



NOTICE OF PUBLIC MEETING

Monday, May 11, 2020
City Council Chambers
680 Park Avenue
Idaho Falls, ID 83402
3:00 p.m.

The public is invited to observe City Council Work Sessions. However, to observe appropriate social distancing guidelines, as recommended by the Centers for Disease Control and Prevention (CDC), the public is encouraged to view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. The agenda does not include an opportunity for public interaction.

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.

COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Mayor:

- Acceptance and/or Receipt of Minutes
Action Desired: To receive recommendations from the Planning and Zoning Commission
- Calendars, Announcements and Reports (10)

Council:

- Liaison Reports and Council Concerns (15)

Human Resources;
Municipal Services:

- Personnel Manual Discussion:
 - Shift Differential Policy (15)
 - Overtime, Comp-time, and Time Keeping for Exempt Employees (15)

Police Department:

- Employee Handbook/Personnel Items Discussion (15)

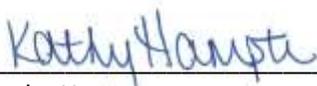
Parks and Recreation:

- Coronavirus (COVID-19) Impact on Parks and Recreation Summer Operations (20)

City Attorney:

- Discussion of Draft Non-discrimination Ordinance (45)

DATED this 8th day of May, 2020



Kathy Hampton
City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: April 22, 2020

RE: April 21, 2020, Planning Commission Action

Planning Commission took the following action during the April 21, 2020 meeting.

- 1. PLAT20-010 PRELIMINARY PLAT. Providence Point Preliminary Plat.** North of E 49th S, East of S 25th E, South of Sunnyside Rd, West of S 15th E. On April 21, 2020 the Planning and Zoning Commission recommended approval of the Preliminary Plat as presented.
- 2. RZON20-001 REZONE. Rezone from LC to HC Section 16, T 2N, R 38 E.** North of John Adams Pkwy, East of Hitt Rd, South of Lincoln Rd, West of Woodruff Ave. On April 21, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the Comprehensive Zoning Amendment as presented.
- 3. RZON20-003 REZONE. Amend Zoning Ordinance, Table 11-3-1 R2 height 36', Airport.** Amendment of the Comprehensive Zoning Ordinance, Table 11-3-1: Standards for Residential Zones, amending the maximum building height in the R2 Zone to 36 feet and Section 11-5-3, Airport Overlay Zone. On April 21, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the Comprehensive Zoning Amendment as presented.
- 4. ANNEX20-001 ANNEXATION/INITIAL ZONING. Southpoint Division 10 Annex & initial zoning of RP & R1.** North of W 65th S East of S 5th W South of W 49th S West of S Holmes Ave. On April 21, 2020, the Planning and Zoning Commission recommended approval of the annexation and initial zoning of R1 and RP for Southpoint Division 10 to the Mayor and City Council as presented.
- 5. ANNEX20-002 ANNEXATION/INITIAL ZONING. Falkenrath Annexation TN Initial Zoning.** North of E 49th S, East of S 5th W, South of E Sunnyside Road, West of S Holmes Ave. On April 21, 2020, the Planning and Zoning Commission recommended approval of the annexation and initial zoning of TN for Falkenrath property or Taylorview Homes as presented.
- 6. PLAT20-005 FINAL PLAT. Southpoint Division 10 Final Plat.** Generally south of W 49th S, west of S Holmes Ave., north of W 65th S, and east of S 5th W. On April 21, 2020, the Planning and Zoning Commission recommended approval of the final plat to the Mayor and City Council as presented.

7. **PLAT20-007 FINAL PLAT. Narrows Division 2 Final Plat.** North of US 20, East of Snake River, South of Science Center Blvd, West of Freemont Ave. On 4/21/2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the Final Plat.
8. **PLAT20-009 FINAL PLAT. Manchester Estates Final Plat.** North of 49th S, East of 5th W, South of Sunnyside Rd., West of Holmes Ave. On April 21, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the final plat for Manchester Estates as presented.
9. **PLAT20-011 FINAL PLAT. Ivywood Division 3 Final Plat.** North W 81st S, East S 5th W, South W 65th S, West S 15th W. On April 21, 2020 the Planning and Zoning Commission recommended approval of the final plat to the Mayor and City Council as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: May 06, 2020

RE: May 05, 2020, Planning Commission Action

Planning Commission took the following action during the May 05, 2020 meeting.

- 1. PLAT20-013: PRELIMINARY PLAT. Taylorview Homes Division 1.** North of E 49th S, east of S 5th W, south of E Sunnyside Road, west of S Holmes Ave. On May 5, 2020, the Planning & Zoning Commission denied approval of the preliminary plat as presented due to the length of the road without a secondary access. The vote to deny was unanimous.
- 2. ANNEX20-003: ANNEXATION/INITIAL ZONING. Annexation & Initial Zoning of HC (Highway Commercial), Approx. 96.053 acres E1/2 Sec 6 T2N R38E.** North of US 20, east of N 5th W, south of E 65th N, west of N 5th E. On May 5, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the annexation with an initial zoning of HC.
- 3. ANNEX20-004: ANNEXATION/INITIAL ZONING. Annexation & Initial Zoning of R3A (Residential and Mixed use), Approx. 9.7 acres Sec 33 T2N R38E.** North of E 49th S, east of S 15th E, south of E Sunnyside Road, west of S 25th E. On May 5, 2020 meeting the Planning and Zoning Commission recommended Approval of the annexation to the Mayor and City Council with an initial zoning of PB, Professional Business by a vote of 5 to 2.
- 4. PLAT18-028: FINAL PLAT. Sandstone Estates Division No 2.** Generally south of E 49th S., west of S 25th E., north of E 65th S., & east of S 15th E. On May 5, 2020, the Planning and Zoning Commission recommended to the Mayor and City Council approval of the final plat.
- 5. PLAT18-034: FINAL PLAT. Hidden Bridge Subdivision Div 1.** Generally south of E 20th St., west of S Holmes Ave., north of E 22nd St and east of S Higbee Ave. On May 5, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the final plat as presented.
- 6. PLAT20-012: FINAL PLAT. Grandview Storage 1st Amended.** Generally south of Sawtelle St., west of Foote Dr., north of Grandview Dr., and east of N Skyline Dr. On May 5, 2020 the Planning and Zoning Commission recommended Approval of the Final Plat as presented to the Mayor and City Council.

7. **PLAT20-014: FINAL PLAT. Teton Mesa Division 1.** North of Lomax St, south of Garfield St, east of N Holmes Ave, west of Bonneville Dr. On May 5, 2020 the Planning and Zoning Commission recommended Approval of the Final Plat as presented to the Mayor and City Council.
8. **PLAT20-015: FINAL PLAT. Bish's RV.** North of US 20, east of N 5th W, south of E 65th N, west of N 5th E. On May 5, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the final plat for Bish's RV.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).

Connecting Us, Sustaining Progress
Inclusion and Diversity Subcommittee Meeting Minutes
February 1, 2020

Meeting was called to order at 9:04 AM on 02-01-2020.

Executive Positions for the committee were appointed.

Co-Chairs: Edmond Walsh and Attorney Challis McNally

Communication Liaison: Hillary Fishler

Project Management: Ryan Carroll and Mike Bray

Media Liaison: Toni Carter

Administrator: Eric Schuster

It was agreed that Inclusion and Diversity Committee would meet the first Saturday of the month at the Club house at The Falls Apartments.

Included are pictures of the sub-committees that were formed and who will be serving on each sub-committee. Five sub-committees were formed.

1. Education
2. Transportation
3. Arts and Culture
4. Data, Demo, Research, and Survey Design
5. Health and Wellness

A discussion was held during the meeting to begin defining Diversity and Inclusion, and to define the goals and guidelines of the sub-committee.

The Goals are included with the pictures.

Next Steps for the Committee was also discussed. Included in the pictures also.

A member of the City of Idaho Falls (a resident) was present at the meeting.

The meeting was adjourned at 10:28 AM

Minutes submitted by Eric Schuster on 01-08-2020

Minutes amended on 03-07-2020



PARKS & RECREATION COMMISSION MEETING

MARCH 2, 2020

ACTIVITY CENTER

12:00 Noon

Members in Attendance: B. Combo, C. White, M. Hill, D. Radford, J. Francis, J. LoBuono, C. Horsley, D. Pennock, P. Holm

Members Not In Attendance: J. Forbes, J. Hammon, K. Hope, T. Hersh, P. Lloyd, W. Johnson, B. Lee

CALL TO ORDER – B. COMBO

B. Combo called the meeting to order at 12:12.

APPROVAL OF MINUTES

Minutes were tabled as there was not a quorum.

DIRECTOR'S REPORT – P. Holm

P. Holm reported on the following:

- The comprehensive plan update. He advised that the plan was not encumbered into this year's budget. He has worked with finance to free up some money to be able to pay Pro's Consulting the contractual amount and he hopes to have the whole process completed by June. There are two more projects regarding the recreation plan and the parks maintenance plan that have to be completed "in house" before Pro's Consulting can finish on their end. There will be a phone meeting with Pro's Consulting and the recreation staff on Friday, March 6th to discuss the next steps.
- The Splash Pad RFQ's are out and close on Friday.
- He advised the board on the FAA assurance issue regarding the Old Butte Soccer Complex. We will be required to pay rent on the soccer field property in the near future in order for the City to meet FAA assurance standards. It is unknown what the rental amount will be.
- Budget matters concerning our priorities going forward. The Aquatic Center is the first priority.
- He announced the sad death of Bruce Goodsell, a long time Parks and Recreation employee who worked at the cemetery.

SUPERINTENDENT'S REPORT – C. Horsley

C. Horsley reported on the following:

- The meeting with Lisa Farris regarding the grant process. He was advised that the grants we might qualify for are from the CHC Foundation, the Idaho Community Foundation and the Community Support Grant.
- There are grants available for smaller projects but non available to fund a major project such as building a new aquatic center.
- He updated the board on the proposal he received from an aquatic specialist on the cost of their team coming to evaluate the dehydres. He's waiting on a second proposal from another firm.

BOARD DISCUSSIONS

- The board discussed whether the first aquatic center inspection should be focused on the dehydres or the structural soundness of the building itself. P. Holm advised that the underlying problem is the dehumidification system that is causing rust to build on the components that is causing the safety concerns. Board members would like to see a full inspection of the facility.
- There was also discussion on the best way to move forward on trying to find and write grants, and the possibility of forming a "Friends of Parks & Recreation" 501C3 group who could facilitate a movement to obtain funding for projects.

CALL FOR AGENDA ITEMS

- Members request we place the topic of grants on the next agenda as well as a Pro's Consulting Update.

Meeting adjourned at 1:45 p.m.

Next meeting will be held April 6, 2020.

*Recorded by:
Tracy Sessions, Clerk, Parks & Recreation*



PARKS & RECREATION COMMISSION MEETING
FEBRUARY 3, 2020
ACTIVITY CENTER
12:00 Noon

Members in Attendance: B. Combo, C. White, T. Hersh, T. Reinke, M. Hill, J. Forbes, W. Johnson, J. Freeman, B. Lee, D. Pennock, J. Freeman, S. Smede, R. Campbell, C. Horsley, J. Hammon

Members Not In Attendance: K. Hope, J. LoBuono, D. Radford, P. Lloyd, P. Holm

CALL TO ORDER – B. COMBO

B. Combo called the meeting to order at 12:06.

APPROVAL OF MINUTES

M. Hill motioned to approve the January 6, 2020 minutes. C. White seconded. Motion carried.

DIRECTOR'S REPORT – Reported by C. Horsley

- C. Horsley updated the board on some information they had requested in previous meetings. Board members were given a packet containing a list of summarized comments and requests from user groups who attended the September and October meetings. Also included were the annual fees paid to Parks and Recreation by some of these groups. He also included the "Programs and Facility Usage" report. Project cost estimates for certain needs were listed such as adding lights to fields, tennis court resurfacing, Old Butte Soccer Complex fields, etc.
- Cost recovery for Parks and Recreation versus other municipals was discussed. The typical agency cost recover is 27.3% but ours is 45%. This could however be because unlike many municipalities, we have a zoo and golf courses.
- He advised the Chamber of Commerce was unable to provide a past economic impact study.
- He relayed the information he received from a national aquatic firm that plans and develops aquatic centers. He also talked with a local firm, G & S Structural Engineers, who gave him similar information. A study would cost around \$20,000.
- Information obtained from VCBO Architects advised a typical feasibility study ranges from \$15,000 to \$40,000.

BOARD DISCUSSION:

- B. Combo asked about the parks maintenance issues regarding the staff being overwhelmed with all the new added acreage. R. Campbell will present a plan to the Commission that addresses these issues at the next meeting.
- T. Reinke updated the board on the Pinecrest irrigation problem and the application process with the Idaho Water Resource Board.
- The need to do the engineering assessment on the Aquatic Center was discussed. It was agreed that due to the critical condition of the facility and the safety concerns that an assessment should be arranged as soon as possible. B. Combo moves to have the Commission recommend a comprehensive and disciplined engineering structural assessment be done on the Aquatic Center. This assessment should also include the cost of repair for the short term and repair for the long term. M. Hill seconds the movement. All in favor.
- Board discusses the value of a feasibility study. It was decided that they will wait until after the report from Pro's Consulting is received before making a final decision on the need for the study.
- Facility priorities were discussed. It was agreed that if the Pinecrest irrigation problem is taken care of with the Idaho Water Resource Board loan, then the first priority will be the Aquatic Center.

CALL FOR AGENDA ITEMS

The following items were requested for next month's meeting:

- A presentation of the budget process to the board before it goes to City Council.
- An update of the grant process after C. Horsley meets with Lisa Farris.
- A date or estimated date of when the Pro's Consulting report will be completed.
- A follow-up on funding options and how they can be applied in our city.
- Parks Department maintenance management plan.

Meeting adjourned at 1:46 p.m.

Next meeting will be held March 2, 2020.

*Recorded by:
Tracy Sessions, Clerk, Parks & Recreation*

Idaho Falls Downtown Development Corp. March 3, 2020 board meeting was held in the Syringa Networks Board Room (460 Park Ave) at 8:30am

Attendance: Jake Durtschi, Emily Fitzpatrick, Tasha Taylor, Kevin Josephson, Brandi Newton, Chip Schawrze, Greg Crockett, Jill Hansen, Cindy Napier, Lisa Farris; Staff: Catherine Smith, Juan Hernandez, Mala Lyon; visitors: Jim Pletscher, Chase Martin and Jim Francis

Elections held and the following were voted in for the 2020:

Jacob Durtschi President
Kevin Cutler Vice President
Jill Hansen Secretary
Brandi Newton Treasurer
Antonio Meza Past President
Shanon Taylor 2nd term - Board Member
Greg Crockett 2nd term - Board Member
Kevin Josephson 2nd term - Board Member

Minutes for February 4, 2020 were reviewed – Jill motioned they be approved; Jake seconded, and board approved

Financials: insurance settlement of \$14,000 for damaged A Street parking lot booth is in our market savings account; 6 new garbage cans have been ordered and will be placed on the opposite corner of the current ones with the Street Department emptying them;

Parking: we are ahead of our prediction with payment at the meters \$5,800, but down on the on-street citation collection – Jake reminded us only a small percentage will pay their citation right away and we are still working on the access to the database that will provide us with addresses to send a letter. Chip asked if we are writing as many tickets as we thought we would – yes but the goal is not to see how many we can write it is to educate people on where they can park for the time they need. The process of collection is smoother now and those contesting tickets are directed to go online.

Winterbrew was canceled, we had some pre-cost of \$1,052 for advertising and permits. We pay \$150 for a park impact fee to Parks & Rec, rent garbage cans, \$50 alcohol permits with city and another \$50 to the State. Greg appreciated the list of events sent out and wonder if we have too many? Catherine said no, with having Krisi as the Event Coordinator it works, but we are probably at our max with the number of events we do. We are planning to have the Winterbrew an indoor event next year and use The DEC so weather will not be an issue. We are tweaking the Taste of Downtown to make it almost into a Summerbrew so that we will make a profit. We need to make sure each event pays for itself or brings in income for us. Brandi said we currently have a good variety of events, some that are good for adults and others for families.

Greg asked if the credit card processing fee is a monthly cost? It is paid weekly and we pay .07 per transaction with a card at the parking meters. We planned for all these expenses, but under budgeted for signage, marketing and some supplies. We will need to ask for more support from the city next year. Greg motioned the financials be approved; Brandi seconded and board approved

Catherine showed the rendition of the new parking shed/garage and its new location - it will be installed just east of the old booth and showed the bids for the new shed, the electric work, the concrete pad and adjustment to curb and gutter. This location will make it so we do not lose any parking spaces and keep the drive out option on the south end. Signage will be kept simple and be attached to the new shed. Brandi asked if these bids include insulation – it doesn't. Kevin asked if we would place bollards to

protect the new shed and meter? We can if it is needed. Kevin made a motion the new shed be built using the \$14,000 from the insurance claim and that bollards be installed as needed to protect the building and meter; Tasha seconded and board approved.

Spring beautification – Sherry will be downtown cleaning out the pots and planting spring scape in 20 of the most visible pots. We can plant earlier because the new pots hold water so we don't have to wait on the city summer crew to be up and running. We have 110 pots that will be full of flowers and the 135 hanging flower baskets that we will start getting sponsors for soon. We will be sending out a request to artists on March 16th for the crosswalk art that will be done at the corner of Park and B Street. The art will be within the crosswalk area only.

We are looking at a art project called "Labs downtown" where we will have fiberglass Labrador dog statues made that artists will paint. Each 'Lab" will be sponsored and attached to the sidewalk but not in a permanent way so they can be moved. The art benches have been in place for 15 years and some are in pretty sad shape. We are going to evaluate each one and maybe replace them with a "Lab" The artist of the old benches will be contacted and a decision of what to do with those that will be removed will be made. Lisa suggested they be auctioned off. There are several places that connect with "Labs" like the INL is the Lab, Teton Toyota has a lab mascot.

INL has given us a \$5,000 grant to paint a mural that will celebrate their 75th anniversary. The call to artists will go out in April for this mural.

Main Street America costs \$280 to join for a year membership. They have lots of resources. We were part of this years ago when Shirley Chastain was the executive director. It is a great place to network with our cities out size and see how they are doing things. They have 4 points – design, organization, promotions and economic vitality. Greg motioned that we approve the \$280 to become members; Kevin seconded and board approved.

Parking – Juan, Ed and Catherine went to Boise to meet with Tyler Johnson and Shane Anderson talking to them about their parking. They have on-street single space meters, but it was good to talk with other parking enforcement people and see how they do things and what their policies are. They do run a shuttle but it is very expensive and they are losing money on it. Their on-street parking is monitored until 8:00pm and ours stops at 6:00pm. Cindy asked if they use validation in Boise? No except for buildings with parking garages like what we have under The Broadway and the businesses in that building validate just for their garage. We have a number of vehicles that are parking on Constitution all day for days or weeks at a time, but there is no ordinance requiring them to move. We need to look at an ordinance called "Block Face" which means a vehicle has to move at least one block away to park for a second or third 2 hour block of time.

Validation – Jake said we had our open house meeting that was open to all the merchants and had about 30 people in attendance. We presented the validation options and explained how they would work and the costs to the merchant which is \$1 per 1 hour of parking for the customers. It was suggested that a code be available that customer could be given to enter into the meter, but our technology cannot support that kind of an option. Greg said that interest in validation seemed low in validation and other issued were vented. Kevin asked if it is worth our time to even have validation with such a low participation? Are we catering to just a handful of merchants that want it? Catherine explained that validation can be offered in the A Street lot, the B Street lot and the Broadway surface lot. Option #1: A customer will park and they then have 10 to 15 minutes to go into a store and request validation. The merchant will login and validate for as many hours as they would like to give. Each validated hour will cost the merchant \$1. They will be required to purchase 100 hours of validation

parking that will be in their online account to use for their customers. Option #2: The customer parks and pays at the meter. When they go into the store the merchant can give them a \$1 off of the purchase or offer them a \$1 off coupon for the next time they come in. The customer gets “free” parking when they are offered these options. 95% of all downtown parking is free, so there are options when someone doesn’t want to pay to park. This validation software was built just for us at our request. No business has to participate it is optional as always. Are there software costs to DDC to run the program? No. Catherine said that the manager for Ford’s bar asked if they could stamp citations and have the customer drop them in the box and we send an invoice at the end of the month. Brandi expressed concern that someone could run up a validation tab and then not pay. This is something we could do, but it will take more of our time. Bybee’s has figured out a way to make their parking work without using the parking lot. Kevin expressed that it feels like we need to just be done with validation altogether. Brandi suggested we try it for 6 months and see. Catherine said we had a conference call with IPS yesterday and there are still a few things that need to be in place so we will launch this on April 1st. We do not want this to be a hassle for the merchants or the customer, each business will have to see what works for them and use that or not validate. We will have to spend time going out and training merchants on how to use the online portal. Brandi said we should send out an email offering to come help and train, but if they do not reach out to us we do not go looking for them. Kevin made a motion that we not offer validation and merchants can offer coupons or discounts as they want. Brandi suggested an amendment to try this program for 6 months and then if it doesn’t work we can disband then. Greg seconded that amended motion and board approved. Kevin requested that our time spent on this be logged so we can see how much it is taking.

Lisa stated that the 2020 grant funding was approved at \$422,000 – April 9th. There are 13 applicants to have some of this funding. The DDC is one of them.

Meeting was adjourned at 10:04

Our next board meeting will be held April 7, 2020 at 8:30am

Respectfully submitted by Jill Hansen, Secretary and Mala Lyon

Connecting Us, Sustaining Progress
Inclusion and Diversity Subcommittee Meeting Minutes
April 4, 2020

Meeting was called to order at 9:05 AM.

Minutes for March 7, 2020 approved: Motion to accept Mike Bray, seconded Eric Schuster

- February 01, 2020 Meeting Minutes amended

Followed by a data analytics discussion:

- **Data Analytics Subcommittee** provided a summary of the Data Analytics Key Indicators for assessing equity, diversity and inclusion within Idaho Falls. This assessment was based on extensive research from other communities.
 - Explained available metrics from City of Idaho Falls and public sources provided

Other Discussions

- Committee NOT tasked to define inclusion and diversity for City of Idaho Falls. However, we will provide recommendations for consideration.
- Outstanding questions on Subcommittees goals and next steps discussed.

Subcommittee Updates and Leads Assigned

- Arts/Platform/Connectivity: Plan being developed for this subcommittee. *Edmond Walsh*
- Data Analytic: *Dr. Hillary Fishler*
 - Key indicators presented and explained; subcommittee to meet with City on 2020-04-07 to further data acquisition
 - Asked other subcommittees what data might be needed for their subcommittees
 - Creating a Google Drive for Diversity and Inclusion Subcommittee's data.
- Education: Meetings to be planned. *Attorney Challis McNally*
- Health and Wellness – Lead emailed members to begin the conversation on developing goals and plan for this subcommittee. *Daniel Allen*
- Transportation and Housing – Main CUSP committee is not meeting. *Claudia Pine*

Report out from CUSP Committee Meeting on 02-12-2020

- CUSP Committee planning to submit final consolidated CUSP report to the Board in February 2021.
- Mike Bray will create a timeline for CUSP Inclusion Subcommittee to track progress to ensure recommendations are delivered in a timely manner.

- Suggestion was made to capture data at IF Pride event via a survey posted at Breaking Boundaries, IF Pride, and Adam's Foundation booth.
- Inclusion Committee Chair asked if committee members would draft thoughts on what Diversity and Inclusion means to each member. Draft due next meeting, May 02, 2020.
- No Idaho Falls Resident on today's meeting.
- Next Committee meeting on May 02, 2020. It will be online due to COVID-19.

Motion to adjourn made at 10:31 AM by Bob, seconded by Ximena.

Minutes submitted by Eric Schuster on 04-07-2020.

Idaho Falls Sister City Youth Approved Meeting-Minutes

This meeting was conducted using the platform 8 X 8

April 13, 2020

Attendees

David Eaton	Katie Eaton	Kylie Eaton	Lori Kidwell
Sam Hawker	Max Medema	Charlie Medema	Heather Medema
Mike Medema	Stephanie VanAusdeln	Rebecca Smith	Nicholas Cebull
Anna St. Michel	Whitney St. Michel	Maggie Boring	Laura Combs
Charlotte Combs	Kendra Peck	Nathan Peck	Carter Thompson
Jennifer Thompson	Tim Thompson	Jackie Sugai	Jorge Padron
Gabe Padron			

Approval of minutes

Lori Kidwell motioned to approve the April 1, 2020 meeting minutes and it was seconded by Whitney St. Michel. No objections.

Treasurer's Report

Current balance in checking is \$14,743.00.

Fundraisers

Cherry Blossom Festival Raffle

Whitney had emailed the list of donations and asked each person to confirm. There was a discussion on the best way to raffle the donations, what program should be used, date of the raffle, payment method, advertising, baskets, selling tickets, and sending thank you cards .

A suggestion was to make baskets for people who live in this area and would be able to use donated items that are in and around Idaho Falls and baskets for non-locals which would include items that can be used in anytown, USA.

Sam Hawker had looked over several raffle programs and stated that Raffle Copter was free for one month or a small fee for longer. David Eaton will look at the pros and cons with using Raffle Copter for the fundraiser.

Lori Kidwell and Sam Hawker will look into the advertising on the television calendar. Whitney St. Michel will look into selling raffle tickets through IFSCY email (IFSCY81@gmail.com). The group also discussed payment method for raffle tickets (PayPal or Venmo). Carter Thompson and Jennifer Thompson will look into the pros and cons of payment method.

By the next meeting (May 6) the group will make a decision on when to have the raffle. Thank you notes will be sent out shortly after the group schedules the raffle date.

Reach out to all your friends and family members near and far and tell them about the IFSCY raffle that will be happening soon.

Student Exchange to Japan

David Eaton received a call from Cindy Osaki who stated that Tokai Mura Sister City is going to meet to discuss switching the years the Idaho Falls students go to Tokai-Mura and the Tokai Mura students coming to Idaho Falls. In other words, Tokai Mura will meet to discuss switching the years. (Idaho Falls students could go in the odd numbered years and students from Tokai-Mura would travel to Idaho Falls in the even numbered years). David will know more and share at the May 6th meeting.

Whitney stated that she will be contacting the airline to cancel the reservation for the July trip.

Planned Activities

Carter Thompson will be editing the pictures and videos that show what students are doing during this coronavirus self isolation time. The edited version will be sent to the Tokai-Muri students

Reminder

The next meeting is on May 6, 2020 at 7:00. Everyone will be notified by David Eaton through email for the link to '8X8'. Please put these meeting dates on your calendar: May 6th and 18th, June 3rd and 15th.

Student Activity

During this meeting, 4/13/2020, we had a presentation by Nicholas Cebull, on the Japanese government, as shown down below.

[Japanese Government Presentation by Nicholas Cebull](#)

Reminder: Maggie Boring has the next meeting presentation.

Meeting Adjourned

Rebecca Smith motioned to adjourn the meeting. It was seconded by Maggie Boring..



MEMORANDUM

TO: Rebecca Casper, Mayor
FROM: Ryan Tew, Human Resource Department Director
DATE: April 29, 2020
RE: Proposed Change to City's Personnel Policy Manual

The Human Resources Department requests that a portion of the May 11, 2020 City Council Work Session be allocated to a discussion of a proposed change Personnel Manual Policy XV – Shift Differential.

After the discussion, with Council approval, the proposed change will be sent to all employees for a 30-day comment period, as specified in Personnel Policy VI – Changes. Employees can submit comments directly to Council members or to the Human Resources Department. After the 30-day period HR will meet again with Council to discuss employee comments and schedule a vote to approve the change.

COUNCIL AGENDA ACTION: Schedule a follow-up meeting with the Council to discuss comments from employees regarding the proposed change to the Personnel Manual

ATTACHED: Red-lined version of Personnel Policy XV – Shift Differential.

XV. SHIFT DIFFERENTIAL COMPENSATION

~~A. The City of Idaho Falls shall pay a shift differential premium to employees, (excluding those under separate labor contracts) for full regularly scheduled working shifts that fall outside the hours of 4:00 AM and 2:00 PM. The rate of compensation will be \$.25 per hour for employees who start and work their regularly scheduled shift at or after 2:00 PM and \$.50 per hour for employees who start and work their regularly scheduled shift at or after 7:00 PM.~~

~~B. Shift differential will not be paid for employees whose regularly scheduled shift starts in the non-eligible time of 4:00 AM to 2:00 PM. Employees who are regularly scheduled in non-eligible time who enter the eligible time in an overtime status are not eligible for shift differential. Holidays, sick leave, and vacation hours will not be considered for shift differential.~~

A. The City shall pay a shift differential to nonexempt employees (excluding those under separate collective bargaining agreements) who work during the hours of 7:00 PM to 7:00 AM.

The shift differential compensation shall be added to any hours worked by an employee during the hours from 7:00 PM to 7:00 AM.

The rate of the shift differential compensation shall be \$.50 per hour worked during the shift and shall be added to the employees' base hourly rate.

Shift differential compensation will not be added to any type of leave, holiday, or vacation hours.

Examples:

If the shift worked lasts from 9:00 PM to 7:00 AM, all ten (10) hours of such shift shall be paid as shift differential compensation.

10 hours * \$.50 = \$5.00

If the shift worked lasts from 4:00 PM to 2:00 AM, then 4:00 PM to 6:59 PM shall be paid at the employee's base hourly rate and the hours worked from 7:00 PM to 2:00 AM shall be paid as shift differential compensation.

7 hours * \$.50 = \$3.50

If the shift worked lasts from 6:00 AM to 2:00 PM, then the time worked from 6:00 AM to 6:59 AM shall be paid as shift differential compensation and the hours worked from 7:00 AM to 2:00 PM shall be paid at the employee's base hourly rate.

1 hour * \$.50 = \$.50



MEMORANDUM

TO: Rebecca Casper, Mayor
FROM: Ryan Tew, Human Resource Department Director
DATE: May 6, 2020
RE: Proposed Change to City's Personnel Policy Manual

The Human Resources Department requests that a portion of the May 11, 2020 City Council Work Session be allocated to a discussion of a proposed change to Personnel Manual Policy XIV – Overtime, Comp-time, and Time keeping for exempt employees.

After the discussion, with Council approval, the proposed change will be sent to all employees for a 30-day comment period, as specified in Personnel Policy VI – Changes. Employees can submit comments directly to Council members or to the Human Resources Department. After the 30-day period HR will meet again with Council to discuss employee comments and schedule a vote to approve the change.

COUNCIL AGENDA ACTION: Schedule a follow-up meeting with the Council to discuss comments from employees regarding the proposed change to the Personnel Manual

ATTACHED: Red-lined version of Personnel Policy XIV – Overtime, Comp-time, and Time keeping for exempt employees.

D. Overtime and Time Keeping for Exempt Employees.

1. Except in the case of declared disasters or disaster emergencies, as specified in Policy XIV.D.4, employees who are designated as Exempt in accordance with the Fair Labor Standards Act are ineligible for overtime and comp time.
2. For public accountability purposes, exempt employees shall take vacation time and sick time in half-day (four (4) hours) or full day increments.
3. The exempt employee's supervisor must approve flexible working schedules and other arrangements that differ from the standard workweek or working schedule.
4. Exempt Employees (including Department Directors) who are directed to work emergency response during a disaster, disaster emergency, or emergency, officially declared by the Mayor, the Governor, the President of the United States, or any other person or governmental entity authorized to declare such a disaster, disaster emergency, or emergency, shall be paid for hours worked over forty (40) hours a week at their regular hourly rate. "Emergency response" means work specifically performed to mitigate the impact of the declared emergency.



MEMORANDUM

TO: Mayor Rebecca Casper and Idaho Falls City Council

FROM: Chief Bryce Johnson

DATE: May 8, 2020

RE: Employee Meeting Results as Outlined in the Police Personnel Manual

We, the employees and management of the Idaho Falls Police Department, had the three meetings as required in the Police Personnel Manual (PPM) on February 20, March 10, and March 19. There was an opportunity for all employees to offer suggestions and for an open conversation regarding the PPM and any proposed changes. Collectively, we have the following recommendations for changes to the PPM.

1. We recommend that section VI 6 regarding compensation for court/administrative proceedings be changed. If the off-duty attendance of an administrative or court hearing may be accomplished by telephone or teleconference, the employee would be paid a minimum of two (2) hours at the rate of one and one-half times the employee's hourly base rate.
2. We recommend that section VII 4 Hold days be changed. This would change the name from Hold days to Holiday Substitute Compensation (HSC). It would change the accrual of HSC from day for day to hour for hour. It would allow the employee to use HSC in one-hour increments, accrue HSC or take holiday pay in one-hour increments, and cap the HSC accrual at 120 hours.

Additionally, the collective recommendations from last year regarding the pay scale and years to top out are still in place for when the City has capacity to look at the issue.

The language change to the PPM has been reviewed by the City Law Department, Human Resources, and Municipal Services.

I. Purpose

In recognition of the unique role played by the Idaho Falls Police Department (IFPD) in service to the community, this Policy is intended to increase general efficiency, to promote harmonious and collaborative relations within the Department, and to protect the rights, well-being, safety, and security of Department employees.

This Police Personnel Policy is the result of collaboration among City employees and is intended to promote the highest ideals and values of the Department. This Policy is not and shall not be considered or interpreted as a collective bargaining agreement between the City and any employee or group of employees, whether formally or informally organized. The Council has reviewed and approved this Policy.

II. Application and Interpretation of this Policy

A. The provisions of this Police Personnel Policy shall apply to all Idaho Falls Police Department employees except where it is specifically indicated that the provision applies only to certain Department employees. Additionally, the City Personnel Policy manual shall continue to apply to all Police Department employees, except where a provision of this Police Personnel Policy is more specific, in which case a Police Department employee shall be subject to this Police Personnel Policy. The City Director of Human Resources is authorized by the Council to interpret which Personnel Policy shall be applied to a Police Department employee if an uncertainty or dispute arises about the application of this Police Personnel Policy.

B. Calculating Time.

“Day” as used in this Policy, shall mean one (1) twenty-four (24) hour calendar day beginning at midnight and ending twenty-four (24) hours later, whether or not the City is open for business. When time is calculated for a deadline, counting begins on the day following the date a document is required to be submitted or an event is due to occur. Where a due date falls on a day that the City is officially closed for business (e.g., a weekend or official or declared Holiday), the due date is on the first date that the City is open for business following the due date.

III. Changes

Changes may be made to this Police Personnel Policy by the Council at the recommendation of the Police Department, Police Department employees, Human Resources, or Elected Officials. Department employees shall be given thirty (30) days advanced notification about proposed changes and given the opportunity, either orally or in writing, to offer comment regarding proposed changes to the Council.

IV. Management Decisions and Expectations

“Management”, as used in this Policy includes the Chief of Police, Captains, the Communications Manager, the Animal Control Director, and Lieutenants. The Police Department management staff possesses and retains the sole authority to operate and lead the Department. This authority includes, but is not limited to, the following examples:

1. Determining the mission of IFPD
2. Setting standards of Department service to be offered the public
3. Exercising control and discretion over its organization and operation
4. Disciplining or discharging non-probationary Police Officers for cause
5. Directing the work force
6. Hiring, assigning, or transferring employees
7. Determining the methods, means, and number of employees needed to carry out Department objectives
8. Introducing new or improved methods, police policies, or equipment
9. Changing existing police policies, methods, or equipment
10. Relieving employees because of lack of work
11. Taking whatever actions necessary to carry out the objective of the Department in situations of emergency
12. Establishing positions of employment and classifications for positions
13. Establishing performance standards and/or revising performance standards to determine acceptable performance levels of employees

V. Employee Expectations

1. Expectations.

- A. Employees may present their views to the Management of the Department and to the City at any time. Additionally, the Chief of Police will meet with employees (including employees from all Department Bureaus and all levels of employment in the Department) in at least three (3) separate meetings to listen to employee views and suggestions during the months of February and March of each year.

At the request of the Chief of Police or Department employees, a Human Resource Department representative will attend these meetings.

The Chief of Police will present the results of these meetings in writing to the Mayor and Department employees by April 10th annually. Any Department employee may present their ideas or concerns to the Mayor and Council if they disagree with the written recommendations as contained in the Chief's report

2. Investigations.

- A. Employees may be accompanied and assisted by a representative of their choice at all times when subject to investigation of alleged acts of misconduct. No representative shall be a person who is the subject of the same investigation. Employees shall be granted a reasonable amount of time to obtain such representation prior to any internal investigation or pre-disciplinary hearing.

Employees' access to representation does not apply to performance based, informal, routine, or unplanned discussions between employees and their supervisors.

- B. Procedures set out in this Policy will be followed by the Department during investigative interviews. Such procedures do not apply to routine, initial inquiries, coaching, counseling, instruction, or direction given to employees by their supervisors.

Prior to an internal investigative interview, employees will be advised of the following:

- a. The nature of the matter being investigated

- b. The specific allegation(s) of misconduct, if any, against the employee being interviewed
- c. The date, time, and location of the matter that gave rise to the allegation(s),
- d. All rights and obligations pertaining to the *Garrity* rule
- e. The employee's access to representation, as provided in Section 2. A. above

The interview will specifically and narrowly focus on the job related conduct of the employee.

- C. The Investigator. Persons conducting the interview will not use offensive language or threaten disciplinary action. An employee who refuses to respond to questions or submit to interviews will be informed that failure to answer questions narrowly and directly related to job-related conduct may result in disciplinary action.

Persons conducting the interview shall not be a person with significant personal, first-hand knowledge of the facts giving rise to the investigation.

Except for the Chief of Police, persons making the final disposition in an investigation may not be the person who made the initial allegations(s), either directly or indirectly.

- D. Dispositions and Time limits. Employees shall be notified in writing of the final disposition of an investigation, including a disposition of each allegation, and the disciplinary action to be administered, if applicable, within ninety (90) days following the date the Department received the allegations that form the basis of the investigation. An extension may be granted by the Chief. The employee shall be notified in writing of any such extension, the reason for the extension, and the anticipated investigation conclusion date.

In the event an employee is notified that a final disposition of an investigation includes a finding of misconduct which may result in time off without pay, demotion, or termination, a pre-disposition hearing will be held no sooner than fourteen (14) days and no later than thirty (30) days following hand delivery to the employee of notice of the pre-disposition hearing date, time, and location unless

another date for the pre-disposition hearing is otherwise mutually agreed by the employee and the Department.

- E. Access and entries into Employee Personnel Files. Employees shall, upon reasonable notice, be provided access to their own individual Internal Affairs files (only after such investigation is completed) or Personnel files.

A document adverse to an employee's employment may not be entered in their Personnel file (which is a file different from and does not include any Internal Affairs files) without the employee having first read and signed the document.

The adverse entry may be made, after the employee reads the document, even if the employee refuses to sign it. The employee's refusal to sign shall be noted on the adverse document. The employee will have fourteen (14) days from the date the employee reads and is asked to sign the adverse document within which to file a written response or comment to any adverse document entered in their personnel file. The employee's written response, if any, shall be attached to and accompany the adverse document but the adverse document shall remain in the Personnel file.

VI. Hours of Service and Overtime

The Fair Labor Standards Act (FLSA) and its regulations outline the Department's legal obligations to pay minimum wages and overtime. Nothing in this Section VI alters the calculation of employee step and grade classification, wage rate, or overtime rate.

Compensation for the employee in this Section VI, where applicable, is in addition to the regular step and grade hourly rate of pay that includes any additional hourly compensation due to longevity, language facility, and the like (referred to in this Section VI. as the employee's "hourly base rate").

1. Sworn police officers shall fall under the FLSA fourteen (14) day, eighty (80) hour work period for overtime consideration.

All other police department employees shall fall under the FLSA seven (7) day, forty (40) hour work week for overtime compensation.

2. Changes in regular work days off. If the Department fails to give an employee at least fourteen (14) calendar days' prior notice of a change to the employee's regular days off, the Department will pay the employee for all time worked at a rate of one and one-half times the employee's hourly base rate.
3. Changes in Scheduled Hours. If IFPD fails to give employees at least fourteen (14) calendar days' prior notice of a change to the employee's scheduled hours, the Department will pay the employee for all time worked outside the regularly scheduled hours at the rate of one and one-half times the employee's hourly base rate. This Subsection VI.3. applies to **Sworn Police Officers, Dispatch employees, and Animal Control Enforcement Officers** only.
4. All approved unscheduled hours worked by employees, such as shift extensions, shall be paid at the rate of one and one-half times the employee's hourly base rate. This Subsection VI.4. applies to **Sworn Police Officers** and **Dispatch employees** only.
5. An employee who works an extra shift, outside of their regularly scheduled hours pursuant to a grant or billable work detail (such as airport operations, DUI saturation grants, seatbelt enforcement grants, school resource functions, etc.), shall be paid actual hours worked at a rate of one and one-half times the employee's hourly base rate. This Subsection VI.5. applies to **Sworn Police Officers** and **Dispatch employees** only.
6. Compensation for Court/Administrative Proceedings. Employees shall receive compensation for a court or administrative proceeding appearance as a witness subpoenaed by the City, the State of Idaho, the United States or a party to a legal proceeding when the appearance is related to the employee's official duties as follows.

Court or administrative proceeding appearances made while on-duty shall constitute normal hours of work and will be compensated accordingly.

Employees who are required to attend court or other administrative proceedings in person while off-duty will be paid a minimum of four (4) hours at the rate of one and

one-half times the employee's hourly base rate. If the off-duty required personal attendance is for more than four (4) hours, then the employee shall be paid with actual time worked at the rate of one and one-half times the employee's hourly base rate. If the off-duty attendance may be accomplished by telephone or teleconference, the employee will be paid a minimum of two (2) hour at the rate of one and one-half times the employee's hourly base rate.

If the court or other administrative proceeding starts immediately at the end of the employee's regular scheduled work shift or starts before the employee's shift ends and extends past when the employee's shift is scheduled to end, the employee will be paid for the actual time worked past the end of their shift at the rate of one and one-half the employee's hourly base rate.

If the prosecutor or subpoenaing authority does not cancel the employee's appearance request forty-eight (48) hours before the court or administrative hearing is scheduled, the employee will be paid as described in this Section VI. 6, as long as they were physically able to attend the court or administrative hearing on time. It is the employee's responsibility to call the prosecutor or subpoenaing authority not less than forty-eight (48) hours prior to the scheduled court or administrative proceeding to see whether their appearance is still required.

7. Standby. Standby is when an employee's off duty activities are restricted in such a way that they are available for an immediate return to work. Employees who are placed on standby shall be compensated with two (2) hours at the employee's hourly base rate for each twenty-four (24) hour "day" they are on standby status. This Subsection VI.7. applies to **Detectives** only.
8. Callout. Employees who have been released from their scheduled work shift and have been directed to perform work by an appropriate Bureau head or designated representative without at least twenty-four (24) hours advance notice or scheduling shall receive a minimum of two (2) hours compensation at one and one half times the employee's hourly base rate.

Off-duty employees who are directed to perform work at the employee's current physical location shall receive a minimum of one (1) hour compensation at one and one half times their wage rate.

9. Compensatory Time. Employees may request compensatory time off in lieu of pay for overtime, and such compensatory time may be allowed, subject to approval of the Bureau Commander.

Employees shall not accrue more than one hundred twenty (120) hours of compensatory time. Employees who have accrued one hundred twenty (120) hours of compensatory time off, shall, for additional overtime hours worked, be compensated with pay at one and one half time their regular rate of pay.

Utilization of compensatory time. Employees may use their compensatory time when staffing is sufficient to take time off. When there is not sufficient staffing to take time off, compensatory time can only be used if there is someone willing to cover the time for the employee. The Department will attempt to find someone willing to cover the time and will not order someone else to work so that an employee can take compensatory time off.

Employees may cash in up to eighty (80) hours of their accrued compensatory time at the end of each year by notifying the Office of the Chief between April 1 and April 30 and shall be converted in October of the same year.

10. Out of Classification work. When an employee is assigned to work temporarily for forty (40) hours or more at a position in a higher pay classification, the employee shall be compensated as if they had been moved to that higher pay classification but only during the duration of the temporary assignment. The employee will have no expectation that the temporary out of classification assignment is a promotion or is permanent.

VII. ~~Vacation and Hold Days~~ Holidays

1. Definitions applicable to this Section VII:

~~Hold day: Holiday compensation given to an employee as an extra day off with pay.~~

Holiday: Any of the eleven (11) official City-observed holidays scheduled each year where the City is closed for normal business operations.

Holiday Substitute Compensation (HSC): Compensation for work performed on all or part of a Holiday, pursuant to this Policy, which is taken by the employee in time off rather than in pay. HSC may be earned and taken by an employee on an hour-by-hour basis up to the full value of that employee's Holiday pay, regardless of whether the employee is scheduled to work a shift of 8, 10, or 12 hours that falls partly or wholly on a Holiday. HSE can be used only when shift staffing levels are above minimum, as solely determined by Management. No employee may carry a balance of more than one-hundred twenty (120) hours of HSC at any time.

Investigations and Special Operations Bureau: A Department Bureau comprised of Major Crimes detectives, Special Investigations Unit detectives, Crime Scene and Lab technician, School Resource officers, DARE officers, Airport officers, SWAT Team selections, Bomb Squad selections, and Crowd Control Team selections.

Seniority: Cumulative time of service in the Police Department, based upon date of hire.

Time on Team Seniority: The cumulative, consecutive time of service in a given Department, Bureau, or subdivision based on the date of assignment to such Department, Bureau, or subdivision.

Sworn Personnel: A sworn police officer

Non-Sworn personnel: An employee of the Police Department who is not a sworn police officer

2. Vacation Time. Vacation time is an important benefit for Police Department employees. Vacation time can help reduce stress and improve employee performance. Employees will accrue vacation at different rates based on years of service and as calculated using the method set out in the City Personnel Manual.

3. Shift Bidding.

a. Patrol Bureau sworn personnel assigned to Patrol Bureau will have the opportunity to bid for use of accrued vacation time annually when the Patrol Bureau shift bid is being conducted. The shift bid is done by Department Seniority. Each officer will have the opportunity during the shift bidding process to use up to, but no more than their yearly accrual of vacation time. At the conclusion of the shift bidding process and throughout that same calendar year, any vacation time that has carried over from previous years may be used on a first come, first served basis, and only when mandatory minimum staffing requirements are met for those effected shifts.

Lieutenants and Sergeants assigned to the Patrol Bureau will bid for vacation time by Department seniority according to the date of promotion with respect to their rank. This Subsection VII.3.a. applies to the **Patrol Bureau Sworn Police Officers** employees only.

b. Investigations and Special Operations Bureau sworn police officer personnel assigned to the Investigations Bureau will have the opportunity to bid for vacation time annually based on their Time on Team Seniority. Officers assigned to the Investigations Bureau may bid up to, but no more than their yearly accrual of vacation time during this process. At the conclusion of the vacation bid process any vacation time that has carried over from previous years may be used on a first come first served basis according to minimum staffing requirements within the Investigations Bureau.

Lieutenants and Sergeants assigned to the Investigation and Special Operations Bureau will bid for vacation time by Department Seniority according to the date of promotion with respect to their rank. This Subsection VII.3.b. applies to the **Investigation and Special Operations Bureau Sworn Police Officers employees** only.

~~4. ——— Hold Days. Hold Days may be accrued instead of holiday pay for the eleven (11) official City observed holidays per year. Hold Days are also earned if an officer is on scheduled days off when an observed holiday occurs during the days off. Hold Days will be used on a day for day basis regardless of whether the employee acquired such Hold Day working an 8, 10, or 12 hour shift. Hold Days are available for use when staffing~~

~~levels are above minimum staffing levels, as determined by Management. No employee will be allowed to carry more than eleven (11) total Hold Days at any time.~~

4. Compensation related to a Holiday.

A. Holiday compensation is due to every employee, whether that employee works on the Holiday or is scheduled to be off on the Holiday, at that employee's customary rate of pay for the Holiday (i.e., as extra day time off duty pay).

B. Holiday compensation shall be applied in any one (1) of the following ways for each Holiday, as applicable:

1. If a Holiday falls on an employee's regular work day and the employee takes the Holiday off, the employee shall receive no additional compensation for that Holiday.

2. If a Holiday falls on an employee's regular, scheduled day off, and the employee does not work on that scheduled day off, the employee will earn only Holiday Substitute Compensation (HSC) and will not earn pay for the Holiday.

3. If a Holiday falls on an employee's regular, scheduled work day and the employee is required to work the Holiday, the employee has the option of HSC and/or pay for the Holiday time worked, in hourly increments and in any combination of HSE or pay chosen by the employee. Such compensation is in addition to the employee's hourly base rate.

VIII. Promotions

Promotions in the Department shall be upon job performance and competitive examinations. All candidates for a promotion must meet the job requirements for the position during the testing cycle. Candidates will not be eligible for promotion until the minimum time requirements for the position have been met. Written examination(s) may be given as often as needed, as determined by the Chief, in order to establish a viable eligibility list. A minimum written test score appropriate for each examination will be determined and announced at least fourteen (14) days prior to the examination date. Notice of openings for promotions shall be posted on the Department of Human Resources web page at least fourteen (14) days prior to the date upon which the written examination for the position shall be conducted. This Subsection VIII applies to **Sworn Police Officers** only.

Tests and consideration for promotional placement may include a written examination, assessment center, and staff evaluations. The methods used and weight to be given grades in each area utilized will be determined by the Chief and announced at least fourteen (14) days prior to the date upon which the examination is to be given.

Where two (2) or more applicants for promotion receive identical grades, their ranking on the eligible list shall be determined by preference given to employment seniority.

The total number of persons allowed to participate in the Department assessment process shall be determined in advance by the Chief. If there are more applicants than the number of positions available for testing in the assessment process, the candidates receiving the highest written exam scores shall be selected for participation in the assessment.

The finished candidate for promotion ranking will form an eligibility list for promotion to the position and will apply to all current openings existing at the time the list is established. The Chief will select, at the Chief's discretion, from the top three (3) candidates on the promotional eligibility list for a period of one (1) year following the initial promotions. Any promotion(s) made following the initial promotions for openings existing at the time the list is established will be subject to and dependent upon an interview and re-evaluation by the Chief of Police based upon the candidate's then-current performance and any pending internal investigations. At the Chief's sole discretion, the promotional eligibility list may be utilized for promotions for up to one (1) additional year following the expiration of the initial one (1) year period the promotion eligibility was established.

IX. Seniority

Seniority shall be applied as described in Section VII for shift bidding and vacation bidding, and as described in Section VIII for breaking ties in promotions. Seniority shall not be used for any other purpose in this Police Personnel Policy.

X. Grievance Procedure

Purpose.

The purpose of this grievance procedure is to maintain a productive, cooperative, efficient and experienced work force, thereby enhancing the public welfare; to not unjustifiably terminate or treat employees inappropriately; to afford the City administrative staff and employees opportunity to resolve errors, disputes, without the need for judicial intervention. This grievance procedure is the exclusive procedure to be applied to Department non-probationary sworn officers. All other Department employees shall utilize grievance procedures set out in Section XXIX of the City Personnel Policy Manual.

Grievance Defined.

“Grievance” is any complaint by a regular employee who is subject to this Grievance Procedure and related to the following:

1. A disciplinary action applied to an employee,
2. Action taken by an employee which results in unfair or discriminatory treatment, inequity, or arbitrary or capricious action relative to another employee, based on a legally protected status,
3. Any interpretation or dispute regarding the terms and conditions of this Policy, or
4. Retaliation or recrimination as result of any action by a superior that violates public policy or law.

No Retaliation.

An employee who files a grievance shall be free from restraint, interference, discrimination, or reprisal by the City, its officers or employees, for having filed a grievance.

Privacy.

All documents, records and information generated, compiled or kept in conjunction with a grievance shall be exempt from disclosure to the public to the extent allowed by the Idaho Code (especially Title 74, Chapter 1 commonly known as the “Idaho Public Records Act”). An employee who files a grievance may obtain copies of records related to a grievance pursuant to the Idaho Public Records Act.

Commencing a Grievance.

Every employee is encouraged not to file a grievance until after he or she has made a reasonable effort to resolve the subject matter of the grievance with his or her immediate supervisor or other person against whom the grievance could be filed. Examples of reasonable effort include: meeting informally with the person(s) affected to discuss the matter; engaging a supervisor to assist in resolving a matter; suggesting a compromise or resolution; self-assessment; reviewing a policy with a peer or supervisor to clarify expectations.

A grievance shall be commenced by filing the grievance with the Chief of Police. Such grievance shall be in writing and shall contain the following:

1. The name and job classification of the grievant;
2. The date of the alleged action(s) or omission(s) which form the basis of the grievance;
3. A statement of the facts, materials, and arguments supporting the grievance;
4. A list of all articles, sections, or rules of the Department, City policy, or law which are alleged to have been violated; and
5. The remedy or resolution sought.

Failure of the City to comply with the time limits specified in this grievance process shall automatically and immediately advance the grievance to the next Step in the grievance process. Failure of a grievant to comply with the time limits specified in this grievance policy automatically and immediately results in the denial of the grievance.

The time limits herein stated may be extended only by prior written mutual agreement of the parties.

Grievance Process:

Step 1. Chief's review. The grievance process shall be initiated by submitting the written grievance to the Chief of Police within fourteen (14) days following the disputed grievance action or inaction or the date that the employee knew or should have known of the action or inaction, whichever is earlier. This requirement is meant to encourage prompt reporting and resolution of the matter grieved.

Within fourteen (14) days following the Chief's receipt of the written grievance, the Chief shall meet with the grievant (and his or her representative, if requested) to discuss the

grievance. The Chief shall provide a written response to the grievant within fourteen (14) days following such meeting.

Step 2. Mayor's review. If the grievant does not agree with the Chief's response in Step 1, the grievance may be submitted by the grievant to the Mayor within fourteen (14) days following the Chief's response.

Within fourteen (14) days following receipt of the grievance and materials from Step 1, the Mayor shall provide a written response to the grievant.

Step 3. Independent Review. If the grievant does not agree with the Mayor's response in Step 2, the grievance may be submitted for independent third-party review in the following manner:

Within twenty one (21) days following the grievant's receipt of the Mayor's response in Step 2, the grievant shall deliver a written request for independent review to the City Human Resources (HR) Director. The grievant and the HR Director shall meet to select an independent reviewer from a list of qualified reviewers within fourteen (14) days following the receipt of the demand from the grievant for such review.

The HR Director shall maintain a list of not less than five (5) qualified independent reviewers. If the parties are unable to agree upon an independent reviewer, the HR Director and grievant shall alternately strike a name from the list (the first to strike a name shall be determined by coin flip) until the name of only one (1) individual from the list remains. The remaining person shall be the independent reviewer for the grievance.

The independent reviewer shall be selected and engaged within fourteen (14) days following a meeting between the grievant and HR Director to select a reviewer. The review will commence within fourteen (14) days following the reviewer's receipt of grievance material provided by the HR Director. The failure of the reviewer to commence and to complete review within the time periods established shall result in selection of a new reviewer, who will proceed with the process outlined in this Step 3 until a review is completed.

The scope of review by the independent reviewer in Step 3 shall be limited to whether the action taken against the grievant was or resulted in something unfair, discriminatory,

inequitable, arbitrary, or capricious, based upon 1. a legally protected status, or 2. whether any Department or City policy was vague, subject to misinterpretation, or erroneously or wrongly applied to the grievant. The reviewer shall have no authority to rule contrary to, expand upon, or eliminate any terms or conditions of a Department policy or City Personnel policy.

The grievant and the City may submit materials and/or testimony in support of their relative positions, the weight, materiality, and persuasiveness of which shall be determined solely by the reviewer. The reviewer may request additional information or clarification of any party or person and may independently research the matter; however, the reviewer shall have no authority to compel production of any information nor have the authority to compel the presence or testimony of any person. The reviewer shall not attribute any adverse motive or inference to materials not proffered by the grievant or the City.

The reviewer shall be requested to provide the parties with a written statement of relevant criteria and standards and a decision justifying the reviewer's decision regarding the grievance within thirty (30) days of commencement of the review.

An informal group comprised of the Chief of Police, a representative from the HR Department and a representative from the City Attorney's office will meet to confer about the reviewer's decision within fourteen (14) days following the City's receipt of the decision (to consider it and to take action, if any, deemed appropriate).

XI. Boot and Uniform Cleaning Allowance

All Department employees who are required by the Chief to maintain and be in an official Department uniform as part of their employment shall receive four hundred fifty dollars (\$450) annually to be paid on the first pay period of July, if employed on such date. This Subsection XI applies to **Sworn Police Officers, Animal Control, and Parking Enforcement employees** only.

XII. Career Path

Subject to approval and funding by the Council, the Department will develop and promote a Career Path Program whose purpose is to develop highly motivated, educated and skilled non-probationary Police Officers, Sergeants, Lieutenants, and Captains. This Program is

intended to encourage and reward these employees for improving and expanding their law enforcement skills. The Career Path Program will be designed to be available to participants who have received an overall acceptable or better on their two (2) most recent performance evaluations. The Career Path Program will be proposed to consist of four (4) categories of achievement: education, leadership academy, physical fitness, and skills. This Subsection XII applies to **Sworn Police Officers** only.

DRAFT

City Attorney:

Draft Non-discrimination Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE TITLE 5, CHAPTER 11; TO PROHIBIT DISCRIMINATORY ACTS IN PLACES OF PUBLIC RESORT, ACCOMODATION, ASSEMBLAGE, OR AMUSEMENT BASED UPON SEXUAL ORIENTATION AND/OR GENDER EXPRESSION/IDENTITY, AS DEFINED; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, state and federal laws prohibit discrimination in the areas of employment, housing, and public accommodations on the basis of race, color, age, sex, national origin, familial status, veteran's status, and/or disability, but there are no specific protections against discrimination on the basis of sexual orientation or gender expression/identity; and

WHEREAS, the Council believes that current State and Federal processes for the investigation and correction of discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability are sufficient such that the City should not interfere or alter such processes; and

WHEREAS, those within the community who feel that they are or have been discriminated against on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability should be encouraged to make their claim for such discrimination directly to the state and/or federal agency directly responsible for receiving and investigating those claims; and

WHEREAS, because there are no specific protections against discrimination in places of public resort, accommodation, assemblage, or amusement on the basis of sexual orientation or gender expression/identity within City limits, the Mayor and Council wish to prohibit such discrimination; and

WHEREAS, the Council recognized that all persons have a sexual orientation and gender identity/expression, the presence of which should not be a basis for discrimination; and

WHEREAS, the Council wishes to grant to all, common sense rights, including the right to fully enjoy places of public resort, accommodation, assemblage, and amusement; and

WHEREAS, the Council believes that the contents of this Ordinance are fair and reasonable, and allow all people regardless of sexual orientation or gender expression/identity, to preserve human dignity and treat others with respect; and

WHEREAS, it is the policy and intent of the City that no person be denied equal protection under the law nor shall any person be discriminated against in a place of public resort, accommodation, assemblage, or amusement in the City because of sexual orientation or gender expression/identity; and

WHEREAS, nothing contained herein shall be construed as supporting and/or advocating any particular doctrine, position, point of view, or religious view, sexual orientation or gender expression/identity; and

WHEREAS, it is the intention of this Ordinance that all persons are treated fairly and equally in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. Title 5, Chapter 11, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-11-1 PURPOSE AND DECLARATION OF POLICY.

A. The City has determined that discrimination on the basis of sexual orientation and/or gender identity/expression shall be prohibited, as set out in this Chapter, in order to help ensure that all persons, regardless of sexual orientation ~~and/or~~ gender expression/identity, are afforded equal opportunities in employment, and housing, and public resort, accommodation, assemblage, and amusement.

B. It is hereby declared that every person in the City has the right to work and to earn wages through gainful employment and that every person has the right to seek housing, and that every person has the right to the full enjoyment of places open to the general public for resort, accommodation, assemblage, and amusement. Discriminatory practices are detrimental because they impede the social and economic progress by preventing all of the City's occupants from contributing to the cultural, spiritual, social, and commercial life of the community. Such contributions are fundamental components of the City's growth, vitality, and prosperity.

C. It is the intent of this Chapter that all persons be treated fairly and equally. It is the express intent of this Chapter to foster and support fair and equal treatment under the law to all people in the City. The denial of fair and equal treatment under the law in employment, ~~or~~ housing, or public resort, accommodation, assemblage, and amusement due to sexual orientation ~~and/or~~ gender identity/expression is detrimental to the health, safety, and welfare of the City's occupants, ~~and because~~ such damages a city's economic well-being.

D. This Chapter shall be deemed an exercise of the police power of the City for the protection of the public welfare, prosperity, health and peace of the City, its residents, occupants, and the community at large.

E. The prohibitions against discriminatory acts, as provided for in this Chapter, are intended to supplement State and Federal Civil Rights Laws and Regulations prohibiting discrimination in the areas of employment and housing; therefore, this Chapter shall not apply to complaints alleging discrimination on a basis proscribed under State or Federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability).

F. Nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under the State and/or Federal law, including personal and religious rights and protections. This Chapter shall not create a private cause of action, nor shall it create any right or remedy that is the same or substantially equivalent to remedy provided under Federal or State law.

G. This Chapter shall not create any special rights or privileges which ~~would~~ are not be available to all of the City's inhabitants, ~~because every person has a sexual orientation and a gender identity.~~

H. This Chapter shall be construed and applied in a manner consistent with First Amendment jurisprudence ~~regarding the freedom of speech and exercise of religion.~~

5-11-2 DEFINITIONS.

A. Deny. Any act which, directly or indirectly, by any person or their agent or employee, results or is intended to or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, requiring a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender expression/identity.

B.A. Discriminate/Discrimination. Any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity/expression or because of a person's association with any such person. "Discrimination" shall not mean and shall not be interpreted to require or to grant or to accord any preferential treatment to any person because of that person's orientation or gender expression/identity.

CB. Educational Institution. A public or private institution, including an academy; college; elementary or secondary school; extension course; kindergarten; nursery; school system; university; business; nursing; professional, secretarial, technical, or vocational school; or agent of such an educational institution.

D. Full Enjoyment. The right to use, rent, or purchase: 1. real property; 2. any service, commodity, or article of personal property offered or sold by any person or establishment open to the public and; 3. the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.

EE. Gender Identity/Expression. Actual or perceived gender-related characteristics, identity, appearance, expression or behavior of a person (including gender, transgender, non-binary, gender fluid and agender), regardless of such person's biological or assigned sex at birth.

F. Place of Public Resort, Accommodation, Assemblage, or Amusement. Any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging/storing of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms or bathrooms of buildings and structures occupied by two (2) or more tenants, or by the owner and one (1) or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care facilities or children's camps. Nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is, by its nature, distinctly private; however, where public use is permitted, such use shall be included in this definition. This definition excludes any educational facility operated or maintained by a bona fide religious or sectarian institution.

GD. Otherwise Qualified. Possessing the bona fide job-related qualifications required by an employer for particular job classification or position, such as education; training; ability; character; integrity; disposition to work; adherence to reasonable rules and regulations (including established dress codes, appropriate utilization of bathroom facilities, etc.); and other bona fide job-related qualifications required by an employer.

HE. Sexual Orientation. Actual or perceived romantic, emotional, or sexual attraction or activity, including homosexuality, heterosexuality, and/or bisexuality, and asexuality.

5-11-3 PROHIBITED DISCRIMINATORY ACTS.

A. Unlawful Employment Practices.

1. Employer Practices. Where a person is otherwise qualified, it shall be an unlawful employment practice for an employer:

- a. to fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to compensation, terms, conditions, or privileges of employment, because of such person's sexual orientation or gender identity/expression; or,

b. to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or otherwise adversely affect status as an employee, because of such person's sexual orientation or identity/expression.

2. Employment Agency Practices. Where a person is otherwise qualified, it shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any person because of sexual orientation or gender identity/expression, or to classify or refer for employment any person on the basis of sexual orientation or gender identity/expression.

3. Labor Organization Practices. It shall be an unlawful employment practice for a labor organization:

a. to exclude or to expel from its membership or otherwise to discriminate against; any person because of sexual orientation or gender identity/expression;

b. to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any person otherwise qualified, in any way which would deprive or tend to deprive any person otherwise qualified of employment opportunities, or would limit such employment opportunities or otherwise adversely affect status as an employee or as an applicant for employment, because of such person's sexual orientation or gender identity/expression; or,

c. to cause or attempt to cause an employer to discriminate against a person in violation of this section.

4. Training Programs. It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any person, otherwise qualified because of sexual orientation or gender identity/expression in admission to, or employment in, any program established to provide apprenticeship or other training.

B. Unlawful Housing Practices. It shall be an unlawful housing practice:

1. to refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of sexual orientation or gender identity/expression;

2. to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sexual orientation or gender identity/expression;

3. to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on sexual orientation or gender identity/expression or an intention to make any such preference, limitation, or discrimination;

4. to represent to any person because of sexual orientation or gender identity/expression that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available; or

5. for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons' sexual orientation or gender identity/expression.

C. Use of a Place of Public Resort, Accommodation, Assemblage, or Amusement. It shall be unlawful to deny to any person the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement because of sexual orientation or gender identity/expression.

5-11-4 EXCEPTIONS.

A. This Chapter shall not apply to:

1. a religious corporation, association, educational institution, or society, trust or any entity or association which is a wholly owned or controlled subsidiary or agency of any religious corporation, association, society, trust, or corporation sole;

2. an expressive association whose employment of a person protected by this Chapter would significantly burden such association's rights of expressive association, as interpreted by a court to which the City is subject under Boy Scouts of America v. Dale, 530 U.S. 640 (2000); and,

3. the United States Government, any of its departments, agencies, or any corporation(s) wholly owned by it; and the State of Idaho, any of its departments, agencies, bodies corporate and politic, and political subdivisions, or any corporation(s) wholly owned by them, except the ~~City of Idaho Falls, Idaho.~~

B. This Chapter shall not apply to:

1. the sale or rental of a ~~one~~ one-family dwelling where the owner:

a. does not own an interest in or title to four (4) or more ~~one~~ one-family dwellings within the City;

b. has not sold two (2) or more ~~one~~ one-family dwellings within the twenty-four (24) month period immediately preceding such a sale or rental; and,

c. such ~~one~~ one-family dwelling(s) were sold or rented without engaging the services of any real estate broker, agent, salesperson, property manager, or other person engaged in the services of any real estate broker, agent, salesperson, or property manager or other person engaged in the business of selling or renting dwellings.

2. the rental of a unit in a one-, two-, three- or four-family dwelling where the owner continues to reside in one unit of such a dwelling;

3. employment practices of an owner or tenant which occur within the dwelling where such owner or tenant is residing; and,

4. a person, business, or enterprise who hires fewer than five (5) employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, whose services are to be partially or wholly performed in the State of Idaho.

C. This Chapter shall not prohibit an employer from adopting reasonable employee rules and policies that designate sex-specific employee-only facilities in the workplace, including restrooms, shower facilities, and dressing facilities, provided that the employer's rules and policies for employees afford reasonable accommodations based on gender identity/expression to all employees.

D. This Chapter shall not prohibit an employer from adopting reasonable dress and grooming standards not prohibited by federal law or the Idaho Code, provided that the employer's dress and grooming standards afford reasonable accommodations based on gender identity/expression to all employees.

5-11-5 PERMITTED ACTS

A. An employee may express the employee's religious or moral beliefs and commitments in the workplace in a reasonable, non-disruptive, and non-harassing way on equal terms with similar types of expression of beliefs or commitments allowed by the employer in the workplace.

B. An employer shall not discharge, demote, terminate, or refuse to hire any person, or retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any person otherwise qualified, for lawful expression or expressive activity outside of the workplace regarding the person's religious, political, or personal convictions, including convictions about marriage, family, or sexuality.

5-11-65 PENALTIES

A. First Offense. Any person found in violation of any of the provisions of this Chapter shall be guilty of an infraction for the first offense and shall be punished as provided in the Idaho Infraction Rules and in a fine amount set by Resolution of the Council from time to time. There shall be no right to trial by jury for an infraction.

B. Subsequent Offense(s). Any person found in violation of any of the provisions of this Chapter within five (5) years of any previous violation of any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to this Code.

C. A misdemeanor violation may be reduced to an infraction, payable by a fine as set by Resolution of the Council from time to time, if the defendant engages in corrective action, which may include, but is not limited to the following: sensitivity training for the defendant, good faith participation in non-binding mediation, and/or the defendant's agreement to adopt and pursue a policy of non-discrimination in its practices; and/or the defendant's agreement to not engage in discriminatory practices in the future.

D. A complaint filed under the provisions of this Chapter shall be filed within one hundred eighty (180) days of the alleged discriminatory conduct made the basis of the complaint.

5-11-76 COERCION, INTIMIDATION, THREAT AND INTERFERENCE PROHIBITED. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this Chapter.

5-11-87 NO PRIVATE RIGHT OF ACTION OR MONEY DAMAGES. There is no private right or cause of action created by this Chapter. No money damages are available to any person based on this Chapter.

SECTION 2. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 3. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE TITLE 5, CHAPTER 11; TO PROHIBIT DISCRIMINATORY ACTS IN PLACES OF PUBLIC RESORT, ACCOMODATION, ASSEMBLAGE, OR AMUSEMENT BASED UPON SEXUAL ORIENTATION AND/OR GENDER EXPRESSION/IDENTITY, AS DEFINED; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

(SEAL)

KATHY HAMPTON, CITY CLERK