

**AGENDA OF THE  
HAILEY CITY COUNCIL  
SPECIAL MEETING  
Monday March 02, 2020 \* Hailey City Hall Meeting Room**

**ACTION ITEM** = a vote may occur but is not required to be taken  
**ACTION ITEM**.....

**5:00 p.m. CALL TO ORDER -** Open Session for Public Concerns

**CONSENT AGENDA:**

[CA 109](#) Motion to ratify letter to Senate Commerce Committee and House Business Committee pertaining to proposed legislation to eliminate Idaho Building/Energy Codes **ACTION ITEM**.....

**MAYOR’S REMARKS:**

MR 000

**NEW BUSINESS:**

[NB 110](#) Introduction of Ordinance No. 1258 to amend Hailey Ordinance No. 1103 to grant a six-month extension of Hailey’s rubbish franchise ordinance **ACTION ITEM** .....

NB 111 Motion to set a special meeting for April 6, 2020 at 5:00 p.m. for the purpose of holding a public hearing on Hailey Ordinance No. 1258 **ACTION ITEM** .....(no documents)

**STAFF REPORTS:** Staff Reports                  Council Reports                  Mayor’s Reports

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

Next Ordinance Number - 1259    Next Resolution Number- 2020-31

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

February 28, 2020

RE: House Business Committee Hearing - Idaho Building/Energy Codes, IDAPA Rules Docket #07-0301-1901, March 3, 2020

Dear House Business Committee member,

The City of Hailey hereby expresses its concern that the committee may be considering elimination of the Idaho Energy Conservation Code. The City encourages the committee to reject any proposal to eliminate or restrict the energy code that has already been approved by the Idaho Senate.

Building codes are essential for protecting the health, safety and welfare of our citizens. They require that buildings are constructed to minimum standards that protect life and property from damage by external elements such as wind, seismic forces, gravity, fire, flood, moisture, heat and/or cold. The codes help to ensure that a building will not fail, the building will be durable and long-lasting, and the occupants will be safe and comfortable.

Our building codes also help ensure that the future occupants of a structure have some assurance that the building is built to a certain minimum standard. Many of the building's components are hidden by the final finishes, so it is essential that these items are regulated and inspected during the construction process. While energy efficiency improvements do add minimal upfront costs to a building, those costs are generally recouped within a few years, and savings are then realized over the life of the structure.

The 2018 building codes that have been recommended to your committee are the result of 18 months of hard work by a multi-disciplinary board. They represent a collaborative effort by local architects, engineers, building contractors, building officials, city and county officials, building industry groups and the public to reach consensus on the best solution to protect the health, welfare and safety of Idaho residents. I encourage you to reject any proposal to eliminate or restrict the energy code as proposed.

Sincerely,



**Martha Burke**  
Mayor, City of Hailey

C.c.:  
Hailey City Council

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**AGENDA ITEM SUMMARY**

**DATE:** 03/09/2020    **DEPARTMENT:** Admin/Leg    **DEPT. HEAD SIGNATURE:** HD/CPS

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**SUBJECT:** Introduction of Amendment to Hailey Ordinance No. 1103, the rubbish franchise ordinance, to extend the term of the ordinance.

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**AUTHORITY:**

Idaho Code 50-329. FRANCHISE ORDINANCES — REGULATIONS. No ordinance granting a franchise in any city shall be passed on the day of its introduction, nor for thirty (30) days thereafter, nor until such ordinance shall have been published in at least one (1) issue of the official newspaper of the city; and after such publication, such proposed ordinance shall not thereafter and before its passage be amended in any particular wherein the amendment shall impose terms, conditions or privileges less favorable to the city than the proposed ordinance as published; but amendments favorable to the city may be made at any time and after publication...No franchise shall be created or granted by the city council otherwise than by ordinance, and the passage of any such ordinance shall require the affirmative vote of one-half (1/2) plus one (1) of the members of the full council. Franchises created or granted by the city council for electric, natural gas or water public utilities, as defined in chapter 1, title 61, Idaho Code, or to cooperative electrical associations, as defined in section 63-3501(a), Idaho Code, shall be for terms of not less than ten (10) years and not greater than fifty (50) years unless otherwise agreed to by the utility or cooperative electrical association. All publications of ordinances granting a franchise, both before and after passage, shall be made at the expense of the applicant or grantee. Where an ordinance granting a franchise is sought to be amended after the same has been in force, the provisions of this section as to publication, before final action upon such amendment, shall apply as in cases of proposed ordinances granting original franchises.

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**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

The City of Hailey's Franchise Ordinance and Agreements with OBRAS LLC, dba Clear Creek Disposal, will expire on April 10, 2020. The process of putting in place a new franchise ordinance and agreement is lengthy. Hailey's Staff Resiliency Committee is in the process of identifying new terms for rubbish hauling to achieve greater environmental resiliency, which elements will then be included in bid documents for the new franchise ordinance/agreements. We would like to give that process ample time, but in the interim the current franchise ordinance/agreements must be extended. This extension is presented here as an ordinance amendment, which must follow the process outlined in the Idaho Code 50-329, which includes these steps:

1. Introduction of Ordinance – March 2, 2020 (Special Meeting)
  2. Publication of proposed ordinance – March 4, 2020
  3. Adoption of Ordinance following a 30-day waiting period after publication- April 6, 2020 (Special Meeting)
  4. Publication of Adopted Ordinance – April 8, 2020
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**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

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**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

The introduced ordinance does not have to be adopted or read. A motion should be made to set the proposed ordinance for public hearing on April 6, 2020, following publication of the proposed ordinance.

Please note, April 6 would also be a Special Meeting to be set at 5:00 p.m. so as not to conflict with P&Z.

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**FOLLOW-UP REMARKS:\***

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO, GRANTING OBRAS LLC, D.B.A. CLEAR CREEK DISPOSAL, A SIX-MONTH EXTENSION TO THE FRANCHISE TO COLLECT SOLID WASTE AND RECYCLABLE MATERIALS IN THE CITY OF HAILEY, IDAHO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hailey City Council granted through Ordinance No. 1003 a rubbish hauling franchise for residential customers and a franchise for commercial customers within the City of Hailey which will expire on April 10, 2020; and

WHEREAS, the Hailey City Council finds that it is in the best interests of the citizens of Hailey to identify new elements for rubbish hauling, including potentially instituting a compost-hauling program; and

WHEREAS, more time is needed for that effort than exists within the current franchise ordinance and its associate agreements; and

WHEREAS, the Hailey City Council finds that it is in the best interests of the citizens of Hailey to amend Ordinance No. 1103 to extend the term of the ordinance by six (6) months.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO:

**Section 1.** Hailey Ordinance No. 1103 is amended by the addition of the underlined language and the deletion of the stricken language within **Section 2 Grant of Franchise** as follows:

**2. GRANT OF FRANCHISE**

Pursuant to Idaho Code §50-329, the City of Hailey hereby grants to the Franchisee the authority, right, privilege and exclusive franchise for a term of six (6) months ~~with an additional three (3) year renewal term~~, beginning April 11, 2020~~12~~, to engage in the business of collecting, transporting, processing and disposing of Solid Waste and separated Recyclable Materials kept or accumulated and placed for collection by all Residential and Commercial Customers within

the corporate limits of Hailey, Idaho, and to perform all of the work described in the Franchise Agreements; provided, however, this authority, right, privilege and exclusive franchise does not extend to the Self-Hauling of Solid Waste, Recyclable Materials, Hazardous Materials or medical waste. It shall be unlawful for any person or legal entity to engage in the business of Solid Waste and Recyclable Materials collection and transportation over and upon the public right-of-ways within the City of Hailey, except as otherwise provided herein.

**Section 2.** Hailey Ordinance No. 1103 is amended by the addition of the underlined language and the deletion of the stricken language within **Section 10 Effective Date** as follows

**10. EFFECTIVE DATE**

Except as otherwise provided herein, this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. The rates adopted under Section 4(E) of this Ordinance for Solid Waste and Recyclable Materials collection services shall be effective beginning May 1, ~~2020~~2012; the rates in effect on the effective date of this Ordinance shall continue in effect through midnight, ~~April~~October 30, ~~2020~~2012.

**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 \_\_ TH DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Martha Burke, Mayor, City of Hailey

Attest:

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

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