



## NOTICE OF PUBLIC MEETING

Monday, February 5, 2018

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

3:00 p.m.

*The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.*

### **SPECIAL MEETING (Council Work Session)**

*Times listed in parentheses are only estimates.*

#### Call to Order and Roll Call

#### Mayor:

- Acceptance and/or Receipt of Minutes
- Calendar, Announcements and Reports (15)

#### Council:

- Liaison Reports and Concerns (15)

#### Municipal Services:

- Eastern Idaho Community Action Partnership Agreement Review and Discussion (15)

#### Human Resources:

- Follow-up Discussion of Employee Compensation (15)

#### Police:

- Council Training/Discussion on Idaho Falls Police Department Media Communications (15)

#### Committee Report:

- Sister Cities (15)

#### Presentation:

- Economic Development Video Premier (20)

#### Legal:

- Hearing Training (10)

#### Other:

- Business Licenses Appeals Hearings

DATED this 2<sup>nd</sup> day of February, 2018

A handwritten signature in blue ink that reads "Kathy Hampton".

Kathy Hampton  
City Clerk



**Civic Auditorium Committee Meeting Minutes**  
**Wednesday, November 29, 2017**

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The Civic Auditorium Committee of the City of Idaho Falls met in a regular committee meeting, Wednesday, November 29, 2017, at the Municipal Services Director's Office, located at 308 Constitution Way, Room 200, in Idaho Falls, Idaho at 1:30p.m.

**In Attendance:**

Arthur Kull, Civic Auditorium Committee Member  
Anne Staton-Voilleque, Civic Auditorium Committee Member  
Deidre Warden, Civic Auditorium Committee Member  
Bonnee Taggart, Civic Auditorium Committee Member

**Others Present:**

Pam Alexander, Municipal Services Director  
Chandra Witt, General Services Administrator  
Brandi Newton, Executive Director IF Arts Council  
Ed Morgan, Civic Auditorium Manager  
Carol Johnson, Interior Architect  
Reggie Fuller, Chief Building Official  
Francisco Salinas, Planning & Building Technician  
Graham Whipple, Resign Architecture  
Kevin Trevellyan, The Post Register

**Absent:**

Carrie Scheid, Civic Auditorium Committee Member

The meeting was called to order by Arthur Kull at 1:32 p.m.

**Review of Meeting Minutes from Wednesday, November 08, 2017:**

- After review by the Civic Auditorium Committee, a motion was made and seconded, for the approval of the meeting minutes from Wednesday, November 08, 2017, with the changes sent out in the revised meeting minutes.

**Civic Auditorium Phase I Renovation Discussions:**

- Carol Johnson found a new pattern for the carpet and brought in a sample of it. This new pattern without a doubt will hide any spills and has an elegant and sophisticated look to it and will look great with the color palette that was chosen by the committee.
- Carol Johnson called Irwin Seating and they told her she picked one of the best fabrics and that it would hold up for years.



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- The original upholstery on the seats was leather on the bottom seat part and velvet on the back. The late 70's was when the last reupholstering of the chairs was done that has the current fabric on them. The new seats should last a good 30+ years.
- Reggie Fuller gave his approval of the new balcony railings and is very happy with how they turned out.
- Graham Whipple of Resin Architecture addressed the committee regarding the Historical Preservation Committee. He shared that while the Civic is currently not on the National Register of Historic Places, there could be opportunities for grants. He also shared The Historical Preservation Committee is disappointed they weren't contacted from the beginning of the renovation discussions as they feel that the Civic Auditorium is a historical building and they don't want to see the character defining features altered and want to help do all that can be done to preserve those character defining features. The aluminum grill on the outside of the building was provided as an example of a character defining feature.
- Graham Whipple stated the commission could help with suggestions on how to restore the leather doors going into the auditorium to give them an updated look without ruining the integrity and the historical value of the doors.
- Kim Smith is the Chair and Julie Williams is the Vice-Chair of the Historical Preservation Committee. If the Civic Auditorium Committee decides they want the Civic to apply to be placed on the National Register, there is a three (3) part application that will need to be completed.
- It was stated that all the meetings are open to the public, and the Historical Preservation Committee could have attended any of the meetings. Because the meetings are open to the public and the Historical Preservation Commission was not on the agenda, it was determined further discussion would need to be postponed to the agenda for the next meeting as to not violate the open meetings law.
- Ed Morgan reported that he attended the LEI convention two weeks ago in Las Vegas. He was able to find two (2) companies that do both seating and acoustical shells. Ed indicated that most companies will give you a discount if you get both the seating and the shell through them at the same time. Ed also found out that all the seating companies go through the same fabric company and all have the same seat they may just call the seats a different name.
- Ed reported he was able to find a used acoustical shell in New York. Various pros and cons of new and old acoustical shells were reviewed. Ed has a contact (Brad Higbee) who is going to be in New York in the next few weeks and offered to go and look at the shell to determine what shape it is in due to being used outside and whether it is worth the consideration to purchase.
- A new acoustical shell would cost around \$225,000.00.
- The current design of the mechanical pit takes a minimum of three (3) people to move and takes 2 hours to put together and does not have a motorized lift. It may



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be a worthwhile item to consider getting an estimate on to see how much a motorized lift would cost.

- Purchasing is currently looking to see if all three (3) seating companies are on the GSA Contract/State Contract. The purchase of the seats and shell will have to go to Council for approval.
- Alan Muir, Building Maintenance Superintendent is working on getting the blue prints of the balcony, stage and pit area. Basic calculation estimates are revealing the auditorium could lose around 200 seats but some can be added into the orchestra pit area on as needed basis to make up for some of the lost seats.
- The City is planning on issuing the carpet bid the first of January.
- The new Marquee will include recognition to William & Shirley Maeck, similar to the guidelines on the approved memorandum of understanding.
- Graham Whipple of Resin Architecture indicated that it would be beneficial to have a 3D Scanning Camera or digital tape measurer to do the measuring of the inside of the auditorium as it would give you more accurate measurements that would help with the seating chart. Brad McKinsey who is the project manager, can help get this going.
- As far as the removal of the old seats, Ed indicated that multiple scout troops could help remove them as a scout service project. It was determined that it would be best if Ed already had the bolts holding down the seats removed already and all they had to do was carry them out but we will do a test run with the Building Maintenance Department to see for sure what the best way to unbolt the chairs will be.
- The last show will be on June 25, 2018 which will be perfect for the renovations to begin the first of July or possibly a little sooner with the last show being June 25, 2018.
- The City will have to rent some sort of containers to put the old seats until we are able to sell them or decide what else we are going to do with them. We will attempt to sell them on Public Surplus which is an auction type website. It may be best to break them down and sell them in lots of maybe twenty-five (25).
- Ed is in the process of checking with IF Power regarding the 96 lights he wants to change to LED lighting to see if there are any rebates.
- The paint on the floor was discussed. The Committee discussed options for painting the floor. The floor does not have an epoxy paint on it or an epoxy coating but it needs to in order for easier clean-up from spills.
- Panels need to be put up on the back walls to help with the acoustical issues and will help deaden the sound. Custom panels are available from a company out of Utah that you can choose what kind and color of carpet you want on them.
- Brad McKinsey, Project Manager has a copy of the original acoustical report and is going through the report. He will be presenting his suggestions and ideas to the Committee hopefully at the next meeting.



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**Phase II – Back of House/Phase III-Front of House Discussions:**

- Loading dock needs to be moved from current location to the scene shop door.
- Back of the house renovations really can't be done until we know for sure what the plan for IF High School is.
- A master plan for Phase II or III needs to be accomplished at some point but again this is all contingent upon IF High School.
- Some projects may have to shift between Phase II and Phase III.
- We need to figure out what area the Idaho Falls Civic Center for the Performing Arts is zoned for. If it is zoned as an urban renewal area, we could possibly get some money that way.
- As far as the lobby area goes, some are questioning as to whether it is really practical or not to move the front of the house out closer towards Holmes Avenue or build out and have that lobby area as a walk-through type area. Again, this is all contingent on IF High School.

**Miscellaneous Discussions:**

- It was decided by the Committee to meet at the Idaho Falls Civic Center for the Performing Arts for the December 13, 2017 meeting so that a walkthrough could be done while discussing further options for Phase II & III renovations.
- Carol & Anne will go to various paint companies to have some sample paint colors mixed and then paint some larger panels so they can be held up next to the wall to get a better idea of the color palette. They will have this ready for the next meeting.
- The City's website and the IF Arts Council's website need to be changed to reflect the new name change from Civic Auditorium to Idaho Falls Civic Center for the Performing Arts. A press release has already been done regarding the new name change.

The next meeting will be held on Wednesday, December 13, 2017 at 1:30 p.m. at the Idaho Falls Civic Center for the Performing Arts, 501 S. Holmes, Avenue, Idaho Falls, ID 83401.

It was moved by Arthur Kull, Chair and seconded by committee members, that the meeting adjourn at 2:54 p.m., which motion passed following a unanimous vote to adjourn.

A handwritten signature in black ink, appearing to read "Stephanie Walker".

Stephanie Walker - Secretary

A handwritten signature in black ink, appearing to read "Arthur Kull".

Arthur Kull - Chair

**Idaho Falls Sister Cities Youth Meeting  
January 3, 2017**

**Attendees:**

Candice Aicher	Maggie Boring	Kylie Eaton	Gabe Padron	Whitney St. Michel
Cameron Archer	Melinda Cebull	Mario Estrada	Jorge Padron	Ian St. Michel
David Archer	Peter Cebull	Victoria Estrada	Kendra Peck	Anna St. Michel
Max Benjamin	Kohan Davis	Karen Finnigan	Nathan Peck	Ness Villasenor
Wendy Boring	Tate Corbridge	David Matranga	Dallin Peck	
Elliot Boring	David Eaton	Teddy Matranga	Laurie Retallic	

**Business Section of the Meeting**

**\*Action items are in red.**

**Minutes:**

The December 6<sup>th</sup> meeting minutes were provided to the group by email. Kendra motioned to approve the meeting minutes and Teddy seconded her motion.

**Treasurer's Report:**

Peter asked to move the treasurer's report to the second meeting of the month. ISU Credit Union does not provide statements in time for the first meeting. Dave agreed to move the report. The Paramount Theater Discount card sales were \$420 and Winter Carnival made approximately \$1,100. \$35 dollars in member fees was collected. All of the expense for the Winter Carnival have not been processed yet. There is an \$89 check for food from the Japanese visit outstanding. Due to the holidays not all of the money from the fundraisers was deposited in December and seed money for the fundraisers was taken out and returned in January which is why the current balance is lower.

The previous balance was \$7638.23. The current balance is \$7503.95. Expenses were \$420.00 to purchase Paramount Discount cards. Income was \$285.72 and \$0.72 in dividends.

Membership fees are overdue. Fees are \$25 for one student and \$35 for multiple students in the same family. **Please make arrangements to get your payment to Peter Cebull if you have not paid yet.**

**Winter Carnival Lessons Learned**

- Advertise further in advance.
- Check for different dates available. Some members would prefer not to have it over the Christmas break.
- Make sure we have signs for all of the activities. We were missing one for ice bocce.
- Place the games/activity tables where people can see them better.
- The food didn't make as much money as we hoped. Possibly less variety next time. Whitney has notes on what sold well.
- Entrance fee was a bit higher than normal skate nights. May want to reconsider.
- Games/activities not well attended, but people who participated had fun.

**If anyone has other suggestions or lessons learned, please send them to Melinda and she will compile them.**

Dave sent around the Winter Carnival volunteer sheet for people to review in order to make sure all of the volunteers get credit for working.

### **Paramount Discount Card Fundraiser**

The December discount card sales went well for the amount of time worked. The group decided to schedule additional sales dates. **Melinda will schedule dates for the sales.**

### **Cherry Blossom Raffle/Dinner Fundraiser**

The group decided we would like to do this fundraiser again this year. **Melinda will check with Jerry at Snow Eagle and see if he is willing to let us have the fundraiser and find a date in April.**

The board members approved giving points the same as last year. From the 2017-01-11 board meeting minutes, points were allocated as follows last year.

. Each of the following activities will be worth one point.

- Coordinating any fundraiser
- Raffle Baskets Assembly – collect items from members, assemble baskets, and bring them to the raffle
- Advertising – Create flyers, contact newspaper, radio station, local news websites, community calendars
- Website Updates – Put pictures of baskets on the website and update fundraiser information
- Ticket Sales, Raffle Items Delivery, and Thank you notes
- Update the DVD with pictures from 2015 & 2016
- Raffle donations – Each family is expected to provide a donation worth > \$100. A family can provide additional items, but will only receive a point for each student in the family.
- \$80 in pre-sale raffle tickets.
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### **Summer Visit to Japan**

Dave talked about the upcoming visit to Tokai-mura. He said students will accrue points used for the Japan visit ranking until the end of January. The board will notify students if they are eligible to go and get a commitment from students and their family. Parent points for families with multiple student will be split equally between the students unless the parents specify differently. **Please let Dave know if you would like the parent points allocated differently. If you know you will not be going to Japan, please let Dave know.** Whitney has started looking into airline tickets. The cost looks like it will be ~\$1600 per ticket. The dates we are considering would include August 4<sup>th</sup> and 5<sup>th</sup>. The group usually spends 2 weekends in Japan. It is nice if the group can get to Japan on a Thursday so the students have one day together as a group before the family days.

### **Student Meeting**

Kendra showed the group the items sent from Japanese student group to help us celebrate New Year. There were several decorations and candy. The group decided to have a New Year party during the first meeting in February. **Dave will call to see if the Skyline building with a kitchen area would be available for us to use.** Dave and Kendra know someone who volunteered to teach sushi making. Okonomiyaki could be made, and Kendra and Melinda could have people bring butter mochi. The Japanese activities done at the Winter Carnival could be available for the students.

Motion to adjourn was made by Victoria and seconded by Teddy.

**\*Next meeting will be Tuesday 1/16 due to the Monday holiday.**



**Civic Auditorium Committee Meeting Minutes  
Wednesday, January 10, 2018**

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The Civic Auditorium Committee of the City of Idaho Falls met in a regular committee meeting, Wednesday, January 10, 2018, at the Municipal Services Director's Office, located at 308 Constitution Way, Room 200, in Idaho Falls, Idaho at 1:30p.m.

**In Attendance:**

Arthur Kull, Civic Auditorium Committee Member  
Anne Staton-Voilleque, Civic Auditorium Committee Member  
Carrie Scheid, Civic Auditorium Committee Member  
Bonnee Taggart, Civic Auditorium Committee Member  
Deidre Warden, Civic Auditorium Committee Member

**Others Present:**

Mayor Rebecca Casper  
Pam Alexander, Municipal Services Director  
Chandra Witt, General Services Administrator  
Ed Morgan, Civic Auditorium Manager  
Stephanie Walker, General Services Office Assistant  
Brad Cramer, Community Development Services Director  
Alekszandria Peugh, Executive Director, Idaho Falls Symphony  
Brad McKinsey, McKinsey Management Services, Inc.  
Kevin Trevellyan, The Post Register

**Absent:**

Brandi Newton, Executive Director IF Arts Council

The meeting was called to order by Arthur Kull at 1:31 p.m.

**Review of Meeting Minutes from Wednesday, December 13, 2017:**

- The Committee was informed that the minutes weren't completed at this time for their review due to some unfortunate events but will hopefully be ready for review by the next meeting.

**Public Comment:**

- Brad Cramer from Community Development Services indicated that Fred Walters who is a historical architect with the Idaho Heritage Trust is still planning on





**Civic Auditorium Committee Meeting Minutes**  
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coming to the Civic for a tour to help highlight the historical features of the building. Pam Alexander commented that she had talked with Mr. Walter's staff and is awaiting an email back as to when he might be available to come out this way for that tour.

**Civic Auditorium Phase I Renovation Discussions:**

- Brad McKinsey, Pam Alexander, Chandra Witt & Ed Morgan met yesterday at the Civic Auditorium with Matt Bradley of Bradley Engineering who is an electrical engineer to go over the lighting at the Civic. Matt Bradley has worked on a lot of the lighting in the past at the Civic and is familiar with the electrical/lighting system. Matt is going to get a proposal to Chandra with prices for the lighting plan so the Committee will have an idea of the lighting will cost and can determine cost effectiveness vs. budget as there are quite a few lighting upgrades being requested.
- Brad McKinsey indicated that the Scope of Work for the Auditorium really needs to be defined as he is still trying to get a handle on what "the little things" are. Brad doesn't want anything to be forgotten when the time comes so we aren't redoing any work in the short construction time frame and to also prevent costly change orders.
- The seats are the biggest concern and most critical right now. Brad indicated that we need to get the seating companies over to the Civic and have it measured as soon as possible. Chandra informed the Committee that there are two (2) companies currently on the GSA contract that we can request to submit bids. Ed indicated that Wenger not only sells seats and pit covers but that they sell battens for orchestra shells as well as wall coverings to help with acoustical issues.
- Ed has been in contact with a representative from Wenger and he will be here the week of the 20<sup>th</sup> to measure the seating for the auditorium. Ed has spoken with a representative from Irwin Seating Company and they are supposed to be getting back to him about a time to come out and measure.
- The Committee really wants to see the options from the Seating Concepts Company. Ed will get in contact with them and see about having a representative come out and measure for seats as well.
- The Committee has heard from a reliable source that the seats at the Jerome Wilson Theatre in Rupert are fabulous. Ed indicated he can reach out to them and see if he can get some pictures. Arthur and Anne can take a field trip there if needed to check out their seats. In the meantime, the Committee found a few pictures online and were able to see what the seats looked like.



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- The Committee needs to have a final selection of the seats by the middle of February at the latest in order to have the seats here and ready to go by July as most seats take twenty plus (20+) weeks to be produced and delivered. The Committee along with Carol Johnson decided that they want the Motif design on the aisle end of the chairs. They decided they want the pale wood on the backs and arms of the chair and not the black plastic as the wood not only looks classier but will be easier to touch up with any nicks and dings whereas the plastic won't be. The Committee definitely wants them to have drink holders whether it be on the arm rests or attached to the backs of the chairs.
  - Roger Warner was also at the meeting yesterday at the Civic. He didn't see any issues of concern containing possible asbestos. He did take a few samples of the tile and is going to send it to the lab for testing to confirm one way or the other. Brad McKinsey indicated that the safest bet in order to avoid any issues of possible asbestos would be to put the new vinyl over the existing vinyl. We would have to contact a person who specializes in putting up vinyl to make sure there is a strong enough glue that the new vinyl would be able to adhere to the old as the glue that is made now versus back when the original vinyl was placed is more environmentally friendly and may not have as much of a hold compared to what was used back in the 1950's. Due to the fact that the new vinyl doesn't come in the same length as the old vinyl, the carpet on the floor will probably have to come up a little on the wall to compensate the difference of the lengths of the vinyl.
  - Carol Johnson is designing the covers for the speaker grills and it will be the same design as the metal work on the outside of the building. Carol wants to see them painted the gold color that was chosen as part of the color palette. There is an option of reaching out to local cabinetry companies to see if they would want to build and donate the covers for the speaker grills. If the committee goes that route, they would have to make sure that the cabinetry company understands that they would need to be built and completed by the September 30<sup>th</sup> time frame.
  - The concrete wall in the orchestra pit that is going to be taken down and then replaced with a railing will need to be put in the bid as well. The Committee will have to determine if they want the railing to be metal or wood and will have to consider if there are any arches and which material will be conducive to that area. It will have to be determined if there are any height requirements as far as the railing goes. There is a four (4) inch requirement in between the slats of the railing so that there isn't enough room for a child's head to get stuck.
  - Brad pointed out that there is a combination of concrete, wood and metal all up in the balcony and the Committee is needs to decide whether they are going to keep it all the same or change it and decide what paint color is going to go where and how



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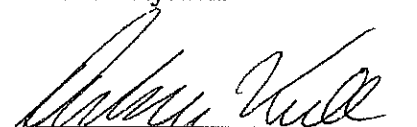
far down the new paint colors are going to go going down the stairs. There are more than one (1) exit and are they going to be clearly defined.

- All of the walls and various sections are going to need to be defined as far as what paint color selection as well. Brad indicated it would be best to have detailed drawings/photographs specifically showing what paint color goes where to so that when the companies bidding on those specific jobs will know exactly where the colors are going and how much paint will be needed.
- Brad discussed that when they were at the Civic he noticed the control booth and how hammered it looked and will need some cosmetic work done to it even if it's something that the City's Building Maintenance Department does to help with costs. Brad pointed out that you don't want to go to all the expense of renovating the Auditorium and then leave minor items/details like the control booth untouched. Again this would be considered one of "the little things."
- Removing the old seating, patching holes, grinding down the bolts from the old seating, etc.... will all need to be part of the bid packet that is put out.
- Acoustics need to be decided on as well before the bid is put out. What are we adding/changing? We may need to consult with someone on this as we need to know if it's something we need to add during this construction phase or if it's something that can be added later without costing more money had we done it during the Phase I construction.
- It was discussed that if asbestos is found either in this phase of construction or in the next phases of construction, maybe the INL or even Portage may be willing to donate their services for removal of the asbestos.
- It was mentioned that an architect will need to be consulted for Phase II and would we like them to be there at the same time as Fred Walters from the Idaho Heritage Trust. It was discussed that at the last meeting we would have Reggie Fuller, Chief Building Official do the tour with Fred Walters and then Reggie would give us his renderings.

The next meeting will be held on Thursday, January 18, 2018 at 1:30 p.m. at the Civic Center for the Performing Arts, 501 S. Holmes Avenue, Idaho Falls, ID 83401.

It was moved by Arthur Kull, Chair and seconded by committee members, that the meeting adjourn at 2:44 p.m., which motion passed following a unanimous vote to adjourn.

  
Stephanie Walker - Secretary

  
Arthur Kull - Chair

# Idaho Falls Sister City Meeting Minutes

Monday, January 29, 2018

**Members in Attendance:** Dave & Carole Walters, Paul & Sheri Hansen, Cal & Cindy Ozaki, Kevin & Joan Fuhrman, Clarke Kido, Val Haddon, Chelsea May & Kris Schneider, Bill Kelly, Brad & Michelle Cramer, Jovita Cosens, Jerry & Lisa Sehlke, Linda Milam, Guests/New Members: Lynda Ulschmid, Catherine Smith, Nan Hong.

**Introductions:** Members & Guest introduced themselves.

**Minutes:** Approved as read.

**Treasurers Report:** Balance as of 1/29/18 prior to collection of dues \$5234.29.

## **Business:**

- A brief review was made of the November 2017 exchange in Japan by Sheri Hansen. She passed around the scrapbook she made of the exchange for members to look at. If anyone is interested in ordering a copy for themselves, Sheri will e-mail the link for Shutterfly of the shared book for you to order. Remember to use the discount codes to get the best price. Current code is X0X0 for 50% off + additional 20% off and SHIP39 for free shipping over \$39 this is good through 1/31/18. Brad shared his experience as a first time visitor. Carole, Brad, & Kevin will be presenting a review of the exchange and will show the scrapbook to the City Council at their Feb. 5<sup>th</sup> meeting.
- Sheri passed around a member roster for members to fill out with their contact information. If you were not at the meeting and have updates, please let Sheri know so that she can update your information.
- A brief review by current members was given for the activities we do as an organization.
- Clarke gave a brief history of the Friendship Garden, how it started, everything it has accomplished and how the greenbelt has benefited by all the hard work and volunteer hours that has been put in. He also asked if Sister Cities could donate \$500 as we have in the past for 2018. It was decided that this will be looked at after we review the budget for this year and will be voted on at a later date. Cindy reviewed how the Rotary clubs in conjunction with the Sister Cities raised \$70,000 to purchase 5 solar generators for Tokai after the earthquake & tsunami in 2011. We saw one of the generators at the community center we visited at this exchange.
- Katherine Smith-Executive Director of Downtown Development council mentioned how much she is impressed with the Friendship Garden and what it adds to the Downtown area and greenbelt.

- Nomination of Officers for 2018-2020 term was done with elections to follow at the February meeting. Carole reviewed the job descriptions and what the duties are for each office. Nominations will remain open and anyone interested in running for one of the offices can be added to the ballot prior to the February election. If you are unable to attend the meeting you may vote by proxy by designating another member to cast your vote. Wording of the proxy should indicate the member is unable to attend and authorizes their vote be cast by another specified member. This proxy must be on hard copy or electronically by the requesting member and must be given to the Secretary/Historian before the vote is called. Remember only members in good standing shall be eligible to vote so membership dues must be paid prior to the meeting. Carole Walters will hold the position of Past President. Sample ballot with nominees is as follows:

**President:** Cindy Ozaki  
**Vice President:** Jerry Sehlke  
**Sec/Historian:** Lisa Sehlke  
**Treasurer:** Joan Fuhrman

- **Budget:** The budget was tabled upon further review of expenses from previous years and anticipated expenses for this year's hosting and will be decided on at a future date.
- **Dates were discussed for the 2018 exchange:** Tokai would like to know the dates so they can let their members know at their April meeting. It was discussed to not do over July 4th since it is such a busy time, hotels are more expensive, and YNP being too crowded. September is not a good time of year for the Japanese due to city government activities. We are looking at mid-August or 1<sup>st</sup> of October as dates. Carole will contact Hiruta and see what timeframe would work best for them and we will decide from there. If you have any suggestions or input please let Carole know.

**The next meeting is: Tuesday, February 20, 2018, at 7:00 pm in the City Council Chambers. (Please note this is a Tuesday rather than a Monday due to the Monday holiday).**

Sheri Hansen  
 Historian, Idaho Falls Sister Cities

## AGENCY AGREEMENT

THIS AGENCY AGREEMENT BETWEEN THE CITY OF IDAHO FALLS AND EASTERN IDAHO COMMUNITY ACTION PARTNERSHIP is made and entered into this day \_\_\_\_\_ of \_\_\_\_\_ 2018, by and between the City of Idaho Falls, an Idaho municipal corporation of the State of Idaho (“CITY”), and Eastern Idaho Community Action Partnership (“EICAP”), and shall take effect upon the date of its execution by CITY.

### RECITALS

WHEREAS, CITY and EICAP intend to develop a program whereby CITY shall collect voluntary contributions made by its employees, citizens, and customers of Idaho Falls Power (Contributors) for use by EICAP in providing income qualified individuals in the State of Idaho with funds for the payment of electric utility bills; and

WHEREAS, said program shall be referred to as “Project HELP”; and

WHEREAS, it is the intent of the parties that contributions made by the Contributors shall be deductible by said Contributors for purposes of determining their respective liabilities for federal and state income taxes; and

WHEREAS, the parties desire to formalize the status of CITY as agent for EICAP with respect to CITY’s activities in collecting contributions for Project HELP.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties hereto agree as follows:

### SECTION I

#### CREATION OF AGENCY

A. EICAP hereby appoints CITY as its agent for the limited purpose of assisting with the collection of contributions by the Contributors to EICAP for Project HELP. CITY accepts such appointment as agent for EICAP, subject to the limitations provided herein. The parties agree that CITY shall have the further authority, in its capacity, as agent for EICAP, to provide to the Contributors such written evidence of the contributions collected by CITY from such Contributors as CITY, in its sole discretion, shall deem advisable.

B. The parties agree that CITY shall be paid no compensation for its services, nor shall it be reimbursed for its expenses in connection with its activities as agent for EICAP.

C. The parties agree that this AGENCY AGREEMENT shall not create nor be interpreted to create a Joint Powers Agreement pursuant to Idaho Code.

D. The agency created hereby shall extend only to the collection of contributions as provided in Subsection A of this Section I and CITY shall have no authority, expressed or implied or otherwise, to act on behalf of EICAP.

## SECTION II

### PAYMENT OF FUNDS

CITY shall hold all contributions for Project HELP received by it from the Contributors in its capacity as agent for EICAP, and for all purposes shall be considered as holding such funds from the date received in such capacity for the sole benefit of EICAP. CITY agrees to pay over to EICAP all contributions received within ten (10) days after the last day of the month in which said contributions are received by CITY.

## SECTION III

### REPRESENTATIONS OF EICAP

A. EICAP hereby represents and warrants that as of the date hereof, EICAP is an organization described in Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1954, as amended (the "Code").

B. EICAP agrees to notify CITY in writing within five (5) days of receipt of notice that the Internal Revenue Service intends to revoke or modify, or has in fact revoked or modified its qualifications as an organization described in Sections 501(c)(3) and 170(c)(2) of the Code.

## SECTION IV

### AUTHORITY OF CITY IN CONNECTION WITH PROJECT HELP

A. CITY shall have no power or authority to direct in the management or control of Project HELP, including, without limitation, the choice of individual recipients of funds contributed to Project HELP, it being the intent of the parties that said power and authority shall remain with, and be subject to the sole discretion of EICAP. It is agreed that there shall be no discrimination among applicants for assistance on the basis of race, color, religion, sex, marital status, sexual orientation, or gender identity or expression.

B. EICAP agrees that it shall use funds contributed to Project HELP solely to assist income qualified persons residing in CITY's service area in paying electric utility bills. EICAP agrees that it shall follow Project HELP criteria guidelines (Attachment "A") when determining distribution of funds to individual recipients and shall make such guidelines (including any amendments) available to CITY. The parties agree that neither CITY nor EICAP shall use any of the funds contributed to Project HELP for administrative costs related to Project HELP.

C. CITY shall have the right, in its sole discretion, to engage in such promotional activities, if any, relating to Project HELP as it shall deem advisable, providing that any public statements made by CITY respecting Project HELP shall, to the best of CITY's knowledge, be materially true when made.

D. CITY shall have the right, upon giving ten (10) days written notice to EICAP, to review all books and records of EICAP kept in connection with Project HELP. EICAP shall likewise have the right, upon giving ten (10) days written notice to CITY, to review all books and records of CITY kept in connection with Project HELP. The party requesting the audit shall be responsible for all costs related to such audit.

## SECTION V

### DURATION OF AGENCY

A. This Agency Agreement shall continue for three (3) years beginning March 1, 2018, and ending March 31, 2020. Unless either party shall give written notice at least thirty (30) days prior to the date of termination of an intention not to renew, the term hereof shall be deemed renewed for one (1) year and shall be renewed from year to year thereafter until such notice of intention not to renew is given by either party.

B. Notwithstanding the provisions of Subsection A of this Section V, either party may terminate the agency relationship created hereby at any time upon giving thirty (30) days prior written notice to the other party.

C. Upon termination of the agency relationship created by this Agency Agreement, CITY shall, within ten (10) days of said termination, pay over to EICAP all contributions to EICAP then held by CITY. Any contribution received by CITY after the effective date of termination shall be held by CITY until a new agent for Project HELP is established.

## SECTION VI

### ADMINISTRATIVE AND OPERATING COSTS

A. Except as otherwise provided in this Section VI, CITY and EICAP shall be fully responsible for their respective administrative, operating and overhead expenses and costs incurred in connection with Project HELP.

B. CITY shall pay EICAP a flat fee of one thousand eight hundred dollars (\$1,800) intended to defray the administrative, operating, and overhead expenses and costs incurred by EICAP in connection with Project HELP.

C. For the first time of this Agency Agreement, CITY shall make said payment within thirty (30) days after the execution of this Agreement. For any renewal term, CITY shall make said payment within thirty (30) days after the anniversary date of this Agency Agreement.

D. Upon termination of the agency relationship created hereby, EICAP shall, within ten (10) days of said termination, pay back to CITY any amount by which any payment made by CITY pursuant to this Section VI exceeds administrative, operating and overhead expenses and costs actually incurred by EICAP through the date of termination.

## SECTION VII

### FEDERAL PRIVACY ACT

Both CITY and EICAP shall comply with the Federal Privacy Act.

## SECTION VIII

### INDEMNIFICATION

CITY shall indemnify, reimburse and hold EICAP employees harmless from and against any and all liabilities, claims, costs and expenses (including attorney fees) imposed in any manner



upon EICAP solely as a consequence of CITY's activities under the Agency Agreement or otherwise in connection with Project HELP. EICAP likewise shall indemnify, reimburse, and hold CITY harmless from and against any and all liabilities, claims, costs and expenses (including attorney fees) imposed in any manner upon CITY solely as a consequence of EICAP's activities under this Agency Agreement or in connection with Project HELP.

## SECTION IX MISCELLANEOUS

A. This Agency Agreement shall be governed by and construed in accordance with the laws of the State of Idaho, excepting its conflict of laws.

B. It is agreed that this Use Agreement shall be construed under and governed by the laws of the State of Idaho. In the event of litigation concerning it, it is agreed that proper venue shall be the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville.

C. Notices required hereunder shall be deemed given upon personal delivery or when deposited in the United States mails by certified or registered mail, postage prepaid, return receipt requested and addressed as follows:

City of Idaho Falls  
P.O. Box 50220  
Idaho Falls, Idaho 83405

Eastern Idaho Community Action Partnership  
Jay G. Doman, CPA, CCAP, Chief Executive Officer  
P.O. Box 51098  
Idaho Falls, Idaho 83405-1098

D. This Agency Agreement may be modified or amended only by written notification signed by both parties.

IN WITNESS WHEREOF, the parties have hereunto caused this Agency Agreement to be executed as of the date first above written.

ATTEST:

"CITY"  
City of Idaho Falls, Idaho

By \_\_\_\_\_  
Kathy Hampton, City Clerk

By \_\_\_\_\_  
Rebecca L. Noah Casper, Mayor

“EICAP”  
Eastern Idaho Community Action  
Partnership

By \_\_\_\_\_  
Jay G. Doman, CPA, CCAP,  
Chief Executive Officer

STATE OF IDAHO            )  
  ) ss.  
County of Bonneville        )

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, a municipal corporation that executed the foregoing document, and acknowledged to me that she is authorized to execute the same for and on behalf of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

\_\_\_\_\_  
Notary Public of Idaho  
Residing at:

\_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

(Seal)

STATE OF IDAHO            )  
  ) ss.  
County of Bonneville        )

On this\_\_\_\_day of\_\_\_\_\_, 2018, before me, the undersigned, a notary public for Idaho, personally appeared Jay Doman, known to me to be the Chief Executive Officer that executed the foregoing document, and acknowledged to me that he is authorized to execute the same for and on behalf of EICAP.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

\_\_\_\_\_  
Notary Public of Idaho  
Residing at:  
\_\_\_\_\_  
My Commission Expires:\_\_\_\_\_

(Seal)

## Attachment "A"

Project HELP funds are designated for City of Idaho Falls residents that demonstrate the greatest need and based on the following criteria:

1. Client must fill out application with Eastern Idaho Community Action Partnership (EICAP) to receive Project HELP funds.
2. Client(s) must be at or below one hundred fifty percent (150%) of federal income guidelines, with an imminent termination of electric utility service.
3. EICAP will include a form for the client(s) to complete agreeing to contact the City of Idaho Falls Credit Office to participate in a payment plan to pay the electric energy bill for their residence on a monthly basis following receipt of Project HELP funds. EICAP will route this form to the credit office for City records.
4. Recipient must have exhausted other available assistance programs.

NOTE: In order to sustain Project HELP funds to those with the greatest need, eligibility to receive Project HELP funds will occur not more than once per household in a three (3) year period, unless there are special circumstances determined by EICAP.



## MEMORANDUM

**TO:** City Clerk's Office

**FROM:** Captain Bill Squires

**DATE:** December 11, 2017

**RE:** Denial – Sarah Disney

Sarah Disney applied for a Child Care Worker Certification. After receiving the background check on 12/11/2017, it is the City of Idaho Falls Police Department's recommendation to deny the license. The background check showed that Sarah Disney does not qualify under City Code 6-3-8.

**6-3-8: LICENSES/CERTIFICATION, DENIAL, SUSPENSION OR REVOCATION:**

A license or certification applied for or issued under this Chapter may be denied, suspended or revoked if any criminal history investigation reveals that the applicant, licensee or On-Site Non-Provider has engaged in conduct which could pose a risk of harm to the health, safety, and welfare of the children who are or will be under the direct care of any potential applicant or current licensee. This provision shall include all convictions, judgments, withheld judgments, and guilty pleas of any type. Examples of conduct or events, but not limited to the following, which can pose a risk to children and are therefore grounds for denial, suspension or revocation include:

DENIAL MEMO-010-2017 CCWS Sarah Disney / Kids Korner

## **CHAPTER 3 DAY CARE**

### **SECTION:**

- 6-3-1: Purpose
- 6-3-2: Definitions
- 6-3-3: Child Care Facility License
- 6-3-4: Certification of Individual Child Care Workers Or On-Site Non-Providers
- 6-3-5: License and Certification Exclusions
- 6-3-6: Revocation of Child Care Facility License, Child Care Worker Certification or Non-Site Non-Providers Certification
- 6-3-7: Outdoor Space Per Child
- 6-3-8: Licenses/Certification, Denial, Suspension or Revocation
- 6-3-9: Staffing Requirements
- 6-3-10: Record Maintenance
- 6-3-11: Right of Entry for Governing Officials
- 6-3-12: Reporting of Abuse, Abandonment or Neglect
- 6-3-13: Liability
- 6-3-14: Penalty

6-3-1: **PURPOSE:** The purpose of this Chapter is to provide standards for the operation, inspection and licensing of Child Care Facilities within the City. Idaho Code Sections 39-1101 and 39-1108, and the Idaho Administrative Code, Section 16.06.02.100.01 authorize a local government to adopt ordinances to protect children in child care facilities to the extent such ordinances are at least as stringent as the minimum standards set forth in such State codes and regulations. The purpose of this Chapter is to increase the standards for the City of Idaho Falls above those minimally required under State law in order to promote a healthy and safe environment in which children receive child care. Despite the foregoing, the City recognizes that the primary responsibility for evaluation and selection of child care services should remain with the parents. (Ord. 2759, 06-24-08)

6-3-2: **DEFINITIONS:** For the purposes of this Chapter, certain words and phrases are defined as follows:

(A) **Applicant:** A person making an application for a Child Care Facility license or Child Care Worker Certification or the renewal of such certification, under the provisions of this Chapter.

(B) **Building Official:** The Building Official of the City as designated under the International Building Code adopted by the City.

(C) **Certified Child Care Worker:** A person having obtained a Child Care Worker Certificate from the City for working in a Child Care Facility.

(D) **Chief of Police:** The Chief of Police of the City, or his or her nominee.

(E) Child: An individual less than twelve (12) years of age who receives or is receiving Child Care at a Child Care Facility. Children seventeen (17) years or younger shall be considered a "Child" if they are mentally or developmentally disabled or delayed.

(F) Child Care Center: A Child Care Facility that provides child care for thirteen (13) or more children at any given time upon the Premises of a Child Care Facility.

(G) Child Care Facility: The generic term for any child care facility, whether it is a Child Care Center (for thirteen or more children), Group Child Care Facility (for six to twelve children), or Family Child Care Facility (for one to five children).

(H) Child Care: Care or supervision of a child for monetary compensation where such child is not related by blood or marriage within the second degree of consanguinity to the person or persons providing the care, in a place other than the child's own home.

(I) Child Care Facility License: Any child care facility license required by this Chapter.

(J) Child Care Worker: A person who provides child care at a Child Care Facility.

(K) Child Care Training: Preparation, instruction and education related to child care that increases the knowledge, skill and abilities of a Child Care Worker or Volunteer and which is part of an educational/technical curriculum.

(L) City: The City of Idaho Falls, Idaho.

(M) City Council: The duly elected City Council of the City.

(N) Contact: Verbal communication with and in the presence of a child or the act of being in immediate physical proximity to a child.

(O) Criminal Background Investigation: A background investigation performed pursuant to Idaho Administrative Code, Section 16.05.06.

(P) Department: The Idaho Department of Health and Welfare.

(Q) Director of the Community Development Services Department: The Director of the Community Development Services Department of the City, or his or her nominee.

(R) EIPHD: Eastern Idaho Public Health District. EIPHD will be responsible for health and safety inspections of Child Care Facilities.

(S) Facility: The generic term referring to a Child Care Center Facility, Group Child Care Facility or Family Child Care Facility.

(T) Family Child Care Facility: A home, place, or facility that provides child care for no more than five (5) children at any given time upon the Premises of a Child Care Facility.

(U) Fire Marshall: The Fire Marshall of the City of Idaho Falls, or his or her nominee.

(V) Group Child Care Facility: A home, place or facility that provides child care for at least six (6), but no more than twelve (12) children at any given time upon the Premises of a Child Care Facility.

(W) Immediate Family Member: A person related by blood or marriage within the second degree of consanguinity to an owner or operator of a Child Care Facility.

(X) Licensee: A person having a City Child Care license in full force and effect, issued hereunder for ownership or operation of a child care facility.

(Y) Mayor: The duly elected Mayor of the City.

(Z) Member of the Household: Any person who resides in, or on the property of, a facility providing Child Care.

(AA) Multi-Use Facility: A Child Care Facility which is owned by a person who conducts business or engages in commercial functions for pecuniary gain in addition to child care upon the Premises of a Child Care Facility.

(BB) Occasional Care: Care provided for compensation on an infrequent or intermittent basis by neighbors or family members that does not exceed forty (40) days in a calendar year.

(CC) On-Site Non-Provider: A person who is not a Child Care Worker or a Child Care Operator and who is either:

- (1) A Resident of a Child Care Facility including immediate family members of the operator/director, and who has or may have unsupervised contact with children, or
- (2) Janitorial or lunch room staff, a bookkeeper, office manager, secretary, receptionist or other person employed at a Child Care Facility and who may have regular unsupervised contact with children, exclusive of child care operators or child care workers.
- (3) Any friend, significant other or neighbor who regularly visits the Child Care Facility.



(DD) Operator: A person who is physically present at a Child Care Facility and whose primary responsibility is the supervision and operation of the Child Care Facility during any time when Child Care is being provided upon the premises.

(EE) Owner: A person who owns any interest in, possesses or operates a Child Care Facility. Such interest may, without limitation, include an interest as a sole proprietorship, a partnership interest, shareholder of a corporation, a beneficiary or trustee of a trust or a member of a limited liability company.

(FF) Person: Any individual, partnership, association, corporation, limited liability company or private organization of any kind.

(GG) Premises: For commercial buildings, the part of the building owned or leased for daycare facility, including parking areas and outside play areas. For home daycares, "Premises" means, the entire home, including outside play areas.

(HH) Regular: A frequency of at least once each calendar week.

(II) Relative: Individuals related to a child by blood, marriage or adoption within the second degree of consanguinity.

(JJ) Resident: Any individual twelve (12) years of age or older who resides in a Child Care Facility.

(KK) Visitor: An individual who is a guest or invitee at a Child Care Facility on a random or infrequent basis.

(LL) Volunteer: A person who intermittently provides care for children or other personal services to a Child Care Facility without pay or remuneration of any kind. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11)

6-3-3: CHILD CARE FACILITY LICENSE: No person or entity shall own, operate or permit to be operated within the City any Child Care Facility without first having obtained an appropriate license under this Chapter.

(A) Type 1: Child Care Center. Any person or operator applying for a Type 1 license shall deliver the following documents to the City Clerk at the time the application is made.

(1) A list of all owners of the Child Care Facility and their current mailing and street addresses for their place of residence.

(2) A list of all Child Care Workers employed by the applicant and who are anticipated to provide child care at the facility, their mailing addresses and a copy of a current Child Care Worker's certification issued by the City for each worker included on such list.

(3) A list of all On-Site Non-Providers who will have any contact with the children at the facility.

(4) A certificate or letter signed by the Chief of Police or his designee certifying that a criminal background investigation has been completed, or is being completed, within two (2) years previous to such application for the following persons:

(a) All owners who will have regular contact with children;

(b) All residents twelve years of age and older of the facility;

(c) Any spouse or significant other of an Owner.

(d) All residents 12-17 years of age must have a Juvenile Justice Search.

(5) A certificate issued by the EIPHD issued within ninety (90) days previous and certifying that the Facility meets the requirements of Idaho Code Section 39-1110.

(6) A certificate issued by the Fire Marshall certifying that the Child Care Facility has been inspected and meets the requirements of the International Fire Code, as adopted by the City, as well as Idaho Code Section 39-1109, and Idaho Administrative Code Section 18.01.55. An applicant must have the following fire safety items:

(a) Working smoke detectors are required at all designated day care areas within the home;

(b) Fire extinguisher is required that meets the current Code requirements for accessibility, current service tag and mounted within a seventy-five foot (75') travel distance to day care areas; and

(c) An operating telephone or cell phone;

(d) That the distance from the Child Care area shall not exceed seventy-five feet to an exit door.

(7) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility has been inspected and that it meets the egress provisions of the International Building Code and other applicable health and safety

and

codes of the City. Each In-Home Child Care Facility under this Section must have the following exiting components:

- (a) One swinging type door with a clear width of not less than thirty-two inches (32") which provides an unobstructed path outside the building to a public way or safe area away from the building is required from a single level building;
  - (b) If the day care is located in the basement, two exits are required. One exit may pass through the dwelling and the other may be an emergency escape window or exterior door from the day care area. Day care areas above the main floor are prohibited; and
  - (c) Required exit doors shall not be locked when children are in the Day Care area and shall be designed and constructed so that they can open from the inside without the use of a key or any special knowledge.
- (8) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.
  - (9) Proof of liability insurance for child care.

(B) Type 2: Group Child Care. Any person or operator applying for a Type 2 license shall possess the following qualifications before a license may be issued for that facility.

- (1) A list of all owners of the Child Care Facility and their current mailing and street addresses for their place of residence.
- (2) A list of all Child Care Workers employed by the applicant and who are anticipated to provide child care at the facility, their mailing addresses and a copy of a current Child Care Worker's certification issued by the City for each worker included on such list.
- (3) A list of all On-Site Non-Providers who will have any contact with the children at the facility.
- (4) A certificate or letter signed by the Chief of Police or his designee certifying that a criminal background investigation has been completed, or is being completed, within two (2) years previous to such application for the following persons:
  - (a) All owners who will have regular contact with children;

and

- (b) All residents twelve years of age and older of the facility;
  - (c) Any spouse or significant other of an Owner.
  - (d) All residents 12-17 years of age must have a Juvenile Justice Search.
- (5) A certificate issued by the EIPHD issued within ninety (90) days previous and certifying that the Facility meets the requirements of Idaho Code Section 39-1110.
- (6) A certificate issued by the Fire Marshall certifying that the Child Care Facility has been inspected and meets the requirements of the International Fire Code, as adopted by the City, as well as Idaho Code Section 39-1109, and Idaho Administrative Code Section 18.01.55. An applicant must have the following fire safety items:
- (a) Working smoke detectors are required at all designated day care areas within the home;
  - (b) Fire extinguisher is required that meets the current Code requirements for accessibility, current service tag and mounted within a seventy-five foot (75') travel distance to day care areas;
  - (c) An operating telephone or cell phone; and
  - (d) That the distance from the child care area shall not exceed seventy-five (75') feet to an exit door.
- (7) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility has been inspected and that it meets the egress provisions of the International Building Code and other applicable health and safety codes of the City. Each In-home Child Care Facility under this Section must have the following exiting components:
- (a) One swinging type door with a clear width of not less than thirty-two inches (32") which provides an unobstructed path outside the building to a public way or safe area away from the building is required from a single level building;
  - (b) If the day care is located in the basement, two exits are required. One exit may pass through the dwelling and the

other may be an emergency escape window or exterior door from the day care area. Day care areas above the main floor are prohibited; and

- (c) Required exit doors shall not be locked when children are in the Day Care area and shall be designed and constructed so that they can open from the inside without the use of a key or any special knowledge.
- (8) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.
- (9) Proof of liability insurance for child care.

(C) Type 3: Family Child Care. Any person or operator applying for a Type 3 license shall possess the following qualifications before a license will be issued for that facility.

- (1) A list of all owners of the Child Care Facility and their current mailing and street addresses for their place of residence.
- (2) A list of all Child Care Workers employed by the applicant and who are anticipated to provide child care at the facility, their mailing addresses and a copy of a current Child Care Worker's certification issued by the City for each worker included on such list.
- (3) A list of all On-Site Non-Providers who will have any contact with the children at the facility.
- (4) A certificate or letter signed by the Chief of Police or his designee certifying that a criminal background investigation has been completed, or is being completed, within two (2) years previous to such application for the following persons:
  - (a) All owners who will have regular contact with children;
  - (b) All residents twelve years of age or older of the facility;
  - (c) Any spouse or significant other of an Owner.
  - (d) All residents 12-17 years of age must have a Juvenile Justice Search.

and

- (5) A certificate issued by the EIPHD issued within ninety (90) days previous and certifying that the Facility meets the requirements of Idaho Code Section 39-1110.
- (6) A certificate issued by the Fire Marshall certifying that the Child Care Facility has been inspected and meets the requirements of the International Fire Code, as adopted by the City, as well as Idaho Code Section 39-1109, and Idaho Administrative Code Section 18.01.55.
- (7) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.
- (8) Proof of liability insurance for child care.

(D) **APPLICATIONS FOR LICENSE:** The applicant shall obtain an application for a license from the City Clerk. Once an application for a license has been submitted, the City Clerk shall review the application and determine whether or not the application is complete. If the City Clerk deems that the application is complete, then the applicant and City will arrange for all necessary inspections to obtain the certificates required by such Section in subsection (A), (B) or (C) above. Once all certifications are obtained and all requirements of either subsection (A), (B) or (C) above are met, the City Clerk shall issue a license. If the application is incomplete in any respect, the City Clerk shall promptly notify the applicant that the application is incomplete and shall specify the items which the City Clerk has determined are not complete or which do not otherwise comply with the provisions of subsection (A) hereof. Applications shall be made to the City Clerk in the form and manner prescribed by the City Clerk.

(E) **TERM OF LICENSE:** A license is valid for a two (2) year period years and shall expire on the date endorsed on the license.

(F) **LICENSE POSTED:** All facility licenses shall be posted in a conspicuous place at the Child Care facility whenever the facility is providing Child Care.

(G) **FORM OF LICENSE:** All licenses issued under this Chapter shall contain the following information.

- (1) The name of the Applicant.
- (2) The street address of the licensed Child Care Facility.
- (3) The date of expiration.
- (4) The maximum number of children the facility is authorized to have present in the facility at one time. Type 1 permits shall state "13+".

as the maximum number. Type 2 permits shall state up to 12". Type 3 permits shall state up to 5."

(5) Whether or not the applicant maintains liability insurance for child care.

(H) LICENSE/RENEWAL FEES: Each application/renewal for a Child Care Facility shall be accompanied by a license fee in an amount set from time to time by Resolution of the Council for the following:

Family Child Care;

Group Child Care; and

Child Care Center

(I) RENEWALS: At least thirty (30) days before a License is to expire, the Applicant must apply for a renewal license. The fees for a renewal license are the same as set forth in subsection (H) above. Depending on the type of License, all information required under Sections 6-3-3(A), 6-3-3(B), and 6-3-3(C) shall be provided with the application in order to qualify for the License. The following items do not need to be shown on renewal licenses:

- (1) A certificate showing that the Facility has been inspected by Community Development Services Department;
- (2) A certificate showing the Facility is permitted within the zone the Facility is located; and
- (3) A site plan and floor plan, unless the site plan and floor plan has changed since the original license was issued.

(J) BACKGROUND CHECKS:

- (1) In addition to the foregoing fees, the applicant shall also pay a fee in an amount set from time to time by Resolution of the Council for each criminal background investigation required under the provisions of Sections 6-3-3(A)(4), 6-3-3(B)(4), 6-3-3(C)(4), 6-3-4(B)(2) and 6-3-4(C)(1) hereof. Such fee shall be non-refundable, notwithstanding any failure or refusal of the City to issue the requested certificate. A full background check needs to be completed on the initial application and every other year thereafter. If a person required to receive a background check already has a valid background check done within the last two years, then that

person will not be required to pay the background check fee. On the years which a full background check is not required, the persons required to have a background check will still be required to submit to a local and state-wide background check. If the person needing a background check is a minor, then the parent of such minor shall sign a release allowing a juvenile justice check to be performed.

- (2) To determine the suitability of prospective applicants under Sections 6-3-3(A)(4), 6-3-3(B)(4), 6-3-3(C)(4), 6-3-4(B)(2) and 6-3-4(C)(1), the City shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to Section 67-3008, Idaho Code, and congressional enactment Public Law Section 92-544, the City shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho State Police. The City is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of the applicants child care licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited.

(K) **TIME BY WHICH LICENSE MUST BE OBTAINED:** If a child care facility or provider is not already licensed through the State of Idaho, then they must apply for a City license by October 1, 2008. Any child care facility or provider who is already licensed through the State of Idaho must file their initial application for a City license thirty (30) days before their State license expires. By October 1, 2008, a child care facility or provider, who is licensed through the State, must provide a copy of their State license to the City Clerk. The State licensed facility or provider must provide verification that a criminal background check for all persons required under Sections 6-3-3(A)(4), 6-3-3(B)(4), 6-3-3(C)(4), 6-3-4(B)(2) and 6-3-4(C)(1) hereof has been completed, or is being completed, within the last two years. All child care facilities and providers, even if licensed by the state, shall be subject to Sections 6-3-6 through 6-3-12 of this ordinance. (Ord. 2759, 6-24-08); (Ord. 2777, 8-28-08; Ord. 2816, 6-11-09; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11; Ord. 2964; 8-14-14; Ord. 3003, 04-23-15)

6-3-4: **CERTIFICATION OF INDIVIDUAL CHILD CARE WORKERS OR ON-SITE NON-PROVIDERS:**

(A) No owner or operator of a Child Care Facility shall permit or allow any Child Care Worker or On-Site Non-Provider to provide Child Care or to be in contact with a



child at a Child Care Facility unless such Child Care Worker or On-Site Non-Provider possesses a certification issued under the provisions of this Chapter.

(B) Child Care Worker Certification (CCWC). No Child Care Worker or Operator shall provide child care or supervise the rendering of child care at any Child Care Facility unless he or she is at least eighteen (18) years of age and possesses a Child Care Worker's certificate issued under the provisions of this Chapter. Anyone sixteen (16) years or seventeen (17) years old may obtain a CCWC. However, these sixteen and seventeen year old workers must always be supervised by another CCWC who is over eighteen (18) years old. In order to obtain such certification, and for each renewal, applicants shall submit a completed application form to the City Clerk, accompanied by the following certificates and information:

- (1) A current certificate issued by the Red Cross, the Fire Marshall or any certified CPR and First Aid trainer, certifying that the applicant has completed an instructional class for child CPR and First Aid.
- (2) Verification from the Chief of Police or his designee certifying that a criminal background investigation has been completed, or is being completed, for the applicant within two (2) years previous.
- (3) A birth certificate and picture identification evidencing the applicant's age.
- (4) Copies of the applicant's records from the Child Abuse Registry or a letter from the Idaho Department of Health and Welfare that the Child Abuse Registry does not contain any records regarding the applicant.
- (5) For renewal certification only, a certificate issued by an educational/technical facility, certifying that the applicant has completed at least eight (8) hours of child care training which addresses the following areas: child development, health and safety, and child guidance.
- (6) The City Clerk shall provide a temporary CCWC, valid for ninety (90) days, once the application materials have been received in full, so that the Child Care Worker may work while the application is processing. A temporary CCWC may be issued while the applicant seeks his or her Child Abuse Registry records, provided that
  - a. the applicant provides proof to the Clerk that the applicant has made a request for the applicant's Child Abuse Registry records from the Idaho Department of Health and Welfare, and
  - b. the applicant provides the required Child Abuse Registry records within ninety (90) days of submitting an otherwise complete application.

Employees with a temporary CCWC, must be supervised at all times when working with children.

(C) On-Site Non-Provider Documentation. No On-Site Non-Provider shall be in unsupervised contact with any child at a Child Care Facility. The following documentation and information for each On-Site Non-provider must be in the facility file:

- (1) Verification issued by the Chief of Police or his designee certifying that a criminal background investigation has been completed, or being completed, for the On-Site Non-Provider within two (2) years previous. If the On-Site Non-Provider is a minor, then the parents of the minor must sign a release so that the juvenile justice review may be completed.
- (2) Copies of the applicant's records from the Child Abuse Registry or a letter from the Idaho Department of Health and Welfare that the Child Abuse Registry does not contain any records regarding the applicant.
- (3) The name and address of the Child Care Facility where the On-Site Non-Provider is employed or will be present at the Facility.
- (4) The City Clerk shall provide a temporary On-Site Non-Provider Documentation, valid for ninety (90) days, once the application materials have been received in full, so that the On-Site Non-Provider may be present at the facility while the application is processing. A temporary On-Site Non-Provider Documentation may be issued while the applicant seeks his or her Child Abuse Registry records, provided that
  - a. the applicant provides proof to the Clerk that the applicant has made a request for the applicant's Child Abuse Registry records from the Idaho Department of Health and Welfare, and
  - b. the applicant provides the required Child Abuse Registry records within ninety (90) days of submitting an otherwise complete application.

(D) Location of Certification and Documentation. The certification and documentation shall be kept upon the premises of any Child Care Facility where Child Care Worker or an On-Site Non-Provider works, resides, or regularly visits. The certificate or documentation shall be promptly made available upon request by any member of the public or by the Fire Marshall, Building Official or law enforcement officer.

(E) The term of the certificate is for two (2) years. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11; Ord. 3223, 6-19-17))

6-3-5: LICENSE AND CERTIFICATION EXCLUSIONS: Nothing in this Chapter shall be construed to apply to:

(A) The occasional care of a child by his or her neighbors, relatives or friends, as long as such care is not provided in a Child Care Facility of any type.

(B) Public, Private or parochial educational facilities in which children of five years of age or older are taught a curriculum approved by the Idaho State Board of Education.

(C) Facilities providing temporary care for children whose parents remain on the premises at all times.

(D) Summer day camps, programs, religious schools and other summer activities operating less than a total of fourteen (14) days during a calendar year.

(E) Child Care of Relatives.

(F) State licensed foster care facilities and homes.

(G) Persons employed to care for children in the home where such children reside, provided the home is not otherwise classified as a Child Care Facility.

(H) Hospitals, clinics or rehabilitative facilities whose primary purpose is to provide medical care, rehabilitation services or therapy.

(I) Volunteers who provide educational or training services for children at a Child Care Facility for no more than two (2) hours in any day while under the supervision of a Certified Child Care Worker.

(J) Students who are participating in a publicly sponsored or funded educational program providing work experience in child care, child development, nutrition, or other child related subjects, provided such students are supervised by a Certified Child Care Worker at all times while the student is in contact with children on the Premises. (Ord. 2759, 06-24-08)

**6-3-6: REVOCATION OF CHILD CARE FACILITY LICENSE, CHILD CARE WORKER CERTIFICATION OR NON-SITE NON-PROVIDERS CERTIFICATION:**

(A) The following shall constitute grounds for revocation of a Child Care Facility license, Child Care Worker certification or On-Site Non-Providers documentation, or shall constitute grounds for a misdemeanor citation:

- (1) Use of any tobacco product, alcoholic beverage, or illegal controlled substance by any Owner, Operator, Child Care Worker or On-Site Non-Provider on the premises of any Child Care Facility while Child Care is being provided.

- (2) Knowingly keeping or storing firearms at a Child Care Facility while Child Care is being provided, unless such firearms are placed in a securely locked cabinet or storage area.
- (3) Knowingly allow pets or animals to have contact with the children when the children are eating meals or snacks.
- (4) Failure to keep and maintain immunization records for each child receiving Child Care at a Child Care Facility, as required by Section 39-1118, Idaho Code.
- (5) The employment or use of any employee if such employee does not have a Certificate as required under this Chapter.
- (6) The failure by the Owner of a Child Care Facility to notify the City Clerk of any change of ownership of the Child Care Facility within three (3) business days after such change of ownership becomes effective. For the purposes hereof a "change of ownership" shall be defined as a transfer of a controlling interest in any sole proprietorship, partnership, corporation, limited liability company, or other lawful form of business organization.
- (7) Any knowing violation by an Owner, Operator, Child Care Worker or On-Site Non-Provider of any of the provisions of this Chapter.

(B) In the event there is good cause to believe that a Child Care Facility, Child Care Worker or On-Site Non-Provider has knowingly violated the provisions of subsection (A) hereof, the City Clerk shall notify the licensee or certificate holder of the nature of the alleged violation and shall notify the licensee of the time and place of a hearing before the City Council to consider whether or not the licensee's license or certification should be revoked. At such hearing, the licensee shall be afforded an opportunity to produce witnesses, submit documentary evidence and to otherwise submit testimony and evidence in opposition to the proposed revocation or suspension. At the conclusion of the hearing, the City Council may suspend or revoke the license or certification for such period of time as it deems appropriate. In the event any license or certification is revoked, the licensee or certificate holder shall not apply for or receive a new license or certification within one (1) year after the date of such revocation. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11)

#### 6-3-7: OUTDOOR SPACE PER CHILD:

(A) As a condition for continued operation and licensure of any Child Care Facility, the outdoor space shall be as follows:

- (1) For Child Care Centers and Group Child Care Facilities only, outdoor play areas should allow for at least 60 square feet of outdoor play area for each child that is playing outside at a time. A determination should

be made by the provider of the total outdoor play area, to determine the maximum amount of children that can play outside at a time.

- (2) Outdoor play areas shall adjoin, or be safely accessible to, the indoor area.
- (3) Outdoor play areas on the premises shall be enclosed by a fence or wall at least four (4) feet in height. Fences or walls shall be free from sharp protruding edges. Gates shall be secured, so that children cannot leave without an adult. The fence shall be designed so that a young child cannot climb or squeeze under or through the fence. This provision shall only apply to Child Care Facilities who come into existence after this section becomes law.
- (4) Pools, hot tubs, ponds and other bodies of water that are on the daycare facility premises must provide the following safeguards:
  - (a) The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following requirements:
    - (i) The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, surround all sides of the pool and have a gate that is self-closing and that has a self-latching mechanism in proper working order out of the reach of young children;
    - (ii) If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the door is opened;
    - (iii) Furniture or other large objects must not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool.
  - (b) If the area surrounding a pool, hot tub, pond or other body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child.
  - (c) Wading pools must be empty when not in use.

- (d) Children must be under direct supervision of an adult staff member while using the pool, hot tub, pond or other body of water.
  - (e) A minimum of four (4) foot high fence must be present that prevents access from the daycare facility premises if the daycare premises are adjacent to a body of water.
- (5) Adequate shade areas shall be provided.
- (6) The outdoor play area shall be free of the following hazardous conditions.
- (a) Concrete or asphalt shall not be used under outdoor playground equipment, except wheel toys.
  - (b) The outdoor play area shall be well-drained.
  - (c) Playground equipment which is not designed to be portable shall be securely anchored so that it cannot be tipped over by an adult.
  - (d) The outdoor play area shall not have any sharp or broken objects, or areas where body limbs may become trapped, or strangulation may occur.
- (7) Stairways or steps in the outside area which are used by the children shall have hand railings of a height no greater than 3 feet. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11)

6-3-8: LICENSES/CERTIFICATION, DENIAL, SUSPENSION OR REVOCATION: A license or certification applied for or issued under this Chapter may be denied, suspended or revoked if any criminal history investigation reveals that the applicant, licensee or On-Site Non-Provider has engaged in conduct which could pose a risk of harm to the health, safety, and welfare of the children who are or will be under the direct care of any potential applicant or current licensee. This provision shall include all convictions, judgments, withheld judgments, and guilty pleas of any type. Examples of conduct or events, but not limited to the following, which can pose a risk to children and are therefore grounds for denial, suspension or revocation include:

(A) Having been found guilty of, pled guilty to, or admitted to conduct constituting a violation of a criminal law, regardless of the form of judgment, including, but not limited to, any felony, any misdemeanor involving moral turpitude or violence, any stalking or harassment of another person whether directly or indirectly Title 37, Chapter 27, Idaho Code, or similar provisions in another jurisdiction, within the past ten (10) years;

(B) Having been found guilty of, pled guilty to, regardless of the form of judgment, or admitted to any offense involving neglect or any physical injury to, or other abuse of, a child, including any sex crime as defined in Idaho Code 18, Chapter 66; Idaho Code; rape as defined in Title 18, Chapter 61, Idaho Code; injuring a child as defined in Section 18-1501, Idaho Code; selling or bartering a child as defined in Section 18-1511, Idaho Code; sexually abusing or exploiting a child as defined in Sections 18-1506, 18-1506A, and 18-1508, Idaho Code; disseminating obscene material to minors as provided in Sections 18-1513, and 18-1515, Idaho Code; or similar provisions in another jurisdiction;

(C) Having been committed pursuant to Title 66, Chapter 3, Idaho Code or similar provision in another jurisdiction, or having been taken into alcohol or mental protective custody, as a result of alcohol, drug, or mental health issues, unless such individual has been released from the protective custody or community treatment center and the individual presents no threat or danger to himself or herself or to any child.

(D) Having been found guilty of or received a withheld judgment for a crime involving any controlled substance;

(E) Having his or her parental rights affected by a child protection action under Section 16-1601 et. seq., Idaho Code or child custody termination action under Section 16-2001 et. seq.; Idaho Code or similar provisions in another jurisdiction;

(F) Having been found guilty of or received a withheld judgment of any provision of Section 39-1113, Idaho Code;

(G) Violating any of the terms of this Chapter;

(H) Supplying false information, or refusing or failing to disclose any information required on the application form, or refusing to authorize the criminal background investigation required by this Chapter.

(I) Having a substantiated claim of abuse and neglect against any child from the Child Abuse Registry with the Department. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11)

6-3-9: STAFFING REQUIREMENTS: All daycare providers shall follow the following staff to child ratio:

(A) Point System for Family Child Care Facilities. A maximum of twelve (12) points using the following points designation, will be allowed per certified staff member. Any child, even if that child is not being watched for compensation, under the age of five (5) years old will be counted in the ratio if they are present at the facility or home.

A child 0-12 months of age	2 points (maximum of 2 enrolled)
A child 13 -24 months of age	1.5 points (maximum of 4 enrolled)

A child 25 months through 4 years of age     1 point  
A child 5 years and up                                 .5 points

(B)     Ratio System for Group Child Care and Child Care Center Facilities. The following worker to child ratio shall be used for Group Child Care and Child Care Center Facilities:

(1) For those facilities who have a separate classroom for the children of the same age group, the ratio is as follows:

children.	A room with children from 0-12 months of age:	1	worker	per	4
children	A room with children from 13-24 months of age:	1	worker	per	6
children	A classroom with children from 25-36 months of age:	1	worker	per	8
children	A classroom with children from 3-4 years of age:	1	worker	per	12
children	A classroom with children 5 years of age or older:	1	worker	per	18

(2) For those facilities who combine age groups into a single room, then a point system shall be used. A maximum of twelve (12) points using the following points designation, will be allowed per certified staff member.

	A child 0-12 months of age:	2 points (maximum of 2 per worker)
	A child 13 -24 months of age:	1.5 points (maximum of 4 per worker)
	A child 25 months through 4 years of age:	1 point
	A child 5 years and up:	.5 points

(C)     Service staff, such as cooks, janitors, bus drivers, or other on-site non-providers, shall not be counted in the required staff-child ratio unless they are licensed as a Child Care Worker, and are also providing child care at the licensed facility for a scheduled period of not less than twenty (20) hours per week. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11)

6-3-10:     RECORD MAINTENANCE: Each Child Care Facility shall maintain the following records on the premises at all times while the facility is in operation and make the same available upon request by any designated person set forth in Section 6-3-12 of this Title:

(A)     A current facility license which shall be on display in a public area of the facility.

(B)     A copy of each Child Care Worker Certification for each employee.



(C) A copy of all On-Site Non-Providers' documentation.

(D) A separate file shall be maintained of each child receiving child care on the Premises. Said record shall contain the child's name, date of birth, address, parent/guardians name and contact information including work phone and/or cell phone numbers.

(E) Immunization records for each child as required by the State of Idaho, Idaho Code § 39-1118 and Idaho State Regulation 16.02.11.

(F) A daily listing of the children who are enrolled and who were actually cared for that day at the facility.

(G) A daily listing of the staff on duty and the hours worked.

(H) Medical release for each child signed by each parent or guardian. (Ord. 2759, 06-24-08)

6-3-11: **RIGHT OF ENTRY FOR GOVERNING OFFICIALS:** Every Facility shall, upon presentation of identification, allow the Fire Marshall, Fire Chief, Building Official, Police Officer, Idaho Department of Health and Welfare officer, Code Enforcement Officer, EIPHD Representative, City Clerk or other designated City Official immediate entry to the Child Care facility for the purposes of inspection for compliance with the terms of this Chapter. The license of any Child Care Facility or an employee's certification may be denied, suspended or revoked if such provider refuses to allow entry. (Ord. 2759, 06-24-08)

6-3-12: **REPORTING OF ABUSE, ABANDONMENT OR NEGLECT:** Pursuant to Idaho Code Section 16-605, any Child Care Facility, personnel or other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the Idaho Department of Health and Welfare. Any employee of a Child Care facility shall also report any incident to their manager/owner. (Ord. 2759, 06-24-08)

6-3-13: **LIABILITY:** This Chapter is not intended to impose or create any private cause of action against the City, its agents, officials or employees for any loss or damage based upon the failure of any Child Care Facility, or the owner or operator thereof, to meet the standards contained in this Chapter or failure of such persons to enforce the standards and regulations adopted by this Chapter. (Ord. 2759, 06-24-08)

6-3-14: **PENALTY:** In addition to the revocation procedures as set forth in section 6-3-6(B), any willful violation of this Chapter shall be a misdemeanor. (Ord. 2816, 6-11-09)

IDAHO FALLS

CITY OF IDAHO FALLS

City Clerk's Office

City Clerk's Office: (208) 612-8415

FAX: (208) 612-8560

APPLICATION TO APPEAL A DECISION TO THE CITY COUNCIL

Appellant Information:

Contact Name: <u>Sarah Ann Disney</u>	Phone Number: _____
Address: _____	Email: <u>Sdisney86@gmail.com</u>
City: <u>Idaho Falls</u>	State: <u>ID</u> Zip: <u>83402</u>

Reason for Appeal:

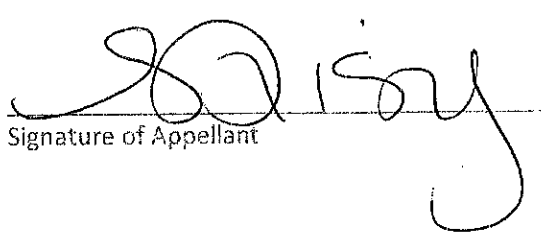
I feel my denial of my childcare license was un-necessary. I have never <sup>been</sup> convicted of any crime, and have had absolutely no problems since working at the daycare. (Kids Korner Preschool & Daycare, LLC) I want to appeal this denial and would like my license to be re-instated.

I do have an open disturbing the peace case, that is being reviewed.

City of Idaho Falls Code of Ordinances:

4-1-2: (C) Any applicant may appeal a denial of his or her application by filing a notice of appeal with the City Clerk, within ten (10) days after the date the denial is delivered to the applicant. The notice of appeal shall be in such form as may be approved by the City Clerk and shall in summary form set forth the reasons for the appeal. Such notice of appeal shall be accompanied by a filing fee in the amount of fifty dollars (\$50.00). Such filing fee shall be non-refundable. Upon timely delivery of a notice of appeal and payment of the filing fee, the City Clerk shall schedule a hearing before the City Council within thirty (30) days after the delivery of the notice of appeal. The City Clerk shall also deliver a written notice of hearing to the applicant not less than seven (7) days prior to the date of such hearing. A copy of the notice of hearing shall likewise be sent to the Chief of Police. At the hearing, the City Clerk shall keep a transcribeable, verbatim record of the hearing, including any exhibits or documentary evidence and shall retain such transcript for a period of not less than six (6) months following the conclusion of the hearing. At the conclusion of the hearing, the City Council shall render a decision, which may be verbal or in writing. Such decision shall succinctly state the reasons for the denial or affirmation of the decision of the City Clerk.

Date: Jan 8 2018

  
Signature of Appellant

\$50.00 Filing Fee for Appeal

109.85  
(1-8-2018)

Receipt Number



## MEMO

To: City Clerk's Office

From: William Squires, Captain

Date: January 9, 2018

Ref: Denial – Oryan Rodriguez – Keller Williams Realty

Oryan Rodriguez applied for Door to Door sales for Keller Williams Realty. After receiving the background check on 1/5/2018, it is the City of Idaho Falls Police Department's recommendation to deny the license. The background check showed that Oryan Rodriguez does not qualify under City Code 4-8-6 (A).

4-8-6: ELIGIBILITY FOR PERMIT: No applicant shall be issued a permit if:

(A) The applicant has been convicted or granted a withheld judgment for any felony.

DENIAL MEMO-001-2018 DOOR-Oryan Rodriguez / Keller Williams Realty

## **CHAPTER 8**

### **DOOR-TO-DOOR SOLICITORS**

#### **SECTION:**

4-8-1	Purpose
4-8-2	Unlawful Door-To-Door Solicitations
4-8-3	Definitions
4-8-4	Application for Door-To-Door Solicitation Permit
4-8-5	Fingerprints and Background Check
4-8-6	Eligibility for Permit
4-8-7	Term of Permit
4-8-8	Hours of Door-To-Door Solicitation
4-8-9	Suspension and Revocation
4-8-10	Appeal Process
4-8-11	Penalty

4-8-1:       **PURPOSE:** Residents of City of Idaho Falls have a substantial interest in protecting their personal safety, well-being and privacy, as well as the right to provide or receive information regarding matters of personal belief, political or charitable activities and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety and privacy of its residents, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting residents from fraud or otherwise unfair consumer sales practices and criminal activity. The City recognizes that the substantial interests listed above must be balanced against the rights of those who are regulated by this Chapter. Based on the collective experiences of City elected officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to citizen inquiries regarding door-to-door solicitation, the experience of law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial decisions outlining the boundaries of Constitutional protections afforded to persons seeking to engage in door-to-door solicitation, the City adopts this Chapter to promote such interests. (Ord. 2896, 03-08-12)

4-8-2:       **UNLAWFUL DOOR-TO-DOOR SOLICITATIONS:** It shall be unlawful for any person to:

(A) Engage in any door-to-door solicitation without a valid door-to-door solicitation permit issued by the City Clerk;

(B) Engage in any door-to-door solicitation without prominently displaying an identification badge provided by the City Clerk;

(C) Engage in any door-to-door solicitation at a residence which has a "No Solicitors Allowed" or other similar sign conspicuously posted at or near the primary entrance of the residence where such solicitation is made;

(D) Engage in door-to-door solicitation outside the hours permitted under Section 4-8-8 of this Chapter.

(E) Deliver an application for a door-to-door solicitation permit to the City Clerk containing any substantial misrepresentation or omission of material fact; or

(F) Make any misrepresentation of material fact or commit any fraudulent act during any door-to-door solicitation. (Ord. 2896, 03-08-12)

4-8-3: DEFINITIONS: For the purposes of this Chapter, the following terms shall have the means ascribed below:

**DOOR-TO-DOOR SOLICITATION:** Soliciting orders or donations for the sale of goods, wares, merchandise, subscriptions or personal services, without first having secured the permission of the owner or occupant of the residential dwelling where such solicitation is undertaken. The term "door-to-door solicitation" shall not include activities in which all proceeds are paid to one or more non-profit organizations currently certified under Sections 501(c)(3), (4) and (8) of the United States Internal Revenue Code, as the same presently exists or as may be amended hereafter. The term "door-to-door solicitations" does not include solicitations for the purpose of supporting a school-sanctioned activity sponsored by a publicly owned or chartered school or other educational institution whose principal business office is located within Bonneville County. Religious proselyting and political campaigning are not considered door-to-door solicitations.

**HEARING OFFICER:** An objective, unbiased individual appointed by the Mayor who shall decide questions brought on appeal by applicants regarding the denial of an application or suspension of a permit under this Chapter. (Ord. 2896, 03-08-12)

4-8-4: **APPLICATION FOR DOOR-TO-DOOR SOLICITATION PERMIT:** Each individual desiring a permit to engage in door-to-door solicitations shall file his or her application with the City Clerk. The application shall be in such form as may be determined by the City Clerk and shall be accompanied by a copy of the applicant's current driver's license, military identification card or other reliable form of photo identification. Upon completion of such application, delivery of the applicant's fingerprints in accordance with Section 4-8-5 hereof and payment of a permit fee in an amount set from time to time by Resolution of the Council, each eligible applicant shall be issued a permit and an identification badge containing a photograph of the applicant. Such permit shall be issued or denied within five (5) business days after the date the fully completed application form and permit fee are submitted to the City Clerk. (Ord. 2964, 8-14-14)

4-8-5: **FINGERPRINTS AND BACKGROUND CHECK:** Concurrently with the application for a permit, the applicant shall provide a clear and legible set of fingerprints and shall authorize the City to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to Idaho Code Section 67-3008, and Public Law 92-544, the City may submit such fingerprints and required fees to the Idaho State Police, Bureau of Criminal Investigation along with a request for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall

be on forms prescribed by the Idaho State Police. The City may receive and use criminal history information from the Idaho State Police and the United States Federal Bureau of Investigation solely for the purpose of evaluating the applicant's fitness for a door-to-door solicitation permit. No further dissemination or other use of such fingerprints or criminal history information shall be made, except as otherwise permitted by State or Federal law. (Ord. 2896, 03-08-12)

4-8-6: ELIGIBILITY FOR PERMIT: No applicant shall be issued a permit if:

(A) The applicant has been convicted or granted a withheld judgment for any felony.

(B) The applicant has been convicted or granted a withheld judgment for any misdemeanor burglary within ten years prior to the date of the application.

(C) The applicant is subject to registration as a sex offender under the provisions of Title 18, Chapter 83, Idaho Code.

(D) The applicant has been convicted or granted a withheld judgment for any misdemeanor involving battery of domestic violence within ten years prior to the date of the application.

(E) The applicant has been convicted or granted a withheld judgment for any crime involving the sale, possession, or use of a controlled substance or the unlawful use or possession of drug paraphernalia, within five years prior to the date of the application. (Ord. 2896, 03-08-12)

4-8-7: TERM OF PERMIT: Every permit issued under this Chapter shall expire on December 31 of the year after the permit is issued, which expiration date shall be endorsed on the face of the permit and the identification badge provided by the City Clerk. The permit fee required under Section 4-8-4 hereof shall be payable in full regardless of the time of year in which the permit is issued. (Ord. 2896, 03-08-12)

4-8-8: HOURS OF DOOR-TO-DOOR SOLICITATION: Door-to-door solicitation, as permitted by this Chapter, shall be allowed only between the hours of 9:00 a.m. to 8:00 p.m. of the same day. No solicitation shall occur on Sunday or any legal holiday. (Ord. 2896, 03-08-12)

4-8-9: SUSPENSION AND REVOCATION: A permit may be temporarily suspended by the Chief of Police or his designee if it is determined that the applicant is not eligible for the permit or has violated any of the provisions of this Chapter. In such event, the Chief of Police or his designee shall physically deliver or mail a written notice of such suspension to the address specified in the application. Delivery shall be deemed to be complete upon physical delivery of the notice to the permit holder or upon deposit of the notice in the U. S. Mail, postage prepaid, certified mail, return receipt requested, addressed to the permit holder at the address specified in the application or such other address which may be delivered in writing to the City Clerk. If the applicant does not file an appeal of the suspension with the City Clerk within five business days

after delivery of the suspension notice, then the permit shall be deemed automatically revoked. (Ord. 2896, 03-08-12)

4-8-10:        APPEAL PROCESS: An applicant may appeal a denial of the application, or the suspension of a permit, by providing written notice to the City Clerk, within seven business days after delivery of the notice of denial of the application, or notice of suspension. Once the City Clerk receives the notice of appeal, the Hearing Officer shall schedule a hearing within five business days after the appeal is delivered to the City Clerk. The Hearing Officer shall issue a written decision and deliver a copy of such decision to the permit holder within two business days of the conclusion of the hearing. The Hearing Officer shall deliver a copy of the decision to the applicant or permit holder, as the case may be, in the same manner as set forth in Section 4-8-9 above. Suspensions by the Chief of Police shall remain in full force and effect until the permit is automatically revoked or the Hearing Officer issues his or her decision. All decisions issued by the Hearing Officer shall be final and there shall be no appeal to the City Council. (Ord. 2896, 03-08-12)

4-8-11:        PENALTY: Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500), by incarceration in the Bonneville county Jail for not more than thirty (30) days, or both such fine and imprisonment. (Ord. 2896, 03-08-12)



**CITY OF IDAHO FALLS**  
City Clerk's Office

City Clerk's Office: (208) 612-8415

FAX: (208) 612-8560

**APPLICATION TO APPEAL A DECISION TO THE CITY COUNCIL**

**Appellant Information:**

Contact Name: <u>Oryan Rodriguez</u>	Phone Number:
Address:	Email: <u>orodriguez@KW.com</u>
City: <u>Idaho Falls</u>	State: <u>ID</u> Zip: <u>83401</u>

**Reason for Appeal:**

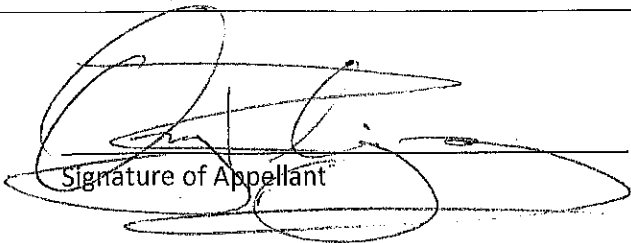
<u>Denial of door to door sales permit, due to Malicious Injury to Property charge on juvenile record from 2006.</u>
<u>Thank you for your consideration.</u>

**City of Idaho Falls Code of Ordinances:**

4-8-10: APPEAL PROCESS: An applicant may appeal a denial of the application, or the suspension of a permit, by providing written notice to the City Clerk, within seven business days after delivery of the notice of denial of the application, or notice of suspension. Once the City Clerk receives the notice of appeal, the Hearing Officer shall schedule a hearing within five business days after the appeal is delivered to the City Clerk. The Hearing Officer shall issue a written decision and deliver a copy of such decision to the permit holder within two business days of the conclusion of the hearing. The Hearing Officer shall deliver a copy of the decision to the applicant or permit holder, as the case may be, in the same manner as set forth in Section 4-8-9 above. Suspensions by the Chief of Police shall remain in full force and effect until the permit is automatically revoked or the Hearing Officer issues his or her decision. All decisions issued by the Hearing Officer shall be final and there shall be no appeal to the City Council. (Ord. 2896, 03-08-12)

Date:

1/12/2018

  
Signature of Appellant

\$50.00 Filing Fee for Appeal

11008 Receipt Number  
(1-12-2018)