal holidays at the directive of the Mayor. Full time employees are paid 8 hours for each holiday.

If non-exempt employees are required to work a holiday they shall be compensated at straight time for that day in addition to their holiday pay, unless any of the hours worked puts an employee over forty (40) hours for the work week. In that case, the employee shall be compensated at one and one half (1 1/2) times his/her normal rate for that day.

**H. Paid Time Off.** Paid Time Off (PTO) is a set amount of paid hours to be used at an employee's discretion. PTO is to be used for personal days, vacations, medical absences, or any reason the employee may need scheduled time off. A holiday falling on a PTO day is still considered a holiday and will not be subtracted from the employee's PTO balance.

PTO is available to full-time employees and accrues from the start of employment in the following manner:

**PTO Accrual Schedule**

<b>Employment Time</b>	<b>Hours per Pay Period</b>	<b>Maximum Accumulation</b>
0 to 6 Months	2.50 Hours	32.50
6 months to 1 Year	5.23 Hours	100.50
1+ to 5 Years	5.23 Hours	272
5+ to 10 Years	6.15 Hours	320
10+ to 15 Years	7.07 Hours	368
15+ to 20 Years	8 Hours	400
20+ Years and Greater	8.92 Hours	400

For any full-time employee, there shall be no change in the Hours per Pay Period and Maximum Accumulation due to overtime or other non-permanent schedule fluctuations.

PTO may not be taken in advance of time earned. All PTO is encouraged to be taken in the year in which it is earned. An employee exceeding the maximum accumulation designated by their employment time in the PTO Accrual Schedule shall cease to accrue PTO until the employee has brought his/her accumulation below the pertinent Maximum Accumulation. At no time shall an accrual exceed the pertinent Maximum Accumulation for any employee, unless exceptional circumstances exist and there is a recommendation by the mayor and approval by the city council.

An employee should make a request for PTO in writing to his/her supervisor at least one week in advance of the requested PTO days. Supervisors will attempt to accommodate employee preferences for scheduled PTO, but first priority shall be the orderly functioning of City departments and ensuring sufficient personnel be on hand for anticipated emergency response. Should the use of PTO be needed to accommodate an illness or injury of such type that a written advanced notice is not able to be given, an employee shall notify his/her supervisor the evening before or as early as possible on the morning of an illness or injury. If the employee does not have enough accumulated PTO for this absence, the remainder of the time off will be without pay.



Upon completion of the third consecutive workday of absence for the same illness or injury, the employee shall contact his/her supervisor and provide a required written statement from a medical doctor to continue the absence. Provisions of the Family Medical Leave Act (see Section IV, paragraph I) will continue to apply.

**I. Short Term Leave.** Short Term Leave (“STL”) is a benefit which shall only be utilized by employees hired before March 28, 2005, who still have a retained STL balance. Use of STL is allowed only in the event of an employee’s inability to work due to personal illness or medical conditions pertaining to his/her own health. STL will not be available for use until after the third consecutive absence of scheduled workdays. The employee is expected to take PTO for the first three days of illness or medical absence, after which time, a written statement from a medical doctor is required to continue paid absence with STL. An employee lacking sufficient STL during an illness may utilize PTO or compensatory time for the illness if sufficient PTO or compensatory time has been accrued. The City of Hailey is only obligated to allow 12 weeks of absence in a 12 month period, including the days drawn from PTO, STL and compensatory time, as well as holidays and all other types of leave, including unpaid leave. An exception to this policy may only be granted by the Mayor under extenuating circumstances. While using unpaid approved leave, employees do not accrue PTO.

An employee may request conversion of up to 100 hours per year of STL to PTO at an exchange rate of 3 STL hours for one PTO hour. The employee shall identify the intended amount of STL requested for exchange. STL shall be forfeited if still unused when an employee’s employment terminates for any reason.

**J. Family and Medical Leave Act.** The City of Hailey is required by law to comply with the provisions of the Family and Medical Leave Act (“FMLA”). The FMLA stipulates that employees who have been employed by the City for at least one year and worked at least 1,250 hours in that year are eligible for the FMLA. The FMLA permits employees to take a maximum of 12 weeks of leave during a calendar year period a) for the birth and care of a newborn child of the employee, b) for the placement with the employee of a child for adoption or foster care; c) to care for an employee’s spouse, child or parent with a serious health condition, or d) to attend to their own serious health condition. A “serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

Even if both spouses work for the City, they may take only a total of 12 weeks leave per family. Leave may be taken intermittently or on a reduced work schedule with the supervisor’s consent. An employee may be required to temporarily transfer to a position with equivalent pay and benefits that accommodates an intermittent or reduced schedule.

An employee eligible for the FMLA must first use all available PTO, STL (if applicable) and compensatory time before moving to unpaid status. An employee’s total time off shall not exceed 12 weeks, including the days drawn from PTO, STL (if applicable) and compensatory time as well as holidays and all other types of leave. While using the unpaid portion of FMLA approved leave, employees do not accrue PTO. In the event of an employee’s absence due to a health condition for which he/she receives worker’s compensation, the employee’s time away from work may be counted as leave under the FMLA if he/she is eligible for such leave and if his/her

supervisor or the City Clerk has provided notification of the FMLA designation.

Employees may be required to show medical certification of a serious health condition to their supervisor in order to enjoy the benefits of the FMLA. If the City Administrator requests, employees may be required to obtain a second opinion about their health condition from a second health care provider whose fee will be paid by the City. If both providers agree, employees will be granted leave. If the first two providers disagree, the City will abide by a third opinion sought at the City's expense. Any medical certification should include the date on which the serious health condition began, the probably duration of the serious health condition, the appropriate medical facts regarding the condition, an estimate of the amount of time the employee is needed to care for a family member, if applicable, or the time the employee will be absent from employment, and a statement that the employee is unable to perform the functions of the position of the employee, if applicable.

While an employee is on FMLA leave, the City and the employee shall each continue to pay their share of health insurance premiums. While on unpaid leave, the employee must pay his/her share of health insurance premiums by the end of the month prior to the premium being due.

An employee desiring FMLA leave must make a written request to his/her supervisor using the FMLA request form available at the City Clerk's office. The form indicates the reason for the leave and its expected duration. If FMLA leave is foreseeable, employees must give at least 30 days' notice to their supervisor. In cases where an absence is unforeseen, such as a personal or family accident or contagious disease, after either 3 days or 24 paid service hours, concurrent or not, the supervisor or City Clerk will send written notification to the employee advising that the absence falls under the FMLA.

The City of Hailey may request medical certification that an employee is fit to resume work. Employees returning from leave will be restored to their original or equivalent position if they are physically and mentally able to perform their previous duties at their previous level of competence. In cases where these conditions are not met, the City will attempt to place the employee in a position appropriate to his/her competence, subject to availability of funds.

This is only a brief description of the benefits available to employees under the Family and Medical Leave Act. Employees seeking further information should contact the City Clerk for a copy of the Act.

#### **K. Other Types of Leave.**

1. Military Leave. An employee requesting a leave of absence to meet military requirements shall be granted such leave by his/her supervisor without pay together with re-employment rights as provided by Idaho Code, State and/or Federal Law. Reservists may request that their vacations, or a portion thereof, be scheduled for the period of their military training.

2. Bereavement Leave. In the event of a death in an employee's immediate family, he/she will be allowed up to three (3) working days of paid bereavement leave. Such leave must be approved by the employee's supervisor. "Immediate family" is defined as the employee's spouse and their parents, siblings, children (foster or adopted), grandchildren, grandparents, and anyone

who had lived within the household of the employee for a period exceeding two years. Additional leave may be granted at the supervisor's discretion from accrued sick days, vacation days, compensatory time or as an unpaid leave of absence.

3. **Civil Leave.** Paid leave will be granted to full-time employees called to jury duty or to serve as a court witness. Employees are required to report daily court schedules to their supervisor, and report to work when required court attendance ends during their previously scheduled work shift. Employees will be compensated only for the hours required of them by the court, but no more than their regularly scheduled work shift.

4. **Leave of Absence.** If, for personal reasons, a full-time employee desires extended time off, the City may grant a leave of absence without pay for up to thirty (30) days following a written request by the employee to his/her supervisor. Requests to extend a leave must be submitted in writing to the employee's supervisor at least ten (10) days prior to the expiration of the authorized leave. Permission for such leave and its extension requires Mayoral approval. If an employee does not return on the date specified, and has not requested and been granted an extension, the City will consider the employee to have resigned.

PTO will not accrue during a leave of absence. Group medical coverage will remain in effect during such leave if the employee continues to pay his/her portion of applicable premiums by the end of the month prior to the premium being due. If the leave extends beyond one month, the employee is expected to pay the full premium until he/she returns to work.

**L. Transfer of Benefits with Employee Transfer.** An employee who transfers from one department to another retains all benefits accrued to that date. PTO will continue to accrue based on the anniversary date of City employment, not the date of transfer.

## V. TRAVEL BENEFITS

**A. Travel Time Reimbursement.** Full-time employees will be compensated at their normal hourly rate, up to a maximum of forty (40) hours per week, for time spent out of the office on City business that takes place during the employee's regularly scheduled work hours. This includes travel time to and from the employee's destination. Supervisors of departments wherein shift accommodations can be made are encouraged to allow traveling employees to adjust their shifts not to exceed a 40 hour work week.

**B. Allowable Expenses.** Employees shall follow an established schedule of allowable travel expenses while on city business. These apply where there is no other form of allowance, stipend, or deduction. If an employee is reimbursed by an outside agency for costs, those costs shall not be also paid by the City.

Allowable expenses should be pre approved by administration and include the following:

1. Transportation to and from an employee's destination.
2. Lodging expenses for a single room in moderately priced housing that offers a government rate, at a cost not to exceed the rate allowed under IRS Publication 1542, as non-taxable reimbursements.
3. Meals per day in the amount that is allowed under IRS Publication 1542 as non-taxable reimbursements, with allowed specific meal amounts deducted for meals

provided by the conference or meeting hosts.

4. Other travel related expenses approved in advance in writing by the supervisor.

City vehicles may not be used for personal use during city business trips. Only when city vehicles are not available, the City will reimburse employees at the rate set by the IRS for use of personal vehicles while on City business. Mileage reimbursement will be requested upon the City's expense form, reviewed and approved by the supervisor. An employee may not apply for reimbursement of mileage for any personal use of any vehicle.

In all cases, reimbursement claims must be submitted by an employee to his/her supervisor. Itemized bills or receipts must be attached and accompanied by a brief written explanation of the date and place of the expenditure, number of people housed, supplies purchased, expenses incurred, purpose of the conference or meeting, etc, with the meeting/conference agenda attached. A separate summary of total trip costs shall be attached to each reimbursement claim.

## **VI. Professional Development**

**A. Overview.** The City encourages all employees to strengthen their professional skills and may assist them in doing so by paying for approved professional development in their field of employment. Professional development may include seminars, books, audiotapes, certification programs and other items determined at supervisor discretion.

**B. Required Development.** When an employee is required to pursue professional development directly related to his/her assigned duties, the City will pay for tuition, materials, transportation, and accommodation expenses. Employees will also be compensated for education time in formal courses up to eight (8) hours per day and up to forty (40) hours per week. The City will provide time off with pay for examinations that fall within the normal workweek. Certification and renewal fees required by the City will be reimbursed.

**C. Voluntary Development.** When an employee voluntarily seeks professional development, tuition may be paid or partially paid at the supervisor's discretion based on whether the development outcomes or a portion of them will benefit the City and subject to the availability of funds in the Department's budget. The employee will not be compensated, however, for travel and accommodation expenses. Time-off without pay may be granted at the supervisor's discretion.

Employees wishing to take advantage of optional development should make a written request to their supervisor. Since training funds must be split among employees there may be a waiting period for all employees to participate. The department head will set priorities for training needs within his/her department. Fees for registrations and certifications that are not requested by the City will not be reimbursed.

**D. Professional Societies.** Subject to the availability of funds, the City will pay the annual dues and travel expenses to technical and professional organizations for full-time employees when such participation has been requested by the City. Employees may request to join additional work related organizations, and the City may pay for annual dues and travel expenses.

**E. Cross Training.** In order to provide better service and additional employment stability, employees may be temporarily assigned to other service areas within the City. This provides cross training, a better working knowledge of all facets of the City government to each employee, better utilization of personnel, and diminishes potential lay-offs.

## **VII. Hiring Policy**

**A. Equal Employment Opportunity Policy.** The City of Hailey is an Equal Opportunity Employer and will not discriminate on the basis of association with any group protected by federal or state law, including person's race, ethnicity, religion, marital status, gender, sexual orientation, political affiliation, age, national origin or disability. Nor will the City discriminate on the basis of personal handicap, unless the handicap is directly related to job performance.

**B. Nepotism Prohibition.** No person shall be employed by the City of Hailey when the employment would violate the anti-nepotism provisions of Idaho Code. In general, these provisions prohibit City employees from hiring any person related to them by marriage or blood within the second degree. Any such hiring, whether accidental or not, may be voided by the Mayor at any time. In no case may a person be hired or appointed to a City position who is related to the Mayor or a member of the City Council by blood or marriage within the second degree.

**C. Veteran's Preference.** In accordance with Idaho law, the City of Hailey gives employment preference for open positions to U.S. armed services veterans who were honorably discharged and are bona fide residents of the State of Idaho. In the event of equal qualifications for an available position, a veteran qualified under this code will be employed.

**D. Transfers.** Employees interested in applying for openings in other departments should inform their supervisor prior to completing an application for the job. There will be no repercussions for seeking a transfer.

**E. Job Postings.** All open positions shall be noticed to the public and City employees, except where an employee is to be promoted, or where an individual with specific qualifications has been actively recruited by a city recruitment process.

Notice may occur for a minimum of one week by posting on City bulletin boards, the City Website, and the local Job Service Office. City employees may file a Letter of Interest in the position during the notice period. They will experience no repercussions for seeking another City job.

## **VIII. Performance Management**

**A. Employee Appraisal.** Employees may be given a written performance evaluation by their supervisor on an annual basis or at any time during the year. Newly hired and newly promoted employees may receive an appraisal within six months of their start date. The purpose of the appraisal is to provide employees with constructive feedback on their performance, including progress toward goals. Prior to the appraisal, the employee's supervisor may ask him/her for information to substantiate productivity or performance and may use this in the

appraisal.

**B. Promotions.** Promotions are tools to recognize employee performance, ability, development, and career goals. They are earned rather than automatically granted. In general, the City's goal is to promote employees who seek increased responsibility and demonstrate the skills, competence, commitment and potential for successful performance in a new position. The City also desires a good match between employees and available positions. Thus, while the City wishes to provide opportunities for continuing career growth and development, such opportunities are not guaranteed.

**C. Corrective Action.** The City relies on corrective actions for employees whose performance and/or behavior does not conform to what is expected. These actions enable a supervisor to address non-productive employee performance in a variety of appropriate ways, including encouraging remediation where possible.

**D. Personnel Files.** The City Clerk maintains three personnel files for each employee which are kept confidential by law. One file contains "administrative" personnel information regarding payroll, compensatory time, vacation days, sick leave and other types of leave, worker's compensation payments, alien status and PERSI. The second contains "qualitative" information regarding an employee such as employment applications, resumes, appraisals, awards, warnings and letters of commendation. A third secure file contains medical information concerning an employee and is maintained by the City Clerk. Those authorized to review personnel files include an employee's supervisor, clerical payroll personnel, the Mayor, the City Attorney and the employee him/herself.

Employees may request at any time to review their personnel files. The review must take place on City premises on the employee's own time in the presence of his/her supervisor or designee. Employees may request and will be given copies of any materials in their personnel file without charge within three days of requesting the information. Employees may contest the contents of their qualitative personnel file by submitting a written objection and explanation to their supervisor. These will be included in the file. Offending material may be removed from the employee's file by the supervisor if the material is found to be inaccurate or misleading upon review by the Mayor (or City Administrator) in consultation with the City Attorney.

Employees are required to keep their administrative file current by notifying their supervisor or the City Clerk of any change in their personal data. They may, at any time, submit documents, certificates of training, letters of appreciation and other items relating to job performance to their supervisor for inclusion in their files.

**E. Employment Verification and Reference Inquiries.** Requests for employment verifications and/or references shall be responded to in writing by the supervisor or the City Clerk's office, and shall include only name, position, period of employment, salary range, and shall be incorporated into the personnel file of the employee. Other information may be provided only if the employee gives permission through a written release of liability. Exceptions to this policy would be court subpoenas to provide information or upon lawful order of a court of competent jurisdiction.

## IX. Separation from Employment

**A. Retirement.** The City's retirement policy complies with federal and state requirements for mandatory retirement and the obligations of the State of Idaho Public Employee Retirement System.

**B. Resignation.** Employees are asked to indicate, in writing, their intent to resign their position. Oral resignations will be treated as leave without approval, unless authorized by the employee's supervisor. Oral resignations will be noted in writing and placed in the employee's file. Employees who take leave without approval may be terminated for "job abandonment" after three (3) days of such leave.

**C. Reductions in Force (Lay-Offs).** The City reserves the right to reduce the workforce when financial conditions require it. Decisions about the functions to be reduced are solely at the discretion of the Mayor and the City Council. The City shall provide as much notice to employees as possible, but no less than 30 days, regarding lay-offs.

**D. Separation.** The following procedures apply to all terminating employees:

1. City Property. All city property (keys, tools, credit cards, City I.D., passwords, etc.) must be returned to the employee's supervisor or the City Clerk before a final paycheck will be issued. A supervisor may present or mail the employee an invoice for the value of any missing property discovered after the paycheck was issued.

2. Insurance. An employee wishing to convert his/her group insurance without a lapse in coverage must complete the appropriate forms within five (5) days following separation.

3. Forwarding Address. The employee must notify the City Clerk of any change of address so that his/her withholding form (W-2) and other important documents may be forwarded.

4. Exit Interview. The supervisor may conduct an exit interview with the employee in order to constructively critique the vacated position and determine whether elements of the position description might be modified.

5. Letter of Acknowledgement. Representatives of the City may write a letter of confirmation, recognition of achievements, appreciations based on factual accomplishments, certifications, ratings, pay, skills, appraisals, or documents received regarding an exiting City employee. No such letters may speculate on the future performance of the individual, however.

6. COBRA Benefits. Employees who currently receive medical benefits may be eligible to continue those medical benefits at their own expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03/02/15    **DEPARTMENT:** Public Works    **DEPT. HEAD SIGNATURE:** MP

**SUBJECT:** Resolution 2015-06 for City Hall restroom repairs in the amount of \$5,940.

**AUTHORITY:**  ID Code \_\_\_\_\_     IAR \_\_\_\_\_     City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Over the past year, the toilets in the restrooms at City Hall have begun to fail. The women's bathroom alone has been reduced to just one toilet for the last 6 months. The other toilets, both in the men's and women's restrooms are also experiencing problems.

After troubleshooting the issue and looking for low cost solutions, it has been determined that complete replacement is needed. The current toilets cannot be replaced without significant cost and reconstruction of the carrier frame within the adjoining wall that holds each of the wall mounted toilets. The existing toilets and parts are very old and are either no longer available or are 3-4 times more costly to replace than traditional commercial toilets.

The recommendation is to replace the toilets with a similar looking floor mounted style that will require less water to flush and will be much more functional and will cost a fraction of the original for parts and replacement in the future. This work will require the wall to be opened up, plumbing to be abandoned and capped and new sheetrock and tiling (tile to match existing). It will also require the floor to be opened up and plumbing to be rerouted through the floor. Access to the library will be closed for 1-2 days as the contractors complete the work. City Hall bathrooms will be closed for 2-3 days.

The amount estimated by Conrad Brothers is \$5,940 which includes everything except the plumbing work. The plumbing work will be \$6,030. See attached estimate submitted by Conrad Brothers. Information on the Resolution for the plumbing work is provided in a separate agenda item summary.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Finance	<input type="checkbox"/> Licensing	<input type="checkbox"/> Administrator
<input type="checkbox"/> Library	<input type="checkbox"/> Community Development	<input type="checkbox"/> P&Z Commission	<input type="checkbox"/> Building
<input type="checkbox"/> Police	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Engineer	<input type="checkbox"/> W/WW
<input type="checkbox"/> Streets	<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Mayor

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Approve Resolution 2015-06 with Conrad Brothers Construction for non-plumbing construction and oversight associated with the plumbing work in the amount of \$5,940.

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_  
City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record    \*Additional/Exceptional Originals to: \_\_\_\_\_

**CITY OF HAILEY  
RESOLUTION NO. 2015-06**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY  
AUTHORIZING THE EXECUTION OF A CONTRACT WITH CONRAD BROTHERS  
CONTRACTORS TO RENOVATE THE CITY HALL RESTROOMS FOR \$5,940.**

WHEREAS, the City of Hailey desires to enter into an agreement with Conrad Brothes under which Conrad Brothers will install new floor mount toilets in men's and women's restrooms.

WHEREAS, the City of Hailey and Conrad Brothers have agreed to the terms and conditions of the Agreement, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO**, that the City of Hailey approves the Agreement, between the City of Hailey and Conrad Brothers and that the Mayor is authorized to execute the attached Agreement,

Passed this 2nd day of March 2015.

City of Hailey

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk



**Conrad Brothers**

General Contractors and Builders  
 P.O. Box 3432 - Hailey, Idaho 83333  
 208-726-3830 Fax 208-726-5788  
 www.conradbrothersconstruction.com

**Estimate**

DATE	ESTIMATE NO.
2/5/2015	369

NAME / ADDRESS
City of Hailey Attn. Mariel 115 S Main Street, Suite H Hailey, ID 83333

P.O. NO.	PROJECT
	1404 - City Hall Rep...

ITEM	DESCRIPTION	QTY	COST	Total
	Hailey City Hall Restroom Renovation: install new floor mount toilets in men's and women's restrooms on 2nd floor			
	Scope of work Includes: protection of existing finishes, demo of existing tile, removal & reinstall of partitions. GWB repair and install of dura rock, paint; clean up. Coordination of tile subcontractor to replace 4-10'x10' areas of tile			
	Scope of work Excludes: Building permit; any work in basement or first floor; management of plumbing sub (by owner); dumpster (by owner)			
01040	Supervision		390.00	390.00
01023	General Labor		2,200.00	2,200.00
01000	General Conditions		490.00	490.00
09251S	Tile Subcontract		1,900.00	1,900.00
06110M	Material - GWB, Dura rock, paint, protection		320.00	320.00
15400S	Plumbing Fixtures & Subcontract - by owner		0.00	0.00
01512	Temporary Sanitary Facility - 2 ADA, 2 regular portable restrooms for 5 days		100.00	100.00
	Cost of Work Subtotal			5,400.00
10%	Builder's Fee		10.00%	540.00
	Accepted by: _____			
	Date: _____			
<b>Total</b>				<b>\$5,940.00</b>

**Return to Agenda**

AGENDA ITEM SUMMARY

DATE: 03/02/15 DEPARTMENT: Public Works DEPT. HEAD SIGNATURE: MP

SUBJECT: Resolution 2015-07 for City Hall restroom repairs in the amount of \$6,030.

AUTHORITY:  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Over the past year, the toilets in the restrooms at City Hall have begun to fail. The women's bathroom alone has been reduced to just one toilet for the last 6 months. The other toilets, both in the men's and women's restrooms are also experiencing problems.

After troubleshooting the issue and looking for low cost solutions, it has been determined that complete replacement is needed. The current toilets cannot be replaced without significant cost and reconstruction of the carrier frame within the adjoining wall that holds each of the wall mounted toilets. The existing toilets and parts are very old and are either no longer available or are 3-4 times more costly to replace than traditional commercial toilets.

The recommendation is to replace the toilets with a similar looking floor mounted style that will require less water to flush and will be much more functional and will cost a fraction of the original for parts and replacement in the future. This work will require the wall to be opened up, plumbing to be abandoned and capped and new sheetrock and tiling (tile to match existing). It will also require the floor to be opened up and plumbing to be rerouted through the floor. Access to the library will be closed for 1-2 days as the contractors complete the work. City Hall bathrooms will be closed for 2-3 days.

The amount estimated by Precision Plumbing is \$6,030, which includes all plumbing work, but excludes tiling, sheetrock, and oversight of non-plumbing subs. The other work will cost \$5,940. See attached estimate submitted by Precision Plumbing. Information on the Resolution for the non-plumbing work associated with the project is provided in a separate agenda item summary.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Finance	<input type="checkbox"/> Licensing	<input type="checkbox"/> Administrator
<input type="checkbox"/> Library	<input type="checkbox"/> Community Development	<input type="checkbox"/> P&Z Commission	<input type="checkbox"/> Building
<input type="checkbox"/> Police	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Engineer	<input type="checkbox"/> W/WW
<input type="checkbox"/> Streets	<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Mayor

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Approve Resolution 2015-07 with Precision Plumbing for plumbing work in the amount of \$6,030.

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_  
City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record \*Additional/Exceptional Originals to: \_\_\_\_\_

**CITY OF HAILEY  
RESOLUTION NO. 2015-07**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY  
AUTHORIZING THE EXECUTION OF A CONTRACT WITH PRECISION  
PLUMBING TO REPAIR THE CITY HALL RESTROOMS FOR \$6,030.**

WHEREAS, the City of Hailey desires to enter into an agreement with Precision Plumbing under which Precision Plumbing will install new plumbing and toilets in men's and women's restrooms.

WHEREAS, the City of Hailey and Precision Plumbing have agreed to the terms and conditions of the Agreement, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO,** that the City of Hailey approves the Agreement, between the City of Hailey and Precision Plumbing and that the Mayor is authorized to execute the attached Agreement,

Passed this 2nd day of March 2015.

City of Hailey

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

**Mariel Platt**

---

**From:** Eddy Sheue <esheue@gmail.com>  
**Sent:** Thursday, January 15, 2015 1:03 PM  
**To:** Mariel Platt  
**Subject:** Toilet exchange

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mariel

Please see "Cost Evaluation " on the exchange of the four (4) Wall Hung Toilets at the restrooms. For four (4) Floor Mount Toilets.

Estimate

Materials:

4- Plumber Friendly Elongated Toilets with Seats- White...\$285.00 ea.....\$1140.00  
4-Trim to the Wall Polished Chrome .....\$15.00ea.....\$60.00  
Various rough pipe and fittings.....\$750.00

Labor:

2- Plumbers three (3) Days at \$85.00 per Hour.....\$4080.00

Total.....\$6030.00

Note: Precision Plumbing Inc. is to do the plumbing work only.

It is important that a General Contractor is hired for the work that Precision Plumbing will not be doing. There are operations that will not be done by Precision Plumbing Inc. That need to be done to achieve the final installation of the toilets.

Thanks,

E. Sheue

[esheue@gmail.com](mailto:esheue@gmail.com)

**Precision Plumbing, Inc.**

**PO Box 6120**

**Ketchum, ID. 83340**

**(208) 622-9420**

This email is the property of Precision Plumbing, Inc. and may contain confidential and/or privileged information. If you are not the intended recipient or have received this email in error, please notify the sender immediately and delete this. Any unauthorized copy, disclosure or distribution of the material in this email is strictly forbidden.

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03/02/15    **DEPARTMENT:** Public Works    **DEPT. HEAD SIGNATURE:** MP

**SUBJECT:** Resolution 2015- 08, to ratify the approval of an agreement with Hawley Graphics for \$14,885 (a \$5,000 artist fee and \$9,885 to construct and install) for an approved welcome sign at the entrance to Hailey.

**AUTHORITY:**  ID Code \_\_\_\_\_     IAR \_\_\_\_\_     City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Prior to the previous Community Development Director leaving, the Council approved a sign design that had received overwhelming support by citizens that responded to a survey, which proposed three different designs.

Hawley Graphics will be paid an artist fee of \$5,000 for the design and \$9,885 to construct and install the sign. City labor and material will be provided for the block foundation, routing power to the sign base and supplying the outlet for the 120v, 60w power supply for the LED light.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

The cost is \$4,885 over the amount budgeted. The unbudgeted amount will be come from parks and streets budget.

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Finance	<input type="checkbox"/> Licensing	<input type="checkbox"/> Administrator
<input type="checkbox"/> Library	<input type="checkbox"/> Community Development	<input type="checkbox"/> P&Z Commission	<input type="checkbox"/> Building
<input type="checkbox"/> Police	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Engineer	<input type="checkbox"/> W/WW
<input type="checkbox"/> Streets	<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Mayor

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Approval of Resolution 2015 08 authorizing, payment to Hawley Graphics in the amount of \$14,885.

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_  
City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record      \*Additional/Exceptional Originals to: \_\_\_\_\_

**CITY OF HAILEY  
RESOLUTION NO. 2015-08**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY  
AUTHORIZING THE EXECUTION OF A PROPOSAL AGREEMENT WITH  
HAWLEY GRAPHICS TO DESIGN, CONSTRUCT AND INSTALL A WELCOME  
SIGN AT THE ENTRANCE OF HAILEY FOR \$14,885, \$5,000 OF WHICH IS THE  
ARTIST FEE.**

WHEREAS, the City of Hailey desires to enter into an agreement with Hawley Graphics under which Hawley Graphics will design, construct and install a welcome sign at the entrance of Hailey.

WHEREAS, the City of Hailey and Hawley Graphics have agreed to the terms and conditions of the Proposal, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO**, that the City of Hailey approves the Agreement, between the City of Hailey and Hawley Graphics and that the Mayor is authorized to execute the attached Proposal,

Passed this 2nd day of March 2015.

City of Hailey

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk



City of Hailey

02/12/15

"Welcome to Hailey" Sign Proposal:

- CADD Drawings and Prints for Contractors (Hawley Graphics, Inc.): \$250
- Stone Work (StoneWorks Masonry): \$3,000
- Steel Fabrication (JG Works, LLC, Bellevue): \$4,000
- Reclaimed Spruce Posts and Surround Trim (Treslewood, Blackfoot, ID): \$735
- Project Supervision, Access Framing and Milling, Stain and Fasteners (Hawley Graphics, Inc.): \$750
- Electric, Lighting (Regional Supply): \$550
- Lift & Labor (JG Works, LLC, Bellevue, Idaho Lumber, JCB lift, Hailey): \$600
- Total: \$9,885

Hawley Graphics will build and supervise the "Welcome to Hailey" sign as designed and approved by the City of Hailey. The City of Hailey is responsible for the block foundation as specified, routing power to the sign base and supplying an outlet for the 120v, 60w power supply for the low voltage LED.

Before starting, the artist fee must be paid to the designer and a 50% deposit is required. The balance is due on completion. Allow 4-6 weeks for the metal work. The stone work will be done within 3-4 weeks of the completion of the foundation. Reclaimed wood trim will be attached to the foundation after the stone work is complete - allow 2-3 days. Once the metal work is complete and delivered it will take 5-7 days to patina. The sign then can be assembled and the low voltage power installed. The sign support will be set on the foundation, stud nuts fastened, steel weather cover installed, "Welcome to Hailey" sign and arch set in place and the back access panel will be sealed. My goal is to have the project completed May 15, 2015. It is possible weather and unforeseen factors can delay the project during a spring build.

I agree to the terms of this contract: Signed  Date: 2/18/15

Thank you,

Andrew B. Hawley



709 South River Street Hailey, Idaho 83333

208.788.2296 p • 208.788.1433 f • 208.720.0909 c • andy@hawleygraphics.com • www.hawleygraphics.com

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03/02/15 **DEPARTMENT:** Finance & Records **DEPT. HEAD SIGNATURE:**

**SUBJECT:**

Taxi Business Fare Schedule Change for A-1 Taxi.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code 5.20  
(IFAPPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

The City recently received three complaints about fares being charged for transportation within City limits from the Hailey Airport via A-1 Taxi. After investigation, the previously approved fare schedule that was adopted by City Council had no identification of said fares. Owner has been contacted and informed that a fare schedule change requires approval of City Council per §5.20.060

The Fare schedule received on December 10, 2014 is missing information for zone pricing. The updated version, received on February 9, 2015, has additional information on zone pricing and rides to/from the Airport.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IFAPPLICABLE)

_____ City Attorney	_____ Clerk / Finance Director	_____ Engineer	_____ Building
_____ Library	_____ Planning	_____ Fire Dept.	_____
_____ Safety Committee	_____ P & Z Commission	_____ Police	_____
_____ Streets	_____ Public Works, Parks	_____ Mayor	_____

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Recommendation for Council to discuss fare schedule presented by Mountain Resort Services dba A-1 Taxi Fare Schedule. Approve as presented, amend or deny.

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_ Dept. Head Attend Meeting (circle one) Yes No

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_  
City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agmt./Order Originals: \_\_\_\_\_ \*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (all info.): \_\_\_\_\_ Copies  
Instrument # \_\_\_\_\_

**A1 Sun Valley Fare Schedule**

Effective 2/1/15

**RECEIVED**  
FEB 09 2015

**CITY OF HAILEY**

**Ketchum to Hailey**

1	\$35.00
2	\$35.00
3	\$40.00
4	\$45.00
5	\$50.00
6-10	\$65/hr

Warm Springs to Hulen Meadows	\$18.00
Ketchum to Warm Springs Lifts	\$17.00
Sun Valley to Warm Springs Lifts	\$17.00
Ketchum to Elkhorn	\$17.00
Elkhorn to Adams Gulch	\$18.00
Warm Springs to Elkhorn	\$18.00

**NEW** **Airport - Zone #1 Deer Creek to South Woodside 1-6 miles from HAP**

#	Shared	Private
1	\$35.00	\$50.00
2	\$35.00	\$50.00
3	\$40.00	\$60.00
4	\$45.00	\$60.00
5	\$50.00	\$60.00
6	\$55.00	\$65.00

Bellevue, Hailey and Ketchum core	\$20.00
Ea additional passenger	\$2.00

Ketchum to Bellevue (1-2 pass)	\$40.00
ea additional passenger	\$5.00

Hailey to Bellevue	\$25.00
Board Ranch to Ketchum	\$25.00
ea additional passenger	\$3.00

**NEW** **Airport - Zone #2 7-15 miles from HAP**  
From Lake Creek Rd to Deer Creek Rd and all points between Bellevue and South Woodside Blvd.(to/from Airport)

#	Shared	Private
1	\$50.00	\$75.00
2	\$50.00	\$75.00
3	\$60.00	\$75.00
4	\$70.00	\$75.00
5	\$80.00	\$85.00
6	\$90.00	\$85.00

North Fork	\$25.00
Eagle Creek	\$25.00
Glassford Heights	\$22.00
Lake Creek	\$22.00
Hulen Meadows	\$20.00
St Lukes	\$20.00
Meadows Trailer Park	\$20.00
Cold Springs	\$20.00
Rainbow Bend	\$22.00
East Fork to North Canyon	\$24.00
North Canyon to Triumph	\$29.00
Hidden Hollow	\$28.00

Children 5-12 year old ½ price  
Children 4 and under are free

ea. additional passenger	\$2.00
Heatherlands and Starweather	\$28.00
ea. additional passenger	\$5.00

**NEW** **Airport - Zone #3 16-24 miles for HAP**  
Same as Zone # 2 plus \$5.00 per person

**Stanley to \$180.00 – 1-6 passenger's** **Hourly rates** (minimum # of hrs may apply):

\$30.00 ea. Additional passenger	1-5 passenger vehicle	\$78.00
	6-13 passenger vehicle	\$90.00
<b><u>Twin Falls to \$210.00 1-6 passengers</u></b>	21-25 passenger vehicle	\$120.00
\$30.00 ea. Additional passenger	26-32 passenger vehicle	\$130.00

**Boise \$360.00 1-6 passengers**

\$30.00 ea. Additional passenger

- \$40.00 min for all reservations 3 AM-5 AM.
- Extra miles = \$2.00 per mile
- Deadhead surcharge \$16.00
- Gas surcharge may apply when necessary.

**Courier Rates:**

Standard pick-up & delivery (1-12 miles)	\$79.00
Meet flight pick-up & delivery(1-12 miles)	\$99.00
Ea. addl mile over 12 traveled to drop	\$2.00
O-nite hold \$25.00, Extra weight +90 lbs	\$.50/lbs
Attempts: See above, No gratuities may be added	

**Other rules:**

- Minimum fare to/from Atlantic Aviation and Hailey is \$40.00.
- Minimum fare to/from Atlantic Aviation to other points outside Hailey is \$50.00 or the private car rate.
- Minimum fare to/from commercial side of HAP to Hailey is \$35.00, to/from other points is \$45.00. If ride is shared with other stops the minimum for each stop is \$35.00 or the regular shared ride rate.

**A1 Sun Valley Fare Schedule**

Effective 12/1/14

**RECEIVED**  
DEC 10 2014  
CITY OF HAILEY

**Ketchum to Hailey**

1	\$35.00
2	\$35.00
3	\$40.00
4	\$45.00
5	\$50.00
6+	\$65/hr

Warm Springs to Hulen Meadows	\$20.00
Ketchum to Warm Springs Lifts	\$20.00
Sun Valley to Warm Springs Lifts	\$20.00
Ketchum to Elkhorn	\$20.00
Elkhorn to Adams Gulch	\$20.00
Warm Springs to Elkhorn	\$20.00

**From Deer Creek to South Woodside**

#	Shared	Private
1	\$35.00	\$50.00
2	\$35.00	\$50.00
3	\$40.00	\$50.00
4	\$45.00	\$50.00
5	\$50.00	\$55.00
6	\$55.00	\$65.00

Bellevue, Hailey and Ketchum core	\$20.00
Ea additional passenger	\$2.00
Ketchum to Bellevue (1-2 pass)	\$36.00
ea additional passenger	\$5.00
Hailey to Bellevue	\$25.00
Board Ranch to Ketchum	\$25.00
ea additional passenger	\$3.00

**To Friedman Memorial Airport**

From Lake Creek Rd to Deer Creek Rd and all points between Bellevue and South Woodside Blvd.(to/from Airport)

#	Shared	Private
1	\$50.00	\$75.00
2	\$45.00	\$75.00
3	\$50.00	\$75.00
4	\$55.00	\$75.00
5	\$60.00	\$85.00
6	\$65.00	\$95.00

**Ketchum to...**

North Fork	\$21.00
Eagle Creek	\$21.00
Glassford Heights	\$20.00
Lake Creek	\$20.00
Hulen Meadows	\$20.00
St Lukes	\$20.00
Meadows Trailer Park	\$20.00
Cold Springs	\$20.00
Rainbow Bend	\$20.00
East Fork to North Canyon	\$21.00
North Canyon to Triumph	\$26.00
Hidden Hollow	\$26.00
ea. additional passenger	\$2.00
Heatherlands and Starweather	\$26.00
ea. additional passenger	\$5.00

Children 5-12 year old ½ price  
Children 4 and under are free

Stanley to \$200.00 – 1-6 passenger's  
\$30.00 ea. Additional passenger

Twin Falls to \$210.00 1-6 passengers  
\$30.00 ea. Additional passenger

Boise \$360.00 1-6 passengers  
\$30.00 ea. Additional passenger

Hourly rates (minimum # of hrs may apply):  
1-5 passenger vehicle \$75.00  
6-13 passenger vehicle \$90.00  
21-25 passenger vehicle \$100.00  
26-32 passenger vehicle \$120.00

- \$40.00 minimum for all reservations between 3 AM and 5 AM.
- Extra miles = \$3.00 per mile
- Deadhead surcharge \$16.00
- Gas surcharge may apply when necessary.

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03/02/2015 **DEPARTMENT:** Com. Development **DEPT. HEAD SIGNATURE:** \_\_\_\_\_

**SUBJECT:**

Request for approval to hold a special event, the event being Northern Rockies Music Festival to be held at Hop Porter Park (Friday, July 31<sup>st</sup> from 5:00 p.m. to 10:00 p.m. - Saturday, August 1<sup>st</sup> from 1:00 p.m. to 10:00 p.m.).

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_

Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_

Comments: \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

<input type="checkbox"/> City Administrator	<input type="checkbox"/> Library	<input type="checkbox"/> Benefits Committee
<input type="checkbox"/> City Attorney	<input type="checkbox"/> Mayor	<input checked="" type="checkbox"/> Streets
<input type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Treasurer
<input type="checkbox"/> Building	<input checked="" type="checkbox"/> Police	_____
<input type="checkbox"/> Engineer	<input type="checkbox"/> Public Works, Parks	_____
<input checked="" type="checkbox"/> Fire Dept.	<input type="checkbox"/> P & Z Commission	_____

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Recommendation to approve a special event, the event being Northern Rockies Music Festival to be held at Hop Porter Park (Friday, July 31<sup>st</sup> from 5:00 p.m. to 10:00 p.m. - Saturday, August 1<sup>st</sup> from 1:00 p.m. to 10:00 p.m.), and authorization for the Mayor to sign the special event decision and special event agreement.

This approval is provided, contingent, upon applicant providing an updated Certificate of Insurance, showing the insurance has been updated, and is the appropriate coverage (in the amount of one million dollars naming the city as an additional named insured).

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_ Dept. Head in Attendance at Meeting (circle one) Yes No

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record

\*Additional/Exceptional Originals to: \_\_\_\_\_

Copies (all info.): \_\_\_\_\_

Copies (AIS only) \_\_\_\_\_

Instrument # \_\_\_\_\_

**V. INSURANCE REQUIREMENTS**

It is the responsibility of your Special Event organizers to maintain a COMPREHENSIVE GENERAL LIABILITY insurance policy with coverage of not less than \$1,000,000.00 combined single limit per occurrence. Each policy shall be written as a primary policy, not contributing with or in excess of any coverage which the City may carry. *A certificate naming the City of Hailey, Blaine County, Idaho as additional insured shall be delivered to the City of Hailey with this application.* The adequacy of all insurance required by these provisions shall be subject to approval by the City Clerk. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of the application.

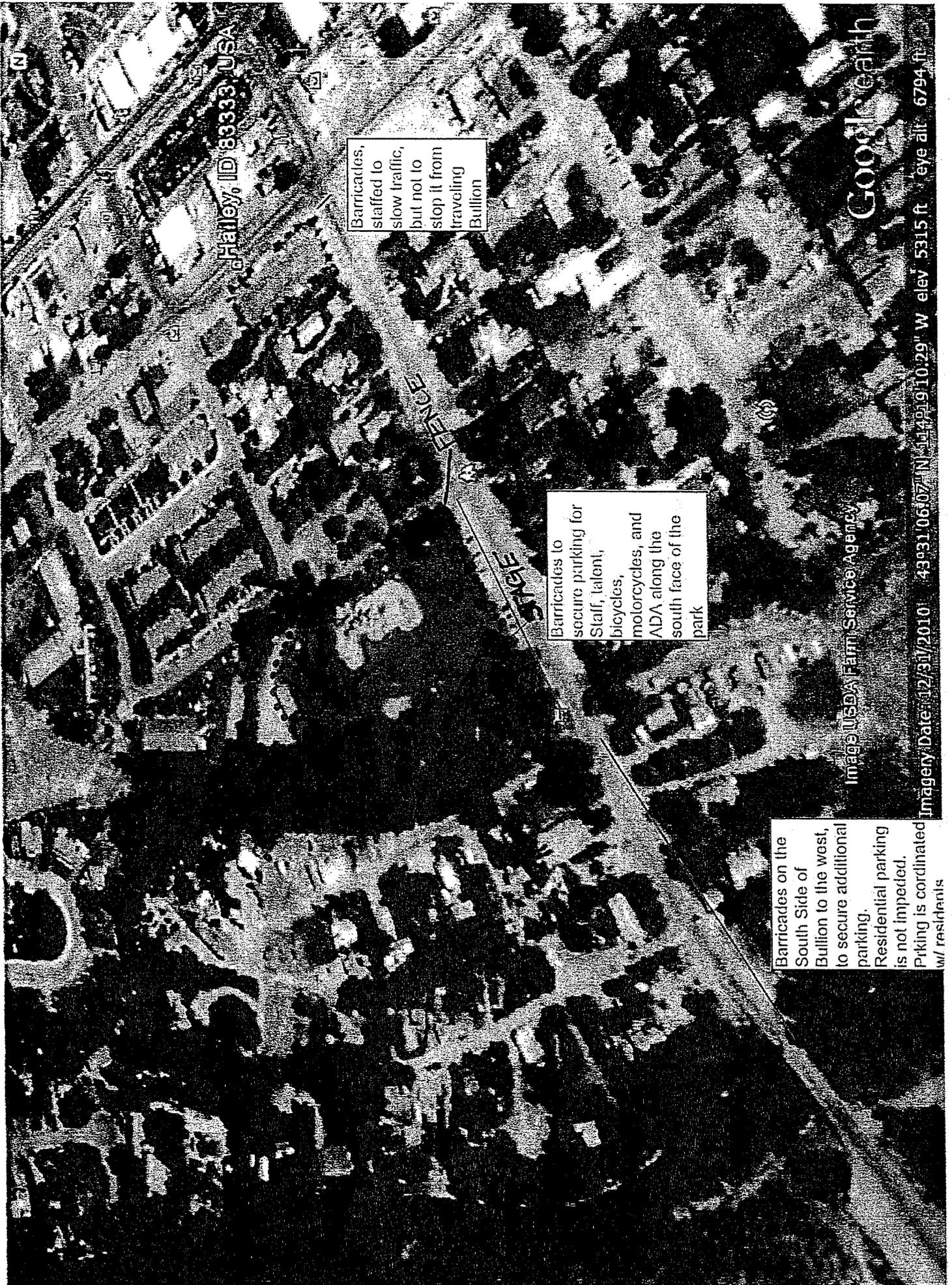
Insurance Company: \_\_\_\_\_ Agent Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**SPECIAL EVENT ACTIVITIES & CITY SERVICES REQUESTED**

Yes	No	Check all Planned Activities	Yes	No	Check all Planned Activities
	✓	Street Closures (if yes)		✓	Alcohol Served: (Free of Charge) Provider -
		• Street Closure for Special Event Application and detailed map listing areas of closure. <i>An ITD permit is required for Main Street.</i>	✓		Alcohol Sold: Requires Alcohol Beverage Catering Permit (Hailey Code 5.13) Provider - <i>SUN VALLEY BREWERY</i>
	✓	Barricades If yes, please include a logistics map. <i>SEE LAST YEARS MAP</i>	✓		Food/Beverages (Caterers) Please List: <i>CALCEYS, TONIS, SUBWAY</i>
	✓	Police/Traffic Control Services (A security plan is necessary for Special Events anticipated to attract 250 or more participants while serving beer, wine or liquor or for street closures.)	✓		Booths: Profit/Non-Profit
			✓		Vendors (Items sold/ Solicitation) Please list: <i>T-SHIRTS, CDS, POSTERS</i>
	✓	Medical Services (Circle) First Aid and/or EMS Services	✓		Canopies/Tents/Temporary Structures - City of Hailey Fire Department, Fire Code Enforcement may require a permit for tents, canopies, membrane, or temporary structures over 200 sq. ft.
		*Determination of EMS services is dependent on event size and type.			
		Service Provider:			Sizes <i>2 tents 8' x 20'</i>
	✓	Overnight Camping Please see City for designated areas.	✓		Street Banners
	✓	Open flame or flame producing devices			
✓		Amplified Sound Permit	✓		Stages: (Number and Size(s)) <i>1 - RENTING</i>
✓		Concessions Area- 1 ( ) 2 ( ) <i>Vendors</i>	✓		Toilets - PROVIDED BY CLEAR CREEK Men's ( ) Women's ( ) Family ( )

Your Event Organizer is responsible for providing a complete list of event activities including a list of suppliers providing services. An event logistics map is required, detailing the location for all road closures, event set up, canopies, stages, vendors, booths, and any other major services or activities planned. I hereby certify that I have read and will abide by the laws, rules and regulations set forth by the City of Hailey, Blaine County, and the State of Idaho, and in signing this application, I hereby agree that I and the organization I represent, shall hold the City of Hailey and all of its agents or employees free and blameless from any claim, liability or damage which may arise from use of City facilities or equipment, whether or not the City of Hailey, its agents or employees are jointly negligent. I further agree to promptly reimburse the City of Hailey and all of its agents for any clean up loss or damage to City property resulting from this use, as well as permitting, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees or public equipment for the Special Event.

Event Organizer's Signature: *W.M. Dewar* Date: *Feb 18, 2015*



Hailey, ID 83333, USA

Barricades, staffed to slow traffic, but not to stop it from traveling  
Bullion

Barricades to secure parking for Staff, talent, bicycles, and motorcycles, and ADA along the south face of the park

Barricades on the South Side of Bullion to the west, to secure additional parking.  
Residential parking is not impeded.  
Piking is coordinated w/ residents

Image: USDA Farm Service Agency

Google Earth

Imagery Date: 12/31/2010 49°31'06.07"N 114°19'10.29"W elev 5315 ft eye alt 6794 ft

## DECISION

Based on the Application for a Special Event Permit for the Northern Rockies Music Festival, the City of Hailey, pursuant to Chapter 12.14 of the Hailey Municipal Code, approves the Application and grants the Special Event Permit, subject to the following conditions:

### Standard Conditions

- a. The Applicant shall comply with the terms, plans, covenants and provisions of the Application, as approved or as modified by the City of Hailey.
- b. The Applicant shall comply with all applicable local, state and federal laws, regulations and ordinances before, during and after the Special Event(s).
- c. The Applicant shall execute an agreement, relating to the reimbursement of expenses, indemnification and other provisions immediately upon the approval of the application for the Special Events Permit.
- d. In the event the Applicant fails to comply with all the conditions set forth herein, the City may revoke the Special Events Permit, in whole or in part.
- e. A supporting application is on file and shall be complied with.

### Additional Conditions

- a. Applicant is to submit updated and current Certificate of Liability Insurance in the amount of \$1,000,000 naming the City of Hailey as the primary insured.

DATED this 2nd day of March 2015.

CITY OF HAILEY

By: \_\_\_\_\_  
Fritz Haemmerle, its Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

CITY OF HAILEY ■ 115 MAIN ST. S., SUITE H ■ HAILEY, IDAHO 83333 ■ 788-4221

## SPECIAL EVENT AGREEMENT

In consideration of the granting of a special event permit by the City of Hailey ("the City") for the Northern Rockies Music Festival (to be held Friday, July 31st from 5:00 p.m. to 10:00 p.m. & Saturday, August 1st from 1:00 p.m. to 10:00 p.m.), plus specified set up and teardown time, ("the Event"), and pursuant to Section 12.14 of the Hailey Municipal Code, the undersigned, as the applicant ("Applicant") of a Special Event Permit from the City for the Event, does hereby agree to reimburse the City for any costs incurred by the City in repairing damage or providing any services or materials resulting from the Event. The Applicant agrees that such costs may be deducted from a non-refundable security deposit or additional deposit as established by the City, and that if costs exceed any deposit made by the applicant, further reimbursement will be made to the City upon demand. The Applicant hereby agrees to indemnify, defend and hold harmless the City and its officers and employees, in their official and individual capacities, from any and all claims, demands, obligations, liabilities, lawsuits, judgments, attorneys' fees, costs, expenses and damages of any nature caused by or arising out of, or connected with the Event. In the event either party hereto is required to retain counsel to enforce a provision of this Agreement, or to recover damages resulting from a breach hereof, the prevailing party shall be entitled to recover from the other party all reasonable attorney's fees incurred herein or on appeal, or in bankruptcy proceedings. The Applicant agrees to comply with all the laws and ordinances of the City of Hailey, Idaho applicable to the subject matter thereof, and to conduct the Event in accordance with the terms and provisions of the application for a Special Event Permit, as approved or as modified by the City, and all conditions of the Special Event Permit. The Applicant agrees that the Special Event Permit is nontransferable and shall be conducted only for the dates and locations as approved by the City.

IN WITNESS WHEREOF, Applicant and the City have executed this Agreement on this 2<sup>nd</sup> day of March 2015.

APPLICANT:

By: \_\_\_\_\_

\_\_\_\_\_  
(please sign and print name and title, if applicable)

CITY OF HAILEY:

By: \_\_\_\_\_

Fritz Haemmerle, its Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, its City Clerk

CITY OF HAILEY ■ 115 MAIN ST. S., SUITE H ■ HAILEY, IDAHO 83333 ■ 788-4221

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03-02-2015 **DEPARTMENT:** Community Development **DEPT. HEAD SIGNATURE:** \_\_\_\_\_

**SUBJECT:**

Request for approval to hold a special event, the event being Hailey's Main Street Antique Show, to be held at the vacant lot at 810 N. Main Street in Hailey on July 3<sup>rd</sup>-July 5<sup>th</sup> from 9:00 a.m. to 7:00 p.m.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_

Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_

Comments: \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

- |                                                |                                              |                                             |
|------------------------------------------------|----------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> City Administrator    | <input type="checkbox"/> Library             | <input type="checkbox"/> Benefits Committee |
| <input type="checkbox"/> City Attorney         | <input type="checkbox"/> Mayor               | <input checked="" type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk            | <input type="checkbox"/> Planning            | <input type="checkbox"/> Treasurer          |
| <input type="checkbox"/> Building              | <input checked="" type="checkbox"/> Police   | _____                                       |
| <input type="checkbox"/> Engineer              | <input type="checkbox"/> Public Works, Parks | _____                                       |
| <input checked="" type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission    | _____                                       |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Recommendation to approve a special event, the event being Hailey's Main Street Antique Show, to be held at the vacant lot at 810 N. Main Street in Hailey on July 3<sup>rd</sup>-July 5<sup>th</sup> from 9:00 a.m. to 7:00 p.m., and authorization for the Mayor to sign the special event decision and special event agreement.

This approval is provided, contingent, upon applicant providing an updated Certificate of Insurance after April 3, 2015, showing the insurance has been renewed, and is the appropriate coverage (in the amount of one million dollars naming the city as an additional named insured).

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_ Dept. Head in Attendance at Meeting (circle one) Yes No

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record

\*Additional/Exceptional Originals to: \_\_\_\_\_

Copies (all info.): \_\_\_\_\_

Copies (AIS only) \_\_\_\_\_

Instrument # \_\_\_\_\_



RECEIVED  
FEB 24 2015  
CITY OF HAILEY

SPECIAL EVENT PERMIT APPLICATION

EVENT NAME: Hailey's Main Street Antique Show

LOCATION FOR EVENT (Be specific ie.. Hop Porter Park, all of 1<sup>st</sup> Avenue between Walnut and Pine, 115 Main St. S.):

Public Property  Private Property  
vacant lot at 810 N Main Street - Hailey

I. EVENT SCHEDULE

Special Events are limited to four days, including set-up and tear-down days. No more than eight events per calendar year can be conducted by a single party or organization, unless a modification is granted by the City Council. Please submit your modification requests in writing and attach to your application.

Date(s) of Event	Hours	Estimated # of Attendees
<u>July 3-4-5 2015</u>	Start Time: <u>9:00 am</u> End Time: <u>7:00 pm</u>	All Day: <u>100/per hour</u>
<u>July 5 - 2015</u>	Start Time: <u>9:00 am</u> End Time: <u>5:00 p.m.</u>	All Day: <u>100/per hour</u>
Date(s) of Set-up/Tear-down	Hours	Estimated # Staff
<u>July 2 - 2015</u>	Start Time: <u>6:00 am</u> End Time: <u>10:00 pm</u>	<u>Vendors Set Up</u>
<u>July 3 - 2015</u>	Start Time: <u>7:00 am</u> End Time: <u>12:00 pm</u>	<u>tear down their own space.</u>

II. FEES

Special Event Permit Application Fee \$125  \$125.00

Events that meet both of the following criteria may be exempted from Park Rental Fee by resolution of the City Council:

- Non-profit event that is held annually within the City of Hailey for at least ten consecutive years and consistently draw large numbers of participants and spectators. Tax Exempt #: \_\_\_\_\_
- Promoted locally and regionally within the state and the northwest.

Per Day Park Rental Fee \$200  \_\_\_\_\_

Tax (on park rental fees only) 6%  \_\_\_\_\_

Security Services Deposit  \_\_\_\_\_

TOTAL DUE \$125.00

III. ORGANIZATION INFORMATION

Sponsoring Organization: Blue Cow Antqs & Appraisals

Applicant's Name: Dana Jo Cameron Title: Promoter

Address: 949 N Meridian City: Rupert State: ID Zip: 83350

Telephone Home: 532-4565 Mobile: 312-4900 FAX: 532-4565

Applicant Driver's License #: VR110430K Email: camcam@pmt.org

Federal Tax #: \_\_\_\_\_ State Tax #: 316529-S

IV. EVENT INFORMATION

New Event: Yes \_\_\_\_\_ No  Annual Event: Yes  No \_\_\_\_\_ Years Operating 15

Event Category:  Commercial  Noncommercial

Estimate of Gross Ticket Sales & Revenues (commercial event only): no tickets sold. vendors sell their own merchandise.

Description of Event: Antiques - Collectibles - Arts - Crafts - Jewelry

Additional Details: Liability Insurance renews on 7/13/15 - will send new insurance certificate at that time.

Updated: 9/03/2014 (Attach any additional pages as needed)

**V. INSURANCE REQUIREMENTS**

It is the responsibility of your Special Event organizers to maintain a COMPREHENSIVE GENERAL LIABILITY insurance policy with coverage of not less than \$1,000,000.00 combined single limit per occurrence. Each policy shall be written as a primary policy, not contributing with or in excess of any coverage which the City may carry. A certificate naming the City of Hailey, Blaine County, Idaho as additional insured shall be delivered to the City of Hailey with this application. The adequacy of all insurance required by these provisions shall be subject to approval by the City Clerk. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of the application.

Insurance Company: Hub Insurance Agent Name: Craig Casperson Phone: 734-1511

**SPECIAL EVENT ACTIVITIES & CITY SERVICES REQUESTED**

Yes	No	Check all Planned Activities	Yes	No	Check all Planned Activities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Street Closures &amp; Access / Parade</b> (if yes) • Street Closure for Special Event Application and detailed map listing areas of closure, parade route is required. An ITD permit is required for Main Street. • Your Event Coordinator is required to have the Notification Certification completed by all affected businesses, churches, schools and neighborhoods.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Alcohol Served:</b> (Free of Charge) Provider -
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Alcohol Sold:</b> Requires Alcohol Beverage Catering Permit (Hailey Code 5.13) Provider -
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Food/Beverages (Caterers) Please List:</b> <i>Possibly 1 sandwich vendor</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Barricades</b> If yes, please include a logistics map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Booths:</b> <u>Profit</u> / Non-Profit
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Police/Traffic Control Services</b> (A security plan is necessary for Special Events anticipated to attract 250 or more participants while serving beer, wine or liquor or for street closures.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Vendors (Items sold/ Solicitation) Please list:</b> <i>Antiques - Collectibles - Jewelry - Arts - Crafts</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Electricity / Generators:</b> Please check no if you are providing your own. Size:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Canopies/Tents/Temporary Structures -</b> City of Hailey Fire Department, Fire Code Enforcement may require a permit for tents, canopies, membrane, or temporary structures over 200 sq. ft. <i>Private Canopies All under 200 square feet</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Medical Services</b> (Circle) <u>First Aid</u> EMT - Standby (or) Ambulance <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Signs or Banners</b> <i>I do not use any banners which require permits.</i>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Overnight Camping</b> <i>Not on public property.</i> Please see City for designated areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Water:</b> Drinking / Washing
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Open flame or flame producing devices</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Stages:</b> (Number and Size(s))
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Lighting:</b> please attach plan if applicable.	<u>ADA</u>	<u>Regular</u>	<b>Portable Toilets / Wash Stations:</b> (Please provide one (1) permanent or portable toilet per 100 people)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Gray Water Barrel / Grease Barrel</b> (circle /detail # and locations)	# /	# /	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Sanitation:</b> Trash bins, Dumpsters, Recycle (Please provide one (1) six yard dumpster per 500 people)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Amplified Sound Permit</b>

Your Event Organizer is responsible for providing a complete list of event activities including a list of suppliers providing services. An event logistics map is required, detailing the location for all road closures, event set up, canopies, stages, vendors, booths, and any other major services or activities planned. I hereby certify that I have read and will abide by the laws, rules and regulations set forth by the City of Hailey, Blaine County, and the State of Idaho, and in signing this application, I hereby agree that I and the organization I represent, shall hold the City of Hailey and all of its agents or employees free and blameless from any claim, liability or damage which may arise from use of City facilities or equipment, whether or not the City of Hailey, its agents or employees are jointly negligent. I further agree to promptly reimburse the City of Hailey and all of its agents for any clean up loss or damage to City property resulting from this use, as well as permitting, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees or public equipment for the Special Event.

Event Organizer's Signature: Dana Jo Cameron Date: 2/22/15

Hailey's Main Street Antique Show

ALBERT

MAIN STREET → → → → →

McDonald's

VENDER ROW

VENDER ROW

VENDER ROW

PARKING

Dumpster  
San. Ports

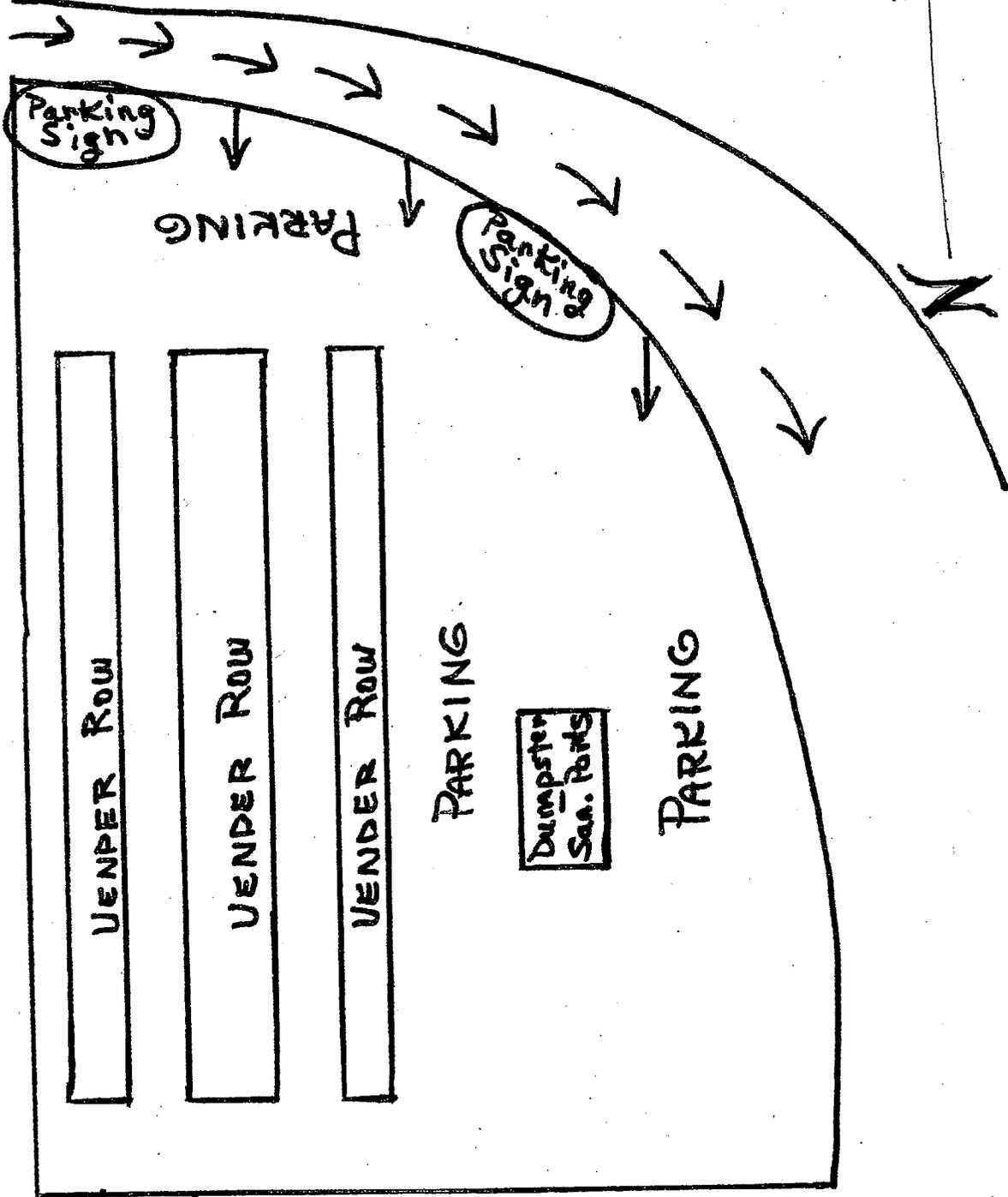
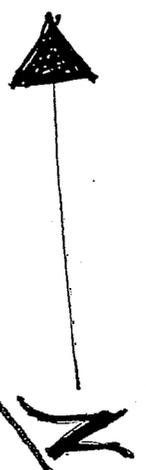
PARKING

Parking Sign

PARKING

Parking Sign

OF TRAFFIC



## DECISION

Based on the Application for a Special Event Permit for Hailey's Main Street Antique Show, the City of Hailey, pursuant to Chapter 12.14 of the Hailey Municipal Code, approves the Application and grants the Special Event Permit, subject to the following conditions:

### Standard Conditions

- a. The Applicant shall comply with the terms, plans, covenants and provisions of the Application, as approved or as modified by the City of Hailey.
- b. The Applicant shall comply with all applicable local, state and federal laws, regulations and ordinances before, during and after the Special Event(s).
- c. The Applicant shall execute an agreement, relating to the reimbursement of expenses, indemnification and other provisions immediately upon the approval of the application for the Special Events Permit.
- d. In the event the Applicant fails to comply with all the conditions set forth herein, the City may revoke the Special Events Permit, in whole or in part.
- e. A supporting application is on file and shall be complied with.

### Additional Conditions

- a. The applicant has provided a Certificate of Insurance, but shall provide City an updated Certificate of Insurance after April 3, 2015 showing the insurance has been renewed, and is the appropriate coverage (in the amount of one million dollars naming the city as an additional named insured).

DATED this 2<sup>nd</sup> day of March 2015.

CITY OF HAILEY

By: \_\_\_\_\_  
Fritz Haemmerle, its Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

CITY OF HAILEY ■ 115 MAIN ST. S., SUITE H ■ HAILEY, IDAHO 83333 ■ 788-4221

## SPECIAL EVENT AGREEMENT

In consideration of the granting of a special event permit by the City of Hailey ("the City") for Hailey's Main Street Antique Show, to be held at the vacant lot at 810 N. Main Street in Hailey on July 3<sup>rd</sup> - July 4<sup>th</sup> from 9:00 a.m. to 7:00 p.m. and July 5<sup>th</sup> from 9:00 a.m. to 5:00 p.m., plus specified set up and teardown time, ("the Event"), and pursuant to Section 12.14 of the Hailey Municipal Code, the undersigned, as the applicant ("Applicant") of a Special Event Permit from the City for the Event, does hereby agree to reimburse the City for any costs incurred by the City in repairing damage or providing any services or materials resulting from the Event. The Applicant agrees that such costs may be deducted from a non-refundable security deposit or additional deposit as established by the City, and that if costs exceed any deposit made by the applicant, further reimbursement will be made to the City upon demand. The Applicant hereby agrees to indemnify, defend and hold harmless the City and its officers and employees, in their official and individual capacities, from any and all claims, demands, obligations, liabilities, lawsuits, judgments, attorneys' fees, costs, expenses and damages of any nature caused by or arising out of, or connected with the Event. In the event either party hereto is required to retain counsel to enforce a provision of this Agreement, or to recover damages resulting from a breach hereof, the prevailing party shall be entitled to recover from the other party all reasonable attorney's fees incurred herein or on appeal, or in bankruptcy proceedings. The Applicant agrees to comply with all the laws and ordinances of the City of Hailey, Idaho applicable to the subject matter thereof, and to conduct the Event in accordance with the terms and provisions of the application for a Special Event Permit, as approved or as modified by the City, and all conditions of the Special Event Permit. The Applicant agrees that the Special Event Permit is nontransferable and shall be conducted only for the dates and locations as approved by the City.

IN WITNESS WHEREOF, Applicant and the City have executed this Agreement on this 2<sup>nd</sup> day of March 2015.

APPLICANT:

By: \_\_\_\_\_

\_\_\_\_\_  
(please sign and print name and title, if applicable)

CITY OF HAILEY:

By: \_\_\_\_\_

Fritz Haemmerle, its Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, its City Clerk

CITY OF HAILEY ■ 115 MAIN ST. S., SUITE H ■ HAILEY, IDAHO 83333 ■ 788-4221

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 3/02/15 **DEPARTMENT:** Clerk's Office **DEPT. HEAD SIGNATURE** M. Cone

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**SUBJECT**

Approval of Minutes from the meeting of the Hailey City Council on February 9, 2015 and to suspend reading of them.

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**AUTHORITY:**  ID Code 67-2344  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_

Idaho Code requires that a governing body shall provide for the taking of written minutes at all of its meetings, and that all minutes shall be available to the public within a reasonable period of time after the meeting. Minutes should be approved by the council at the next regular meeting and kept by the clerk in a book of minutes, signed by the clerk.

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**BACKGROUND:**

Draft minutes prepared.

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**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_

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**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:**

City Attorney  City Clerk  Engineer  Mayor  
 P & Z Commission  Parks & Lands Board  Public Works  Other

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**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Motion to approve the minutes as presented, and to suspend the reading of them, or remove from consent agenda to make changes and then approve as amended.

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**FOLLOW UP NOTES:**

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**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD FEBRUARY 9, 2015  
IN THE HAILEY TOWN CENTER MEETING ROOM**

\*Amended Agenda Item

The Meeting of the Hailey City Council was called to order at 5:28 P.M. by Mayor Fritz Haemmerle. Present were Council members Carol Brown, Don Keirn, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

5:28:41 PM call to order

5:29:08 PM Burke moves to approve the amended agenda adding items CA 037, CA 063 and SR 062, motion seconded by Cooley, Motion passed unanimously.

Open Session for Public Comments:

5:29:37 PM Bob Wiederrick Hailey resident reads a letter regarding Development Impact Fees to council. Wiederrick passes out copies of an article in Idaho Mountain Express from former CD director Micah Austin. Wiederrick believes that the Development Impact Fees must be used in certain categories. Wiederrick asks council to amend its Development Impact Fee Ordinance by the end of March? Wiederrick asks council to remove the fee from commercial uses, and refund Wiederrick's fee that he paid plus interest. If not, he will take action to initiate a referendum petition to remove the Development Impact Fee. If Wiederrick is not able to get a referendum to voters or it does not pass with voters, he will as a last resort file a case against Hailey, in which he believes in sound success.

5:32:17 PM Mayor Haemmerle thanks Wiederrick for his comments.

5:32:48 PM Peter Lobb Hailey resident comments to council. Lobb talks about recent LGBT legislature in Boise. Lobb wonders if municipal ordinances can help the state.

5:34:43 PM Haemmerle responds that the Hailey city council will see a proposed ordinance on this subject in the next few months.

**CONSENT AGENDA:**

- CA 033 Motion to ratify letter of intent to apply to Steele Reeves Foundation for \$44,000 in grant funds toward \$60,000 in park projects for Balmoral Park, including shade structures, picnic tables, restroom (moved from Skatepark as match) west boundary fence, trees, shrubs, benches, trash receptacles and dog stations.....
- CA 034 Motion to approve grant application by Hailey Public Library for \$2,190 toward financial literacy grants .....
- CA 035 Motion to approve Grant Reimbursement request for final distribution of Idaho DEQ Grant funds for Hailey's 2007 Wastewater Master Planning grant.....

HAILEY CITY COUNCIL MINUTES  
February 9, 2015

- CA 036 Motion to approve Resolution No. 2015-03, amending the contract with Carollo Engineers for Hailey’s Wastewater Master Plan, to add \$ \_\_\_\_\_ for the engineer to update cost estimates in the Wastewater Master Plan to 2015 costs.....
- \*CA 037 Motion to approve Streaming Agreement with Resolution No. 2015-04, authorizing American Conservation Film Festival (ACFF) – to stream film made for the Hailey Community Climate Challenge Project and authorize the Mayor to sign.....
- \*CA 063 Motion to approve recommendation to cancel request for statement of Qualifications for a CE&I contractor for the biosolids project .....
- CA 038 Motion to approve the final list of construction companies who will be invited to bid on the WWTP Biosolids Project, based on scores obtained during a prequalification process conducted by city staff.....
- CA 039 Motion to ratify FKC Insurance Rider for an amount of \$233,700 up from \$168,700.....
- CA 040 Motion to approve Resolution 2015-05, authorizing an amendment to Hailey’s Personnel Handbook to add policies governing the use of social media by city employees and volunteers, and other minor housekeeping amendments.....
- CA 041 Motion to approve Resolution 2015-06, declaring surplus personal property and authoring sale, destruction or recycling of said personal property.....
- CA 042 Motion to approve special event, Kiwanis Car Show, to be held at the Roberta McKercher Park (Saturday, August 1<sup>st</sup>, from 8:00 a.m. to 5:00 p.m.).....
- CA 043 Motion to approve special event, Hailey Skate Competition, to be held at the City of Hailey Skatepark (Saturday, June 20<sup>th</sup> from 9:00 a.m. to 4:00 p.m.).....
- CA 044 Motion to approve special event, Trailing of the Sheep, to be held at the Roberta McKercher Park (Saturday, October 10<sup>th</sup> from 10:00 a.m. to 4:00 p.m.) .....
- CA 045 Motion to approve minutes of January 20, 2015 and to suspend reading of them.....
- CA 046 Motion to approve claims for expenses incurred during the month of January 20, 2015, and claims for expenses due by contract in February, 2015 .....
- CA 047 Motion to approve Treasurer’s report for January 2015 .....

5:36:05 PM CA 040 pulled by Cooley.

5:36:20 PM Keirn moved to approve all consent agenda items minus CA 40, seconded by Burke, motion passed unanimously. Brown abstained from minutes CA 45, as she was not present for that meeting. Motion passed unanimously.

5:37:02 PM CA 040 – Cooley finds the sentence on page 38 of packet troubling. “...Supervisors have the right to read all contents stored on an employee’s computer at any time and for any purpose.” Cooley asks why is a personal computer and cell phone subject to search by manager? Cooley feels this as too evasive, it should read “city owned computer.” Burke agrees with Cooley. Burke felt that it meant “city owned” when she read it.

5:38:18 PM Williamson states that this is old language and this should be updated to be “city owned” Williamson had several lengthy discussions about this section because the 4<sup>th</sup> amendment does apply to government employees. Williamson agrees with Cooley, it should read “city owned.”

Mayor Haemmerle wants it to be revised and brought back in the next meeting.

5:42:58 PM Williamson speaks to the social media policy, we didn’t have much guidance but this is a good start.

HAILEY CITY COUNCIL MINUTES  
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**APPOINTMENTS AND AWARDS:**

AA 048 Hailey Planning and Zoning Commission appointment to fill expiring term of Jay Cone (Dec 2014)

Mayor Haemmerle has narrowed his choice but hasn't contacted the individual yet. 5:44:25 PM. He will definitely suggest an appointment in the next meeting.

**PUBLIC HEARINGS:**

PH 049 Airport Issues pertaining to February 5, 2015 FMAA Meeting

5:44:46 PM Haemmerle lots of construction going on at the airport. Rick Baird has invite everyone to see the construction, so avail yourself the chance and get a tour. The master plan will be distributed to everyone before the FMAA meeting.

Keirn added that there will be officer elections coming up.

After some discussion, Brown would like to see a Hailey person, as Chair. It would be good to get back into the rotation of this duty. Discussion ensued suggesting that Don Keirn could be the Hailey Chair on the FMAA.

Mayor Haemmerle reminded everyone to look at the construction going on right now.

PH 050 Discussion of Blaine County Road & Bridge Levy with consideration of:.....

1. Hailey's level of participation;
  - A. Does Hailey want to contribute questions or resources to the poll?
  - B. Does Hailey want to request a dollar figure other than the \$3 million targeted by Blaine County?
  - C. Will Hailey issue a support resolution or letter?
  - D. How will Hailey participate in education of Hailey voters regarding this levy?
2. Hailey's proposed use of the funds.

5:47:59 PM Mayor Haemmerle opens the discussion on this item. The county is set on moving forward with this to voters again. The state is not giving as much funding for roads so someone has to do something about roads and it is falling to the local jurisdictions to come up with a funding solution. Mayor Haemmerle is asking for public comment tonight on this topic. Hailey would receive approx. \$135,000 annually if the levy passed. On page 152 of packet, outlines the timeline and ways to communicate funding needs of Hailey, and pg 154, capital needs that staff has put together. Page 157, ways of raising money.

5:52:15 PM Susan McBryant Hailey resident is glad that this topic is being discussed. McBryant feels that the political environment is good for this discussion. Hailey is the most functional political body in the valley. When McBryant heard that the County was going to include the cities, she was concerned, it blurs the true vision in voters' eyes. This is chump change, McBryant feels that Hailey needs to opt out of the counties levy. McBryant feels there are other

HAILEY CITY COUNCIL MINUTES  
February 9, 2015

ways that will bring in longer term and more money. Education is critical to the success. McBryant thinks the city should go out separate from the county. The county levy is a band aid, not a long term solution for Hailey.

5:59:10 PM Peter Lobb Hailey resident – we need to really get money rolling in, somehow. That will take education and city council lobbying, very important. The problem is getting people to vote on this. Lobb believes that Hailey should go for it, it has to be done.

Council discussion:

6:01:03 PM Mayor Haemmerle this is a bit problematic, with or without us in the county levy, our citizens will be taxed by the county.

6:02:54 PM Brown, this is a bit déjà vu, we had these discussions last time around. Brown is torn on this one. Brown wants to be able to support the county's efforts. Brown is curious about, what if state legislature makes the changes that they've been talking about? A two year fix gets them time, but not where they need to go in the long-term. Brown doesn't like a two-year fix.

Mayor Haemmerle makes a point, Hailey citizens will be taxed anyway. If the city opts in or out of the county's levy.

6:07:58 PM Burke brings back the conversation that she tried to have with Jacob Greenberg in the last meeting. The county should go for the amount they really need, not a band-aid fix. Burke wants a long-term solution from the county.

6:10:53 PM Cooley comments, a little is better than nothing. Some of our primary work is sidewalks. If the county levy doesn't pass then we move on.

6:13:25 PM a Student in the audience asks if city can apply for a gasoline tax. Haemmerle, replied, good question, no we cannot.

6:15:40 PM Keirn is torn between opting out of the county levy or in.

6:16:05 PM Haemmerle, don't dismiss \$135,000. In the grand scheme of things, maybe we should ask the county to lobby hard at the state level. Then a better long-term needs approach.

Brown would like to see the county levy in November.

Susan McBryant speaks again. McBryant suggests that Hailey identify its own needs. Strategically the county thinks they will have better luck in success if they include the municipalities. McBryant thinks this approach cripples the city for resolving long-term needs.

Cooley asks a question. Dawson answers. If the cities opt out, then the county will ask for a \$2 million levy. If the county includes the cities, it will be a \$3 million levy.

HAILEY CITY COUNCIL MINUTES  
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Brown would generally support the Counties levy, where we received the approx. \$135,000. In two years, she would like to see them come up with a long-term solution.

Mayor Haemmerle remarks, we need good roads in the county, it reflects poorly on everyone if they are not kept up nicely.

6:30:40 PM Mariel Platt asks council if they really want the county to go out to the voters in November at the same time as the county.

6:32:55 PM Discussion ensues about our needs versus county needs.

6:37:46 PM Mayor Haemmerle will draft a letter to the county.

*PH 051 Hailey Infrastructure Improvements – Report with Capital Project List*

6:39:57 PM Dawson explains her handout given at the beginning of tonight's meeting and references the packet page 152, a June 19<sup>th</sup> BAH at city hall. Dawson reviewed the successes in past bond elections. The 2006 Fire Station bond failed due to not defining it as an essential need. In March, operational needs and deficiencies will be presented to council. Dawson expects that most city boards will have additions to this list.

6:46:52 PM Mayor Haemmerle asks about a water well item, pg. 154, near bottom. Some of these things, like this DEQ well, is a redundant well requirement, to satisfy state laws.

6:48:43 PM Tony Evans asks a question about city roads needs, what is this amount? Do you know? Haemmerle asks Dawson to get Evans information, pg 155 will give him some information. Evans wants to be able to help communicate Hailey's needs. Evans would like to hear what the cities needs are, he will get with Dawson tomorrow.

6:57:02 PM Cooley thinks we are taking the correct approach, slow, methodical and educate voters.

Mayor and council have general discussion on what is the best approach. Burke believes that all areas should see benefits from this, not just concentrated in one area.

7:01:27 PM Brown adds that the word is spreading to the boards and commissions and she commends everyone on their work.

**NEW BUSINESS:**

*NB 052 Consideration of Request for Proposals to consultants for annexation and development impact fee study updates*

7:02:16 PM Lisa Horowitz presents this item, Annexation fees and Development Impact Fee Ordinance updates. Why an RFQ? Horowitz announced that this process should result in a Clear, logical fee process. Development Impact Fees (DIF) are specific to certain defined areas.

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Annexation fees are broader, city halls, libraries and other city services. Annexation fees are designed to prepare cities for impacts in the future. It is time to update both Annexation and DIFs.

7:05:57 PM Haemmerle announces that this is prudent to do before an annexation application is in front of us.

7:06:25 PM Keirn suggests on the scope of work, consultant should come in another trip as a face to face meeting. This is important to know and meet prospects.

7:07:11 PM Brown is in support of this and believes it is good timing.

Next steps are to issue an RFQ to consultants.

7:08:22 PM Brown moves to move forward , seconded by Keirn, motion passed unanimously.

*NB 053 Consideration of Social Hosting, Runaway and Beyond Control ordinance*

7:08:54 PM Williamson speaks to council, the county passed a social hosting ordinance recently. In discussions with the county we do not have runaway and beyond control ordinance guidelines in the City. Williamson included this in this draft. As for social hosting, an adult may not allow minors to drink on their property/house. Williamson points to a difference in the counties sentencing an infraction for an adult but a minor drinking underage is a misdemeanor.

7:14:31 PM Haemmerle feels that the first offense should be a misdemeanor not just an infraction. Keirn agrees.

7:15:15 PM Gunter agrees with Mayor Haemmerle's suggestion.

7:16:32 PM Michael David with the Community Drug Coalition is present at the meeting to talk to the council. David feels that a misdemeanor is more appropriate. David asks a question, if a minor hosting the party, who gets the misdemeanor? David agrees that you do not want to turn anyone away if they show up at your house "under the influence." David doesn't feel that 2,3 or 5 people are gathered, it's when there are many cars lined the streets. There is good evidence in communities that these laws are working to reduce problems. This isn't magic, it won't eliminate all underage drinking, just reduce the number of them happening. David commends the council on considering this ordinance.

7:23:47 PM Brown supports the overall process. Write a law that could be enforced. Brown wonders if this conflicts with any other law – having a minor drinking a small glass of alcohol with their parents.

**OLD BUSINESS:**

*OB 054 3<sup>rd</sup> Reading of Ordinance No. 1169, City of Hailey text amendment to the Zoning Ordinance 532 to amend Article 5.4, the District Use Matrix, and Article 7, Supplementary Location and Bulk*

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*Requirements, Section 7.1.10 which addresses the keeping and raising of chickens. The amendment proposes to increase the maximum number of laying hens allowed, amends language addressing locations for the keeping of chickens, and amends the use of Urban Agriculture within the District Use Matrix*

**7:25:44 PM** Burke moves to have 3<sup>rd</sup> reading, authorize the mayor to sign, seconded by Keirn, motion passed unanimously.

**Mayor Haemmerle conducts the 3<sup>rd</sup> reading of Ordinance No. 1169, by title only.**

*OB 055 2nd Reading of Ordinance No. 1171 amending Hailey Municipal Code Chapter 12 to clarify that the possession and use of tobacco and alcohol by minors is prohibited in all city parks*

**7:27:23 PM** Mayor Haemmerle conducts the 2<sup>nd</sup> reading of Ordinance No. 1171, by title only.

#### **STAFF REPORTS:**

**7:28:37 PM** Aberbach gives his presentation to the Mayor and council. 3 full time employees, 1 part-time employee and 19 part-time firefighters Aberbach covers highlights of 2014, including, partnering with Wood River Fire Department agreement, Fire Explorer program, partnered with Blaine county schools program, Do the Right Thing. Two explorers will be certified when they graduate from high school. Aberbach reviewed other successes including having 2 live fire training burns in the city.

Aberbach reviews basic statistics, 58% of HFD calls are EMS in nature, overall, budget dollars have decreased and training hours have decreased. Projects for 2015 – expand training programs to the south, partner maximize auto-aid agreements.

**7:40:11 PM** Platt handed out a water conservation brochure for an upcoming seminar on March 6<sup>th</sup>. Brown will explain in more detail about this topic next.

**7:41:01 PM** Brown speaks, John Stephenson was contracted to do a down scale climate change model for the Wood River Valley. He will be looking at changes 20 and 40 years out. Stephenson is from Oregon State University.

**7:42:34 PM** Horowitz has prospective dates for the town square focus group sessions Wed. Feb 25 noon or Thursday February 26, 2015. Horowitz will send email to Mayor and Council to ask them which session they would like to attend.

**7:43:19 PM** Letter from Carol Comtaruk, have drones been excluded anywhere in the city?

**7:43:52 PM** Burke moved to adjourn meeting, Cooley seconded. Motion passed unanimously.

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**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE 03/02/2015 DEPARTMENT:** Finance & Records      **DEPT. HEAD SIGNATURE:** MHC

**SUBJECT**

Council Approval of Claims costs incurred during the month of February 2015 that are set to be paid by contract for March 2015.

**AUTHORITY:**  ID Code 50-1017       IAR \_\_\_\_\_       City Ordinance/Code \_\_\_\_\_

**BACKGROUND:**

Claims are processed for approval three times per month under the following procedure:

1. Invoices received, approved and coded to budget by Department Head.
2. Invoice entry into data base by finance department.
3. Open invoice report and check register report printed for council review at city council meeting.
4. Following council approval, mayor and clerk sign checks and check register report.
5. Signed check register report is entered into Minutes book.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_

Payments are for expenses incurred during the previous month, per an accrual accounting system.

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:**

\_\_\_ City Attorney      \_\_\_ Clerk / Finance Director      \_\_\_ Engineer      \_\_\_ Mayor  
\_\_\_ P & Z Commission      \_\_\_ Parks & Lands Board      \_\_\_ Public Works      \_\_\_ Other

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Review report's, ask questions about expenses and procedures, approve claims for payment.

**FOLLOW UP NOTES:**

Invoice Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
1409 AMANDA ST. JOHN									
1/13/15	1 travel per diem	Invoice	01/13/2015	03/02/2015	115.00	115.00	100-45-41724		215
Total 1409 AMANDA ST. JOHN:					115.00	115.00			
2918 AMERIPRIDE LINEN AND APPAREL S									
240039	1 UNIFORMS WW	Invoice	02/12/2015	03/02/2015	145.93	145.93	210-70-41703		215
240039	1 UNIFORMS WW	Invoice	02/19/2015	03/02/2015	106.97	106.97	210-70-41703		215
Total 2918 AMERIPRIDE LINEN AND APPAREL S:					252.90	252.90			
375 ATKINSON'S MARKET									
000205	1 food for a fire	Invoice	09/22/2014	03/02/2015	24.00	24.00	100-55-41215		215
Total 375 ATKINSON'S MARKET :					24.00	24.00			
1513 BOISE PUBLIC LIBRARY									
IH151	1 QUARTERLY CONSORTIUM FEE	Invoice	02/13/2015	03/02/2015	1,683.42	1,683.42	100-45-41325		215
Total 1513 BOISE PUBLIC LIBRARY :					1,683.42	1,683.42			
7000 CLEARWATER LANDSCAPING									
14-101	1 14-10129 Irrigation Swap Out / Improvement - 50% D	Invoice	10/16/2014	11/03/2014	5,775.95	5,775.95	100-50-41403	10.42.0005.1	1014
14-101	Chk No: 34859 (2)	Calculated	11/03/2014				1000020301	10.42.0005.1	1014
Total 7000 CLEARWATER LANDSCAPING:					5,775.95	5,775.95			
337 COPY & PRINT LLC									
63289	1 OFFICE SUPPLIES	Invoice	02/19/2015	03/02/2015	48.24	48.24	200-60-41211		215
63330	1 63330 REDUCED SIZE COPY BLDG FLR PLAN	Invoice	02/20/2015	03/02/2015	1.67	1.67	100-42-41413		215
63330	2 63330 REDUCED SIZE COPY BLDG FLR PLAN	Invoice	02/20/2015	03/02/2015	1.67	1.67	200-42-41413		215
63330	3 63330 REDUCED SIZE COPY BLDG FLR PLAN	Invoice	02/20/2015	03/02/2015	1.66	1.66	210-42-41413		215
Total 337 COPY & PRINT LLC:					53.24	53.24			
3094 ENERGY LABORATORIES, INC.									
350260	1 LAB TESTING WW	Invoice	02/19/2015	03/02/2015	135.25	135.25	210-70-41795		215

Invoice Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
Total 3094 ENERGY LABORATORIES, INC.:									
2782 FIRE SERVICES OF IDAHO, LLC									
093102	1 093102 EXTINGUISHER SERVICE	Invoice	02/19/2015	03/02/2015	108.67	108.67	100-42-41413		215
093102	2 093102 EXTINGUISHER SERVICE	Invoice	02/19/2015	03/02/2015	108.67	108.67	200-42-41413		215
093102	3 093102 EXTINGUISHER SERVICE	Invoice	02/19/2015	03/02/2015	108.66	108.66	210-42-41413		215
093103	1 Library extinguisher service/fees	Invoice	02/19/2015	03/02/2015	200.00	200.00	100-45-41413		215
Total 2782 FIRE SERVICES OF IDAHO, LLC:									
5007 FIRST ALARM LLC									
2306	1 MONTHLY ALARM MONITORING WW	Invoice	02/15/2015	03/02/2015	75.00	75.00	210-70-41325		215
Total 5007 FIRST ALARM LLC:									
805 G.J. VERTI LINE PUMPS, INC.									
9146	1 TURBINE GENERATOR REPAIR	Invoice	02/20/2015	03/02/2015	1,725.00	1,725.00	200-60-41401		215
9146	2 LABOR	Invoice	02/20/2015	03/02/2015	900.00	900.00	200-60-41401		215
Total 805 G.J. VERTI LINE PUMPS, INC. :									
8070 HILT, KRISTINE									
1/26/15	1 Per Diem Mtn Town Resort Planning Summit	Invoice	01/26/2015	03/02/2015	139.00	139.00	100-20-41724		215
2/20/15	1 APA Membership Fees	Invoice	02/20/2015	03/02/2015	185.00	185.00	100-20-41711		215
2/20/15	2 APA National Conference Registration	Invoice	02/20/2015	03/02/2015	780.00	780.00	100-20-41723		215
2/20/15	3 Flight to APA National Conference Seattle	Invoice	02/20/2015	03/02/2015	354.20	354.20	100-20-41724		215
2/20/15	4 Hotel APA National Conference Seattle	Invoice	02/20/2015	03/02/2015	656.52	656.52	100-20-41724		215
Total 8070 HILT, KRISTINE:									
1080 HUDSON SHOES									
1/TS/10	1 BOOTS FOR ROGER PARKER	Invoice	02/16/2015	03/02/2015	159.95	159.95	210-70-41703		215
Total 1080 HUDSON SHOES:									
293 IDAHO DEPARTMENT OF LANDS									
320-86	1 wild fire cache supplies-clothing	Invoice	02/06/2015	03/02/2015	1,498.71	1,498.71	100-55-41549		215

Posting period: 02/15

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
Total 293 IDAHO DEPARTMENT OF LANDS :										
2102 IDAHO LIBRARY ASSOCIATION						1,498.71	1,498.71			
2/23/15	1	ILA Membership	Invoice	02/23/2015	03/02/2015	50.00	50.00	100-45-41711		215
Total 2102 IDAHO LIBRARY ASSOCIATION:										
671 IDAHO LUMBER & HARDWARE										
598419	1	598419 PAINT SPRAY MRKG AND CABLE TIES - B	Invoice	02/19/2015	03/02/2015	17.48	17.48	100-50-41403		215
598658	1	598658 ROPE 3/8" X 100' - SKATE PARK	Invoice	02/23/2015	03/02/2015	35.97	35.97	100-50-41403		215
598681	1	598681 HEATER RENTAL - BALMORAL	Invoice	02/23/2015	03/02/2015	34.72	34.72	100-50-41403		215
598722	1	598722 FILTER CARTRIDGE VACUUM	Invoice	02/24/2015	03/02/2015	12.99	12.99	100-40-41405		215
Total 671 IDAHO LUMBER & HARDWARE:										
22433 IDAHO POWER										
2/18/15	1	IP Acct#2204935643 STREET -1811 MERLIN LOO	Invoice	02/18/2015	03/02/2015	791.55	791.55	100-40-41717		215
2/18/15	2	IP Acct#2204935643 HFD	Invoice	02/18/2015	03/02/2015	302.60	302.60	100-55-41717		215
2/18/15	3	IP Acct#2204935643 LIBRARY	Invoice	02/18/2015	03/02/2015	442.32	442.32	100-45-41717		215
2/18/15	4	IP Acct#2204935643 /33%	Invoice	02/18/2015	03/02/2015	307.81	307.81	100-42-41717		215
2/18/15	5	IP Acct#2204935643 /33%	Invoice	02/18/2015	03/02/2015	307.81	307.81	200-42-41717		215
2/18/15	6	IP Acct#2204935643 /33%	Invoice	02/18/2015	03/02/2015	307.80	307.80	210-42-41717		215
2/18/15	7	IP Acct#2204637769 W WATER	Invoice	02/18/2015	03/02/2015	9,798.54	9,798.54	210-70-41717		215
Total 22433 IDAHO POWER:										
						12,258.43	12,258.43			
229 INTEGRATED TECHNOLOGIES										
16847	1	MONTHLY PRINTER MAINTENANCE CONTRACT	Invoice	02/09/2015	03/02/2015	27.50	27.50	210-70-41325		215
16383	1	extra copies city hall	Invoice	02/17/2015	03/02/2015	38.37	38.37	100-15-41325		215
16383	2	extra copies city hall	Invoice	02/17/2015	03/02/2015	38.37	38.37	200-15-41325		215
16383	3	extra copies city hall	Invoice	02/17/2015	03/02/2015	38.38	38.38	210-15-41325		215
Total 229 INTEGRATED TECHNOLOGIES:										
						142.62	142.62			
330 JANES ARTIFACTS										
023085	1	023085 TRACING PAPER BLDG FLR PLAN	Invoice	02/23/2015	03/02/2015	1.99	1.99	100-42-41413		215
023085	2	023085 TRACING PAPER BLDG FLR PLAN	Invoice	02/23/2015	03/02/2015	1.98	1.98	200-42-41413		215
023085	3	023085 TRACING PAPER BLDG FLR PLAN	Invoice	02/23/2015	03/02/2015	1.98	1.98	210-42-41413		215

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
Total 330 JANES ARTIFACTS:										
						5.95	5.95			
2611 LAKESIDE INDUSTRIES, INC.										
130010	1	13001052MB EZ ST EIGHT 50# BAGS	Invoice	02/18/2015	03/02/2015	116.00	116.00	100-40-41403		215
Total 2611 LAKESIDE INDUSTRIES, INC. :										
						116.00	116.00			
606 LIBRARY STORE										
136422	1	Library processing supplies for materials	Invoice	02/13/2015	03/02/2015	83.44	83.44	100-45-41215		215
Total 606 LIBRARY STORE :										
						83.44	83.44			
1429 LISBETH GONZALEZ										
2/20/15	1	Refund Remaining Balance 3641 Glenbrook	Invoice	02/20/2015	03/02/2015	104.50	104.50	200-00-20314		215
Total 1429 LISBETH GONZALEZ:										
						104.50	104.50			
1431 LOGSDON, DAVID										
2/26/15	1	Refund credit balance 631 West Meadow Dr	Invoice	02/26/2015	03/02/2015	144.00	144.00	100-00-15110		215
Total 1431 LOGSDON, DAVID:										
						144.00	144.00			
1430 MCIVER CARLITA										
1/29/15	1	Refund Credit Balance 3240 Glenbrook	Invoice	01/29/2015	03/02/2015	11.04	11.04	100-00-15110		215
Total 1430 MCIVER CARLITA:										
						11.04	11.04			
4495 MIDWEST TAPE										
925705	1	library materials/ dvd & music	Invoice	02/11/2015	03/02/2015	18.24	18.24	100-45-41535		215
925733	1	library materials/ dvd & music	Invoice	02/12/2015	03/02/2015	212.91	212.91	100-45-41535		215
925733	1	library materials/ dvd & music	Invoice	02/12/2015	03/02/2015	89.98	89.98	100-45-41535		215
Total 4495 MIDWEST TAPE:										
						321.13	321.13			
251 NAPA AUTO PARTS										
802241	1	OIL FILTER	Invoice	02/11/2015	03/02/2015	2.79	2.79	200-60-41415		215
802932	1	MISC AUTO PARTS WW	Invoice	02/17/2015	03/02/2015	27.60	27.60	210-70-41415		215
803598	1	MISC AUTO PARTS WW	Invoice	02/23/2015	03/02/2015	35.46	35.46	210-70-41415		215

Posting period: 02/15

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
Total 251 NAPA AUTO PARTS:										
<b>438 PLATT</b>										
G1021	1	BREAKER MECHANISM	Invoice	02/20/2015	03/02/2015	57.00	57.00	200-60-41401		215
G1801	1	LIGHT PARTS WW	Invoice	02/13/2015	03/02/2015	190.87	190.87	210-70-41413		215
Total 438 PLATT: 247.87 247.87										
<b>8581 PROGUARD PEST CONTROL, LLC</b>										
1046	1	#1046 empty traps-rebaited	Invoice	02/17/2015	03/02/2015	65.00	65.00	100-55-41413		215
Total 8581 PROGUARD PEST CONTROL, LLC: 65.00 65.00										
<b>1043 RAINEY, PHILLIP</b>										
3E7435	1	REIMBURSE - PAINT FOR KEEFER TERRAIN PAR	Invoice	02/18/2015	03/02/2015	306.34	306.34	100-50-41403	15.50.0001.1	215
Total 1043 RAINEY, PHILLIP: 306.34 306.34										
<b>2413 S.E.I.O.S.</b>										
MEMB	1	ANNUAL MEMBERSHIP DUES 2015 WW	Invoice	02/24/2015	03/02/2015	75.00	75.00	210-70-41711		215
Total 2413 S.E.I.O.S.: 75.00 75.00										
<b>1098 SENTINEL FIRE &amp; SECURITY</b>										
P25	1	P25 RESET PHONE LINE TO ALARM PANEL - PAN	Invoice	02/04/2015	03/02/2015	18.48	18.48	100-42-41413		215
P25	2	P25 RESET PHONE LINE TO ALARM PANEL - PAN	Invoice	02/04/2015	03/02/2015	18.47	18.47	200-42-41413		215
P25	3	P25 RESET PHONE LINE TO ALARM PANEL - PAN	Invoice	02/04/2015	03/02/2015	18.47	18.47	210-42-41413		215
Total 1098 SENTINEL FIRE & SECURITY : 55.42 55.42										
<b>5494 SILVER CREEK</b>										
S14423	1	PLUMBING PARTS WW	Invoice	02/24/2015	03/02/2015	67.11	67.11	210-70-41413		215
Total 5494 SILVER CREEK : 67.11 67.11										
<b>5294 SOMETHING MORE</b>										
2/19/15	1	books for library collection	Invoice	02/19/2015	03/02/2015	216.63	216.63	100-45-41535		215
2/19/15	2	books for library collection	Invoice	02/19/2015	03/02/2015	21.55	21.55	100-45-41535		215

Unpaid Invoice Report - MARY'S APPROVAL  
Posting period: 02/15

City of Hailey

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
Total 5294 SOMETHING MORE:										
						238.18	238.18			
1506 STANDARD PLUMBING SUPPLY										
EKF34	1	BRASS NIPPLE	Invoice	02/18/2015	03/02/2015	5.58	5.58	200-60-41403		215
Total 1506 STANDARD PLUMBING SUPPLY :										
						5.58	5.58			
2817 UNITED OIL										
370520	1	OIL	Invoice	02/11/2015	03/02/2015	71.30	71.30	200-60-41719		215
788788	1	788788 2/1 - 2/15/15 FUEL CHARGES	Invoice	02/15/2015	03/02/2015	39.49	39.49	100-50-41719		215
788789	1	2/1 - 2/15/15 fuel charges	Invoice	02/15/2015	03/02/2015	194.63	194.63	100-55-41719		215
788791	1	788791 2/1 - 2/15/15 FUEL CHARGES	Invoice	02/15/2015	03/02/2015	211.19	211.19	100-40-41719		215
788792	1	PUMPED VEHICLE FUEL W	Invoice	02/15/2015	03/02/2015	182.24	182.24	200-60-41719		215
788793	1	PUMPED FUEL WW	Invoice	02/15/2015	03/02/2015	229.75	229.75	210-70-41719		215
Total 2817 UNITED OIL:										
						928.60	928.60			
645 VALLEY CAR WASH										
9/18/13	1	PROPANE W.	Invoice	09/18/2013	03/02/2015	26.53	26.53	200-60-41403		215
Total 645 VALLEY CAR WASH :										
						26.53	26.53			
4004 WAXIE SANITARY SUPPLY										
751132	1	75113288 PARKS SUPPLIES	Invoice	02/23/2015	03/02/2015	1,093.77	1,093.77	100-50-41403		215
751132	1	75113289 CH CLEANING AND BATHROOM SUPPL	Invoice	02/23/2015	03/02/2015	48.27	48.27	100-42-41413		215
751132	2	75113289 CH CLEANING AND BATHROOM SUPPL	Invoice	02/23/2015	03/02/2015	48.28	48.28	200-42-41413		215
751132	3	75113289 CH CLEANING AND BATHROOM SUPPL	Invoice	02/23/2015	03/02/2015	48.27	48.27	210-42-41413		215
Total 4004 WAXIE SANITARY SUPPLY:										
						1,238.59	1,238.59			
Total :										
						31,697.48	31,697.48			
Grand Totals:										
						31,697.48	31,697.48			

Summary by General Ledger Account Number

## Report Criteria:

Computed checks included  
 Manual checks included  
 Supplemental checks included  
 Termination checks included  
 Transmittal checks included  
 Void checks included

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Amount
02/19/2015	PC	02/26/2015	22659	AMBRIZ, JOSE L	7023	1,528.02-
02/19/2015	PC	02/26/2015	22662	PARKER, ROGER G	7041	1,573.10-
02/19/2015	PC	02/26/2015	22663	SHOTSWELL, DAVE O	7044	1,310.18-
02/19/2015	PC	02/26/2015	22615	BARRERA, NANCY	8005	813.38-
02/19/2015	PC	02/26/2015	22616	CONE, MARY M. HILL	8009	1,418.91-
02/19/2015	PC	02/26/2015	22642	LEOS, CHRISTINA M	8012	1,424.50-
02/19/2015	PC	02/26/2015	22619	STOKES, BECKY	8013	1,445.30-
02/19/2015	PC	02/26/2015	22617	DAWSON, HEATHER M	8014	2,588.71-
02/19/2015	PC	02/26/2015	22650	ANDERSON, TRACY	8021	972.15-
02/19/2015	PC	02/26/2015	22660	HOLYOAK, STEVEN R	8036	1,141.00-
02/19/2015	PC	02/26/2015	22652	PLATT, MARIEL P.R.	8042	1,763.68-
02/19/2015	PC	02/26/2015	22666	LYNCH, BRANDON	8046	1,151.08-
02/19/2015	PC	02/26/2015	35755	GARRISON, SHANE	8048	1,074.64-
02/19/2015	PC	02/26/2015	22658	TURNER, TERRY	8050	1,111.73-
02/19/2015	PC	02/26/2015	22620	HILT, KRISTINE	8056	962.64-
02/19/2015	PC	02/26/2015	22618	MOORE, JONNA C.	8057	891.95-
02/19/2015	PC	02/26/2015	22636	DANILSON, FORREST	8123	1,383.14-
02/19/2015	PC	02/26/2015	22649	STEWART, DEREK I	8139	1,615.82-
02/19/2015	PC	02/26/2015	22638	ENGLAND, STEVE J	8143	1,805.43-
02/19/2015	PC	02/26/2015	22644	ORNELAS, RAUL G	8145	1,366.18-
02/19/2015	PC	02/26/2015	22640	GUNTER, JEFF M	8148	1,688.90-
02/19/2015	PC	02/26/2015	22634	CLARK, LARRY M	8152	1,466.17-
02/19/2015	PC	02/26/2015	22647	STELLERS, DAVID J	8160	2,040.91-
02/19/2015	PC	02/26/2015	22635	COX, CHARLES F.	8161	1,446.65-
02/19/2015	PC	02/26/2015	22646	SHELAMER, MICHAEL	8163	1,216.46-
02/19/2015	PC	02/26/2015	22641	JONES, JEREMIAH J	8165	1,492.64-
02/19/2015	PC	02/26/2015	22645	PECK, TODD DAVID	8167	1,639.80-
02/19/2015	PC	02/26/2015	22621	ABERBACH, CRAIG S.	8175	1,853.32-
02/19/2015	PC	02/26/2015	22643	ORNELAS, MANUEL G.	8180	1,623.33-
02/19/2015	PC	02/26/2015	22648	STELLJES, MICHAEL	8184	1,239.99-
02/19/2015	PC	02/26/2015	35753	ERVIN, CHRISTIAN	8185	914.36-
02/19/2015	PC	02/26/2015	22633	BAKER, GREGORY W.	8186	1,451.70-
02/19/2015	PC	02/26/2015	22637	DOUTHIT, NATHAN S.	8188	1,185.79-
02/19/2015	PC	02/26/2015	22667	SAVAGE, JAMES L	8204	1,012.57-
02/19/2015	PC	02/26/2015	22656	MENCK, KYLE	8222	856.74-
02/19/2015	PC	02/26/2015	22664	BALIS, MARVIN C.	8225	1,265.15-
02/19/2015	PC	02/26/2015	22657	SCHWARZ, STEPHEN K	8226	1,626.62-
02/19/2015	PC	02/26/2015	22655	GREEN, TIMOTHY E	8231	1,006.25-
02/19/2015	PC	02/26/2015	35754	JOHNSTON, JAIMEY	8243	926.48-
02/19/2015	PC	02/26/2015	22651	MARES, MARIA C	8251	781.03-
02/19/2015	PC	02/26/2015	22627	GURNEY, NANCY L	8253	1,070.06-
02/19/2015	PC	02/26/2015	22629	JOHNSTON, JEAN H	8259	951.68-
02/19/2015	PC	02/26/2015	22626	GELSKEY, LEANN R	8262	1,357.21-
02/19/2015	PC	02/26/2015	22624	CLARK, DIANE M.	8273	408.31-
02/19/2015	PC	02/26/2015	22631	St.JOHN, AMANDA JANE	8274	972.77-
02/19/2015	PC	02/26/2015	22632	STRAITON, DEBORAH	8277	278.16-
02/19/2015	PC	02/26/2015	22630	NEUMANN, CATHY	8280	651.28-
02/19/2015	PC	02/26/2015	22625	CROTTY, JOSHUA	8283	736.32-
02/19/2015	PC	02/26/2015	22665	ELLSWORTH, BRYSON	8285	900.59-

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Amount
02/19/2015	PC	02/26/2015	22653	CHRISTIANSEN, JAKE	8289	915.92-
02/19/2015	PC	02/26/2015	22639	GREENFIELD, JOHN	8290	1,422.25-
02/19/2015	PC	02/26/2015	22628	HOLST, MICHAEL	8291	839.84-
02/19/2015	PC	02/26/2015	22654	DILWORTH, ZACKERY	8292	1,303.79-
02/19/2015	PC	02/26/2015	22661	PARKER, MICHAEL J	8506	1,160.45-
02/19/2015	PC	02/26/2015	22623	HEITZMAN, KRISTY L	9103	613.65-
02/19/2015	PC	02/26/2015	22622	BALEDGE, MICHAEL S	9054	1,426.94-
02/19/2015	CDPT	02/24/2015	35759	AFLAC	1	458.56-
02/19/2015	CDPT	02/24/2015	35759	AFLAC	1	208.07-
02/19/2015	CDPT	02/24/2015	35760	DELTA DENTAL PLAN OF	2	407.40-
02/19/2015	CDPT	02/24/2015	35760	DELTA DENTAL PLAN OF	2	2,400.37-
02/19/2015	CDPT	02/24/2015	35763	NCPERS GROUP LIFE IN	6	96.00-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	4,032.70-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	6,723.17-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	3,572.50-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	4,982.72-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	1,533.35-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	162.14-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	484.72-
02/19/2015	CDPT	02/24/2015	22617	PERSI	7	453.75-
02/19/2015	CDPT	02/24/2015	22616	MOUNTAIN WEST BANK	8	6,191.15-
02/19/2015	CDPT	02/24/2015	22616	MOUNTAIN WEST BANK	8	6,191.15-
02/19/2015	CDPT	02/24/2015	22616	MOUNTAIN WEST BANK	8	1,447.93-
02/19/2015	CDPT	02/24/2015	22616	MOUNTAIN WEST BANK	8	1,447.93-
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02/19/2015	CDPT	02/24/2015	35761	IDAHO STATE TAX COM	9	3,892.00-
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02/19/2015	CDPT	02/24/2015	22615	A.W. REHN & ASSOCIAT	21	1,302.56-
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02/19/2015	CDPT	02/24/2015	35764	VSP	26	83.23-
02/19/2015	CDPT	02/24/2015	35764	VSP	26	471.64-
02/19/2015	CDPT	02/24/2015	35762	III-A Id Indpt Ingergov Age	29	1,038.80-
02/19/2015	CDPT	02/24/2015	35762	III-A Id Indpt Ingergov Age	29	40,907.61-
02/19/2015	CDPT	02/24/2015	35762	III-A Id Indpt Ingergov Age	29	102.60-
02/19/2015	CDPT	02/24/2015	35764	VSP	26	23.89-
02/19/2015	CDPT	03/03/2015	35756	Void		
Grand Totals:			85			166,557.04-

Report Criteria:

- Computed checks included
- Manual checks included
- Supplemental checks included
- Termination checks included
- Transmittal checks included
- Void checks included

## Report Criteria:

Computed checks included  
 Manual checks included  
 Supplemental checks included  
 Termination checks included  
 Transmittal checks included  
 Void checks included

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Amount
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02/05/2015	PC	02/12/2015	21269	SHOTSWELL, DAVE O	7044	1,543.07-
02/05/2015	PC	02/12/2015	21215	BARRERA, NANCY	8005	818.51-
02/05/2015	PC	02/12/2015	21216	CONE, MARY M. HILL	8009	1,418.91-
02/05/2015	PC	02/12/2015	21248	LEOS, CHRISTINA M	8012	1,424.50-
02/05/2015	PC	02/12/2015	21219	STOKES, BECKY	8013	1,445.29-
02/05/2015	PC	02/12/2015	21217	DAWSON, HEATHER M	8014	2,588.71-
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02/05/2015	PC	02/12/2015	21266	HOLYOAK, STEVEN R	8036	1,432.27-
02/05/2015	PC	02/12/2015	21258	PLATT, MARIEL P.R.	8042	1,763.68-
02/05/2015	PC	02/12/2015	21272	LYNCH, BRANDON	8046	1,151.09-
02/05/2015	PC	02/12/2015	35078	GARRISON, SHANE	8048	1,095.17-
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02/05/2015	PC	02/12/2015	21220	HILT, KRISTINE	8056	1,008.64-
02/05/2015	PC	02/12/2015	21218	MOORE, JONNA C.	8057	891.95-
02/05/2015	PC	02/12/2015	21226	BURKE, MARTHA	8074	680.58-
02/05/2015	PC	02/12/2015	21228	HAEMMERLE, FRITZ X.	8076	1,360.40-
02/05/2015	PC	02/12/2015	21227	COOLEY, PATRICK L	8079	419.48-
02/05/2015	PC	02/12/2015	21229	KEIRN, DONALD W	8080	738.80-
02/05/2015	PC	02/12/2015	21242	DANILSON, FORREST	8123	1,383.14-
02/05/2015	PC	02/12/2015	21255	STEWART, DEREK I	8139	1,615.81-
02/05/2015	PC	02/12/2015	21244	ENGLAND, STEVE J	8143	1,805.43-
02/05/2015	PC	02/12/2015	21250	ORNELAS, RAUL G	8145	1,366.18-
02/05/2015	PC	02/12/2015	21246	GUNTER, JEFF M	8148	1,688.90-
02/05/2015	PC	02/12/2015	21240	CLARK, LARRY M	8152	1,637.56-
02/05/2015	PC	02/12/2015	21253	STELLERS, DAVID J	8160	2,040.91-
02/05/2015	PC	02/12/2015	21241	COX, CHARLES F.	8161	1,488.57-
02/05/2015	PC	02/12/2015	21252	SHELAMER, MICHAEL	8163	1,216.46-
02/05/2015	PC	02/12/2015	21247	JONES, JEREMIAH J	8165	1,492.64-
02/05/2015	PC	02/12/2015	21251	PECK, TODD DAVID	8167	1,289.45-
02/05/2015	PC	02/12/2015	21221	ABERBACH, CRAIG S.	8175	1,853.32-
02/05/2015	PC	02/12/2015	21249	ORNELAS, MANUEL G.	8180	1,623.33-
02/05/2015	PC	02/12/2015	21254	STELLJES, MICHAEL	8184	1,239.99-
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02/05/2015	PC	02/12/2015	21243	DOUTHIT, NATHAN S.	8188	1,185.79-
02/05/2015	PC	02/12/2015	21273	SAVAGE, JAMES L	8204	1,012.57-
02/05/2015	PC	02/12/2015	21262	MENCK, KYLE	8222	856.74-
02/05/2015	PC	02/12/2015	21270	BALIS, MARVIN C.	8225	1,265.16-
02/05/2015	PC	02/12/2015	21263	SCHWARZ, STEPHEN K	8226	1,626.62-
02/05/2015	PC	02/12/2015	21261	GREEN, TIMOTHY E	8231	1,006.25-
02/05/2015	PC	02/12/2015	35077	JOHNSTON, JAIMEY	8243	926.48-
02/05/2015	PC	02/12/2015	21257	MARES, MARIA C	8251	781.03-
02/05/2015	PC	02/12/2015	21233	GURNEY, NANCY L	8253	1,040.62-
02/05/2015	PC	02/12/2015	21235	JOHNSTON, JEAN H	8259	951.68-
02/05/2015	PC	02/12/2015	21232	GELSKEY, LEANN R	8262	1,357.20-
02/05/2015	PC	02/12/2015	21230	CLARK, DIANE M.	8273	408.31-
02/05/2015	PC	02/12/2015	21237	St.JOHN, AMANDA JANE	8274	972.77-

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Amount
02/05/2015	PC	02/12/2015	21238	STRAITON, DEBORAH	8277	370.88-
02/05/2015	PC	02/12/2015	21236	NEUMANN, CATHY	8280	617.80-
02/05/2015	PC	02/12/2015	21231	CROTTY, JOSHUA	8283	736.32-
02/05/2015	PC	02/12/2015	21271	ELLSWORTH, BRYSON	8285	900.60-
02/05/2015	PC	02/12/2015	21259	CHRISTIANSEN, JAKE	8289	915.92-
02/05/2015	PC	02/12/2015	21245	GREENFIELD, JOHN	8290	1,422.25-
02/05/2015	PC	02/12/2015	21234	HOLST, MICHAEL	8291	835.83-
02/05/2015	PC	02/12/2015	21260	DILWORTH, ZACKERY	8292	1,303.77-
02/05/2015	PC	02/12/2015	21267	PARKER, MICHAEL J	8506	958.51-
02/05/2015	PC	02/12/2015	21225	BROWN, CAROL P	9020	680.58-
02/05/2015	PC	02/12/2015	21222	BALEDGE, MICHAEL S	9054	947.10-
02/05/2015	PC	02/12/2015	21224	WARNER, ROBBIN L	9062	48.45-
02/05/2015	PC	02/12/2015	21223	HEITZMAN, KRISTY L	9103	613.65-
02/05/2015	CDPT		0	AFLAC	1	458.56-
02/05/2015	CDPT		0	AFLAC	1	208.07-
02/05/2015	CDPT		0	DELTA DENTAL PLAN OF	2	407.40-
02/05/2015	CDPT		0	DELTA DENTAL PLAN OF	2	45.29-
02/05/2015	CDPT		0	NCPERS GROUP LIFE IN	6	96.00-
02/05/2015	CDPT	02/12/2015	35081	PERSI	7	4,292.75-
02/05/2015	CDPT	02/12/2015	35081	PERSI	7	7,156.73-
02/05/2015	CDPT	02/12/2015	35081	PERSI	7	3,509.43-
02/05/2015	CDPT	02/12/2015	35081	PERSI	7	4,894.76-
02/05/2015	CDPT	02/12/2015	35081	PERSI	7	1,708.20-
02/05/2015	CDPT	02/12/2015	35081	PERSI	7	162.13-
02/05/2015	CDPT	02/12/2015	35081	PERSI	7	387.76-
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02/05/2015	CDPT	02/12/2015	35081	PERSI	7	453.75-
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02/05/2015	CDPT	02/12/2015	35080	MOUNTAIN WEST BANK	8	6,437.68-
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02/05/2015	CDPT	02/12/2015	35080	MOUNTAIN WEST BANK	8	8,226.10-
02/05/2015	CDPT		0	IDAHO STATE TAX COM	9	3,787.00-
02/05/2015	CDPT	02/12/2015	35082	BLAINE COUNTY SHERIF	14	348.57-
02/05/2015	CDPT	02/12/2015	35083	CHILD SUPPORT RECEIP	18	82.60-
02/05/2015	CDPT	02/12/2015	35079	A.W. REHN & ASSOCIAT	21	1,302.56-
02/05/2015	CDPT	02/12/2015	35084	CHILD SUPPORT RECEIP	23	210.00-
02/05/2015	CDPT		0	VSP	26	83.23-
02/05/2015	CDPT		0	III-A Id Indpt Ingergov Age	29	1,038.80-
Grand Totals:			80			127,322.06-

## Report Criteria:

Computed checks included  
 Manual checks included  
 Supplemental checks included  
 Termination checks included  
 Transmittal checks included  
 Void checks included

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 01/20/2015    **DEPARTMENT:** Admin/Legislative    **DEPT. HEAD SIGNATURE:** LH

**SUBJECT:**

Appointment to Hailey Planning and Zoning Commission (for vacancy of Jay Cone) for a term of three (3) years.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IFAPPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Jay Cone's term on Hailey P & Z expired December 31, 2014. The City advertised the opening for three (3) consecutive weeks for the vacancy, and four (4) citizens' submitted names were submitted for consideration:

- Richard Pogue
- Jennifer Helms
- Sandi Viau
- Allison Akehurst

All of the above candidates were interviewed by the Mayor. The Mayor will bring his nomination to the meeting for consideration by the Council.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

None

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)**

<input checked="" type="checkbox"/> City Attorney	<input type="checkbox"/> Finance	<input type="checkbox"/> Licensing	<input checked="" type="checkbox"/> City Adm.
<input type="checkbox"/> Library	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> P&Z Commission	<input type="checkbox"/> Building
<input type="checkbox"/> Police	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Engineer	<input type="checkbox"/> W/WW
<input type="checkbox"/> Streets	<input type="checkbox"/> Parks	<input type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Mayor

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Motion to confirm the Mayors appointment of \_\_\_\_\_ for a 3-year term to the Hailey Planning and Zoning Commission which expires in December of 2017.

**ACTION OF THE CITY COUNCIL:**

Date 1/20/15 - no one appointed - Mayor undecided  
2/9 - Mayor on when to appoint.  
City Clerk 3/2/15 - Mayor will finally decide...

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record  
Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

\*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (AIS only)

December 10, 2014

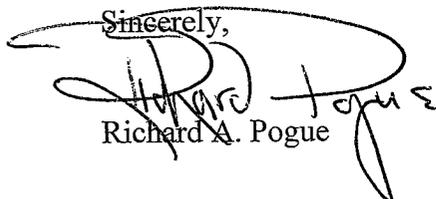
Micah Austin  
City of Hailey  
115 Main Street South  
Hailey, Idaho 83333

Micah,

I am very interested in reapplying for the opportunity to serve on the City Planning and Zoning Commission. Please find attached my letter to Mayor Haemmerle expressing my interest in serving from last year. I did not meet the residency requirements of two years at that time but I now fulfill that requirement. I have also attached my resume.

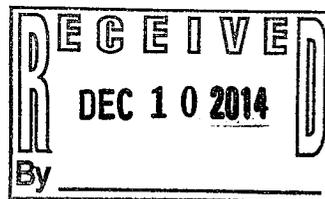
Thank you for your assistance in this matter.

Sincerely,



Richard A. Pogue

cc: Heather Johnson



Richard A. Pogue  
114 Second Avenue North  
Hailey, Idaho 83333

November 25, 2013

Mayor Fritz Haemmerle  
City of Hailey  
115 Main Street South  
Hailey, Idaho 83333

Mayor Haemmerle,

I am writing to express my interest in serving the City of Hailey by serving on the City Planning and Zoning Commission. My real estate experience by being in real estate brokerage serving real estate development clients as well as my personal development experience should lend itself to being a valuable member of the Commission.

The Planning and Zoning Commission provides a valuable leadership role in determining the future economic viability of the community, preserving and enhancing the historical buildings that define a community, as well as provide a path for growth that assists in determining the future livability of the City. I would love to serve on such a committee.

Should you have interest in meeting personally to discuss my interest, background, candidacy; I would be most amenable. Further, I have attached my resume' for your review.

Thank you in advance for your consideration.

Sincerely,

Richard Pogue

## Richard A Pogue

Results-oriented, self-motivated professional with a superior work ethic and the ability to adapt to any challenging environment. Excellent leadership, development, management and communication skills coupled with strong problem-solving abilities earned from more than 30 years of experience.

### AREAS OF EXPERTISE

- \* Leadership
- \* Client Relations
- \* Development
- \* Investments
- \* Acquisitions
- \* Operations Management

- ✓ CEO for a turnaround real estate brokerage company to help restructure its business.
- ✓ Led a \$15 million revenue office to a \$80 million revenue office within 3 years, achieving a 20% net operating profit.
- ✓ Assisted in the integration of 2 large Dallas real estate companies totaling over 1000 employees.
- ✓ Assisted in the underwriting and acquisition of a Canadian company.
- ✓ Served as Chairman to integrate Canadian operations with the U.S. operations. Grew the company exponentially over a 5 year period
- ✓ Division Manager of CB Richard Ellis responsible for 23 existing offices as well as growth into 8 new markets.
  
- ✓ As President of The Koll Company N California oversaw development team and their projects; property management team and operations as well as acquisition of existing projects. Over 10 million square feet of projects were developed and acquired during a 10 year period. During this period, The Koll Company operations grew to over 150 employees as well as an annual budget of over \$500 million.

**Board Positions:** CB Commercial - Canada Chairman of the Canadian Board; CB Commercial Los Angeles, CA., NYSE public company;

**Philanthropic Contribution:** Camp John Marc, Dallas, TX

### PROFESSIONAL HISTORY

LOH Realty and Investments/Pinnacle Consulting Group	2011-
Investor	2007 - 2010
CB RICHARD ELLIS / <i>Executive Managing Director</i>	2002 - 2007
CB COMMERCIAL - CANADA / <i>Chairman</i>	1997 - 2002
CB COMMERCIAL / <i>Division Manager</i>	1992 - 1997
KOLL DEVELOPMENT CO. / <i>President</i>	1982 - 1992
COLDWELL BANKER / <i>Sales Professional/Regional Manager</i>	1972 - 1982

### EDUCATION / MILITARY

University of Oklahoma, Bachelor of Arts  
USAF Pilot: Awarded the Distinguished Flying Cross; Bronze Star; Air Medal with 17 Oak Leaf clusters;  
The Vietnamese Honor Medal for missions flown in Vietnam

January 7, 2014

To Whom It May Concern:

I am writing this letter in regards to the vacant volunteer position for the Planning and Zoning Commission for the city of Hailey. Having lived in the valley for almost a decade, being a homeowner in Hailey for four years, and having undergone a major remodel of my own home, I feel that I have a unique perspective that could greatly benefit the P&Z Commission. I know I would thrive at the opportunity to help my community plan and implement the principles that make Hailey so great: convenient and adequate sidewalks, safe corridors to schools, historic buildings, friendly and attractive neighborhoods, as well as the vibrant family spirit that is my town. Hailey is my home and I would love the opportunity to give back and help it become the town I envision and adore.

I believe myself to be a determined individual with a strong work ethic who produces results while paying attention to detail and safety. I understand the time commitment to such a position and know that I would be a great addition to the already existing members of the P&Z Commission. Thank you for your time and attention and I look forward to hearing from you soon. Good luck on your selection process.

Jennifer S. Helms

**Jennifer S. Helms**  
P.O. Box 1642  
Ketchum, ID 83340  
(404) 310-1863  
[jenhelms13@msn.com](mailto:jenhelms13@msn.com)

**Work Experience:**

**Sun Valley Company – Winter Ski seasons 2003 – 2005, 2009 – present**

- Sun Valley Ski Race Department

**College of Southern Idaho – Spring Semester 2012**

- Community Education Teacher
- Southern Cooking and Geology of Western National Parks

**Eastern Kentucky University – August 2007 – June 2008**

- Teaching Assistant under a Graduate Assistantship
- Teach undergraduate geology courses and labs for Gold and Diamonds, Mineralogy, Earth Science for Teachers, and Earth Science.

**Just Flowers – May through October 2004 – 2007, 2009 – 2011**

- Gardening and Landscaping

**U.S. Park Service, Natural Bridges National Monument, Utah – August 2002 – November 2003**

- Interpretation Park Ranger, GS-5
- General duties include: staff visitor center, fee collection, monitor campground, park maintenance, train SCAs and volunteers, evening program development and presentation, oversee Junior Ranger program, roving interpretation, and visitor education.
- Search and rescue

**Moab Interagency Fire Center, Moab, Utah – July through August, 2003**

- Wildland Firefighter, GS-5
- Fire detail with Engine 413

**U.S. Geological Survey, Atlanta, Georgia – Summer 2000, 2001**

- Groundwater specialist, GS-2
- General duties include: data entry into Georgia Water GWSI database, prepare field folders, well survey and monitoring, public information organization and distribution, well monitoring equipment installation.

**Education:**

**Eastern Kentucky University, Richmond, Kentucky – Master of Geology, 2008**

Course of study – Geology, Masters Degree

Advisor – John White, Professor of Geology

Research – Pb Isotope Studies of Peralkaline Rhyolites in Big Bend National Park

Thesis successfully defended November 7<sup>th</sup> 2008

Activities – Graduate Assistant, Team Teacher for Campus Recreation

**University of Montana, Missoula, Montana – non-degree Graduate Student, 2006-2007**

Course of Study – Geology

Research – Water quality and sediment contamination from historic mining of the Clark Fork River watershed, Missoula, MT

**University of the South: Sewanee, Sewanee, Tennessee – 2002 Graduate**

Course of Study – Natural Resources & English, Bachelor of Science

Advisor – Bran Potter, Professor of Geology

Research – Hydrology and Soils of Compartment 10 and 11, Sewanee, TN

Activities – Order of Gownsmen, Varsity Volleyball

**University of Southern Maine, Portland, Maine – Summer 2001**

Course of Study – Geology of Greece

Activities – 4-week field geology course in Levos, Greece

**Training and Achievements:**

- Ranger Interpretive Training, April 2003
- Federal Information Systems Securities Training, 2003
- Basic Rescue and Ground Search SAR Training, June 2003 (12 hours)
- Wildland Fire Fighting Training (I-100, S-130, S-190 Basic Fire School), 2003
- Urban/Wildland Fire Interface Training (Fire Behavior, Structure Protection, and Safety), 2003
- Outward Bound Sea Kayaking Program, 2002
- Marathon, ½ marathon, and triathlon participant, training for a ½ Ironman
- Taught community education courses at CSI Blaine County Campus this Spring covering Southern Cooking (2 classes) and Geology of Western National Parks (Yellowstone, Glacier, and the Grand Canyon – 4 classes)
- Scheduled to teach a community education class at CSI Twin Falls this summer, Natural Disasters and Geology – 4 hour class
- Guest lectured at Hemingway Elementary School for Ms. Mazzocchi's fifth grade dual immersion class on global tectonics, volcanoes, and mountain building

PO Box 4556  
Hailey, ID 83333  
721-7669

Heather Dawson, City Administrator  
City of Hailey  
115 Main St  
Hailey, ID 83333

December 7, 2014

RE: Hailey Planning and Zoning Commission

Dear Mrs. Dawson,

Please accept my letter of interest for consideration of the vacancy on the Hailey Planning and Zoning Commission.

I have been a Wood River Valley resident for 15 of the past 18 years, 12 of which have been in Hailey. During this time, I have experienced profound growth and expansion of the City – from stoplights, to industrial areas, new schools, new developments, and new multi-use features such as the skate park and rodeo grounds. I've seen how new construction and/or modification of existing structures and uses not only affect the immediate neighborhood around the project, but also how it impacts adjacent areas, whether physically, emotionally, or culturally. I've had the good fortune to live in several different neighborhoods within Hailey and understand that each neighborhood has its own unique aesthetics, characteristics and qualities; that all of these can be either negatively or positively affected by work completed either within or outside of its boundaries. All of these beautiful neighborhoods are what makes Hailey the town we have today.

In addition, I have a background in Landscape Architecture that provides me with a strong understanding of the design process, impacts of construction to the surrounding area during installation, and the ability to read and comprehend schematics and detailed plans. With this knowledge, I understand the importance of site analysis and can see through the concepts to the end result. I also understand building and construction code.

Both in my past work experiences and current career in financial services, I've worked with a diversity of people. Diplomacy, tact, and the ability to listen and communicate clearly are all qualities I possess.

Lastly, I would like to give back to the community which has given me so much. I have the skills, knowledge, and desire to promote the best interests for the growth and prosperity of Hailey while preserving the city's integrity and values through responsible, planned growth and development.

Please let me know if you have any questions or would like additional information about my experiences.

Respectfully,

Allison Akehurst

**SANDI L. VIAU, CPA, MBA**

P O Box 1104

Hailey, ID 83333

Telephone: (702) 277-9066

## **SUMMARY OF QUALIFICATIONS**

### Financial Consultant – S L Viau MBA CPA 2008-Current

Provide financial and accounting assistance to enhance and improve policies and procedures, prepare reconciliations, analyze actual versus budget, prepare SOFA, SOAL, and MOR bankruptcy reporting requirements. Prepare business and individual federal and state income tax. Former Liberty Tax Service Franchise owner.

### Associate- Resources Global Professionals 2007-2008

Completed projects range from delivering reconciled accounts and identifying and testing controls, to developing policy and procedures and implementing systems, SOX reporting and risk identification

### CFO-Development – Lake Las Vegas Resort 1997-2007

Responsible for supervising development accounting team, develop methods to track and monitor public financing districts, consult and prepare management reports. Declarant representative for homeowner associations.

### Controller 1997-2005

Responsible for supervising accounting department, including job cost, accounts payable, accounts receivable and general ledger for multi-company environment. Consult with management and prepare adequate reports and evaluations to management. Prepare required monthly and annual financial reports on both tax and GAAP basis. Monitor network and multiple accounting software processes. Coordinate annual audit activities.

### Controller - TPM Financial, Inc. 1993-1997

Develop and direct general accounting procedures, supervising accounts payable, receivable, payroll and general ledger for multi-company environment, including apartment complexes, hotels, motels, and professional centers. Coordinate and finalize the preparation and evaluation of timely and accurate financial and tax reporting functions. Provide technical information, advice and assistance to management. Initiate and conduct research and analytical studies of various aspects of responsibility.

### Controller - Century Publishing Company 1992-1993

Responsible for supervising accounting department, including accounts payable, receivable, payroll, job costing and cash flow projections. Prepare monthly financial statements, payroll tax reports for multi-state operations, bank reconciliation, and department reporting.

### Assistant Controller - Security Pacific Bank Idaho (Mountain State Savings Bank) 1987-1992

Responsible for financial statement preparation, budget analysis, cash flow projections, cash management, and regulatory reporting. Provide technical information, advice and assistance to division heads.

Responsible for merger conversion reconciliation and audit review processes, including external and internal audit procedures. Implementation of accounting pronouncements and policies.

### Staff Auditor - Legislative Auditors Office 1986-1987

Financial and compliance auditing of State Agencies. Familiarity with Idaho Code, Session Laws, Federal Regulations and restrictions. Secretary - Institute of Internal Auditors.

### **Education:**

December 1994

M.B.A. Gonzaga University - Spokane, WA

May 1986

B.B.A., Major emphasis in Accounting, Boise State University - Boise, ID

June 1989

CPA Certificate

**Associations:** Former member, Board of Directors (Treasurer) of Big Brothers/Big Sisters of North Idaho. Member, American Institute of CPA's, Idaho Society of CPA's and Nevada Society of CPA's, Small Business Counselor at Las Vegas SCORE chapter.

**SANDI L. VIAU, CPA, MBA**  
**Telephone: (702) 277-9066**

**References:**

Reva Tisdale  
208-741-1546

Denna Atkinson  
702-875-1027

Oren Clarke  
702-683-9864

**Return to Agenda**

**AGENDA ITEM SUMMARY**

DATE: 03/2/2015 DEPARTMENT: Legislative/Admin DEPT. HEAD SIGNATURE: HD

**SUBJECT:**

Conversation with Governor Otter's office regarding increased nuclear waste shipments to Idaho

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

During the January City Council Meeting, Mayor Haemmerle expressed concern about the Idaho Governor's office acceptance of nuclear waste shipments to Idaho. He followed those comments with an invitation to Governor Otter to discuss this matter with the Hailey City Council. At the time the council packet was produced, we had not received a reply from the Governor's office.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

- |                                             |                                              |                                    |
|---------------------------------------------|----------------------------------------------|------------------------------------|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library             | <input type="checkbox"/> Streets   |
| <input type="checkbox"/> City Attorney      | <input type="checkbox"/> Mayor               | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> City Clerk         | <input type="checkbox"/> Planning            | _____                              |
| <input type="checkbox"/> Building           | <input type="checkbox"/> Police              | _____                              |
| <input type="checkbox"/> Engineer           | <input type="checkbox"/> Public Works, Parks | _____                              |
| <input type="checkbox"/> Fire Dept.         | <input type="checkbox"/> P & Z Commission    | _____                              |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Discussion.

**ACTION OF THE CITY COUNCIL:**

Date : \_\_\_\_\_

City Clerk \_\_\_\_\_

115 MAIN STREET SOUTH, SUITE H  
HAILEY, IDAHO 83333

(208) 788-4221  
Fax: (208) 788-2924

February 10, 2015

The Honorable Butch Otter  
**Office of the Governor**  
Idaho State Capitol  
P.O. Box 83720  
Boise, ID 83720

Subject: Nuclear Waste in Idaho

Dear Governor Otter:

We are concerned about storage of nuclear waste above the Eastern Snake Plain Aquifer. Recent news articles relate that you and Attorney General Lawrence Wasden have agreed to receive spent nuclear rods as nuclear waste to be stored within Idaho. Your office is allowing additional storage of waste, rather than a reduction in waste. This action appears to negate Idaho's 1995 agreement with the federal governments, which intends to accomplish full removal on all waste from Idaho by 2035.

We would like to know more about this matter, as our health and livelihood are threatened by this type of decision. Hailey is a small town whose economy depends on high quality environmental elements. Our economic recruitment and livability is influenced by a sound, wholesome and attractive environment.

Please plan to attend the City of Hailey's next city council meeting on Monday, March 2, 2015 at 5:30 p.m. We would like a full explanation of the elements pertaining to this decision. It is important to us to know the full facts and perspectives in this matter.

Sincerely,



Fritz X. Haemmerle  
Mayor, City of Hailey

**Return to Agenda**

**AGENDA ITEM SUMMARY**

DATE: 3/2/2015 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: 

**SUBJECT:**

Friedman Memorial Airport Authority ("FMAA") Meeting

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

I just reviewed the FMAA agenda and packet for the FMAA meeting scheduled for March 2, 2015. I am attaching the agenda, the meeting brief and last four pages of Attachment No. 9 (Chapter C (Capacity Analysis & Facility Requirements)) and Attachment No. 10 (Dual Path Planning Thresholds). Under Unfinished Business (§ VII(B)), the FMAA will review a draft of a Master Plan Update prepared by Mead & Hunt. The portion of the Master Plan Update contained in the packet is rather long—87 pages. I have attached the latter part of the Master Plan Update which focuses on the dual path approach. The Master Plan appears to be consistent with my understanding of the dual path approach.

I did not see anything else on the agenda, the meeting brief or any attachment which I feel should be discussed during the City Council meeting. If you want access to the entire FMAA packet, please go to [www.flyfma.com](http://www.flyfma.com) and click onto FMAA Agendas.

Ned

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments:

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Review and discuss the agenda and meeting brief. If appropriate, direct FMAA representatives on action to be taken at the next FMAA meeting.

**FOLLOW-UP REMARKS:**

**NOTICE OF A REGULAR MEETING  
OF  
THE FRIEDMAN MEMORIAL AIRPORT AUTHORITY**

*PLEASE TAKE NOTICE that a regular meeting of the Friedman Memorial Airport Authority shall be held Tuesday, March 3, 2015 at 5:30 p.m. at the old Blaine County Courthouse Meeting Room Hailey, Idaho. The proposed Agenda for the meeting is as follows:*

**AGENDA  
March 3, 2015**

- I. **APPROVE AGENDA**
- II. **PUBLIC COMMENT (10 Minutes Allotted)**
- III. **ELECTION OF OFFICERS** ACTION
- IV. **APPROVE FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING MINUTES OF:**
  - A. February 5, 2015 Regular Meeting – Attachment #1 ACTION
- V. **REPORTS**
  - A. Chairman Report DISCUSSION
  - B. Blaine County Report DISCUSSION
  - C. City of Hailey Report DISCUSSION
  - D. Airport Manager Report DISCUSSION
- VI. **AIRPORT STAFF BRIEF (5 Minutes Allotted)**
  - A. Noise Complaints
  - B. Parking Lot Update
  - C. Profit & Loss, ATCT Traffic Operations Count and Enplanement Data – Attachments #2 - #4
  - D. Review Correspondence – Attachment #5
  - E. Airport Commercial Flight Interruptions
- VII. **UNFINISHED BUSINESS**
  - A. Airport Solutions
    - 1. Existing Site
      - a. Plan to Meet 2015 Congressional Safety Area Requirement
        - i. Project 3 Terminal Reconfiguration DISCUSS/DIRECT
        - ii. Project 4 Airport Operations Building DISCUSS/DIRECT
        - iii. Project 6 Relocate Taxiway B/Remove Taxiway A/ North Apron DISCUSS/DIRECT/ACTION
        - iv. Terminal Finish Out/Remodel – Attachment #6 DISCUSS/DIRECT/ACTION
        - v. Future Projects DISCUSS/DIRECT
      - b. Retain/Improve/Develop Air Service
        - i. Fly Sun Valley Alliance Update DISCUSS/DIRECT
      - c. SUN Instrument Approach Improvements Phase 2 Update – Attachment #7 DISCUSS/DIRECT
    - B. Master Plan Update – Attachments #8 - #10 DISCUSS/DIRECT/ACTION
- VIII. **NEW BUSINESS**
  - A. April Board Meeting ACTION
- IX. **PUBLIC COMMENT**
- X. **EXECUTIVE SESSION – I.C. §67- 2345**
- XI. **ADJOURNMENT**

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETINGS ARE OPEN TO ALL INTERESTED PARTIES. SHOULD YOU DESIRE TO ATTEND A BOARD MEETING AND NEED A REASONABLE ACCOMMODATION TO DO SO, PLEASE CONTACT THE AIRPORT MANAGER'S OFFICE AT LEAST ONE WEEK IN ADVANCE BY CALLING 788-4955 OR WRITING TO 1616 AIRPORT CIRCLE, HAILEY, IDAHO 83333.

**III. ELECTION OF OFFICERS**

The Amended and Restated By-Laws of the Friedman Memorial Airport Authority Board of Commissioners states "The Board shall elect its Chairman, Vice Chairman, Secretary and Treasurer by a majority vote of the members of the Board. This election shall take place during the regular meeting of the Board in March in every odd-numbered year unless the Board, by majority vote, selects a different date for the election".

BOARD ACTION: 1. Action

**IV. APPROVE FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING MINUTES**

**A. February 5, 2015 Regular Meeting – Attachment #1**

BOARD ACTION: 1. Action

**V. REPORTS**

**A. Chairman Report**

This item is on the agenda to permit a Chairman report if appropriate.

BOARD ACTION: 1. Discussion

**B. Blaine County Report**

This item is on the agenda to permit a County report if appropriate.

BOARD ACTION: 1. Discussion

**C. City of Hailey Report**

This item is on the agenda to permit a City report if appropriate.

BOARD ACTION: 1. Discussion

**D. Airport Manager Report**

This item is on the agenda to permit an Airport Manager report if appropriate.

BOARD ACTION: 1. Discussion

**VI. AIRPORT STAFF BRIEF (5 Minutes Allotted)**

**A. Noise Complaints:**

LOCATION	DATE	TIME	AIRCRAFT TYPE	INCIDENT DESCRIPTION	ACTION TAKEN
China Gardens	2/7	6:50 am	Jet	Loud Departure	Airport Manager and Ops Chief both left return msgs for the caller. Operation appeared appropriate.
Chanterelle	2/9	11:30 am	Jet	Approached FMA over Melrose street.	Ops Chief spoke with caller, who felt that the aircraft should have taken a different approach route.
Chanterelle	2/17	1:20 pm	Jet	Compliment on a departure	Caller wanted FMA to know that an aircraft departed, utilizing good noise abatement procedures. Expressed gratitude.
Lwr Broadford Rd	2/18	11:30 pm	Jet	Late arrival	Aircraft ID'd. Courtesy letter sent. Caller notified.
Bellevue (2)	2/20	12:45 am	Jet	Late operations	Aircraft ID'd. Courtesy letter sent. Caller notified.
Bellevue	2/24	4:00 am	Twin Turbine	Late operations	This was a Life Flight operation. Caller was notified.

**B. Parking Lot Update**

**The Car Park Gross/Net Revenues**

Month	FY 2013 Gross	FY 2013 Net	FY 2014 Gross	FY 2014 Net	FY 2015 Gross	FY 2015 Net
January	\$14,779.00	\$5,732.02	\$19,257.00	\$9,251.62	\$26,312.83	\$14,754.36

**C. Profit & Loss, ATCT Traffic Operations Count and Enplanement Data - Attachments #2 - #4**

Attachment #2 is Friedman Memorial Airport Profit & Loss Budget vs. Actual. Attachment #3 is 2001 - 2015 ATCT Traffic Operations data comparison by month. Attachment #4 is 2014 Enplanement, Deplanement and Seat Occupancy data. The following revenue and expense analysis is provided for Board information and review:

**December 2013/2014**

Total Non-Federal Revenue	December, 2014	\$185,574.45
Total Non-Federal Revenue	December, 2013	\$172,445.06
Total Non-Federal Revenue	FY '15 thru December	\$541,709.98
Total Non-Federal Revenue	FY '14 thru December	\$500,419.40
Total Non-Federal Expenses	December, 2014	\$209,368.97
Total Non-Federal Expenses	December, 2013	\$167,070.03
Total Non-Federal Expenses	FY '15 thru December	\$633,650.41

Total Non-Federal Expenses	FY '14 thru December	\$612,405.56
Net Income to include Federal Programs	FY '15 thru December	\$-745,293.07
Net Income to include Federal Programs	FY '14 thru December	\$-472,880.30

**D. Review Correspondence - Attachment #5**

Attachment #5 is information included for Board review.

**E. Airport Commercial Flight Interruptions**

<u>Airline</u>	<u>Flight Cancellations</u>	<u>Flight Diversions</u>
Horizon Air	0	0
Delta	0	4
United Express	4	2

**VII. UNFINISHED BUSINESS**

**A. Airport Solutions**

**1. Existing Site**

**a. Plan to Meet 2015 Congressional Safety Area Requirement**

**i. Project 3 Terminal Reconfiguration**

The terminal addition is beginning to take shape. Structural steel is complete with significant work on framing and roof decking completed. Electrical and mechanical work is ongoing. The next significant steps in the project include pouring the interior concrete floor and a variety of steps to prepare for the upcoming airport closure. A brief update will be provided at the meeting.

BOARD ACTION: 1. Discuss/Direct

**ii. Project 4 Airport Operations Building**

This project also continues to go well, with structural steel construction nearly complete and work beginning on framing and canopy construction. Consultants will attend the meeting to provide a progress update.

BOARD ACTION: 1. Discuss/Direct

**iii. Project 6 Relocate Taxiway B/Remove Taxiway A/North Apron**

Design of this project is complete and the project was delivered to contractors for bidding on February 9. A pre-bid conference was held on February 18, with excellent interest from contractors. Bids are scheduled to open at 2:00 pm on March 3. Though it likely won't be possible to complete a thorough review of the bids prior to the meeting, preliminary bid results will be presented to the Board. A special meeting may be necessary to award this project, as discussed at previous meetings.

- BOARD ACTION:
1. Discuss/Direct
  2. Select a low apparent Responsive Bidder based on Engineer Recommendation, if appropriate. Authorize Chair Execution of appropriate contract documents after appropriate Staff, Legal Counsel and FAA review and/or comment.
  3. Schedule special meeting, if necessary

**iv. Terminal Tenant Finish Out/Remodel – Attachment #6**

As discussed previously, the goal of this project is to complete improvements for TSA office space, a conference room and public lounge space during the planned airport closure. The Public Lounge area and the Conference Room area will not be AIP eligible and will be funded out of operational funds. The TSA Office space and Break area will initially be funding by operational funds but will be reimbursed by the TSA. The Airport will lease the Office and Break area space to the TSA. Airport Staff is negotiating a lease with the GSA on behalf of the TSA and Airport Staff is also working on a reimbursable agreement with the TSA for design and construction costs.

A scope and fee for professional services related to development of the overall concept, along with design and construction administration of the portion planned for construction this year is included at Attachment #6. Airport Staff has reviewed the Scope of Work and determined that the work effort is necessary. The fee associated with the attachment above is a negotiated proposed fee.

The initial fee estimate to complete the Scope of Work was \$144,862. This initial fee estimate only included Mead & Hunt fees for the work called for in the Scope of Work. T-O and RLB fees were not included in the fee proposal when it was forwarded to Airport Staff for discussion purposes. As stated above, the total Mead & Hunt fee was \$144,862. \$92,255 of the fee was associated with the TSA space and \$55,953 was associate with the public space. These initial fees were unacceptable to Airport Staff particularly since T-O and RLB fees for work were not included.

As stated in the paragraphs above, the proposed fee is a negotiated fee. TO and RLB work are included in the proposed fee and the proposed breaks down in the following manner: The total fee for the work is \$95,412. This includes \$59,465 in effort for the TSA Office and Break space which as previously mentioned, will be reimbursed to the Airport. The Public Space effort includes a fee of \$35,956. Airport Staff has reviewed the Scope of Work attached above and believes that the Scope of Work is reasonable and necessary. Airport Staff also has negotiated the fee that is included in the attachment above and believes that the fee is reasonable. Airport Staff is meeting with the Board's Finance Committee on February 26<sup>th</sup>. The Committee will report to the Board during the Board meeting if appropriate.

- BOARD ACTION:
1. Discuss/Direct
  2. Approve the project Scope of Work when appropriate.
  3. Approve the proposed project fee Not-to-Exceed \$95,412 and authorize Chair execution of Work Order 15-01 after appropriate reviews

v. **Future Projects**

Work is progressing on several smaller projects, including the following:

- **Snow Removal Equipment Acquisition**: The Procurement Agreement and Notice of Award have been reviewed by Airport Staff and Airport Legal Counsel and forwarded to Wausau Equipment Company, Inc. Airport Staff is waiting for executed documents, performance and payment Bonds, along with certificates of insurance.
- **Terminal Parking Lot Improvements**: Design of the terminal parking lot is approximately 65% complete and the project will be briefed at the meeting, including the proposed configuration of the parking lot and estimated costs for several options.
- **Runway Rehabilitation**: The runway rehabilitation is included in Project 6 for bidding and construction.
- **Project 7** will include the demolition of the airport administration office and existing Snow Removal Equipment/ARFF building, followed by construction of the mid-field bypass apron and associated fencing and gates. The Board can expect to see a draft scope of work at the April meeting, with fee negotiation complete by the May meeting. A brief introduction to the project will be presented at the meeting.

BOARD ACTION: 1. Discuss/Direct

b. **Retain/Improve/Develop Air Service**

i. **Fly Sun Valley Alliance Update**

This item is on the agenda to permit a Fly Sun Valley Alliance report if appropriate.

BOARD ACTION: 1. Discuss/Direct

c. **SUN Instrument Approach Improvements – Phase 2 Update – Attachment #7**

DAC has completed an Instrument Approach Procedure Optimization Study, included as Attachment #7. A project update and presentation related to the study will be given at the meeting.

BOARD ACTION: 1. Discuss/Direct

**B. Master Plan Update – Attachments #8 - #10**

**PROGRESS REPORT**

- Mead & Hunt will present the following work products at the March 3<sup>rd</sup> Board Meeting:
  - **Chapter B**, Forecasts of Aviation Activity – Attachment #8
  - **Chapter C**, Capacity Analysis & Facility Requirements – Attachment #9

- **Chapter C: Executive Summary, Dual Path Planning Thresholds – Attachment #10**
- Mead & Hunt will also present next steps, including a proposed approach for developing facility alternatives.

- BOARD ACTION:
1. Discuss/Direct/Comment (comment from the Board on the working papers is appropriate until mid-March).
  2. The Consultant Team respectfully requests that the Authority provide approval at the April meeting for formal submittal of the finalized Forecasts chapter for FAA approval.

## **VIII. NEW BUSINESS**

### **A. April Board Meeting**

The FAA NW Mountain Region Airports Conference for aviation professionals is scheduled 6-8 April. This is the first time this Conference has been scheduled since 2012. Airport Staff would like the Board to consider changing the April Regular Board meeting date so that Staff, Interested Board members can attend this conference in Seattle. March 31<sup>st</sup> or April 2 might provide appropriate separation between the March and April meeting and provide an opportunity to attend the conference.

- BOARD ACTION: 1. Action

## **IX. PUBLIC COMMENT**

## **X. EXECUTIVE SESSION - I.C. §67- 2345**

## **XI. ADJOURNMENT**

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## CHAPTER C Capacity Analysis & Facility Requirements

### Previous Justification for Relocation of the Airport

In 2007, the preparation of an Environmental Impact Statement (EIS) for the Friedman Memorial Replacement Airport was initiated. The FAA suspended any further work on the EIS in 2011. This section briefly summarizes the purpose and need for a replacement airport to serve the Wood River Region as described in the *Purpose and Need/Alternatives Working Paper* prepared for the EIS in 2008.

The purpose and need identified three considerations related to the operation and viability of an aviation facility:

- Provide an airport that conforms to FAA airport design standards, criteria, and orders;
- Ensure the reliability of an airport serving the Wood River Region by providing approach capability that will allow operations during periods of reduced visibility and cloud ceiling. At a minimum, provide an approach capability allowing for operations down to a ceiling of 200 feet above airport elevation and one-half mile visibility; and
- Ensure the ability of the Airport to accommodate growth in operational demand and in demand for new and expanded facilities.

For several reasons, the current facility at SUN does not fully meet these considerations. The long-term viability of the existing site to continue serving in its current role is hindered by the physical limitations of the site and its near-exhausted ability to accommodate additional facilities within the current boundary. An increase over time of the air carrier fleet size, as well as increasing demand by Airport users and physical constraints on the current site, led to an inability to conform to airfield and airport design standards. Although significant efforts have been made to maximize conformity with design standards, the current site is simply not sufficient in size to do so, and a number of modifications to design standards have been implemented in combination with the Alternative 6 improvements discussed throughout this chapter.

Two types of physical constraints are present at the existing site. First, the terrain of the area around the Airport is such that visibility issues are created, especially during the winter. Based on safety and operational concerns, operations take place in a head-to-head operational pattern the majority of the time. Second, development has encroached closely upon the Airport during recent years. This severely limits the flexibility of the Airport and limits expansion of the current boundary. Overall, it was concluded that the above issues not only call into question the long-term viability of the existing airport site, but also establish a clear rationale for a replacement airport.

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## CHAPTER C Capacity Analysis & Facility Requirements

### Facility Requirements Summary: Dual Path Planning Thresholds

The Airport's current site presents several operational challenges and limitations. In accordance with the "dual path" approach of this Master Plan, this facility requirements summary identifies planning thresholds indicating the practicality or necessity of either significantly reconfiguring the existing site or relocating the Airport within the next 20 years, based on the analysis presented in this chapter. Dual path planning thresholds are generally related to facilities that will be severely constrained in the future at the current site, and are defined in terms of potential future aviation activity levels, regulatory changes, changes in community needs, and land use considerations. The overarching theme of the identified thresholds is the issue of limited space for future Airport development both within and adjacent to the existing Airport property boundary. The planning thresholds identified below indicate the potential need to not only improve facilities to meet increasing demand, but also to replace facility capacity that was recently lost. Alternatives will be developed for accommodating threshold needs at both the existing site and the replacement site, in accordance with the dual path approach.

Dual path planning thresholds, where they apply, are identified below for each major type of facility discussed in this chapter. Specific thresholds were not identified for those facilities that are expected to meet needs throughout the 20-year planning period. To make this distinction clear, the facilities have been grouped below based on whether they are expected to reach a critical threshold during the 20-year period.

### Dual Path Planning Thresholds

**Runway Length.** This chapter identifies a likely range of runway length requirements for each commercial aircraft that may potentially serve the Airport in the future. It is important to recognize that actual length requirements will be dependent on airline operating needs. The following threshold was identified pertaining to runway length:

- A significant change in airline fleet mix that cannot be accommodated by the existing runway length in accordance with airline needs may hinder the Airport's ability to adapt to changing market conditions and airline trends. The most likely such scenario at SUN would be the airlines' eventual retirement of CRJ700 regional jets. It is not known exactly when this may occur, nor what type of aircraft airlines would prefer to replace the CRJ700 with at SUN. The CRJ900 would ordinarily be considered a likely replacement, but it typically performs poorly at airports in mountainous environments; furthermore, the CRJ900 is expected to require approval from the FAA to operate at SUN based on its performance characteristics. Other potential replacement aircraft such as the E170 or E175 are expected to incur weight penalties at SUN that may be unacceptable to airlines serving the Airport. If the community determines it is necessary to serve destinations further afield from those currently served, such as Chicago, Dallas, or Houston, additional runway length may be required.

**Runway/Taxiway Design Standards.** The current C-III design aircraft for Runway 13/31 is not expected to change during the 20-year planning period. However, the following thresholds were identified pertaining to runway/taxiway design standards, should current conditions change during the planning period:

- The CRJ900 must be certificated as an Aircraft Approach Category (AAC) D aircraft, which means that FAA approval may be required for CRJ900 operations at SUN. Therefore future air service options are limited if Runway 13/31 remains a C-III runway.
- The Airport currently operates under several Modifications to Standards (MOSs). The recently approved MOSs essentially limit use of the Airport to aircraft less than 95,000 pounds gross weight with wingspans less than 100 feet. The MOSs support the safety of operations at the Airport. However, they may limit the Airport's future air service options if regulatory conditions change. FAA reviews MOSs every five to ten years; if one or more of the MOSs were to be invalidated by the FAA in the future, the current site will likely be unable to achieve full compliance with C-III standards without significant reconfiguration or expansion beyond its current footprint, as was determined by the 2013 *Airport Alternatives Technical*

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## CHAPTER C Capacity Analysis & Facility Requirements

*Analysis.* If MOS invalidation were to occur, the community may have the option to accept additional operational limitations rather than pursue reconfiguration, expansion, or relocation of the Airport.

**Passenger Terminal Area Facilities.** The Airport's ability to expand its air carrier apron, terminal building, and automobile parking lots is constrained by surrounding facilities and lack of available undeveloped space. The ability of terminal area facilities to accommodate future demand will be primarily dependent on peak passenger enplanements and the commercial air service schedule. Renovation of the terminal building, relocation of the air carrier apron, and expansion of the parking lots, to be completed in 2015, will be designed to accommodate existing and immediately foreseeable passenger demand. However, significant increases in passenger enplanements or changes in the airline departure schedule (such as an increase in the number of flights or multiple flights having similar arrival or departure times) may create congestion and necessitate further improvements to these facilities at some point within the 20-year planning period to more comfortably meet demand. Thus, significant increases in peak enplanements and commercial operations represent thresholds indicating that a relocated airport site may accommodate the activity more efficiently. The following thresholds were identified for passenger terminal area facilities:

- A commercial passenger service schedule in which there are four or more near-simultaneous commercial flights is expected to require more air carrier apron space adjacent to the terminal building, and/or revisions to the airline schedule, to allow for passenger loading and unloading during peak periods. Four or more commercial remain overnight (RON) operations would require some form of tug-in/tug-out aircraft maneuvering and management, and may be more efficiently addressed with additional air carrier apron near the terminal.
- A peak hour consisting of 200 or more passenger enplanements may require further expansion of certain functional areas within the terminal building to alleviate congestion.
- Additional automobile parking is expected to be needed, with approximately 100 additional parking spaces required every five years to meet peak month forecast demand.

**General Aviation Facilities.** Continued strain on general aviation (GA) aircraft storage facilities during peak periods is expected throughout the 20-year planning period. The following thresholds were identified for GA facilities:

- The based aircraft forecast indicates a future need for additional hangars. An increase of greater than 10 percent over current based aircraft numbers will likely require some new hangar facilities.
- The two GA aprons are currently undersized for peak events. If small non-jet aircraft parking is not needed during the peak period, jet aircraft parking capacity could be as high as 80 aircraft given existing aprons located north and south of the FBO building. However apron capacity may be reduced below this level if the specific GA fleet mix present at the time has a higher proportion of large jet aircraft. Existing peak demand for GA and air taxi aircraft parking currently exceeds this capacity estimate, based on the GA and air taxi peak operations forecast presented in Chapter B. Aircraft parking capacity issues are expected to worsen over time, as the number of aircraft looking to park during peak events increases along with peak event operations.

### Other Findings

**Runway Capacity.** The 20-year operations forecast does not exceed the FAA-recommended capacity planning threshold for a second runway at the Airport. Runway 13/31 provides sufficient capacity to accommodate projected operations throughout the 20-year planning period and for some years beyond, based on FAA criteria. However, the capacity of the runway is likely more limited than the analysis indicates due to required air traffic control procedures and clearances for both arrivals and departures, given the challenging terrain and head-to-head operating procedures at the Airport.

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## CHAPTER C Capacity Analysis & Facility Requirements

**Airport Traffic Control Tower.** The tower at SUN provides critical safety and efficiency benefits given the surrounding terrain and typical weather patterns, and the FAA has indicated that a tower must remain at SUN in order for commercial air service to continue into the future. A new location for the tower will be identified in a subsequent chapter of this Master Plan. Assuming a viable tower location is identified within the existing Airport property boundary, the relocated tower is expected to resolve issues with the existing facility and to serve the Airport well throughout the 20-year planning period.

**Instrument Approaches and Airspace Surfaces.** Identification of potential planning thresholds related to instrument approaches and airspace surfaces is dependent on the outcome of the standalone instrument approach study currently underway as of this writing. Potential thresholds will be identified by the Master Plan following publication of this study.

**Other Facilities.** Recent air cargo, SRE/maintenance, and ARFF facility projects are expected to provide adequate capacity throughout the 20-year planning period. Existing snow storage capacity is limited and any future increases in overall airside or landside pavements (e.g., runway, aprons, and parking lots) will result in a corresponding increase in snow storage needs that further constrain development options at the existing Airport site.

### Other Threshold Considerations

Two other considerations that should be included in the threshold discussion relate to external factors and do not fit neatly into the facility groupings above. The implications of these considerations for the identification of airport relocation thresholds are currently undefined. However, it is likely that these considerations will become critical at some point in the future, possibly within the 20-year planning period, and may prove to be a deciding factor in the dual path planning process:

**Commercial Passenger Service.** Expansion and growth in the commercial passenger service market at SUN could be hampered in the future by site constraints on facility improvements. Lack of flexibility to meet airline needs may result in a negative impact on the local economy over time.

**Land Use/Noise/Safety.** Non-airport development has encroached closely upon the Airport boundary in recent years. This type of development increases the potential for noise issues and compromises the Airport's ability to meet future needs. The Airport should work cooperatively with the communities it serves to prevent the creation of new incompatible land uses in the Airport vicinity and avoid increases in average aircraft noise levels. Encroachment of development around the Airport will continue to create tension between the Airport and its neighbors, and it will be much easier to prevent incompatible uses than to address them after they have been built.

## FACILITY REQUIREMENTS SUMMARY:

### Dual Path Planning Thresholds

The Airport's current site presents several operational challenges and limitations. In accordance with the "dual path" approach of this Master Plan, this facility requirements summary identifies planning thresholds indicating the practicality or necessity of either significantly reconfiguring the existing site or relocating the Airport within the next 20 years, based on the analysis presented in Master Plan Chapter C, *Capacity Analysis & Facility Requirements*. Dual path planning thresholds are generally related to facilities that will be severely constrained in the future at the current site, and are defined in terms of potential future aviation activity levels, regulatory changes, changes in community needs, and land use considerations. The overarching theme of the identified thresholds is the issue of limited space for future Airport development both within and adjacent to the existing Airport property boundary. The planning thresholds identified below indicate the potential need to not only improve facilities to meet increasing demand, but also to replace facility capacity that was recently lost. Alternatives will be developed for accommodating threshold needs at both the existing site and a replacement site, in accordance with the dual path approach.

Dual path planning thresholds, where they apply, are identified below for each major type of facility discussed in Chapter C. Specific thresholds were not identified for those facilities that are expected to meet needs throughout the 20-year planning period. To make this distinction clear, the facilities have been grouped below based on whether they are expected to reach a critical threshold during the 20-year period.

#### Dual Path Planning Thresholds

**Runway Length.** Chapter C of the Master Plan identifies a likely range of runway length requirements for each commercial aircraft that may potentially serve the Airport in the future. It is important to recognize that actual length requirements will be dependent on airline operating needs. The following threshold was identified pertaining to runway length:

- A significant change in airline fleet mix that cannot be accommodated by the existing runway length in accordance with airline needs may hinder the Airport's ability to adapt to changing market conditions and airline trends. The most likely such scenario at SUN would be the airlines' eventual retirement of CRJ700 regional jets. It is not known exactly when this may occur, nor what type of aircraft airlines would prefer to replace the CRJ700 with at SUN. The CRJ900 would ordinarily be considered a likely replacement, but it typically performs poorly at airports in mountainous environments; furthermore, the CRJ900 is expected to require approval from the FAA to operate at SUN based on its performance characteristics. Other potential replacement aircraft such as the E170 or E175 are expected to incur significant weight penalties at SUN that may be unacceptable to airlines serving the Airport. If the community determines it is necessary to serve destinations further afield from those currently served, such as Chicago, Dallas, or Houston, additional runway length may be required.

**Runway/Taxiway Design Standards.** The current C-III design aircraft for Runway 13/31 is not expected to change during the 20-year planning period. However, the following thresholds were identified pertaining to runway/taxiway design standards, should current conditions change during the planning period:

- The CRJ900 must be certificated as an Aircraft Approach Category (AAC) D aircraft, which means that FAA approval may be required for CRJ900 operations at SUN. Therefore future air service options are limited if Runway 13/31 remains a C-III runway.

- The Airport currently operates under several Modifications to Standards (MOSs). The recently approved MOSs essentially limit use of the Airport to aircraft less than 95,000 pounds gross weight with wingspans less than 100 feet. The MOSs support the safety of operations at the Airport. However, they may limit the Airport's future air service options if regulatory conditions change. FAA reviews MOSs every five to ten years; if one or more of the MOSs were to be invalidated by the FAA in the future, the current site will likely be unable to achieve full compliance with C-III standards without significant reconfiguration or expansion beyond its current footprint, as was determined by the 2013 *Airport Alternatives Technical Analysis*. If MOS invalidation were to occur, the community may have the option to accept additional operational limitations rather than pursue reconfiguration, expansion, or relocation of the Airport.

**Passenger Terminal Area Facilities.** The Airport's ability to expand its air carrier apron, terminal building, and automobile parking lots is constrained by surrounding facilities and lack of available undeveloped space. The ability of terminal area facilities to accommodate future demand will be primarily dependent on peak passenger enplanements and the commercial air service schedule. Renovation of the terminal building, relocation of the air carrier apron, and expansion of the parking lots, to be completed in 2015, will be designed to accommodate existing and immediately foreseeable passenger demand. However, significant increases in passenger enplanements or changes in the airline departure schedule (such as an increase in the number of flights or multiple flights having similar arrival or departure times) may create congestion and necessitate further improvements to these facilities at some point within the 20-year planning period to more comfortably meet demand. Thus, significant increases in peak enplanements and commercial operations represent thresholds indicating that a relocated airport site may accommodate the activity more efficiently. The following thresholds were identified for passenger terminal area facilities:

- A commercial passenger service schedule in which there are four or more near-simultaneous commercial flights is expected to require more air carrier apron space adjacent to the terminal building, and/or revisions to the airline schedule, to allow for passenger loading and unloading during peak periods. Four or more commercial remain overnight (RON) operations would require some form of tug-in/tug-out aircraft maneuvering and management, and may be more efficiently addressed with additional air carrier apron near the terminal.
- A peak hour consisting of 200 or more passenger enplanements may require further expansion of certain functional areas within the terminal building to alleviate congestion.
- Additional automobile parking is expected to be needed, with approximately 100 additional parking spaces required every five years to meet peak month forecast demand.

**General Aviation Facilities.** Continued strain on general aviation (GA) aircraft storage facilities during peak periods is expected throughout the 20-year planning period. The following thresholds were identified for GA facilities:

- The based aircraft forecast indicates a future need for additional hangars. An increase of greater than 10 percent over current based aircraft numbers will likely require some new hangar facilities.
- The two GA aprons are currently undersized for peak events. If small non-jet aircraft parking is not needed during the peak period, jet aircraft parking capacity could be as high as 80 aircraft given existing aprons located north and south of the FBO building. However apron capacity may be reduced below this level if the specific GA fleet mix present at the time has a higher proportion of large jet aircraft. Existing peak demand for GA and air taxi aircraft parking currently exceeds this capacity estimate, based on the GA and air taxi peak operations forecast presented in Chapter B. Aircraft parking capacity issues are expected to worsen over time, as the number of aircraft looking to park during peak events increases along with peak event operations.

## Other Findings

**Runway Capacity.** The 20-year operations forecast does not exceed the FAA-recommended capacity planning threshold for a second runway at the Airport. Runway 13/31 provides sufficient capacity to accommodate projected operations throughout the 20-year planning period and for some years beyond, based on FAA criteria. However, the capacity of the runway is likely more limited than the analysis indicates due to required air traffic control procedures and clearances for both arrivals and departures, given the challenging terrain and head-to-head operating procedures at the Airport.

**Airport Traffic Control Tower.** The tower at SUN provides critical safety and efficiency benefits given the surrounding terrain and typical weather patterns, and the FAA has indicated that a tower must remain at SUN in order for commercial air service to continue into the future. A new location for the tower will be identified in a subsequent chapter of this Master Plan. Assuming a viable tower location is identified within the existing Airport property boundary, the relocated tower is expected to resolve issues with the existing facility and to serve the Airport well throughout the 20-year planning period.

**Instrument Approaches and Airspace Surfaces.** Identification of potential planning thresholds related to instrument approaches and airspace surfaces is dependent on the outcome of the standalone instrument approach study currently underway as of this writing. Potential thresholds will be identified by the Master Plan following publication of this study.

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## Other Threshold Considerations

Two other considerations that should be included in the threshold discussion relate to external factors and do not fit neatly into the facility groupings above. The implications of these considerations for the identification of airport relocation thresholds are currently undefined. However, it is likely that these considerations will become critical at some point in the future, possibly within the 20-year planning period, and may prove to be a deciding factor in the dual path planning process:

**Commercial Passenger Service.** Expansion and growth in the commercial passenger service market at SUN could be hampered in the future by site constraints on facility improvements. Lack of flexibility to meet airline needs may result in a negative impact on the local economy over time.

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**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 3-2-15

**DEPARTMENT:** Legal

**DEPT. HEAD SIGNATURE:** \_\_\_\_\_

**SUBJECT:**

Social Hosting, Runaway and Beyond Control Ordinance

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

At the last city council meeting, a new ordinance addressing social hosting, runaways and beyond control was discussed. The county Social Hosting ordinance was reviewed and the Council directed me to revise the ordinance in several ways.

First, I deleted any reference to infractions and made any offense of the social hosting ordinance a misdemeanor.

Second, there was some discussion about the ability of juveniles to consume alcohol in the presence of their parents. State law expressly permits a minor to possess beer and wine in a private residence accompanied by his parent or guardian and with such parent's or guardian's consent. *Idaho Code § 23-1023 and 23-1334*. Consequently, I believe the social hosting ordinance should recognize these state laws. I added an introductory clause to the section 9.08.030.02 stating "except as otherwise permitted by law."

Third, for the reasons discussed at the last meeting, I also deleted the prohibition for allowing a minor under the influence at a gathering.

Lastly, I have revised the definition of knowingly to meet the definition of knowingly set forth in Idaho Code § 18-101(5).

Ned

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments: \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Conduct a public hearing. If the ordinance is generally acceptable, make a motion to adopt the ordinance and authorize the mayor to read the ordinance by title only

**FOLLOW-UP REMARKS:**

**N. City Records.** City records comprise all files, written documents, computer documents, and e-mail stored in City archives, City file cabinets, and offices, and City computers. All City records, except those protected under Idaho law as exempt, are public records and may be scrutinized by the public. Employees who use their personal electronic devices may be required to disclose ~~the~~public records in their personal electronic devices, unless exempt under Idaho's public records law. An employee may alter, destroy, distribute, delete or remove any portion of City records only in compliance with Hailey's records retention policy set forth in Hailey Resolution No. 2011-56, as amended, and after receiving direction from his/her supervisor. Supervisors have the right to read all contents stored on ~~an employee's computer~~City owned electronic device at any time and for any purpose. Deleted files or messages remain in the system memory and can easily be retrieved.

Employees shall know and comply with departmental policies that reflect state law about making records available to the public. Employees shall know which specific City records are confidential and may not be released without the written approval of the employee's supervisor, or an order from a court of competent jurisdiction. An employee may not verbally share confidential information unless his/her supervisor has given explicit consent to do so. City employees shall at all times respect the privacy of their co-workers and citizens when managing or processing a public record in which individuals are identified.

**P. Use of Electronic Devices.** Employee use of City owned telephones, faxes, computer software and equipment, and any other electronic device shall be chiefly related to City business. Excessive personal calls or media-use during work, regardless of the device used and regardless of whether it is City owned or personally owned, interfere with productivity and can be distracting to others. Employees are to exercise discretion in making or receiving personal phone calls, texts or other media use while at work. Excessive personal calls or media use during a work-shift are prohibited. To the extent that any electronic device, regardless whether it is City owned or personally owned, is used for personal reasons, such use must be limited in length, infrequent and preferably take place during scheduled breaks. Personal long distance or cell phone calls at City expense are prohibited at all times.

Cell phones, computers or electronic devices given to City employees, and the minutes and data billed to them, are City property. Employees shall not intentionally use personally owned electronic devices during an Employee's work period or use City owned electronic devices at any time to view websites containing sexually explicit or illegal material, violence advocacy, gambling or other inappropriate content (unless it is necessary in the performance of an employee's duties, such as law enforcement investigation). All passwords on City computers are the property of the City. Employees shall not install personally owned software or hardware on City owned computers. Costs to adjust or repair the City computer technology or electronic devices due to unauthorized alterations or downloads will be paid by the person causing the need for repairs. Computer hacking is prohibited.

Employees do not have an expectation of privacy or confidentiality in the use of City owned electronic devices and should expect that any information created, transmitted, downloaded or exchanged on such an electronic device may be accessed by the City at any time without prior notice to the employee.

## **Q. Use of Social Media.**

1. Introduction. Social Media provides a valuable means of assisting the City and its personnel in community outreach and communication. The City also recognizes the role that social media tools play in the personal lives of City personnel. The personal use of social media can have a bearing on the City and its departments and personnel in their official capacities.

### 2. Definitions.

2.1 “City Websites” shall mean all websites that are owned, maintained, or controlled by the City on which information is posted for public viewing or use.

2.2 “Social Media” shall mean forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content. Social Media pages are hosted by websites that authorize multiple users to establish, post content on and operate their own individual social media page. Technologies associated with Social Media pages often include picture and video sharing, wall postings, e-mail, instant messaging and music sharing. Examples of websites that host Social Media pages include, but are not limited to, Google and Yahoo Groups (reference, social networking), Wikipedia (reference), MySpace and Facebook (social networking), YouTube (social networking and video sharing), Flickr (photo sharing) and Twitter (social networking and microblogging).

3. Official Use of City Websites. The City Administrator or Department Heads will authorize the use of City Websites for specific public purposes. Social Media sites used by the City shall include an introductory statement that clearly specifies the purpose and scope of the agency’s presence, and shall link to the City’s official website. Social Media content shall adhere to applicable federal, state and city laws, ordinances, regulations and policies, including all information technology and records management policies. Content is subject to public records laws, and must be managed, stored and retrieved to comply with open records laws. Sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. The sites shall state that opinions expressed by visitors to the pages do not reflect the opinions of the City, and shall also indicate that the City reserves the right to remove obscenities, personal attacks or off-topic comments. Personnel assigned to represent the City or monitor content shall identify themselves as a City representative and conduct themselves at all times as City representatives by adhering to City standards of conduct. Such personnel shall not post, transmit, or otherwise disseminate confidential information, photographs or videos, and shall not conduct political activities or private business therein. Personnel shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

Any hyperlink leading to a site that is hosted by a party other than the City of Hailey must contain the following disclaimer:

*By clicking this link you are now exiting the City of Hailey (or other City Department) website. The City of Hailey is not responsible for and has not confirmed the accuracy of the content of the linked website. By continuing on to the linked website, you are*

*acknowledging that the City of Hailey is not liable for any damage resulting from your visit to the linked website.*

4. Personal Use of Social Media. City personnel are free to express themselves as private citizens on Social Media sites to the degree that their speech does not impair working relationships of the City or its officials, interfere with an employee's work performance, impede the performance of the employee's duties, or negatively affect the public perception of the City or its departments. Personal use of Social Media during an employee's work shift should be limited, infrequent and take place during lunch or scheduled breaks. Personnel are cautioned that content posted or viewed on Social Media, made on or off duty, pursuant to their official duties – *that is, that owes its existence to the employee's duties and responsibilities* – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the City. Speech through Social Media will reflect upon the official capacity of personnel. Employees shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment, nor shall they publish materials that could reasonably be considered to represent the views or positions of the City, without written permission from their supervisor. Employees shall not post information pertaining to any other City officials or personnel, without their permission. Employees shall not display City logos, uniforms, badges, or similar items which will identify them with the City, where any part of the Social Media site or page may contain any inappropriate materials, photos or language. Within the use of Social Media, employees' speech shall not contain obscene or sexually explicit language, images or acts, or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, religion, gender or gender orientation, or any protected class of individuals. Employees should expect that any information created, transmitted or downloaded, exchanged or discussed on Social Media may be accessed by the City at any time without prior notice and that employees do not have an expectation of privacy in such content posted or viewed on Social Media. The misuse of Social Media by personnel, in any manner outside the rules of the City's Personnel Handbook or its Department Policies, may be grounds for discipline or termination.

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03/02/15      **DEPARTMENT:** Admin/PW      **DEPT. HEAD SIGNATURE:** HD

**SUBJECT:**

Continued discussion of Blaine County Road & Bridge Levy with consideration of gentle letter of support:

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

During the February Hailey City Council meeting, a discussion was held about Hailey's level of participation and support for the Blaine County Road and Bridge levy. The points below were discussed, but the matter was continued.

- A. Does Hailey want to contribute questions or resources to the poll?
- B. Does Hailey want to request a dollar figure other than the \$3 million targeted by Blaine County?
- C. Will Hailey issue a support resolution or letter?
- D. How will Hailey participate in education of Hailey voters regarding this levy?
- E. Hailey's proposed use of the funds.

A draft letter to Blaine County is attached for council consideration, based on last month's discussion.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

If a May 2015 levy is passed as proposed, Hailey would receive \$134,000 in FY 2016 and \$134,000 in FY 2017. Hailey spends this amount each year in basic street maintenance, including the routine maintenance of shoulders, potholes, crackfill, fogseal, chipseal, and alleys. The levy would double Hailey's funds for street maintenance for two years.

Hailey staff have recently identified over \$900,000 in additional funding needed each year to properly maintain Hailey City Roads and sidewalks.

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

- |                                                |                                              |                                             |
|------------------------------------------------|----------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> City Administrator    | <input type="checkbox"/> Library             | <input type="checkbox"/> Benefits Committee |
| <input type="checkbox"/> City Attorney         | <input type="checkbox"/> Mayor               | <input type="checkbox"/> Streets            |
| <input type="checkbox"/> City Clerk            | <input type="checkbox"/> Planning            | <input type="checkbox"/> Treasurer          |
| <input type="checkbox"/> Building              | <input type="checkbox"/> Police              | _____                                       |
| <input type="checkbox"/> Engineer              | <input type="checkbox"/> Public Works, Parks | _____                                       |
| <input checked="" type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission    | _____                                       |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

We recommend one of the options below pertaining to the attached letter:

- a. approving the attached letter,
- b. denying the attached letter,
- c. modifying the attached letter to further qualify Hailey's support

**ACTION OF THE CITY COUNCIL:**

Date : \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

115 MAIN STREET SOUTH, SUITE H  
HAILEY, IDAHO 83333  
(208) 788-4221  
Fax: (208) 788-2924

March 2, 2015

Board of Blaine County Commissioners  
Lawrence Schoen, Chair  
Blaine County  
206 First Avenue South, Suite 300  
Hailey ID 83333

**RE: Countywide Road and Bridge Funding**

Dear Board of Blaine County Commissioners,

Thank you for your efforts to craft a County Road and Bridge measure with full consideration of the comments and concerns from affected stakeholders and partners, including the City of Hailey. Each ballot measure impacts all jurisdictions and their ability to fund adequate levels of service. We appreciate your global view of this matter.

The City of Hailey's need for both street maintenance and street capital revenue amounts to nearly \$1 million per year. When this road and bridge levy is brought to voters, we would like to support your efforts to bring some revenue to the City of Hailey. We recognize that the additional revenue does not meet Hailey's full need, but we are looking for diverse solutions to the funding we need to keep Hailey great.

We must be cautious in our support, so as not to communicate incorrectly to voters that the County measure satisfies the needs of the City of Hailey. Rather, it begins the process of investing in essential infrastructure, both within Hailey and upon county roads used by constituents of Hailey.

Sincerely,

Fritz X. Haemmerle  
Mayor, City of Hailey

cc: Hailey City Council

**Return to Agenda**

AGENDA ITEM SUMMARY

DATE: 3/02/2015

DEPARTMENT: Admin

DEPT. HEAD SIGNATURE: HD

SUBJECT:

Discussion of essential infrastructure for Hailey continues.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

In continuing the discussion of additional funding needs for essential Hailey, we have provided  
- A list of criteria by which Hailey can prioritize its infrastructure and project needs, below.  
- A discussion of local option taxes available to Hailey. This report presents another funding option, besides property taxes previously discussed.

**Ranking Criteria:**

Public Health and Safety – How does the project eliminate or prevent and existing health, environmental, or safety hazard

Infrastructure investment/protection – How does the project protect and preserve the city’s existing infrastructure.

Impact on City operational finances/revenue generation – Does the project have a positive, neutral, or negative effect on the city’s operational financial position.

Leverages outside funding – How will the project leverage outside funding to facilitate completion, and how much additional funding will be leveraged.

Ties in to other projects/ organizations – Does the project tie into another existing or proposed project, and /or will the project be done in partnership with another non-city organization.

Improve or increase the level of service provided by the City – How does the project improve and/or increase the level of service provided by the City.

Encouragement of Economic Development – does the project stimulate economic development.

Environmental Sustainability – does the project increase sustainability or have a return on investment based on sustainability.

Serves Community at Large

Provides Quality of Life

Fosters Emergency Preparedness  
Government

Is Mandated as an Essential Service of Municipal

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

No council action is required. Discussion of this report will inform , solidify, or modify staff’s approach.

ACTION OF THE CITY COUNCIL:

Date : \_\_\_\_\_

City Clerk \_\_\_\_\_



## Essential Hailey

### Funding Options – Local Option Tax

#### Funding Opportunities:

City elected officials and staff will work with Hailey citizens to identify essential infrastructure needs and diverse funding methods to support these needs, in an effort to keep Hailey great.

Our goal is to identify proper funding sources to meet the community's needs. Diverse funding sources will enhance our success. This report focuses on local option taxes as an important funding source for underfunded maintenance and services.

#### Local Option Tax Funding Analyses:

Local option taxes are allowed by Idaho statute in resort cities with population under 10,000. It is important to keep in mind that Hailey's population, currently over 8000, will eventually exceed the population limit.

**History and Timeline:** Hailey began the process of instituting a local option tax over 10 years ago.

**2006** A four-year "trial" term was requested of voters when the city brought forth its first LOT ordinance. Voters approved the measure with a 67% margin. The products that could be taxed were limited to:

- 1% tax on restaurant food
- 2% tax on alcohol by-the-drink
- 3% tax on lodging
- 3% tax on car rentals

The uses of the tax were clearly defined. The tax has been used in all of the allowed categories:

- Emergency services (rapid response, life saving, traffic enforcement, training, staffing, equipment, vehicles, etc.)
- Maintenance, improvement and acquisition of parks;
- Road repair, transportation enhancements, snow removal;
- Public transit and related improvements;
- City promotion, visitor information, special events and economic development;
- Town improvements (library modernization, sidewalks, town square, etc.)
- Direct cost to administer and enforce the tax

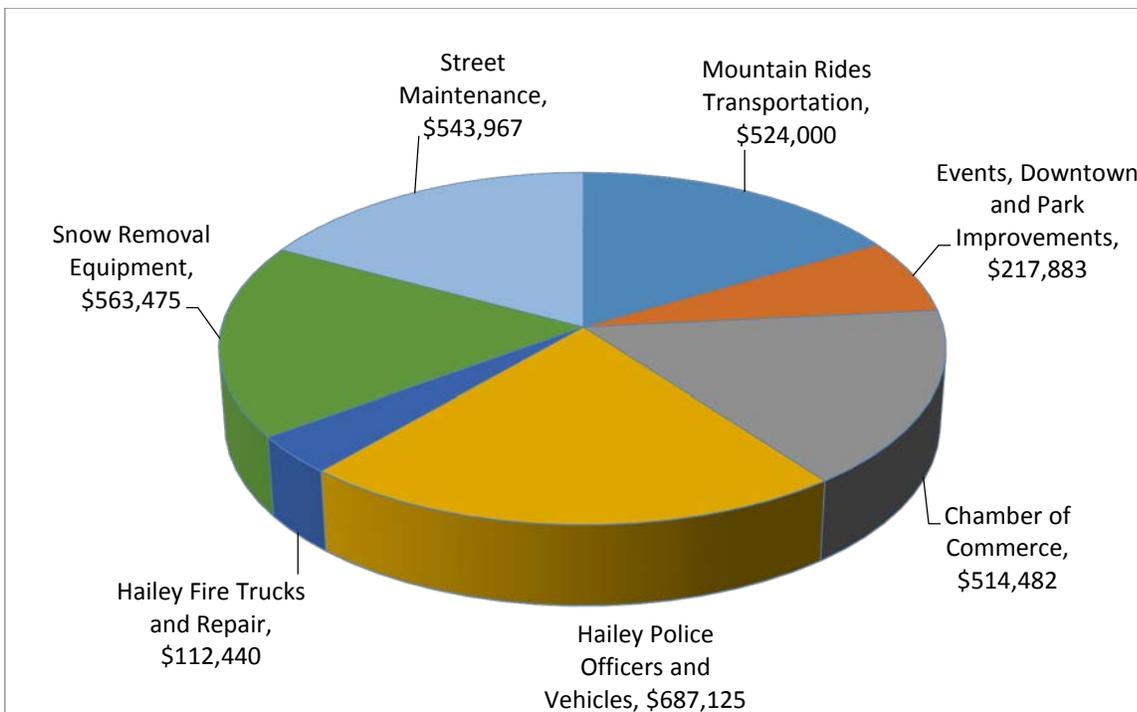
**2009** In late 2009, the City of Hailey brought a 20 year term to voters, who approved it at 84%. The term, through June 30, 2030, was the only element that changed; the same taxable products and uses of the tax remained.

**2012** An effort to increase the local option tax by 1% on lodging and car rentals for the purpose of funding the promotion and development of more commercial air service to Friedman Memorial Airport failed with 58.7% of Hailey voters in favor. A 60% approval margin was needed.

**2013** The measure was brought back again in 2013, and was approved at 66%. The additional 1% tax is in place for five years, through December 31, 2018.

**2018** There is currently no limit in Idaho law on the term length of local option tax. If local option tax is to be considered a permanent funding source, Hailey should consider instituting a lengthy term, such as a 20 or 50 year term, before the next census at which Hailey's population is expected to exceed 10,000. That matter could be taken to voters in 2018, to address not only the term but also the question of extending the 1% tax for air service.

**Hailey's Use of the LOT:** The City of Hailey and partners such as Mountain Rides and the Hailey Chamber of Commerce have become quite dependent upon local option tax revenue, from which we have budgeted \$3.16 million in expenses over 9 fiscal years. The chart below shows how that money was spent.



**Tax Amendments:** A full discussion of whether more items should be taxed will be presented during this process to Hailey official and constituents. We have obtained information from the Idaho State Tax Commission about the types of taxable sales generated from the 83333 zip code. These reports should be qualified in that:

- They include some sales outside of the city limits, such as agricultural and landscape company sales from the areas around Hailey and still within zip code 83333;
- They do not include corporate stores who pay their tax from another zip code (examples could be businesses such as ColorTyme, Radio Shack, Avis);
- They may include business sales from outside 83333 whose business headquarters are within Hailey.

Despite these data qualifiers, we present below an analysis of the information we have.

**2014 Sales from Hailey Area:** The total volume of sales reported in calendar year 2014 from zip code 83333 is more than \$246 million. Of this, \$149 million, or 60%, is subject to state sales tax.

Local option tax is allowed on any item that is subject to state sales tax.

- An additional 1% LOT tax on all taxable sales from this area would generate \$1.5 million.
- An additional 1% LOT tax on all taxable sales excluding the items already taxed within Hailey would generate \$1.3 million.
- Below is a summary of various types of activities, showing the amounts an additional 1% would bring in each category.

### Sales Report for Calendar Year 2014

Total Sales	Non Taxed Sales	Net Taxable Sales	Amount to be Generated by 1% LOT Tax	Business Type
11,447,064	9,144,292	2,302,772	23,028	Construction/General Contractor
2,951,172	2,354,597	596,575	5,966	Manufacturing
11,904,164	9,324,359	2,579,805	25,798	Warehousing
4,314,398	2,580,104	1,734,294	17,343	Wholesale
35,551,099	28,321,034	7,230,065	72,301	Building Materials, Construction;He
105,615,470	20,223,238	85,392,232	853,922	Retail
2,443,248	1,288,896	1,154,352	11,544	Services
5,307,650	1,580,151	3,727,499	37,275	Automotive, electrical, bike repair
7,468,354	418,654	7,049,699	70,497	Recreational Facilities, Movies, Amu
21,465,758	3,664,253	17,801,505	178,015	State and Local Government

**Summary:** The council and community should discuss whether adding a local option tax to any of these sales categories would be a viable funding option for Hailey. Some categories, such as State and Local Government, which largely includes schools, may not be deemed appropriate by the community of a local option tax.

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03-02-15    **DEPARTMENT:** CDD/Admin    **DEPT. HEAD SIGNATURE:** LH/HD

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**SUBJECT:**

Consideration of proposals and costs from consultants for annexation and development impact fee study updates with adoption of Resolution 2015-09 authorizing consultant services agreement

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**AUTHORITY:**  ID Code \_\_\_\_\_     IAR \_\_\_\_\_     City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

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**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

At the February 9, 2015 Hailey City Council Meeting, the council approved the issuance of a Request for Proposal to update Annexation Fees and Development Impact Fees.

The City of Hailey developed an annexation fee study in 2001 and updated it in 2005. In 2007 Hailey implemented development impact fees. In 2012, Hailey updated both the annexation fees and the development impact fees. The method of this update included some variations on the method by which development impact fees were established in 2007.

Two proposals were received:

- TischlerBise, Inc.
- Richard Caplan and Associates

Both proposals are attached for Council review. Staff notes the following differences between the studies:

- 1) TishlerBise proposes 3 trips to Hailey: background research and two presentations to the Council (one on Annexation Fees and one on Development Impact Fee. Kaplan proposes the 3 presentations via Skype.
- 2) Methodology: TishlerBise proposes to combine three methodologies depending on the infrastructure category: Cost Recovery, plan-based and incremental expansion. Kaplan proposes a review of net assets and apportionment.
- 3) Costs for each proposal are different. Generally speaking, the TishlerBise Study is more detailed, and more costly.

Staff recommends that the City pursue the more thorough work program with TishlerBise. We feel it is important that cost recovery methodology be utilized along with plan-based methodology of our previous studies. Cost recovery methodology needs to be implemented because the new fees need to take into consideration that DIF and bond funds have been used on Hailey's infrastructure following the 2007 adoption of DIF fees.

In the process of adopting Hailey's 2015 budget, an amount of \$55,000 for an adequate study was communicated by staff to the council. Development impact fees are collected for this purpose, and we expect to have \$9,500 from DIF for the study. An additional \$20,000 was budgeted from the Capital Fund to supplement the DIF. The Tischler proposal contains a not-to-exceed cost for this portion of the study of \$36,680.

Updating the annexation fees was not considered in the process of adopting the 2015 budget. However, due to staff turn-over, Hailey's Community Development Department will underspend its Salaries and Professional Services line items by \$20,000. We do not expect to need that additional money for planning staff, as planning applications have not risen to that volume.

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**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

Budgeted Funds:		Tischler Expense Proposal	
Development Impact Fees for CIP	\$ \$9,500	DIF Study	\$36,680
Capital Fund Match for DIF Study	\$ 20,000	Annexation Study	<u>\$12,720</u>
Underspent CDD Salaries	<u>\$ 20,000</u>		
<u>TOTAL FUNDS Available</u>	<u>\$49,500</u>	<u>TOTAL EXPENSE</u>	<u>\$49,400</u>

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

- |                                                        |                                              |                                             |
|--------------------------------------------------------|----------------------------------------------|---------------------------------------------|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library             | <input type="checkbox"/> Benefits Committee |
| <input checked="" type="checkbox"/> City Attorney      | <input type="checkbox"/> Mayor               | <input type="checkbox"/> Streets            |
| <input type="checkbox"/> City Clerk                    | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer          |
| <input type="checkbox"/> Building                      | <input type="checkbox"/> Police              | _____                                       |
| <input type="checkbox"/> Engineer                      | <input type="checkbox"/> Public Works, Parks | _____                                       |
| <input type="checkbox"/> Fire Dept.                    | <input type="checkbox"/> P & Z Commission    | _____                                       |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Recommendation to approve the Request for Proposal for Qualified consultants to update the City's Annexation Fee and Development Impact Fee.

Motion to approve Resolution 2015-09, authorizing a Contract for Services with Tishchler/Bise in amount not to exceed \$49,400.

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_ Dept. Head in Attendance at Meeting (circle one) Yes No

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record  
Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

\*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (AIS only)

**CITY OF HAILEY  
RESOLUTION NO. 2015-09**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY  
AUTHORIZING THE EXECUTION OF A CONSULTANT AGREEMENT WITH  
TISCHLERBISE, INC. TO UPDATE RESEARCH STUDIES ON DEVELOPMENT  
IMPACT FEES AND ANNEXATION FEES FOR \$49,400.**

WHEREAS, the City of Hailey desires to enter into an Consultant Agreement with TISCHLERBISE, INC. under which TISCHLERBISE, INC. update research studies on Development Impact Fees and Annexation Fees for Hailey.

WHEREAS, the City of Hailey and TISCHLERBISE, INC. have agreed to the terms and conditions of the Consultant Agreement, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO,** that the City of Hailey approves the Consultant Agreement, between the City of Hailey and TISCHLERBISE, INC. and that the Mayor is authorized to execute the attached Agreement,

Passed this 2nd day of March 2015.

City of Hailey

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

**CONSULTANT AGREEMENT  
BETWEEN TISCHLERBISE., AND  
CITY OF HAILEY , IDAHO**

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the City of Hailey, a municipal corporation, hereinafter called "City", and TischlerBise, a \_\_\_\_\_, hereinafter called "Consultant".

**WHEREAS** City is in need of certain services; and

**WHEREAS** Consultant has expertise in the field of impact fees and infrastructure finance.

**NOW THEREFORE**, in consideration of the covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. Consultant shall provide those services to City as more particularly identified in the attached Exhibit "A".
2. In performing the services identified in the attached Exhibit "A", Consultant shall perform all steps necessary to the full and effective performance of the tasks specifically referenced in Exhibit "A".
3. Consultant shall provide sufficient qualified personnel to perform all services as required herein, including but not limited to inspections and preparation of reports, as reasonably requested by City.
4. Term and Termination:
  - A) The term of this Agreement shall be from the date of execution hereof, and shall terminate upon the completion of Task 1-9 specified in Exhibit "A"
  - (B) Notwithstanding the foregoing, this Agreement may be terminated by the City upon ten (10) days written notice, with or without cause. If this Agreement is terminated, Consultant shall be paid for services performed to the date of Consultant's receipt of such termination notice.
5. Any notices to be given by either party to the other must be in writing, and personally delivered or mailed by prepaid postage and certified mail, at the following address:

City: Heather Dawson, Administrator, 115 Main Street, Hailey, ID 83333. Phone Number (208) 788-4221.

Consultant: L. Carson Bise II, AICP, TischlerBise, Inc., 4701 Sangamore Road, Suite S240, Bethesda, MD 20816. Facsimile number (301) 320-4860; Phone number (800) 424-4318.

6. This Agreement is non-assignable by Consultant.
7. City shall pay to Consultant up to the amounts indicated in Exhibit "B" for Task 1-9, based on actual hour worked up to these not-to-exceed amounts. Invoices will be issued by Consultant to City on a percentage completion basis, with hours and trip costs clearly shown. Payment will be made by City within 30 days of receipt of invoice.

8. This Agreement shall be construed under the laws of the State of Idaho.

9. This Agreement and Exhibits "A" and "B" represent the entire and integrated Agreement between the City and the Consultant and supersede all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both City and Consultant. Written and signed amendments shall automatically become part of the Agreement, and shall supersede any inconsistent provision therein; provided, however, that any apparent inconsistency shall be resolved, if possible, by construing the provisions as mutually complementary and supplementary.

10. In the event any provision of the Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provisions, terms, conditions, or covenant shall not be construed by the other party as a subsequent breach of the same by the other party.

11. Consultant hereby agrees to indemnify and hold harmless City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits caused by Consultant's breach of contract or the negligent performance by Consultant (or by any person acting for Consultant or for whom Consultant is responsible).

12. Consultant shall secure and maintain during the life of this Agreement, insurance coverage which shall include comprehensive general and automobile liability in the amount of at least \$1,000,000.00 coverage with an insurer acceptable to the City. Consultant shall also maintain errors and omissions insurance in the amount of at least \$250,000.00 for the duration of the Agreement and a period of two years after completion of the Agreement. Consultant shall provide the City with proof of such insurance in a form acceptable to City upon request.

13. No oral orders, objection, claim, or notice by any party to the other shall affect or modify any of the terms or obligations contained in this Agreement, and none of the provisions of this Agreement shall be held to be waived or modified by reason of any act whatsoever, other than by a definitely agreed waiver or modification thereof in writing. No evidence of modification or waiver other than evidence of any such written notice, waiver, or modifications shall be introduced in any proceeding.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be signed by their duly authorized representatives as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY:**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

**CONSULTANT:**

\_\_\_\_\_  
L. Carson Bise II, AICP, President  
TischlerBise, Inc.

## EXHIBIT A

### WORK SCOPE

The following is our suggested **Scope of Work** for this assignment. We have designed this work plan to be responsive to your needs and specific circumstances.

# SCOPE OF WORK

# APPROACH

## PROJECT APPROACH

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### DEVELOPMENT IMPACT FEES

Development impact fees are fairly simple in concept, but complex in delivery. Generally, the jurisdiction imposing the fee must: (1) identify the purpose of the fee, (2) identify the use to which the fee is to be put, (3) show a reasonable relationship between the fee's use and the type of development project, (4) show a reasonable relationship between the facility to be constructed and the type of development, and (5) account for and spend the fees collected only for the purpose(s) used in calculating the fee.

Reduced to its simplest terms, the process of calculating development impact fees involves the following two steps:

1. Determine the cost of development-related capital improvements, and
2. Allocate those costs equitably to various types of development.

There is, however, a fair degree of latitude granted in constructing the actual fees, as long as the outcome is "proportionate and equitable". **Fee construction is both an art and a science, and it is in this convergence that TischlerBise excels in delivering products to clients.**

Any one of several legitimate methods may be used to calculate development impact fees for the City. The choice of a particular method depends primarily on the service characteristics and planning requirements for the facility type being addressed. Each method has advantages and disadvantages given a particular situation, and to some extent they are interchangeable, because they all allocate facility costs in proportion to the needs created by development.

In practice, the calculation of development impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for capital facilities. The following paragraphs discuss the three basic methods for calculating development impact fees and how those methods can be applied.

**Plan-Based Impact Fee Calculation** - The plan-based method allocates costs for a specified set of future improvements to a specified amount of development. The improvements are identified by a facility plan. In this method, the total cost of relevant facilities is divided by total demand to calculate a cost per unit of demand. The plan-based method is often the most advantageous approach for facilities that require engineering studies, such as roads and utilities.

**Cost Recovery Impact Fee Calculation** - The rationale for the cost recovery approach is that new development is paying for its share of the useful life and remaining capacity of facilities from which new growth will benefit. To calculate a development impact fee using the cost recovery approach, facility cost is divided by ultimate number of demand units the facility will serve. An oversized water storage tank is an example.

**Incremental Expansion Impact Fee Calculation** - The incremental expansion method documents the current level-of-service (LOS) for each type of public facility in both quantitative and qualitative measures, based on an existing service standard such as square feet per capita or park acres

## PROJECT APPROACH, CONT.

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per capita. The LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, clients do not use the funds for renewal and/or replacement of existing facilities. Rather, the jurisdiction uses the development impact fee revenue to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments, with LOS standards based on current conditions in the community.

**Evaluation of Alternatives.** Designing the optimum development impact fee approach and methodology is what sets TischlerBise apart from our competitors. Unlike most consultants, we routinely consider each of the three methodologies for each component within a fee category. The selection of the particular methodology for each component of the development impact fee category will be dependent on which is most beneficial for the City of Hailey. In a number of cases, we will prepare the development impact fees using several methodologies and will discuss the various trade-offs with the City. There are likely to be policy and revenue tradeoffs depending on the capital facility and methodology. We recognize that "one size does not fit all" and create the optimum format that best achieves our clients' goals.

***Each community is different each fee category is different, and TischlerBise compares alternative methodologies to maximize revenues for our clients.***

**GIS Technology.** TischlerBise routinely utilizes GIS technology to add value to the evaluation of infrastructure needs and assessing financing alternatives. This includes assessing existing land use, performing a GIS-based land suitability analyses that can be used to define service areas, project demands for facilities, and coordinate Capital Improvement Plan (CIP) investment for the City of Hailey.

**Lending a Sense of Market Reality to the Development Projections.** Projecting future residential and nonresidential development is more difficult now than in the past due to the recent economic downturn. This is compounded by shifting trends in the housing market as a result of changing demographics and lifestyle choices. Changes in the retail sector combined with existing surpluses of retail space in many communities are also a concern. TischlerBise's extensive national experience conducting market analysis and real estate feasibility studies is invaluable in determining the appropriate development projections used in the development impact fee calculations. These projections include both the amount of development and the geographic location. Depending on the methodology employed, overly optimistic development projections can increase the City's financial exposure, if development impact fee revenue is less than expected.

**Public Outreach.** The importance of public outreach when considering development impact fees and infrastructure funding options should not be overlooked. Based upon our experience with development impact fees and infrastructure funding efforts across the country, we anticipate that this study may attract controversy, especially given the current economic

## PROJECT APPROACH, CONT.

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climate and the fact this will represent a new cost to consider in their project pro forma. Therefore, it is important to build a coalition of support early in the process, to educate and inform the public and other key stakeholders about the purpose of the study, and to explain how it will benefit both key constituents (developers) and the general public. It is critical to develop a communications strategy to offset and correct any misinformation that might proliferate and to provide a clear and compelling logic for public adoption of a development impact fee program. Our seasoned project team has actively participated in legislative body meetings and citizen committees to educate and lead stakeholders regarding the technical process of development impact fee calculations as well as the pros and cons of development impact fees, particularly during challenging economic times.

### ANNEXATION FEES

Many communities perceive annexations as “cash cows”. Therefore, there is a tendency to focus on the additional revenues that will accrue as a result of annexation without evaluating the costs, especially from a capital perspective. A major reason for avoiding the cost part of the equation is the perceived difficulty in ascertaining the likely demands for services/facilities and the resulting costs. There are numerous factors that influence the fiscal sustainability of annexations, including the amount of development potential on remaining vacant land, the timing and/or staging of remaining development potential, assessed value of the existing development base, local and state revenue structures, local LOS, and the remaining capacity of existing capital facilities. Because of these factors, it is important in this type of analysis that the methodology and data withstand close scrutiny.

When many communities attempt to evaluate the fiscal impact of potential annexation areas, a common mistake is to estimate the initial increase in revenues and costs incurred in year one of the annexation—without considering additional development that is likely to occur over time. Failure to consider the impact of an annexation area over time can prove fiscally devastating to a community. The variables to include in the development of scenarios include population, housing units by type, jobs by type, and nonresidential square feet.

Once the annexation scenarios have been developed, it is recommended these scenarios be applied to geographic subareas, or Fiscal Analysis Zones. These Fiscal Analysis Zones should be based on natural features such as topography; man-made features such as roads; or character of land use (residential area versus nonresidential area).

Once selected, TischlerBise will work with the City to obtain the relevant LOS and cost and revenue factors, and will assist in defining scenarios and/or geographic subareas.

## SCOPE OF WORK

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### PHASE I: DEVELOPMENT IMPACT FEES

#### TASK 1: PROJECT INITIATION

The purpose of this Task is to develop a complete understanding of the City's land use planning issues as well as to begin to identify relevant policy issues for consideration in the crafting of the development impact fee methodology. In addition, this Task will serve as an opportunity for TischlerBise to make contact with City staff and conduct project "kick-off" activities. During this Task, we will meet with City staff to establish lines of communication, review and discuss project goals and City policies related to the project, review the project schedule (and revise if necessary), and request additional data and documentation related to the project. The specifics of this initial discussion are outlined below:

- Review and refine work plan and schedule, if appropriate.
- Assess information needs and required staff support.
- Discuss the City's current infrastructure needs.
- Discuss overall capital facility financing issues.
- Identify and discuss trade-offs with different impact fee approaches including: residential fees by house size; suggested expanding nonresidential fee schedule; geographic services areas.
- Identify and collect data and documents relevant to the analysis.
- Become familiar with the City's economic development goals.
- Identify any major relevant policy issues, including issues related to Blaine County's impact fees applied to City development.

**MEETINGS:** One (1) meeting with City staff.

**DELIVERABLES:** 1) Data request memorandum. 2) Revised project schedule, if necessary.

#### TASK 2: PREPARE LAND USE ASSUMPTIONS

The purpose of this Task is to review and understand the current demographics of the City as they relate to growth and development and to determine the likely development future for the City in terms of new population, housing units, employment, and nonresidential building area over the next twenty (20) years. In this Task, we will update current development estimates and projections of future development to reflect recent Census and other data.

**MEETINGS:** Discussions with the Planning Department will be held as part of Task 1.

**DELIVERABLES:** A memorandum discussing the recommended land use factors and projections.

#### TASK 3: DETERMINE CAPITAL FACILITY NEEDS AND SERVICE LEVELS

This Task as well as Tasks 4-6 may vary somewhat depending on the methodology applied to a particular development impact fee category. The development impact fee study for each facility type would be presented in separate chapters in the Development Impact Fee Report.

**Identify Facilities/Costs Eligible for Impact Fee Funding.** As an essential part of the nexus analysis, TischlerBise will evaluate the impact of development on the need for additional facilities, by type, and identify costs eligible for development impact fee funding. Elements of the analysis include:

- Review facility plans, fixed asset inventories, and other documents establishing the relationship between development and facility needs by type.
- Identify planned facilities, vehicles, equipment, and other capital

## SCOPE OF WORK, CONT.

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components eligible for development impact fee funding.

- Prepare forecast of relevant capital facility needs.
- Adjust costs as needed to reflect other funding sources.

As part of calculating the fee, the City may include the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction system improvement; and debt service charges, if the City might use development impact fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the cost of system improvements. All of these components will be considered in developing an equitable allocation of costs.

**Identify Appropriate LOS Standards.** We will review needs analyses and LOS for each facility type. Activities related to this Task include:

- Apply defined service standards to data on future development to identify the impacts of development on facility and other capital needs. This will include discussions with staff of the existing versus adopted LOS, as appropriate.
- Ascertain and evaluate the actual demand factors that generate the need for each type of facility to be addressed in the study.
- Identify actual existing service levels for each facility type. This is typically expressed in the number of demand units served.
- Define service standards to be used in the development impact fee analysis.
- Determine appropriate geographic service areas for each fee category.

**MEETINGS:** One (1) meeting with City staff to discuss capital facility needs and LOS.

**DELIVERABLES:** See Task 7.

### **TASK 4: EVALUATE DIFFERENT ALLOCATION METHODOLOGIES**

The purpose of this Task is to determine the methodology most appropriate for each development impact fee category. As noted previously, the three basic methodologies that can be applied in the calculation of development impact fees are the plan-based, incremental expansion, and cost-recovery approaches. Selection of the particular methodology for each component of the development impact fee category will depend on which is most beneficial for the City of Hailey. In a number of cases, we will prepare the development impact fees for a particular infrastructure category using several methodologies and will discuss the trade-offs with the City. This allows the utilization of a combination of methodologies within one fee category. For instance, a plan-based approach may be appropriate for a new building while an incremental approach may be appropriate for support vehicles and equipment. By testing all possible methodologies, the City is assured that the maximum supportable development impact fee will be developed. Policy discussions will then be held at the staff level regarding the trade-offs associated with each allocation method prior to proceeding to the next Task.

**MEETINGS:** One (1) conference call with City staff to discuss issues related to allocation methodologies.

**DELIVERABLES:** See Task 7.

### **TASK 5: DETERMINE NEED FOR "CREDITS" TO BE APPLIED AGAINST CAPITAL COSTS**

A consideration of "credits" is integral to the development of a legally valid development impact fee methodology. There is considerable confusion among those who are not immersed in development impact fee law about

## SCOPE OF WORK, CONT.

the definition of a credit and why it may be required.

There are two types of "credits" that are included in the calculation of development impact fees, each with specific, distinct characteristics. The first is a credit due to possible double payment situations. This could occur when a property owner will make future contributions toward the capital costs of a public facility covered by a development impact fee. The second is a credit toward the payment of a development impact fee for the required dedication of public sites and improvements provided by the developer and for which the development impact fee is imposed. Both types of credits will be considered and addressed in the development impact fee study.

**MEETINGS:** None.

**DELIVERABLES:** See Task 7.

### TASK 6: CONDUCT FUNDING AND CASH FLOW ANALYSIS

In order to prepare a meaningful CIP, it is important to not only understand the gross revenues, but also the capital facility costs and any deficits. In this case some consideration should be given to anticipated funding sources. This calculation will allow the City to better understand the various revenue sources possible and the amount that would be needed if the development impact fees were discounted.

The initial cash flow analysis will indicate whether additional funds might be needed or if the CIP might need to be changed to have new growth pay its fair share of new capital facilities. This could also affect the total credits calculated in the previous Task. Therefore, it is likely that a number of iterations will be conducted in order to refine the cash flow analysis reflecting the capital improvement needs.

**MEETINGS:** None.

**DELIVERABLES:** See Task 7.

### TASK 7: PREPARE CIP/DEVELOPMENT IMPACT FEE REPORT, PUBLIC PRESENTATIONS

TischlerBise will prepare a draft report that complies with the Idaho Development Impact Fee Act, which will include CIPs for all applicable Infrastructure categories. The report will summarize the need for development impact fees for the appropriate public facility category and the relevant methodologies employed as well as documents all assumptions and cost factors. The report will include at a minimum the following information: In addition to an Executive Summary, there will be separate chapters for each infrastructure category that will include:

- A detailed description of the methodologies used during the study.
- A detailed description of all LOS standards and cost factors used and accompanying rationale.
- A detailed schedule of all proposed fees listed by land use type and activity.
- Other information which adequately explains and justifies the resulting recommended fee schedule.
- Capital Improvement Plans.
- Cash Flow Analysis.

Following the City's review of the draft report, we will make mutually agreed upon changes to the Capital Improvement Plans and Development Impact Fee Report.

TischlerBise's Development Impact Fee Report will have flow diagrams clearly indicating the methodology and approach, a series of tables for each activity showing all of the data assumptions and figures, and a narrative explaining all

## SCOPE OF WORK, CONT.

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of the data assumptions, sources and the methodologies. The report will be a stand alone document clearly understood by interested parties. Because of the firm's extensive experience in calculating development impact fees and preparing such reports, we have developed a very succinct written product that leaves a well-understood paper trail.

**MEETINGS:** One (1) meeting/presentation to present results.

**DELIVERABLES:** Draft and final reports and presentation materials for meetings.

### **TASK 8: ASSIST WITH DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE**

Per the Idaho Development Impact Fee Act, the City is required to establish an Advisory Committee to assist in the development and review of land use assumptions, Capital Improvement Plans, and development impact fees. In our calculation of fees across the County, it has proven beneficial to have such a committee. The purpose of this committee is to allow interested parties designated by the City in accordance with the Act to understand assumptions and raise questions about the technical demographic, cost, revenue, credit and other data and supporting documentation that is being used in the calculation of development impact fees. This will not be a forum to discuss the political and/or philosophical use of fees. Rather it will be an opportunity for these interested parties to understand the soundness and the reasonableness of the technical development impact fee methodology. We propose two meetings with this group. The first would be to discuss the initial data assumptions, after "sign-off" by the client. The second would be to discuss the proposed methodologies for each infrastructure category and Capital Improvement Plan assumptions utilized in the draft Development Impact Fee report. Utilizing this forum will enable the focus of the public

hearings to be on the political and economic issues of implementing fees, not the technical approach.

**MEETINGS:** Two (2) meetings with Development Impact Fee Advisory Committee.

**DELIVERABLES:** Draft and final reports and presentation materials for meetings.

## **PHASE II: ANNEXATION FEES**

### **TASK 1: PREPARE LAND USE ASSUMPTIONS**

The purpose of this Task is to determine the development potential in areas of the unincorporated County that may make sense for annexation. This includes determining specific geographies, as well as determining the current development base, and future residential and nonresidential development potential.

**MEETINGS:** Discussions with the Planning Department will be held as part of Task 1.

**DELIVERABLES:** A memorandum discussing the recommended land use factors and projections.

### **TASK 2: DETERMINE CAPITAL FACILITY NEEDS FROM ANNEXATION**

This Task will determine what capital costs would be incurred by the City if it were to annex certain areas of the unincorporated County. These are costs that would not be incurred if not for annexation.

**Identify Facilities/Costs Eligible for Annexation Fee Funding.** As an essential part of the nexus analysis, TischlerBise will evaluate the impact of annexation on the need for additional facilities, by type, and identify costs eligible for annexation fee funding. Elements of the analysis include:

## SCOPE OF WORK, CONT.

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- Review facility plans, fixed asset inventories, and other documents establishing the relationship between development and facility needs by type.
- Identify planned facilities, vehicles, equipment, and other capital components eligible for impact fee funding.
- Prepare forecast of relevant capital facility needs.
- Adjust costs as needed to reflect other funding sources.

As part of calculating the fee, the City may include the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction system improvement; and debt service charges, if the City might use annexation fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the cost of system improvements. All of these components will be considered in developing an equitable allocation of costs.

**Identify Appropriate LOS Standards.** We will review needs analyses and LOS for each facility type. Activities related to this Task include:

- Apply defined service standards to data on future annexation to identify the impacts of development on facility and other capital needs. This will include discussions related to one-time costs to bring certain facilities (e.g., roads) up to City standards.
- Ascertain and evaluate the actual demand factors that generate the need for each type of facility to be addressed in the study.
- Identify actual existing service levels for each facility type. This is typically expressed in the number of demand units served.
- Define service standards to be used in the annexation fee analysis.

- Determine appropriate geographic service areas for each annexation fee category.

**MEETINGS:** One (1) to two (2) meetings with City staff to discuss capital facility needs and LOS.

**DELIVERABLES:** See Task 3.

### **TASK 3: PREPARE ANNEXATION FEE REPORT, PUBLIC PRESENTATIONS**

TischlerBise will prepare a draft Annexation Fee Report that is consistent with best practices in the State of Idaho. The report will summarize the need for annexation fees for the appropriate public facility category and the relevant methodologies employed as well as documents all assumptions and cost factors. The report will include at a minimum the following information:

In addition to an Executive Summary, there will be separate chapters for each infrastructure category that will include:

- A detailed description of the methodologies used during the study.
- A detailed description of all LOS standards and cost factors used and accompanying rationale.
- A detailed schedule of all proposed fees listed by land use type and activity.
- Other information which adequately explains and justifies the resulting recommended fee schedule.

Following the City's review of the draft report, we will make mutually agreed upon changes to the Annexation Fee Report.

**MEETINGS:** One (1) meeting/presentation to present results.

**DELIVERABLES:** Draft and final reports and presentation materials for meetings.

## PROJECT SCHEDULE

The following table presents our anticipated project schedule for this assignment.

Project Schedule for the City of Hailey, Idaho					
	March	April	May	June	July
<b>Phase I: Development Impact Fee Study</b>					
Task 1: Project Initiation	◆				
Task 2: Prepare Land Use Assumptions					
Task 3: Determine Capital Facility Needs and Service Levels			◆		
Task 4: Evaluate Different Allocation Methodologies					
Task 5: Determine Need for "Credits"					
Task 6: Conduct Funding Cash Flow Analysis					
Task 7: Prepare CIP, Development Impact Fee Report and Presentation					◆
Task 8: Assist with Development Impact Fee Advisory Committee		◆		◆	
<b>Phase II: Annexation Fee Study</b>					
Task 1: Prepare Land Use Assumptions					
Task 2: Determine Capital Facility Needs from Annexation					
Task 3: Prepare Annexation Fee Report and Presentation					◆

◆ Meeting/Presentation

# PROPOSED FEE SCHEDULE

The following table presents our proposed project cost schedule for this assignment and encompasses the tasks, meetings, and deliverables identified in our Scope of Work. Please note that this is a fixed fee proposal and includes direct expenses related to the project with no overhead mark-up. TischlerBise bills on a monthly basis, based on percentage complete. Payment terms are net 30 days.

Proposed Fee Schedule for the City of Hailey, Idaho						
Tasks	Project Team Member:		Bise \$200	Guthrie \$180	Total	
	Hourly Rate				Hours	Cost
Task 1: Project Initiation			2	8	10	\$1,840
Task 2: Prepare Land Use Assumptions			4	36	40	\$7,280
Task 3: Determine Capital Facility Needs and Service Levels			8	42	50	\$9,160
Task 4: Evaluate Different Allocation Methodologies			4	8	12	\$2,240
Task 5: Determine Need for Credits			0	8	8	\$1,440
Task 6: Conduct Funding Cash Flow Analysis			0	8	8	\$1,440
Task 7: Prepare CIP, Development Impact Fee Report and Presentation			8	40	48	\$8,800
Task 8: Assist with Development Impact Fee Advisory Committee			8	16	24	\$4,480
<b>Subtotal: Impact Fee Study</b>			<b>34</b>	<b>166</b>	<b>200</b>	<b>\$36,680</b>
Task 1: Prepare Land Use Assumptions			0	16	16	\$2,880
Task 2: Determine Capital Facility Needs from Annexation			2	16	18	\$3,280
Task 3: Prepare Annexation Fee Report and Presentation			4	32	36	\$6,560
<b>Subtotal: Annexation Fee Study</b>			<b>6</b>	<b>64</b>	<b>70</b>	<b>\$12,720</b>
<b>Total Cost:</b>			<b>40</b>	<b>230</b>	<b>270</b>	<b>\$49,400</b>

EXHIBIT B

COST

2/23/15



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**PROPOSAL TO PREPARE**

**HAILEY ANNEXATION FEE**  
**and**  
**DEVELOPMENT IMPACT FEE**  
**UPDATE**

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*Submitted by*

**RICHARD CAPLAN & ASSOCIATES**  
Kansas City, Missouri  
February 23, 2015

February 23, 2015

Mayor Fritz Haemmerle and Hailey City Council  
City of Hailey  
Attn: Mary Cone, City Clerk  
115 Main Street South  
Hailey ID, 83333

Re: Proposal to Prepare an Annexation Fee  
And Development Impact Fee Update

Dear Mayor and Council Members:

The purpose of this proposal is to summarize our services associated with the City's February 10, 2015 RFP for an Update to the Hailey Annexation Fee and the Hailey Development Impact Fee. These services will be performed in conformance with the required update of the City of Hailey Development Impact Fee enacted in May, 2007 (Ordinance No. 985) based on all related Idaho Statutes, as well as an update, as warranted to the methodology and fees from past Annexation and DIF studies.

These updates are required, in part, as a result of the City of Hailey's current process to prepare a new Capital Project List and to the municipal and economic changes that have occurred in Hailey and Blaine County, especially in the past three to four years. These consulting services will review and update the components of the city's Annexation Fee and Development Impact Fee and recommend revised fee structures for consideration by the Development Impact Fee Advisory Committee, the Planning and Zoning Commission and the Mayor and City Council. This proposal summarizes our services, timing and fees associated with the city's RFP.

### I. SCOPE OF WORK

The scope of work involves the following major tasks:

**Task 1. Collect, Review and Revise all Prior Annexation Fee Reports and Data Collection and Development.** We will prepare a side by side comparison of all prior DIF and Annexation reports to analyze the elements of these fees eligible for revision and in compliance with Title 67, Chapter 82 of the Idaho statutes. Those municipal services, capital projects and equipment not eligible for the updated DIF will be evaluated for their appropriateness for inclusion in the updated Annexation fee.

We will also collect and evaluate the five most recent municipal audits for determination of the historic level of services and capital improvements provided by the city as well as to apportion the city's total assets for inclusion in the updated annexation fee. This approach incorporates the net assets as reported in the City of Hailey's annual audits and apportions a fair share to future residents, businesses and/or land owners that will benefit from these assets upon annexation.

**Task 2. Analyze the Impact of Annexation and Growth on the Levels of City Services.** This analysis will serve to determine and revise City of Hailey annexation and development impact fees based on the facility and service level requirements reflected in the past five years

and projected capital projects. Wherever legal, fees shall be calculated to support facilities, equipment and infrastructure needed to serve growth based on forecasts of future growth, development and city facilities, projects and employees.

**Task 3. Prepare Annexation Fee Study.** We will prepare a comprehensive report that documents the annexation fee study results, including, but not limited to, the methodology, findings, supporting justification, and recommended annexation fee structure by land use. This study will also discuss the possibility of utilizing an incentive strategy for the city to encourage annexation where and when such annexation of a specific area may support city policies, plans or major municipal objectives.

**Task 4. Prepare Updated Development Impact Fee Study.** We will prepare a concise report that documents the updated development impact fee study and recommended fee structure; including, but not limited to, the methodology, findings, supporting justification that provide the legal nexus (as clarified in recent legal findings) between the Development Impact Fee recommendations and new development.

**Task 5. Submit Draft Studies.** We will present the studies in draft form to the city staff for review and comment. This feedback will ensure that the updates reflect the most accurate understanding of the city's needs with clear and concise conclusions and recommendations prior to public dissemination.

**Task 6. Submit Final Annexation Fee and Development Impact Fee Study.** Based on the results of the review by the city staff, the final Annexation Fee and Development Impact Fee Studies shall be finalized and presented to the city.

**Task 7. Presentations.** We will be available to make up to three (3) presentations to the DIF Committee, Planning Commission & the City Council or other appropriate community groups.

## **II. FIRM EXPERIENCE and QUALIFICATIONS**

Richard Caplan & Associates has provided economic development and municipal financial analysis studies and services to municipalities and counties since 1987. The firm has more than 10 years of knowledge and expertise assisting Idaho cities with determining annexation fees and development impacts fees, including the City of Hailey and other Blaine County jurisdictions.

Since 2004, a summary of consulting services that have been provided in Blaine County include the following:

1. City of Hailey
  - Hailey City Citizen Survey 2008; 2012
  - Annexation Impact Study (Quigley Canyon Ranch) 2012
2. City of Ketchum
  - Development Impact Fee Study 2004 (1<sup>st</sup> in Blaine County)
  - Hotel Impact Study and Warm Springs Economic Impact Study 2008
  - Development Impact Fee Update 2009
3. City of Bellevue
  - Annexation Impact Studies for three major developments 2005 – 2007
  - Annexation Impact Study (Strahorn Canyon) 2007; Update 2014

**RICHARD CAPLAN & ASSOCIATES**

- 4. Blaine County
  - Economic Impact Study for proposed Cove Springs development 2007
- 5. City of Carey
  - Annexation Impact Study 2006

The firm has also completed development impact and annexation impact studies for cities in Colorado, California, Missouri and Kansas.

Caplan may be assisted in assessment of land use related issues and in public meetings, if necessary, by Mr. Tim Herndon, Registered Landscape Architect, and LEED certified associate who has provided technical planning analysis and related planning support to Caplan & Associates on commercial, residential, industrial and recreational projects since 2005.

**III. TIME FRAME and FEES**

In order to satisfy the city's announced time frame, we are prepared to initiate these updates immediately upon acceptance of this proposal. This timing will enable delivery of the DIF and Annexation Fees Updates to the City Council, Hailey Boards and Commissions in May 2015.

The total cost for these professional services is \$11,250. The major tasks, time frame and fees, including expenses, are detailed in the following table.

Major Task	Timing	March	April	May	June	July	Fees
1 Data Gathering: Budgets, CIP, past studies, audits, etc.	2 weeks	XX					\$850
2 Evaluate Impact of Annexation or Growth on City Services	5-6 weeks	XXX	XXX				\$1,750
3 Evaluate and Recommend Annexation Fees	5-6 weeks	XX	XXXX				\$2,250
4 Update Development Impact Fee Schedule	6-7 weeks	XX	XXXX				\$2,250
5 Prepare & Deliver Draft Studies to city for review & comment	By April 30		X				\$2,250
6 Revise Drafts and Deliver Final Studies	By May 11			X			\$900
7 Presentations (3) to DIF Committee, Planning Commission & City Council					As Scheduled		\$1,000
<b>TOTALS</b>	No more than 9 Weeks to submittal of Final Reports						<b>\$11,250</b>

**RICHARD CAPLAN & ASSOCIATES**

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The fee for Task 7, Presentations, is based on three (3) presentations made to the City via SKYPE, conference call, etc. supplemented with clear and concise power point presentations. (This approach has been successfully used by the firm for the City of Hailey in the past.) In the event that on site attendance is desired by city officials and required in Hailey, then one day of professional fees at the rate of \$850 per day, plus reimbursement of direct out-of-pocket expenses for a round trip air fare from Kansas City, Missouri (MCI), car rental and lodging will be required for each on-site visit.

We appreciate the opportunity to offer these services and look forward to continuing to assist the City of Hailey on these important issues.

This letter may serve as an agreement for services. In order to authorize acceptance of these services, please sign and date a copy of this agreement.

*Rich Caplan*

Richard Caplan

**RICHARD CAPLAN & ASSOCIATES**

Accepted:

For the City of Hailey, Idaho

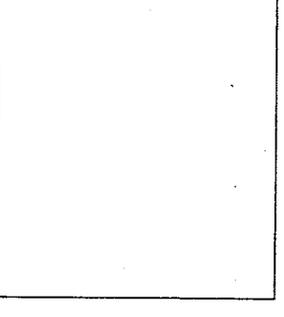
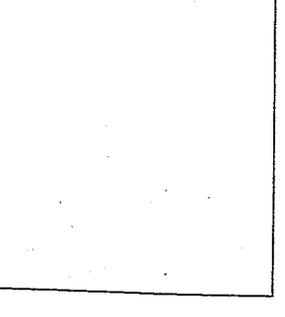
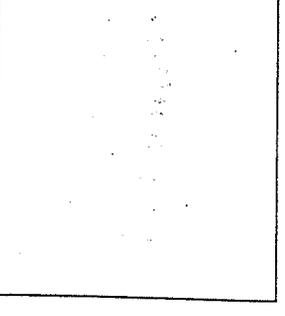
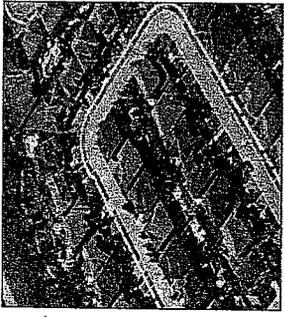
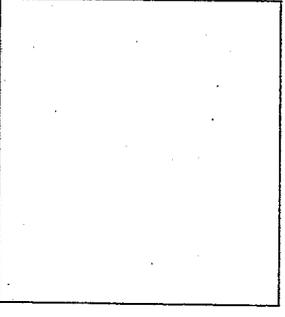
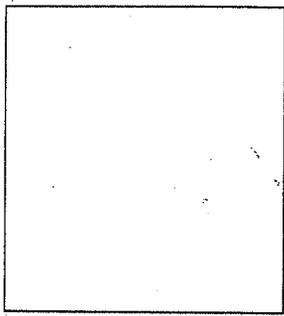
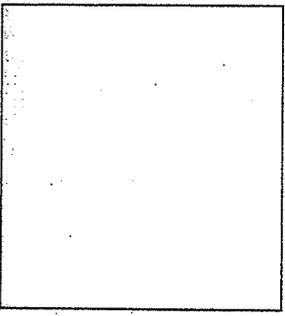
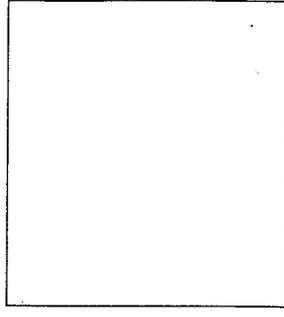
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Signature

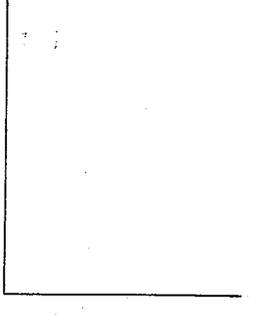
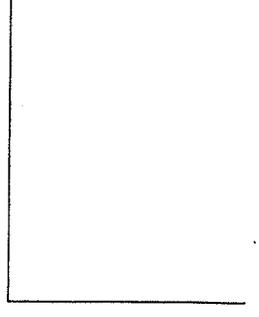
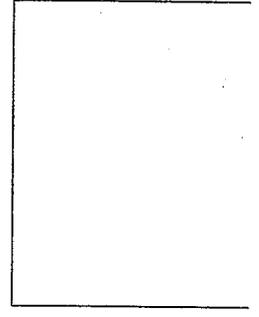
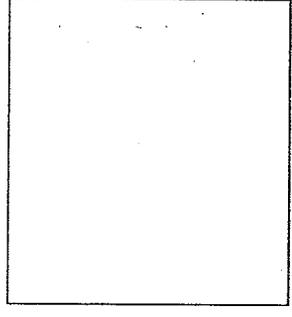
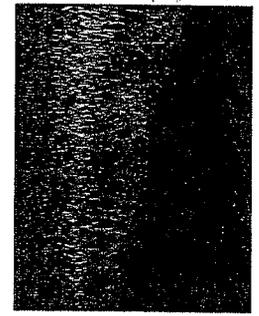
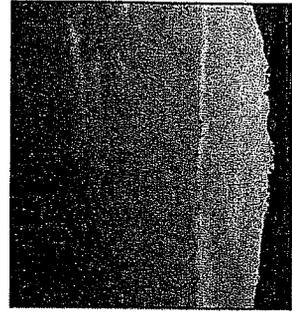
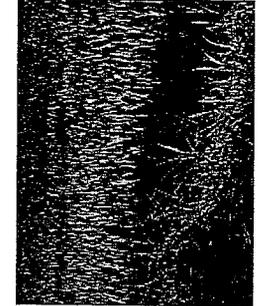
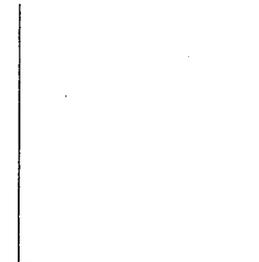
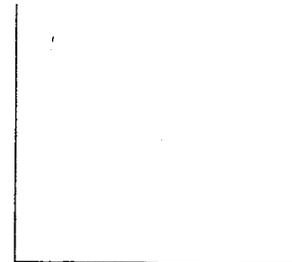
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**TischlerBise**  
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## CITY OF HAILEY, IDAHO

### REVISED PROPOSAL FOR AN ANNEXATION FEE AND DEVELOPMENT IMPACT FEE UPDATE

TischlerBise is pleased to submit the enclosed proposal to provide consulting services for an annexation fee and development impact fee update for the City of Hailey. This assignment requires a consulting team with a unique combination of experience and expertise and we feel that our firm is ideally suited to undertake this project based on our extensive national development impact fee and annexation fee experience. There are several points we would like to note that make our qualifications unique:

- 1) **Depth of Experience.** TischlerBise is the nation's leading development impact fee and infrastructure financing consulting firm. Our qualified professionals bring an unparalleled depth of experience to this assignment. We have managed over 800 development impact fee studies across the country - more than any other firm. We are innovators in the field, pioneering approaches for credits, development impact fees by size of housing unit, and distance-related/tiered development impact fees. More importantly, a TischlerBise development impact fee methodology has never been challenged in a court of law.
- 2) **Technical Knowledge of Land Use Planning and Local Government Finance.** The City requires consulting expertise in the areas of land use planning and growth management in the State of Idaho, as well as in local government finance. Many communities overlook the fact that development impact fees are a land use regulation. The TischlerBise team will apply years of development impact fee experience within the context of overall City financial needs, land use, and economic development policies. This will lead to a work product that is both defensible and that promotes equity.
- 3) **Responsiveness.** As a small firm, we have the flexibility and responsiveness to meet all deadlines of the City's project. We offer the City the level of service and commitment that the larger firms save for their biggest contracts.

As the President of TischlerBise, I have the authority to negotiate and contractually bind the firm. We look forward to the possibility of working with the City of Hailey and are committed to providing cost-effective, high-quality support for this assignment.

Sincerely,



L. Carson Bise, II, AICP, President, TischlerBise, Inc.

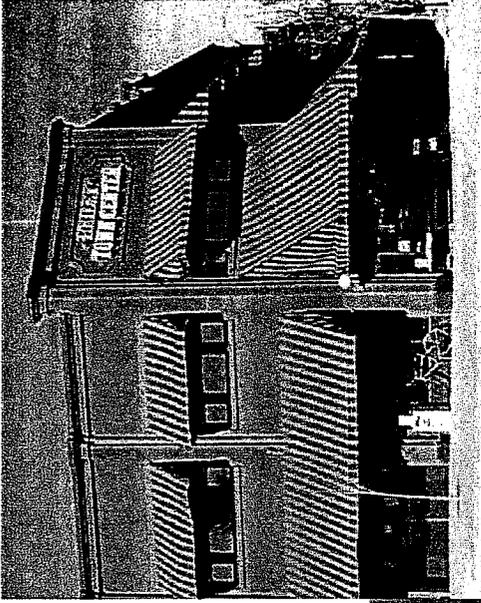
## GENERAL INFORMATION

TischlerBise, Inc., was founded in 1977 as Tischler, Montasser & Associates. The firm became Tischler & Associates, Inc., in 1980 and TischlerBise, Inc., in 2005. The firm, a Subchapter (S) corporation, was incorporated in Washington, D.C., and maintains offices in Bethesda, Maryland, and Bradenton, Florida. The firm's legal addresses are:

L. Carson Bise, AICP, President  
4701 Sangamore Road, S240 | Bethesda, MD 20816  
301.320.6900 x12 (w) | 301.320.4860 (f) | carson@tischlerbise.com

Dwayne Guthrie, Ph.D., AICP, Principal  
606 3rd Avenue West, Suite 304 | Bradenton, FL 34205  
301.320.6900 x12 (w) | 301.320.4860 (f) | carson@tischlerbise.com

TischlerBise, Inc. is a fiscal, economic and planning consulting firm specializing in development impact fees, fiscal/economic impact analyses, infrastructure funding strategies, and market/financial feasibility. Our firm has been providing consulting services to public agencies for over thirty-eight years. In this time, we have prepared over 800 development impact fee evaluations - more than any other firm. We have also prepared numerous infrastructure financing strategies. Through our detailed approach, proven methodologies, and comprehensive work products, we have **established TischlerBise as the leading national firm on revenue enhancement and cost of growth strategies.**



# TISCHLERBISE EXPERIENCE

Our widespread national experience has enabled us to stay ahead of the latest approaches and development impact fee trends. TischlerBise staff members are frequently called upon to speak on development impact fees for various national groups and organizations including the American Planning Association, the National Association of Homebuilders, the National Impact Fee Roundtable, the Urban Land Institute, and the Government Finance Officers Association. While every community is unique, this national experience provides invaluable perspective for our clients.

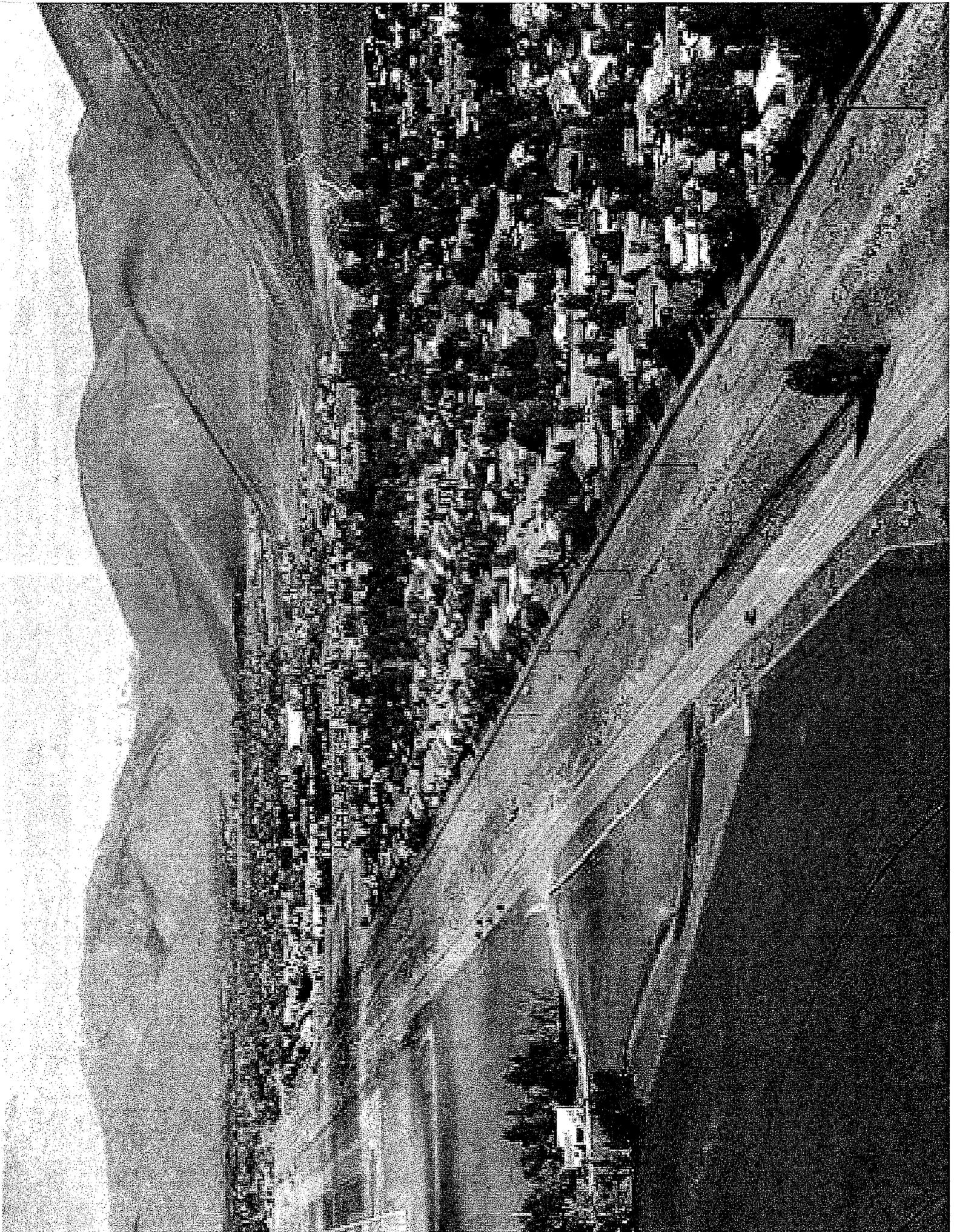
Most importantly, TischlerBise's efforts have met clients' expectations of success due in large part to the heavy involvement of our **highly skilled principal-level professionals**, and we are proud of the fact that most of our clients consistently retain TischlerBise for return engagements.

Another factor to consider is our relevant experience dealing with a variety of annexation and service delivery issues. For example, our fiscal analyses are frequently used to test "service areas" and "service delivery options." In the City of Wilmington and New Hanover County, TischlerBise's fiscal impact analysis showed that annexation of urbanizing areas of New Hanover County by the City of Wilmington is a fiscal "win-win" for both local governments. In Napa County, California, TischlerBise examined the relationship between taxes and other revenue paid by residents and businesses to the County and the services provided by the County in the unincorporated and incorporated areas of the County. The intent was to determine if the unincorporated County subsidizes the cost of Countywide services in the incorporated areas or if the opposite is true.

## STATE OF IDAHO EXPERIENCE

An important factor to consider related to this work effort is our previous experience providing consulting services in the State of Idaho. The table below provides a complete list of our Idaho experience:

STATE OF IDAHO EXPERIENCE		
Boise	Kellogg	Sandpoint
Caldwell	Kootenai County Fire & Rescue	Shoshone County Fire Department
Canyon County	Nampa	Southeast Idaho Council of Governments
Hailey	Payette	Twin Falls
Hayden	Post Falls	Victor

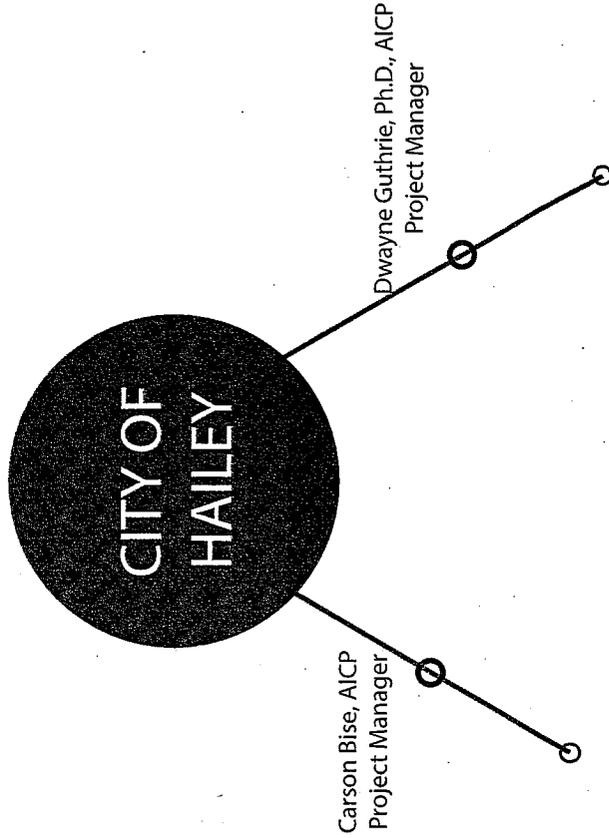


## PROJECT TEAM

To successfully navigate through the City's annexation fee and development impact fee update, the successful consultant must possess specific, detailed, and customized knowledge, not only of the technical analysis, but also of the context of the development impact fee structure in achieving City land use, finance, and economic development policy goals. Our Project Team for this assignment includes our most senior and experienced development impact fee professionals. We have unsurpassed experience performing projects requiring the same expertise as that needed to serve the City of Hailey.

**Carson Bise, AICP**, President of TischlerBise, will serve as Principal-In-Charge and coordinate our Project Team's interaction with the City to ensure that all work is completed properly, on time, and within budget. He will work closely with Dwayne Guthrie, developing and reviewing all aspects of the project, and providing overall quality assurance for the project. **Mr. Bise has completed similar studies in the following Idaho jurisdictions: Hailey, Hayden, Sandpoint, Post Falls, and Shoshone Fire District #2.**

**Dwayne Guthrie, Ph.D., AICP**, is a Principal in charge of our Florida office. Dr. Guthrie will serve as Project Manager for this assignment based on his substantial experience preparing development impact fees and financing strategies, as well as his strong project management skills. Most importantly, Dr. Guthrie, in conjunction with Mr. Bise, will ensure constant collaboration and communication between City staff and our team through frequent progress memorandums, conference calls, and in-person meetings. **Dr. Guthrie has completed similar studies in the following Idaho jurisdictions: Hailey, Nampa, and Ada County Highway District.**



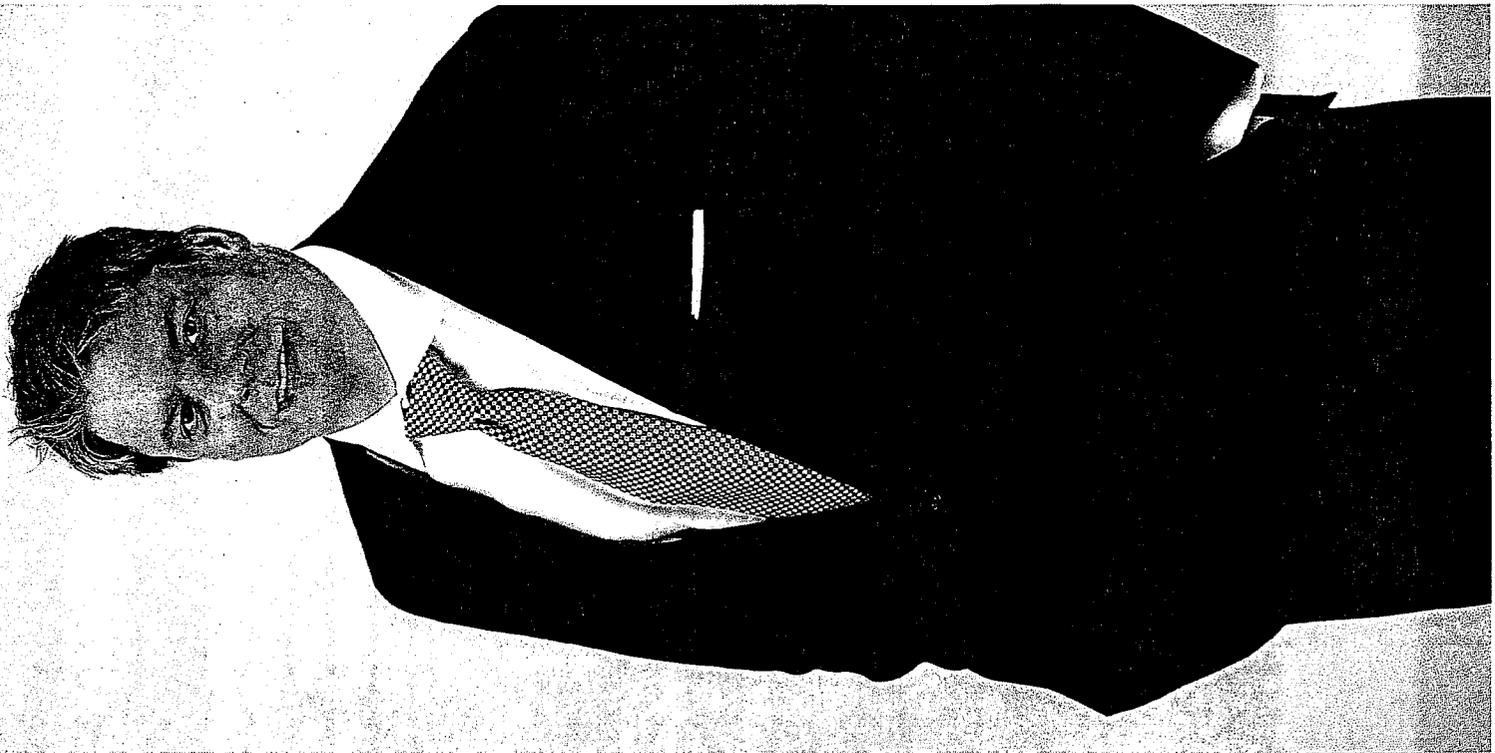
## **L. CARSON BISE, II, AICP, PRESIDENT, TISCHLERBISE, INC.**

### **EXPERIENCE**

Carson Bise has twenty-four years of fiscal, economic and planning experience and has conducted fiscal and infrastructure finance evaluations in thirty-six states. Mr. Bise has developed and implemented more fiscal impact models than any consultant in the country. The applications which Mr. Bise has developed have been used for evaluating multiple land use scenarios, specific development projects, annexations, urban service provision, tax-increment financing, and concurrency/adequate public facilities monitoring. Mr. Bise is also a leading national figure in the calculation of impact fees, having completed over 200 impact fees for the following categories: parks and recreation, open space, police, fire, schools, water, sewer, roads, municipal power, and general government facilities. Mr. Bise has also written and lectured extensively on fiscal impact analysis and infrastructure financing. His most recent publications are *Fiscal Impact Analysis: Methodologies for Planners*, published by the American Planning Association, a chapter on fiscal impact analysis in the book *Planning and Urban Design Standards*, also published by the American Planning Association, and the ICMA IQ Report, *Fiscal Impact Analysis: How Today's Decisions Affect Tomorrow's Budgets*. Mr. Bise was also the principal author of the fiscal impact analysis component for the Atlanta Regional Commission's Smart Growth Toolkit and is featured in the recently released AICP CD-ROM Training Package entitled *The Economics of Density*. Mr. Bise is currently on the Board of Directors of the Growth and Infrastructure Finance Consortium and recently Chaired the American Planning Association's Paying for Growth Task Force. He was also recently named an Affiliate of the National Center for Smart Growth Research & Education.

### **EDUCATION**

M.B.A., Economics, Shenandoah University  
B.S., Geography/Urban Planning, East Tennessee University  
B.S., Political Science/Urban Studies, East Tennessee University



## L. CARSON BISE, II, AICP, PRESIDENT, TISCHLERBISE, INC.

### SELECT IMPACT FEE AND INFRASTRUCTURE FUNDING EXPERIENCE

- City of Daphne, AL – *Impact Fee Study*
- City of Foley, AL – *Impact Fee Study*
- City of Gulf Shores, AL – *Impact Fee Study*
- City of Orange Beach, AL – *Impact Fee Study*
- City of Apache Junction, AZ – *Impact Fee Study*
- Town of Camp Verde, AZ – *Impact Fee Study*
- City of Eloy, AZ – *Impact Fee Study*
- City of Siloam Springs, AR – *Impact Fee Study*
- City of Avenal, CA – *Impact Fee Study*
- City of Banning, CA – *Impact Fee Study*
- City of National City, CA – *Impact Fee Study*
- City of Temecula, CA – *Impact Fee Study*
- City of Tulare, CA – *Impact Fee Study*
- City of Boulder, CO – *Impact Fee Study*
- Town of Castle Rock, CO – *Impact Fee Study*
- City of Coral Gables, CO – *Impact Fee Study*
- City of Greeley, CO – *Impact Fee Study*
- City of Steamboat Springs, CO – *Impact Fee Study*
- Town of Vail, CO – *Impact Fee Study*
- DeSoto County, FL – *Impact Fee Study*
- Manatee County, FL – *Impact Fee Study*
- City of Miami, FL – *Impact Fee Study*
- City of North Miami, FL – *Impact Fee Study*
- City of South Miami, FL – *Impact Fee Study*
- Pasco County, FL – *School Impact Fee Study*
- Polk County, FL – *Impact Fee Study*
- City of Parkland, FL – *Impact Fee Study*
- City of Punta Gorda, FL – *Impact Fee Study*
- Seminole County, FL – *School Impact Fee and Infrastructure Financing Study*
- Anne Arundel County, MD – *Revenue Strategies*
- Calvert County, MD – *Impact Fee Study*
- Caroline County, MD – *Schools Excise Tax Study*
- Carroll County, MD – *Impact Fee Study*
- Charles County, MD – *Impact Fee Study*
- Dorchester County, MD – *Impact Fee Study*
- Town of Easton, MD – *Impact Fee Study*
- City of Hagerstown, MD – *Impact Fee Study*
- Town of Hampstead, MD – *Impact Fee Study*
- City of Salisbury, MD – *Impact Fee Study*
- Talbot County, MD – *Impact Fee Study*
- Washington County, MD – *Impact Fee Study*
- Wicomico County, MD – *Impact Fee Study*
- Worcester County, MD – *Impact Fee Study*
- Broadwater County, MT – *Impact Fee Feasibility Study*
- Flathead County, MT – *Impact Fee Feasibility Study and Impact Fee Study*
- Florence-Carlton School District, MT – *Impact Fee Study*
- Gallatin Canyon/Big Sky, MT – *Capital Improvement and Funding Plan*
- City of Great Falls, MT – *Impact Fee Feasibility Study*
- City of Laurel, Montana – *Impact Fee Feasibility Study*
- City of Missoula/Missoula County, MT – *Impact Fee Study and Capital Facility Plan*
- City of North Las Vegas, NV – *Impact Fee Study*
- Nye County/Town of Pahrump, NV – *Impact Fee Study*
- City of Las Cruces, NM – *Water and Sewer Impact Fee Study*

## L. CARSON BISE, II, AICP, PRESIDENT, TISCHLERBISE, INC.

- Cabarrus County, NC – *Voluntary Mitigation Payment Studies (Two School Districts)*
  - City of Greenville, NC – *Impact Fee Study*
  - Abbeville County, SC – *Infrastructure Funding Strategy*
  - Beaufort County, SC – *Infrastructure Funding Strategy*
  - Clinton City, UT – *Impact Fee Study*
  - Draper City, UT – *Impact Fee Study*
  - Farmington City, UT – *Impact Fee Study*
  - Logan City, UT – *Impact Fee Study*
  - Mapleton City, UT – *Impact Fee Study*
  - City of Spanish Fork, UT – *Impact Fee Study*
  - City of West Jordan, UT – *Impact Fee Study*
  - Goochland County, VA – *Cash Proffer Study*
  - Henrico County, VA – *Impact Fee Study; Cash Proffer Study*
  - Prince George County, VA – *Cash Proffer Study*
  - Prince William County, VA – *Impact Fee Study*
  - Spotsylvania County, VA – *Impact Fee Study*
  - Stafford County, VA – *Impact Fee Study*
  - Sussex County, VA – *Cash Proffer Study*
- SPEAKING ENGAGEMENTS**
- *Fiscal Impact Assessment*, AICP Training Workshop, APA National Planning Conference
  - *Dealing with the Cost of Growth: From Soup to Nuts*, ICMA National Conference
  - *Demand Numbers for Impact Analysis*, National Impact Fee Roundtable
  - *Calculating Infrastructure Needs with Fiscal Impact Models*, Florida Chapter of the APA Conference
- *Economic Impact of Home Building*, National Impact Fee Roundtable
  - *Annexation and Economic Development*, APA National Conference
  - *Economics of Density*, APA National Conference
  - *The Cost/Benefit of Compact Development Patterns*, APA National Conference
  - *Fiscal Impact Modeling: A Tool for Local Government Decision Making*, ICMA National Conference
  - *Fiscal Assessments*, APA National Conference
  - *From Soup to Nuts: Paying for Growth*, APA National Conference
  - *Growing Pains*, ICMA National Conference
  - *Mitigating the Impacts of Development in Urban Areas*, Florida Chapter of the APA
  - *Impact Fee Basics*, National Impact Fee Roundtable
  - *Fiscal Impact Analysis and Impact Fees*, National Impact Fee Roundtable
  - *Are Subsidies Worth It?*, APA National Conference
- PUBLICATIONS**
- *Fiscal Impact Analysis: Methodologies for Planners*, APA
  - *Planning and Urban Design Standards*, APA, Contributing Author on Fiscal Impact Analysis
  - *Next-Generation Transportation Impact Fees*, Planners Advisory Service
  - *Fiscal Impact Analysis: How Today's Decisions Affect Tomorrow's Budgets*, ICMA Press
  - *The Cost/Contribution of Residential Development*, Mid-Atlantic Builder
  - *Are Subsidies Worth It?*, Economic Development News & Views
  - *Smart Growth and Fiscal Realities*, ICMA Getting Smart! Newsletter
  - *The Economics of Density*, AICP Training Series, 2005, Training CD-ROM (APA)

## DWAYNE GUTHRIE, PH.D., AICP, PRINCIPAL, TISCHLERBISE, INC.

### EXPERIENCE

Dr. Guthrie has thirty-two years of experience as a professional planner working primarily in the areas of impact fees, demographic analysis, infrastructure funding, fiscal evaluations, and transportation planning. His career includes twenty-three years of work as a planning consultant and eight years of public sector experience. At TischlerBise, Dr. Guthrie is the impact fee team leader, with over 380 studies completed for approximately 120 jurisdictions in twenty-five states/provinces. Dr. Guthrie has also served as an expert witness on the topic of impact fees.

As a planning practitioner, Dr. Guthrie promotes smart growth through revenue strategies and pricing policies. By helping communities implement development impact fees, local governments create a nexus between private sector development and the demand for public facilities. Rather than subsidize growth with general tax revenues, Dr. Guthrie works to ensure designated funding for infrastructure that also helps to minimize externalities like traffic congestion. He has pioneered innovative methods for tabulating census data to support higher fees for larger housing units and reducing fees for infill development located in urban centers.

Dr. Guthrie also taught graduate planning courses at local universities including Growth Management at the Alexandria campus of Virginia Tech and Planning Techniques at Catholic University of America. His doctoral dissertation, titled "Understanding Urban, Metropolitan, and Megaregion Development to Improve Transportation Governance", documents the expected geographic extent of commuter sheds in 2030 for large metropolitan areas within the

continental United States. Commuter sheds provide a viable refinement to current statistical area designations and solve problems due to inconsistent and fragmented MPO boundaries. Nine transportation megaregions are proposed based on specific criteria including global gateways that facilitate movement of people and goods, contiguous commuter sheds with urban centers spaced a suitable distance for high-speed rail service, and end-point commuter sheds projected to add at least one million persons and jobs from 2000 to 2030. The dissertation recommends a new paradigm for transportation governance with scale-dependent decision-making and funding strategies.

### EDUCATION

Ph.D., Planning, Governance, and Globalization, Virginia Tech  
Masters of Arts, Urban and Regional Planning, University of Florida  
B.A., Education, University of Florida

### SELECT IMPACT FEE AND INFRASTRUCTURE FUNDING EXPERIENCE

- Baldwin County, AL – *Impact Fee Study*
- City of Foley, AL – *Impact Fee Study*
- City of Avondale, AZ – *Development Impact Fees*
- City of Casa Grande, AZ – *Development Impact Fees*
- City of Glendale, AZ – *Development Impact Fees*
- City of Goodyear, AZ – *Development Impact Fees; Water Resources Fees*
- City of Peoria, AZ – *Development Impact Fees*
- City of Prescott, AZ – *Feasibility of Development Impact Fees for Roads*
- Town of Queen Creek, AZ – *Development Impact Fees*
- City of Scottsdale, AZ – *Development Impact Fees*
- City of Show Low, AZ – *Development Impact Fees*

## DWAYNE GUTHRIE, PH.D., AICP, PRINCIPAL, TISCHLERBISE, INC.

- City of Surprise, AZ – *Development Impact Fees*
- City of Tolleson, AZ – *Development Impact Fees*
- City of Bentonville, AR – *Development Impact Fees*
- City of Chino Hills, CA – *Development Impact Fees*
- City of Clovis, CA – *Sewer Impact Fees*
- City of Temecula, CA – *Development Impact Fees*
- City of Tulare, CA – *Development Impact Fees*
- Arapahoe County, CO – *Rural Road Funding Strategy*
- City of Boulder, CO – *Development Excise Taxes*
- Town of Castle Rock, CO – *Development Impact Fees and Evaluation of Douglas County School Fees*
- Town of Erie, CO – *Development Impact Fees*
- City of Evans, CO – *Development Impact Fees*
- Town of Johnstown, CO – *Drainage Financing Alternatives, Development Impact Fees, and Water Rate Study*
- City of Louisville, CO – *Development Impact Fees*
- Montezuma County, CO – *Development Impact Fees*
- Pitkin County, CO – *Funding Strategy & Impact Fees*
- City of Pueblo, CO – *Development Impact Fees*
- Town of Vail, CO – *Development Impact Fees*
- State of Delaware – *Transportation Impact Fees*
- New Castle County, DE – *Development Impact Fees, Sewer Policies and Capacity Fees*
- DeSoto County, FL – *Development Impact Fees*
- City of Lake Wales, FL – *Development Impact Fees*
- Manatee County, FL – *Development Impact Fees*
- City of Miami, FL – *Development Impact Fees and Evaluation of Miami-Dade County Impact Fees for Roads and Schools*
- City of Naples, FL – *Development Impact Fees*
- Coral Ridge Properties, Parkland, FL – *Capital Improvements Element*
- Polk County School District, FL – *Capital Needs Assessment*
- City of Punta Gorda, FL – *Development Impact Fees*
- City of Sunny Isles Beach, FL – *Development Impact Fees*
- Douglas County, GA – *CIE and Development Impact Fees*
- City of Douglasville, GA – *CIE and Development Impact Fees*
- Effingham County, GA – *CIE and Development Impact Fees*
- City of Garden City, GA – *CIE and Development Impact Fees*
- Gordon County, GA – *CIE and Development Impact Fees*
- Henry County, GA – *CIE and Transportation Impact Fees*
- Town of Hailey, ID – *Annexation Study and Development Impact Fees*
- City of Nampa, ID – *Development Impact Fees*
- City of Post Falls, ID – *Development Impact Fees*
- City of Baltimore, MD – *Transportation Funding Strategy*
- Carroll County, MD – *Development Impact Fees*
- Home Builders Association of Carroll County, MD – *Evaluation of Development Impact Fees*
- Cecil County, MD – *Development Excise Tax*
- Charles County, MD – *School Impact Fees*
- Frederick County, MD – *Development Impact Fees*
- Town of Hampstead, MD – *Development Impact Fees*
- City of Westminster, MD – *Capital Improvements Plan*
- Worcester County, MD – *Development Impact Fees*
- City of Madison, MS – *Development Impact Fees*
- City of Nixa, Missouri – *Development Impact Fees*
- City of Belgrade, Montana – *Development Impact Fees*
- Frenchtown Fire District, Montana – *Development Impact Fees*

## DWAYNE GUTHRIE, PH.D., AICP, PRINCIPAL, TISCHLERBISE, INC.

- City of Great Falls, MT – *Evaluation of Capacity Fees*
- Town of Manhattan, MT – *Development Impact Fees*
- City and County of Missoula, MT – *Development Impact Fees*
- City of Polson, MT – *Development Impact Fees*
- Douglas County, NV – *Road Impact Fees*
- NAOIP & HBA of Albuquerque, NM – *Evaluation of Impact Fees*
- City of Las Cruces, NM – *Development Impact Fees*
- Orange County, NC – *School Impact Fees*
- City of Delaware, OH – *Development Impact Fees*
- City of Green, OH – *Development Impact Fees*
- Home Builders Association of Beavercreek, OH – *Review of Transportation Fees*
- Village of Sunbury, OH – *Development Impact Fees*
- City of Edmond, OK – *Water and Sewer Impact Fees*
- City of Cambridge, Ontario – *Development Charges*
- City of Sarnia-Clearwater, Ontario – *Development Charges*
- Township of Wellesley, Ontario – *Development Charges*
- Aiken County, SC – *Development Impact Fees*
- Anderson County, SC – *Development Impact Fees*
- Georgetown County, SC – *Development Impact Fees*
- City of Sherman, TX – *Development Impact Fees*
- City of American Fork, UT – *Development Impact Fees*
- City of Clinton, UT – *Development Impact Fees*
- City of Farmington, UT – *Development Impact Fees*
- City of Hooper, UT – *Sewer Impact Fees*
- City of North Logan, UT – *Development Impact Fees*
- Salt Lake County, UT – *Stormwater and Park Impact Fees*
- City of Spanish Fork, UT – *Development Impact Fees*
- City of Springville, UT – *Park Impact Fees*
- City of Wellsville, UT – *Development Impact Fees*
- City of West Jordan, UT – *Development Impact Fees*
- City of Woods Cross, UT – *Development Impact Fees*
- Graham Companies (Loudoun County, VA) – *Evaluation of Dulles Sewer District*
- Jefferson County, WV – *Development Impact Fees*
- City of Eau Claire, WI – *Public Facilities Needs Assessment*
- City of Kenosha, WI – *Evaluation of CIP Process*
- City of Casper, WY – *Development Impact Fees*
- Teton County, WY – *Transit Impact Fees*

### SPEAKING ENGAGEMENTS

- *Next Generation Transportation Impact Fees*, Planners Advisory Service
- *Impact Fees*, Utah City Engineers Association
- *Funding the Infrastructure Gap*, APA National Conference
- *Development Impact Fees*, Association of Idaho Cities Conference
- *Reasonable Impact Fees*, National Association of Home Builders Conference
- *Impact Fees: The Good, The Bad and The Ugly*, Continuing Legal Education International, Growth Management Conference
- *Do Impact Fees Fit Your Comprehensive Revenue Strategy?*, Rocky Mountain Land Use Institute Conference
- *Developing a Capital Improvements Program*, Utah League of Cities & Towns Conference

### PUBLICATIONS

- *Introduction to Infrastructure Financing*, IQ Service Report, Vol. 31, No. 3. ICMA, 1999.

## POTENTIAL ISSUES

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TischlerBise does not anticipate any conflicts or issues that would affect our ability to perform this assignment in anything but a professional manner.



# SCOPE OF WORK

# APPROACH

# PROJECT APPROACH

## DEVELOPMENT IMPACT FEES

Development impact fees are fairly simple in concept, but complex in delivery. Generally, the jurisdiction imposing the fee must: (1) identify the purpose of the fee, (2) identify the use to which the fee is to be put, (3) show a reasonable relationship between the fee's use and the type of development project, (4) show a reasonable relationship between the facility to be constructed and the type of development, and (5) account for and spend the fees collected only for the purpose(s) used in calculating the fee.

Reduced to its simplest terms, the process of calculating development impact fees involves the following two steps:

1. Determine the cost of development-related capital improvements, and
2. Allocate those costs equitably to various types of development.

There is, however, a fair degree of latitude granted in constructing the actual fees, as long as the outcome is "proportionate and equitable." **Fee construction is both an art and a science, and it is in this convergence that TischlerBise excels in delivering products to clients.**

Any one of several legitimate methods may be used to calculate development impact fees for the City. The choice of a particular method depends primarily on the service characteristics and planning requirements for the facility type being addressed. Each method has advantages and disadvantages given a particular situation, and to some extent they are interchangeable, because they all allocate facility costs in proportion to the needs created by development.

In practice, the calculation of development impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for capital facilities. The following paragraphs discuss the three basic methods for calculating development impact fees and how those methods can be applied.

**Plan-Based Impact Fee Calculation** - The plan-based method allocates costs for a specified set of future improvements to a specified amount of development. The improvements are identified by a facility plan. In this method, the total cost of relevant facilities is divided by total demand to calculate a cost per unit of demand. The plan-based method is often the most advantageous approach for facilities that require engineering studies, such as roads and utilities.

**Cost Recovery Impact Fee Calculation** - The rationale for the cost recovery approach is that new development is paying for its share of the useful life and remaining capacity of facilities from which new growth will benefit. To calculate a development impact fee using the cost recovery approach, facility cost is divided by ultimate number of demand units the facility will serve. An oversized water storage tank is an example.

**Incremental Expansion Impact Fee Calculation** - The incremental expansion method documents the current level-of-service (LOS) for each type of public facility in both quantitative and qualitative measures, based on an existing service standard such as square feet per capita or park acres

## PROJECT APPROACH, CONT.

per capita. The LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, clients do not use the funds for renewal and/or replacement of existing facilities. Rather, the jurisdiction uses the development impact fee revenue to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments, with LOS standards based on current conditions in the community.

**Evaluation of Alternatives.** Designing the optimum development impact fee approach and methodology is what sets TischlerBise apart from our competitors. Unlike most consultants, we routinely consider each of the three methodologies for each component within a fee category. The selection of the particular methodology for each component of the development impact fee category will be dependent on which is most beneficial for the City of Hailey. In a number of cases, we will prepare the development impact fees using several methodologies and will discuss the various trade-offs with the City. There are likely to be policy and revenue tradeoffs depending on the capital facility and methodology. We recognize that “one size does not fit all” and create the optimum format that best achieves our clients’ goals.

***Each community is different each fee category is different, and TischlerBise compares alternative methodologies to maximize revenues for our clients.***

**GIS Technology.** TischlerBise routinely utilizes GIS technology to add value to the evaluation of infrastructure needs and assessing financing alternatives. This includes assessing existing land use, performing a GIS-based land suitability analyses that can be used to define service areas, project demands for facilities, and coordinate Capital Improvement Plan (CIP) investment for the City of Hailey.

**Lending a Sense of Market Reality to the Development Projections.** Projecting future residential and nonresidential development is more difficult now than in the past due to the recent economic downturn. This is compounded by shifting trends in the housing market as a result of changing demographics and lifestyle choices. Changes in the retail sector combined with existing surpluses of retail space in many communities are also a concern. TischlerBise’s extensive national experience conducting market analysis and real estate feasibility studies is invaluable in determining the appropriate development projections used in the development impact fee calculations. These projections include both the amount of development and the geographic location. Depending on the methodology employed, overly optimistic development projections can increase the City’s financial exposure, if development impact fee revenue is less than expected.

**Public Outreach.** The importance of public outreach when considering development impact fees and infrastructure funding options should not be overlooked. Based upon our experience with development impact fees and infrastructure funding efforts across the country, we anticipate that this study may attract controversy, especially given the current economic

## PROJECT APPROACH, CONT.

climate and the fact this will represent a new cost to consider in their project pro forma. Therefore, it is important to build a coalition of support early in the process, to educate and inform the public and other key stakeholders about the purpose of the study, and to explain how it will benefit both key constituents (developers) and the general public. It is critical to develop a communications strategy to offset and correct any misinformation that might proliferate and to provide a clear and compelling logic for public adoption of a development impact fee program. Our seasoned project team has actively participated in legislative body meetings and citizen committees to educate and lead stakeholders regarding the technical process of development impact fee calculations as well as the pros and cons of development impact fees, particularly during challenging economic times.

### ANNEXATION FEES

Many communities perceive annexations as 'cash cows'. Therefore, there is a tendency to focus on the additional revenues that will accrue as a result of annexation without evaluating the costs, especially from a capital perspective. A major reason for avoiding the cost part of the equation is the perceived difficulty in ascertaining the likely demands for services/facilities and the resulting costs. There are numerous factors that influence the fiscal sustainability of annexations, including the amount of development potential on remaining vacant land, the timing and/or staging of remaining development potential, assessed value of the existing development base, local and state revenue structures, local LOS, and the remaining capacity of existing capital facilities. Because of these factors, it is important in this type of analysis that the methodology and data withstand close scrutiny.

When many communities attempt to evaluate the fiscal impact of potential annexation areas, a common mistake is to estimate the initial increase in revenues and costs incurred in year one of the annexation—without considering additional development that is likely to occur over time. Failure to consider the impact of an annexation area over time can prove fiscally devastating to a community. The variables to include in the development of scenarios include population, housing units by type, jobs by type, and nonresidential square feet.

Once the annexation scenarios have been developed, it is recommended these scenarios be applied to geographic subareas, or Fiscal Analysis Zones. These Fiscal Analysis Zones should be based on natural features such as topography; man-made features such as roads; or character of land use (residential area versus nonresidential area).

Once selected, TischlerBise will work with the City to obtain the relevant LOS and cost and revenue factors, and will assist in defining scenarios and/or geographic subareas.

# SCOPE OF WORK

## PHASE I: DEVELOPMENT IMPACT FEES

### TASK 1: PROJECT INITIATION

The purpose of this Task is to develop a complete understanding of the City's land use planning issues as well as to begin to identify relevant policy issues for consideration in the crafting of the development impact fee methodology. In addition, this Task will serve as an opportunity for TischlerBise to make contact with City staff and conduct project "kick-off" activities. During this Task, we will meet with City staff to establish lines of communication, review and discuss project goals and City policies related to the project, review the project schedule (and revise if necessary), and request additional data and documentation related to the project. The specifics of this initial discussion are outlined below:

- Review and refine work plan and schedule, if appropriate.
- Assess information needs and required staff support.
- Discuss the City's current infrastructure needs.
- Discuss overall capital facility financing issues.
- Identify and discuss trade-offs with different impact fee approaches including: residential fees by house size; suggested expanding nonresidential fee schedule; geographic services areas.
- Identify and collect data and documents relevant to the analysis.
- Become familiar with the City's economic development goals.
- Identify any major relevant policy issues, including issues related to Blaine County's impact fees applied to City development.

**MEETINGS:** One (1) meeting with City staff.

**DELIVERABLES:** 1) Data request memorandum. 2) Revised project schedule, if necessary.

### TASK 2: PREPARE LAND USE ASSUMPTIONS

The purpose of this Task is to review and understand the current demographics of the City as they relate to growth and development and to determine the likely development future for the City in terms of new population, housing units, employment, and nonresidential building area over the next twenty (20) years. In this Task, we will update current development estimates and projections of future development to reflect recent Census and other data.

**MEETINGS:** Discussions with the Planning Department will be held as part of Task 1.

**DELIVERABLES:** A memorandum discussing the recommended land use factors and projections.

### TASK 3: DETERMINE CAPITAL FACILITY NEEDS AND SERVICE LEVELS

This Task as well as Tasks 4-6 may vary somewhat depending on the methodology applied to a particular development impact fee category. The development impact fee study for each facility type would be presented in separate chapters in the Development Impact Fee Report.

**Identify Facilities/Costs Eligible for Impact Fee Funding.** As an essential part of the nexus analysis, TischlerBise will evaluate the impact of development on the need for additional facilities, by type, and identify costs eligible for development impact fee funding. Elements of the analysis include:

- Review facility plans, fixed asset inventories, and other documents establishing the relationship between development and facility needs by type.
- Identify planned facilities, vehicles, equipment, and other capital

## SCOPE OF WORK, CONT.

components eligible for development impact fee funding.

- Prepare forecast of relevant capital facility needs.
- Adjust costs as needed to reflect other funding sources.

As part of calculating the fee, the City may include the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction system improvement; and debt service charges, if the City might use development impact fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the cost of system improvements. All of these components will be considered in developing an equitable allocation of costs.

**Identify Appropriate LOS Standards.** We will review needs analyses and LOS for each facility type. Activities related to this Task include:

- Apply defined service standards to data on future development to identify the impacts of development on facility and other capital needs. This will include discussions with staff of the existing versus adopted LOS, as appropriate.
- Ascertain and evaluate the actual demand factors that generate the need for each type of facility to be addressed in the study.
- Identify actual existing service levels for each facility type. This is typically expressed in the number of demand units served.
- Define service standards to be used in the development impact fee analysis.
- Determine appropriate geographic service areas for each fee category.

**MEETINGS:** One (1) meeting with City staff to discuss capital facility needs and LOS.

**DELIVERABLES:** See Task 7.

### **TASK 4: EVALUATE DIFFERENT ALLOCATION METHODOLOGIES**

The purpose of this Task is to determine the methodology most appropriate for each development impact fee category. As noted previously, the three basic methodologies that can be applied in the calculation of development impact fees are the plan-based, incremental expansion, and cost-recovery approaches. Selection of the particular methodology for each component of the development impact fee category will depend on which is most beneficial for the City of Hailey. In a number of cases, we will prepare the development impact fees for a particular infrastructure category using several methodologies and will discuss the trade-offs with the City. This allows the utilization of a combination of methodologies within one fee category. For instance, a plan-based approach may be appropriate for a new building while an incremental approach may be appropriate for support vehicles and equipment. By testing all possible methodologies, the City is assured that the maximum supportable development impact fee will be developed. Policy discussions will then be held at the staff level regarding the trade-offs associated with each allocation method prior to proceeding to the next Task.

**MEETINGS:** One (1) conference call with City staff to discuss issues related to allocation methodologies.

**DELIVERABLES:** See Task 7.

### **TASK 5: DETERMINE NEED FOR "CREDITS" TO BE APPLIED AGAINST CAPITAL COSTS**

A consideration of "credits" is integral to the development of a legally valid development impact fee methodology. There is considerable confusion among those who are not immersed in development impact fee law about

## SCOPE OF WORK, CONT.

the definition of a credit and why it may be required.

There are two types of "credits" that are included in the calculation of development impact fees, each with specific, distinct characteristics. The first is a credit due to possible double payment situations. This could occur when a property owner will make future contributions toward the capital costs of a public facility covered by a development impact fee. The second is a credit toward the payment of a development impact fee for the required dedication of public sites and improvements provided by the developer and for which the development impact fee is imposed. Both types of credits will be considered and addressed in the development impact fee study.

**MEETINGS:** None.

**DELIVERABLES:** See Task 7.

### **TASK 6: CONDUCT FUNDING AND CASH FLOW ANALYSIS**

In order to prepare a meaningful CIP, it is important to not only understand the gross revenues, but also the capital facility costs and any deficits. In this case some consideration should be given to anticipated funding sources. This calculation will allow the City to better understand the various revenue sources possible and the amount that would be needed if the development impact fees were discounted.

The initial cash flow analysis will indicate whether additional funds might be needed or if the CIP might need to be changed to have new growth pay its fair share of new capital facilities. This could also affect the total credits calculated in the previous Task. Therefore, it is likely that a number of iterations will be conducted in order to refine the cash flow analysis reflecting the capital improvement needs.

**MEETINGS:** None.

**DELIVERABLES:** See Task 7.

### **TASK 7: PREPARE CIP/DEVELOPMENT IMPACT FEE REPORT, PUBLIC PRESENTATIONS**

TischlerBise will prepare a draft report that complies with the Idaho Development Impact Fee Act, which will include CIPs for all applicable Infrastructure categories. The report will summarize the need for development impact fees for the appropriate public facility category and the relevant methodologies employed as well as documents all assumptions and cost factors. The report will include at a minimum the following information: In addition to an Executive Summary, there will be separate chapters for each infrastructure category that will include:

- A detailed description of the methodologies used during the study.
- A detailed description of all LOS standards and cost factors used and accompanying rationale.
- A detailed schedule of all proposed fees listed by land use type and activity.
- Other information which adequately explains and justifies the resulting recommended fee schedule.
- Capital Improvement Plans.
- Cash Flow Analysis.

Following the City's review of the draft report, we will make mutually agreed upon changes to the Capital Improvement Plans and Development Impact Fee Report.

TischlerBise's Development Impact Fee Report will have flow diagrams clearly indicating the methodology and approach, a series of tables for each activity showing all of the data assumptions and figures, and a narrative explaining all

## **SCOPE OF WORK, CONT.**

of the data assumptions, sources and the methodologies. The report will be a stand alone document clearly understood by interested parties. Because of the firm's extensive experience in calculating development impact fees and preparing such reports, we have developed a very succinct written product that leaves a well-understood paper trail.

**MEETINGS:** One (1) meeting/presentation to present results.

**DELIVERABLES:** Draft and final reports and presentation materials for meetings.

**TASK 8: ASSIST WITH DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE**  
Per the Idaho Development Impact Fee Act, the City is required to establish an Advisory Committee to assist in the development and review of land use assumptions, Capital Improvement Plans, and development impact fees. In our calculation of fees across the Country, it has proven beneficial to have such a committee. The purpose of this committee is to allow interested parties designated by the City in accordance with the Act to understand assumptions and raise questions about the technical demographic, cost, revenue, credit and other data and supporting documentation that is being used in the calculation of development impact fees. This will not be a forum to discuss the political and/or philosophical use of fees. Rather it will be an opportunity for these interested parties to understand the soundness and the reasonableness of the technical development impact fee methodology. We propose two meetings with this group. The first would be to discuss the initial data assumptions, after "sign-off" by the client. The second would be to discuss the proposed methodologies for each infrastructure category and Capital Improvement Plan assumptions utilized in the draft Development Impact Fee report. Utilizing this forum will enable the focus of the public

hearings to be on the political and economic issues of implementing fees, not the technical approach.

**MEETINGS:** Two (2) meetings with Development Impact Fee Advisory Committee.

**DELIVERABLES:** Draft and final reports and presentation materials for meetings.

### **PHASE II: ANNEXATION FEES**

#### **TASK 1: PREPARE LAND USE ASSUMPTIONS**

The purpose of this Task is to determine the development potential in areas of the unincorporated County that may make sense for annexation. This includes determining specific geographies, as well as determining the current development base, and future residential and nonresidential development potential.

**MEETINGS:** Discussions with the Planning Department will be held as part of Task 1.

**DELIVERABLES:** A memorandum discussing the recommended land use factors and projections.

#### **TASK 2: DETERMINE CAPITAL FACILITY NEEDS FROM ANNEXATION**

This Task will determine what capital costs would be incurred by the City if it were to annex certain areas of the unincorporated County. These are costs that would not be incurred if not for annexation.

**Identify Facilities/Costs Eligible for Annexation Fee Funding.** As an essential part of the nexus analysis, TischlerBise will evaluate the impact of annexation on the need for additional facilities, by type, and identify costs eligible for annexation fee funding. Elements of the analysis include:

## SCOPE OF WORK, CONT.

- Review facility plans, fixed asset inventories, and other documents establishing the relationship between development and facility needs by type.
- Identify planned facilities, vehicles, equipment, and other capital components eligible for impact fee funding.
- Prepare forecast of relevant capital facility needs.
- Adjust costs as needed to reflect other funding sources.

As part of calculating the fee, the City may include the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction system improvement; and debt service charges, if the City might use annexation fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the cost of system improvements. All of these components will be considered in developing an equitable allocation of costs.

**Identify Appropriate LOS Standards.** We will review needs analyses and LOS for each facility type. Activities related to this Task include:

- Apply defined service standards to data on future annexation to identify the impacts of development on facility and other capital needs. This will include discussions related to one-time costs to bring certain facilities (e.g., roads) up to City standards.
- Ascertain and evaluate the actual demand factors that generate the need for each type of facility to be addressed in the study.
- Identify actual existing service levels for each facility type. This is typically expressed in the number of demand units served.
- Define service standards to be used in the annexation fee analysis.

- Determine appropriate geographic service areas for each annexation fee category.

**MEETINGS:** One (1) to two (2) meetings with City staff to discuss capital facility needs and LOS.

**DELIVERABLES:** See Task 3.

### **TASK 3: PREPARE ANNEXATION FEE REPORT, PUBLIC PRESENTATIONS**

TischlerBise will prepare a draft Annexation Fee Report that is consistent with best practices in the State of Idaho. The report will summarize the need for annexation fees for the appropriate public facility category and the relevant methodologies employed as well as documents all assumptions and cost factors. The report will include at a minimum the following information: In addition to an Executive Summary, there will be separate chapters for each infrastructure category that will include:

- A detailed description of the methodologies used during the study.
- A detailed description of all LOS standards and cost factors used and accompanying rationale.
- A detailed schedule of all proposed fees listed by land use type and activity.
- Other information which adequately explains and justifies the resulting recommended fee schedule.

Following the City's review of the draft report, we will make mutually agreed upon changes to the Annexation Fee Report.

**MEETINGS:** One (1) meeting/presentation to present results.

**DELIVERABLES:** Draft and final reports and presentation materials for meetings.

# PROJECT SCHEDULE

The following table presents our anticipated project schedule for this assignment.

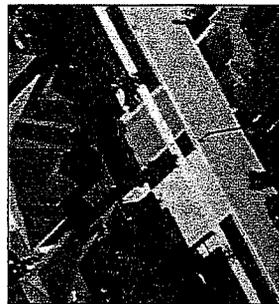
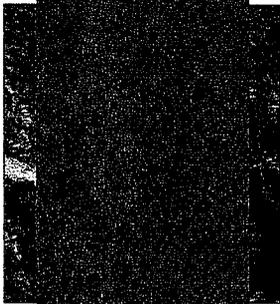
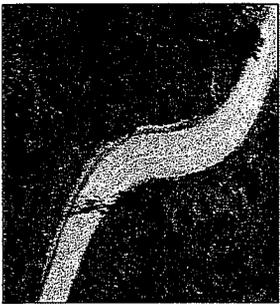
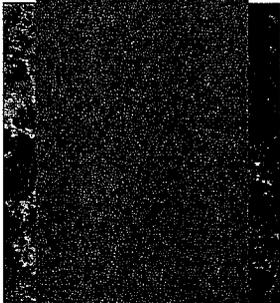
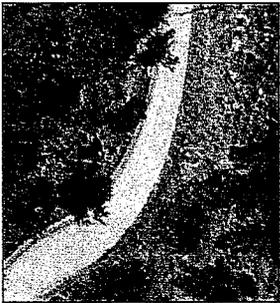
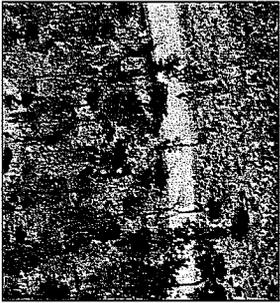
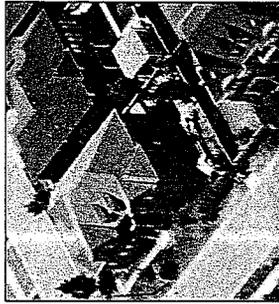
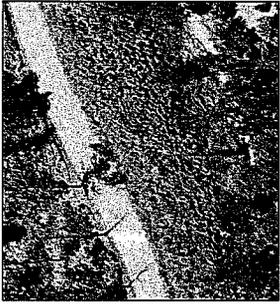
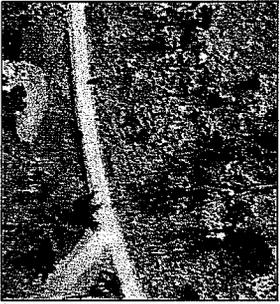
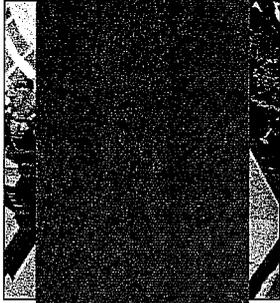
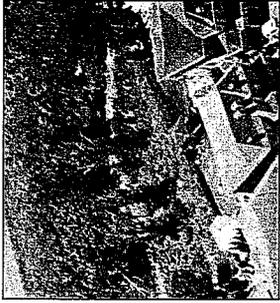
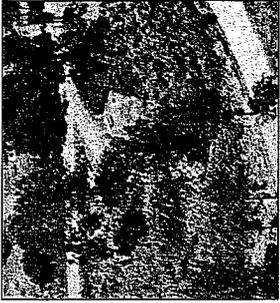
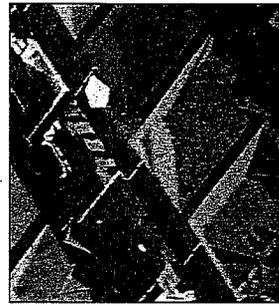
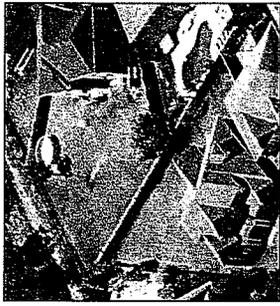
Project Schedule for the City of Hailey, Idaho						
	March	April	May	June	July	
<b>Phase I: Development Impact Fee Study</b>						
Task 1: Project Initiation	◆					
Task 2: Prepare Land Use Assumptions						
Task 3: Determine Capital Facility Needs and Service Levels			◆			
Task 4: Evaluate Different Allocation Methodologies						
Task 5: Determine Need for "Credits"						
Task 6: Conduct Funding Cash Flow Analysis						
Task 7: Prepare CIP, Development Impact Fee Report and Presentation					◆	
Task 8: Assist with Development Impact Fee Advisory Committee					◆	
<b>Phase II: Annexation Fee Study</b>						
Task 1: Prepare Land Use Assumptions						
Task 2: Determine Capital Facility Needs from Annexation						
Task 3: Prepare Annexation Fee Report and Presentation						◆

◆ Meeting/Presentation

# PROPOSED FEE SCHEDULE

The following table presents our proposed project cost schedule for this assignment and encompasses the tasks, meetings, and deliverables identified in our Scope of Work. Please note that this is a fixed fee proposal and includes direct expenses related to the project with no overhead mark-up. TischlerBise bills on a monthly basis, based on percentage complete. Payment terms are net 30 days.

Proposed Fee Schedule for the City of Hailey, Idaho						
Tasks	Project Team Member:		Bise \$200	Guthrie \$180	Total	
	Hourly Rate				Hours	Cost
Task 1: Project Initiation			2	8	10	\$1,840
Task 2: Prepare Land Use Assumptions			4	36	40	\$7,280
Task 3: Determine Capital Facility Needs and Service Levels			8	42	50	\$9,160
Task 4: Evaluate Different Allocation Methodologies			4	8	12	\$2,240
Task 5: Determine Need for Credits			0	8	8	\$1,440
Task 6: Conduct Funding Cash Flow Analysis			0	8	8	\$1,440
Task 7: Prepare CIP, Development Impact Fee Report and Presentation			8	40	48	\$8,800
Task 8: Assist with Development Impact Fee Advisory Committee			8	16	24	\$4,480
<b>Subtotal: Impact Fee Study</b>			<b>34</b>	<b>166</b>	<b>200</b>	<b>\$36,680</b>
Task 1: Prepare Land Use Assumptions			0	16	16	\$2,880
Task 2: Determine Capital Facility Needs from Annexation			2	16	18	\$3,280
Task 3: Prepare Annexation Fee Report and Presentation			4	32	36	\$6,560
<b>Subtotal: Annexation Fee Study</b>			<b>6</b>	<b>64</b>	<b>70</b>	<b>\$12,720</b>
<b>Total Cost:</b>			<b>40</b>	<b>230</b>	<b>270</b>	<b>\$49,400</b>



**TischlerBise**  
 FISCAL | ECONOMIC | PLANNING

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03/02/2015

**DEPARTMENT:** Fire

**DEPT. HEAD SIGNATURE:** CA/HD 

**SUBJECT:**

Consideration of Resolution 2015-10, authorizing a contract for services with Wood River Fire District, subject to approval by Wood River Fire District

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

Hailey Fire Chief Craig Aberbach has been working with Wood River Fire District Chief Bart Lassman and the WRFD Commission toward a contract for services between the City of Hailey and WRFD. The proposed contract follows several small steps the Chiefs have taken over the past year to coordinate efforts and work together, including holding joint trainings, and assisting one another with services when helpful.

The attached draft contract, if adopted by both Hailey and WRFD, will provide that the departments provide service to one another on a formalized basis. Instead of hiring an assistant chief, WRFD would pay funds to Hailey to utilize Hailey's fire chief in the role of WRFD Assistant Chief. Also, when fire prevention service is needed, Hailey's Deputy Chief/Fire Marshall or Fire Inspector would provide service to WRFD for plan review, fire prevention technical assistance, and fire investigation.

The draft contract attached contemplates payment to Hailey of \$7,083.33 per month, for a term of six (6) months, as a trial period.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

WRFD will save some money by not hiring an assistant fire chief. The draft contract monthly amount equates to an annual \$85,000. If the contract is adopted, the Hailey City Administrator recommends that this fee, paid to the City of Hailey, be budgeted for additional salaries for Hailey Fire Department Staff who will be assigned extra work, and for supplementing general costs of the department which may be use for the benefit of WRFD under the terms or the contract. *HD*

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

- |                                                        |                                              |                                             |
|--------------------------------------------------------|----------------------------------------------|---------------------------------------------|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library             | <input type="checkbox"/> Benefits Committee |
| <input type="checkbox"/> City Attorney                 | <input checked="" type="checkbox"/> Mayor    | <input type="checkbox"/> Streets            |
| <input type="checkbox"/> City Clerk                    | <input type="checkbox"/> Planning            | <input type="checkbox"/> Treasurer          |
| <input type="checkbox"/> Building                      | <input type="checkbox"/> Police              | _____                                       |
| <input type="checkbox"/> Engineer                      | <input type="checkbox"/> Public Works, Parks | _____                                       |
| <input checked="" type="checkbox"/> Fire Dept.         | <input type="checkbox"/> P & Z Commission    | _____                                       |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Motion to approve Resolution 2015-10, authorizing a contract for services with Wood River Fire District, subject to approval by Wood River Fire District.

**ACTION OF THE CITY COUNCIL:**

Date : \_\_\_\_\_

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

**CONTRACT FOR SERVICES**  
(Wood River Fire and Rescue)

This Contract for Services ("Contract") is made and entered into this \_\_\_\_ day of March, 2015, by and between the City of Hailey, an Idaho municipal corporation ("Hailey") and the Wood River Fire Protection District, also known as Wood River Fire and Rescue, an Idaho political subdivision ("WRFR"). (Hailey and WRFR may individually be referred to as a "Party" and are collectively referred to as the "Parties").

**RECITALS**

A. WRFR is a rural protection district and a political subdivision in Blaine County, Idaho and has authority to enter into this Contract. The duly elected and acting commissioners of the WRFR are Jay Bailet, James Frehling and Allan Luray.

B. Hailey is a municipal corporation and political subdivision of the State of Idaho, and has authority to enter into this Contract. Fritz X. Haemmerle is the duly elected Mayor of Hailey. The Hailey City Council has authorized the Mayor to execute this Contract.

C. WRFR has a vacancy for the position of an Assistant Fire Chief. After conducting interviews for the Assistant Fire Chief, WRFR has had discussions with Hailey to engage the services of the Hailey Fire Chief, Craig Aberbach, as the Assistant Fire Chief under a contract for services. The Parties are agreeable with the provisions of services described in paragraph 1, below, for the term and consideration as set forth in this Contract.

D. Subject to the terms and conditions of this Contract, the Parties desire to enter into this Contract to allow the Hailey Fire Chief to provide contract services to WRFR.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants, promises, agreements, terms and conditions set forth herein, the Parties covenant and agree as follows:

1. Administrative and Fire Prevention Services. Hailey shall provide to WRFR the administrative and fire prevention services of the Hailey Fire Department in attached **Exhibit "A"**, together with those services set forth in this Agreement.

2. Term. This Contract is effective commencing at 12:01 o'clock a.m. on April 1, 2015, and continuing until midnight September 30, 2015 ("Initial Term"). The term of this Contract shall be automatically extended by the parties for one (1) additional one (1) year term after the Initial Term ("Extended Term") under the same terms and conditions of this Contract unless either Party provides written notification of its intent to allow the expiration of the Contract more than sixty (60) days before the expiration of the Initial Term.

3. Consideration. WRFR shall pay Hailey for the services provided in paragraph 1 under this Contract the sum of Seven Thousand Eighty Three and 33/100's Dollars (\$7,083.33) per month beginning on or before April 10, 2015 and on or before the tenth day of each month thereafter during the Initial Term or Extended Term, if any. During each Party's future budget

cycle, the Parties agree to evaluate the consideration to be paid and services provided and make equitable adjustments to the consideration to be paid in the following fiscal year. In the event WRFR fails to make a monthly payment within fifteen (15) days of the payment due date as provided herein, WRFR shall be responsible for paying the delinquent amount and an additional payment equal to the current rate of return for the State of Idaho Local Government Investment Pool on the delinquent amount for the entire period of the delinquency.

4. Additional Services. WRFR may request services for services from the Hailey Fire Department that are in addition to the services set forth in Paragraph 1(A) of this Contract and shall give Hailey reasonable notice of such a request. When such a request is made, WRFR and Hailey will not unreasonably withhold their approval of such additional services. WRFR agrees to pay for any mutually agreed additional overtime, salary, special pay, benefits, equipment, supply or any other costs relating to or resulting from the provision of services for the requested additional service.

5. Reporting.

A. Data Collection. Hailey shall maintain accurate data collection on the services provided to WRFR and shall provide reports to WRFR on a monthly basis (??).

6. Independent Contractor; Personnel and Equipment. The Parties agree that Hailey is acting hereunder as an independent contractor for WRFR and that WRFR releases any right of control over the method, manner or means by which Hailey performs its duties and responsibilities hereunder. Consistent with the independent contractor status, 1) control of personnel, standards of performance, discipline and all other aspects of performance shall be governed entirely by Hailey (allegations of misconduct shall be investigated in accordance with applicable personnel policies); 2) all persons rendering service hereunder shall be Hailey employees employed by Hailey; 3) all liabilities for salaries, wages, any other compensation, employee injury or sickness, and employee complaints arising from services by Hailey hereunder shall be the responsibility of Hailey; 4) Hailey shall furnish personnel, equipment, materials, supplies and such resources and material in accordance with this Contract and as necessary to provide the level of fire and rescue service herein described; and 5) ownership of equipment purchased by Hailey shall be retained by Hailey.

7. Termination Process. In the event either Party hereto desires to terminate this Contract prior to the expiration date, such Party may do so by giving 60 days advance written notice to the other Party.

8. Insurance Requirements. Each Party shall maintain in full force and effect, at its sole cost and expense, during the term of this Agreement, commercial general liability insurance for the purpose of protecting each other against liability for loss or damage, for bodily injury, property damage, personal injury, death, civil rights violations, and errors and omissions, relating to the operations of the other Party under this Agreement. Such policies shall provide insurance against property damage in an amount not less than \$500,000.00 and bodily injury with limits of not less \$500,000.00 per person and \$1,000,000.00 total for each occurrence; provided, however, the minimum limits of insurance as set forth herein shall be automatically increased at any time the liability limits of either Party are increased pursuant to the Idaho Tort Claims Act (*Idaho Code Sections 6-901 et seq.*). Such insurance shall be noncancellable except upon thirty (30) days prior written notice to the other Party.

9. Indemnification.

A. WRFR to Hold Hailey Harmless. WRFR hereby covenants to hold and save Hailey and all its officers, agents, and employees, harmless from all claims whatsoever that might arise against Hailey, its officers, agents, or employees by reason of any acts or failures to act on the part of WRFR, its officers, agents, or employees in the performance of the duties required by the terms of this Contract.

B. Hailey to Hold WRFR Harmless. Hailey hereby covenants to hold and save WRFR and all its officers, agents, and employees, harmless from all claims whatsoever that might arise against WRFR, its officers, agents, or employees by reason of any acts or failures to act on the part of Hailey, its officers, agents, or employees in the performance of the duties required by the terms of this Contract.

C. Liability Related to WRFR Policies, Rules or Regulations and County Ordinances. In executing this Contract, Hailey and the Hailey Fire Department do not assume liability or responsibility for or in any way release WRFR from any liability or responsibility which arises in whole or in part from the existence or effect of WRFR policies, rules or regulations and county ordinances. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such WRFR policy, rule or regulation and county ordinance is at issue, WRFR shall defend the same at its sole expense and, if judgment is entered or damages are awarded against WRFR, Hailey, the Hailey Fire Department, or any combination of these entities, WRFR shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

10. Audits and Inspections. The records and documents with respect to all matters covered by this Contract shall be subject to inspection, review or audit by Hailey or WRFR during the term of this Contract and three (3) years after expiration or termination, as the case may be, unless such records are exempt from disclosure under the Idaho Public Records Laws, or other applicable law.

11. Contract Administration.

A. Contract Administrators. The WRFR Fire Chief and Hailey Fire Chief or their designee(s) shall serve as contract administrators to review contract performance and resolve operational problems or issues hereunder or with regard to the services provided hereunder.

B. Referral of Unresolved Problems. The WRFR Fire Chief and the Hailey Fire Chief shall refer any issue or problem, which cannot be resolved by the fire chiefs, to a designated commissioner designated by the Board of Commissioners of the WRFR and the Hailey Mayor, who shall meet as necessary to resolve such issues.

12. General Provisions.

A. Police Powers. Nothing contained herein is intended to limit the police powers or other powers of Hailey or WRFR. This Contract shall not be construed to modify or waive any law, ordinance, rule, or regulations of WRFR or Hailey, or any subsequent amendment thereof.

B. Amendment. This Contract may be revised, amended, or canceled in whole or in part, only by means of a written instrument executed by the Parties hereto.

C. Assignment. Neither this Contract nor any portion thereof may be assigned by any party hereto without the prior written consent of the other Party.

D. Default. In the event either Party, its successor and assign, fail to faithfully comply with all the terms and conditions included in this Contract, it shall be in breach of this Contract. In addition to all other remedies at law or in equity, this Contract shall be enforceable by specific performance by either party hereto. All remedies shall be cumulative.

E. Notices. Any and all notices, demands, requests, and other communications required to be given hereunder by either of the Parties hereto shall be in writing and be deemed properly served or delivered, if delivered by hand to the party to whose attention it is directed, or when sent, three (3) days after deposit in the U.S. mail, postage prepaid, or upon the sending of a facsimile, followed by a copy sent by U.S. mail as provided herein, addressed as follows:

To WRFD: Wood River Fire and Rescue  
117 East Walnut Street  
Hailey, ID 83313

To Hailey: City of Hailey  
115 Main Street So.  
Hailey, Idaho 83333

or at such other address, or facsimile number, or to such other party which any party entitled to receive notice hereunder designates to the other in writing as provided above.

F. Attorney Fees. In the event either party hereto is required to retain counsel to enforce a provision of this Contract, or to recover damages resulting from a breach hereof, the prevailing party shall be entitled to recover from the other party all reasonable costs and attorney's fees incurred, including without limitation on appeal.

G. Entire Agreement/Waiver of Default. The Parties agree that this Contract is the complete expression of the terms hereto and any oral or written representations or understandings not incorporated herein are excluded. The Parties recognize that time is of the essence in the performance of the provisions of this Contract. Waiver or breach of any provision of the Contract shall not be deemed to be waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the Contract.

H. Partial Invalidity. In the event any portion of this Contract shall be determined by any court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions of this Contract, or parts hereof, shall remain in full force and effect.

I. Captions. The captions of this Contract are inserted only for the purpose of convenience and in no way define, limit or prescribe the scope or intent of this Contract or any part hereof.

J. No Presumptions. No presumption shall exist in favor or against any party

CONTRACT FOR SERVICES -Page 4

to this Contract as a result of the drafting and/or preparation of this Contract.

K. Recitals Incorporated. The recitals set forth in this Contract are hereby incorporated herein by reference.

L. No Third Party Beneficiaries. This Contract is not intended, nor shall it be deemed or construed, to create or confer any rights upon third parties.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective on the date and year set forth herein.

WOOD RIVER FIRE PROTECTION DISTRICT

By: \_\_\_\_\_  
Jay Bailet, Chairman

By: \_\_\_\_\_  
James Frehling, Commissioner

By: \_\_\_\_\_  
Allan Luray, Commissioner

CITY OF HAILEY

By: \_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

## EXHIBIT A

### **Scope of Responsibilities:**

The Assistant Fire Chief position will provide administrative and operational leadership which includes planning, coordination and directing of the emergency service operations in addition to budgeting and finance, code enforcement, emergency medical services, personnel and training. Additional responsibilities include commanding structure fires, wildland fires, motor vehicle accidents as well as many other types of complex incidents. Also to assist in coordinating assigned activities with other City and District departments and outside agencies; and to provide highly responsible and complex executive level support to the Fire Chief as a member of the Department's management team.

The Wood River Fire Chief may request assistance as needed in the area of fire prevention/investigation. This may include plans review, fire prevention technical assistance, and fire investigation from the Hailey Fire Marshall or Hailey Fire Inspector.

The Assistant Chief position will serve as Fire Chief of the department in the Fire Chiefs absence.

**Return to Agenda**

**AGENDA ITEM SUMMARY**

**DATE:** 03/02/15    **DEPARTMENT:** Public Works    **DEPT. HEAD SIGNATURE:** MP

**SUBJECT:** Introduction to park reservation fee updates

**AUTHORITY:**  ID Code \_\_\_\_\_     IAR \_\_\_\_\_     City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

The city has not updated its park reservation fee schedule since 2011. In the last 2-3 years, many more resources have been devoted to annual park maintenance and improvements, providing better a higher level of service for Hailey residents and greater interest in park reservations/rentals.

At the beginning of last year's park season the city started tracking park reservations on a Google calendar, which was posted live to the city's website. The calendar allows the public and staff to identify what parks have reservations and for all types of uses – special events, seasonal, one-time events with less than 250 attendees, etc. Attached is the reservation calendar from last year.

The reservation calendar is good for monitoring the condition of heavily used parks and is a good indicator of this coming season's expected impact and maintenance needs. More usage means more maintenance – garbage, bathrooms, fertilizer, mowing, irrigation, etc. High usage fields, such as Keefer, have multiple reservations for seasonal use, which in total occur approximately three hours, six days a week, for 6 to 7 months. This volume of use creates a significant impact and requires more fertilizer and maintenance as a result.

Most of our seasonal events are 2-3 days a week and begin in April and run until October. This is 56-84 days of use in a season, which equates to a use-per-day cost of: \$1.19 (84 days of use)-\$1.78 (56 days of use).

To help ensure that the costs of private/reserved use are covered, Public Works is proposing a fee increase for park reservations. The current and proposed fee chart is as follows:

<b>Size/Type of Group</b>	<b>CURRENT</b>	<b>PROPOSED</b>
Private event/rental up to 24 people	\$25.00	\$50.00
Private event/rental for 25-99 people	\$50.00	\$100.00
Private event/rental for 100-249	\$100.00	\$150.00
Season event/rental	\$100.00	\$300.00

The proposed fees would reflect a use-per-day cost of \$3.57(84 days of use) -\$5.35(56 days of use).

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

___ City Attorney	___ Finance	___ Licensing	___ Administrator
___ Library	___ Community Development	___ P&Z Commission	___ Building
___ Police	___ Fire Department	___ Engineer	___ W/WW
___ Streets	___ Parks	<u>  X  </u> Public Works	___ Mayor

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Discuss the proposed fee changes prior to preparing a resolution for the next Council meeting.

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_  
City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record      \*Additional/Exceptional Originals to: \_\_\_\_\_

SUN	MON	TUE	WED	THU	FRI	SAT	
30	31	1	2	3	4	5	
	4pm - FOXMOOR 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL	5:30pm - MCKERCHE	4pm - FOXMOOR 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL 7:30pm - KEEPER	5:50pm - MCKERCHE	5:30pm - MCKERCHE 6:30pm - BALMORAL		
6	7	8	9	10	11	12	
	4pm - FOXMOOR 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL	4pm - FOXMOOR 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	4pm - FOXMOOR 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL	4pm - FOXMOOR 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	5:30pm - MCKERCHE 6:30pm - BALMORAL		
13	14	15	16	17	18	19	
	4pm - FOXMOOR 4pm - KEEPER-BCRD 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL	4pm - FOXMOOR 4pm - KEEPER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	4pm - FOXMOOR 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL	8am - KEEPER - City 4pm - FOXMOOR 4pm - KEEPER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	8am - KEEPER - City 5:30pm - MCKERCHE 6:30pm - BALMORAL	11:30am - HOP 2pm - HOP PORTER	
20	21	22	23	24	25	26	
	4pm - FOXMOOR 4pm - KEEPER-BCRD 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL	4pm - FOXMOOR 4pm - KEEPER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	8am - HEAGLE 8am - LIONS 4pm - FOXMOOR 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL	8am - CURTIS 8am - DEERFIELD 4pm - FOXMOOR 4pm - KEEPER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL	8am - FOXMOOR 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	9am - HEAGLE 12pm - KEEPER 1pm - HOP PORTER 4pm - CUTTERS	
27	28	29	30	31	1	2	
	8am - BALMORAL 8am - ECHO HILL 8am - KEEPER 4pm - FOXMOOR 4pm - KEEPER-BCRD 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL 7:30pm - KEEPER	8am - OLD CUTTERS 4pm - FOXMOOR 4pm - KEEPER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	8am - HEAGLE 8am - LIONS 10am - KEEPER 4pm - FOXMOOR 4pm - KEEPER 4pm - MCKERCHER 6:30pm - BALMORAL 7:30pm - KEEPER	8am - CURTIS 8am - DEERFIELD 4pm - FOXMOOR 4pm - KEEPER-BCRD 4pm - KEEPER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	8am - FOXMOOR 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	8am - FOXMOOR 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEPER	3pm - HOP PORTER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	1	2	3
LIONS-Coed Softball	8am - BALMORAL - 8am - ECHO HILL - 8am - KEEFER - 4pm - FOXMOOR - 4pm - KEEFER-BCRD	8am - HEAGLE - 8am - LIONS - 10am - KEEFER- 4pm - FOXMOOR- 4pm - KEEFER-	8am - CURTIS - 8am - DEERFIELD - 4pm - FOXMOOR- 4pm - KEEFER-BCRD	8am - FOXMOOR - 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER-	8am - FOXMOOR - 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER-	3pm - HOP PORTER-
4	5	6	7	8	9	10
LIONS-Coed Softball	LIONS-Coed Softball 8am - BALMORAL - 8am - ECHO HILL - 8am - KEEFER - 4pm - FOXMOOR - 4pm - KEEFER-BCRD	LIONS-Coed Softball 8am - HEAGLE - 8am - LIONS - 10am - KEEFER- 10am - KEEFER- 4pm - FOXMOOR-	LIONS-Coed Softball HOP PORTER - LIONS-Coed Softball 8am - FOXMOOR - 5:30pm - MCKERCHE 8am - CURTIS - 8am - DEERFIELD - 4pm - FOXMOOR- 4pm - KEEFER-BCRD	LIONS-Coed Softball 8am - FOXMOOR - 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER-	LIONS-Coed Softball 8am - FOXMOOR - 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER-	LIONS-Coed Softball 8am - HOP PORTER- 9am - FOXMOORE- 10am - CUTTERS- 11am - HEAGLE - 1pm - HOP PORTER
11	12	13	14	15	16	17
LIONS-Coed Softball	LIONS-Coed Softball 8am - BALMORAL - 8am - ECHO HILL - 8am - KEEFER - 4pm - FOXMOOR - 4pm - KEEFER-BCRD	LIONS-Coed Softball 8am - OLD CUTTERS 4pm - FOXMOOR- 4pm - KEEFER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE	LIONS-Coed Softball 7am - LIONS - 8am - HEAGLE - 10am - KEEFER- 10am - KEEFER- 4pm - FOXMOOR-	LIONS-Coed Softball 8am - CURTIS - 8am - DEERFIELD - 4pm - FOXMOOR- 4pm - KEEFER-BCRD 4:30pm - MCKERCHE	LIONS-Coed Softball 8am - FOXMOOR - 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER-	LIONS-Coed Softball 8am - FOXMOORE- 9:30am - HEAGLE 1pm - HOP PORTER- 1pm - KEEFER PARK-
18	19	20	21	22	23	24
LIONS-Coed Softball 11am - HOP	LIONS-Coed Softball 8am - BALMORAL - 8am - ECHO HILL - 8am - KEEFER - 4pm - FOXMOOR - 4pm - KEEFER-BCRD	LIONS-Coed Softball 8am - OLD CUTTERS 4pm - FOXMOOR- 4pm - KEEFER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE	LIONS-Coed Softball 8am - HEAGLE - 8am - LIONS - 10am - KEEFER- 10am - KEEFER- 4pm - FOXMOOR-	LIONS-Coed Softball 8am - CURTIS - 8am - DEERFIELD - 10am - HOP PORTER 4pm - FOXMOOR- 4pm - KEEFER-BCRD	LIONS-Coed Softball 8am - FOXMOOR - 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER-	LIONS-Coed Softball 8am - FOXMOORE- 9am - FOXMOORE-
25	26	27	28	29	30	31
LIONS-Coed Softball	LIONS-Coed Softball 8am - BALMORAL - 8am - ECHO HILL - 8am - KEEFER - 4pm - FOXMOOR - 4pm - KEEFER-BCRD	LIONS-Coed Softball 8am - OLD CUTTERS 4pm - FOXMOOR- 4pm - KEEFER-BCRD 4:30pm - MCKERCHE 5:30pm - MCKERCHE 6:30pm - BALMORAL	LIONS-Coed Softball 8am - HEAGLE - 8am - LIONS - 10am - KEEFER- 10am - KEEFER- 4pm - FOXMOOR-	LIONS-Coed Softball 8am - CURTIS - 8am - DEERFIELD - 4pm - FOXMOOR- 4pm - KEEFER-BCRD 4:30pm - MCKERCHE 5:30pm - HOP	LIONS-Coed Softball 8am - FOXMOOR - 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER-	KEEPER- SOCCER LIONS-Coed Softball MCKERCHER- 9am - FOXMOORE- 9:30am - OLD 2pm - HEAGLE-COLIS 2pm - HOP PORTER-

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<p>KEEPER- SOCCER</p> <p>MCKERCHER</p> <p>LIONS-Coed Softball</p> <p>12pm - Old Cutters</p> <p>2pm - HOP PORTER</p> <p>4pm - HEAGLE- Bday</p>	<p>LIONS-Coed Softball</p> <p>8am - BALMORAL</p> <p>8am - ECHO HILL</p> <p>8am - KEEFER</p> <p>4pm - KEEFER-BCRD</p> <p>6pm - OLD CUTTERS</p>	<p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - HEAGLE</p> <p>8am - LIONS</p> <p>10am - KEEFER</p> <p>6:30pm - HEAGLE</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - CURTIS</p> <p>8am - DEERFIELD</p> <p>10:30am - HOP</p> <p>4pm - HEAGLE- BBQ</p> <p>4pm - KEEFER-BCRD</p>	<p>LIONS-Coed Softball</p> <p>8am - FOXMOOR</p> <p>9am - HEAGLE</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>9am - FOXMOORE</p> <p>11am - OLD</p> <p>1pm - HOP PORTER</p> <p>5pm - CUTTERS</p>
<p>LIONS-Coed Softball</p> <p>11am - HOP PORTER</p> <p>2:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - BALMORAL</p> <p>8am - ECHO HILL</p> <p>8am - KEEFER</p> <p>4pm - KEEFER-BCRD</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - HEAGLE</p> <p>8am - LIONS</p> <p>10am - KEEFER</p> <p>6:30pm - HEAGLE</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - CURTIS</p> <p>8am - DEERFIELD</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - FOXMOOR</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>1pm - HOP PORTER</p> <p>3pm - OLD CUTTERS</p>
<p>LIONS-Coed Softball</p> <p>11am - HOP PORTER</p> <p>2:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - BALMORAL</p> <p>8am - ECHO HILL</p> <p>8am - KEEFER</p> <p>4pm - KEEFER-BCRD</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - HEAGLE</p> <p>8am - LIONS</p> <p>10am - KEEFER</p> <p>6:30pm - HEAGLE</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - CURTIS</p> <p>8am - DEERFIELD</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p>	<p>MCKERCHER-British Car Show @ Mckercher</p> <p>LIONS-Coed Softball</p> <p>8am - FOXMOOR</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>4pm - HOP PORTER</p>
<p>LIONS-Coed Softball</p>	<p>LIONS-Coed Softball</p> <p>8am - BALMORAL</p> <p>8am - ECHO HILL</p> <p>8am - KEEFER</p> <p>4pm - KEEFER-BCRD</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - HEAGLE</p> <p>8am - LIONS</p> <p>10am - KEEFER</p> <p>6:30pm - HEAGLE</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - CURTIS</p> <p>8am - DEERFIELD</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - FOXMOOR</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>10am - HOP PORTER</p> <p>12pm - CUTTERS</p> <p>4pm - HEAGLE</p>
<p>LIONS-Coed Softball</p> <p>11am - CUTTERS</p> <p>12pm - HOP</p> <p>3pm - HEAGLE</p>	<p>LIONS-Coed Softball</p> <p>8am - BALMORAL</p> <p>8am - ECHO HILL</p> <p>8am - KEEFER</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>8am - HEAGLE</p> <p>8am - LIONS</p> <p>10am - KEEFER</p> <p>6:30pm - HEAGLE</p> <p>6:30pm - BALMORAL</p>	<p>LIONS-Coed Softball</p> <p>8am - CURTIS</p> <p>8am - DEERFIELD</p> <p>4pm - KEEFER-BCRD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>MCKERCHER SP-Halley Antique Show @</p> <p>LIONS-Coed Softball</p> <p>8am - FOXMOOR</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER</p>	<p>LIONS-Coed Softball</p> <p>2:30pm - HEAGLE</p> <p>3pm - KEEFER</p>

City Parks

Jul 2014 (Mountain Time)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<p>29</p> <p>LIONS-Coed Softball</p> <p>11am - CUTTERS-</p> <p>12pm - HOP</p> <p>3pm - HEAGLE-</p>	<p>30</p> <p>LIONS-Coed Softball</p> <p>8am - BALMORAL -</p> <p>8am - ECHO HILL -</p> <p>8am - KEEFER -</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>1</p> <p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>2</p> <p>LIONS-Coed Softball</p> <p>8am - HEAGLE -</p> <p>8am - LIONS -</p> <p>10am - KEEFER-</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>3</p> <p>LIONS-Coed Softball</p> <p>8am - CURTIS -</p> <p>8am - DEERFIELD -</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>4</p> <p>MCKERCHER SP-Halley Antique Show @</p> <p>LIONS-Coed Softball</p> <p>8am - FOXMOOR -</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>5</p> <p>LIONS-Coed Softball</p> <p>2:30pm - HEAGLE-</p> <p>3pm - KEEFER</p>
<p>6</p> <p>MCKERCHER SP-</p> <p>LIONS-Coed Softball</p>	<p>7</p> <p>LIONS-Coed Softball</p> <p>8am - BALMORAL -</p> <p>8am - ECHO HILL -</p> <p>8am - KEEFER -</p> <p>6:30pm - BALMORAL</p>	<p>8</p> <p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>9</p> <p>LIONS-Coed Softball</p> <p>8am - HEAGLE -</p> <p>8am - LIONS -</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>10</p> <p>LIONS-Coed Softball</p> <p>8am - CURTIS -</p> <p>8am - DEERFIELD -</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>11</p> <p>LIONS-Coed Softball</p> <p>8am - FOXMOOR -</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>12</p> <p>LIONS-Coed Softball</p> <p>12pm - OLD</p> <p>2pm - HEAGLE- BDay</p> <p>3pm - HOP PORTER-</p>
<p>13</p> <p>KEEPER-SOCCER</p> <p>LIONS-Coed Softball</p>	<p>14</p> <p>LIONS-Coed Softball</p> <p>8am - BALMORAL -</p> <p>8am - ECHO HILL -</p> <p>8am - KEEFER -</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>15</p> <p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>16</p> <p>LIONS-Coed Softball</p> <p>8am - HEAGLE -</p> <p>8am - LIONS -</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>17</p> <p>LIONS-Coed Softball</p> <p>8am - CURTIS -</p> <p>8am - DEERFIELD -</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>18</p> <p>LIONS-Coed Softball</p> <p>8am - FOXMOOR -</p> <p>3pm - HOP PORTER-</p> <p>4:30pm - OLD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p>	<p>19</p> <p>LIONS-Coed Softball</p> <p>3pm - HOP PORTER-</p>
<p>20</p> <p>LIONS-Coed Softball</p> <p>10am - HOP</p> <p>2:30pm - OLD</p> <p>6:30pm - HEAGLE-</p>	<p>21</p> <p>MCKERCHER-CAR SHOW @ MCKERCHER PARK</p> <p>LIONS-Coed Softball</p> <p>8am - BALMORAL -</p> <p>8am - ECHO HILL -</p> <p>8am - KEEFER -</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>22</p> <p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>23</p> <p>LIONS-Coed Softball</p> <p>8am - HEAGLE -</p> <p>8am - LIONS -</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>24</p> <p>LIONS-Coed Softball</p> <p>8am - CURTIS -</p> <p>8am - DEERFIELD -</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>25</p> <p>LIONS-Coed Softball</p> <p>8am - FOXMOOR -</p> <p>3pm - HOP PORTER-</p> <p>4:30pm - OLD</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p>	<p>26</p> <p>LIONS-Coed Softball</p> <p>10am - HOP PORTER</p>
<p>27</p> <p>LIONS-Coed Softball</p> <p>1pm - HOP PORTER-</p>	<p>28</p> <p>LIONS-Coed Softball</p> <p>8am - BALMORAL -</p> <p>8am - ECHO HILL -</p> <p>8am - KEEFER -</p> <p>3pm - HEAGLE-</p> <p>6:30pm - BALMORAL</p>	<p>29</p> <p>FOXMOORE- YOUTH</p> <p>LIONS-Coed Softball</p> <p>8am - OLD CUTTERS</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>30</p> <p>LIONS-Coed Softball</p> <p>8am - HEAGLE -</p> <p>8am - LIONS -</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>31</p> <p>LIONS-Coed Softball</p> <p>8am - CURTIS -</p> <p>8am - DEERFIELD -</p> <p>4:30pm - HOP</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER -</p>	<p>1</p> <p>FOXMOORE- SOCCER</p> <p>LIONS-Coed Softball</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>7:30pm - KEEFER-</p>	<p>2</p> <p>HOP PORTER SP-Northern Rockies Folk</p> <p>LIONS-Coed Softball</p> <p>8am - FOXMOOR -</p> <p>5:30pm - HOP</p> <p>5:30pm - MCKERCHE</p> <p>6:30pm - BALMORAL</p> <p>12pm - HEAGLE</p> <p>12pm - KEEFER</p>

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27 LIONS-Coed Softball 1pm - HOP PORTER	28 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER 6:30pm - BALMORAL	29 LIONS-Coed Softball 4pm - OLD CUTTERS 5:30pm - HOP 5:30pm - MCKERCHE 6:30pm - BALMORAL	30 LIONS-Coed Softball 8am - HEAGLE 8am - LIONS 5pm - McKEARCHER 6:30pm - BALMORAL	31 LIONS-Coed Softball 8am - CURTIS 8am - DEERFIELD 5:30pm - MCKERCHE 6:30pm - BALMORAL	1 HOP PORTER SP-Northside Recreates Park LIONS-Coed Softball 8am - FOXMOOR 5:30pm - HOP 5:30pm - MCKERCHE	2 LIONS-Coed Softball MCKERCHER SP 10am - OLD 12pm - HEAGLE
3 HOP PORTER SP LIONS-Coed Softball 10am - HOP 11am - OLD 4pm - OLD CUTTERS	4 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER 6:30pm - BALMORAL	5 LIONS-Coed Softball 8am - OLD CUTTERS 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER	6 HOP PORTER - Ride Idaho-Camping @ Hop Porter Park LIONS-Coed Softball 8am - HEAGLE 8am - LIONS 6:30pm - BALMORAL	7 LIONS-Coed Softball 8am - CURTIS 8am - DEERFIELD 5:30pm - MCKERCHE	8 LIONS-Coed Softball 8am - FOXMOOR 10am - CUTTERS 12:30pm - HEAGLE	9 LIONS-Coed Softball 12am - HEAGLE 12:30pm - HOP 1pm - OLD CUTTERS
10 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER	11 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER 6:30pm - BALMORAL	12 LIONS-Coed Softball 8am - OLD CUTTERS 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER	13 LIONS-Coed Softball 8am - HEAGLE 8am - LIONS 6:30pm - BALMORAL	14 LIONS-Coed Softball 8am - CURTIS 8am - DEERFIELD 5:30pm - MCKERCHE	15 LIONS-Coed Softball 8am - FOXMOOR 5:30pm - MCKERCHE 6:30pm - BALMORAL	16 LIONS-Coed Softball 12pm - HEAGLE
17 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER 6:30pm - BALMORAL	18 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER 6:30pm - BALMORAL	19 LIONS-Coed Softball 8am - OLD CUTTERS 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER	20 LIONS-Coed Softball 8am - HEAGLE 8am - LIONS 6:30pm - BALMORAL	21 LIONS-Coed Softball 8am - CURTIS 8am - DEERFIELD 5:30pm - MCKERCHE	22 LIONS-Coed Softball 8am - FOXMOOR 5:30pm - MCKERCHE 6:30pm - BALMORAL	23 LIONS-Coed Softball 10am - HOP PORTER
24 LIONS-Coed Softball 12pm - HEAGLE 3pm - OLD CUTTERS	25 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER 6:30pm - BALMORAL	26 LIONS-Coed Softball 8am - OLD CUTTERS 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER	27 LIONS-Coed Softball 8am - HEAGLE 8am - LIONS 6:30pm - BALMORAL 7:30pm - KEEFER	28 LIONS-Coed Softball 8am - CURTIS 8am - DEERFIELD 4pm - HEAGLE-PARK 4pm - OLD CUTTERS	29 MCKERCHER SP-Main Street Antique Show LIONS-Coed Softball 8am - FOXMOOR 6:30pm - BALMORAL 7:30pm - KEEFER	30 LIONS-Coed Softball 4pm - HEAGLE
31 MCKERCHER SP-Main Street Antique Show LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER	1 LIONS-Coed Softball 8am - BALMORAL 8am - ECHO HILL 8am - KEEFER	2 LIONS-Coed Softball 8am - OLD CUTTERS 5:30pm - MCKERCHE 6:30pm - BALMORAL 7:30pm - KEEFER	3 LIONS-Coed Softball 8am - HEAGLE 8am - LIONS 6:30pm - BALMORAL 7:30pm - KEEFER	4 LIONS-Coed Softball 8am - CURTIS 8am - DEERFIELD 3pm - HOP PORTER 5:30pm - MCKERCHE	5 LIONS-Coed Softball 8am - FOXMOOR 6:30pm - BALMORAL 7:30pm - KEEFER	6 LIONS-Coed Softball 3pm - HEAGLE - Pine

City Parks

Sep 2014 (Mountain Time)

Sub	Mon	Tue	Wed	Thu	Fri	Sat
MCKERCHER SP-Main	31	1	2	3	4	5
LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball
8am - BALMORAL -	8am - OLD CUTTERS	8am - HEAGLE -	8am - CURTIS -	8am - FOXMOOR -	3pm - HEAGLE - Pina	
8am - ECHO HILL -	5:30pm - MCKERCHE	8am - LIONS -	8am - DEERFIELD -	5:30pm - HOP -		
8am - KEEFER -	6:30pm - BALMORAL	6:30pm - BALMORAL	5:30pm - MCKERCHE	5:30pm - MCKERCHE		
	7:30pm - KEEFER -	7:30pm - KEEFER -	6:30pm - BALMORAL	6:30pm - BALMORAL		
LIONS-Coed Softball	8	9	10	11	12	13
12pm - HEAGLE	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball
2pm - Hop Porter-	8am - BALMORAL -	8am - OLD CUTTERS	8am - HEAGLE -	8am - CURTIS -	8am - FOXMOOR -	2pm - Hop Porter-
	8am - ECHO HILL -	5pm - Deerfield -	8am - LIONS -	8am - DEERFIELD -	5pm - HOP PORTER -	
	8am - KEEFER -	5:30pm - MCKERCHE	6:30pm - BALMORAL	5:30pm - MCKERCHE	5:30pm - MCKERCHE	
	6:30pm - BALMORAL	6:30pm - BALMORAL	7:30pm - KEEFER -	6:30pm - BALMORAL	6:30pm - BALMORAL	
	7:30pm - KEEFER -	7:30pm - KEEFER -		7:30pm - KEEFER -	7:30pm - KEEFER -	
LIONS-Coed Softball	14	15	16	17	18	19
1pm - HOP PORTER-	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball
3pm - CUTTER'S	8am - RODEO ARENA - Flight Archery @ Rodeo Arena	8am - BALMORAL -	8am - HEAGLE -	8am - CURTIS -	8am - FOXMOOR -	11am - Heagle Park-
	8am - BALMORAL -	3:30pm - Balmoral	8am - LIONS -	8am - DEERFIELD -	10am - HOP PORTER	3pm - HOP PORTER
	8am - ECHO HILL -	4pm - Cutters Park-	3:30pm - Balmoral	3:30pm - Balmoral	5:30pm - MCKERCHE	4pm - KEEFER-
	8am - KEEFER -	4pm - Deefield Park-	4pm - Cutters Park-	4pm - Cutters Park-		
	3:30pm - Balmoral					
LIONS-Coed Softball	21	22	23	24	25	26
LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball
RODEO ARENA - Flight Archery @ Rodeo Arena	8am - BALMORAL -	8am - HOP PORTER -	8am - HEAGLE -	8am - CURTIS -	8am - FOXMOOR -	11am - Heagle Park-
12pm - HOP PORTER	8am - ECHO HILL -	8am - OLD CUTTERS	8am - LIONS -	8am - DEERFIELD -	10am - HOP PORTER	3pm - HOP PORTER
	8am - HOP PORTER -	3:30pm - Balmoral	3:30pm - Balmoral	3:30pm - Balmoral	5:30pm - MCKERCHE	4pm - KEEFER-
	8am - KEEFER -	4pm - Cutters Park-	4pm - Deefield Park-	4pm - Cutters Park-		
LIONS-Coed Softball	28	29	30	1	2	3
LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball	LIONS-Coed Softball
RODEO ARENA - Flight Archery @ Rodeo Arena	8am - BALMORAL -	8am - HOP PORTER -	8am - HEAGLE -	8am - CURTIS -	8am - FOXMOOR -	11am - Heagle Park-
	8am - ECHO HILL -	8am - OLD CUTTERS	8am - LIONS -	8am - DEERFIELD -	10am - HOP PORTER	3pm - HOP PORTER
	8am - KEEFER -	3:30pm - Balmoral	3:30pm - Balmoral	3:30pm - Balmoral	5:30pm - MCKERCHE	4pm - KEEFER-
	4pm - Cutters Park-	4pm - Deefield Park-	4pm - Deefield Park-	4pm - Deefield Park-		
	4pm - Deefield Park-					

City Parks

Oct 2014 (Mountain Time)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28 LIONS-Coed Softball	29 8am - BALMORAL -	30 8am - OLD CUTTERS	1 8am - HEAGLE -	2 8am - CURTIS -	3 8am - FOXMOOR -	4 2:30pm - HEAGLE -
RODEO ARENA - Flight Archery @ Rodeo Arena						
5 8am - ECHO HILL -	6 8am - ECHO HILL -	7 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor	8 8am - LIONS - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park-	9 8am - DEERFIELD - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park-	10 5:30pm - MCKERCHE	11 4pm - KEEFER-
RODEO ARENA - Flight Archery @ Rodeo Arena						
12 8am - BALMORAL -	13 8am - BALMORAL -	14 8am - OLD CUTTERS 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor 4pm - KEEFER-	15 8am - HEAGLE - 8am - LIONS - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor	16 8am - CURTIS - 8am - DEERFIELD - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor	17 8am - FOXMOOR - 5:30pm - MCKERCHE	18 MCKERCHER SP- 4pm - KEEFER-
RODEO ARENA - Flight Archery @ Rodeo Arena						
19 3pm - Cutters Park-	20 8am - BALMORAL - 8am - ECHO HILL - 8am - KEEFER - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park-	21 8am - OLD CUTTERS 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor 4pm - KEEFER-	22 8am - HEAGLE - 8am - LIONS - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor	23 8am - CURTIS - 8am - DEERFIELD - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor	24 8am - FOXMOOR - 5:30pm - MCKERCHE	25 4pm - KEEFER-
RODEO ARENA - Flight Archery @ Rodeo Arena						
26 8am - BALMORAL -	27 8am - BALMORAL - 8am - ECHO HILL - 8am - KEEFER - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park-	28 8am - OLD CUTTERS 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor 4pm - KEEFER-	29 8am - HEAGLE - 8am - LIONS - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor	30 8am - CURTIS - 8am - DEERFIELD - 3:30pm - Balmoral 4pm - Cutters Park- 4pm - Deerfield Park- 4pm - Foxmoor	31 8am - FOXMOOR - 5:30pm - MCKERCHE	1 4pm - KEEFER-
RODEO ARENA - Flight Archery @ Rodeo Arena						
8am - BALMORAL -	8am - BALMORAL - 8am - ECHO HILL -	8am - OLD CUTTERS 5:30pm - MCKERCHE	8am - HEAGLE - 8am - LIONS -	8am - CURTIS - 8am - DEERFIELD -	8am - FOXMOOR - 5:30pm - MCKERCHE	8am - KEEFER -

**Return to Agenda**

AGENDA ITEM SUMMARY

DATE: 3-2-15

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: 

SUBJECT:

Non-Discrimination Ordinance

AUTHORITY:  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

See attached memo and attachments

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss the proposed Non-Discrimination Ordinance and decide whether to revise the proposed ordinance and whether to place it on a meeting agenda under public hearing.

FOLLOW-UP REMARKS:

# MEMORANDUM

TO: Hailey Mayor and City Council Members  
FROM: Ned C. Williamson  
DATE: March 2, 2015  
RE: Non-Discrimination Ordinance

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At the last City Council meeting, I was asked to draft a Lesbian, Gay, Bisexual and Transgender (“LGBT”) ordinance. As part of this task, I have reviewed the attached nine ordinances addressing sexual orientation and gender identity discrimination adopted by Boise, Couer d’ Alene, Idaho Falls, Ketchum, Lewiston, Moscow, Pocatello, Sandpoint and Victor. I believe these nine cities are the only cities in Idaho which have adopted such non-discrimination ordinances.

All of the ordinances are designed to prohibit discrimination in employment, housing and public accommodations based on sexual orientation and gender identity or expression. Each ordinance uses a title other than LGBT. The literature refers to such an ordinance as a Non-Discrimination Ordinance (“NDO”). In large part, municipalities are adopting NDO’s because the state legislature has not amended the Idaho Human Rights Act. Presently, Idaho law prohibits discrimination on the basis of race, color, religion, sex or national origin. *Idaho Code § 67-5909; see also Idaho Code § 18-7301*. The state legislature has refused to “Add the Words” of sexual orientation and gender identity to this state law.

The recent court rulings on same sex marriage are important to consider when considering any NDO. The rulings impact the portion of NDO’s involving discrimination based on sexual orientation. I would not think these decisions will impact the portion of the NDO’s involving discrimination based on gender identity/expression. In 2006, Idaho voters amended the Idaho Constitution to add a provision that a marriage between a man and woman is the only domestic legal union recognized in the State of Idaho. *Idaho Constitution, Article III, § 28*. In other words, the Idaho Constitution expressly bans same sex marriage. But last year, an Idaho federal magistrate struck down the constitutional ban of homosexual marriage. This decision was affirmed by the Ninth Circuit Court, but Idaho has appealed the case to the United States Supreme Court. It appears that the United States Supreme Court will decide whether to accept in the very near future. Idaho has argued that the United States Supreme Court should hear the case because there is a split of authority among the federal circuit courts. Most federal courts have ruled in favor of same sex marriages.

I am aware of recent challenges in two communities to that community's NDO. The first challenge was a political challenge. Pocatello conducted a referendum vote on the Pocatello NDO. Although the vote was close, Pocatello voted against the referendum, which meant the NDO was not repealed.

The second challenge was a legal challenge. Shortly after the Idaho federal magistrate struck down Idaho's 2006 same-sex marriage ban, a Couer d' Alene church, called the Hitching Post, filed suit against the City of Couer d' Alene and sought a court order allowing it to refuse to conduct same-sex marriages. Eventually, the city stated that the Hitching Post would not be subject to the city's NDO because of the exemption for religious corporations found in the city's NDO. It is important to note that individuals performing marriage ceremonies who are not religious corporations and who declined to perform same-sex marriages may be subject to a claim of discrimination under a NDO. When reviewing the proposed Hailey NDO, you will see that I have included the same exemption for religious corporations.

With this background in mind, I will now address a potential NDO for Hailey. If Hailey elects to proceed with a NDO, I believe we ought to consider much of the same language found in the attached ordinances. All of the ordinances have virtually the same language and all of NDO's are designed to prohibit discrimination in housing, employment and public accommodations. All of the attached NDO's contain exceptions. To avoid constitutional challenges based on freedom of religion and freedom of association, I believe we should include most of the exceptions adopted in the attached NDO's. Like most of the NDO's enacted throughout the State of Idaho, the attached draft of the Hailey NDO prohibits discrimination in housing, employment and public accommodations based on sexual orientation and gender identity/expression, subject to several exceptions. The proposed Hailey NDO is a hybrid of the Boise and Moscow NDO's.

Some of the NDO's establish a monitoring and enforcement commission and provide for a mediation procedure. *See e.g.*, Ketchum, Lewiston, Pocatello and Sandpoint NDO. I would discourage the City Council from creating another commission in Hailey. We have many great commissions but it has been difficult to maintain full membership and they have created a strain on resources.

When debating this proposed NDO, I would, at the very least, encourage the mayor and council to balance the potential fiscal impact of this ordinance with the potential social benefits. As demonstrated in Couer d' Alene, a NDO may result in a lawsuit. The potential fiscal impact should be weighed against the benefit of a NDO to this community.

For your information, I believe the City Personnel Policy adequately prohibits discrimination against employees based on sexual orientation and gender identity or expression. If we adopt a NDO, we may, however, want to strengthen our personnel policy and make sure individual departments' personnel policies adequately protect against discrimination based on sexual orientation and gender identity or expression.

If you have any questions, please contact me.

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE TO ADD A NEW CHAPTER 9.16 TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMODATIONS BASED UPON SEXUAL ORIENTATION AND/OR GENDER IDENTITY OR EXPRESSION SUBJECT TO CERTAIN EXCEPTIONS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, familial status, veteran's status, and/or disability, but there are no specific protections against discrimination on the basis of sexual orientation or gender expression/identity;

WHEREAS, the City of Hailey believes that current State and Federal processes for the investigation and correction of discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability are sufficient such that the City should not interfere or alter such processes;

WHEREAS, those within the community who feel that they are or have been discriminated against on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability should be encouraged to make their claim for such discrimination directly to the state and/or federal agency directly responsible for receiving and investigating those claims;

WHEREAS, because there are no specific protections against discrimination on the basis of sexual orientation or gender expression/identity within Hailey, the Mayor and Council wish to prohibit such discrimination through a duly adopted City Ordinance;

WHEREAS, it is the policy and intent of the City of Hailey, Idaho that no person be denied equal protection under the law nor shall any person be discriminated against because of his or her sexual orientation or gender expression/identity;

WHEREAS, nothing contained herein shall be construed as supporting and/or advocating any particular doctrine, position, point of view or religious view; and

WHEREAS, it is the intention of this Ordinance that all persons are treated fairly and equally in the City of Hailey, Idaho.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. The Hailey Municipal Code is amended by the addition of a new Chapter 9.16, as follows:

## Chapter 9.16

### Non-Discrimination

#### 9.16.010 Purpose and Intent

A. In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property and use of public accommodations, the City of Hailey has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed and appropriate legislation be enacted.

B. It is hereby declared that every individual in the City of Hailey has the right to work and earn wages through gainful employment, has the right to seek housing and has the right to enjoy public accommodation and hospitality.

C. It is hereby declared to be the public policy of the City of Hailey to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social and commercial life of the community. The contributions of all the citizens of the City of Hailey are essential to the City's growth, vitality and prosperity.

D. It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Hailey. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety and welfare of the city's citizens, and damages a city's economic well-being.

E. This Chapter shall be deemed an exercise of the police power of the City of Hailey for the protection of the public welfare, prosperity, health and peace of the City of Hailey, its residents and the community.

F. The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations and housing. Therefore, this Chapter shall not apply to complaints alleging discrimination on a basis proscribed under state or federal law (e.g., race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status and/or disability).

G. Nothing in this Chapter is intended to alter or abridge other rights, protections or privileges secured under state and/or federal law. This Chapter shall not create a private cause of action, nor shall it create any right or remedy that is the same or substantially equivalent to a remedy under federal or state law.

H. This Chapter shall not create any special rights or privileges which would not be available to all of Hailey's citizens because every person has a sexual orientation and a gender identity.

I. This Chapter shall be construed and applied in a manner consistent with constitutional right of freedom of speech and exercise of religion.

**9.16.020 Definitions.** The following capitalized definitions shall be used to define words and phrases within this Chapter 9.16:

A. "Deny" shall mean any act which, directly or indirectly, by any person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender identity/expression.

B. "Discriminate" shall mean any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.

C. "Full Enjoyment" shall mean, but is not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.

D. "Gender Identity/Expression" shall mean a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.

E. "Housing Accommodation" shall mean a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence or sleeping quarters of its occupants.

F. "Otherwise Qualified" shall mean a person who possesses the following bona fide job related qualifications required by an employer for any particular job, job classification, or position: education, training, ability, character, integrity, disposition to work,

adherence to reasonable rules and regulations and other bona fide job related qualifications required by an employer.

G. "Person" shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

H. "Place of Public Resort, Accommodation, Assemblage or Amusement" shall mean, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.

I. "Sexual Orientation" shall mean actual or perceived homosexuality, heterosexuality and/or bisexuality.

**9.16.030 Prohibited Discriminatory Acts.** The following acts are prohibited and shall constitute a misdemeanor:

A. To Deny to any other Person Otherwise Qualified because of Sexual Orientation and/or Gender Identity/Expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by discriminating against such Person in compensation or in other terms or conditions of employment, or (e) otherwise discriminating against an individual with respect to employment.

B. To Deny to or to Discriminate against any Person because of Sexual Orientation and/or Gender Identity/Expression the Full Enjoyment of any of the accommodations, advantages, facilities or privileges of any Place of Public Resort, Accommodation, Assemblage, or Amusement.

C. To Deny to or Discriminate against any other Person because of Sexual Orientation and/or Gender Identity/Expression in the sale, purchase, lease or rental of any

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL** and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

Chapter 6- 2

**DISCRIMINATION PROHIBITED**

Sections:

- 6-02-01      **PURPOSE AND DECLARATION OF POLICY**
- 6-02-02      **DEFINITIONS**
- 6-02-03      **PROHIBITED DISCRIMINATORY ACTS**
- 6-02-04      **EXCEPTIONS**
- 6-02-05      **PENALTY**
- 6-02-06      **UNLAWFUL INTIMIDATION, RETALIATION, AND INTERFERENCE**
- 6-02-07      **PRIVITE RIGHT OF ACTION**
- 6-02-08      **SEVERABILITY**

**Section 6-02-01      PURPOSE AND DECLARATION OF POLICY**

- A.      In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, the City of Boise has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation be enacted.
- B.      It is hereby declared that every individual in the City of Boise has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.
- C.      It is hereby declared to be the public policy of the City of Boise to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all the citizens of the City of Boise are essential to the City's growth, vitality, and prosperity.
- D.      It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Boise. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety, and welfare of the city's citizens, and damages a city's economic well-being.
- E.      This Chapter shall be deemed an exercise of the police power of the City of Boise for the protection of the public welfare, prosperity, health and peace of the City of Boise, its residents and the community.
- F.      The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the Complainant is advised of his or her right to file a report

alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.

**Section 6-02-02            DEFINITIONS**

- A. "DENY" includes any act which, directly or indirectly, by any person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender identity/expression,
- B. "DISCRIMINATION" is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.
- C. "FULL ENJOYMENT OF" shall be construed to include, but not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.
- D. "GENDER EXPRESSION/IDENTITY" means a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.
- E. "HOUSING ACCOMMODATION" is a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.
- F. "PERSON" shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.
- G. "PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT" includes, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered

with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.

- H. "SEXUAL ORIENTATION" is actual or perceived homosexuality, heterosexuality and/or bisexuality.

**Section 6-02-03 PROHIBITED DISCRIMINATORY ACTS**

The following acts are prohibited and shall constitute a misdemeanor:

- A. To deny to any other person because of sexual orientation and/or gender identity/expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by discriminating against such person in compensation or in other terms or conditions of employment, or (e) otherwise discriminating against an individual with respect to employment.
- B. To deny to or to discriminate against any person because of sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.
- C. To deny to or discriminate against any other person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.

**Section 6-02-04 EXCEPTIONS**

- A. Notwithstanding any other provision herein, nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under state and/or federal law. This ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.
- B. This chapter does not apply to:
1. Religious corporations, associations, educational institutions, or societies.
  2. An expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
  3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, except the City of Boise.

- C. This ordinance shall not apply: (a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of his family resides in one (1) of the housing accommodations, or (b) to the rental of a room or rooms in a single family residential housing accommodation by an individual if he or a member of his family resides therein.

**Section 6-02-05 PENALTY**

- A. A violation of this Chapter is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1000) and imprisonment in the county jail not to exceed six (6) months or both.
- B. A prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions, which may include, but are not limited to the following: sensitivity training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement to not engage in discriminatory practices in the future. The charge shall be filed as a misdemeanor violation and may only be reduced upon motion of the prosecutor. There shall be no right to a trial by jury for an infraction citation or complaint.
- C. A complaint filed under the provisions of this Chapter must be filed within 180 days of the alleged discriminatory conduct.
- D. Any person who falsely reports a violation of this chapter may be charged with the crime of False Reporting, Boise City Code 6-01-13.

**Section 6-02-06 UNLAWFUL INTIMIDATION, RETALIATION, AND INTERFERENCE**

It shall be unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation concerning this Chapter.

**Section 6-02-07 PRIVATE RIGHT OF ACTION**

There is no private right of action that is created by this Chapter or money damages available to any person based on this Chapter.

**Section 6-02-08 SEVERABILITY**

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

(6869, Enacted, 12/04/2012)

C D A

ORDINANCE NO.  
COUNCIL BILL NO. 13-1011

AN ORDINANCE ADOPTING A NEW CHAPTER TO THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO PROHIBIT DISCRIMINATION IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION AND PROVIDING THAT A VIOLATION OF THIS ORDINANCE IS A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO \$1,000.00 OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is the policy and intent of the City of Coeur d'Alene that no person be denied equal protection of the laws; nor shall any person be discriminated against because of his or her sexual orientation or gender identity/expression; and

WHEREAS, state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, and/or disability, but there are no such protections against discrimination on the basis of sexual orientation or gender identity/expression; and

WHEREAS, nothing contained herein should be construed as supporting or advocating any particular doctrine, position, point of view, or religious view. To the contrary, it is the intention of this ordinance that all persons are treated fairly and equally in the City of Coeur d'Alene; and

WHEREAS, after recommendation by the General Services Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

**SECTION 1.** *That a new Chapter 9.56, entitled **DISCRIMINATION IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMODATIONS PROHIBITED** is added to the Coeur d'Alene Municipal Code as follows:*

**CHAPTER 9.56  
DISCRIMINATION IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMODATIONS  
PROHIBITED**

**9.56.010: PURPOSE AND DECLARATION OF POLICY:**

A. In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, the City of Coeur d'Alene has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation enacted.

B. It is hereby declared that every individual in the City of Coeur d'Alene has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.

C. It is hereby declared to be the public policy of the City of Coeur d'Alene to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all the citizens of the City of Coeur d'Alene are essential to the City's growth, vitality, and prosperity.

D. It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Coeur d'Alene. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety, and welfare of the city's citizens, and damages a city's economic well-being.

E. This Chapter shall be deemed an exercise of the police power of the City of Coeur d'Alene for the protection of the public welfare, prosperity, health and peace of the City of Coeur d'Alene, its residents and the community.

F. The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the Complainant is advised of his or her right to file a report alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.

**9.56.020: DEFINITIONS:**

A. "DENY" includes any act which, directly or indirectly, by any person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting,

dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender identity/expression,

B. "DISCRIMINATION" is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.

C. "FULL ENJOYMENT OF" shall be construed to include, but not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.

D. "GENDER EXPRESSION/IDENTITY" means a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.

E. "HOUSING ACCOMMODATION" is a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.

F. "PERSON" shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

G. "PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT" includes, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall

anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.

H. "SEXUAL ORIENTATION" is actual or perceived homosexuality, heterosexuality and/or bisexuality.

**9.56.030: PROHIBITED DISCRIMINATORY ACTS:**

The following acts are prohibited and shall constitute a misdemeanor:

A. To deny to any other person because of sexual orientation and/or gender identity/expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by discriminating against such person in compensation or in other terms or conditions of employment, or (e) otherwise discriminating against an individual with respect to employment.

B. To deny to or to discriminate against any person because of sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.

C. To deny to or discriminate against any other person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.

**9.56.040: EXCEPTIONS:**

A. Notwithstanding any other provision herein, nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under state and/or federal law. This ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

B. This chapter does not apply to:

1. Religious corporations, associations, educational institutions, or societies.
2. An expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, other than the City of Coeur d'Alene.

C. This ordinance shall not apply: (a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of

each other, if the lessor or a member of his family resides in one (1) of the housing accommodations, or (b) to the rental of a room or rooms in a single family residential housing accommodation by an individual if he or a member of his family resides therein.

**9.56.050: UNLAWFUL INTIMIDATION, RETALIATION, AND INTERFERENCE:**

It shall be unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation concerning this Chapter.

**9.56.060: PENALTY:**

A. A violation of this Chapter is a misdemeanor, punishable as provided in Municipal Code Chapter 1.28..

B. A prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions, which may include, but are not limited to the following: sensitivity training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement to not engage in discriminatory practices in the future. The charge shall be filed as a misdemeanor violation and may only be reduced upon motion of the prosecutor. There shall be no right to a trial by jury for an infraction citation or complaint.

C. Any person who falsely reports a violation of this chapter is guilty of a misdemeanor.

**9.56.070: PRIVATE RIGHT OF ACTION:**

There is no private right of action that is created by this Chapter or money damages available to any person based on this Chapter.

**SECTION 2.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 4.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the

legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 5.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 4<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Sandi Bloem, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

**CHAPTER 11  
NON-DISCRIMINATION IN EMPLOYMENT AND HOUSING**

**SECTION:**

- 5-11-1: Purpose and Declaration of Policy
- 5-11-2: Definitions
- 5-11-3: Prohibited Discriminatory Acts
- 5-11-4: Exceptions
- 5-11-5: Penalties
- 5-11-6: Coercion, Intimidation, Threat and Interference Prohibited
- 5-11-7: No Private Right of Action or Money Damages

**5-11-1 PURPOSE AND DECLARATION OF POLICY.**

A. The City has determined that discrimination on the basis of sexual orientation and/or gender identity/expression shall be prohibited, as set out in this Chapter, in order to help ensure that all persons, regardless of sexual orientation and/or gender expression/identity, are afforded equal opportunities in employment and housing.

B. It is hereby declared that every person in the City has the right to work and to earn wages through gainful employment and that every person has the right to seek housing. Discriminatory practices are detrimental because they impede the social and economic progress by preventing all of the City's occupants from contributing to the cultural, spiritual, social, and commercial life of the community. Such contributions are fundamental components of the City's growth, vitality, and prosperity.

C. It is the intent of this Chapter that all persons be treated fairly and equally. It is the express intent of this Chapter to foster and support fair and equal treatment under the law to all people in the City. The denial of fair and equal treatment under the law in employment or housing due to sexual orientation and/or gender identity/expression is detrimental to the health, safety, and welfare of the City's occupants, and such damages a city's economic well-being.

D. This Chapter shall be deemed an exercise of the police power of the City for the protection of the public welfare, prosperity, health and peace of the City, its residents, occupants, and the community at large.

E. The prohibitions against discriminatory acts, as provided for in this Chapter, are intended to supplement State and Federal Civil Rights Laws and Regulations prohibiting discrimination in the areas of employment and housing; therefore, this Chapter shall not apply to complaints alleging discrimination on a basis proscribed under State or Federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability).

F. Nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under the State and/or Federal law, including religious rights and protections. This Chapter shall not create a private cause of action, nor shall it create any right or remedy that is the same or substantially equivalent to remedy provided under Federal or State law.

G. This Chapter shall not create any special rights or privileges which would not be available to all of the City's inhabitants, because every person has a sexual orientation and a gender identity.

H. This Chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

#### 5-11-2 DEFINITIONS.

A. Discriminate/Discrimination. Any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity/expression or because of a person's association with any such person. "Discrimination" shall not mean and shall not be interpreted to require or to grant or to accord any preferential treatment to any person because of that person's orientation or gender expression/identity.

B. Educational Institution. A public or private institution, including an academy; college; elementary or secondary school; extension course; kindergarten; nursery; school system; university; business; nursing; professional, secretarial, technical, or vocational school; or agent of such an educational institution.

C. Gender Identity/Expression. Actual or perceived gender-related characteristics, identity, appearance, expression or behavior of a person, regardless of such person's biological or assigned sex at birth.

D. Otherwise Qualified. Possessing the bona fide job-related qualifications required by an employer for particular job classification or position, such as education; training; ability; character; integrity; disposition to work; adherence to reasonable rules and regulations (including established dress codes, appropriate utilization of bathroom facilities, etc.); and other bona fide job-related qualifications required by an employer.

E. Sexual Orientation. Actual or perceived homosexuality, heterosexuality, and/or bisexuality.

#### 5-11-3 PROHIBITED DISCRIMINATORY ACTS.

A. Unlawful Employment Practices.

1. Employer Practices. Where a person is otherwise qualified, it shall be an unlawful employment practice for an employer:

a. to fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to compensation, terms, conditions, or privileges of employment, because of such person's sexual orientation or gender identity/expression; or,

b. to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or otherwise adversely affect status as an employee, because of such person's sexual orientation or identity/expression.

2. Employment Agency Practices. Where a person is otherwise qualified, it shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any person because of sexual orientation or gender identity/expression, or to classify or refer for employment any person on the basis of sexual orientation or gender identity/expression.

3. Labor Organization Practices. It shall be an unlawful employment practice for a labor organization:

a. to exclude or to expel from its membership or otherwise to discriminate against, any person because of sexual orientation or gender identity/expression;

b. to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any person otherwise qualified, in any way which would deprive or tend to deprive any person otherwise qualified of employment opportunities, or would limit such employment opportunities or otherwise adversely affect status as an employee or as an applicant for employment, because of such person's sexual orientation or gender identity/expression; or,

c. to cause or attempt to cause an employer to discriminate against a person in violation of this section.

4. Training Programs. It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any person, otherwise qualified because of sexual orientation or gender identity/expression in admission to, or employment in, any program established to provide apprenticeship or other training.

B. Unlawful Housing Practices. It shall be an unlawful housing practice:

1. to refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of sexual orientation or gender identity/expression;

2. to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sexual orientation or gender identity/expression;

3. to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sexual orientation or gender identity/expression or an intention to make any such preference, limitation, or discrimination;

4. to represent to any person because of sexual orientation or gender identity/expression that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available; or

5. for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons' sexual orientation or gender identity/expression.

#### 5-11-4 EXCEPTIONS.

A. This Chapter shall not apply to:

1. a religious corporation, association, educational institution, or society, trust or any entity or association which is a wholly owned or controlled subsidiary or agency of any religious corporation, association, society, trust, or corporation sole;

2. an expressive association whose employment of a person protected by this Chapter would significantly burden such association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000); and,

3. the United States Government, any of its departments, agencies, or any corporation(s) wholly owned by it; and the State of Idaho, any of its departments, agencies, bodies corporate and politic, and political subdivisions, or any corporation(s) wholly owned by them, except the City of Idaho Falls, Idaho.

B. This Chapter shall not apply to:

1. the sale or rental of a one family dwelling where the owner:

a. does not own an interest in or title to four (4) or more one family dwellings within the City;

b. has not sold two (2) or more one family dwellings within the twenty-four (24) month period immediately preceding such a sale or rental; and,

#### TITLE 5, CHAPTER 11 – NON-DISCRIMINATION IN EMPLOYMENT AND HOUSING

c. such one family dwelling(s) were sold or rented without engaging the services of any real estate broker, agent, salesperson, property manager, or other person engaged in the services of any real estate broker, agent, salesperson, or property manager or other person engaged in the business of selling or renting dwellings.

2. the rental of a unit in a one, two, three or four-family dwelling where the owner continues to reside in one unit of such a dwelling;

3. employment practices of an owner or tenant which occur within the dwelling where such owner or tenant is residing; and,

4. a person, business, or enterprise who hires fewer than five (5) employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, whose services are to be partially or wholly performed in the State of Idaho.

#### 5-11-5 PENALTIES.

A. First Offense. Any person found in violation of any of the provisions of this Chapter shall be guilty of an infraction for the first offense and shall be punished as provided in the Idaho Infraction Rules and in a fine amount set by Resolution of the Council from time to time. There shall be no right to trial by jury for an infraction.

B. Subsequent Offense(s). Any person found in violation of any of the provisions of this Chapter within five (5) years of any previous violation of any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to this Code.

C. A misdemeanor violation may be reduced to an infraction, payable by a fine as set by Resolution of the Council from time to time, if the defendant engages in corrective action, which may include, but is not limited to the following: sensitivity training for the defendant and/or the defendant's agreement to adopt and pursue a policy of non-discrimination in its practices; and/or the defendant's agreement to not engage in discriminatory practices in the future.

D. A complaint filed under the provisions of this Chapter shall be filed within one hundred eighty (180) days of the alleged discriminatory conduct made the basis of the complaint.

#### 5-11-6 COERCION, INTIMIDATION, THREAT AND INTERFERENCE PROHIBITED.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Chapter.

#### 5-11-7 NO PRIVATE RIGHT OF ACTION OR MONEY DAMAGES.

### TITLE 5, CHAPTER 11 – NON-DISCRIMINATION IN EMPLOYMENT AND HOUSING

There is no private right or cause of action created by this Chapter. No money damages are available to any person based on this Chapter.

Ketchum

ORDINANCE NO. 1102

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, ENACTING A NEW SECTION TO THE KETCHUM MUNICIPAL CODE TITLE 9.24, TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION; ESTABLISHING A PURPOSE AND POLICY DECLARATION; ESTABLISHING DEFINITIONS; ENUMERATING PROHIBITED DISCRIMINATORY ACTS; PROVIDING EXCEPTIONS; ESTABLISHING A HUMAN RIGHTS BOARD; PROVIDING DUE PROCESS INCLUDING MEDIATION, INVESTIGATION, AND HEARING; PROVIDING A PENALTY PROVISION; CLARIFYING THAT THIS ORDINANCE DOES NOT CREATE A PRIVATE RIGHT OF ACTION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the policy and intent of the City of Ketchum that no person be denied equal protection of the laws; nor shall any person be discriminated against because of his or her sexual orientation or gender identity/expression; and

WHEREAS, state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, and/or disability, but there are no such protections against discrimination on the basis of sexual orientation or gender identity/expression; and

WHEREAS, nothing contained herein should be construed as supporting or advocating any particular doctrine, position, point of view, or religious view. To the contrary, it is the intention of this ordinance that all persons are treated fairly and equally in the City of Ketchum.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM:

Section 1: That Title 9.24, Ketchum City Code, entitled "DISCRIMINATION PROHIBITED" be and hereby is enacted as follows:

**9.24.010: PURPOSE AND DECLARATION OF POLICY**

- A. In order to ensure that all persons, regardless of sexual orientation, gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, the City of Ketchum has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation be enacted.
- B. It is hereby declared that every individual in the City of Ketchum has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.
- C. It is hereby declared to be the public policy of the city of Ketchum to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all the citizens of the City of Ketchum are essential to the City's growth, vitality, and prosperity.
- D. It is the intention of this section that all persons be treated fairly and equally, and it is the express intent of this section to guarantee fair and equal treatment under the law to all people of the city of Ketchum. The

denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety, and welfare of the city's citizens, and damages a city's economic well-being.

- D. This section shall be deemed an exercise of the police power of the city of Ketchum for the protection of the public welfare, prosperity, health and peace of the city of Ketchum, its residents and the community.
- E. The prohibitions against discriminatory acts as provided for in this section are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g., race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the complainant is advised of their right to file their complaint alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.
- F. No power or duty granted hereunder to the human relations review board is intended to exceed nor shall it be construed as exceeding those powers and duties granted to the Idaho commission on human rights, Idaho Code 67-5901 et seq.

#### 9.24.020: DEFINITIONS

- A. ANY PERSON: Shall be construed to include the city and any owner/employer, lessee, proprietor, manager, agent, employee, whether one or more natural persons, partnerships, associations, organizations, corporations, companies, cooperatives (including its officers and/or board of directors), boards and commissions, engaged in or exercising control over the operation of any business, place of public resort, accommodation, assemblage or amusement in the city of Ketchum.
- B. "DENY" is hereby defined to include any act which directly or indirectly, by any person or his agent or employee, that results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation, gender identity/expression.
- C. "DISCRIMINATION" is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.
- C. "FULL ENJOYMENT OF" shall be construed to include, but not be limited to, the right to use or purchase real property, any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation, gender identity/expression to be treated as not welcome or accepted.
- D. "GENDER EXPRESSION/IDENTITY" means a gender related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.
- E. "HOUSING ACCOMMODATION" is a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.

- F. "HUMAN RELATIONS REVIEW BOARD" shall be a quasi-judicial group consisting of three (3) or more persons appointed by the mayor to process complaints and determine if prohibited discriminatory acts have occurred in the city of Ketchum.
- G. "PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT" includes, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.
- H. SEXUAL ORIENTATION: Actual or perceived homosexuality, heterosexuality and/or bisexuality.

#### 9.24.030: PROHIBITED DISCRIMINATORY ACTS

The following acts are prohibited and constitute a misdemeanor punishable in accordance with Idaho Code 18-113:

- A. To deny to any other person because of sexual orientation and/or gender identity/expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by discriminating against such person in compensation or in other terms or conditions of employment, or (e) otherwise discriminating against an individual with respect to employment.
- B. To deny to or to discriminate against any person because of sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.
- C. To deny to or discriminate against any other person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.
- D. To discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation under this section.
- E. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this section to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this section

#### 9.24.040: EXCEPTIONS

- A. Notwithstanding any other provision herein, nothing in this section is intended to alter or abridge other rights, protection, or privileges secured under state or federal law. This section shall be construed and applied in a manner consistent with first amendment jurisprudence regarding the freedom of speech and exercise of religion.
- B. This chapter does not apply to:
  - 1. Religious corporations, associations, educational institutions, or societies.
  - 2. An expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
  - 3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, except the City of Ketchum.
- C. This ordinance shall not apply: (a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of his family resides in one (1) of the housing accommodations, or (b) to the rental of a room or rooms in a single family residential housing accommodation by an individual if he or a member of his family resides therein.

**9.24.050: ESTABLISHMENT OF HUMAN RELATIONS REVIEW BOARD**

- A. Pursuant to Idaho Code section 50-210, there is hereby established a human relations review board in and for the city of Ketchum (hereinafter referred to as the "Ketchum human relations review board" or the "review board").
- B. The review board shall consist of a quorum of three (3) or more members. All members of the review board shall be appointed by the mayor of the city of Ketchum and confirmed by the city council. Members shall be residents of the city. No member of the review board shall hold any office in any political party.
- C. Members of the review board shall serve without salary but may be paid expenses incurred in the performance of their duties, as approved by city council.
- D. One of the review board's members shall be appointed by the members thereof as chairperson. The chairperson will be responsible for setting review board meetings, coordinating with the mayor and city clerk regarding received complaints and answers, and generally ensuring that the duties of the review board are fulfilled.
- E. The review board shall have jurisdiction over prohibited discriminatory acts committed within the city of Ketchum as it relates to sexual orientation, gender identity/expression.
- F. The review board shall be empowered to promulgate such additional procedures as it determines necessary to implement the intent of this section.
- G. The Ketchum city council hereby grants to the review board, with respect to prohibited discriminatory acts as defined herein, all of the powers necessary to the execution of its duties as set forth herein, provided that those powers shall not exceed those exercised by the Idaho commission on human rights now or as may be granted in the future by the Idaho legislature.

**9.24.060: PROCEDURES**

A. Filing A Complaint:

1. Person(s) claiming to be aggrieved by a prohibited discriminatory act may make, sign, and file a verified complaint alleging violations of this section, which shall include the following information:
  - a. The name and address of the aggrieved person(s);
  - b. The name and address of the person(s) alleged to have committed the prohibited practice;
  - c. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory act;
  - d. If applicable, the address and a description of any property which is involved; and
  - e. Such other information as may be required by the review board.
2. Complaints may be filed in person or by mail at the city clerk's office. All complaints must be received by the city clerk's office within ninety (90) days of the alleged discrimination, or the complaint will not be considered timely.
3. The city clerk shall convey each original complaint received by the city to the chairperson of the Ketchum human relations review board within ten (10) days of the receipt of such complaint.

B. Notification And Answer:

1. Within thirty (30) days of its receipt of a complaint, the Ketchum human relations review board shall determine if it has jurisdiction hereunder to hear the complaint. If the review board determines that it does not have such jurisdiction, it shall dismiss the complaint and notify the aggrieved party. If the review board determines it has jurisdiction to hear the complaint, it shall proceed as follows:
  - a. Send a copy of the complaint to the person(s) charged with a prohibited discriminatory act (the "respondent"); and
  - b. Send a notice to the person(s) aggrieved (the "complainant"), informing them that the complaint has been received.
2. The respondent must file, with the city clerk, a written verified answer to the complaint within thirty (30) days of respondent's receipt of the complaint from the city. The answer shall be conveyed by the city clerk to the chairperson of the review board within ten (10) days. The review board shall within five (5) days send a copy of the answer to the complainant.

**9.24.070: MEDIATION**

- A. After the answer has been received, the review board shall, within fifteen (15) days, invite the parties to voluntarily participate in mediation of their dispute. The parties must respond within fifteen (15) days of being invited to mediate. The parties must accept or reject the invitation to mediation.
- B. If accepted by parties, mediation shall be conducted in accordance with procedures promulgated by the review board. Parties may jointly select a mediator. If parties cannot agree, a mediator shall be selected pursuant to procedures promulgated by the review board. The parties shall be jointly responsible for all financial costs and expenses associated with mediation.
- C. The parties shall notify the review board as to whether the mediation successfully resolved the complaint. Mediation proceedings shall otherwise be confidential. Neither the results thereof, nor any record made in connection therewith, shall be made public unless agreed to in writing by both parties.
- D. If the mediation has successfully resolved the complaint, the review board shall promptly notify the parties that it has dismissed the complaint.

#### 9.24.080: INVESTIGATION AND DETERMINATION:

If mediation is not desired or was not successful in resolving the complaint, the review board shall not dismiss the complaint but shall instead undertake the following procedures:

- A. Investigation: The review board shall, in a timely fashion, investigate the allegations of a prohibited discriminatory act set forth in the complaint in coordination with a local law enforcement agency. The city may, in the conduct of such investigation and upon request of the investigator, issue subpoenas to any person charged with a prohibited discriminatory act, commanding such person to furnish information, records or other documents, as necessary to assist in the review board's investigation.
- B. Determination:
  - 1. Finding Of No Cause: If it is determined after the review board's investigation that there is no basis for the allegations of the complaint, the review board shall issue and serve upon the parties written notice of such determination and dismissal of the complaint.
  - 2. Finding Of Cause: If it is determined after the review board's investigation that the respondent has engaged in or is engaging in any unlawful discriminatory act, as defined in this section, the review board shall state its findings of fact, and will refer the matter to the city attorney to pursue civil, equitable or criminal remedies.

#### 9.24.090: PENALTY:

- A. A violation of this section shall constitute a misdemeanor, punishable as provided in Idaho Code section 18-113.
- B. A prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions, which may include, but are not limited to the following: sensitivity training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement to not engage in discriminatory practices in the future. The charge shall be filed as a misdemeanor violation and may only be reduced upon motion of the prosecutor. There shall be no right to a trial by jury for an infraction citation or complaint.
- C. A complaint filed under the provisions of this Chapter must be filed within 180 days of the alleged discriminatory conduct.
- D. Any person who falsely reports a violation of this chapter may be charged with the crime of providing false information (I.C. § 18-5413) or other applicable criminal action.

#### 9.24.100: PRIVATE RIGHT OF ACTION:

There is no private right of action that is created by this section or money damages available to any person based on this section.

**9.24.110: SAVINGS AND SEVERABILITY CLAUSE.** If any section, paragraph, sentence or provision hereof, or the application thereof to any particular circumstance shall ever be held invalid or unenforceable by a Court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 2. Nothing in this Ordinance shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, and permit issued, or any cause or causes of action existing under the General Ordinances of the City of Ketchum or the State of Idaho.

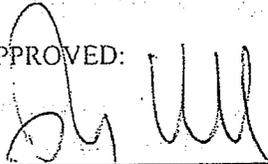
Section 3. SUMMARY. That a summary of this Ordinance, attached hereto as Exhibit A, is approved as to both form and content.

Section 4. REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho on this 22<sup>nd</sup> day of January, 2013.

APPROVED:

  
\_\_\_\_\_  
Randy Hall, Mayor

ATTEST:

  
\_\_\_\_\_  
SANDRA E. CADY, City Clerk

Lewiston

**Chapter 38  
DISCRIMINATION****Art. I. General Provisions, §§ 38-1 – 38-3****Art. II. Prohibited Discriminatory Acts, §§ 38-4 – 38-6****Art. III. Mediation, § 38-7****ARTICLE I. GENERAL PROVISIONS****Sec. 38-1. Purpose and intent.**

It is the finding and the intent of the city of Lewiston that no person shall be denied his or her civil rights or be discriminated against based upon his or her actual or perceived race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, or gender identity/expression. The Lewiston city council declares that such discrimination prohibitions are necessary and desirable for the following reasons:

- (1) It is the intent of this chapter that all persons be treated fairly and equally, and it is the express intent of this chapter to guarantee fair and equal treatment under the law to all people in the city of Lewiston. The denial of fair and equal treatment under the law due to familial status, sexual orientation and/or gender identity/expression is detrimental to the well-being, safety, and welfare of the city's citizens, and damages a city's economic well-being.
- (2) This chapter shall be deemed an exercise of the police power of the city of Lewiston for the protection of the public welfare, prosperity, health and peace of the city of Lewiston, its residents and the community.
- (3) In order to ensure that all persons, regardless of familial status, sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property and the use of public accommodations, the city of Lewiston has determined that discrimination on the basis of familial status, sexual orientation and gender identity/expression must be addressed, and appropriate legislation enacted.
- (4) It is hereby declared to be public policy of the city of Lewiston that discriminatory practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all citizens of the city of Lewiston are essential to the city's growth, vitality, and prosperity.
- (5) It is hereby declared that every individual in the city of Lewiston has the right to seek work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.
- (6) The prohibitions against discriminatory acts as provided for in this chapter are intended to supplement state and federal civil rights laws prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g., race, color, religious creed, ancestry, age, gender, national origin, and/or disability), the complainant is advised of his or her right to file a report alleging a violation of Idaho Code, Section 18-7301 et seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title

VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended. (Ord. No. 4614, § 1, 10-27-14)

### **Sec. 38-2. Definitions.**

(a) *Deny* includes any act which, directly or indirectly, by any person or his or her agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of familial status, sexual orientation and/or gender identity/expression.

(b) *Discrimination* is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or other differentiation in the treatment of a person because of a person's actual or perceived familial status, sexual orientation and/or gender identity/expression or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.

(c) *Full enjoyment of* shall be construed to include, but not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular familial status, sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.

(d) *Gender identity/expression* means a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.

(e) *Housing accommodation* is a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.

(f) *Person* shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

(g) *Place of public resort, accommodation, assemblage or amusement* includes, but is not limited to, any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for the public conveyance or transportation on land or water, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two (2) or more tenants, or by the owner and one (1) or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to,

any institute, bona fide club, or place of accommodation, which is by its nature distinctly private; provided, that where public use is permitted that use shall be covered by this section.

(h) *Sexual orientation* is actual or perceived homosexuality, heterosexuality and/or bisexuality.

(i) *Familial status* means one (1) or more persons under age eighteen (18) who reside with a parent, legal guardian, or designee of the parent or legal guardian with the parent's or legal guardian's written consent. Familial status also applies to persons who are pregnant and to persons who are in the process of gaining legal custody of an individual under the age of eighteen (18). (Ord. No. 4614, § 1, 10-27-14)

### **Sec. 38-3. Severability.**

If any section, phrase, clause, sentence or paragraph of this chapter shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, phrases, clauses, sentences, or paragraphs of this chapter. (Ord. No. 4614, § 1, 10-27-14)

## **ARTICLE II. PROHIBITED DISCRIMINATORY ACTS**

### **Sec. 38-4. Prohibited discriminatory acts.**

The following acts are prohibited and shall constitute a misdemeanor:

(1) To unlawfully deny or discriminate against any other person because of familial status, sexual orientation, or gender identity/expression the right to seek work: (a) by failing or refusing to hire when otherwise qualified, (b) by discharging, (c) by barring from employment, (d) by otherwise discriminating against such person in compensation or in other terms or conditions of employment, or (e) otherwise unlawfully discriminating against an individual with respect to employment.

(2) To unlawfully deny or discriminate against any person because of familial status, sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.

(3) To unlawfully deny or discriminate against any person because of familial status, sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any commercial property, housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.

(4) *Retaliation prohibited.* No person shall coerce, threaten, discharge, expel, blacklist, or otherwise retaliate against another person for opposing any practices prohibited by this chapter, making a complaint, or assisting in the investigation or proceeding regarding an alleged violation of this chapter; nor shall any person require, request to conspire with, assist, coerce, aid or abet another person to retaliate against a person for making a complaint or assisting in an investigation or proceeding pursuant to the terms of this chapter. (Ord. No. 4614, § 1, 10-27-14)

### **Sec. 38-5. Exceptions.**

(a) Nothing in this chapter is intended to alter or abridge other rights, protections, or privileges secured under state and federal law. Moreover, this chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech, association, and exercise of religion.

(b) This chapter shall not apply:

- (1) To the rental of a housing accommodation for not more than two (2) families living independently of each other, if the lessor is an individual and said individual resides in one (1) of the housing accommodations;
- (2) To the rental of a room or rooms in a single-family residential housing accommodation by an individual if said individual resides in said single-family residential housing;
- (3) To private clubs or other establishments not in fact open to the public; or
- (4) To the religious activities of any church, synagogue, mosque, temple or other house of worship or other place used primarily for religious activities and ordained priests or ministers of any denomination engaged in such activities. (Ord. No. 4614, § 1, 10-27-14)

### **Sec. 38-6. Penalties.**

(a) A violation of this chapter is a misdemeanor and may be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by incarceration in the county jail for a period not exceeding six (6) months, or both.

(b) The prosecutor may reduce the violation to an infraction, payable by a one hundred dollar (\$100.00) fine, if the defendant engages in corrective actions, which may include, but are not limited to, the following: appropriate remedial training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement not to engage in discriminatory practices in the future.

(c) Any person who falsely reports a violation of this chapter may be charged with the crime of: providing false information to law enforcement, government agencies or specified professionals, Idaho Code, Section 18-5413.

(d) A complaint filed under the provisions of this chapter shall be filed within one hundred eighty (180) days of the alleged discriminatory conduct. (Ord. No. 4614, § 1, 10-27-14)

## **ARTICLE III. MEDIATION**

### **Sec. 38-7. Mediation.**

If, upon the completion of an investigation of a complaint made pursuant to the terms of this chapter, the city attorney finds that a violation of this chapter has occurred, the city attorney shall notify the complainant and the defendant of their right to engage in mediation and attempt to resolve the dispute prior to the filing of a criminal complaint. The mediator shall be appointed by the city attorney and the costs of the mediation services shall be borne equally by the complainant and the defendant.

The city attorney shall not otherwise participate in the mediation. The mediation will be conducted pursuant to the Idaho Rules of Criminal Procedure. In the event the parties successfully mediate the dispute then no charges will be brought by the city attorney stemming from the common core of aggregate facts presented by the complainant. (Ord. No. 4614, § 1, 10-27-14)

moscow

ORDINANCE NO. 2013 - 06

AN ORDINANCE OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 10, BY THE ADDITION OF CHAPTER 19; TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT, AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND/OR GENDER EXPRESSION/IDENTITY, AS DEFINED; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, familial status, veteran's status, and/or disability, but there are no specific protections against discrimination on the basis of sexual orientation or gender expression/identity; and

WHEREAS, the Council believes that current State and Federal processes for the investigation and correction of discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability are sufficient such that the City should not interfere or alter such processes; and

WHEREAS, those within the community who feel that they are or have been discriminated against on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability should be encouraged to make their claim for such discrimination directly to the state and/or federal agency directly responsible for receiving and investigating those claims; and

WHEREAS, because there are no specific protections against discrimination on the basis of sexual orientation or gender expression/identity within City limits, the Mayor and Council wish to prohibit such discrimination through a duly adopted City Ordinance; and

WHEREAS, it is the policy and intent of the City of Moscow, Idaho that no person be denied equal protection under the law nor shall any person be discriminated against because of his or her sexual orientation or gender expression/identity; and

WHEREAS, nothing contained herein shall be construed as supporting and/or advocating any particular doctrine, position, point of view, or religious view; and

WHEREAS, it is the intention of this Ordinance that all persons are treated fairly and equally in the City of Moscow, Idaho; and

WHEREAS, the new Chapter 19 of Title 10 shall be entitled "Non-Discrimination in Employment and Housing Practices";

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

**SECTION 1:** That Moscow City Code Title 10 be amended by the addition of a new Chapter 19, Non-Discrimination in Employment and Housing Practices, as follows:

**Sec. 19-1. Purpose and Declaration of Policy.**

A. The City has determined that discrimination on the basis of sexual orientation and/or gender identity/expression shall be prohibited, as set out in this Chapter, in order to help ensure that all persons, regardless of sexual orientation and/or gender expression/identity, are afforded equal opportunities for employment, in housing, commercial property, and in the use of public accommodations.

B. It is hereby declared that every person in the City has the right to work and to earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.

C. It is hereby declared to be the public policy of the City to foster employment of all persons in accordance with their abilities. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's occupants from contributing to the cultural, spiritual, social, and commercial life of the community. Such contributions are fundamental components of the City's growth, vitality, and prosperity.

D. It is the intent of this Chapter that all persons be treated fairly and equally. It is the express intent of this Chapter to foster and support fair and equal treatment under the law to all people in the City. The denial of fair and equal treatment under the law due to sexual orientation and/or gender identity/expression is detrimental to the health, safety, and welfare of the city's occupants, and such damages a city's economic well-being.

E. This Chapter shall be deemed an exercise of the police power of the City for the protection of the public welfare, prosperity, health and peace of the City, its residents, occupants, and the community at large.

F. The prohibitions against discriminatory acts, as provided for in this Chapter, are intended to supplement state and federal civil rights laws and regulations prohibiting discrimination in the areas of employment, public accommodations, and housing; therefor, this Chapter shall not apply to complaints alleging discrimination on a basis proscribed under state or federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability).

G. Nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under state and/or federal law. This Chapter shall not create a private cause of action, nor shall it create any right or remedy that is the same or substantially equivalent to remedy provided under federal or state law.

H. This Chapter shall not create any special rights or privileges which would not be available to all of the City's citizens because every person has a sexual orientation and a gender identity.

I. This Chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

**Sec. 19-2. Definitions**

A. *Deny.* Any act which, directly or indirectly, by any person or their agent or employee, results or is intended to or calculated to result in whole or in part in any discrimination,

distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, requiring a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender expression/identity,

B. *Discrimination.* Any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity/expression or because of a person's association with any such person. "Discrimination" shall not mean and shall not be interpreted to require or to grant or to accord any preferential treatment to any person because of that person's sexual orientation or gender expression/identity.

C. *Educational Institution.* A public or private institution, including an academy; college; elementary or secondary school; extension course; kindergarten; nursery; school system; university; business; nursing, professional, secretarial, technical, or vocational school; or agent of such an educational institution. ✓

D. *Full Enjoyment.* The right to use, rent or purchase real property; any service, commodity or article of personal property offered or sold by any person or establishment to the public; and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement; free from acts directly or indirectly causing persons of any particular sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.

E. *Gender Identity/Expression.* Actual or perceived gender-related characteristics, identity, appearance, expression or behavior of a person, regardless of such person's biological or assigned sex at birth.

F. *Housing Accommodation.* A building or portion of a building (as defined in the Zoning Code), whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters for occupants.

G. *Otherwise Qualified.* A person who possesses the following bona fide job related qualifications required by an employer for any particular job, job classification, or position: education; training; ability; character; integrity; disposition to work; adherence to reasonable rules and regulations; and other bona fide job related qualifications required by an employer. ✓

H. *Place of Public Resort, Accommodation, Assemblage or Amusement.* Any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging/storing of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two (2) or more tenants, or by the owner and

one (1) or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care facilities or children's camps. Nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted, such use shall be covered by this definition. This definition excludes any educational facility operated or maintained by a bona fide religious or sectarian institution.

I. *Sexual Orientation.* Actual or perceived homosexuality, heterosexuality, and/or bisexuality.

### **Sec. 19-3. Prohibited Discriminatory Acts.**

The following acts are prohibited:

A. **Employment.** To deny to a person otherwise qualified the right to work because of sexual orientation and/or gender identity/expression by:

1. failing or refusing to hire;
2. discharging from employment;
3. barring from employment;
4. discriminating against a person in compensation or in other terms or conditions of employment; or
5. otherwise discriminating against a person with respect to employment.

B. **Use.** To deny to or to discriminate against any person because of sexual orientation and/or gender identity/expression, the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.

C. **Housing.** To deny to or discriminate against a person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.

### **Sec. 19-4. Exceptions.**

A. This Chapter shall not apply to:

1. A religious corporation, association, educational institution, or society, trust or any entity or association which is a wholly owned or controlled subsidiary or agency of any religious corporation, association, society, trust or corporation sole.

2. An expressive association whose employment of a person protected by this Chapter would significantly burden such association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).

3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, except the City of Moscow, Idaho.

B. This Chapter shall not apply to:

1. the rental of a dwelling unit within a two (2) family dwelling where the owner of the two (2) family dwelling, or a relative of the owner, resides within one (1) of such dwelling unit(s), as such terms are defined by the Zoning Code; or

2. the rental of rooms within a Boarding House, as defined by the Zoning Code and the Idaho Code.

**Sec. 19-5. Penalty.**

A. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code.

B. A violation may be reduced to an infraction, payable by a fine as set from time to time by Resolution of the Council, if the defendant engages in corrective actions, which may include, but are not limited to the following: sensitivity training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and/or the defendant's agreement to not engage in discriminatory practices in the future. There shall be no right to a trial by jury for an infraction.

C. A complaint filed under the provisions of this Chapter shall be filed within one hundred eighty (180) days of the alleged discriminatory conduct.

**Sec. 19-6. Unlawful Intimidation, Retaliation, and Interference.**

It shall be unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in the investigation in any manner, or participating in mediation related to this Chapter.

**Sec. 19-7. No Private Right of Action or Money Damages.**

There is no private right or cause of action created by this Chapter. No money damages are available to any person based on this Chapter.

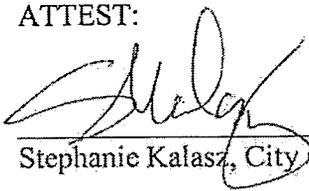
**SECTION 2: SEVERABILITY.** Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 10 shall be in full force and effect.

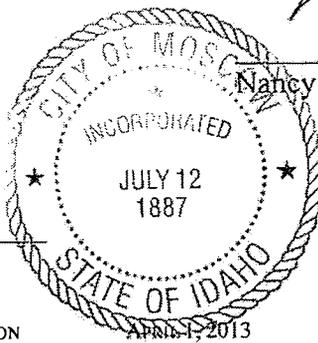
**SECTION 3: EFFECT ON OTHER ORDINANCES.** Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

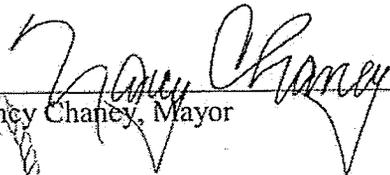
**SECTION 4: EFFECTIVE DATE.** This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this 1<sup>st</sup> day of April, 2013.

ATTEST:

  
Stephanie Kalasz, City Clerk



  
Nancy Chaney, Mayor

# Pocatello

ORDINANCE NO. 2921

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AUTHORIZING AND PROVIDING FOR THE ENACTMENT OF A NEW SECTION TO POCATELLO CITY CODE, TITLE 9 CHAPTER 36, TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, it is the policy and intent of the City of Pocatello that no person be denied equal protection of the laws; nor shall any person be discriminated against because of his or her sexual orientation or gender identity/expression; and shall include information regarding the appeal procedure available pursuant to the provisions of this chapter.

WHEREAS, state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, and/or disability, but there are no similar protections against discrimination on the basis of sexual orientation or gender identity/expression; and

WHEREAS, the City of Pocatello recognizes that every person has a sexual orientation and a gender identity/expression; and

WHEREAS, the City of Pocatello has received public testimony and written complaints from citizens reporting incidences of discrimination; and

WHEREAS, the City finds that existing state and federal laws regarding discrimination do not adequately address all discriminatory acts reported by the City's diverse residents; and

WHEREAS, the City deems it necessary to adopt local regulations adapted to the needs of its citizens; and

WHEREAS, nothing contained herein should be construed as supporting or advocating any particular doctrine, position, point of view, or religious view. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally in the City of Pocatello.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

CHAPTER 9.36  
DISCRIMINATION PROHIBITED

SECTION:

- 9.36.010: Purpose and Intent
- 9.36.020: Definitions
- 9.36.030: Prohibited Discriminatory Acts
- 9.36.040: Exceptions
- 9.36.050: Penalty
- 9.36.060: Mediation
- 9.36.070: Severability

Section 9.36.010: Purpose and Intent

It is the finding and the intent of the City of Pocatello that no person shall be denied his or her civil rights or be discriminated against based upon his or her actual or perceived race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or expression. The Pocatello City Council declares that such discrimination prohibitions are necessary and desirable for the following reasons:

- A. In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property and the use of public accommodations, the City of Pocatello has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation enacted.
- B. It is hereby declared to be public policy of the City of Pocatello that discriminatory practices are detrimental because they impede the social and economic progress of a city by preventing all of the City's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all citizens of the City of Pocatello are essential to the City's growth, vitality, and prosperity.
- C. It is hereby declared that every individual in the City of Pocatello has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.
- D. It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Pocatello. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is

detrimental to the health, safety, and welfare of the city's citizens, and damages a city's economic well-being.

- E. This Chapter shall be deemed an exercise of the police power of the City of Pocatello for the protection of the public welfare, prosperity, health and peace of the City of Pocatello, its residents and the community.
- F. The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints, alleging discrimination on a basis proscribed under state or federal law (e.g. race, color, religious creed, ancestry, age, gender, national origin, and/or disability) the Complainant is advised of his or her right to file a report alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.

Section 9.36.020: Definitions

- A. "DENY" includes any act which, directly or indirectly, by any person or his or her agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender identity/expression.
- B. "DISCRIMINATION" is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.
- C. "FULL ENJOYMENT OF" shall be construed to include, but not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular

sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.

- D. "GENDER IDENTITY/EXPRESSION" means a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.
- E. "HOUSING ACCOMMODATION" is a building or portion of a building, whether constructed or to be constructed; that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.
- F. "PERSON" shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.
- G. "PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT" includes, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for the public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any education institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.
- H. "SEXUAL ORIENTATION" is actual or perceived homosexuality, heterosexuality and/or bisexuality.

Section 9.36.030: Prohibited Discriminatory Acts

The following acts willfully committed are prohibited and shall constitute a misdemeanor:

- A. To unlawfully deny or discriminate against any other person because of sexual orientation and/or gender identity/expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by otherwise discriminating against such person in compensation or in other terms or conditions of employment, or (e) otherwise unlawfully discriminating against an individual with respect to employment.
- B. To unlawfully deny or discriminate against any person because of sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.
- C. To unlawfully deny or discriminate against any person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any commercial property, housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.
- D. Retaliation Prohibited. No person shall coerce, threaten, discharge, expel, blacklist, or otherwise retaliate against another person for opposing any practices prohibited by this Chapter, making a complaint, or assisting in the investigation or proceeding regarding an alleged violation of this Chapter; nor shall any person require, request to conspire with, assist, coerce, aid or abet, another person to retaliate against a person for making a complaint or assisting in an investigation or proceeding pursuant to the terms of this Chapter.

Section 9.36.040: Exceptions

- A. Nothing in this Chapter is intended to alter to abridge other rights, protections, or privileges secured under state/federal law. This ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech, association, and religion. Moreover, this Ordinance does not apply to the employment of those who perform functional, administrative, and/or ministerial duties for organizations whose primary purpose and function is religious. This Ordinance does not prevent such religious organizations from restricting membership, services or use of its facilities. This ordinance shall be interpreted and enforced in accordance with the Idaho Free Exercise of Religion Act, Idaho Code §73-401 et seq.
- B. This ordinance shall not apply:
  - 1. To the rental of a housing accommodation for not more than two (2) families living independently of each other, if the lessor is an individual and said individual resides in one (1) of the housing accommodations; or

2. To the rental of a room or rooms in a single family residential housing accommodation by an individual if said individual resides in said single family residential housing.
3. This Ordinance shall not be interpreted to require any person to provide bathroom, locker room, or like facilities that are not segregated by gender.

Section 9.36.050: Penalty

- A. A violation of this Chapter is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) and imprisonment in the County jail not to exceed six (6) months or both.
- B. The prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions, which may include, but are not limited to the following: appropriate remedial training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement to not engage in discriminatory practices in the future.
- C. Any person who falsely reports a violation of this Chapter may be charged with the crime of False Reporting, Pocatello City Code 9.04.040.

Section 9.36.060: Mediation

If, upon the completion of an investigation of a complaint made pursuant to the terms of this Chapter, the City Attorney finds that a violation of this Chapter has occurred, the City Attorney shall notify the Complainant and the Defendant of their right to engage in a mediation and attempt to resolve the dispute prior to the filing of a criminal complaint. The mediator shall be appointed by the City Attorney. The City Attorney shall not otherwise participate in the mediation. The initial \$250.00 of mediation fees shall be paid by the City of Pocatello, and the second \$250.00 of mediation fees shall be paid by the Defendant. In the event additional mediation fees are incurred in the dispute, the Defendant and the Complainant shall each pay one-half of said fees, in a total amount not to exceed \$500.00, or \$250.00 each. In the event the parties do not successfully mediate the dispute after the total expenditure of \$1,000.00 in mediation fees, the mediation will be deemed to have failed. If the parties successfully mediate the dispute, then no charges will be brought by the City Attorney stemming from the common core of aggregate facts presented by the Complainant.

Section 9.36.070: Severability

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

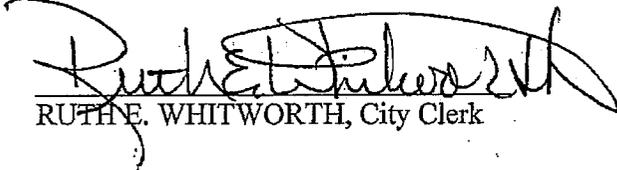
PASSED AND APPROVED this 6<sup>th</sup> day of June, 2013.

CITY OF POCA TELLO, a municipal corporation of Idaho



\_\_\_\_\_  
BRIAN C. BLAD, Mayor

ATTEST:



\_\_\_\_\_  
RUTH E. WHITWORTH, City Clerk

Published: June 12, 2013

**5-2-10: DISCRIMINATION PROHIBITED:****5-2-10-1: PURPOSE AND DECLARATION OF POLICY:**

- A. In order to ensure that all persons, regardless of sexual orientation, gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, it is necessary that appropriate legislation be enacted.
- B. It is hereby declared to be the public policy of the city of Sandpoint to foster the employment of all individuals in accordance with their abilities.
- C. It is the intention of this section 5-2-10 that all persons be treated fairly and equally, and it is the express intent of this section 5-2-10 to guarantee fair and equal treatment under the law to all people of the city of Sandpoint.
- D. This section 5-2-10 shall be deemed an exercise of the police power of the city of Sandpoint for the protection of the public welfare, prosperity, health and peace of the city of Sandpoint, its residents and the community.
- E. The prohibitions against discriminatory acts as provided for in this section 5-2-10 are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g., race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the complainant is advised of their right to file their complaint with the Idaho commission on human rights and/or federal equal employment opportunity commission.
- F. No power or duty granted hereunder to the human relations review board is intended to exceed nor shall it be construed as exceeding those powers and duties granted to the Idaho commission on human rights, Idaho Code 67-5901 et seq. (Ord. 1261, 12-21-2011)

**5-2-10-2: DEFINITIONS:**

**ANY PERSON:** Shall be construed to include the city and any owner/employer, lessee, proprietor, manager, agent, employee, whether one or more natural persons, partnerships, associations, organizations, corporations, companies, cooperatives (including its officers and/or board of directors), boards and commissions, engaged in or exercising control over the operation of any business, place of public resort, accommodation, housing, commercial property, assemblage or amusement in the city of Sandpoint.

**DENY:** Is hereby defined to include any act which directly or indirectly, by any person or his agent or employee, that results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, refusing to sell, rent or lease residential or commercial property or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation, gender identity/expression.

**FULL ENJOYMENT OF:** Shall be construed to include, but not be limited to, the right to use, rent, lease or purchase real property, any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation, gender identity/expression to be treated as not welcome or accepted.

**GENDER EXPRESSION/IDENTITY:** A gender related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.

**HUMAN RELATIONS REVIEW BOARD:** A quasi-judicial group consisting of three (3) or more persons appointed by the mayor to process complaints and determine if prohibited discriminatory acts have occurred in the city of Sandpoint.

**PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT:** Is hereby defined to include, but not to be limited to, any public place where admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise or for the rendering of personal services.

**SEXUAL ORIENTATION:** Actual or perceived homosexuality, heterosexuality and/or bisexuality. (Ord. 1261, 12-21-2011; amd. Ord. 1284, 7-17-2013)

**5-2-10-3: PROHIBITED DISCRIMINATORY ACTS:**

The following acts are prohibited and constitute a misdemeanor punishable in accordance with Idaho Code 18-113. (Ord. 1261, 12-21-2011)

- A. Any person who denies to any other person because of sexual orientation, gender identity/expression the right to work: 1) by refusing to hire, 2) by discharging, 3) by barring from employment, or 4) by discriminating against such person in compensation or in other terms or conditions of employment; or who denies to any other person because of sexual orientation, gender identity/expression, right to purchase, rent or lease residential or commercial property or the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement. (Ord. 1284, 7-17-2013)
  
- B. Retaliation against any individual because such individual has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this section 5-2-10.
  
- C. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this section 5-2-10 to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this section 5-2-10. (Ord. 1261, 12-21-2011)

#### **5-2-10-4: EXCEPTIONS:**

Notwithstanding any other provision herein, nothing in this section 5-2-10 is intended to alter or abridge other rights, protection, or privileges secured under state or federal law. This section 5-2-10 shall be construed and applied in a manner consistent with first amendment jurisprudence regarding the freedom of speech and exercise of religion. (Ord. 1261, 12-21-2011)

#### **5-2-10-5: ESTABLISHMENT OF HUMAN RELATIONS REVIEW BOARD:**

- A. Pursuant to Idaho Code section 50-210, there is hereby established a human relations review board in and for the city of Sandpoint (hereinafter referred to as the "Sandpoint human relations review board" or the "review board").

- B. The review board shall consist of a quorum of three (3) or more members. All members of the review board shall be appointed by the mayor of the city of Sandpoint and confirmed by the city council. Members shall be residents of the city. No member of the review board shall hold any office in any political party.
- C. Members of the review board shall serve without salary but may be paid expenses incurred in the performance of their duties, as approved by city council.
- D. One of the review board's members shall be appointed by the members thereof as chairperson. The chairperson will be responsible for setting review board meetings, coordinating with the mayor and city clerk regarding received complaints and answers, and generally ensuring that the duties of the review board are fulfilled.
- E. The review board shall have jurisdiction over prohibited discriminatory acts committed within the city of Sandpoint as it relates to sexual orientation, gender identity/expression.
- F. The review board shall be empowered to promulgate such additional procedures as it determines necessary to implement the intent of this section 5-2-10.
- G. The Sandpoint city council hereby grants to the review board, with respect to prohibited discriminatory acts as defined herein, all of the powers necessary to the execution of its duties as set forth herein, provided that those powers shall not exceed those exercised by the Idaho commission on human rights now or as may be granted in the future by the Idaho legislature. (Ord. 1261, 12-21-2011)

### **5-2-10-6: PROCEDURES:**

#### **A. Filing A Complaint:**

1. Person(s) claiming to be aggrieved by a prohibited discriminatory act may make, sign, and file a verified complaint alleging violations of this section 5-2-10, which shall include the following information:
  - a. The name and address of the aggrieved person(s);

- b. The name and address of the person(s) alleged to have committed the prohibited practice;
  - c. A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory act;
  - d. If applicable, the address and a description of any property which is involved; and
  - e. Such other information as may be required by the review board.
2. Complaints may be filed in person or by mail at the city clerk's office. All complaints must be received by the city clerk's office within ninety (90) days of the alleged discrimination, or the complaint will not be considered timely.
  3. The city clerk shall convey each original complaint received by the city to the chairperson of the Sandpoint human relations review board within ten (10) days of the receipt of such complaint.

#### B. Notification And Answer:

1. Within thirty (30) days of its receipt of a complaint, the Sandpoint human relations review board shall determine if it has jurisdiction hereunder to hear the complaint. If the review board determines that it does not have such jurisdiction, it shall dismiss the complaint and notify the aggrieved party. If the review board determines it has jurisdiction to hear the complaint, it shall proceed as follows:
  - a. Send a copy of the complaint to the person(s) charged with a prohibited discriminatory act (the "respondent"); and
  - b. Send a notice to the person(s) aggrieved (the "complainant"), informing them that the complaint has been received.
2. The respondent must file, with the city clerk, a written verified answer to the complaint within thirty (30) days of respondent's receipt of the complaint from the city. The answer shall be conveyed by the city clerk to the chairperson of the review board within ten (10) days. The review board shall within five (5) days send a copy of the answer to the complainant. (Ord. 1261, 12-21-2011)

#### **5-2-10-7: MEDIATION:**

- A. After the answer has been received, the review board shall, within fifteen (15) days, invite the parties to voluntarily participate in mediation of their dispute. The parties must respond within fifteen (15) days of being invited to mediate. The parties must accept or reject the invitation to mediation.

- B. If accepted by parties, mediation shall be conducted in accordance with procedures promulgated by the review board. Parties may jointly select a mediator. If parties cannot agree, a mediator shall be selected pursuant to procedures promulgated by the review board. The parties shall be jointly responsible for all financial costs and expenses associated with mediation.
- C. The parties shall notify the review board as to whether the mediation successfully resolved the complaint. Mediation proceedings shall otherwise be confidential. Neither the results thereof, nor any record made in connection therewith, shall be made public unless agreed to in writing by both parties.
- D. If the mediation has successfully resolved the complaint, the review board shall promptly notify the parties that it has dismissed the complaint. (Ord. 1261, 12-21-2011)

#### **5-2-10-8: INVESTIGATION AND DETERMINATION:**

If mediation is not desired or was not successful in resolving the complaint, the review board shall not dismiss the complaint but shall instead undertake the following procedures:

- A. Investigation: The review board shall, in a timely fashion, investigate the allegations of a prohibited discriminatory act set forth in the complaint in coordination with a local law enforcement agency. The city may, in the conduct of such investigation and upon request of the investigator, issue subpoenas to any person charged with a prohibited discriminatory act, commanding such person to furnish information, records or other documents, as necessary to assist in the review board's investigation.
- B. Determination:
1. Finding Of No Cause: If it is determined after the review board's investigation that there is no basis for the allegations of the complaint, the review board shall issue and serve upon the parties written notice of such determination and dismissal of the complaint.
  2. Finding Of Cause: If it is determined after the review board's investigation that the respondent has engaged in or is engaging in any unlawful discriminatory act, as defined in this section 5-2-10, the review board shall state its findings of fact, and will

refer the matter to the city attorney to pursue civil, equitable or criminal remedies. (Ord. 1261, 12-21-2011)

#### **5-2-10-9: PENALTY:**

A violation of this section 5-2-10 shall constitute a misdemeanor, punishable as provided in Idaho Code section 18-113. (Ord. 1261, 12-21-2011)

#### **5-2-10-10: PRIVATE RIGHT OF ACTION:**

There is no private right of action that is created by this section 5-2-10 or money damages available to any person based on this section 5-2-10. (Ord. 1261, 12-21-2011)

CHAPTER 4

**DISCRIMINATION PROHIBITED**

SECTION:

- 4-4-1: Purpose and Declaration of Policy
- 4-4-2: Definitions
- 4-4-3: Prohibited Discrimination Acts
- 4-4-4: Exceptions
- 4-4-5: Penalty
- 4-4-6: Unlawful Intimidation Retaliation, and Interference
- 4-4-7: Private Right of Action

4-4-1: **PURPOSE AND DECLARATION:**

- A. In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, the City of Victor has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation be enacted.
- B. It is hereby declared that every individual in the City of Victor has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and services, as well as any place of public resort, assemblage, amusement, and hospitality.
- C. It is hereby declared to be the public policy of the City of Victor to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all the citizens of the City of Victor are essential to the City's growth, vitality, and prosperity.
- D. It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Victor. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health,

safety, and welfare of the city's citizens, and damages a city's economic well-being.

- E. This Chapter shall be deemed an exercise of the police power of the City of Victor for the protection of the public welfare, prosperity, health and peace of the City of Victor, its residents and the community.
- F. The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the Complainant is advised of his or her right to file a report alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.

4-4-2: **DEFINITIONS:**

**DENY** includes any act which, directly or indirectly, by any person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions Page 2 of 6 and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender identity/ expression,

**DISCRIMINATION** is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require

or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.

FULL ENJOYMENT OF shall be construed to include, but not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.

GENDER EXPRESSION/IDENTITY means a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.

HOUSING ACCOMMODATION is a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.

PERSON shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT includes, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where

food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where Page 3 of 6 public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.

**SEXUAL ORIENTATION** is actual or perceived homosexuality, heterosexuality and/or bisexuality.

4-4-3: **PROHIBITED DISCRIMINATORY ACTS:** The following acts are prohibited and shall constitute a misdemeanor:

- A. To deny to any other person because of sexual orientation and/or gender identity/expression the right to work:
1. by failing or refusing to hire,
  2. by discharging,
  3. by barring from employment
  4. by discriminating against such person in compensation or in other terms or conditions of employment, or
  5. otherwise discriminating against an individual with respect to employment.

- B. To deny to or to discriminate against any person because of sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.
- C. To deny to or discriminate against any other person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.

4-4-4:           **EXCEPTIONS:**

- A. Notwithstanding any other provision herein, nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under state and/or federal law. This ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.
- B. This chapter does not apply to:
  - 1. Religious corporations, religious associations, religious educational institutions, and religious societies.
  - 2. An expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
  - 3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, except the City of Victor. Page 4 of 6C. This ordinance shall not apply: (a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of his family resides in one (1) of the housing accommodations, or (b) to the rental of a room or rooms in a single family residential housing accommodation by an individual if he or a member of his family resides therein.

4-4-5           **PENALTY:**

- A. A violation of this Chapter is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) and imprisonment in the county jail not to exceed six (6) months or both.

- B. A prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions, which may include, but are not limited to the following: sensitivity training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement to not engage in discriminatory practices in the future. The charge shall be filed as a misdemeanor violation and may only be reduced upon motion of the prosecutor. There shall be no right to a trial by jury for an infraction citation or complaint.
- C. A complaint filed under the provisions of this Chapter must be filed within 180 days of the alleged discriminatory conduct.

4-4-6:           **UNLAWFUL INTIMIDATION, RETALIATION, AND INTERFERENCE:** It shall be unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation concerning this Chapter.

4-4-07           **PRIVATE RIGHT OF ACTION:** There is no private right of action that is created by this Chapter or money damages available to any person based on this Chapter. (Ord. 14-0611, 06-11-2014)

**Return to Agenda**

# MEMORANDUM

TO: Hailey Mayor and City Council Members  
FROM: Ned C. Williamson  
DATE: February 24, 2015  
RE: Drones

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At the last City Council Meeting, I was asked to look at regulations involving the use of drones within the City of Hailey. Throughout much of the country, states have enacted state laws regulating the use of drones. It is my impression that the state laws are regulating the use of drones for three reasons. First, some of the laws are designed to protect individual privacy interest. Second, some of the state laws are designed to curb law enforcement surveillance by requiring a search warrant absent consent or exigent circumstances. Third, some of the laws are designed to promote safety.

For the third type of drone regulation, the FAA currently prohibits the use of drones near an airport, limits the use of drones to below 400 feet of the ground, and purports to prohibit all commercial use of drones.<sup>1</sup> Very recently, the FAA issued draft regulations which limits the use of unmanned drones to daylight use only, requires visual contact with a drone during its operation, limits the speed of the drone to a maximum of 100 miles per hour, requires the users to be 17 years or older, requires a certificate of use to be issued by the FAA, prohibits the use of a drone near aircraft and airports, and limits the use of a drone to below 500 feet in altitude. Based on the widespread concern about the conflict between aircraft and drones, it appears that the federal government will adopt some or all of the proposed regulations.

In 2013, the Idaho enacted Idaho Code § 21-213 which generally addresses concerns about privacy and law enforcement use of drones. A copy of Idaho Code § 21-213 is attached. This law regulates the use of drones and provides remedies for a violation of state law.

Based on the existing state law and federal regulation, I would not recommend that the City of Hailey adopt any ordinance regulating the use of drones. I would think that individuals have sufficient protection insuring privacy under state law and insuring safety under federal law. If the City desires to enact drone regulations, I would anticipate a problem with either state or federal preemption. Since I do not believe it is necessary to enact a municipal ordinance, I have not researched the preemption issue. If we decide to pursue a drone ordinance, I would recommend that I research the impact of state and/or federal preemption.

If you have any questions, please contact me. Thank you.

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<sup>1</sup> Apparently a federal judge has struck down the commercial prohibition because the FAA failed to properly adopt the regulation.

moneys in the state aeronautics fund shall be paid to the state aeronautics fund.

**History.** 1974, ch. 12, § 105, p. 61; am. 2001, ch. 94, I.C., § 21-211, as added by 1957, ch. 150, § 1, p. 242; am. 2011, ch. 58, § 1, p. 122; § 2, p. 249; am. 1973, ch. 163, § 1, p. 310; am.

#### STATUTORY NOTES

##### Amendments.

The 2011 amendment, by ch. 58, inserted "for defraying state air flight program costs" near the end of the first sentence.

##### Effective Dates.

Section 3 of S.L. 2011, ch. 58 declared an emergency. Approved March 11, 2011.

### 21-213. Restrictions on use of unmanned aircraft systems — Definition — Violation — Cause of action and damages. —

(1)(a) For the purposes of this section, the term "unmanned aircraft system" (UAS) means an unmanned aircraft vehicle, drone, remotely piloted vehicle, remotely piloted aircraft or remotely operated aircraft that is a powered aerial vehicle that does not carry a human operator, can fly autonomously or remotely and can be expendable or recoverable.

(b) Unmanned aircraft system does not include:

- (i) Model flying airplanes or rockets including, but not necessarily limited to, those that are radio controlled or otherwise remotely controlled and that are used purely for sport or recreational purposes; and
- (ii) An unmanned aircraft system used in mapping or resource management.

(2)(a) Absent a warrant, and except for emergency response for safety, search and rescue or controlled substance investigations, no person, entity or state agency shall use an unmanned aircraft system to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record specifically targeted persons or specifically targeted private property including, but not limited to:

- (i) An individual or a dwelling owned by an individual and such dwelling's curtilage, without such individual's written consent;
- (ii) A farm, dairy, ranch or other agricultural industry without the written consent of the owner of such farm, dairy, ranch or other agricultural industry.

(b) No person, entity or state agency shall use an unmanned aircraft system to photograph or otherwise record an individual, without such individual's written consent, for the purpose of publishing or otherwise publicly disseminating such photograph or recording.

(3) Any person who is the subject of prohibited conduct under subsection (2) of this section shall:

- (a) Have a civil cause of action against the person, entity or state agency for such prohibited conduct; and
- (b) Be entitled to recover from any such person, entity or state agency damages in the amount of the greater of one thousand dollars (\$1,000) or

actual and general damages and litigation costs reasonable. (4) An owner of facilities, easement, permit, license or this section from using a such facilities.

##### History.

I.C., § 21-213, as added by 2011, ch. 58, § 1, p. 859.

##### Compiler's Notes.

The abbreviation enclosed in brackets so appeared in the law as enacted.

## AIR NA

##### SECTION.

21-401. Authority to provide facilities — Issuance of bonds.

**21-401. Authority to provide facilities — Issuance of bonds — Duties of counties, cities and towns.** — Counties, cities and towns are authorized to acquire by purchase or lease, and hold lands either within or outside the corporate limits of such counties, cities and towns, partly within or without the limits of such counties, cities and towns, and maintaining aviation facilities; to provide equipment and operation of such aviation facilities; to manage such aviation field operations; to fix fees and rentals to be collected for the use of such facilities; to survey, plat, map, grade, and improve all appurtenances thereto; to issue bonds, by such counties, highway districts, cities and towns, leading to or adjacent to such facilities for the purposes connected therewith; and the governing bodies of such counties, cities and towns may determine upon such regulations as may be established by such governing bodies, the length of term prescribed for the operation and maintenance of such facilities convenient to the maintenance of such facilities. Counties, highway districts,

paid to the state aeronautics

12, § 105, p. 61; am. 2001, ch. 94, § 42; am. 2011, ch. 58, § 1, p. 122.

**e Dates.** 2013 of S.L. 2011, ch. 58 declared an emergency. Approved March 11, 2011.

**Unmanned aircraft systems — Actual and general damages. —**

The term "unmanned aircraft vehicle, drone, remotely piloted aircraft or remotely operated aircraft that does not carry a human operator, can be used, repaired, replaced, expendable or recoverable.

include, but not necessarily limited to, the use of such aircraft for mapping or resource management, emergency response for safety investigations, no person, or unmanned aircraft system to intentionally or collect information or record specifically targeted activity including, but not limited to, the use of such aircraft by an individual and such individual's written consent; cultural industry without the farm, dairy, ranch or other

If use an unmanned aircraft by an individual, without such person's consent of publishing or otherwise recording such activity conducted under subsection (b) by a person, entity or state agency shall be limited to one thousand dollars (\$1,000) or

by an individual and such individual's written consent; cultural industry without the farm, dairy, ranch or other

If use an unmanned aircraft by an individual, without such person's consent of publishing or otherwise recording such activity conducted under subsection (b) by a person, entity or state agency shall be limited to one thousand dollars (\$1,000) or

person, entity or state agency shall be limited to one thousand dollars (\$1,000) or

person, entity or state agency shall be limited to one thousand dollars (\$1,000) or

actual and general damages, plus reasonable attorney's fees and other litigation costs reasonably incurred.

(4) An owner of facilities located on lands owned by another under a valid easement, permit, license or other right of occupancy is not prohibited in this section from using an unmanned aircraft system to aerially inspect such facilities.

**History.**

I.C., § 21-213, as added by 2013, ch. 328, § 1, p. 859.

**STATUTORY NOTES**

**Compiler's Notes.**

The abbreviation enclosed in parentheses so appeared in the law as enacted.

**CHAPTER 4**

**AIR NAVIGATION FACILITIES**

**SECTION**

21-401. Authority to provide facilities — Expense — Issuance of bonds —

Duties of commissioners and councilmen — Restriction on lease of facilities.

**21-401. Authority to provide facilities — Expense — Issuance of bonds — Duties of commissioners and councilmen — Restriction on lease of facilities. —** Counties, highway districts and cities are hereby authorized to acquire by purchase, lease, condemnation, or otherwise, take over and hold lands either wholly or partly within or without the boundaries or corporate limits of such counties, highway districts or cities, or wholly or partly within or without the state of Idaho, for the purpose of constructing and maintaining aviation fields, airports, hangars and other air navigation facilities; to provide equipment necessary or incidental to the maintenance and operation of such aviation fields or airports; to maintain, operate and manage such aviation fields, airports and grounds and prescribe rules and regulations for the maintenance, operation and management thereof, and fix fees and rentals to be charged for the use of the same or any part thereof; to survey, plat, map, grade, ornament and otherwise improve such lands and all appurtenances thereto, whether owned and operated or owned or leased by such counties, highway districts or cities, and all approaches and avenues leading to or adjacent thereto; to lease for aviation purposes or for any purposes connected therewith and incidental thereto and for such commercial purposes as the governing bodies of such counties, highway districts and cities may determine upon all or any part of the land or lands so required, under such regulations and upon such terms and conditions as shall be established by such governing bodies, and not subject to the limitation as to length of term prescribed in section 31-836, Idaho Code; to construct, operate and maintain hangars, buildings and equipment necessary or convenient to the maintenance and operation of aviation fields or airports. Counties, highway districts and cities are hereby empowered to provide

**Return to Agenda**

**AGENDA ITEM SUMMARY**

DATE: 1/20/2015

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

**SUBJECT:**

Park Ordinance Amendment

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

In early 2012, we passed an ordinance which prohibited smoking and drinking at Jimmy's Garden and the Skate Park. If I recall correctly, the initial draft of the ordinance also prohibited possession of tobacco at these parks. We decided that we should narrow the prohibition to allow possession of tobacco at these parks by adults, but not by minors. I was asked recently to review language for a sign at the Grind Park and discovered that the park ordinance only prohibited possession of tobacco by minors at Jimmy's Garden and the Skate Park. The proposed ordinance would prohibit possession of tobacco by minors at all City Parks, including the Grind Park.

On December 15, 2014, we discussed an amendment to our park ordinance under New Business. At that time, I was directed to include a provision prohibiting electronic cigarettes. I have added language which prohibits the possession and use of both tobacco products and electronic cigarettes in the proposed ordinance. The definition of electronic cigarettes is patterned after state law.

If you have any questions, please contact me. Thank you.

Ned

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments:

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Conduct a public hearing and discuss the proposed ordinance. If acceptable, make a motion to approve Ordinance No. \_\_\_ and authorize the mayor to conduct the first reading and to read by title only.

*1/20 - Council approved Ord. No. 1171 - Mayor conducted 1st Reading by title only.*  
*2/9 - 2nd Reading*  
*3/2 - 3rd Reading*

## HAILEY ORDINANCE NO. 1171

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY AMENDING SECTION 12.12.010 OF THE HAILEY MUNICIPAL CODE TO ADD THE DEFINITION OF ELECTRONIC CIGARETTE; AMENDING SECTION 12.12.060 OF THE HAILEY MUNICIPAL CODE TO PROHIBIT POSSESSION OF TOBACCO PRODUCTS OR ELECTRONIC CIGARETTES BY A MINOR AT A CITY PARK; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey have adopted Chapter 12.12 of the Hailey Municipal Code to regulate the use of City Parks and Trails; and

WHEREAS, in order to promote the health, safety and welfare of minors at parks frequently used by minors, the Mayor and the City Council of the City of Hailey desire to prohibit smoking, chewing and ingestion of tobacco product or an electronic cigarette by a minor at a City Park.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:**

**Section 1.** Section 12.12.010 of the Hailey Municipal Code is hereby amended by the addition of the definition in alphabetical order, as follows:

“Electronic cigarette” shall mean any device that can provide an inhaled dose of nicotine by delivering a vaporized solution. Electronic cigarette includes the components of an electronic cigarette including, but not limited to, liquid nicotine.

**Section 2.** Section 12.12.060 of the Hailey Municipal Code is amended by the deletion of the stricken language and the addition of the underlined language, as follows:

12.12.060. Permitted and Prohibited Uses of City Parks and Public Pathways.

A. Except as otherwise provided, City Parks and Trails shall only be used by pedestrians, equestrians, bicycle riders, cross-country skiers and snowshoers, and for all other non-motorized recreational uses. Licensed motorized vehicles are permitted on designated roadways and parking areas within City Parks.

B. Except as otherwise provided, motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motorized scooters, shall not be permitted on City Parks and Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the City Parks and Trails.

C. Smoking, chewing or ingestion of a Tobacco Product or an Electronic Cigarette by any person, regardless of age, and the consumption or possession of any Liquor, Beer or Wine by any person, regardless of age, at the Skate Park Facility or Jimmy’s Garden is prohibited. Possession of a Tobacco Product or an Electronic Cigarette by a minor and the consumption or pos-

session of any Liquor, Beer or Wine by a minor at the Skate Park Facility or Jimmy's Garden a City Park is prohibited.

**Section 3.** Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

**Section 4.** Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 5.** Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 2<sup>nd</sup> DAY OF MARCH, 2015.**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

Publish: Idaho Mountain Express \_\_\_\_\_, 2015

**Return to Agenda**

115 MAIN STREET SOUTH, SUITE H  
HAILEY, IDAHO 83333  
(208) 788-1221  
Fax: (208) 788-2924

March 2, 2015

Penelope Parker, Director  
Seagraves Family Foundation  
320 Main Avenue North  
Twin Falls, ID 83301

Dear Seagraves Family Foundation:

On behalf of the entire City of Hailey, I would like to thank you for your donation to the Hailey Volunteer Fire Association's Burn-Out Fund. With your contribution of \$5,000, our highly altruistic volunteers can leverage their service with yours to the benefit of our community.

These volunteers dedicate so much time, training, effort, energy and caring toward the safety and well-being of our community. Your support is encouraging to them, and will be used to help people who suffer the difficult effects of a fire.

Please accept my appreciation of the Seagrave Foundation's work, and best wishes for you in the future.

With gratitude,

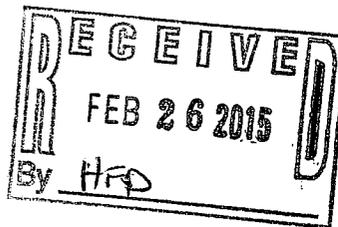
Fritz Haemmerle  
Mayor

*Janice Seagraves Family Foundation, Inc.*  
*320 Main Avenue North*  
*Twin Falls, Idaho 83301*  
*(208) 735-8812*

February 24, 2015

**RECEIVED**  
FEB 26 2015  
HAEMMERLE & HAEMMERLE PLLC

Fritz Haemmerle  
P. O. Box 1800  
Hailey, ID 83333



Dear Fritz:

Enclosed please find a check from the Janice Seagraves Family Foundation in the amount of \$5,000.00 for the Hailey Volunteer Fire Association Burn Out Fund. I looked for an address for it, but was unable to determine exactly where to send it, and so because you are THE MAYOR, I am sending it to you to see that it gets to the correct department.

Thanks for your help. If you have any questions or concerns, please feel free to contact me.

Very truly yours,

SEAGRAVES FAMILY FOUNDATION, INC.

By

A handwritten signature in cursive script, appearing to read "P. Parker", written over a horizontal line.

Penelope Parker, Director

Enclosure

P.S. Please give Jennifer my sincere congratulations, she will be a great addition to the judiciary.

**Return to Agenda**



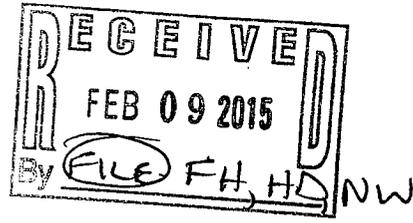
U. S. Department  
Of Transportation

**Federal Aviation  
Administration**

**Helena Airports District Office**  
2725 Skyway Drive, Suite 2  
Helena, Montana 59602

Phone: (406) 449-5271  
Fax: (406) 449-5274

February 2, 2015



The Honorable Fritz Haemmerle, Mayor  
City of Hailey  
115 Main Street South, Suite H  
Hailey, ID 83333

Letter Amendment No. 1  
AIP Project No. 3-16-0016-040-2014  
Contract No. DOT-FA14NM-2001  
DUNS No. 155993603  
Friedman Memorial Airport  
Hailey, Idaho

Dear Mayor Haemmerle:

This is in response to the letter dated November 19, 2014 from Ronald E. Fairfax, Chair, Friedman Memorial Airport Authority requesting an amendment to the Grant Agreement for AIP Project No. 3-16-0016-040-2014 at Friedman Memorial Airport to increase the maximum grant obligation of the United States to cover eligible project costs exceeding the original grant amount.

In accordance with Special Condition No. 17 of the subject grant, the maximum obligation of the United States as shown on page 1 as Condition No. 1 is increased from the previously granted amount of \$18,000,000 to \$20,700,000, an increase of \$2,700,000.00.

All other terms and conditions of the Grant Agreement remain in full force and effect. Under the terms of the Grant Agreement, this document is incorporated into, and constitutes Letter Amendment No. 1 to the above referenced Grant Agreement.

Sincerely,

  
David S. Stelling, Manager  
Helena Airports District Office

## IDENTICAL LETTER SENT TO:

The Honorable Angenie McCleary, Chair  
Blaine County Commission  
206 1<sup>st</sup> Avenue South, Suite 300  
Hailey, ID 83333

cc: (Via e-mail):  
AMK-314  
ANM-613  
Rick Baird, Airport Manager, Friedman Memorial Airport  
Melissa Kaplan, Idaho Transportation Department – Division of Aeronautics  
Bill Statham, Idaho Transportation Department – Division of Aeronautics  
Dave Mitchell, TO Engineers

**Return to Agenda**

**AGENDA OF THE  
HAILEY CITY COUNCIL MEETING  
Tuesday March 16, 2015 \* Hailey City Hall Meeting Room**

**5:30 p.m. CALL TO ORDER -**            Open Session for Public Concerns

**CONSENT AGENDA:**

- CA 000 Grant Applications
- CA 000 Grant Agreements
- CA 000 Contracts & Bids
- CA 000 Special Events
- CA 000 Surplus Property Resolution (HPD).....
- CA 000 Findings of Fact and Ordinance Summaries
- CA 000 Motion to approve minutes of March 2, 2015 and to suspend reading of them.....
- CA 000 Motion to approve claims for expenses incurred during the month of February, 2015, and claims for expenses due by contract in March, 2015 .....
- CA 000 Motion to approve Treasurer's report for February 2015 .....

**MAYOR'S REMARKS:**

MR 000

**PROCLAMATIONS & PRESENTATIONS:**

PP 000

**APPOINTMENTS & AWARDS**

AA 000

**PUBLIC HEARING:**

PH 000

**NEW BUSINESS:**

- NB 000 Consideration of Resolution 2015-\_\_\_ authorizing contract with \_\_\_\_\_ for Engineer of Record Contract and Construction Engineering and Inspection services (CE&I) for WWTP Biosolids Project Inspection, in the amount of \$.....
- NB 000 Consideration of Resolution 2015-\_\_\_, authorizing agreement with Cutters for irrigation system and pump house coordination and operations and maintenance .....
- NB 000 Approval of bid documents for WWTP Biosolids project, with direction to staff to advertise and collect bids .....
- NB 000 Presentation of energy code options by Kristine Hilt

**OLD BUSINESS:**

OB 000  
OB 000

**WORKSHOP:**

Staff Reports            Council Reports            Mayor's Reports  
SR 000 Report on Town Square site selection effort – Lisa Horowitz

**EXECUTIVE SESSION:**

**Matters & Motions from Executive Session or Workshop**

Next Ordinance Number - \_\_\_\_\_ Next Resolution Number- 2015-01

**Return to Agenda**