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The City Council of the City of Idaho Falls met in Council Work Session, Monday, March 23, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman (by WebEx)
Councilmember Thomas Hally
Councilmember Jim Freeman (by WebEx)
Councilmember Jim Francis
Councilmember Shelly Smede (by WebEx)
Councilmember John Radford (by WebEx)

Also present:

Pamela Alexander, Municipal Services Director
Mark Hagedorn, Controller
Josh Roos, Treasurer
Keith Simovic, Moss Adams (by WebEx)
Duane Nelson, Fire Chief
Ryan Tew, Human Resources Director (by WebEx)
Julie Combe, Human Resources Manager
Bud Cranor, Public Information Officer (PIO)
Bryce Johnson, Police Chief
Bill Squires, Police Captain
Nicole Garcia, Appellant
Derek Wood, Information Technology
Cameron Ward, Information Technology
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:05 p.m. with the following items:

Per Mayor Casper's request, it was moved by Councilmember Hally, seconded by Councilmember Francis, to amend the agenda to accommodate a press conference from Governor Brad Little with the Good Faith reason that the information was recently received. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

External Audit Presentation:

Mr. Simovic stated this presentation is from the September 30, 2019 Financial Statement Audit Result. He then presented the following with general comments throughout:

Nature of Services Provided – Audit of the City's annual financial report; Internal controls assessment; Audit of the City's compliance related to the grant funds received and expended; Audit of the City's compliance related to Federal Aviation Administration (FAA) requirements for Passenger Facility Charges; and, Technical review of the City's Comprehensive Annual Financial Report (CAFR) to meet requirements for the Government Finance Officers Association (GFOA) annual award program for excellence in financial reporting.

Audit Process – Internal Controls (Information Technology (IT); revenues/cash receipting; cash disbursements; payroll; capital assets; and, financial close and reporting); Analytical Procedures (revenue and expenses; trends, comparisons, and, expectations); and, Substantive Procedures (confirm account balances; vouch to supporting documentation; representations from attorneys and management; and, examine objective evidence).

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Critical Audit Areas – Cash and investments; IT control environment; capital assets; charges for services (utility billing); financial close and reporting; and, federal grants.

Auditor’s Opinion and Reports – Financial Statements (unmodified (clean) opinion on financial statement); Government Auditing Standards Report (significant deficiency of capital assets); Passenger Facility Charges Report (no reportable findings); and, Single Audit Report (no reportable findings).

Required Communications – significant accounting policies - no new standards impacting the City; management judgments and accounting estimates; audit adjustments (Capital Project Funds (\$701,000) not paid at year end); passed adjustments (Governmental activities (\$782,000) inappropriately expensed); no disagreements with management; no difficulties in performing the audit; and, internal controls - no material weaknesses noted.

Internal Control Recommendations/Findings –

Significant Deficiency: Capital assets - 1) lack of timely, monthly reconciliations, 2) lack of physical inventory of capital assets, 3) projects not capitalized in a timely manner, 4) costs capitalized in the incorrect period.

Other Matters: Other control deficiencies were noted, some of which are repeat comments from the prior year’s audit. None of which rose to the level of a significant deficiency or material weakness.

Mr. Simovic expressed his appreciation to Director Alexander and the finance team for the facilitation of the audit process.

To the response of Councilmember Hally, Mr. Simovic stated the timing issue of posted depreciation did not impact the balance of the General Fund to a significant extent. To the response of Mayor Casper, Mr. Simovic stated the report addressing findings and recommendations will be finalized at month end. Mayor Casper believes timing issues are not unique to municipalities. To the response of Mayor Casper, Director Alexander stated the significant deficiency is partially due to the lack of coordination and communication. She also stated software options are being looked into. She confirmed procedures for communication can be improved. To the response of Councilmember Francis, Director Alexander stated some deficiencies are expected. To the response of Councilmember Hally, Director Alexander confirmed barriers in communication from the departments impact the reconciliation of balances. Mr. Hagedorn clarified it is not department willingness to communicate, the department may not be aware of when they should communicate. He believes this is an education piece. He also stated improvements need to be made with capital assets although the cash process had been the priority. The cash process has been improved, therefore, staff will be looking at other areas. Councilmember Dingman expressed her appreciation for the presentation. She believes the City is moving in the right direction on many issues.

Calendars, Announcements and Reports:

Mayor Casper stated most community events are in cancellation mode due to the Coronavirus (COVID-19). Any calendar events can be communicated by electronic means.

Extension of Local Disaster:

Mayor Casper stated a resolution will extend the Declaration of Local Disaster Emergency, as discussed at the March 19, 2020 Council Work Session, for an additional 30 days. She noted Bonneville County has also issued an emergency declaration which allows financial aid to cities. Councilmember Smede questioned if child care could be included in the resolution as fingerprints have been suspended for any new licensing. Mayor Casper stated a resolution to be included on the March 26, 2020 Council Meeting agenda would address this issue. Brief discussion followed regarding fingerprint background checks. It was then moved by Councilmember Francis, seconded by Councilmember Smede, to approve the resolution to extend the Local Disaster Emergency Declaration and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Liaison Reports and Council Concerns:

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Councilmember Hally stated the legislative session has closed. He indicated no bills were passed that impacted property taxes.

Councilmember Francis stated the Parks and Recreation (P&R) Department has opened the golf courses although protocols are in place per COVID-19.

Councilmember Dingman expressed her appreciation to Human Resources (HR) for their policies and procedures to protect the City employees as a whole. She stated the Airport has created changes to allow social distancing as protection of the community and employees is a high priority. She believes COVID-19 is the largest national impact for health and security of the flight industry in modern times. The financial impact of the Airport will be shared in the future.

Councilmember Freeman stated the hands-free bill passed with the legislators. He is proud that the City was the leader of this bill.

Councilmember Radford had no items to report.

Councilmember Smede reminded the Council of the budget workshop on April 3. She also stated Municipal Services, as an essential services department, has several employees available to assist with the public.

Amended Agenda Item:

Governor Brad Little press conference.

Updated: COVID-19 Related Personnel Considerations:

Director Tew stated any vote for employee leave issues have been put on hold pending legislation with President Donald Trump. He also stated temporary changes to the City's personnel manual may not be needed. He reviewed the new Federal Leave Requirements for Sick and Family Medical Leave to be effective April 2, 2020 as part of the Family's First Coronavirus Response Act:

Emergency Paid Sick Leave Act (EPSLA) –

10 days (80 hours) of paid sick leave for employee if:

- Subject to a quarantine or isolation order related to COVID-19
- Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
- Experiencing symptoms of COVID-19 and seeking a medical diagnosis

This EPSLA is capped at \$511 per day or \$5,110 in aggregate and existing vacation or sick leave balances are untouched.

10 days (80 hours) of paid sick leave for employee if:

- Caring for an individual who has been subject to an order to self-quarantine or has been told by medical provider to do so
- Caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions
- Experiencing any other substantially similar condition

This EPSLA is capped at \$200 per day or \$2,000 in aggregate and existing vacation or sick leave balances are untouched.

Mayor Casper stated this leave was being contemplated on a City level, guidance has now been received. To the response of Councilmember Radford, Director Tew stated the Federal Leave Requirements will be effective from April 2-December 31, 2020 and is specifically for COVID-19. To the response of Councilmember Freeman, Director Tew stated there is no guidance yet regarding those employees who work longer than a 40-hour work week.

Director Tew stated the Family and Medical Leave Expansion Act (FMLEA) requires employers to provide 12 weeks of unpaid leave with certain health conditions of the employee or a family member. The Emergency Family and Medical Leave Expansion Act (EFMLEA) allows paid family and medical leave for employee if:

- Unable to work (or telework) to care for a child under 18 years of age if school or place of care is closed, or
- Child care provider is unavailable due to public health emergency

This EFMLEA is not less than 2/3 regular rate of pay and is capped at \$200/day and \$10,000 total.

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- Unpaid leave for initial 10 days but those 10 days are covered under EPSLA
- Employee may substitute accrued vacation leave, personal leave, or medical/sick leave for unpaid leave
- Child care must be provided by a paid provider
- Reinstated to existing or comparable job
- Stiff penalties

To the response of Mayor Casper, Director Tew stated these emergency acts can each only be used once although a City can explore other options. Also to the response of Mayor Casper, Director Tew stated he is unsure if these emergency acts are mandating or freeing up resources. Director Alexander stated tax credits are generally given to businesses and not necessarily to governmental entities although this is unchartered territory. This could be dependent upon available funding mechanisms. Ms. Combe concurred. Brief discussion followed regarding potential tax credits. Mayor Casper recommend the City proceed with these acts as the baseline to employees. Other scenarios/options would be reviewed on a case-by-case basis. Director Tew concurred. He stated the law does not prohibit these acts from being implemented prior to April 2 although the City would not be eligible for any tax credits before April 2. Councilmember Radford is in favor of using the recommended date. Mayor Casper stated, per previous conversation, money has been budgeted to pay employees although the effects may be significant through the rest of the year. Ms. Combe noted any employee that has been employed for 30 days is eligible for the EFMLEA. Councilmember Hally recommended caution for future budget discussion as impacts for the budget are unknown. To the response of Councilmember Freeman, Director Tew stated few employees have requested leave although those particular employees are not out of sick leave or have not been diagnosed with COVID-19. Mayor Casper noted there is one (1) employee currently in a 14-day quarantine as recommended by a doctor. Councilmember Dingman questioned the impact of the policy to those employees who have recently traveled outside of the country in impacted areas. Director Tew stated employees quarantining themselves are not currently covered by this act, unless as directed by Eastern Idaho Public Health (EIPH). Mayor Casper stated there is succession planning, cross-training, and, single points of failure. She indicated directors are aware of these issues.

COVID-19 General Update:

Mayor Casper stated the City has officially moved from suggesting social distancing to requiring social distancing measures. She also stated the Idaho Falls Police Department (IFPD) has suspended the fingerprinting services which may impact child care, door-to-door licenses, and, nursing. The IFPD is one (1) of the last agencies to suspend this service. Community Development Services has also suspended in-home remodel inspections. Mr. Cranor stated a City/County Joint Information Center (JIC) has been set up and will be meeting on a daily basis with regular updates provided to the EIPH JIC. The messaging will be consistent with all jurisdictions in Bonneville County. Mr. Cranor recognized the JIC team members. The JIC will be expanding to the Idaho National Laboratory (INL), the school districts, and, other cities within Bonneville County. The JIC will ensure the correct information is being distributed/rumor-controlled. This will be especially valuable for the smaller cities within the County who may not have their own PIO. Chief Nelson stated the Unified Command (UC) has been heavily working with the IFPD, the Idaho Falls Fire Department (IFFD), Kerry Hammon (PIO), Dana Briggs (Economic Development Coordinator), the Sheriff's Office, and, EIPH. He noted a lot of decisions are being made although this pandemic is in different paces and challenges throughout the country. EIPH continues to release health notices. The UC message is for private businesses and municipalities to come up with their own plan and how to deal with the nuances. The City's JIC has been set up for distribution of this information. Chief Nelson reiterated the City's JIC and the EIPH's JIC are tied together to ensure the messaging is consistent. He stated the City directors are working on a pandemic planning document, including bench marks, to ensure decisions are based on a planned/thought-out process. He also stated at this time there are no confirmed COVID-19 cases in Bonneville County and there are very few cases in the EIPH District. He wants to ensure there is proper messaging, there is a plan, and tiered steps are followed for the risk and threat of this pandemic. He stated the tier response is to prevent a spike of incidences. Mayor Casper stated Chief Nelson and his staff have identified a more specific/refined pandemic model, the City will move to this model/plan based on research for best practices. Chief Nelson stated this plan was based largely on the influenza pandemic although many components of other plans have also been condensed for this plan. Mayor Casper briefly reviewed guidelines received by Eastern Idaho Regional Medical Center (EIRMC). To the response of Councilmember Radford, Chief Nelson stated symptoms that may have occurred several months ago (prior to COVID-19) that

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required medical care should continue to receive appropriate medical care. He briefly reviewed the number of calls received for Emergency Medical Services (EMS). He believes this number will fluctuate with the community fear and anxiety and the IFFD is pre-planning for these events. Mayor Casper noted the utility elements will be discussed at the March 26, 2020 Idaho Falls Power (IFP) Board Meeting. Personnel matters will be addressed as needed.

Child Care License Appeal Hearing:

Captain Squires stated the denial for Ms. Garcia's application was per City Code 6-3-8(D), having been found guilty of a controlled substance. He noted Ms. Garcia has had several charges and convictions for drug-related crimes. He reviewed the dates of convictions for charges from 2003-2006, including a 2-year prison sentence. Captain Squires also expressed his concern for the disingenuous application. Ms. Garcia explained, due to her record in California being expunged, she was told these charges were no longer on her record so she completed the application based on this information. She noted it takes a minimum of seven (7) years to have a record expunged She stated she has changed her life since that time, including leaving California. Discussion followed regarding expungement of charges. Mr. Fife stated expungements are addressed state by state. He believes the California charges are a true expungement although it is common for a background check to show these records. To the response of Councilmember Radford, Ms. Garcia stated she has not previously worked with children, she was a store manager. She also stated through self-motivation while in prison she focused on goals, college, and, parenting classes. Councilmember Francis believes a true expungement eliminates the conviction although he also believes the original application was not technically accurate for a signature. Councilmember Smede concurred. She believes this information should have been shared. Councilmember Freeman believes Ms. Garcia failed to learn from her previous mistakes as she reoffended multiple times. Councilmember Hally believes Ms. Garcia has dealt with her substance abuse issues. Councilmember Radford believes Ms. Garcia has worked hard to not check the box on the application and she should be given opportunities to improve and overcome. Councilmember Dingman concurred with Councilmembers Hally and Radford. She believes it is a difficult process to get an expungement. General discussion followed. Per Mayor Casper's request, Mr. Fife reviewed the application process. He stated City Code focuses on the health and safety of children. To the response of Councilmember Smede, Captain Squires stated Ms. Garcia has had no charges since 2006. It was then moved by Councilmember Hally, seconded by Councilmember Francis, to approve the appeal. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Hally, Radford. Nay – Councilmember Freeman. Motion carried.

WebEx User Training:

Mr. Wood and Mr. Ward reviewed the process for a WebEx meeting. Mr. Wood stated a license is required to host a WebEx meeting. Mayor Casper noted several City staff members have a license. Mr. Wood reviewed the options to mute, chat, raise hand, etc. Mayor Casper believes there will be learning curve. She recommended tutoring guidance from IT if needed.

There being no further business, the meeting adjourned at 6:22 p.m.

s/ Kathy Hampton _____
CITY CLERK

s/ Rebecca L. Noah Casper _____
MAYOR